

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3399

By Delegate Chiarelli

[Introduced March 17, 2025; referred to the
Committee on Government Organization]

1 A BILL to amend and reenact §30-35-1, §30-35-2, §30-35-2a, §30-35-3, §30-35-4, §30-35-5, §30-
2 35-6, §30-35-7, §30-35-8, §30-35-10, and §30-35-14 of the Code of West Virginia, 1931,
3 as amended; to amend the code by adding two new sections, designated §30-35-15 and
4 §30-35-16, relating to licensing for dietitians and nutritionists, providing definitions,
5 defining the scope of practice, re-establishing the board of dietitians, and listing the
6 requirements for a qualified supervisor.

Be it enacted by the Legislature of West Virginia:

ARTICLE 35. BOARD OF DIETITIANS.
§30-35-1. License to practice.

1 ~~(a) After June 30, 1997, anyone who represents or implies to the public by use of the title~~
2 ~~"dietitian" or "licensed dietitian" or any other title intended to convey the impression that he or she~~
3 ~~is authorized to practice dietetics in this state must be licensed pursuant to this article. After the~~
4 ~~June 30, 2025, except as otherwise provided in this section, no person may engage in or offer to~~
5 ~~provide medical nutrition therapy unless the person is licensed under this article.~~

6 ~~(b) No person may use any title, sign, card or other device which indicates that such person~~
7 ~~is a licensed dietitian unless expressly authorized and licensed pursuant to the provisions of this~~
8 ~~article: *Provided*, That a dietitian registered by the commission on dietetic registration may use the~~
9 ~~title of registered dietitian: *Provided, however*, That the requirements and provisions of this article~~
10 ~~do not apply to any person employed as a cook at any public or private educational institution in~~
11 ~~this state. Except as otherwise provided in subsection (e), no person may designate or hold~~
12 ~~himself or herself out as a licensed dietitian or use or assume the title "dietitian", "licensed~~
13 ~~dietitian", "dietician", or any other title indicating that the person is a licensed dietitian or append to~~
14 ~~or use in conjunction with that person's name the letters "LD" unless the person is licensed as a~~
15 ~~dietitian under this article.~~

16 ~~(c) Nothing in this article may be construed to affect individuals who furnish nutrition~~
17 ~~information on food, food materials or dietary supplements or who engage in explanation to~~

customers about food, food materials or dietary supplements in connection with the marketing and distribution of those products, and who do not use the title "dietician" or "licensed dietician."

(c) Except as otherwise provided in subsection (e) no person may use or assume any title indicating that the person is a licensed nutritionist or append to or use in conjunction with that person's name the letters "LN" unless the person is licensed as a nutritionist under this article.

(d) Except as otherwise provided in subsection (e), no person may designate or hold himself or herself out as a nutritionist or use or assume the title "nutritionist," unless the person is licensed under this article.

(e) Use of an earned, federally trademarked nutrition credential is not prohibited, but such use does not give the right to practice medical nutrition therapy or use the general titles of "dietitian" or "nutritionist" unless an individual is also licensed under this article.

(f) Nothing in this article may be construed to affect:

(1) Individuals who furnish nutrition information on food, food materials or dietary supplements or who engage in explanation to customers about food, food materials or dietary supplements in connection with the marketing and distribution of those products, and who do not use the title "dietician" or "licensed dietician", titles protected under §30-35-1 of this code.

(2) Any health care professional licensed in this state under any other article from engaging in the practice of medical nutrition therapy when medical nutrition therapy is within the individual's licensed scope of practice and is incidental to the practice for which he or she is licensed, except such persons shall not represent themselves using titles protected under §30-35-1 of this code.

(3) A student or trainee, if all of the following apply:

(A) The student or trainee practices under this paragraph as a part of a course of study or as part of a planned, continuous supervised practice experience to satisfy the educational or supervised practice experience requirements under §30-35-7 of this code;

(B) The student or trainee who is completing their supervised practice experience required under §30-35-7 of this code practices under this paragraph not more than 5 years after completing

education requirements under §30-35-7(a) or (b) of this code;

(C) The student or trainee practices under this paragraph only while supervised by a qualified supervisor as provided under §30-35-16 of this code;

(D) The student or trainee does not engage in the unrestricted practice of medical nutrition therapy; and

(E) While practicing under this paragraph, the student or trainee uses a title that clearly indicates his or her status as a student, intern, trainee, or supervisee.

(4) A dietitian or nutritionist who is serving in the armed forces or the United States Public Health Service or is employed by the Veterans Administration from engaging in the practice of medical nutrition therapy or using government issued titles, provided such practice or title use is related to such service or employment.

