

March 25, 1992

Ruth Palombo, **M.S.**, R.D.  
Association of State and Territorial  
Public Health Nutrition Directors  
Bureau of Parent, Child and Adolescent Health  
Department of Public Health  
150 Tremont Street  
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Dear Ms. Palombo:

This is in response to your letter dated February 10, 1992 requesting clarification regarding whether nutritionists' services meet the definition of preventive services as contained in 42 CFR **440.130(c)**.

Preventive services must be provided by a physician or other licensed practitioner of the healing arts, within the scope of his practice under State law. If nutritionists are licensed by the State, and meet the State's definition of a practitioner of the healing arts, nutritionists' services could meet the definition of preventive services in section 42 CFR **440.130(c)**. In addition, the State could choose to provide nutritionists' services under its Medicaid program under 42 CFR 440.60, medical care or any other type of remedial care or services provided by licensed practitioners within the scope of practice as defined by State law.

We would point out that EPSDT and preventive services are separate service categories under the Medicaid program. EPSDT is, by the nature of its services, a preventive health program for recipients under the age of 21. Under EPSDT, States are required to provide general health screening services to children at periodic intervals and allow for interperiodic screening services if medically necessary. Part of the required screening service is a Comprehensive Health and Developmental History which should include an assessment of nutritional status. We do not believe it would be appropriate to enroll nutritionists to provide a separate screening service identified as assessment of nutritional status. We believe that the nutritional assessment would be performed by the physician or other licensed practitioner performing the screening service. If nutritional or dietary

problems are identified, and if diagnosis or treatment services fall within the practice of licensed nutritionists, as permitted under State law, the State could enroll nutritionists to provide further diagnosis and/or treatment if medically necessary.

The EPSDT program requires States to provide **all** medically necessary health care, diagnostic and treatment services and any other measures listed in section 1905(a) of the Social Security Act to correct or treat any illnesses or conditions discovered by the screening services, whether or not the service is included in the State plan. Since preventive services is a 1905(a) service, the State must provide this service if it determines it to be medically necessary to diagnose or treat an EPSDT recipient. However, nutritionists' services provided as diagnosis or treatment services as a result of a condition discovered during a screen may not truly be a preventive service since the condition already exists. This service may better be provided under 42 **CFR** 440.60, medical or other remedial care provided by licensed practitioners.

I hope this response provides you with the clarification you requested.

Sincerely yours,

Ronald Preston, Ph.D.  
Associate Regional Administrator

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