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DQA Memo 09-006

**To:** Feeding Assistant Training Programs  
Facilities for the Developmentally Disabled  
Nursing Homes

FATP 01  
FDD 02  
NH 02

**From:** Shari Busse, Director  
Office of Caregiver Quality

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**cc:** Otis Woods, Administrator  
Division of Quality Assurance

**Obsoletes:** BQA 03-016, BQA 04-008, DQA 08-021

**Wisconsin's Feeding Assistant Training Program Requirements Update**

DQA Memo 08-026 announced the approval of the revisions to Chapter DHS 129, Wisconsin Administrative Code. The purpose of this memo is to provide direction and guidance regarding the actual implementation of the changes that affected the training of feeding assistants as of December 1, 2008. The December 1, 2008 version of ch. DHS 129 is available at <http://www.legis.state.wi.us/rsb/code/dhs/dhs129.pdf>.

This memo contains important information on the following topics:

- Background;
- Purpose of the Feeding Assistant;
- Health Professional Requirements;
- Standardized Feeding Assistant Curriculum;
- Annual In-service for Feeding Assistants;
- Caregiver Misconduct Reporting Requirements;
- Survey Process;
- Training Program Suspension and Termination; and
- Feeding Assistant Program Resources.

**Background**

On September 26, 2003, the Centers for Medicare and Medicaid Services (CMS) published the final rule for paid feeding assistants. These federal regulations may be accessed at: [http://www.access.gpo.gov/nara/cfr/waisidx\\_03/42cfr483\\_03.html](http://www.access.gpo.gov/nara/cfr/waisidx_03/42cfr483_03.html) . (Refer to 42 CFR 483.35 and 483.160.) Providing assistance with eating and drinking was considered a direct nursing related service

that could only be performed by a nurse aide or other health care professional who was qualified to perform this function.

CMS does not consider assisting a resident who has no feeding complications with eating or drinking as "nursing or nursing-related" duties. With this federal rule revision, long term care facilities are allowed to employ certain trained individuals to assist residents with eating and drinking.

Long term care facilities that want to employ individuals to assist a resident who has no feeding complications with eating or drinking must meet the requirements established in ch. DHS 129, Subchapter III – Feeding Assistants, Wisconsin Administrative Code. This memorandum explains the requirements and provides guidance.

### **Purpose of the Feeding Assistant**

The purpose of the feeding assistant is to supplement nurse aides and licensed nursing staff. Section 42 CFR 483.35(h)(2) requires feeding assistants to be supervised by RNs and LPNs. The requirement to complete a State-approved training program for feeding assistants under 42 CFR 483.75(q) does not, therefore, apply to LPNs, RNs, or nurse practitioners.

"Paid feeding assistant" means a person who meets the requirements specified in 42 CFR 483.35(h)(2) and who is paid by the facility to assist residents who have no complicated feeding problems with the activities of eating and drinking. Complicated feeding problems include, but are not limited to: difficulty swallowing, recurrent lung aspirations, and tube or parenteral/IV feedings.

A feeding assistant is not permitted to provide any other nursing or nursing related service. Paid feeding assistants must be at least 16 years old. Facilities are prohibited from counting paid feeding assistants toward their minimum nursing-related staff requirements.

### **Health Professional Requirements**

A health professional working at the facility may not feed residents unless the health professional has received appropriate training relating to feeding, either in conjunction with the education for his or her professional licensure or by successfully completing State-approved training for a paid feeding assistant. Section 42 CFR 483.75(q) specifies the training requirements for feeding assistants.

In comments published with the final regulations, CMS stated facilities may consult a speech-language pathologist, i.e., a speech therapist, when a resident is suspected to have, or is at risk for having, swallowing difficulties. This response implies that a speech therapist/speech-language pathologist would have received appropriate training relating to feeding in conjunction with the education for the therapist's professional licensure.

If the speech therapist's or speech-language pathologist's training included feeding and swallowing issues as part of their training for licensure, then this individual would be able to assist appropriate residents with the activities of eating and drinking without first completing a feeding assistant training program. The same would be true of physicians, physician assistants, physical or occupational therapists, physical or occupational therapy assistants, and licensed or certified social workers. They may assist residents who have no feeding complications with the activities of eating and drinking without first completing a feeding assistant training program, if the curriculum they completed for their health professional credential included training comparable to the training for a feeding assistant.

If, however, the curriculum for their health professional credential did not include training comparable to the training for a feeding assistant, they would need to successfully complete the training for a paid feeding assistant before feeding residents.

Volunteers and family members are also still allowed to assist residents with feeding and drinking. Facilities must make a good faith effort to evaluate risks to individual residents and assist volunteers and family members with appropriate items and techniques to minimize any risk to a resident.

