



eat right. an affiliate of the Academy of Nutrition and Dietetics

March 18, 2021

Oregon State Legislature
House Committee on Human Services
900 Court St NE
Salem, OR 97301

Re: HB 2348 (Requires hospitals and long term care facilities to make available to patients, residents, staff and visitors plant-based meals and beverages and bans processed meats from these facilities.)

Chair Williams, Vice Chair Leif, Vice Chair Ruiz and Members of the Committee:

The Oregon Academy of Nutrition and Dietetics (the “Oregon Academy”) represents nearly 700 Registered Dietitian Nutritionists (RDNs) and dietetic interns who are working to improve the health of Oregonians through food and nutrition. Many of our members work in hospitals, long term care and correctional facilities nourishing the vulnerable populations served in these settings.

At the outset, we reaffirm to the committee that the Oregon Academy and Oregon RDNs recognize the benefits of nutritionally adequate vegetarian and vegan diets and are aligned with the position of the national Academy of Nutrition and Dietetics (the “Academy”) with which we are affiliated: “It is the position of the Academy of Nutrition and Dietetics that appropriately planned vegetarian, including vegan, diets are healthful, nutritionally adequate, and may provide health benefits for the prevention and treatment of certain diseases.”¹

In addition, the Oregon Academy endorses the Academy’s position recognizing the importance of individualized nutrition care, particularly for older adults and others who receive health care in long-term, post-acute and other settings:

The Academy advocates that as part of the interprofessional team, registered dietitian nutritionists assess, evaluate, and recommend appropriate nutrition interventions according to each individual’s medical condition, desires, and rights to make health care choices. Nutrition and dietetic technicians, registered assist registered dietitian nutritionists in the

¹ Melina V, Craig W, Levin S. Position of the Academy of Nutrition and Dietetics: Vegetarian Diets. J Acad Nutr Diet. 2016;116(12):1970-1980.

implementation of individualized nutrition care, including the use of least restrictive diets...Food is an essential component of quality of life; an unpalatable or unacceptable diet can lead to poor food and fluid intake, resulting in malnutrition and related negative health effects. Including older individuals in decisions about food can increase the desire to eat and improve quality of life.²

Although we support the intent of this bill – to increase access to and therefore intake of nourishing foods such as fruits, vegetables, legumes, and whole grains – we oppose the legislation for the following reasons:

1. Given the current regulations that exist to ensure patient preferences are honored in health care facilities, there seems to be insufficient documentation that this legislation is necessary and may impose costly mandates to operational facilities. The unintended consequences of limiting the ability to prevent and treat malnutrition in the hospital and long-term care settings due to:
 - a. Limiting 100 percent plant-based beverages to those “that are low in fat, sodium and added sugars.” (Section 1.1a)
 - b. Restricting patient access to foods of preference with the provision that “Hospitals shall eliminate processed meats from all food offerings.” (Section 1. (2).

Regulations to ensure patient preferences are honored already exist.

The Joint Commission on Accreditation of Healthcare Organizations (JACHO), Center for Medicare and Medicaid Services, and Oregon State Code already set forth requirements regarding the provision of adequate nourishment and accommodations for medically necessary or otherwise special diets in hospital, long-term care, and correctional settings. For example, in the appendix PPP of the CMS regulations for Long-Term Care facilities, under section 483.60 food and nutrition services, “the facility must provide each resident with a nourishing palatable well-balanced diet that meets his or her daily nutritional and special dietary needs taking into consideration the preferences of each resident.”

In correctional settings, the Oregon Revised Statutes Crimes and Punishments § 169.076 stipulates that meals must be served that are nutritionally adequate and that special diets may be prescribed for patients with medical conditions. Many facilities in practice go beyond these baseline requirements, including all jails in Oregon that follow the Oregon State Sheriff Association’s Jail Standards³, which honor inmate dietary preferences for religious reasons and may provide vegetarian and 100% plant-based meals upon request based on policies for

² Dorner B, Friedrich EK. Position of the Academy of Nutrition and Dietetics: Individualized Nutrition Approaches for Older Adults: Long-Term Care, Post-Acute Care, and Other Settings. *J Acad Nutr Diet.* 2018;118(4):724-735.

³ Oregon State Sheriffs’ Association. (2019, May). Jail Standards. Retrieved March 14, 2021, from <https://oregonsheriffs.org/jail-standards/>.

providing special diets. In these instances, as in other existing regulatory frameworks that govern foodservice operations, there is already a pathway to ensure patient preferences are being met as well as reporting mechanisms to tag and cite noncompliance.