(5) An individual who is employed by this state, a county, a municipal agency, or any other political subdivision, or a person who contracts with any of the foregoing, for the purposes of providing nutrition care services for the Women, Infants, and Children program, from providing nutrition care services or utilizing the title of "nutritionist" within the discharge of his or her official duties.

(6) Persons who do not represent themselves using titles protected under §30-35-1 of this code who are providing medical weight control for prediabetes or obesity as part of any of the following:

(A) An instructional program that has been approved in writing by at least one of the following:

(i) A dietitian nutritionist or nutritionist licensed in this state; or

(ii) A health care practitioner licensed or certified in this state whose authorized scope of practice includes medical nutrition therapy.

(B) A plan of care that is overseen by a health professional licensed in this state whose scope of practice otherwise authorizes the health professional to provide and delegate medical

nutrition therapy, so long as the medical weight control services are not discretionary and do not require the exercise of professional judgment.

(7) A person who does not represent himself or herself using titles protected under §30-35-1 of this code who assists the provision of medical nutrition therapy if the person performs only support activities that are not discretionary and that do not require the exercise of professional judgment for their performance, and the person is directly supervised by a licensed dietitian nutritionist, licensed nutritionist, or a health care practitioner licensed in this state acting within the scope of such practitioner's license.

(8) A person who provides individualized nutrition recommendations for the wellness and primary prevention of chronic disease, health coaching, holistic and wellness education, guidance, motivation, behavior change management, services for non-medical weight control, or other nutrition care services so long as all the following apply:

(A) The services do not constitute medical nutrition therapy;

(B) The person does not represent himself or herself using titles protected under §30-35-1 of this code; and

(C) The person does not hold himself or herself out as licensed or qualified to engage in the practice of medical nutrition therapy.

(9) An out-of-state practitioner who provides medical nutrition therapy services via telehealth to a patient located in this state if the out-of-state practitioner:

(A) Is a health care practitioner licensed or certified in good standing in any state or territory, with a licensed or certified scope of practice that includes the provision of medical nutrition therapy and provides medical nutrition therapy services via telehealth;

(i) In consultation with a medical nutrition therapy practitioner licensed in this state who has a practitioner-patient relationship with the patient;

(ii) For a patient whom the practitioner has a current practitioner-patient relationship, and the patient is temporarily present in this state; or

(iii) Pursuant to a current practitioner-patient relationship and such care is limited to temporary or short-term follow-up medical nutrition therapy services to ensure continuity of care.

(B) By providing medical nutrition therapy via telehealth as described in subsection (A) of this section, a health care provider located out of state consents to the jurisdiction of the board.

§30-35-2.

Definitions.

As used in this article, the following terms have the meanings ascribed to them:

(a) "Board" means the West Virginia board of licensed dietitians and nutritionists;

(b) "Commission on dietetic registration" means the commission on dietetic registration that is a member of accredited by the national commission for health certifying agencies;

(c) "Fund" means the board of examiners for ~~dietitians'~~ dietitians and nutritionists' administrative fund created pursuant to the provisions of section five of this article;

(d) "Licensed dietitian" means any person ~~who has obtained a license to practice as a licensed dietitian from the West Virginia board of licensed dietitians;~~ duly licensed under this article as meeting the requirements of §30-35-7(a) of this code to practice dietetics and nutrition, including the provision of medical nutrition therapy;

(e) "Medical nutrition therapy" or "nutrition therapy" means ~~nutritional diagnostic assessment and nutrition therapy services for the purpose of disease management; and the provision of any of the following nutrition care services for the purpose of management or treatment of a disease or medical condition:~~

(1) Nutrition assessment

(2) Nutrition diagnosis;

(3) Nutrition intervention; and

(4) Nutrition monitoring and evaluation.

(f) "Registered dietitian" or "registered dietitian nutritionist" means a person registered by the commission on dietetic registration who is authorized to use such title and the corresponding abbreviations "RD" or "RDN".

(g) "ACEND" means the Accreditation Council for Education in Nutrition and Dietetics, or its successor organization.

(h) "Degree" means a degree received from an educational institution that at the time the degree was awarded was accredited by a United States institutional accrediting body for higher education recognized by the Council for Higher Education and the United States Department of Education, or a validated foreign equivalent.

(i) General non-medical nutrition information" means information on any of the following:

(1) Principles of human nutrition and food preparation.

(2) Principles of self-care and a healthy relationship with food.

(3) Essential nutrients needed by the human body.

(4) General and non-individualized recommended amounts of essential nutrients in the human body.

(5) Actions of nutrients in the human body.

(6) Non-individualized effects of deficiencies or excesses of nutrients in the human body.

