

Federal and State Regulations

Nursing homes are required to follow federal regulations and local state regulations. It is necessary that these federal regulations, as well as the state regulations that pertain to the state in which you are working, be known. Between the two regulations, there may be a different requirement for the same subject (i.e., Federal Regulations danger zone for food is between 41°F and 135°F, which is based on the Federal food code. The Washington state regulations which have adopted the 2009 Food Code state the danger zone as 41°F and 140°F). In all cases, the most restrictive regulation is followed.

The federal regulations pertaining to nutrition and dietary services are F325 Nutrition and F371 Sanitary Conditions. These can be found at www.cms.hhs.gov and a copy of the interpretive guidelines for these regulations can be found on the following pages. In addition, a copy of the forms used by the surveyors while completing dining observations and kitchen and foodservice observations is provided at the end of F371. These two forms may be used in addition to DCS QI forms to complete monthly QA checks to ensure compliance with the regulations (taking in considerations for potential state regulation differences).

The Washington State regulations are called the Washington Administrative Codes (WACs). The specific chapters pertaining to Nursing Homes and Food Service are WAC 388-97 and WAC 246-215 respectively, and can be found at www.leg.wa.gov. WAC 246-215 was revised in 2013 and adopted the 2009 FDA Food Code. This document can be found at <https://www.doh.wa.gov/Portals/1/Documents/Pubs/332-033.pdf>

The Oregon State regulations are called Oregon Administrative Rules (OARs). The specific Oregon chapters are Dietary Services OAR 411-086-0250, which can be found at <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=91101> and the Food Sanitation Rule OAR 624.100, which can be found at <https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=1328>