

## NURSING HOMES: DINING ASSISTANT PROGRAM

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**House Bill 5389**

**Sponsor: Rep. Paul Clemente**

**Committee: Health Policy**

**Complete to 3-25-14**

### A SUMMARY OF HOUSE BILL 5389 AS INTRODUCED 3-4-14

House Bill 5389 would add a new section to the Public Health Code to allow nursing homes to use trained individuals to provide feeding assistance to residents who do not have complicated feeding problems, if the resident or resident's personal representative gives consent. A more detailed explanation follows.

Dining Assistant. The sole purpose of a dining assistant would be to provide feeding assistance to patients of a nursing home. The term would mean an individual who meets the bill's requirements and who is only paid to provide feeding assistance to nursing home patients by the nursing home or who is used under an arrangement with another agency or organization. A dining assistant would:

- Have to be at least 17 years of age.
- Successfully complete a dining assistant training curriculum.
- Undergo a criminal history check under Section 20173a.
- Work under the supervision of nurse (RN or LPN).
- Be prohibited from performing any other nursing or nursing-related services.
- Be allowed to provide feeding assistance in a patient's room under certain conditions; for example, if a nurse were immediately available.

"Under the supervision of a nurse" would mean that a nurse who is overseeing the work of a dining assistance is physically present in the nursing home and immediately available. "Immediately available" would mean being capable of responding to provide help if needed to the dining assistant at any time either in person or by voice or call light system, radio, telephone, pager, or other method of communication during a feeding.

Utilization of a dining assistant. A dining assistant could be utilized by a patient in a nursing home if – based on the charge nurse's assessment of the patient and the most recent plan of care – the patient needs assistance or encouragement with eating and drinking. The patient, or the patient's personal representative, would have to give consent. Only patients who do not have complicated feeding problems could use a dining assistant. Patients with certain conditions, such as difficulty swallowing and recurrent lung aspirations, would be ineligible.

The bill would not prohibit a family member or friend from providing feeding assistance to a patient; however, a nursing home could offer to provide the training curriculum to a patient's family or friends.

Responsibilities of a nursing home. A nursing home choosing to use dining assistants would have to provide individuals with training through a training curriculum approved by the Department of Licensing and Regulatory Affairs (LARA). LARA and the long-term care stakeholder advisory workgroup designated under Section 20155(24) would have to develop the training curriculum. At a minimum, the curriculum must include eight hours of course material covering all of the following:

- Dining assistant program overview.
- Patient rights.
- Communication and interpersonal skills.
- Appropriate responses to patient behavior.
- Recognizing changes in patients.
- Infection control.
- Assistance with feeding and hydration.
- Feeding techniques.
- Safety and emergency procedures.
- End of life.

A dining assistant would not be nursing personnel. A nursing home could not include a dining assistant in computing the ratio of patients to nursing personnel or use a dining assistant to supplement or replace nursing personnel.

The nursing home would have to maintain a written record of each individual used as a dining assistant. The written record must include, at a minimum, the complete name and address of the individual, the date the training curriculum was successfully completed, a copy of the written record of the satisfactory completion of the training curriculum, and documentation of the criminal history check.

In addition, the charge nurse's assessment and plan of care must be documented in the patient's medical record. If a patient assigned a dining assistant experiences an emergent change in condition, the charge nurse would have to perform a special assessment to monitor the appropriateness of continued utilization of the dining assistant.

#### **FISCAL IMPACT:**

A fiscal analysis is in process.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.