



STATE OF NEW YORK
DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Richard F. Daines, M.D.
Commissioner

Wendy E. Saunders
Chief of Staff

December 20, 2007

DAL/DRS # 07-11
RE: PAID FEEDING ASSISTANTS

Dear Administrator:

On December 19, 2007, Department of Health issued regulations [10NYCRR 415.2, 415.13 revised, 415.26(k) new] that allow, but not require, nursing homes to utilize trained individuals as paid feeding assistants to supplement existing nursing staff in ensuring residents take in adequate food and fluids. This letter provides information pertaining to the implementation of these new regulations for New York State [NYS] nursing homes.

Providers choosing to utilize paid feeding assistants will be required to notify the Division of Residential Services, Bureau of Professional Credentialing, of your intent. The notification should indicate if you will provide the required training for the feeding assistants and/or if you will utilize already trained feeding assistants. Consistent with federal regulations, each feeding assistant must successfully complete a State-approved feeding assistant training program [FATP]. The nursing home must maintain documentation on each individual that successfully completes the NYS FATP and/or is utilized as a feeding assistant at the facility.

Providers utilizing feeding assistants are also required to provide verbal and written prior notification to each resident and his/her designated representative of the provider's plan to utilize paid feeding assistants. Selection of residents to be fed will be made by the charge nurse, however the determination of those residents who can safely be fed or assisted by a feeding assistant must be based upon a registered professional nurse's assessment and the resident's plan of care. A charge nurse who is a licensed professional nurse cannot make the determination of which residents will be fed or assisted by a feeding assistant.

As with all services provided by the nursing home, the resident has the right to refuse to be fed by any or all feeding assistants. The provider must make all reasonable accommodations to meet such requests. Paid feeding assistants are permitted to assist and/or feed residents only in common dining areas of the facility.

The Department of Health, in collaboration with the statewide provider associations, has developed a feeding assistant training program curriculum. New York State's curriculum includes 15 hours of training. It was developed to ensure that individuals hired as paid feeding assistants have the appropriate skills and knowledge to perform their duties in a manner that ensures the safety of residents who receive their assistance. You must use the curriculum in its entirety if you wish to train and use paid feeding assistants. Topics or lessons may be added to the class, however you cannot substitute or delete any lessons or subject areas included in the curriculum. Upon completion of training the nursing home must provide each individual with a certificate indicating his or her successful completion of the feeding assistant training program.

Information regarding the utilization of paid feeding assistants in the nursing home is available for download from the Department's HPN Nursing Home Page. If you are interested in training and/or utilizing feeding assistants, please review this document to determine the necessary steps that must be completed prior to implementation.

Verification of your compliance with the feeding assistant program requirements, including training and documentation, will be accomplished through the surveillance process.

If you have any questions regarding implementation of a FATP or the paid feeding assistant requirements in general, please contact Brian Morris, Bureau of Professional Credentialing, at (518) 408-1297 or PROFCRED@health.state.ny.us

Sincerely,

Jacqueline O. Pappalardi, Director
Division of Residential Services

cc: Mark Kissinger