### **Standardized Feeding Assistant Curriculum**

Feeding assistant training programs must use a training curriculum which has been approved by the Department and determined to comply with the federal requirements. Entities are allowed to choose one of the following approved, standardized curriculum models:

- a. *Assisted Dining: The Role and Skills of Feeding Assistants*, by the American Health Care Association
- b. *Assisting with Nutrition and Hydration in Long-Term Care*, by Hartman Publishing, Inc
- c. *Eating Matters-A Training Manual for Feeding Assistants*, by the American Dietetic Association
- d. *Paid Feeding Assistant Training Program*, by the Wisconsin Department of Health and Family Services

Training programs must select one of the model curriculums listed above to provide feeding assistant students instruction on the federally mandated topics outlined in ch. DHS 129.11(1)(a-h).

### **Annual In-service for Feeding Assistants**

Feeding assistants must receive an annual in-service training on relevant feeding assistant topics. Any topic area included in the curriculum is appropriate.

In addition, feeding assistants must be evaluated on a yearly basis to document that their skill performance and feeding competence is satisfactory.

### **Caregiver Misconduct Reporting Requirements**

Wisconsin's Caregiver Law, implemented in October 1998, requires all DQA-regulated entities to report allegations of misconduct (abuse or neglect of a client or misappropriation of a client's property) regarding any caregiver who is an employee of or contractor with the facility and who has regular, direct contact with clients.

A feeding assistant does meet Wisconsin's definition of a caregiver, and allegations involving a feeding assistant are subject to the caregiver misconduct reporting requirements. See <http://dhs.wisconsin.gov/caregiver/contacts/Complaints.htm> for more information. The name of any noncredentialed caregiver, including a feeding assistant, with a substantiated finding of misconduct will be entered on the [Wisconsin Caregiver Misconduct Registry](#).

### **Survey Process**

DQA's current survey process provides oversight of facilities' use of feeding assistant requirements. During surveys of nursing homes and ICFs/MR, surveyors may observe the meal or snack service to note

if any of the residents receiving assistance from a feeding assistant are showing signs of difficulty eating or drinking. If such difficulty is observed, surveyors investigate to determine if this is an unusual occurrence or a chronic problem and whether the feeding assistant has successfully completed an approved feeding assistant training program or has met the grandparenting requirements.

The feeding assistant's personnel records must contain a copy of the approved feeding assistant training or grandparenting certificate. Note: Single task workers approved prior to March 12, 2004 were allowed to continue as feeding assistants if they completed a training course that met the federal minimum eight-hour training requirements for a feeding assistant or were provided training prior to July 31, 2004. An employee who did not meet the minimum feeding assistant training requirements by July 31, 2004 must have satisfactorily completed a feeding assistant training and competency evaluation.

Surveyors will determine if residents being served by a feeding assistant are persons with no complicated feeding problems. This determination may include a review of medical charts and discussion with the professional nursing staff. DQA surveyors may monitor the facility's residents during feeding, to ensure only the residents included in the approved selected population are fed or hydrated by the feeding assistants.

A facility may be subject to citation if deficiencies are identified by the surveyor. The facility is required to retain training and employment records of feeding assistants, to document the facility's compliance with program requirements, and to provide a record for surveyors to review. If the surveyors observe inadequacies in the feeding assistant training program, that information will be referred to the Dietician Consultant. Feeding assistant training program complaints that warrant further investigation will result in an unannounced on-site review.

### **Training Program Suspension or Termination**

Training programs failing to meet their program requirements or operating under conditions other than those contained in the approved application, may be issued a notice of suspension, revocation of the feeding assistant training program approval, or an imposed plan of correction.

### **Feeding Assistant Program Resources**

Please access the website at <http://dhfs.wisconsin.gov/caregiver/FeedingAssistant/FeedingAsts.htm> for complete information.

If you have any questions regarding feeding assistant training, please contact:

- Cindy Hintze, Nurse Consultant, Office of Caregiver Quality  
(608) 243-2083 or [Cynthia.Hintze@dhs.wisconsin.gov](mailto:Cynthia.Hintze@dhs.wisconsin.gov)
- Kitty Friend, Dietician Consultant, Bureau of Technology, Licensing and Education  
(414) 227-4106 or [Katherine.Friend@dhs.wisconsin.gov](mailto:Katherine.Friend@dhs.wisconsin.gov)

If you have any questions regarding feeding assistant survey requirements, please contact the appropriate Bureau of Nursing Home Resident Care (BNHRC) Regional Office. See [http://dhs.wisconsin.gov/rl\\_DSL/Contacts/reglmap.htm](http://dhs.wisconsin.gov/rl_DSL/Contacts/reglmap.htm) for contact information.