(7) General education surrounding foods, herbs, and dietary supplements that are good sources of essential nutrients in the human body.

(j) "Licensed nutritionist" means any person duly licensed under this article as meeting the requirements of §30-35-7(b) of this code to practice nutrition, including the provision of medical nutrition therapy.

(k) "Medical weight control" means medical nutrition therapy provided for the purpose of reducing, maintaining, or gaining weight.

(l) "Non-medical weight control" means nutrition care services for the purpose of reducing, maintaining, or gaining weight that do not constitute the treatment or management of a disease or medical condition. The term includes weight control services for healthy population groups to achieve or maintain a healthy weight.

(m) "Nutrition assessment" means the ongoing, dynamic, and systematic process of

ordering, obtaining, verifying, and interpreting biochemical, anthropometric, physical, nutrigenomic, and dietary data to make decisions about the nature and cause of nutrition-related problems relative to patient and community needs. It involves not only initial data collection, but also reassessment and analysis of patient or community needs and provides the foundation for nutrition diagnosis and nutritional recommendations and orders. Nutrition assessment may require ordering laboratory tests to check and track nutritional status. The collection of data does not, by itself, constitute nutrition assessment.

(n) "Nutrition care process" means the systematic problem-solving method that dietitian nutritionists use to critically think and make decisions when providing medical nutrition therapy or to address nutrition-related problems and provide safe and effective care. The nutrition care process consists of four distinct, but interrelated steps including nutrition assessment, nutrition diagnosis, nutrition intervention, and nutrition monitoring and evaluation.

(o) "Nutrition care services" means any part or all of the following services provided within a systematic process:

(1) Assessing and evaluating the nutritional needs of individuals and groups and determining resources and constraints in a practice setting, including ordering of nutrition-related laboratory tests to check and track nutrition status.

(2) Identifying nutrition problems and establishing priorities, goals, and objectives that meet nutritional needs and are consistent with available resources and constraints.

(3) Creating individualized dietary plans and issuing and implementing orders to meet nutritional needs of healthy individuals and individuals with medical conditions or disease states, including ordering therapeutic diets, and monitoring the effectiveness thereof.

(4) Determining and providing appropriate nutrition intervention in health and disease, including nutrition counseling on food and prescription drug interactions.

(5) Developing, implementing, and managing nutrition care systems.

(6) Evaluating, making changes in, and maintaining appropriate standards of quality in

74 food and nutrition services.

75 (p) "Nutrition counseling" means a supportive process, characterized by a collaborative
76 counselor-patient relationship with individuals or groups, to establish food and nutrition priorities,
77 goals, and individualized action plans and general physical activity guidance, that acknowledge
78 and foster responsibility for self-care, to promote health and wellness or to treat or manage an
79 existing disease or medical condition.

80 (q) "Nutrition diagnosis" means identifying and labeling nutrition problems managed and
81 treated by a licensed dietitian but does not include a medical diagnosis of the health status of an
82 individual.

83 (r) "Nutrition intervention" means purposefully planned actions, including nutrition
84 counseling, intended to positively change a nutrition-related behavior, risk factor, environmental
85 condition, or aspect of health status of an individual, and his or her family or caregivers, target
86 groups, or community at large. Nutrition intervention includes: approving, ordering, and monitoring
87 therapeutic diets, and counseling on food and prescription drug interactions.

88 (s) "Nutrition monitoring and evaluation" means identifying patient outcomes relevant to
89 the nutrition diagnosis, intervention plans, and goals and comparing those outcomes with previous
90 status, intervention goals, or a reference standard to determine the progress made in achieving
91 desired outcomes of nutrition care and whether planned interventions should be continued or
92 revised.

93 (t) "Patient" means an individual recipient of nutrition care services.

94 (u) Practice of dietetics means the integration and application of scientific principles
95 derived from the study of food, nutrition, biochemistry, metabolism, nutrigenomics, physiology,
96 pharmacology, food systems, management, and behavioral and social sciences to achieve and
97 maintain optimal nutrition status of individuals and groups. Such term means primarily the
98 provision of nutrition care services, including medical nutrition therapy, in person or via telehealth,
99 to prevent, manage, or treat chronic and acute diseases or medical conditions and promote

wellness in inpatient and outpatient settings. Consistent with the level of competence of the provider, such term includes developing and ordering therapeutic diets, via oral, enteral, and parenteral routes and providing other advanced medical nutrition therapy and related support activities consistent with current competencies required of academic and supervised practice programs accredited by the Accreditation Council for Education in Nutrition and Dietetics and in accord with the Commission on Dietetic Registration's Scope and Standards of Practice for the Registered Dietitian.

