



## Technical Bulletin Division of Public and Behavioral Health



**Date:** August 28, 2014  
**Topic:** New Federal Rule & State Laws Governing the Ordering of Diets and Laboratory Tests by Licensed Dietitians - Revised  
**Contact:** Leticia Metherell, HFIM  
**To:** Nevada Licensed Dietitians, Hospitals & Other Licensed Facilities that utilize Dietitians

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Handwritten signature of Tracey Green, MD in blue ink.

Tracey Green, MD  
Chief Medical Officer

Handwritten signature of Richard Whitley, MS in blue ink.

Richard Whitley, MS  
Administrator

This technical bulletin is being provided to assist licensed dietitians, hospitals and other licensed facilities that utilize dietitians to understand the impact in Nevada of a new federal rule which will allow registered dietitians and other qualified nutrition professionals working in hospitals to order therapeutic diets. This technical bulletin also addresses a dietitian's ability to order laboratory tests. The final federal rule became effective July 11, 2014 and is only applicable to Centers for Medicare and Medicaid Services (CMS) certified hospitals.

This technical bulletin supersedes any previous bulletins issued. Information from any previous technical bulletins issued in regards to this matter should not be followed and the bulletin discarded.

### ***What does the federal rule allow?***

#### ***Diets***

The final rule allows registered dietitians and other qualified nutrition professionals working in hospitals to order patient diets, including therapeutic diets independently as authorized by the medical staff and if allowed by State Law. In addition, the final rule will allow dietitians to be privileged to order diets in a hospital as long as it is allowed by state law.

#### ***Laboratory Tests***

The final rule did not include privileges for ordering laboratory tests by dietitians but noted: *"Such privileges for dietitians and nutrition professionals are not required or specifically allowed by this requirement, but are instead an option left to hospitals and their medical staffs to determine in consideration of relevant State law as well as any other requirements and/or incentives that CMS or other insurers might have."*

***What does Nevada law allow?***

Diets

Nevada scope of practice laws allow licensed dietitians to accept and transmit verbal and electronic orders from a physician consistent with an established protocol to implement medical nutrition therapy. This would include accepting and transmitting orders related to diets.

Laboratory Tests

Nevada scope of practice laws allow licensed dietitians to order medical laboratory tests relating to the therapeutic treatment concerning the nutritional needs of a patient as long as there is an established, physician approved written protocol in place.

Note: Although the federal rule discusses registered dietitians and other qualified nutrition professionals, in Nevada only licensed dietitians would be able to hold these privileges.

***I am a hospital and want to allow licensed dietitians to order laboratory tests, what do I need to do?***

Laboratory Tests

The hospital would need to develop established, physician approved protocols for dietitians to order laboratory tests relating to the therapeutic treatment concerning the nutritional needs of a patient.

***Are dietitians allowed to order diets in Nevada?***

No, as noted previously, the federal final rule allows registered dietitians and other qualified nutrition professionals working in hospitals to order patient diets **if allowed by State Law.**

State law does not allow licensed dietitians to order patient diets but it does allow a dietitian to accept and transmit verbal and electronic orders from a physician consistent with an established protocol to implement medical nutrition therapy.

Note: In Nevada the RD (registered dietitian) must be a licensed dietitian to hold these privileges.

***I am not a hospital or I am a licensed dietitian but I do not work in a hospital, how does this impact me?***

In accordance with a licensed dietitian's scope of practice licensed dietitians are allowed to order laboratory tests with an established physician approved written protocol unless prohibited by other federal or state laws. It is important that you are aware of the state and federal laws governing the setting in which you practice. State law does not allow licensed dietitians to order patient diets but it does allow a dietitian to accept and transmit verbal and electronic orders from a physician consistent with an established protocol to implement medical nutrition therapy.

## **QUESTIONS**

For any questions regarding this technical bulletin you may email Leticia Metherell at [lmetherell@health.nv.gov](mailto:lmetherell@health.nv.gov) or by calling 775-684-1045.

### **NRS 640E.260 Duties of licensed dietitian; authorized services; prohibition from providing person with medical diagnosis.**

1. A licensed dietitian shall provide nutrition services to assist a person in achieving and maintaining proper nourishment and care of his or her body, including, without limitation:

(l) Accepting and transmitting verbal and electronic orders from a physician consistent with an established protocol to implement medical nutrition therapy; and

(m) Ordering medical laboratory tests relating to the therapeutic treatment concerning the nutritional needs of a patient when authorized to do so by a written protocol prepared or approved by a physician.