



State Committee of Dietitians

June 2008

“Message from the Chair”

By: Lois Kramer-Owens



Lois
Kramer-Owens

Dietitians, is your facility in compliance with Federal and State regulations with regard to the services provided by a “qualified dietitian” and by technical support staff (Diet Technicians Registered, Certified Dietary Managers, Food Service Supervisors and Dietetic Students)?

It has been brought to our attention that some health-care facilities have been cited because nutrition technical support staffs are doing work that according to the regulations should be done by a “qualified dietitian”. CMS (Centers for Medicare and Medicaid) are the federal inspectors who write the regulations which health-care facilities have to follow in order to get reimbursement. ADA was compelled to review non RD Standards of Practice (SOP) after CMS officials highlighted an interpretive guideline describing minimum requirements for the qualified dietitian to provide direct patient services in end stage renal disease. The application of that guideline raised questions about the supervisor roles and responsibilities of RDs working with students/interns, DTRs and CDMs in all regulated health care facilities. The SOP for DTRs approved by the House of Delegates in 2004 explicitly state the RD supervises the DTR in the clinical setting. The Scope of Practice for the CDM, CFPP includes nutrition screening and collection of nutrition assessment data but it does not include completion of the actual nutrition assessment. ADA is currently reviewing and updating the SOP and SOPP in Nutrition Care for the RD and DTR.

Mandatory licensure in the State of Missouri protects the public by assuring that medical nutrition therapy is being done by the licensed RD. There is no provision for technical staff under Missouri licensure law. If an RD chooses to use technical staff in his or her practice – a matter of professional judgment – the RD is liable for any mistakes or misconduct, including aiding unlicensed practice if the technical staff goes beyond assisting and begins to practice the profession.

ADA has heard from RDs in several states regarding the distinction of the role of the RD and technical support staff. The following is a direct quote from ADA regarding the responsibilities of the RD; “When a regulation or standard specifies that the RD is responsible for assessments and patient interventions, it is the expectation that these specific services are performed by that individual. To do otherwise would put the employer, RD and technical support staff at risk of citation and fines, plus potential loss of facility license and certification for payment. This would not preclude technical support staff from interviewing patients, gathering data, conducting screens and diet and nutritional calculations.

Governor

The Honorable Matt Blunt

**Department of Insurance, Financial
Institutions and Professional
Registration**

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Division of Professional Registration

David Broeker, Director

State Committee of Dietitians

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Jean Howard, Member
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(Message from the Chair continued...)

The assessment of data collected along with additional information is the responsibility of the registered dietitian". State agencies may investigate and cite non-compliant facilities and occupational licensing boards may consider revoking the registered dietitian's license.

It is important that you and your Administrator review the regulations and the role of both the RD and the technical support staff used in your facilities to make sure you are in regulatory compliance.

The following resource may help answer further questions regarding the RD, DTR, CDM, and student/intern in the clinical setting:

1) ADA's web site, www.eatright.org/cps/rde/xchg/ada/hs.xsl/home_13933_ENU_HTML.htm?dologin=1

This is an excellent resource; it includes the CMS definition of the "Qualified Dietitian" in Long Term Care Facilities, in Hospitals, in End-Stage Renal Facilities, and in Critical Access Hospitals. It also addresses frequently asked questions regarding the role of the DTR and documentation in the medical record.

Message from Division Director

By: **David Broeker, Division Director**



David T. Broeker

The Division of Professional Registration has had a busy and successful 2007. It was a year of significant and beneficial accomplishments, not the least of which was a legislative session where 14 of our 16 proposals were truly agreed to and finally passed and signed into law by the Governor Matt Blunt.

Legislation also signed into law by the Governor created the Board of Private Investigator Examiners which went into effect August 28, 2007. This board consists of 5 members; three private investigators and two public members appointed by the Governor with advice and consent of the Senate.