(v) Practice of nutrition means the integration and application of scientific principles derived from the study of nutrition science, cellular and systemic metabolism, biochemistry, physiology, and behavioral sciences for achieving and maintaining health throughout the lifespan. Such term means primarily the provision of nutrition care services, including medical nutrition therapy, in person or via telehealth, to prevent, manage, or treat chronic diseases or medical conditions and promote wellness in outpatient settings. Consistent with level of competence, such term may include the ordering of oral therapeutic diets, the ordering of medical laboratory tests related to nutritional therapeutic treatments, and the provision of recommendations on vitamin, mineral, and other dietary supplements.

(w) "Provisionally licensed dietitian" or "provisionally licensed nutritionist" means a person provisionally licensed under this article.

(x) "Qualified supervisor" means an individual providing supervision who assumes full professional responsibility for the work of the supervisee by verifying, directing, and approving the provided nutrition care services, medical nutrition therapy, and other work being supervised, as provided for in §30-35-16 of this code.

§30-35-2a. Scope of practice.

~~(a) The primary scope of practice of licensed dietitians is the provision of medical nutrition therapy. Licensed dietitians may also perform other nutrition-related services to promote the general health, well-being and the prevention of chronic diseases or conditions. practice of~~

4 dietetics and the practice of nutrition.

5 (b) ~~Nothing in this article may be construed to prohibit or otherwise limit the practice of a~~
6 ~~profession by persons who are licensed, certified or registered under the laws of this state and~~
7 ~~who are performing services within their authorized scope of practice. The primary scope of~~
8 ~~practice of licensed nutritionists is the practice of nutrition.~~

§30-35-3. Board of licensed dietitians.

1 (a) There is continued the West Virginia board of licensed dietitians and nutritionists. The
2 board consists of five ~~seven~~ members who shall be appointed by the governor, by and with the
3 advice and consent of the Senate. ~~The governor shall make appointments from a list of not less~~
4 ~~than eight names submitted to the governor by the West Virginia dietetic association. Each~~
5 member of the board shall be a citizen of the United States and a resident of this state. Four
6 members shall ~~have experience as a registered or~~ be licensed dietitians ~~for a minimum of three~~
7 ~~years preceding the date of appointment. and one member shall be a licensed nutritionist. One~~
8 member of the board shall be a lay person who is not a ~~registered or~~ licensed dietitian or a licensed
9 nutritionist and not subject to the practice requirements of this ~~subsection. article, and one~~
10 member shall be a licensed physician under §30-3-1 et seq. of this code.

11 (b) The Governor shall appoint members of the board for overlapping terms of four years:
12 *Provided*, That each member shall serve no more than two consecutive four-year terms: *Provided*,
13 *however*, That appointments to fill a vacancy may not be considered as one of two consecutive
14 terms: *Provided further*, That terms in effect on the effective date of this section shall be
15 considered as one of two consecutive terms.

16 (c) In the event a board member is unable to complete a term, the Governor shall appoint a
17 person with similar qualifications to complete the unexpired term. Each vacancy occurring on the
18 board shall be filled by appointment within sixty days after the vacancy is created.

19 (d) Each member of the board may receive compensation for attendance at official
20 meetings not to exceed the amount paid to members of the Legislature for their interim duties as

recommended by the citizens legislative compensation commission and authorized by law and may be reimbursed for actual and necessary expenses incurred for each day or portion thereof engaged in the discharge of official duties in a manner consistent with guidelines of the travel management office of the Department of Administration.

(e) Annually, the members shall elect a chair, vice chair and secretary. The chair shall preside over the meetings and hearings of the board. The vice chair shall assume the chair's duties in the absence of the chair. All meetings shall be general meetings for the consideration of any matter which may properly come before the board. A majority of the board constitutes a quorum for the transaction of business. The board shall meet at least once a year and at such other times and places as it may determine; and shall meet on the call of the chair. It is the duty of the chair to call a meeting of the board on the written request of three members of the board. The board shall keep an accurate record of all proceedings and maintain the board records. The board may employ personnel necessary to accomplish the performance of its duties: *Provided*, That the board may not expend more than it has available to it solely through the fees established in this article or as established in accordance with section six, article one of this chapter.

§30-35-4. Powers and duties of board.

(a) The board may, in its discretion, perform the following functions and duties, depending on the financial resources available to the board:

(1) Promulgate rules in accordance with the provisions of chapter twenty-nine-a of this code to implement and effectuate the provisions of this article, including, but not limited to, legislative rules establishing the following:

(A) A code of professional ethics;

(B) Continuing education requirements and standards;

(C) Examination, licensure and renewal requirements of duly qualified applicants; and

(D) Procedures and guidelines for the suspension or revocation of a license.

