

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) Requirements ~~In for~~ 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~~ The AAA-provider agreement, the AAA shall include is subject to 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~~ may provide counseling to consumers.

## (3) Orders and limits:

(a) ~~Before the provider counsels a consumer, the~~ The provider may provide counseling to a consumer only if the provider obtains an order for the consumer's counseling from a licensed healthcare professional whose scope of practice includes ordering counseling before providing the counseling.

(b) The provider ~~shall not~~ may only provide counseling ~~in excess of~~ up to the amount the licensed healthcare professional ordered.

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

(4) Venue: The provider may conduct sessions by telephone, video conference, or in person in the consumer's home.

(5) Nutritional assessment ~~("assessment"):~~

- (a) 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)(6) Nutrition intervention plan: The provider shall ~~develop~~ perform all of the following activities concerning 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:~~

- (a) Base the plan on the initial assessment and subsequent assessments (if conducted).
- (b) Include all of the following in the plan:
  - (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)(c) Forward. No ~~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.~~

~~(e)(d) The provider shall provide 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:

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

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

~~(a) Collects the consumer's name, date of consultation, time of day each consultation begins and ends, name of licensed dietitian providing consultation, and a unique identifier of the consumer.~~

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

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

~~(ii)(a) 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 signature of the licensed dietitian providing the consultation and a unique identifier of the consumer. following are the mandatory reporting items for each counseling/assessment session that a provider retains to comply with the requirements under paragraph (B)(9) of rule 173-3-06 of the Administrative Code:~~

~~(i) Date of session.~~

~~(ii) Time of day when the session begins and ends.~~

~~(iii) Name of the dietitian providing the session.~~

~~(iv) Unique identifier of the dietitian to attest to providing the session.~~

~~(v) Unique identifier of the consumer or the consumer's caregiver to attest to receiving the session.~~

(b) During a state of emergency declared by the governor or a federal public health emergency, the provider may verify each episode of service

provided without collecting a unique identifier of the consumer or the consumer's caregiver.

(C) Units:

- (1) A unit of nutrition counseling is fifteen minutes of counseling.
- (2) A unit of nutrition assessment is one nutrition assessment session per consumer.

Effective:

Five Year Review (FYR) Dates: 10/14/2022

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Certification

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Date

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