

September 8, 2015

Centers for Medicare & Medicaid Services
Department of Health and Human Services
Attn: CMS-3260-P
P.O. Box 8010
Baltimore, MD 21244

Re: Medicare and Medicaid Programs; Reform of Requirements for Long-Term Care Facilities

The Association of Nutrition & Foodservice Professionals (ANFP) submits these comments in response to the Centers for Medicare and Medicaid Services (CMS) Federal Register Notice CMS-3260-P for the reform of requirements for long-term care facilities. ANFP is a national not-for-profit association established in 1960 that today represents more than 14,000 professionals dedicated to the mission of providing optimum nutritional care through foodservice management and food safety.

ANFP is the premier professional organization for foodservice managers, directors, and those aspiring to careers in foodservice management – particularly in healthcare and other non-commercial foodservice settings. Over ninety percent of ANFP members work in healthcare and a majority of those in long-term care facilities. In healthcare settings, dietary managers often run food and nutrition departments, typically working in tandem with Registered Dietitians and other members of the healthcare team. They may provide supportive nutrition screening, documentation and care planning in conjunction with their overriding mission, which is food safety.

ANFP strongly supports proposed language in Food and Nutrition Services, §483.60(a)(2), to require that the director of food and nutrition services, if hired after the effective date of these regulations, must be a Certified Dietary Manager (CDM). Foodborne illness is a serious public health threat to all Americans, but seniors are most at risk as they are highly susceptible to death or long-term health effects from foodborne-induced illness. It is surprising that there has been no minimum training or certification qualification for a director of food and nutrition services in a Medicare- or Medicaid-subsidized Skilled Nursing Facility (SNF). We applaud the proposed requirement of a CDM, who possesses validated competencies that ensure facilities store, prepare, distribute, and serve food in accordance with professional standards of foodservice management and safety.

We believe, however, that more thought should be given to: the array of other training and credentialing programs listed; the degree to which established State requirements can vary; and the requirement's 5-year phase-in period.

Training and credentialing programs for the director of food and nutrition services (§483.60) should have core elements in their curriculum that are considered valid and reliable by LTC experts. We note that the proposed regulatory text states one is qualified if:

- (A) A certified dietary manager; or
- (B) A certified food service manager, or
- (C) Has similar national certification for food service management and safety from a certifying body; or
- (D) Has an associate's or higher degree in food service management or hospitality from an accredited institution of higher learning;

Our concern is with the generality of qualifications in (B) and (C). Also, while we respect various programs listed in the preamble per (B) and (C), we believe credentialing programs for qualified directors of food and nutrition services should be more specifically cited similar to the legislative text in the Safe Food for Seniors Act of 2015 (H.R. 3356), which states:

the director of food services shall be a Certified Dietary Manager meeting the applicable requirements published by the Certifying Board for Dietary Managers, a Dietetic Technician, Registered meeting the applicable requirements published by the Commission on Dietetic Registration, or an individual with equivalent military or academic qualifications (as specified by the Secretary).

A Certified Dietary Manager, Certified Food Protection Professional (CDM, CFPP) or Dietetic Technician, Registered (DTR) has passed a nationally recognized credentialing exam, with the CDM, CFPP offered by the Certifying Board for Dietary Managers. Continuing education, specifically including hours in sanitation and food safety, is required to maintain CDM, CFPP credentials. The exam is written by content experts, and administered by Applied Measurement Professionals, Inc. (AMP). The exam consists of 200 questions that have been pre-tested and proven valid and reliable. CDMs (and DTRs) work together with Registered Dietitians to provide quality nutritional care for clients.

A CDM/DTR requirement would establish a uniform staff qualification for the 33 states that do not have a credentialing requirement and in those states that currently require only coursework. We applaud the 27 states that have recognized the need to address the qualification of directors of food services in Skilled Nursing Facilities (SNFs), but such staffing regulations can vary widely and one state simply requires being a member of ANFP. Therefore, we are concerned with the proposed language in §483.60(2) (ii) (iii) stating that a director of food and nutrition services is qualified:

- (ii) In States that have established standards for food service managers or dietary managers, meets State requirements for food service managers or dietary managers, and
- (iii) Receives frequently scheduled consultations from a qualified dietitian or other clinically qualified nutrition professional.

We view this as being too non-specific and urge CMS to require a baseline for training and certification in all of the states predicated on the CDM/DTR curriculum. With 17 states now requiring the CDM, others should be brought into conformance to standardize this qualification and reaffirm the CMS intent of a basic level of consistent quality control in federally funded SNFs.

In addition, in order to optimize resident safety, we urge CMS to adopt a shorter phase-in period than 5 years after the effective date of the rule. We support the findings of the Regulatory Impact Analysis, which explains that only a small percentage of LTC facilities will need to hire qualified directors of food and nutrition services once this rule goes into effect. A 2-year phase-in period should offer sufficient time for facilities to meet this staffing requirement.

In conclusion, we believe CMS is to be commended for addressing the qualification of the director of food and nutrition services in LTC facilities. The overall approach to the Food and Nutrition Services training and certification standards for the director of food and nutrition services in §483.60 is a very positive step in the right direction, and we are gratified that it recognizes and includes the CDM credential. It is the intent of our comments to help CMS make the proposed requirements in §483.60 more comprehensive and we look forward to working with CMS to achieve that goal.

Sincerely,

A handwritten signature in black ink that reads "Joyce Gilbert". The signature is written in a cursive, flowing style.

Joyce Gilbert, PhD, RDN
President & CEO