

**SUMMARY TABLE OF STATE LTC REGULATIONS**

State	LTC TDO Regulations	TD Definition
Alabama	<p>"Therapeutic diets must be prescribed by the attending physician."</p> <p><u>420-5-10-.12(5)</u></p>	UNDEFINED
Alaska	UNSPECIFIED	UNDEFINED
Arizona	<p>"The therapeutic diet is prescribed in writing by:</p> <p>i. The participant's medical practitioner, or</p> <p>ii. A registered dietitian"</p> <p><u>R9-10-1114(A)(2)(a)</u></p>	<p>"Therapeutic diet" means foods or the manner in which food is to be prepared that are ordered for a patient."</p> <p><u>R9-10-101(203)</u></p>
<p>Arkansas</p> <p>Small fac: &lt; 16 beds</p> <p>Lge fac: ≥ 16 beds</p>	<p>SMALL: "The client's interdisciplinary team, including a qualified dietitian and physician, must prescribe all modified and special diets including those used as a part of a program to manage client behavior." 720.4</p> <p>LGE: "Therapeutic diets shall be served only to those patients for whom there is a physician's or dentist's written order." 317.4.2</p>	UNDEFINED
California	<p>"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."</p> <p><u>Title 22, Div 5, Chap 3, Art 3(\$72335)</u></p>	<p>"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."</p> <p><u>Title 22, Div, 5, Chap. 3, Art. 1(\$ 72115)</u></p>
Colorado	<p>"A) The dietary supervisor or consultant shall prepare an initial nutritional history and assessment for each resident within 14 days of admission that includes special needs, likes and dislikes, nutritional status and need for adaptive cutlery and dishes.</p> <p>B) Within 21 days of admission, the dietary supervisor or consultant shall develop a nutritional plan of care to meet each resident's identified needs.</p> <p>"All diets and nourishments shall be provided and served as ordered by the attending practitioner."</p> <p><u>6 CCR 1011-1 Chap 05 (7.20)</u></p> <p><u>6 CCR 1011-1 Chap 05 (13.5)</u></p>	UNDEFINED
Connecticut	<p>The facility shall:</p> <p>Provide a diet for each patient, as ordered by the patient's personal physician, based upon current recommended dietary allowances of the Food and Nutrition Board of the National Academy of Sciences, National Research Council, adjusted for age, sex, weight, physical activity, and therapeutic needs of the patients;</p> <p><u>19-13D8t(q)(2)</u></p>	UNDEFINED

Delaware	<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>RDN Licensure Reg Sec 3800 (1.0)</u></p>	UNDEFINED
	<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>	
District of Columbia	<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>"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>
Florida	<p>"'Dietetics and nutrition practice' shall include ...recommending appropriate dietary regimens, nutrition support, and nutrient intake; ordering therapeutic diets..."</p> <p>"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>"a licensed dietitian/nutritionist [may] independently [order] a therapeutic diet if otherwise authorized to order such a diet ..."</p> <p><u>XXXII (468.503 and 468.516)</u></p>	UNDEFINED
Georgia	<p>"Nutrient concentrates and supplements shall be given only on written order of a physician. ... Modified diets shall be provided in accordance with written orders of a physician or dentist."</p> <p><u>111-8-56-.06</u></p>	UNDEFINED
Hawaii	<p>"All diets prepared for residents shall be 1) prescribed by the resident's physician, physician assistant or APRN.... 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>"Therapeutic Nutrition Care Plan. A plan of care developed by a licensed dietitian that includes: The design and implementation of nutrition goals and objectives for individuals and groups for the maintenance of health and prevention of disease; The design and implementation of therapeutic nutrition regimens, including enteral and parenteral nutrition for the treatment of disorders of body functions, systems, or organs; Establishing priorities, goals, and objectives that meet nutritional needs and are consistent with available resources and constraints; Developing, implementing, and managing nutrition care systems; and Evaluating, making changes in, and maintaining appropriate standards of quality in food and nutrition care services."</p> <p><u>RDN regs 22.01.13.10</u></p>
Illinois	<p>"All therapeutic diets shall be medically prescribed and shall be planned or approved by a dietitian."</p> <p><u>77(1c)300.2040(f)</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>RDN Practice Act is consistent with above</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 16.2-5-5.1</u></p>	<p>"'Modified diet' means an adjustment of the regular diet that alters the calorie value, nutritive content, or consistency of the food." "Therapeutic diet" undefined.</p> <p><u>410 IAC 16.2-1.1-43</u></p>
Iowa	<p>"Therapeutic diets shall be prescribed by the attending physician."</p> <p><u>481-58.24(4a)</u></p>	UNDEFINED
Kansas	<p>"The attending physician shall prescribe any therapeutic diets."</p> <p><u>28-139-58(d1)</u></p>	UNDEFINED
Kentucky	<p>"Therapeutic diets must be prescribed by the attending physician."</p> <p><u>902 KAR 20:300 Sec 10(5)</u></p>	UNDEFINED