With the addition of the Private Investigator Examiners, the Division of Professional Registration now houses 18 administrative boards, 13 non-administrative (autonomous) boards and 8 advisory boards:

18 Administrative Boards

- State Committee of Interpreters
- Office of Athletics
- Endowed Care Cemeteries
- State Committee of Dietitians
- Board of Geologist Registration
- Board of Examiners for Hearing Instruments Specialists
- Interior Design Council
- Marital & Family Therapists
- Board of Therapeutic Massage
- Board of Occupational Therapy
- Committee for Professional Counselors
- State Committee of Psychologists
- Missouri Real Estate Appraisers Commission
- Missouri Board for Respiratory Care
- State Committee for Social Workers
- Office of Tattooing, Body Piercing & Branding
- Missouri Office of Athletic Agents
- Board of Private Investigator Examiners

13 Non-Administrative Boards

- Board of Accountancy
- Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects
- Board of Chiropractic Examiners
- Board of Cosmetology & Barber Examiners
- Missouri Dental Board
- State Board of Embalmers & Funeral Directors
- State Board of Registration for the Healing Arts
- Missouri State Board of Nursing
- State Board of Optometry
- Missouri Board of Pharmacy
- State Board of Podiatric Medicine
- Missouri Real Estate Commission
- Missouri Veterinary Medical Board

(Message from Division Director continued...)

8 Advisory Boards

- Advisory Commission for Dental Hygienists
- Advisory Commission for Anesthesiology Assistants
- Missouri Acupuncturist Advisory Commission
- Athletic Trainer Advisory Commission
- Advisory Commission for Clinical Perfusionists
- Advisory Commission for Physical Therapists
- Advisory Commission for Registered Physician Assistants
- Advisory Commission for Speech Pathologists & Clinical Audiologists

On September 26, 2007, the Division held a board orientation and update. The Honorable Jay Wasson, District 141, Missouri House of Representatives headlined the state officials and Division staff who participated in the day-long event. Representative Wasson is Chairman of the House Professional Registration Committee and offered considerable insight on the legislation process. Special thanks to Representative Wasson for joining us during the afternoon session. We were also pleased to have participation from staff members of the Governor's Office, Secretary of State's Office, and the Joint Committee on Administrative Rules.

The Division Mission is

- Protect the Public ...
from incompetence, misconduct, gross negligence, fraud, misrepresentation and dishonesty.
- License only "qualified" professionals...
by examination and evaluation of minimum competency.
- Enforce standards...
by implementing legislation and administrative rules.

I am proud to be associated with a team of dedicated employees who take this mission seriously.

Tax Compliance

By: David Barrett, Division Legal Counsel



David Barrett

One of the most disappointing ways that we lose members of our professions is when licensees choose not to live up to their civic obligation to pay state income taxes. Section 324.010 RSMo. requires the Division to provide the Department of Revenue with the names of everyone applying for a license or renewing a license. Those who have not paid their taxes and those who do not correct the situation with DOR within 90 days of the date a notice of intent to suspend is sent lose the right to practice their profession until the matter is cleared up.

Recently this process has resulted in notices of intent to suspend being sent to between 1 and 2 percent of our new and renewal applicants. The Division works hard to make sure that licensees know that they have a Department of Revenue issue that needs to be cleared up. Within days of being informed that the Department of Revenue has sent a notice of intent to suspend, each board or commission sends at least one letter to its affected licensees at the licensee's address of record. Many times the issue is cleared up easily. Some of our licensees work out of state (or out of the country!) and don't have a Missouri income tax obligation. And in some cases there are glitches with names and other identifiers that are easily resolved. Further, tax liability paid in the protest or reasonably founded disputes about such liability are considered paid for the purposes of this law. If you get a notice by mistake make sure you contact the Department of Revenue immediately so that it can be corrected in the 90 day window allowed by law.

(Tax Compliance continued...)

Like any suspended license, renewal fees must be paid, changes of address must be reported, and all of the other regulations of the profession must be followed. There is no end date to a tax suspension. But the licensee holds the key to resuming practice -- getting right with the DOR. The Department of Revenue issues taxpayers compliance letters when the issues are resolved; that taxpayer/licensee must then send the compliance letter to his or her licensing board or commission and comply with any other board or commission requirements so that the right to practice is promptly restored.

Scope of Practice

The following are selected guidelines for the Scope of Practice in the clinical nutrition setting. These are based on the 2005 Scope of Practice.*

	CDM	DTR	RD, LD
Nutritional Assessment	NO	**	YES
Calorie Counts	YES	YES	YES
Progress Notes	YES	YES	YES
Participation in Care Planning	YES	YES	YES
Policy Development: Nutrition, Menus, Portion Control & Tray Assembly	YES	YES	YES
Counseling: Therapeutic Nutrition	NO	NO	YES
Patient/Resident Diet History	YES	YES	YES
Screening for Risk Factors	YES	YES	YES
Documentation: Diet History	YES	YES	YES
Documentation: Therapeutic Assessment	NO	NO	YES
Follow Up on RD/LD Recommendations	YES	YES	YES

*The Scope of Practice for DTR's and RD's has been revised and is to be voted on by HOD April 9-14, 2008. Please see the member site of eatright.org and select SOP 2008 for explanatory material. The focus of the changes is the supervisory and ultimate responsibility of the RD/LD.