(2) Adopt procedural and interpretive rules in accordance with the provisions of §29A-1-1,

11 *et seq.* of this code;

12 (3) Adopt an official seal;

13 (4) Conduct license examinations and criminal history record of duly qualified applicants;

14 (5) Issue and renew licenses and issue interim permits to duly qualified applicants;

15 (6) Impose and collect fees for the issuance and renewal of permits or licenses;

16 (7) Suspend, revoke and reinstate licenses;

17 (8) Conduct hearings on licensing issues and any other matter properly within the
18 jurisdiction of the board;

19 (9) Maintain a record of all proceedings of the board; and

20 (10) Submit a biennial report to the Governor describing the activities of the board.

21 (b) The Legislature finds and declares that this board is intended to be fully self supported
22 through the fee structure provided for in this article, and that the board shall not require any
23 legislative appropriation beyond the revenues the board receives in fees. Accordingly, in the event
24 the board has insufficient moneys to perform its duties under this article, the board shall prioritize
25 its duties under this article so at all times to remain within the money available to it through the fees
26 established in this article. The board created in this article has only discretionary duties.

§30-35-5. Fees; special revenue account; expenditures and transfers.

1 (a) All fees and other moneys collected by the board pursuant to the provisions of this
2 article shall be deposited in an appropriated special revenue account designated the "board of
3 examiners for licensed dietitians and nutritionists," which is hereby created in the State Treasury.

4 (b) All expenses incurred by the board shall be paid from the special fund provided in
5 subsection (a) herein. No compensation or expense incurred pursuant to the provisions of this
6 article may be charged against the General Revenue Funds of this state. Expenditures shall be
7 made only in accordance with appropriation by the Legislature pursuant to the provisions of article
8 three, chapter twelve of this code and upon the fulfillment of the provisions of article two, chapter
9 five-a of this code. Expenditures from the special fund shall be for the purposes set forth in this

10 article and are not authorized from collections: ~~Provided, That for the fiscal year ending June 30,~~
11 ~~1996, expenditures are authorized from collections rather than pursuant to an appropriation by the~~
12 ~~Legislature.~~

13 (c) Amounts collected which are found from time to time to exceed the funds needed to
14 effectuate the purposes set forth in this section may be transferred to other accounts or funds and
15 redesignated for other purposes upon appropriation by the Legislature.

§30-35-6. Provisional permits; renewals; fees.

1 (a) The board may issue a provisional permit to engage in practice as a licensed dietitian to
2 any person who has not met the education and experience requirements set forth in this article
3 under §30-35-7(a) of this code upon the filing of an application and submission of evidence of
4 successful completion of the education and experience requirements of this article. The board
5 may issue a provisional permit to engage in practice as a licensed nutritionist to any person who
6 has met the education and experience requirements set forth in §30-35-7(b) of this code upon the
7 filing of an application and submission of evidence of successful completion of the education and
8 experience requirements of this article. A provisionally licensed dietitian shall practice under the
9 supervision of a licensed dietitian. A provisionally licensed nutritionist shall practice under the
10 supervision of a licensed dietitian or licensed nutritionist. A provisional permit expires one year
11 from the date of issuance. Renewals may be issued for a period not to exceed three years upon
12 request by the applicant and submission of a satisfactory explanation for the applicant's failure to
13 become licensed.

14 (b) The fee for a provisional permit or renewal is \$50, which shall be submitted with the
15 application. All fees collected shall be deposited to the credit of the fund provided in section five of
16 this article.

§30-35-7. Qualifications; licensure; examinations; waivers and fees.

1 (a) An applicant for a license to engage in practice as a licensed dietitian shall submit to the
2 board written evidence, verified by oath, that he or she complies with the code of ethics adopted by

the board and meets one of the two following criteria:

~~(1) Complies with the code of ethics adopted by the board;~~

~~(2) Has completed a major course of study in human nutrition, dietetics, food systems management or the equivalent thereof and possesses a baccalaureate or post-baccalaureate degree; and~~

(1) The applicant submits proof of holding a valid current registration with the Commission on Dietetic Registration, or its successor organization, that gives the applicant the right to use the term "registered dietitian" or "registered dietitian nutritionist"; or

(2) The applicant submits proof of completing all of the following education, supervised practice experience, and examination requirements:

(A) Completion of a master's degree or doctoral degree and a program of study accredited by ACEND, or its successor organization.

