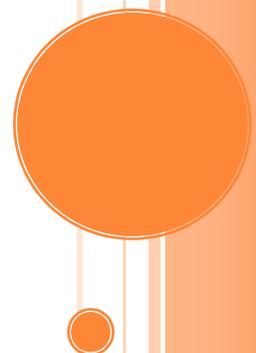


CMS Long Term Care Toolkit for Dietitians

September 2018



Delegated Dietary Order Writing Privileges

THE CMS RULE

A resident's attending physician may delegate the task of writing dietary orders (consistent with §483.60) to a qualified dietitian or other clinically qualified nutrition professional who:

- Is acting within the scope of practice as defined by Missouri State law; AND
- Is under the supervision of the physician

CMS DEFINITION OF THE QUALIFIED DIETITIAN OR OTHER CLINICALLY QUALIFIED NUTRITION PROFESSIONAL

A qualified dietitian or other clinically qualified nutrition professional is one who:

- Holds a bachelor's or higher degree granted by a regionally accredited college or university in the United States (or an equivalent foreign degree) with completion of the academic requirements of a program in nutrition or dietetics accredited in an appropriate national accreditation organization recognized for this purpose.
- Has completed at least 900 hours of supervised dietetics practice under the supervision of a registered dietitian or nutrition professional.
- Is licensed as a dietitian or nutrition professional by the State in which the services are performed. In a state that does not provide for licensure or certification, the individual will be deemed to have met this requirement if he or she is recognized as a "registered dietitian" by the Commission on Dietetic Registration or its successor organization, or meets the requirements of the above paragraphs.

In Missouri, the professions who meet CMS definition above are licensed Registered Dietitians or Registered Dietitian Nutritionists.

Delegated Dietary Order Writing Privileges

WHERE TO BEGIN

1. Prepare a memo to the Medical Director, Administrator, and other appropriate leadership of your facility explaining the CMS rule regarding delegated dietary order writing.
2. Schedule a meeting with the key decision makers at your facility. This may include the Administrator, Director of Nursing, Medical Director, and Speech-Language Pathologist. Meeting topics might include:
 - Identify the dietary orders the RD/ RDN is permitted to modify
 - Discuss the process of implementation within your facility and set a timeline
 - Develop guidelines for the RD/ RDN, such as how to place the delegated order, how it will be set up in the Electronic Health Record (EHR), and how the delegated order will be written
 - Determine monitoring tools for quality assurance performance improvement
3. Create a Policy and Procedure based on facility decisions, signed by facility leadership.
4. If using EHR, your IT specialist needs to build the delegated order within the system.
5. Provide in-service and training for the Medical Director, Physicians, Nursing Staff, Speech-Language Pathologist and Compliance Officer.
6. Implement the new process on an agreed upon date.
7. Begin quality assurance performance improvement studies.

Delegated Dietary Order Writing Privileges

SAMPLE MEMO TO FACILITY

(Use facility letterhead)

(Date)

Dear *(insert names, credentials and titles for each position)*

CMS released revised Requirements for Participation for Medicare and Medicaid certified nursing facilities on September 28, 2016.

One of the most significant changes in this rule impacts the nutritional care of residents: **§483.30(e)(2)-A resident's attending physician may delegate the task of writing dietary orders, consistent with §483.60, to a qualified dietitian or other clinically qualified nutrition professional who is acting within the scope of practice as defined by State law; and is under the supervision of the physician.**

CMS has defined the qualified dietitian or other clinically qualified nutrition professional. In Missouri, the Licensed Registered Dietitian or Licensed Registered Dietitian Nutritionist are the only professions that meet the requirements of the definition.

The *(RD/RDN)* at *(insert name of facility)* meets all of the above qualifications.

Thus I am requesting approval to implement the delegated dietary order writing rule change. The approval will assure our residents receive timely and enhanced quality nutritional care leading to improved outcomes such as medical and weight status, wound healing, endurance and overall health and wellness.

