

## **SUBCHAPTER 17. MANDATORY DIETARY SERVICES**

### **8:39-17.1 Mandatory structural organization for dietary services**

(a) The facility shall designate a full-time food service director who, if not a dietitian, functions with scheduled consultation from a dietitian. The food service director shall be responsible for the direction, provision, and quality of dietary services.

(b) Menus shall be planned and scheduled by the food service director or the dietitian, and shall be approved by the dietitian at least 14 days in advance.

(c) The dietitian shall perform the dietary assessment and reassessment, which shall include examination of and communication with the resident if the resident's condition permits.

(d) Services that are provided by a food service company shall be covered by a written contract.

### **8:39-17.2 Mandatory policies and procedures for dietary services**

(a) The facility shall make available a current dietary manual, which shall have been approved by the dietitian and the medical director. The facility shall serve diets that are consistent with the dietary manual.

(b) The facility shall post current menus with portion sizes in the food preparation area. The facility shall keep menus for 30 days with any changes accurately recorded.

(c) The facility shall designate responsibility for observation and documentation of meals refused or missed by a resident and of any resident who requires assistance with meals.

(d) A dietitian shall adhere to an established system of nutritional assessment, which shall include examination of and communication with the resident if the resident's condition permits.

(e) The facility shall routinely provide nondisposable dishes and cutlery at all meals except for special meal activities or individual resident needs.

(f) Meals shall be scheduled in such a way that no more than 14 hours elapse between a substantial evening meal and breakfast the next morning. The first meal shall not be served before 7:00 A.M. unless requested by the resident.

1. Up to 16 hours may elapse between a substantial evening meal and breakfast the following day if the following conditions are met:

- i. A resident group agrees to this meal span; and
- ii. A nourishing bedtime snack is served.

(g) All food service facilities shall operate with safe food handling practices in accordance with Chapter XII of the New Jersey Sanitary Code, N.J.A.C. 8:24.

### **8:39-17.3 Mandatory staffing amounts and availability for dietary services**

(a) The dietitian shall spend an average of 15 minutes per resident each month providing dietary services in the facility, which requires one full-time equivalent dietitian for every 693 residents.

(b) Dietary service personnel shall be present for a period of at least 12 hours each day.

(c) For each meal, the facility shall assign staff to help residents who require assistance with eating.

#### **8:39-17.4 Mandatory resident dietary services**

(a) Each resident shall receive a diet which:

1. Corresponds to the physician's or advanced practice nurse's order, the dietitian's instructions, and resident's food preferences;

2. Is served in the proper consistency and at the proper temperature; and

3. Provides nutrients and calories based upon current recommended dietary allowances of the National Academy of Sciences, adjusted for the resident's age, sex, weight, physical activity, physiological function, and therapeutic needs.

(b) The facility shall provide between-meal and bedtime nourishment, and beverages shall be available at all times for each resident unless contraindicated by a physician, as documented in the resident's medical record.

(c) The facility shall offer substitute foods and beverages to all residents who refuse the food served at meal times. Such substitutes shall be of equivalent nutritional value and planned in advance in writing.

(d) No resident shall have to wait for assistance in eating for more than 15 minutes following delivery of a tray to the resident.

(e) The facility shall select foods and beverages, which include fresh and seasonal foods, and shall prepare menus with regard to the nutritional and therapeutic needs, cultural backgrounds, food habits, and personal preference of residents.

## **SUBCHAPTER 18. ADVISORY DIETARY SERVICES**

### **8:39-18.1 Advisory structural organization for dietary services**

A registered dietitian performs the resident dietary assessment and participates in the interdisciplinary plan of care.

### **8:39-18.2 Advisory staff qualifications for dietary services**

The director of dietary services or the dietitian is registered by the Commission on Dietetic Registration of the American Dietetic Association (R.D.).

### **8:39-18.3 Advisory staffing amounts and availability for dietary services**

The dietitian spends an average of 20 minutes per resident each month providing dietary services in the facility. (This is an average. It is equal to one full-time equivalent dietitian for every 520 residents.)

### **8:39-18.4 Advisory resident dietary services**

- (a) There are dietary observances for national and/or religious holidays.
- (b) Fresh fruits and vegetables are served in season on a daily basis.
- (c) The facility utilizes a dining room/area, other than day rooms, for residents with special needs.
- (d) Residents have access to a refrigerator or snack bar.
- (e) Residents are offered a selective menu consisting of at least three main entrees at each meal.
- (f) A menu committee composed of residents participates in meal planning.
- (g) The facility sponsors a guest meal program.

### **8:39-18.5 Supplies and equipment**

The facility provides cloth table covers and cloth napkins at least once a day.