In reaching out to our members, we did not hear back from them regarding instances where a patient's preference for 100% plant-based foods was not being honored. To further investigate and better understand if patients did not have access to 100% plant-based foods, the Oregon Academy's Public Policy Committee inquired with two Portland area hospitals and a long-term care facility in Mt. Angel, Oregon. These facilities shared their menus for our review. After reviewing the menus, the committee determined that there was ample availability of 100% plant-based foods. For example, the facilities provide curry spinach quinoa salad and vegan vegetable lasagna. We have attached the menus to this statement.

As an evidence-based profession, we know it is important to turn to the data to guide and inform any policies or decisions that are made. Without adequate evidence to suggest that dietary preferences are not being honored for patients, residents, and those in correctional facilities, it does not follow that substantial legislative changes need to be implemented, especially when avenues of oversight already exist and are working as intended.

Best practice in treating malnutrition is an "All Foods Can Fit" approach.

It is well documented that patients in hospitals and long-term care facilities are at high risk for malnutrition. "Malnutrition is associated with high mortality and morbidity, functional decline, prolonged hospital stays, and higher risk for more frequent re-admissions."⁴ Malnutrition is also associated with increased health care costs. In Oregon, for example, the estimated economic burden of disease-associated malnutrition is estimated at more than \$180 million.⁵

Best practice in caring for malnourished patients is a liberal diet approach, emphasizing high calorie, high protein foods and liquids that appeal to the patient. The goal is to maximize energy intake with every bite and sip. For many, use of these foods may be short term to get through a time of recovery which is a different scenario than examined by studies describing health benefits of exclusively plant-based diets.

The patient, unable to make extra effort to consume a larger volume of food or liquid to meet their energy and protein needs for recovery using only low fat, plant-based foods, is likely to experience deficits that result in malnutrition and associated painful and expensive sequelae.

Regarding the elimination of processed meats, "including but not limited to hot dogs, sausages, bacon and turkey bacon" (Section 1(c)) – many people include these foods in their 'home diet.'

⁴ Corkins MR, Guenter P, DiMaria-Ghalili RA, et al. Malnutrition diagnoses in hospitalized patients: United States, 2010. *JPEN J Parenter Enteral Nutr.* 2014 Feb;38(2):186-95. DOI: 10.1177/0148607113512154. PMID: 24247093

⁵ Goates, S, Du, K, Braunschweig, CA & Arensberg, MB. (Sept 21, 2016). Economic burden of disease associated malnutrition at the state level. *Plos-One* <https://doi.org/10.1371/journal.pone.0161833>

Ordering from the room service style menu is one of the few areas of autonomy a patient has during their hospital stay, which can involve near 24-hour activity including procedures, lab draws, medication dosing and visits from nurses, doctors, and therapists.

In times of distress and uncertainty, familiar and comforting foods, including traditional and culturally relevant foods, contribute to emotional well-being and are therefore more likely to encourage adequate energy intake. Adequate nourishment means patients are less likely to become malnourished, recover more quickly, and have better health outcomes.

If “food is medicine,” prohibiting “processed foods” reduces the tools available to encourage adequate nourishment -- akin to removing medications from the list of available and effective treatments for a condition.

We at the Oregon Academy understand it may sound paradoxical for an organization of nutrition professionals to reference “processed meats” as medicine. However, we ask the Committee to consider that adequately nourishing medically complex and frail hospital patients is best achieved with access to all types of foods.

The Oregon Academy urges this committee to allow the nutrition professionals in hospitals, long term care and correctional facilities to continue to do the work that is already being done: providing access to a wide range of animal and 100 percent plant-based foods in order to adequately nourish the wide range of medically complex patients in our care.

The Oregon Academy of Nutrition and Dietetics appreciates this opportunity to comment on HB 2348 and would be grateful and willing to speak further with the chairman, vice chairmen or members of the committee as appropriate.

Sincerely,

Meredith Kleinhenz, RDN, CSG, LD

Oregon Academy of Nutrition and Dietetics
2020-2021 President

As Oregon's only academic medical center, we are grateful that you have chosen OHSU for your healthcare needs. During your stay with us, our goal in Food and Nutrition Services is to provide you with the best quality food in a timely manner, served by courteous and helpful staff members. Our unique Oregon Fresh Room Service Program offers a variety of cuisine from local and Pacific Northwest producers.

Your guests may wish to dine with you during their visit. For a fee, guests may order from a room service menu. Ask your Room Service Associate for details.

How do I place my order?

- 1 Call 4-1111 an hour before you want to eat.
- 2 Order from the menu by time of day.
 - Breakfast menu 6:30 - 10:30 a.m.
 - Lunch and dinner menu 11 a.m. - 8:30 p.m.
- 3 Within an hour, your order will arrive.
- 4 Enjoy your meal! If you are still hungry, simply place another order.
- 5 Your tray will be picked up within 3 hours.

For your convenience, menu items are followed by a number indicating the total grams of carbohydrates. These numbers are accurate at the time of menu printing. If there is no number listed after the food, that item contains 0 grams of carbohydrates.