~~(3) (B) Has completed a~~ Completion of an ACEND accredited planned continuous professional experience component in dietetic and nutrition practice of not less than ~~nine hundred~~ 1,000 hours under the supervision of a ~~registered or licensed dietitian. qualified supervisor as~~ provided under §30-35-16 of this code. An applicant shall complete a supervised professional experience under this subsection within 5 years of completing the requirements under subparagraph (A) unless the examining board, for extraordinary circumstances, grants an extension for a limited time.

~~(b) (C) Each applicant is required to pass a written examination demonstrating competence in the discipline of dietetics and nutrition. Successful completion of the registration examination for dietitians administered by the Commission on Dietetic Registration, or its successor organization. If passage of the examination occurred more than 5 years before application, demonstration of completion of 75 hours of continuing education meeting the continuing education criteria of the board per each 5-year period post examination. Each written examination may be supplemented by an oral examination. The board shall determine the times~~

and places for examinations.

~~(c) When an applicant successfully passes an examination or examinations, the board shall issue to the applicant a license to engage in practice as a licensed dietitian. In the event an applicant has failed to pass examinations on three occasions, the applicant shall, in addition to the other requirements of this section, present to the board other evidence of his or her qualifications that the board prescribes.~~

~~(d) Upon application and submission of the applicable fee, the board may waive the examination requirements of this section and issue a license to practice as a licensed dietitian to an applicant who is registered by the commission on dietetic registration or who has been duly licensed as a nutritionist or dietitian under the laws of another state if the standards for licensing in that state are no less stringent than those required under the provisions of this article.~~

~~(e) Any person applying for a dietitian license shall submit a fee of \$50 or a reasonable fee established by legislative rule pursuant to section six, article one of this chapter with the application to the board, which shall be deposited to the credit of the fund provided in section five of this article.~~

(b) An applicant for a license to engage in practice as a licensed nutritionist shall submit to the board written evidence, verified by oath, that he or she complies with the code of ethics adopted by the board and meets all of the following educational, supervised practice experience, and examination requirements.

(1) Completion of a master's or doctoral nutrition degree with a major in human nutrition, foods and nutrition, community nutrition, public health nutrition, nutrition education, nutrition, nutrition science, clinical nutrition, applied clinical nutrition, nutrition counseling, nutrition and functional medicine, nutritional biochemistry, nutrition and integrative health, or a comparable titled major, or a doctoral degree in a field of clinical healthcare. Regardless of the course of study, the applicant shall have completed coursework leading to competence in medical nutrition therapy, which includes, but may not be limited to:

(A) Fifteen semester hours of clinical or life sciences, including such courses as chemistry, organic chemistry, biology, molecular biology, biotechnology, botany, genetics, genomics, neuroscience, experimental science, immunotherapy, pathology, pharmacology, toxicology, research methods, applied statistics, biostatistics, epidemiology, energy production, molecular pathways, hormone and transmitter regulations and imbalance, and pathophysiologic basis of disease. Three semester hours must be in human anatomy and physiology or the equivalent.

(B) Fifteen semester hours of nutrition and metabolism, including such courses as nutrition assessment, developmental nutrition, nutritional aspects of disease, human nutrition, macronutrients, micronutrients, vitamins and minerals, functional medicine nutrition, molecular metabolism, clinical nutrition, medical nutrition therapy, nutritional biochemistry, nutrition and digestive health, and public health nutrition. At least six semester hours must be in biochemistry.

(2) Completion of a planned, documented, and continuous supervised practice experience demonstrating competence in providing nutrition care services and medical nutrition therapy approved by the examining board and meeting all the following requirements:

(A) An applicant shall complete a supervised practice experience under this subsection within 5 years of completing the requirements under subsection (i) unless the examining board, for extraordinary circumstances, grants an extension for a limited time;

(B) A supervised practice experience completed under this subsection shall involve at least 1,000 hours in the following practice areas, with a minimum of 200 hours in each practice area: conducting nutrition assessment; nutrition intervention; and nutrition monitoring and evaluation;

(C) The experience is determined by the board to have prepared the applicant to provide nutrition care services for various populations of diverse cultures, genders, and across the life cycle, and to be able to competently formulate actionable medical nutrition therapies and interventions, education, counseling, and ongoing care for the prevention, modulation, and management of a range of acute and chronic medical conditions; and

81 (D) A supervised practice experience completed under this subsection shall be under the
82 supervision of a qualified supervisor as provided under §30-35-16 of this code.

