



## BROADCAST FAX/EMAIL ALERT

**TO: All RD's**  
**DATE: 7/2/09**  
**RE: Notice from Texas State Board of Examiners of Dietitians**  
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### **Protect Your Patient and Your License**

As the dietetics profession and work opportunities grow, so does the risk for increased public complaints against registered and licensed dietitians. The Complaints Committee of the Texas State Board of Examiners of Dietitians wants to alert you about an increase in recent years in public complaints against dietitians. Here, we are providing a fictitious case scenario to illustrate what can happen if you do not perform due diligence to protect your patients, your livelihood and your license.

Case Scenario - TSBED Complaints, Daphne Dietitian, RD, LD, Tender Loving Care - Assisted Living Facility

Daphne has been a contract dietitian with Tender Loving Care for 2 years. She is required to come to the facility once a month in which time she sees residents that have been flagged for nutritional risk. She is diligent about her assessment on each resident and makes sure her recommendations provide an adequate course for meeting the resident's needs. For one resident in particular, Daphne has noticed declining weights over the past six months. During that time she has recommended the appropriate course of intervention, including changing the diet order, adding supplemental products, and requesting more frequent weights. Daphne has been frustrated however with the staff at Tender Loving Care in not being present at mealtime to encourage increased intake and recording the % of meal consumed. Daphne continues to document her recommendations in the chart and phones the Director of Nursing to ask for his support in ensuring adequate staffing at mealtime. However, Daphne does not document this conversation with the DON in the resident's chart and continues to notice what she feels is neglect on the part of the nursing staff at mealtime. Daphne is frustrated but continues to assess and document her best recommendations in the chart. Two months later, Daphne receives a letter from the Executive Director of the Texas State Board of Examiners of Dietitians stating a formal complaint has been made against her for negligence on behalf of the auditors of Tender Loving Care facility. Has Daphne been negligent? If so, how?

At first glance one would assume Daphne the dietitian is accurately completing her work within the scope of care. Patient assessments and interventions were appropriately documented each month. After noticing the appropriate documentation was not completed for patient meal intake, Daphne notified the Director of Nursing.

What is wrong with this scenario?

- Daphne did not document her phone call to the Director of Nurses (DON).
- When the DON did not respond, Daphne did not inform the Facility Administrator and document the conversation.

In order to avoid the complaint of negligence, dietitians must take proactive measures to ensure their plan of care is implemented. If the plan of care is not implemented, then written communication of the plan of care must be conveyed to the facility's chain of command. As the need for registered dietitians in the state increases, so does the risk for increased public complaints against the profession. Be proactive, document, and communicate to the facility leadership in order to protect the patients, your license and your livelihood.

Co-Authored

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