

CMS LTC RULE CHANGE FAQs

1. Are Registered Dietitians (RDs) and Registered Dietitians Nutritionists (RDNs) the only professions that can be authorized by LTC facilities to write dietary orders by delegation from the attending physician?

No. CMS defines the qualifications of the professionals who can write dietary orders by delegation. (See page 5 of the tool kit.) In Pennsylvania, RDs, RDNs, and Certified Nutrition Specialists (CNS) are the three professions permitted to write dietary orders by delegation.

2. 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. (See page 5 of the tool kit.) In Pennsylvania, RDs, RDNs, and CNSs are only the three professions permitted to write dietary orders by delegation.

3. 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/ CNS can do. This needs to be in writing and agreed upon between the RD/RDN/ CNS, medical staff, administration, and other decision makers at each facility.

4. Does an exception need to be obtained from the Department of Health - Division of Nursing Care Facilities?

No. The Division Director of Nursing Care Facilities has informed us that no exception is needed.

5. 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. The tool kit for LTC includes those differences.

6. Can a Physician's Assistant, Nurse Practitioner, or facility Medical Director delegate dietary order writing to the RD/RDN/CNS?

Yes. In the final rule (9/28/17) CMS clearly stated that the delegation must be ordered by the resident's ATTENDING PHYSICIAN. However, the interpretative guidelines effective 11/28/17, appear to allow the resident's PA, NP, clinical nurse specialist, or other facility physician to delegate the dietary ordering to the qualified dietitian or other clinically qualified nutrition professional. Advance appendix – effective November 28, 2017 Pg. 538: “NOTE: The terms “attending physician” or “physician” also includes a non-physician provider (physician assistant, nurse practitioner, or clinical nurse specialist) involved in the management of the resident's care.”