**The DTR can participate in these activities as directed by the RD/LD who holds the ultimate responsibility.

It is important that each practitioner review the state and federal regulations that apply to their clinical setting as well as the ADA's Scope of Dietetics Practice Framework (SODPF).

Board Member Bio's



Terri Powell

Terri Powell, R.D., L.D. was originally appointed to the State Committee of Dietitians by Governor Carnahan on June 11, 1999. She was reappointed to the Committee by Governor Holden on June 11, 2003. Ms. Powell received her B.S. in Dietetics from Southwest Missouri State University and completed her dietetics internship at St. Louis University, St. Louis, MO. She is currently employed by Morrison Healthcare Food Services as the Director of Food & Nutrition Services at Missouri Baptist Medical Center in St. Louis, MO.



Jean Howard

Jean Howard, M.S., R.D., L.D. has served on the State Committee of Dietitians since being appointed by Governor Holden in 2004. She operates a dietary consulting business from her home in Central Missouri. A member of the American Dietetic Association, she has been a dietitian for 30+ years, and has worked in clinical, administrative, out-patient, and educational settings. In 1998, as the Missouri Dietetic Association Legislative Chair, she saw the passage of the dietitians' licensure bill. From 2002-2003, she served as President of the Missouri Dietetic Association.



Lois Kramer-Owens

Lois Kramer-Owens was appointed by Governor Holden on January 29, 2004. Lois received her Bachelor of Science degree from Mundelein College in Chicago, IL and completed her dietetic internship at Hines VA Hospital, Hines, IL. She is currently employed as a clinical dietitian at Lake Regional Health System, Osage Beach, MO.



Dixie Greer

Dixie Greer joined the Committee following her appointment by Governor Blunt on February 28th, 2006. Dixie received a B.S. from Oklahoma State and completed her internship at Indiana University's Medical Center. She received a B.S. from Oklahoma State and completed her internship at Indiana University's Medical Center. She received her Masters from University of MO-St. Louis. She has been practicing in the nutrition and dietetic field for 48 years and is currently employed as a home care dietitian by SSM Home Care.



Nolan McNeill

Nolan McNeill was appointed by Governor Carnahan on June 11, 1999 to be the Committee's public member. He is a former member of the House of Representatives and currently works his farm in addition to serving as Chairman of the Board of OATS, Inc.

Facts & Figures

	<u>Fiscal Year 2006</u>	<u>Fiscal Year 2008</u>
# of Licensees	1,377	1,560
% of Licensees Renewing Online	16%	21%
# of Complaints Received	0	2
# of Licensees under Discipline	0	0

****The Committee voted to reduce license renewal fees by 50%.***

****The new two year license fee will be \$25.00.***

Calendar of Events

MDA Meeting

June 13, 2008 in Columbia, Missouri

State Committee Board Meeting

August 15, 2008 in Jefferson City, Missouri

ADA Food & Nutrition Conference & Expo.

October 25-28, 2008 in Chicago, Illinois

MDA Annual Meeting

April 23-25, 2009 in Branson, Missouri

Division of Professional Registration
STATE COMMITTEE FOR DIETITIANS
P.O. Box 1335
Jefferson City, MO 65102-1335

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MOVING?

**PLEASE NOTIFY THE
BOARD OFFICE OF
YOUR NEW ADDRESS.**

The rules and regulations require all licensees to notify the Division of all such changes by sending a letter to the office in Jefferson City, Missouri. Please include a street address to facilitate any express mail deliveries.

NAME: _____

PROFESSION: _____ LICENSE NUMBER: _____

(P.O. BOX MUST BE ACCOMPANIED BY YOUR PHYSICAL ADDRESS)

OLD ADDRESS: _____

NEW ADDRESS: _____

SIGNATURE: _____

DATE: _____



PLEASE MAIL TO:
STATE COMMITTEE FOR DIETITIANS
P.O. Box 1335, Jefferson City, Missouri 65102-1335