

173-4-06

Older Americans Act nutrition program: diet orders.

(A) Definitions for this rule:

(1) "Diet order" means an order for a therapeutic diet, ~~medical food, or food for special dietary use~~ from a licensed healthcare professional whose scope of practice includes ordering ~~these diets~~ a therapeutic diet.

~~(2) "Food for special dietary use" has the same meaning as in 21 C.F.R. 105.3(a)(1) (1979):~~

~~(3) "Medical food" has the same meaning as in 21 U.S.C. 360cc(b)(3) (2017):~~

~~(4)~~(2) "Therapeutic diet" means a calculated nutritive regimen including, the following regimens:

(a) Diabetic and other nutritive regimens requiring a daily specific calorie level.

(b) Renal nutritive regimens.

(c) Dysphagia nutritive regimens, excluding simple textural modifications.

(d) Any other nutritive regimen requiring a daily minimum or maximum level of one or more specific nutrients or a specific distribution of one or more nutrients.

(B) Requirements for every AAA-provider agreement for therapeutic diets, ~~medical meals, or food for a special dietary use~~ paid, in whole or in part, with Older Americans Act funds:

(1) The AAA-provider agreement is subject to the requirements in rule 173-3-06 of the Administrative Code.

(2) Diet orders:

(a) The provider may provide a therapeutic diet, ~~medical food, or food for special dietary use~~ to a consumer only if the provider received a diet order for the consumer or if it is the consumer's preference to choose a therapeutic diet. If a therapeutic diet is a dysphagia nutritive regimen, the provider may provide the therapeutic diet only if the diet order indicates whether the consumer requires texture-modified foods and/or thickened liquids.

- (b) The provider shall provide a therapeutic diet, ~~medical food, or food for special dietary use~~ to the consumer identified in ~~the~~ a diet order for the shorter of the following two durations:
 - (i) The length of time authorized by the diet order.
 - (ii) One year from the date the diet order indicates the diet should begin.
- (c) The provider shall provide the therapeutic diet, ~~medical food, or food for special dietary use~~ according to any updated diet order if the updated diet order is received before the expiration of the current diet order.
- (d) The provider may use either nutrient analysis or a meal-pattern plan approved by a dietitian to assure that the therapeutic diet contains nutrients consistent with the diet order.
- (e) The provider may provide a therapeutic diet, ~~medical food, or food for special dietary use~~ only if the provider (or, if the consumer is in a care-coordination program, the AAA) retains a copy of the diet order unless it is the consumer's preference to choose a therapeutic diet.

(3) Dietitians:

- (a) The provider shall determine the need, feasibility, and cost-effectiveness of offering a therapeutic diet, ~~medical food, or food for special dietary use~~ by consulting with a licensed dietitian.
- (b) A provider may provide a therapeutic diet ~~medical food and food for a special dietary use~~ only if the provider relies upon the oversight of a dietitian when providing ~~medical food or food for a special dietary use~~ the therapeutic diet.

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