



TEXAS DEPARTMENT OF STATE HEALTH SERVICES

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COMMISSIONER

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Dear Hospital Provider:

The purpose of this letter is to inform you of changes made by the Centers for Medicare and Medicaid Services (CMS) that impact dietary services in hospitals. Amendments made by CMS that became effective on July 11, 2014, relate to Medicare and Medicaid Programs; Regulatory Provisions to Promote Program Efficiency, Transparency, and Burden Reduction; and Part II changes which are applicable to a number of provider/supplier types, including hospitals.

The hospital Conditions of Participation, found at 42 CFR Part 482, §482.28 (b)(1) and (2) have been revised to permit a qualified dietitian or nutrition professional to order diets if authorized by the medical staff and provided it is done in accordance with state law governing dietitians and nutrition professionals. This includes orders for a therapeutic diet.

The statute governing hospital licensing, Texas Health and Safety Code, Chapter 241, does not prescribe specific standards for patient care, but instead gives the department authority to adopt and enforce rules related to hospital dietary services. In an effort to allow hospitals to implement this change in federal regulation, effective immediately, the department is allowing hospital discretion and flexibility in determining whether to adopt, implement, and enforce policies and procedures that will allow qualified dietitians, as defined at 25 Texas Administrative Code (TAC) [§133.41\(d\)\(1\)\(B\)](#), to order therapeutic diets when authorized by medical staff and in accordance with state law governing dietitians and nutrition professionals. The department will amend the hospital licensing rules found at 25 TAC, Chapter 133, to reflect this change at a later date.

If you have additional questions regarding this matter, please contact Allison Hughes, R.N., at (512) 834-6700.

Sincerely,

Renee Clack, L.N.F.A.
Director, Health Care Quality Section
Division for Regulatory Services