Louisiana	"Therapeutic diets shall be prescribed by the medical practitioner responsible for the care of the resident."  <u>98(C)§9819(B)</u>	UNDEFINED
Maine	"Facilities with residents in need of therapeutic diets shall provide for such diets as prescribed by the attending physician."  <u>110(18.E.1)</u>	UNDEFINED
Maryland	"Therapeutic diets shall be planned, prepared, and served as prescribed by the attending physician."  <u>10.07.02.13(F)</u>	UNDEFINED
Massachusetts	"All therapeutic diets shall be prescribed, dated and signed by the physician, physician assistant or nurse practitioner..."  <u>105 CMR: 150.009(C)</u>	UNDEFINED
Michigan	"Food and nutritional needs of a patient shall be met in accordance with the physician's orders in keeping with accepted standards of practice... Therapeutic or special diets shall be provided upon written prescription or order of the physician."  <u>R325.20803</u>	UNDEFINED
Minnesota	"A physician or physician designee must provide the following information for the clinical record: ... F. written orders for ... any medically prescribed special diets..."  "'Physician designee' means a nurse practitioner or physician assistant who has been authorized in writing by the physician to perform medical functions."  <u>4658.0715, 0010</u>	UNDEFINED (as are similar terms)
Mississippi	"Modified diets which are a part of medical treatment shall be prescribed in written orders by the physician or nurse practitioner/physician assistant."  15:16:1:45.30.6	UNDEFINED
Missouri	"No medication, treatment or diet shall be given without a written order from a person lawfully authorized to prescribe such and the order shall be followed...Menus for special prescribed diets shall be reviewed and approved in writing by either a qualified dietitian, a registered nurse or a physician."  <u>30-85.042(46), .052(16)</u>	UNDEFINED
Montana	repealed?  <u>Health Care Fac. Regs</u>	reference to 42 CFR 405  <u>37.106.601</u>
Nebraska	"The facility's menus must include therapeutic diets when prescribed by the medical practitioner." see also TD definition  <u>12-006.11A4</u>	"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."  <u>12-002</u>

