

3701-17-07.2 **Dining assistants.**

(A) For purposes of this rule:

- (1) "Long term care facility" has the same meaning as in rule 3701-17-07.1 of the Administrative Code.
- (2) "Dining assistant" means an individual who meets the requirements specified in this rule and who is paid to feed long term care facility residents by a long term care facility or who is used under an arrangement with another agency or organization.
- (3) "Supervision" means that the nurse is in the unit where the feeding assistance is furnished and is immediately available to provide help in an emergency.
- (4) "Suspension of approval" means that a dining assistant training course is prohibited from providing training to individuals under this rule until the suspension is lifted pursuant to paragraph (K) of this rule.
- (5) "Training and competency evaluation program" has the same meaning as in rule 3701-17-07.1 of the Administrative Code.
- ~~(5)~~(6) "Withdrawal of approval" means that a dining assistant training course is no longer eligible to provide training under this rule, but does not prohibit the submission of a new application for approval.

(B) A long term care facility may use dining assistants to feed residents who, based on the charge nurse's assessment of the resident and the most recent resident assessment performed pursuant to rule 3701-17-10 of the Administrative Code and plan of care developed pursuant to rule 3701-17-14 of the Administrative Code, meet the following conditions:

- (1) Need assistance or encouragement with eating and drinking;
- (2) Do not have a complicated feeding problem, such as the need for tube or parenteral feeding, recurrent lung aspirations or difficulty swallowing that requires assistance with eating and drinking by a registered nurse, licensed practical nurse, or nurse aide.

(C) If a facility uses a dining assistant the facility must ensure that the dining assistant meets the following requirements:

- (1) Except as provided in paragraph (D) of this rule, has successfully completed a

dining assistant training course approved by the director as specified in paragraph (G) of this rule;

- (2) Is not the subject of a finding of abuse or neglect of a resident or misappropriation of the property of a resident on the nurse aide registry, established pursuant to section 3721.32 of the Revised Code; and
 - (3) Performs duties only for residents who do not have a complicated feeding problem, and under the supervision of a registered nurse or licensed practical nurse.
- (D) A person who has successfully completed a training course for dining assistants and has not worked in a long term care facility as a dining assistant for a period of twelve consecutive months shall not be used as a dining assistant in a long term care facility until the person successfully retakes the training course. The facility must maintain a record of all individuals, used by the facility as dining assistants.
- (E) The training course for dining assistants shall provide a combined total of at least ~~ten~~ nine hours of instruction, including a one hour clinical portion. The clinical portion shall be provided for no more than eight participants at one time. The training course shall follow the curriculum specified in the appendix attached to this rule and address the following topics:
- (1) Feeding techniques;
 - (2) Assistance with feeding and hydration, including the use of assistive devices;
 - (3) Communication and interpersonal skills;
 - (4) Appropriate responses to resident behavior;
 - (5) Safety and emergency procedures, including the Heimlich maneuver;
 - (6) Infection control;
 - (7) Residents rights;
 - (8) Recognizing changes in residents that are inconsistent with their normal behavior and the importance of reporting those changes to the supervisory nurse;

- (9) Special diets;
 - (10) Documentation of type and amount of food intake; and
 - (11) Meal observation and actual feeding assistance to a resident.
- (F) The instructor or instructors for a dining assistant course shall have appropriate experience and one of the following qualifications:
- (1) A current valid license to practice as a nurse, as defined in paragraph ~~(S)~~ (R) of rule 3701-17-01 of the Administrative Code;
 - (2) A current valid license issued under Chapter 4759. of the Revised Code to practice as a dietitian.
 - (3) A current valid license issued under Chapter 4753. of the Revised Code to practice as a speech-language pathologist; or
 - (4) A current valid license issued under Chapter 4755. of the Revised Code to practice as an occupational therapist.
- (G) A long term care facility, employee organization, person, governmental entity, or ~~an~~ approved TCEP training and competency evaluation program seeking approval of a dining assistant training course shall make an application to the director on a form prescribed by the director and shall provide any documentation or additional information requested by the director. The application shall include:
- (1) An attestation that the information contained in the curriculum attached as appendix A of this rule is understood and will be adhered to; and
 - (2) The name and documentation of the qualifications of the instructor or instructors, as specified in paragraph (F) of this rule.
- (H) The director shall approve an application of a dining assistant training course that demonstrates compliance with the requirements of this rule and, if the course is operated by or in a long term care facility, the facility is not the subject of an action listed in paragraph (I)(2) of this rule. An approved dining assistant training course is not required to renew an approval provided that the director is notified of any changes to the information provided in the original application.

- (I) The director may suspend or withdraw approval of a dining assistant training course if at least one of the following applies:
- (1) The course is not operated in compliance with this rule; or
 - (2) The course is operated by or in a long term care facility and one the following applies;
 - (a) The director has notified the facility of a real and present danger under section 3721.08 of the Revised code;
 - (b) An action has been taken against the facility under section 5111.51 of the Revised Code; or
 - (c) The license of the facility is revoked under section 3721.03 of the Revised Code.
- (J) Suspension or withdrawal of approval is not subject to appeal. If the director determines that one of the criteria listed in paragraph (I) of this rule applies to a dining assistant training course the director may, upon written notice, immediately suspend the approval of the training course. The written notice to the dining assistant training course shall provide the following:
- (1) The criteria listed in paragraph (I) of this rule giving rise to the suspension or proposed withdrawal of approval;
 - (2) An opportunity to submit documentation demonstrating that the matter giving rise to the suspension has been corrected;
 - (3) An opportunity to request an informal review;
 - (4) An indication of whether the director proposes to withdraw the approval.
- (K) If the director determines that the training course has satisfactorily demonstrated that the matter which gave rise to the suspension has been satisfactorily corrected or otherwise does not apply to the training course, the director shall lift the suspension and, if applicable, rescind the proposal to withdraw.
- (L) If the director determines that the training course has not satisfactorily demonstrated that the matter which gave rise to the suspension has been corrected the director

shall withdraw the training course approval.

Effective: 04/01/2012

R.C. 119.032 review dates: 10/27/2011 and 12/01/2016

CERTIFIED ELECTRONICALLY

Certification

03/22/2012

Date

Promulgated Under: 119.03
Statutory Authority: 3721.04
Rule Amplifies: 3721.31
Prior Effective Dates: 5/17/2004