

SUMMARY TABLE OF STATE LTC REGULATIONS

updated October 2019

State	LTC TDO Regulations (or other authority, as noted)	Therapeutic Diet and Other Definitions
Alabama	"Therapeutic diets must be prescribed by the attending physician." <u>420-5-10-.12(5)</u>	"Therapeutic diet" is undefined.
Alaska	"Each in-patient medical record must include, as appropriate ... (4) an order sheet which includes medication, treatment, and diet orders signed by a physician..." <u>7 AAC 12.770(c)</u>	----- (no applicable term is present)
Arizona	"The therapeutic diet is prescribed in writing by: i. The participant's medical practitioner, or ii. A registered dietitian" <u>R9-10-1114(A)(2)(a)</u>	"'Therapeutic diet' means foods or the manner in which food is to be prepared that are ordered for a patient." <u>R9-10-101(216)</u>
Arkansas	"Therapeutic diets shall be served only to those patients for whom there is a physician's or dentist's written order." <u>567.2</u>	"Therapeutic diet" is undefined.
California	"All regular and therapeutic diets shall be prescribed by a person lawfully authorized to give such an order. Verbal orders may be received and recorded by a qualified dietitian and shall be signed by the prescriber within five days." <u>Title 22, Div 5, Chap 3, Art 3(\$72335)(c)</u>	"Therapeutic diet means any diet modified from a regular diet in a manner essential to the treatment or control of a particular disease or illness." <u>Title 22, Div, 5, Chap. 3, Art. 1(\$ 72115)</u>
Colorado	"All diets and nourishments shall be provided and served as ordered by the attending practitioner." <u>6 CCR 1011-1 Chap 05 (13.5)</u>	-----

<p>Connecticut</p>	<p>"The facility shall: (A) Provide a diet for each patient, as ordered by the patient's personal physician, ...adjusted for age, sex, weight, physical activity, and therapeutic needs of the patients ..."</p> <p><u>19-13D8t(q)(2)</u></p>	<p>"Therapeutic diet" is undefined.</p>
<p>Delaware</p>	<p>"Therapeutic diets, mechanical alterations and changes in either must be prescribed by an attending physician within 72 hours of implementation. All meals and snacks shall be served in accordance with the therapeutic diet, if prescribed."</p> <p><u>Sec 3201 (6.5.1)</u></p>	<p>"'Nutritional Care Plan' means a plan of care developed by a licensed Dietitian/Nutritionist that includes: the design and implementation of nutrition programs/plans... the design and implementation of therapeutic nutrition regimens, including enteral and parenteral nutrition for the management of nutritionally related health disorders..."</p> <p><u>State Board of Dietetics/Nutrition Reg Sec 3800 (1.0)</u></p> <p>"Therapeutic diet" is undefined.</p>
<p>District of Columbia</p>	<p>"Each therapeutic diet shall be prescribed by the attending physician and prepared under the guidance of a dietitian."</p> <p><u>22B, Ch. 32 (3220.4)</u></p>	<p>"'Therapeutic diet' [is] a dietary regime including the modification or control of calories, increase or decrease of nutrients, changes in textures of food, or restrictions of specific ingredients prescribed by a physician (1) for maintenance and repair of body tissues, and for proper function of body processes, or (2) for the treatment of a resident with a specific illness."</p> <p><u>22B, Ch. 32 (3299)</u></p>
<p>Florida</p>	<p>(1)(a)"A licensee [RDN, etc] under this part shall not implement a dietary plan for a condition for which the patient is under the active care of a physician licensed under chapter 458 or chapter 459 {physician and osteopathic licensure laws, respectively}, without the oral or written dietary order of the referring physician."</p> <p>(3)"This section does not preclude a licensed dietitian/nutritionist from independently ordering a therapeutic diet if otherwise authorized to order such a diet ..."</p> <p><u>Florida Dietetics and Nutrition Practice Act XXXII 468.516</u></p>	<p>"'Dietetics and nutrition practice' shall include ...recommending appropriate dietary regimens, nutrition support, and nutrient intake; ordering therapeutic diets..."</p> <p><u>Florida Dietetics and Nutrition Practice Act XXXII 468.503</u></p> <p>"Therapeutic diet" is undefined.</p>

