TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

Final Rule
LSA Document #15-386

DIGEST

Adds 410 IAC 15-1.1-18.5 to include the definition of "qualified dietitian". Amends 410 IAC 15-1.5-1 to comply with the conditions of participation in food and dietetic services as required by HEA 1157-2015 and 42 CFR 482.28. Amends 410 IAC 17-9-20 by updating the definition of "medication assistance" to comply with SEA 358-2015. Effective 30 days after filing with the Publisher.

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

410 IAC 15-1.1-18.5; 410 IAC 15-1.5-1; 410 IAC 17-9-20

SECTION 1. 410 IAC 15-1.1-18.5 IS ADDED TO READ AS FOLLOWS:

410 IAC 15-1.1-18.5 "Qualified dietitian" defined
Authority: IC 16-21-1-7
Affected: IC 16-21-1; IC 25-14.5-1-15

Sec. 18.5. "Qualified dietitian" means an individual as defined in IC 25-14.5-1-15. *(Indiana State Department of Health; 410 IAC 15-1.1-18.5)*

SECTION 2. 410 IAC 15-1.5-1 IS AMENDED TO READ AS FOLLOWS:

410 IAC 15-1.5-1 Dietetic services
Authority: IC 16-21-1-7
Affected: IC 16-21-1

Sec. 1. (a) The hospital shall have organized food and dietary services that are directed and staffed by adequate, qualified personnel, or a contract with an outside food management company that meets the minimum standards specified in this section.

(b) The food and dietetic service shall have the following:

(1) A full-time employee who:

(A) serves as director of the food and dietetic services; and

(B) is responsible for the daily management of the dietary services.

(2) A qualified dietitian, full-time, part-time, or on a consulting basis. If a consultant is used, he or she shall:

(A) submit periodic written reports on the dietary services provided; and

(B) provide the number of on-site dietitian hours commensurate with:

(i) the type of dietary supervision required;

(ii) the bed capacity; and

(iii) the complexity of the patient care services.

(3) Administrative and technical personnel competent in their respective duties.

(c) The dietary service shall do the following:

(1) Provide for liaison with the hospital medical staff for recommendations on dietetic policies affecting patient treatment.

(2) Correlate and integrate dietary care functions with those of other patient care personnel which include, but are not limited to, the following:

(A) Patient nutritional assessment and intervention.

(B) Recording pertinent information on the patient's chart.

(C) Conferring with and sharing specialized knowledge with other members of the patient care team.

(d) Menus shall meet the needs of the patients as follows:

(1) Therapeutic diets shall be prescribed by the practitioner responsible for the care of the patient**, or by a qualified dietitian as authorized by the medical staff.**

(2) Nutritional needs shall be met in accordance with recognized dietary standards of practice and in accordance with the orders of the responsible practitioner or **qualified dietitian**.

(3) A current therapeutic diet manual approved by the dietitian and medical staff shall be readily available to all medical, nursing, and food service personnel.

(Indiana State Department of Health; 410 IAC 15-1.5-1; filed Dec 21, 1994, 9:40 a.m.: 18 IR 1267; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Jul 14, 2011, 11:42 a.m.: 20110810-IR-410110253RFA)

SECTION 3. 410 IAC 17-9-20 IS AMENDED TO READ AS FOLLOWS:

410 IAC 17-9-20 "Medication assistance" defined

Authority: IC 16-27-1-7

Affected: IC 16-27-1

Sec. 20. "Medication assistance" means the provision of assistance:

(1) through providing reminders or cues to take medication, the opening of pre-set medication containers, and providing assistance in the handling or ingesting of ~~noncontrolled substance~~ medications, including **controlled substances, prescription drugs,** eye drops, herbs, supplements, and over-the-counter medications; and

(2) to an individual who is unable to accomplish the task due to an impairment and who is:

(A) competent and has directed the services; or

(B) incompetent and has the services directed by a competent individual who may consent to health care for the impaired individual.

(Indiana State Department of Health; 410 IAC 17-9-20; filed Mar 18, 2002, 3:40 p.m.: 25 IR 2480; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA)