

1 10A NCAC 13D .2701 is amended as published in 40:12 NCR 986-998 as follows:
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3 **SECTION .2700 - DIETARY SERVICES**
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5 **10A NCAC 13D .2701 PROVISION OF NUTRITION AND DIETETIC SERVICES**

6 (a) ~~Nursing homes shall comply with 42 CFR 483.25(g) and (h) and 483.60, which are incorporated by reference,~~
7 ~~including subsequent amendments. The Code of Federal Regulations may be accessed at <https://ecfr.gov>. A facility~~
8 ~~shall ensure that each patient is provided with a palatable diet that meets his or her daily nutritional and specialized~~
9 ~~nutritional needs.~~

10 (b) ~~The facility shall designate a person to be known as the director of food service who shall be responsible for the~~
11 ~~facility's dietetic service and for supervision of dietetic service personnel.~~

12 (c) ~~Based on a resident's assessment, the nursing home facility must ensure that a patient maintains acceptable~~
13 ~~parameters of nutritional status, such as body weight and protein levels, unless the patient's clinical condition~~
14 ~~demonstrates that it is not possible.~~

15 (d) ~~There shall be sufficient personnel employed to meet the nutritional needs of all patients in the areas of therapeutic~~
16 ~~diets, food preparation and service, principles of sanitation, and resident's preferences as related to food services.~~

17 (e) ~~The facility shall ensure that menus are followed which meet the nutritional needs of patients in accordance with~~
18 ~~the recommended dietary allowances of the Food and Nutrition Board of the National Research Council, National~~
19 ~~Academy of Sciences which are incorporated by reference, including subsequent amendments. Copies of this~~
20 ~~publication may be obtained by contacting The National Academy Press, 500 Fifth St. N.W., Washington, D.C. 20001~~
21 ~~or accessing it at http://www.nap.edu/catalog.php?record_id=1349. Menus shall:~~

22 (1) ~~be planned at least 14 days in advance,~~

23 (2) ~~provide for substitutes of similar nutritive value for patients who refuse food that is served, and~~

24 (3) ~~be provided to patients orally or written through such methods as posting and daily announcements.~~

25 (f) ~~Food must be prepared to conserve its nutritive value, and appearance.~~

26 (g) ~~Food shall be served at the preferred temperature as discerned by the resident and customary practice, in a form~~
27 ~~to meet the patient's individual needs and with assistive devices as dictated by the patient's needs. Hot foods shall~~
28 ~~leave the kitchen (or steam table) above 135 degrees F; and cold foods below 41 degrees F. The freezer must keep~~
29 ~~frozen foods frozen solid.~~

30 (h) ~~If patients require assistance in eating, food shall be maintained at the appropriate temperature until assistance is~~
31 ~~provided.~~

32 (i) ~~All diets, including enteral and parenteral nutrition therapy, shall be as ordered by the physician or other legally~~
33 ~~authorized person, and served as ordered.~~

34 (j) ~~At least three meals shall be served daily to all patients in accordance with medical orders.~~

35 (k) ~~No more than 14 hours shall elapse between an evening meal containing a protein food and a morning meal~~
36 ~~containing a protein food.~~

37 (l) ~~Hour of sleep (hs) nourishment shall be available to patients upon request or in accordance with nutritional plans.~~

1 ~~(m) Between meal fluids for hydration shall be available and offered to all patients in accordance with medical orders.~~

2 ~~(n) The facility shall have a current online or hard copy nutrition care manual or handbook approved by the dietitian,~~
3 ~~medical staff and the Administrator which shall be used in the planning of the regular and therapeutic diets and be~~
4 ~~accessible to all staff.~~

5 ~~(b)~~ Food services shall comply with Rules Governing the Sanitation of Restaurants and Other Food handling
6 Establishments (15A NCAC 18A .1300) as promulgated by the Commission for Public Health which are incorporated
7 by reference, including subsequent amendments, assuring storage, preparation, and serving of food under sanitary
8 conditions. Copies of these Rules can be accessed online at ~~http://www.doh.enr.state.nc.us/rules.htm.~~
9 <https://ehs.dph.ncdhhs.gov/docs/rules/294306-2-1300.pdf>.

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11 *History Note: Authority G.S. 90-368(4); 131E-104;*
12 *RRC objection due to lack of statutory authority Eff. July 13, 1995;*
13 *Eff. January 1, 1996;*
14 *Amended Eff. August 1, 2012;*
15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,*
16 *~~2015-2015;~~*
17 *Pursuant to G.S. 150B-21.3A, rule is necessary Eff. April 2, 2025;*
18 *Amended Eff. ~~August 1, 2026-May 1, 2026.~~*