Georgia	<p>(3) "Nutrient concentrates and supplements shall be given only on written order of a physician.</p> <p>(5) Modified diets shall be provided in accordance with written orders of a physician or dentist."</p> <p><u>111-8-56-.06</u></p>	<p>"Modified diet" is undefined.</p>
Hawaii	<p>"All diets prepared for residents shall be 1) prescribed by the resident's physician, physician assistant or APRN....</p> <p>4) Therapeutic or special diets shall be planned by a dietitian and served accordingly as prescribed by the resident's physician, physician assistant or APRN."</p> <p><u>Sec 11-94.1-40(b)</u></p>	<p>"Special diet' or 'therapeutic diet' means a diet ordered by a physician or APRN that is prescribed as part of the medical nutrition therapy of a nursing facility resident."</p> <p><u>11-94.1-2</u></p>
Idaho	<p>"Modified or Therapeutic Diets. All diets, including general diets, shall be ordered by the attending physician."</p> <p><u>16.03.02(107)(04)</u></p>	<p>"Modified diet" and "therapeutic diet" are undefined.</p>
Illinois	<p>"(b) Physicians shall write a diet order, in the medical record, for each resident indicating whether the resident is to have a general or a therapeutic diet.</p> <p>(f) All therapeutic diets shall be medically prescribed and shall be planned or approved by a dietitian."</p> <p><u>77(1c)300.2040</u></p>	<p>"A therapeutic diet means a diet ordered by the physician as part of a treatment for a disease or clinical condition, to eliminate or decrease certain substances in the diet (e.g., sodium) or to increase certain substances in the diet (e.g., potassium), or to provide food in a form that the resident is able to eat (e.g., mechanically altered diet)."</p> <p><u>77(1c)300.2040(e)</u></p>
Indiana	<p>"Therapeutic diets must be prescribed by the attending physician."</p> <p><u>410 IAC 16.2-3.1-21(b)</u></p> <p>"All modified diets shall be prescribed by the attending physician."</p> <p><u>410 IAC 16.2-5-5.1(d)</u></p>	<p>"Modified diet' means an adjustment of the regular diet that alters the calorie value, nutritive content, or consistency of the food."</p> <p><u>410 IAC 16.2-1.1-43</u></p> <p>"Therapeutic diet" is undefined.</p>
Iowa	<p>"Therapeutic diets shall be prescribed by the resident's physician."</p> <p><u>481-58.24(4b)</u></p>	<p>"Therapeutic diet" is undefined.</p>

<p>Kansas</p>	<p>"The attending physician shall prescribe any therapeutic diets."</p> <p><u>28-39-158(d)(1)</u> (page 98)</p>	<p>"Therapeutic diet" is undefined.</p>
<p>Kentucky</p>	<p>"Modified diets, nutrient concentrates and supplements shall be given only on the written orders of a physician, advanced practice registered nurse as authorized in KRS 314.011(8) and 314.042(8), or physician assistant as authorized in KRS 311.560(3) and (4)."</p> <p><u>902 KAR 20:048 Sec 4(11)(a)(4)(b)</u></p>	<p>"Modified diet" and "therapeutic diet" are undefined, although both terms are used.</p>
<p>Louisiana</p>	<p>"All diets shall be prescribed by a licensed practitioner."</p> <p><u>98(C)§9835(B)</u></p>	<p>-----</p>
<p>Maine</p>	<p>"Facilities with residents in need of therapeutic diets shall provide for such diets as prescribed by the attending physician."</p> <p><u>110(18.E.1)</u></p>	<p>"Therapeutic diet" is undefined.</p>
<p>Maryland</p>	<p>"Therapeutic diets shall be planned, prepared, and served as prescribed by the attending physician."</p> <p><u>10.07.02.21(F)</u></p>	<p>"Therapeutic diet" is undefined.</p>
<p>Massachusetts</p>	<p>"No medication, treatment or therapeutic diet shall be administered to a resident except on written or oral order of a primary care provider."</p> <p><u>105 CMR: 150.007(G)(2)</u></p> <p>"All facilities with residents in need of special or therapeutic diets shall provide for such diets to be planned, prepared and served as prescribed by the primary care provider."</p> <p><u>105 CMR: 150.009(C)(1)</u></p>	<p>"Special diet" and "therapeutic diet" are undefined.</p>
<p>Michigan</p>	<p>(1) "Food and nutritional needs of a patient shall be met in accordance with the physician's orders in keeping with accepted standards of practice... (3) Therapeutic or special diets shall be provided upon written prescription or order of the physician."</p> <p><u>R325.20803</u></p>	<p>"Special diet" and "therapeutic diet" are undefined.</p>

