

APA-1  
4/18

**TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION**

Control 420 Alabama Department of Public Health

Rule Number 420-5-7-.14

Rule Title Food Dietetic Services

New  XXXX Amend  Repeal  Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facts of the rulemaking process designed solely for the purpose of and so they have as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of §41-22-23, Code of Alabama, 1975.

**Certification of Authorized Official**

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of Certifying Officer P. Brennan Hale Date 1/14/2022

REC'D & FILED

JAN 20 2022

LEGISLATIVE SVC AGENCY

**FORM APA2  
10/17**

**STATE BOARD OF HEALTH  
NOTICE OF INTENDED ACTION**

**AGENCY NAME:** Alabama Department of Public Health

**RULE NUMBER AND TITLE:** 420-5-7-.14, Food Dietetic Services


**INTENDED ACTION:** To amend the current rules.

**SUBSTANCE OF PROPOSED ACTION:** These rules provide changes to certain sections of the department's rule governing Hospitals which would permit licensed dietitians or nutritionists to prescribe special diets for patients if authorized to do so by the facilities' medical staff.

**TIME, PLACE, AND MANNER OF PRESENTING VIEWS:** A public hearing will be held on February 16, 2022, at 9:00 a.m., at the RSA Tower, Suite 1586, 201 Monroe Street, Montgomery, AL 36104.

**FINAL DATE FOR COMMENTS AND COMPLETION OF NOTICE:** Written or oral comments will be received until the close of the record at 5:00 p.m. on March 7, 2022. All comments and requests for copies of the proposed amendments should be addressed to the contact person listed below.

**CONTACT PERSON AT AGENCY:** Dana Billingsley, Office of General Counsel, Department of Public Health, P.O. Box 303017, Montgomery, Alabama 36130-3017, Telephone number: (334) 206-5209.



---

P. Brian Hale, Agency Secretary

**420-5-7-.14 Food Dietetic Services.**

(1) The hospital shall have organized dietary services that are directed and staffed by adequate qualified personnel. However, a hospital that has a contract with an outside food management company may meet the requirements of this rule if the company has a dietitian who serves the hospital on a full-time, part-time, or consultant basis, and if the company maintains at least the minimum standards specified in this rule and provides for constant liaison with the hospital medical staff for recommendations on dietetic policies affecting patient treatment.

(2) Organization.

(a) The hospital shall have a full-time employee who:

1. Serves as director of the food and dietetic service;
2. Is responsible for the daily management of the dietary services; and
3. Is qualified by experience or training.

(b) There shall be a qualified dietitian, full-time, part-time, or on a consultant basis.

(c) There shall be administrative and technical personnel competent in their respective duties.

(3) Diets. Menus shall meet the needs of the patients.

(a) Therapeutic diets shall be prescribed by the practitioner or practitioners responsible for the care of the patients or by a dietician licensed by the Alabama Board of Examiners for Dietetics and Nutritionists as authorized by the medical staff.

(b) Nutritional needs shall be met in accordance with recognized dietary practices and in accordance with orders of the practitioner or practitioners responsible for the care of the patients or by a dietician licensed by the Alabama Board of Examiners for Dietetics and Nutritionists as authorized by the medical staff.

(c) A current therapeutic diet manual approved by the dietitian and medical staff shall be readily available to all medical, nursing, and food service personnel.

**Author:** W.T. Geary, Jr., M.D., Carter Sims

**STATUTORY AUTHORITY:** Code of Ala. 1975, §§22-21-20, et seq.

**HISTORY:** Filed September 1, 1982. **Repealed and New Rule:** Filed November 18, 1994; effective December 23, 1994. **Repealed and New Rule:** Filed August 24, 2012; effective September 28, 2012. Amended: Filed XX-XX-XXXX; effective XX-XX-XXXX.