83 (3) Completion of the examination requirements by demonstrating:

84 (A) Passage of the certified nutrition specialist examination administered by the Board for
85 Certification of Nutrition Specialists, or its successor organization, or an equivalent examination on
86 all aspects of the practice of nutrition that has been reviewed under a program that requires a
87 master's degree or higher, is accredited by the National Commission for Certifying Agencies, and
88 is approved by the examining board. If passage of the examination occurred more than 5 years
89 before application, demonstration of completion of 75 hours of continuing education meeting the
90 continuing education criteria of the board per each 5-year period post examination; or

91 (B) The applicant holds a valid current certification with the Board for Certification of
92 Nutrition Specialists, or its successor organization, that gives the applicant the right to use the term
93 "certified nutrition specialist".

94 (C) Each written examination may be supplemented by an oral examination. The board
95 shall determine the times and places for examinations.

96 (c) Upon application and submission of the applicable fee, the board may waive the
97 examination requirements of this section and issue a license to practice as a licensed dietitian or
98 licensed nutritionist to an applicant who is has been duly licensed as a dietitian or nutritionist under
99 the laws of another state if the standards for the respective license in that state are no less
100 stringent than those required under the provisions of this article.

101 (d) Any person applying for a dietitian or nutritionist license shall submit a fee of \$50 or a
102 reasonable fee established by legislative rule pursuant to §30-1-6 of this code with the application
103 to the board, which shall be deposited to the credit of the fund provided in §30-1-5 of this code.

104 (e) All persons licensed or who have applied for licensure prior to July1, 2025 shall remain
105 licensed, eligible for reactivation, or eligible for licensure under the requirements in place at the
106 time of application, so long as the applicant or licensee remains in good standing and maintains an

107 active or inactive license

§30-35-8. Renewal of licenses; reinstatement; fees; penalties; inactive lists.

1 (a) The license of every person licensed under the provisions of this article shall be
2 annually renewed except as otherwise provided by this section. ~~At such times as the board, in its~~
3 ~~discretion, may determine, the board shall mail a renewal application to every person whose~~
4 ~~license was initially granted or renewed during the previous calendar year.~~ All persons seeking
5 renewal shall submit a completed application and a \$50 annual renewal fee or a reasonable
6 renewal fee established by legislative rule pursuant to §30-1-6 of this code. Upon receipt of the
7 application and fee, the board shall verify the accuracy of the application and, if it is accurate, issue
8 to the applicant a certificate of renewal of the license for the current year. The certificate of renewal
9 entitles its holder to practice ~~dietetics~~ under his or her respective license for the period stated on
10 the certificate of renewal.

11 (b) Any licensee who allows his or her license to lapse by failing to renew for a period not
12 exceeding three years may be reinstated by the board upon receipt of a satisfactory explanation
13 for the failure to renew his or her license and payment of the annual renewal fee plus a
14 reinstatement fee of \$25 or a reasonable reinstatement fee established by legislative rule pursuant
15 to §30-1-6 of this code.

16 (c) Any person allowing his or her license to lapse for a period exceeding three years is
17 required, to be reinstated as a licensed dietitian or licensed nutritionist, ~~to pass a written~~
18 ~~examination established by the board and to pay to the board a licensing fee of \$50 or a~~
19 ~~reasonable licensing fee established by legislative rule pursuant to section six, article one of this~~
20 ~~chapter.~~ by reapplying for licensure under the respective criteria provided under §30-35-7 of this
21 code.

22 (d) Any person engaged in the practice of ~~licensed dietetics~~ medical nutrition therapy
23 during the time his or her license has lapsed is in violation of the provisions of this article and is
24 subject to the penalties provided in §30-35-14 of this code.

25 (e) Any licensed dietitian or licensed nutritionist who desires to retire from practice
26 temporarily shall submit a written notice of the retirement to the board. Upon receipt of the notice
27 the board shall place the name of that person upon the inactive list. Any person remaining on the
28 inactive list may not engage in the practice of ~~licensed dietetics~~ medical nutrition therapy in this
29 state and is not subject to the payment of any renewal fees. Upon submission of an application for
30 renewal of license and payment of the renewal fee for the current year, a licensed dietitian or
31 licensed nutritionist may resume active practice.

§30-35-10. Denial, revocation or suspension of license; grounds for discipline.

1 (a) The board may at any time upon its own motion, and shall upon the verified written
2 complaint of any person, conduct an investigation to determine whether there are grounds for
3 denial, suspension or revocation of a license issued pursuant to the provisions of this article.

4 (b) The board may deny, revoke or suspend any license to engage in the practice of
5 licensed dietetics or licensed nutrition issued pursuant to the provisions of this article, or any
6 application therefor, or may otherwise discipline a licensee or applicant upon proof that he or she:

7 (1) Is or was guilty of fraud or deceit in procuring or attempting to procure a license or
8 renewal to practice as a licensed ~~dietitian~~; dietitian or licensed nutritionist;

9 (2) Has been grossly negligent or exhibited unprofessional or unethical conduct in the
10 practice as a licensed ~~dietitian~~; dietitian or licensed nutritionist;

11 (3) Is habitually intemperate or is addicted to the use of alcohol or controlled substances;

12 (4) Is mentally incompetent; or

13 (5) Has willfully or repeatedly violated any of the provisions of this article.