Nevada	"A therapeutic diet served to a patient by a facility must be prescribed by the attending physician of the patient." <u>449.74525(5)</u>	UNDEFINED
New Hampshire	"The licensee shall provide therapeutic diets to residents only as directed by a licensed practitioner [Medical doctor; Physician's assistant; Advanced practice registered nurse; Doctor of osteopathy; Doctor of naturopathic medicine; or Anyone else with diagnostic and prescriptive powers licensed by the appropriate New Hampshire licensing board] or other professional with prescriptive authority." <u>He-P 803.03(ai), 803.20(i)</u>	"'Therapeutic diet' means a diet ordered by a licensed practitioner as part of the treatment for disease or clinical conditions."  <u>He-P 803.03(bi)</u>
New Jersey	"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" <u>§ 8:39-17.4(a)</u>	UNDEFINED
New Mexico	"Residents shall be served diets as prescribed by a physician." "Therapeutic diets shall be served only on order of the physician." <u>7.9.2.42(E)(1); 2.52(D)(1)</u>	UNDEFINED
New York	"Therapeutic diets shall be prescribed by the attending physician, when indicated, based on the findings of the comprehensive resident assessment." <u>415.14(e)</u>	UNDEFINED
North Carolina	"All diets, including enteral and parenteral nutrition therapy, shall be as ordered by the physician or other legally authorized person" <u>10A NCAC 13D .2701(i)</u>	UNDEFINED
North Dakota	"Dietary services must include... Therapeutic diets when prescribed by the licensed health care practitioner [an individual who is licensed or certified to provide medical, medically related, or advanced registered nursing care to individuals in North Dakota]." <u>33-07-03.2-16; 2-01(10)</u>	UNDEFINED
Ohio	"Complex therapeutic diets shall be ... Ordered by a physician or other licensed health professional acting within the applicable scope of practice"  <u>3701-17-18(H)</u>	"'Complex therapeutic diet' means a calculated nutritive regime including, but not limited to: (1) Diabetic and other nutritive regimens requiring a daily specific kilocalorie level; (2) Renal nutritive regimens; (3) Dysphagia nutritive regimens excluding simple textural modifications; or (4) Any other nutritive regimen requiring a daily minimum or maximum level of one or more specific nutrients or a specific distribution of one or more nutrients." see column I for add'l detail  <u>3701-17-01(G)</u>

Oklahoma	"Diets shall be prescribed by the resident's physician." <u>310:675-9-12.1(d)(1)(B)</u>	UNDEFINED
Oregon	"Diets shall be prescribed by the attending physician." <u>411-086-0250(4)(a)</u>	UNDEFINED
Pennsylvania	UNSPECIFIED	UNDEFINED
Puerto Rico		
Rhode Island	"All diets shall be ordered in writing by the attending physician." <u>27.9</u>	UNDEFINED
South Carolina	"All diets shall be prescribed, dated and signed by the physician..."  "...the record shall include the following information: ... orders ... for ... diet from physicians or other legally authorized healthcare providers..." in 801(B) <u>1406(A)</u>	UNDEFINED
South Dakota	"Each menu as served shall meet the nutritional needs of the residents in accordance with the physician's, physician assistant's, or nurse practitioner's orders..."  <u>44:73:07:09</u>	"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"  <u>44:73:01:01</u>
Tennessee	"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." ["practitioner" is undefined] <u>1200-08-06-.06(9)(d)</u>	UNDEFINED
Texas	"The clinical record of each resident must contain: ...the physician's signed and dated orders, including medication, treatment, diet..."  <u>40-1-19-B §19.1911(b)(12)</u>	UNDEFINED
Utah	"The attending physician must prescribe in writing all therapeutic diets."  <u>R432-150-24(5)</u>	UNDEFINED
Vermont	"Therapeutic diets must be prescribed by the attending physician."  <u>7.14(d)</u>	UNDEFINED

Virginia	"Therapeutic diets shall be prepared and served as prescribed by the attending physician." <u>12 VAC 5-371-340(J)</u>	UNDEFINED
Washington	"The nursing home must: ...Ensure that residents' diets are provided as prescribed by the physician." <u>388-97-1200</u>	UNDEFINED
West Virginia	"Therapeutic diets shall be prescribed by the attending physician." <u>8.15.e.3.A</u>	UNDEFINED
Wisconsin	"Therapeutic diets shall be served only on order of the physician..." <u>132.63(4)(b)</u>	UNDEFINED
Wyoming	"The medical record shall include...Physician's orders, including all medications, treatments, diet..." <u>11-16(a)(i)</u>	UNDEFINED