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PROGRAM CLARIFICATION BHS-001
ASSISTANCE IN FEEDING RESIDENTS
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BACKGROUND

This policy replaces L&C-1 dated September 30, 1997.

GENERAL PROVISIONS

This Program Clarification does not supercede or replace any requirement currently imposed by law or regulation related to the feeding of residents. For example, nursing personnel must continue to determine that residents are served diets as prescribed. Residents needing help in eating must be promptly assisted upon receipt of the meals and the assistance must be unhurried and in a manner that maintains or enhances each resident's dignity and respect. Adaptive self-help devices must be provided to contribute to the resident's independence in eating. Food and fluid intake of residents must be observed and deviations from normal reported to the nurse responsible for the resident's care during the work period the observation of a deviation was made. Persistent unresolved problems must be reported to the physician.

USE OF NURSING HOME EMPLOYEES TO ASSIST IN FEEDING RESIDENTS

HCFA has determined that the feeding of residents is a "nursing and nursing-related task" and therefore is covered under nurse aide training requirements. A nursing home may not employ "feeders" for residents unless they are a CENA, a registered dietitian, or a licensed health professional.

USE OF VOLUNTEERS TO ASSIST IN FEEDING RESIDENTS

In the regulation 42CFR 483.75(e)(1) "volunteer" is defined as "someone who volunteers to provide such service (nursing-related services to residents) without pay." The term does not include nursing home employees. The "Guidance to Surveyors" for this regulation further defines "volunteer" to include "unpaid students in a nursing education program who use facilities as clinical practice sites under the supervision of an RN." "Volunteer" as used in this document means friends of residents or other unpaid individuals permitted by nursing home policy to assist in the feeding of residents. A resident may be assisted with eating by a member of his/her family without the family member being considered a volunteer.

The nursing home is responsible for the care and services provided to a resident, including the appropriateness of using a volunteer in a specific case and the sufficiency of the training provided to volunteer feeders in light of the needs of the resident. For example, a resident identified in the comprehensive resident assessment and addressed in the comprehensive care plan as being at risk of choking on food and with special needs (e.g., difficulty in swallowing, requiring special assistive devices to eat, tube feeding, behavior problems, etc.) may require nursing home staff to directly assist with feeding even if volunteers are otherwise available. The nursing home is responsible to

provide safe and appropriate care to each resident based on the resident needs assessment, plan of care and regulatory requirements.

Family members and volunteers cannot be required to assist and should not be depended upon to assist with feeding to such an extent that the nursing home does not schedule sufficient staff. The nursing home must comply with all Federal and State regulatory staffing requirements and not utilize volunteers as a substitute for appropriate staffing.

A nursing home utilizing volunteers to assist a resident with feeding must meet the following conditions:

1. The nursing home has a policy allowing family members and volunteers to assist with eating. The policy must specify whether family members are allowed to assist their immediate relatives with eating and, if allowed, what training is required for family members.
2. The volunteer has completed a training program on assisting residents with eating, which, at a minimum, meets the training and competency standards for eating assistance contained in the nursing assistant training curriculum.
3. The resident has been assessed and a determination made that the resident may be safely fed by a volunteer and that determination is documented in the comprehensive care plan.
4. The resident has agreed, or an immediate family member, the legal guardian, or designated representative has agreed for the resident, to be fed by a volunteer.
5. The director of nursing services must be responsible for the monitoring of all persons, including family members, performing this activity. Volunteers shall only assist with eating under the direct supervision (in line of sight) of nursing personnel.
6. The nursing home has a mechanism in place to ensure appropriate reporting to nursing personnel of observations made by the volunteer during meal time.
7. The nursing home must designate a staff person to be responsible for volunteer feeding.
8. The nursing home maintains a record of volunteers who have met the training standards.
9. All records required by this policy are kept at the nursing home and are available for review by the Department.