

# Legislative Analysis

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## NURSING HOMES: DINING ASSISTANTS

Mitchell Bean, Director  
Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

### House Bill 4789

**Sponsor: Rep. Barb Vander Veen**

**Committee: Senior Health, Security, and Retirement**

**Complete to 9-27-05**

## A SUMMARY OF HOUSE BILL 4789 AS INTRODUCED 5-17-05

House Bill 4789 would amend the Public Health Code to address the use of "dining assistants" by nursing homes.

The bill would allow nursing homes to use dining assistants to feed residents who need assistance or encouragement with eating and drinking *but do not have complicated feeding problems, such as difficulty swallowing, recurrent lung aspirations, and tube or parenteral feedings*. The use of a dining assistant would be based on a charge nurse's assessment of the resident and that resident's most recent plan of care.

### Definition.

A dining assistant would be defined as an individual who is only paid by a nursing home to feed its residents. A dining assistant could also be a person who is used under an arrangement with another agency or organization to feed nursing home residents. A dining assistant would not be considered nursing personnel and could not be included in computing the ratio of patients to nursing care personnel.

### Training.

A dining assistant would be required to successfully complete a state-approved training course for dining assistants that satisfied minimum federal training course requirements and would included a minimum of eight hours of training in the following areas: *feeding techniques, assistance with feeding and hydration, communication and interpersonal skills, appropriate responses to resident behavior, safety and emergency procedures, including the Heimlich maneuver, infection control, resident rights, and recognizing changes in residents that are inconsistent with their normal behavior and the importance of reporting that behavior to a supervisory nurse*.

### Supervision.

A dining assistant would be required to work under the supervision of a registered professional nurse or a licensed practical nurse who oversees the work of the dining assistant and who is physically present in the nursing home at the time assistance is being provided.

### Record of Utilization.

The bill would require that a written record of each individual used as a dining assistant be kept by the nursing home. The record would have to include the individual's complete

name and address together with the date the individual successfully completed the dining assistant training program.

**FISCAL IMPACT:**

Permitting the use of "dining assistants" by nursing homes will result in increased staffing costs for nursing homes. The state currently pays an estimated 70% of all nursing homes costs. Staffing costs are allowable costs under Medicaid reimbursement policies.

Legislative Analyst: E. Best  
Fiscal Analyst: Margaret Alston

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