§30-35-14. Prohibitions and penalties.

1 (a) It is a misdemeanor for any person, corporation or association to:

2 (1) Sell, fraudulently obtain, furnish or assist in selling, fraudulently obtaining or furnishing
3 any dietitian license or nutritionist license or license record;

4 (2) Engage in the practice as a licensed dietitian or licensed nutritionist under cover of any

5 diploma, license or record illegally or fraudulently obtained;

6 (3) Represent or imply to the public that he or she is authorized to use ~~the title "dietitian" or~~
7 ~~"dietitian," "nutritionist," "licensed dietitian" or any other title intended to convey that impression,~~
8 any title protected under §30-35-1 of this code, unless duly licensed pursuant to the provisions of
9 this article;

10 (4) Engage in the practice as a licensed dietitian during the time his or her license is
11 suspended or revoked; or

12 (5) Otherwise violate any provisions of this article.

13 (b) Any person, corporation or association who violates the provisions of subsection (a) of
14 this section or any rule promulgated under this article is guilty of a misdemeanor and, upon
15 conviction thereof, shall be fined not less than \$100 nor more than \$500 for each offense.

§30-35-15. Creation of board.

1 The board of licensed dietitians and nutritionists is reestablished pursuant to the provisions
2 of §4-10-6 of this code, and shall terminate on the first day of July 2030, unless sooner terminated,
3 continued or reestablished pursuant to that article.

§30-35-16. Qualified supervisor.

1 (a) A qualified supervisor shall:

2 (1) Only supervise a clinical activity or nutrition care service that the qualified supervisor is
3 authorized to perform;

4 (2) Develop and carry out a program for advancing and optimizing the quality of care
5 provided by the supervisee. A qualified supervisor and supervisee shall identify and document
6 goals for such supervised practice experience, the assignment of clinical tasks as appropriate to
7 such supervisee's evolving level of competence, such supervisee's relationship and the amount
8 and type of access to the qualified supervisor, and a process for evaluating the supervisee's
9 performance;

10 (3) Oversee the activities of and approve and accept responsibility for the nutrition care

11 services rendered by the supervisee;

12 (4) At a minimum, be physically on-site and present where the supervisee is providing
13 nutrition care services or be immediately and continuously available to such supervisee by means
14 of two-way real-time audiovisual technology that allows for the direct, contemporaneous
15 interaction by sight and sound between the qualified supervisor and the supervisee: *Provided,*
16 That if the qualified supervisor assigns to a supervisee a nutrition care service that is to be
17 provided in a setting where the qualified supervisor is not routinely present, such qualified
18 supervisor shall ensure that the means and methods of supervision are adequate to ensure
19 appropriate patient care, which may include synchronous videoconferencing or another method of
20 communication, and oversight that is appropriate to the care setting and the education and
21 experience of the supervisee, as determined by the board by approval, policy, or rule;

22 (5) Review on a regular basis the charts, records, and clinical notes of any supervisee and
23 maintain responsibility for such supervisee's clinical record keeping;

24 (6) Be available to render assistance during the provision of nutrition care services when
25 requested by the patient: *Provided,* That if such qualified supervisor is not available, such qualified
26 supervisor shall arrange for another qualified healthcare provider lawfully able to render nutrition
27 care services to be available; and

28 (7) Limit the assignment of nutrition care services to those services that are within the
29 training and experience of the supervisee and customary to the practice of the qualified supervisor.

30 (b) A qualified supervisor shall:

31 (1) Be licensed or certified in the state or territory where such supervised practice
32 experience occurs as a dietitian, nutritionist, dietitian nutritionist, or healthcare provider whose
33 scope of practice includes the provision of medical nutrition therapy;

34 (2) Meet such other criteria as the board may establish by rule or regulation when a state or
35 territory does not provide for licensure or certification of dietitians, dietitian nutritionists, or
36 nutritionists; or

- 37 (3) Be an employee of the federal government authorized within the discharge of his or her
38 official duties to provide medical nutrition therapy and exempt from licensure as provided for in
39 §30-35-1(f)(2) of this code.

NOTE: The purpose of this bill is to clarify licensing for dietitians and establish requirements for nutritionists, provide definitions, define the scope of practice, re-establish the board of dietitians, and list the requirements for a qualified supervisor.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.