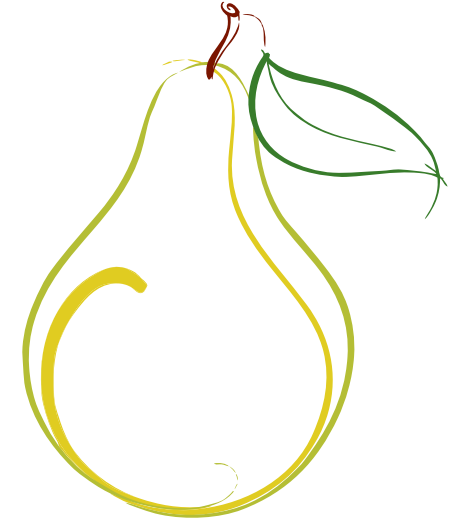
OHSU Food and Nutrition Services

Mail code: UHS18
3181 S.W. Sam Jackson Park Road
Portland, OR 97239
phone: 503 494-1111
www.ohsu.edu

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FOOD AND NUTRITION SERVICES

Vegan Menu



Oregon Fresh

Room Service

healthful • seasonal • served with care

4-1111



BREAKFAST

(available between 6:30 and 10:30 a.m.)

Starters

- **Fresh fruits** – apple slices (16), banana (13), strawberries (11), orange wedges (15), watermelon (14), cantaloupe (13), honeydew (13), pear (21)
- **Seasonal fruits** – ask us what is available
- **Chilled fruits** – sliced peaches (13), pear halves (26), applesauce (14), pineapple (18)
- **Hot cereal** – Irish steel cut oatmeal (14), Cream of Wheat (15), Cream of Rice (15)
- **Cold cereal** – Corn Flakes (20), Raisin Bran (33), Rice Krispies® (21), Shredded Wheat (27), Cheerios® (13) Kashi Heart to Heart® Toasted Honey (30), Kashi Heart to Heart® Oat Flakes & Blueberry Clusters (59), Kashi GoLean® (50), Kashi GoLean® Crunch (53), house-made granola (19)

Fresh from the bakery

- **Breads** – sourdough (23), corn tortillas (27), flour tortillas (27)

A la carte selection

- **Vegetarian sausage patty** (3)
- **Sides** – basmati rice (25), black beans (18)

Beverages

Choose from the list of beverages on the Lunch/Dinner menu

Choose condiments

See list of condiments on the Lunch/Dinner menu

LUNCH AND DINNER

(available between 11 a.m. and 8:30 p.m.)

Soup or salad

House-made soups

- **Vegetarian broth** (2)
- **Seasonal soup** – ask us what is available

Side salads

- **Oregon garden** – mixed greens with tomatoes, cranberries and hazelnuts (9) with your choice of dressing
- **Seasonal fruit** – an array of fruits (30)
- **Vegetable crudités** – broccoli, radishes, carrots, celery, bell peppers and cauliflower (10) served with choice of dressing

Salad dressings – balsamic vinegar and olive oil (4), French fat-free (2), thousand island (6), house-made Northwest berry vinaigrette (2), house-made citrus-herb vinaigrette (2).

Main dish

Entrée salads (Half portions available upon request)

- **Northwest bounty** – mixed greens with dried cherries, hazelnuts and tossed in a light berry vinaigrette (32). You may add tofu (5)
- **Curry quinoa spinach** – the ancient grain quinoa, chopped bell peppers, toasted sliced almonds, mango and dates tossed with spinach (44). You may add tofu (5) and your choice of dressing
- **Tofu chopped** – mixed greens with tofu and cucumber tossed with citrus-herb vinaigrette (13)

Entrée selections (Half portions available upon request)

- **Caribbean black beans** – spiced black beans with cumin and garlic, served with basmati rice and garnished with plantains (51)
- **Penne pasta** – your choice of whole grain (33) or regular (33) penne tossed with a homemade tomato-basil sauce
- **Vegan wrap** – spinach (77), lentil (80), chick pea (116)
- **Vegetable stir fry over rice** (46)

Family classics (Half portions available upon request)

- **Southeast Asian curry** – a coconut milk based sauce spiced with lemongrass, chili and garlic served over basmati rice with your choice of tofu (29) or vegetables (33)

Sandwich board

- **Create your own** – whole or half sandwich
Fillings – grilled vegetables (8)
Breads – sourdough (23), corn (27) or flour tortilla (27)
Your choice of – lettuce, tomato, red onion (3), cucumber (2), roasted red peppers (2), dill pickle, ketchup (2), mustard, Dijon mustard, peanut butter (4), almond butter (5), strawberry jam (9), grape jelly (9), sugar-free jelly (3), hummus (5)