Attached is the proposed policy outlining the revised roles and responsibilities for the *(RD/RDN)* at *(insert name of facility)*.

I will make an appointment with you to discuss this. Thank you for your consideration.

(Your name, credentials, and title)

Delegated Dietary Order Writing Privileges

SAMPLE OF POLICY APPROVAL

Your facility should first set policy defining what the RD/RDN is permitted to do. CMS does not define this. Not all items below may be approved in your facility. This list should be modified based on facility decisions.

Policy Approval for Delegated Dietitian Order Writing Privileges

Policy Example: It is the policy of (*insert facility name*) that the attending physician must write the first dietary order for each resident and then may delegate to qualified dietitians the responsibility to alter, change, or modify dietary orders.

(*Insert facility name*) has determined that the (*RD/RDN*) is also permitted to order the following if delegated by the attending physician:

- Oral supplements
- Measurement of height and weight
- Modification to or addition of diet restrictions/ therapeutics/ consistencies
- Initiation or discontinuation of fluid restrictions
- Initiation or discontinuation of calorie counts
- Change in diet consistency in consultation with SLP when needed
- Nutritionally related laboratory assessments (*specific assessments should be listed*)

RD/ RDN: _____ Date: _____

Administrator: _____ Date: _____

Medical Director: _____ Date: _____

Delegated Dietary Order Writing Privileges

FAQ

- 1. Can a Dietetic Technician, Registered (DTR), Nutrition and Dietetics Technician, Registered (NDTR), Certified Dietary Manager (CDM), Certified Food Protection Professional (CFPP), and/or Food and Nutrition Services Director write dietary orders by delegation?**

No. CMS defines the qualifications of the professionals who can write dietary orders by delegation. In Missouri, only Licensed Registered Dietitians or Licensed Registered Dietitian Nutritionists are permitted to write dietary orders by delegation.

- 2. Can the CMS rule change be implemented now without doing anything else?**

No. In order to implement the rule change, each facility must approve of the implementation and determine exactly what the RD/ RDN can do. This needs to be in writing and agreed upon between the RD/RDN, medical staff, administration and other decision makers at each facility.

- 3. Can a Physician's Assistant, Nurse Practitioner, or facility Medical Director delegate diet order writing to the RD/RDN?**

No. CMS clearly states that the delegation must be ordered by the resident's ATTENDING PHYSICIAN.

- 4. Is the 2016 CMS LTC rule change the same as the 2014 CMS rule change for acute care?**

No. Although both are similar, the LTC rule change has different requirements. See references.

Delegated Dietary Order Writing Privileges

REFERENCES

THE FINAL RULE:

<https://www.federalregister.gov/documents/2016/10/04/2016-23503/medicare-and-medicaid-programs-reform-of-requirements-for-long-term-care-facilities>

THE INTERPRETIVE GUIDELINES:

https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/som107ap_pp_guidelines_ltcf.pdf

ACADEMY OF NUTRITION AND DIETETICS RESOURCES:

<http://www.eatrightpro.org/resource/advocacy/quality-health-care/consumer-protection-and-licensure/learn-about-the-cms-rule-on-therapeutic-diet-orders>

Delegated Dietary Order Writing Privileges

QUESTIONS?

<https://www.eatrightmissouri.org/page/public-policy-team>

MISSOURI ACADEMY OF NUTRITION AND DIETETICS PUBLIC POLICY TEAM

Public Policy Coordinator (PPC): Lauren Lanfried

State Policy Representative (SPR): Beth Piper

State Reimbursement Representative (SRR): Deanne Marselle

State Regulatory Specialist (SRS): Connie Diekman

Consumer Protection Coordinator (CPC): Anita Marlay

Legislative Consultant: Brenda Roling

Special thanks to the Pennsylvania Academy of Nutrition and Dietetics and their LTC Task Force for allowing us to use information from their Implementation Tool Kit for CMS Rule Changes in LTC.