Minnesota	<p>"A physician or physician designee must provide the following information for the clinical record: F. written orders for ... any medically prescribed special diets"</p> <p>4658.0715</p>	<p>"Physician designee' means a nurse practitioner or physician assistant who has been authorized in writing by the physician to perform medical functions." 4658.0010(13)</p> <p>"Special diets" is undefined.</p>
Mississippi	<p>"Modified diets which are a part of medical treatment shall be prescribed in written orders by the physician or nurse practitioner/physician assistant."</p> <p>15:16:1:45.30.6</p>	<p>"Modified diet" is undefined.</p>
Missouri	<p>"No medication, treatment or diet shall be given without a written order from a person lawfully authorized to prescribe such ..."</p> <p>19 CSR 30-85.042(46)</p> <p>"Menus for special prescribed diets shall be reviewed and approved in writing by either a qualified dietitian, a registered nurse or a physician."</p> <p>19 CSR 30-85.052(16)</p>	<p>"Prescribed diet" is undefined.</p>
Montana	UNSPECIFIED	UNDEFINED
Nebraska	<p>"The facility's menus must ... (11A4) include therapeutic diets when prescribed by the medical practitioner."</p> <p>175 NAC 12-006.11A</p>	<p>"Therapeutic diet' means a diet ordered by a physician as part of treatment for a disease or clinical condition, to increase, decrease or eliminate certain substances in the diet, or to provide food the resident is able to eat."</p> <p>175 NAC 12-002</p>
Nevada	<p>"A therapeutic diet served to a patient by a facility must be prescribed by the attending physician of the patient."</p> <p>449.74525(5)</p>	<p>"Therapeutic diet" is undefined.</p>

<p>New Hampshire</p>	<p>"The licensee shall provide therapeutic diets to residents only as directed by a licensed practitioner or other professional with prescriptive authority."</p> <p><u>803.20(i)</u></p>	<p>"'Therapeutic diet' means a diet ordered by a licensed practitioner as part of the treatment for disease or clinical conditions."</p> <p><u>He-P 803.03(bi)</u></p> <p>"'Licensed practitioner' means: (1) Medical doctor; (2) Physician's assistant; (3) Advanced practice registered nurse; (4) Doctor of osteopathy; (5) Doctor of naturopathic medicine; or (6) Anyone else with diagnostic and prescriptive powers licensed by the appropriate New Hampshire licensing board."</p> <p><u>He-P 803.03(ai)</u></p>
<p>New Jersey</p>	<p>"Each resident shall receive a diet which: Corresponds to the physician's or advanced practice nurse's order, the dietitian's instructions, and resident's food preferences"</p> <p><u>§ 8:39-17.4(a)</u></p>	<p>-----</p>
<p>New Mexico</p>	<p>"Residents shall be served diets as prescribed by a physician."</p> <p><u>7.9.2.42(E)(1)</u></p> <p>"Therapeutic diets shall be served only on order of the physician."</p> <p><u>7.9.2.52(D)(1)</u></p>	<p>"Therapeutic diet" is undefined.</p>
<p>New York</p>	<p>"Therapeutic diets shall be prescribed by the attending physician, when indicated, based on the findings of the comprehensive resident assessment."</p> <p><u>10 NYCRR 415.14(e)</u></p>	<p>"Therapeutic diet" is undefined.</p>

<p>North Carolina</p>	<p>"All diets, including enteral and parenteral nutrition therapy, shall be as ordered by the physician or other legally authorized person..."</p> <p><u>10A NCAC 13D .2701(i)</u></p> <p>"Medical orders, given orally by the physician, nurse practitioner or physician assistant, shall be given only to a licensed nurse or other licensed professional who by law is allowed to accept physician's orders, except orders for therapeutic diets which shall be given either to a dietitian or licensed nurse."</p> <p><u>10A NCAC 13D .2501(d)</u></p>	<p>-----</p>
<p>North Dakota</p>	<p>"Dietary services must include... (4) Therapeutic diets when prescribed by the licensed health care practitioner."</p> <p><u>33-07-03.2-16</u></p>	<p>"Licensed health care practitioner" means an individual who is licensed or certified to provide medical, medically related, or advanced registered nursing care to individuals in North Dakota."</p> <p><u>33-07-03.2-01(10)</u></p> <p>"Therapeutic diets" is undefined.</p>
<p>Ohio</p>	<p>"All diets shall be (1) Ordered by a physician or other licensed health professional acting within the applicable scope of practice ... and (3) Adjusted as ordered by a physician, dietitian or other licensed health professional acting within their scope of practice."</p> <p><u>3701-17-18(H)</u></p>	<p>"Special diet" means a therapeutic diet limited to:</p> <ul style="list-style-type: none"> (1) Nutrient adjusted diets, including high protein, no added salt, and no concentrated sweets; (2) Volume adjusted diets, including small, medium, and large portions; (3) The use of finger foods or bite-sized pieces for a resident's physical needs; or (4) Mechanically altered food. <p><u>3701-17-01(II)</u></p> <p>"Therapeutic diet" means a diet ordered by a health care practitioner:</p> <ul style="list-style-type: none"> (1) As part of the treatment for a disease or clinical condition; (2) To modify, eliminate, decrease, or increase certain substances in the diet; or (3) To provide mechanically altered food when indicated." <p><u>3701-17-01(LL)</u></p>