Sides

- **Seasonal leafy greens sautéed in olive oil** (5)
- **Seasonal steamed vegetables** (5)
- **Rice** – brown rice (17), basmati rice (25)
- **Potatoes** – roasted red potatoes (22)
- **Bread** – sourdough (23), corn (27) or flour tortilla (27)

Dessert

- **Fresh and seasonal fruits** – apple slices (16), banana (13), strawberries (11), watermelon (14), cantaloupe (13), honeydew (13), orange wedges (15), pear (21)
- **Chilled fruits** – sliced peaches (13), pear halves (26), applesauce (14), pineapple (18)
- **Fruit sorbet** – mango (33), raspberry (33)
- **Pudding** – rice (35)
- **Cranberry almond bar** (26)

Beverages

- **Juice** – cranberry (15), apple (14), orange (11), grape (26), prune (22), tomato (6), apricot nectar (43), lemonade (50)
- **Naked Juice®** – berry (64), mighty mango (68)
- **Kobos® Fair Trade organic coffee** – regular, decaffeinated
- **Harney & Sons® tea** – Earl Grey, English breakfast, hot cinnamon spice, orange pekoe; caffeine free: chamomile, Earl Grey, lemon herbal, organic peppermint, raspberry herbal
- **Iced tea** – sweetened (42), unsweetened, peach (58), diet peach
- **Milk** – soy (16), rice (27)

Choose condiments

brown sugar (12), grape jelly (9), strawberry jam (9), peanut butter (4), almond butter (5), marionberry syrup (50), maple syrup (43), sugar-free syrup (4), sugar-free jelly (3), dried fruits (24), mixed nuts (3), ketchup (2), pico de gallo (4)



Vegetarian/Vegan Menu

Breakfast

Hot Cereal

Oatmeal | Cream of Wheat

Cold Cereal

Total® | Whole Grain Cheerios® | Cornflakes® | Frosted Flakes®
Rice Krispies® | Rice Chex®

Breakfast Entrées

Amy's Breakfast Burrito

Curried Tofu Scramble:

Soy Sauce | Spinach | Mushrooms | Onions | Peppers

Build Your Own Tofu Scramble

Tofu

Vegetables: Broccoli | Spinach | Mushroom | Tomato | Onion | Peppers

Breakfast Sides

Sautéed Breakfast Potatoes

Bakery

English Muffin | Bagel

Fruit

Fruit Cup | Peaches
Pears | Apple | Banana | Orange

Lunch & Dinner

Soups

Minestrone Soup

Light Fare

Vegetarian Chef Salad | Vegan Chopped Salad
Fresh Fruit Plate | Hummus and Vegetable Platter
Side Salad

The Grill

Build Your Own Burger

Plant Based Beyond Burger

Choose Your Bun: Wheat | White | Wheat Sandwich Thin

Choose Your Toppings: Lettuce | Tomato | Pickles | Red Onion

Choose Your Spread: Mustard | Ketchup

Vegetarian Toppings: American | Cheddar | Swiss | Mayo



Lunch & Dinner

Vegetarian Pizza

Cheese | Onion | Pepper | Mushroom | Tomato

Build Your Own Sandwich

Choose Your Bread

Wheat | White | Wheat Sandwich Thin

Choose Your Protein

Peanut Butter | Hummus

Choose Your Spread

Mustard | Jelly

Choose Your Toppings

Lettuce | Tomato | Pickles | Red Onion

Vegetarian Toppings: American | Cheddar | Swiss | Mayo

Condiments

Salt | Pepper | Herb Seasoning | Parmesan Cheese Packets

Mayonnaise: Lite | Regular **Crackers:** Regular | Unsalted

Chef's Featured Entrées

Black Bean and Rice Bowl | Penne Pasta & Marinara Sauce

Amy's Bean & Rice Burrito | Amy's Chinese Noodles & Veggies

Amy's Harvest Casserole Bowl | Amy's Rice Macaroni

Amy's Tamale Verde Meal with Black Beans | Amy's Thai Red Curry

Amy's Vegetable Lasagna

Sides

Mashed Potatoes

White Rice | Vegetarian Macaroni & Cheese

Seasoned Green Beans | Carrots with Herbs | Steamed Broccoli

Black Beans | Penne Pasta | Dinner Roll

Salad Dressings

Italian | Balsamic Vinaigrette

Desserts

Applesauce with Cinnamon | Italian Ice

Popsicle: Regular | Sugar-Free

Beverages

Coffee: Regular | Decaf

Tea: Iced | Hot | Decaf | Regular

Hot Chocolate: Regular | Sugar-Free

Juice: Apple | Cranberry | Grape | Orange | Prune

Milk: Vanilla Soy | Chocolate Soy | Almond

Some foods may not be appropriate based on your diet or food allergies.