

173-4-07

**Older Americans Act nutrition program: nutrition counseling.**

## (A) Definitions for this rule:

"Nutrition counseling" ("counseling") has the same meaning as "medical nutrition therapy" in rule 4759-2-01 of the Administrative Code.

"Nutritional assessment" ("assessment") has the same meaning as in rule 4759-2-01 of the Administrative Code.

## (B) In every AAA-provider agreement for nutrition counseling paid, in whole or in part, with Older Americans Act funds, the AAA shall include the following requirements:

(1) General requirements: In the AAA-provider agreement, the AAA shall include the requirements in rule 173-3-06 of the Administrative Code for every AAA-provider agreement paid, in whole or in part, with Older Americans Act funds.

(2) Dietitian: Only a licensed dietitian ("dietitian") working for an agency provider, or a licensed dietitian working as a self-employed provider shall provide counseling to consumers.

## (3) Orders and limits:

(a) Before the provider counsels a consumer, the provider obtains an order for the consumer's counseling from a licensed healthcare professional whose scope of practice includes ordering counseling.

(b) The provider shall not provide counseling in excess of the amount the licensed healthcare professional ordered.

(c) The provider shall not provide counseling to a consumer's caregiver unless the licensed healthcare professional also ordered counseling for the consumer's caregiver to improve the caregiver's care to the consumer.

~~(d) The provider shall not provide counseling in excess of any limits the AAA establishes.~~

(4) ~~Face-to-face vs. telecommunications:~~ Venue:

(a) The provider shall conduct the initial counseling session ~~as a face-to-face session~~ in person in the consumer's home. During a state of emergency declared by the governor, the provider may conduct the initial counseling session by telephone, video conference, or in person in the consumer's home.

- (b) The provider ~~shall~~ may conduct subsequent sessions ~~on a face-to-face basis or by a telecommunication system~~ by telephone, video conference, or in person in the consumer's home. ~~As used in this paragraph, "telecommunication" has the same meaning as in 2913.01 of the Revised Code.~~

(5) Nutritional assessment ("assessment"):

- (a) During the initial counseling session, the provider shall conduct an assessment of the consumer's nutritional intake, anthropometric measurements, biochemical values, physical and metabolic parameters, socio-economic factors, current medical diagnosis and medications, pathophysiological processes, and access to food and food-assistance programs.
- (b) No later than seven days after the initial assessment, the dietitian forwards the results of the initial assessment to the licensed healthcare professional who ordered the counseling and, if the consumer is in a care-coordination program, to the consumer's case manager.

(6) Nutrition intervention plan:

- (a) The provider shall develop a nutrition intervention plan based upon the initial assessment and, if the provider conducts subsequent assessments, the subsequent assessments. The plan shall include all the following:
- (i) Clinical and behavioral goals and a care plan.
  - (ii) Intervention planning, including nutrients required, feeding modality, and method of nutrition education and counseling, with expected measurable outcomes.
  - (iii) Consideration for input from the consumer, licensed healthcare professional who ordered the counseling, case manager (if any), consumer's caregiver (if any), and relevant service provider (if any).
  - (iv) The scheduling of any follow-up counseling sessions.
- (b) No more than seven days after the provider sends the assessment to the licensed healthcare professional who ordered the counseling, the provider shall forward the nutrition intervention plan to the same professional and, if the consumer is in a care-coordination program, to the consumer's case manager.

- (c) The provider shall provide reports on the intervention plan's implementation and the consumer's outcomes to the licensed healthcare professional who ordered the counseling and, if the consumer is in a care-coordination program, to the consumer's case manager.

(7) Service verification:

- ~~(7)(a) Service verification:~~ By one of the following two methods, the provider shall verify that each consultation for which it bills was provided:

- ~~(a)(i)~~ The provider may use an electronic system if the system does all of the following:

~~(i)(a)~~ Collects the consumer's name, date of consultation, time of day each consultation begins and ends, name of licensed dietitian providing consultation, and an identifier (e.g., electronic signature, fingerprint, password, swipe card, bar code) unique to the consumer.

~~(ii)(b)~~ Retains the information it collects.

~~(iii)(c)~~ Produces reports, upon request, that the AAA can monitor for compliance.

- ~~(b)(ii)~~ The provider may use a manual system if the provider documents the date of service, time of day that each consultation begins and ends, name of the licensed dietitian providing the consultation, and collects the handwritten ~~signatures~~ signature of the licensed dietitian providing the consultation and a unique identifier of the consumer. ~~If the consumer is unable to produce a handwritten signature, the consumer's handwritten initials, stamp, or mark are acceptable if the AAA authorizes such an alternative.~~

- (b) During a state of emergency declared by the governor, the provider may verify each episode of service provided without collecting a unique identifier of the consumer.

(C) Unit: A unit of nutrition counseling equals fifteen minutes of counseling.

Effective: 12/31/2020  
Five Year Review (FYR) Dates: 10/16/2020 and 11/28/2025

CERTIFIED ELECTRONICALLY

---

Certification

12/21/2020

---

Date

Promulgated Under: 119.03  
Statutory Authority: 121.07, 173.01, 173.02, 173.392; 42 U.S.C. 3025; 45 C.F.R. 1321.11  
Rule Amplifies: 173.39, 173.392; 42 U.S.C. 3025, 3030e, 3030f, 3030g-21; 45 C.F.R. 1321.11, 1321.65  
Prior Effective Dates: 03/05/2009, 09/01/2016, 06/11/2020 (Emer.)