

CMS Final Rule: Highlights for Food and Nutrition Services

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CMS recently released the Federal Register – Reform of Requirements for Long-Term Care Facilities Final Rule. Phase one of implementation was effective starting November 28th 2016. The State Operations Manual Appendix PP has been updated to highlight the new language for phase one. It is important to note that for this phase the F-tag numbering system will not change. The new regulatory language was incorporated into the existing numbering system.

The following is a summary of CHANGES in the regulations as they relates to Food and Nutrition Services.

- F284 The interdisciplinary team (IDT) must begin discharge planning on admission, including assessment of the resident's goals.
- F322 (Assisted Nutrition and Hydration) The updated information requires that a resident who has been able to eat enough is not fed by enteral methods unless the clinically indicated and consented to by the resident. A resident who is fed by enteral means receives the appropriate treatment and services to restore, if possible, oral eating skills and to prevent complications of enteral feeding.
- F325 (Assisted Nutrition and Hydration) Identifies acceptable parameters of nutrition status as usual or desirable body weight and electrolyte balance, unless the resident's clinical condition demonstrates that this is not possible or resident preferences indicate otherwise. Highlights that therapeutic diet is offered when a health care provider orders it.
- F327 (Assisted Nutrition and Hydration) The change is the addition of the word "offered" in the term "offered sufficient fluid intake." The intent is to assure that the resident is offered sufficient amount of fluids to prevent dehydration.
- F360 This section has been renamed from "Dietary" to "Food and nutrition services". The change is a focus on meeting preferences of each resident.
- F361 Explicit qualifications and timelines are listed for the Director of Food and Nutrition Services if a dietitian or "*other clinically qualified nutrition professional* " is not employed full-time. State requirements for food service or dietary managers must be followed. See the ANFP resources below for further information.
- F362 A member of the Food and nutrition services staff must participate on the interdisciplinary team. The words "safely and effectively" were added preceding "carry out the functions of the food and nutrition service." (Also reference F280)
- F363 Menus and Nutritional Adequacy - The updates to this section bring a few points to our attention.

- Clarifies that established national guidelines shall be used to assure menus meet nutritional needs. The previous version stated that the menus must be in accordance with the RDA of Food and Nutrition Board of the National Research Council, National Academy of Sciences
- Requires that you take reasonable efforts to assure menus meet the residents religious, cultural and ethnic needs. It also specifies that input must be received from residents.
- Mandates that menus should be updated periodically, and reviewed by approved staff.
- Highlights the residents right to make personal choices

- F364 This section was expanded to include meeting hydration needs and preferences regarding beverages. The language includes a new mention of “a safe and appetizing temperature for food and drink.
- F366 Explicit requirements are listed for accommodating allergies, intolerance and preferences to food and drink. A key word added here is that options for those that request of different meal choice must be “appealing”. This section also stresses beverages, including water, to maintain hydration.
- F367 The attending physician may delegate the task of prescribing a resident’s diet to a registered or licensed dietitian to the extent allowed by State law, and must be under supervision of the physician. (Also see F390)
- F368 The main change highlighted here is that alternative meals/snacks must be provided to residents that request to eat outside of traditional/scheduled times. These options should be meet preferences and be consistent with the care plan.
- F369 Appropriate assistance should be provided to those using assistive devices at meals and snacks.
- F371 This section clarifies three key points:
- Foods from local producers must meet applicable state/local rules.
 - Produce from own gardens must be handled safely.
 - Residents are able to have foods from outside. A policy is required regarding the use and storage of these foods.
- F373 The interdisciplinary team is responsible for assessing the need for a feeding assistant, and the rationale for use of feeding assistant program should be reflected in the care plan.
- F520 A quality assurance and performance improvement (QAPI) program must be in place by phase 3. Discussion in this section includes whether the facility has trained staff (including food and nutrition services) in how to communicate with and address behaviors in residents with dementia. (See F495, F497, F498)

Resources:

Federal Register – Reform of Requirements for Long-Term Care Facilities Final Rule

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

Advance Copy Appendix PP (including FTAG job aid)

<https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertificationGenInfo/Policy-and-Memos-to-States-and-Regions-Items/Survey-and-Cert-Letter-17-07.html?DLPage=1&DLEntries=10&DLSort=2&DLSortDir=descending>

CMS Surveyor Training Phase 1 Implementation of New Nursing Home Regulations for Providers

<http://surveyortraining.cms.hhs.gov/pubs/ProviderTraining.aspx>

Academy of Nutrition and Dietetics "Practice Tips: Reform Requirements for the RDN in Long Term Care Facilities," <http://www.eatrightpro.org/resource/news-center/in-practice/quality-and-coverage/practice-tip-released-in-preparation-for-cms-regulations>

Dietetics in Healthcare Communities www.dhccdpg.org

Association for Nutrition and Food Professionals

<http://www.anfponline.org/news-resources/anfp-news/news-details/2016/09/30/cms-finalizes-new-ltc-regulations>