

The New (Proposed) Texas Rules for ESRD Facilities

What They Mean for the Renal Dietitian

History

- Mid-1970s—original CMS rules
- Fall of 1996 first Texas version became effective
- Alice Chan and Carolyn Cochran participated in first task force
- First appearance of staffing ratios for RDs, Social Workers, Nurses and PCTs
- First ratios for RDs—100-150:1
- Originally did not require RD, only eligible to be registered, but did require licensure

Process: How it Happens

- Reviewed and revised every 4 years
- Committee (most recent made up of DSHS staff members, surveyors)
- Stakeholder meetings (public)
- Draft changes (3-4 versions)
- Final version sent to DSHS Council
- Published in Texas Register for public comment; adoption.

Process: How it Happens

- Answers to public comment published and final revisions, if any, are made.
- Rule becomes final after ** days and must be adhered to by all facilities. (Only exception: VA clinics not regulated by state agency)

Proposed Rules

- As of February 2010
- Final revised version published for public comment in Texas Register for 30 days
- Comments now being reviewed by DSHS
- No final effective date has been published yet

Proposed Rules

- DSHS staff members will be presenting a session at the ESRD Network 14 Annual Meeting in Dallas, June 25-26, 2010
- There may be changes, but we don't know yet
- Stay tuned!

Important!

- CMS or Texas—which rule to follow?
- Both! Actually whichever rule is more stringent is the one that counts
- That's in the CMS document

The Rules

- Definitions
 - (24) Dietitian--A person who is currently licensed under the laws of this state to use the title of licensed dietitian, is a registered dietitian, and has one year of experience in clinical dietetics after becoming a registered dietitian.
 - Parallels CMS rule.

The Rules

- *(33) Full-time--The time period established by a facility as a full working week, as defined and specified in the facility's policies and procedures.
 - *(34) Full-time equivalent--Work time equivalent to 2,080 hours per 12 consecutive months
- * Note the difference—Important!

The Rules

- Core Staff member
- Interdisciplinary Team member
- (2) The dietitian shall be responsible for:
(Here it comes!)

The Rules

- (A) conducting a nutrition assessment of a patient;
 - Initial
 - 90 day
 - Annual (from the 90 day or unstable—moving target)
 - Unstable

As defined by CMS

The Rules

- (B) participating in an interdisciplinary team review of a patient's progress;
 - Care plan meetings
 - Rounds
 - Must be evidence of participation

The Rules

- (C) recommending therapeutic diets in consideration of cultural preferences and changes in treatment based on the patient's nutritional needs in consultation with the patient's physician;

The Rules

- (D) counseling a patient, a patient's family, and a patient's significant other on prescribed diets and monitoring adherence and response to diet therapy. Correctional institutions shall not be required to provide counseling to family members or significant others;

The Rules

- (E) referring a patient for assistance with nutrition resources such as financial assistance, community resources, or in-home assistance;

The Rules

- (F) participating in the facility's QAPI activities; and
- (G) providing ongoing monitoring of subjective and objective data to determine the need for timely intervention and follow-up. Measurement criteria include but are not limited to weight changes, blood chemistries, adequacy of dialysis, and medication changes which affect nutrition status and potentially cause adverse nutrient interactions.

The Rules

- (3) ***The initial contact between the dietitian and the patient to assess nutritional status shall occur, and be documented, within two weeks or seven treatments from admission to the facility, whichever occurs later.*** A comprehensive nutrition assessment with an educational component shall be completed within 30 days or 13 treatments from the patient's admission to the facility, whichever occurs later.

The Rules

- (4) A nutrition reassessment shall be conducted no less than annually or more often when indicated by a question relating to a change in the patient's status, extended or frequent hospitalizations, a change in the patient's modality, or at the patient's request.

(Follow CMS rules)

The Rules

- (5) Each facility shall employ or contract with a dietitian(s) to provide clinical nutrition services for each patient. One ***full-time equivalent*** of dietitian time shall be available for up to 100 patients with the maximum patient load per full-time equivalent of dietitian time being 125 patients ***for all modalities.***

The Rules

- (6) Nutrition services shall be available at the facility during scheduled treatment times. Access to services may require an appointment.

The Rules

- ***(7) There shall be written physician standing orders specific to the facility authorizing delegation of responsibilities for the facility dietitian as determined by the Medical Director and the facility. These standing orders shall be reviewed and approved by the medical director at least annually, and be consistent with the statutes and rules of the Texas Medical Board, the Texas Board of Nursing, and the Texas State Board of Examiners of Dietitians licensure.***

(NEW!!!!)

The Rules

- (8) If the facility is using a medication algorithm/protocol for managing renal bone disease the nutritional care for each patient shall be individualized.

The Rules

- (d) Each dietitian shall have a current Texas license, be a registered dietitian, and have a minimum of one year professional work experience in clinical dietetics after becoming a registered dietitian.

Where to Find It

- <http://www.sos.state.tx.us/texreg/pdf/backview/0205/0205is.pdf>
- Search "Texas Register"
 - Secretary of State Website
 - Choose past issues
 - Choose February 5, 2010 issue (PDF)
 - Open PDF search feature-search "dietitian", "nutrition", "assessment"

Where to Find Us

- <http://www.esrdnetwork.org/>
 - Links to other references
 - Professional resources
 - Patient resources
 - Educational materials
- louisjl@att.net

Questions?
