

Legal Scope of Practice for RDs in CMS licensed facilities Per B&P Code 2585-86

BOTTOM LINE:

1. Upon referral by a healthcare provider authorized to prescribe dietary treatments, the RD may perform. Medical Nutrition Therapy -- defined as:
 - ✓ Provide nutritional/dietary counseling
 - ✓ Conduct nutritional/dietary assessments
 - ✓ Develop nutritional/dietary treatments -- includes therapeutic diets

Essential Considerations:

- Referral must include:
 - (a) MD (or other authorized health care provider) signature
 - (b) patient's diagnosis
 - (c) objective of dietary treatment (i.e. a treatment plan)

The "treatment plan" must **not** set the expectation that the RD exceed his/her legal scope of practice.

- A formal referral may be "waived" or satisfied when there is an entry in the patient's medical record that reflects the patient's diagnosis and objective of dietary treatment. A written Diet Order is one indicator of the dietary treatment plan.
- "Develop nutritional/dietary treatments" does not mean privilege or authority to write orders or implement/change dietary treatment plans. These orders are the specific legal responsibility of the medical practitioners.

2. Accept and Transmit Verbal and Electronic Orders
RD may accept & transmit verbal orders and/or electronic orders from the referring MD (or other authorized health care provider), consistent with facility-approved /policies to implement MNT, and within the state's legal definition of MNT.
 - ✓ Verbal and electronic orders for nutritional/dietary counseling
 - ✓ Verbal and electronic orders for nutritional/dietary assessment
 - ✓ Verbal and electronic orders for nutritional/dietary treatments:
 - » Diet orders
 - » Categories of diet orders (i.e. oral food/liquid nutritional supplements, nourishments, tube feeding)
 - ✓ Verbal and electronic orders for medical laboratory tests related to nutritional therapeutic treatments.

Essential Considerations:

- Medications (anything ordered through and/or dispensed from the facility's pharmacy service) are excluded, because there is no mention of "pharmaceutical treatment" within the state-defined legal limits of MNT. According to the CDPH legal advisor, the adjustment of drugs and medications constitutes the practice of medicine, and not defined in the RD state code re: scope of practice. This includes vitamins/minerals, insulin/diabetic meds, phosphate-binders, TPN, etc.
- CMS, The Joint Commission (TJC), and The Healthcare Facility Accreditation Program (HFAP) advise *limited and infrequent use of verbal orders* and attention to read-back verification; reserve verbal orders for situations where getting the order immediately makes a difference in patient safety, which includes delay in vital care that impacts patient outcomes.