Oklahoma	"Diets shall be prescribed by the resident's physician and shall be planned, in writing, reviewed, approved and dated by a qualified nutritionist or registered/licensed dietitian." <u>310:675-9-12.1(d)(1)(B)</u>	-----
Oregon	"Diets shall be prescribed by the attending physician." <u>411-086-0250(4)(a)</u>	-----
Pennsylvania	UNSPECIFIED	<p>“‘Skilled or intermediate nursing care’ includes ... inpatient services ... ordered by and provided under the direction of a physician, and which require the skills of professional personnel, such as, registered nurses, licensed practical nurses, physical therapists, occupational therapists, speech pathologists or audiologists.”</p> <p><u>28 Pa. Code § 201.3</u></p> <p>No term similar to “therapeutic diet” is defined.</p>
Puerto Rico		
Rhode Island	"All diets shall be ordered in writing by the attending physician." <u>216-RICR-40-10-1.17.3(l)</u>	-----
South Carolina	"All diets shall be prescribed, dated and signed by the physician..." <u>61-17.1406(A)</u> "...the [resident] record shall include the following information: ... (7) orders ... for ... diet from physicians or other legally authorized healthcare providers..." <u>61-17.801(B)</u>	-----

South Dakota	<p>"Any regular and therapeutic menu, including therapeutic diet menu extensions for all diets served in the facility, shall be written, prepared, and served as prescribed by each resident's physician, physician assistant, or nurse practitioner. Each planned menu shall be approved, signed, and dated by the dietitian for each facility."</p> <p><u>44:73:07:09</u></p>	<p>"'Therapeutic diet' [is] any diet other than a regular diet that is ordered by a physician, physician assistant, or nurse practitioner as part of the treatment for a disease or clinical condition to increase, decrease, or to eliminate certain substances in the diet, and to alter food consistency"</p> <p><u>44:73:01:01(52)</u></p>
Tennessee	<p>"Therapeutic diets must be prescribed by the practitioner or practitioners responsible for the care of the residents and must be prepared and served as prescribed."</p> <p><u>1200-08-06-.06(9)(d)</u></p>	<p>"Therapeutic diet" is undefined.</p>
Texas	<p>"The clinical record of each resident must contain: ...(12) the physician's signed and dated orders, including medication, treatment, diet..."</p> <p><u>40-1-19-B §19.1911(b)</u></p> <p>"A qualified dietitian may accept diet orders and changes from the physician."</p> <p><u>40-1-19-L §19.1107(b)</u></p>	<p>"'Therapeutic diet' [is a] diet ordered by a physician as part of treatment for a disease or clinical condition, in order to eliminate, decrease, or increase certain substances in the diet or to provide food which has been altered to make it easier for the resident to eat."</p> <p><u>40-1-19-B §19.101(163)</u></p>
Utah	<p>"All therapeutic diets must be ordered in writing by the attending physician or by a qualified registered dietitian in consultation with the physician, if allowed by facility policy."</p> <p><u>R432-150-24(5)</u></p>	<p>"Therapeutic diet" is undefined.</p>
Vermont	<p>"Therapeutic diets must be prescribed by the attending physician."</p> <p><u>7.14(d)</u></p>	<p>"Therapeutic diet" is undefined.</p>
Virginia	<p>"Therapeutic diets shall be prepared and served as prescribed by the attending physician."</p> <p><u>12 VAC 5-371-340(J)</u></p>	<p>"Therapeutic diet" is undefined.</p>
Washington	<p>"The nursing home must: (1) Ensure that residents' diets are provided as prescribed by the physician."</p> <p><u>388-97-1200</u></p>	<p>-----</p>

West Virginia	<p>"Therapeutic and texture modified diets shall be served to residents in accordance with the physician's orders."</p> <p><u>§64-13-8.15.e.1</u></p>	<p>"Therapeutic diet" and "texture modified diet" are undefined.</p>
Wisconsin	<p>"Therapeutic diets shall be prescribed by the attending physician. The attending physician may delegate to a licensed or certified dietitian the prescribing of a resident's diet, including a therapeutic diet, to the extent allowed by law."</p> <p><u>132.63(4)(b)</u></p>	<p>"Therapeutic diet" is undefined.</p>
Wyoming	<p>"The medical record shall include... (D) Physician's orders, including all medications, treatments, diet..."</p> <p><u>11 Section 16(a)(i)</u></p>	<p>-----</p>