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HOUSE BILL NO. 1056

Offered January 11, 2006

Prefiled January 11, 2006

A *BILL to amend and reenact § 54.1-2731 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 54.1-2730.1 through 54.1-2730.5, relating to licensure of dietitians and nutritionists.*

 Patron—Reid

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2731 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding sections numbered 54.1-2730.1 through 54.1-2730.5 as follows:

§ 54.1-2730.1. Licensure of dietitians and nutritionists.

A. As used in this chapter:

"Board" means the Board of Health Professions.

"Board-approved examination" means any examination designed by the Board of Health Professions that encompasses the basic concepts of nutritional science.

"Board-approved work experience or program" means any experience or program that has been approved by the Board of Health Professions pursuant to § 54.1-2730.2.

"Dietitian or Nutritionist" means any individual licensed in the Commonwealth to practice dietetics or nutrition.

"Practice of Dietetics or Nutrition" means the integration and application of principles derived from the science of nutrition, dietetics, biochemistry, food, physiology, and behavioral and social sciences for the purpose of providing nutrition and dietary care services in order to achieve and maintain a person's health, that is an essential part of the preventive, diagnostic, curative, and therapeutic care of individuals. The practice also includes, but is not limited to: (i) the assessment of an individual's needs or the needs of a group of persons using appropriate data to make dietary or nutritional recommendations, (ii) the provision of dietary or nutritional counseling and education based on this data, and (iii) research that relates to human nutrition and diet.

"Supervised" means that a licensed dietitian or nutritionist is either present or on the premises, available for consultation, and provides ongoing nutrition education.

§ 54.1-2730.2. Board approved work experience or program.

The Board-approved work experience or programs shall include, but not be limited to:

1. A 900-hour work program that encompasses the concepts of nutritional science.

2. Teaching a one-semester course on nutritional science at an accredited college or university where the applicant for licensure is the primary instructor for that course.

3. Ownership of a consulting business in dietetics or nutrition for one year.

§ 54.1-2730.3. Licensure; requirements.

A. No person shall practice as a dietitian or a nutritionist unless he possesses a current valid license from the Board of Health Professions. The Board may grant a license to practice as a dietitian or a nutritionist to an applicant if he has (i) obtained a four-year bachelor of science degree, or master's degree when the bachelor of science degree was not nutrition related, from an accredited college or university in human nutrition, dietetics, nutrition education, public health nutrition, nutrition research, nutritional biochemistry, foods and nutrition with a concentration in dietetics, or kinesiology/exercise science where the primary concentration of studies involves biochemistry, nutrition, and physiology; or obtained a degree from a foreign educational institution that has been approved by the Board of Health Professions and deemed to be equivalent to a Bachelor of Science degree awarded by an accredited United States college or university; (ii) completed a supervised, board-approved work experience or program; and (iii) successfully passed a Board-approved examination.

B. The examination requirement shall be waived for the following applicants:

1. Certified Nutrition Specialist (CNS) with the American College of Nutrition.

2. Certified Clinical Nutritionist (CCN) with the International and American Association of Clinical Nutritionists.

3. Registered Dietitian (RD) with the American Dietetic Association.

4. Individuals who have been practicing nutrition for 900 hours or more prior to July 1, 2006, and who meet the educational requirement; and those individuals who do not meet the educational requirement but who have a four-year degree from an accredited college in a related nutrition field that

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59 involves physiology, chemistry, or food science and who have been practicing nutrition/dietetics for 900
60 hours or more.

61 C. The work experience and examination requirements shall be waived for the following applicants,
62 but shall not be limited to:

63 1. Individuals who have achieved a Ph.D. in one of the nutritional sciences listed in subsection A.

64 2. Diplomats or Fellows of the American Clinical Board of Nutrition.

65 3. Individuals licensed as a Nutritionist or Dietitian, or both, in another state and who have met the
66 educational requirement.

67 4. Individuals who in the past held a Virginia state license, but cancelled it due to a move to another
68 state, and have returned to practice in Virginia.

69 D. The following individuals shall not be required to possess a license:

70 1. Any individual who does not call himself a dietitian or nutritionist or who does not use the
71 prohibited terms pursuant to § 54.1-2731, or who does not practice dietetics or nutrition or does not
72 disseminate diet and nutrition information to the public as a primary part of their employment or
73 consulting practice.

74 2. A person who does not meet the educational requirement for licensure but who works directly
75 under and is supervised by a licensed dietitian or nutritionist.

76 3. A person who is employed through a cooperative extension as a home economist and who is
77 supervised by a licensed dietitian or nutritionist.

78 4. A student or trainee who is pursuing the educational requirement of a bachelor of science or
79 master's degree or the work experience requirement while providing dietetic or nutrition counseling as
80 part of their course work or work experience requirements.

81 5. A registered dietetic technician (RDT) with the American Dietetic Association working directly
82 under and supervised by a licensed dietitian or nutritionist.

83 6. A licensed teacher contracted by a public or private school.

84 7. Any person with management responsibility for food service department policies, procedures, or
85 outcomes in any food service department in any program or facility, including restaurant and food
86 service managers and employees, whose primary responsibility is purchasing goods, cooking food, and
87 serving meals.

88 § 54.1-2730.4. Regulation of the practice of dietetics and nutrition.

89 The Board of Health Professions shall:

90 1. Review each application for licensure as a dietitian or nutritionist to ensure that the educational
91 requirements have been met;

92 2. Require the submission of an official college transcript;

93 3. Establish a Code of Ethics to be followed by licensed individuals that ensures licensees function
94 with integrity, honesty, and professional behavior; and

95 4. Require 30 hours of continuing education credit every two years as a condition of renewal of
96 licenses.

97 § 54.1-2730.5. Advisory Board on Dietitians and Nutritionists; membership; qualifications; duties.

98 A. The Advisory Board shall assist the Board in carrying out the provisions of this chapter regarding
99 the qualifications, examination, and regulation of licensed dietitians and nutritionists.

100 B. The Advisory Board shall consist of five members to be appointed by the Governor for three-year
101 terms, as follows: three members shall be dietitians or nutritionists who are eligible for licensure or
102 licensed pursuant to this chapter; one shall be a physician; and one shall be a citizen member
103 appointed from the Commonwealth at-large.

104 Vacancies occurring other than by expiration of terms shall be filled by a citizen member for the
105 unexpired term. No person shall be eligible to serve on the Advisory Board for more than two
106 successive terms.

107 C. This section shall expire on July 1, 2009.

108 § 54.1-2731. Prohibited terms; penalty.

109 A. No person shall hold himself out to be or advertise or permit to be advertised that such person is
110 a dietitian or nutritionist unless such person: has obtained a license to practice as a dietitian or
111 nutritionist, by the Board of Health Professions.

112 1. Has (i) received a baccalaureate or higher degree in nutritional sciences, community nutrition,
113 public health nutrition, food and nutrition, dietetics or human nutrition from a regionally accredited
114 college or university and (ii) satisfactorily completed a program of supervised clinical experience
115 approved by the Commission on Dietetic Registration of the American Dietetic Association;

116 2. Has active registration through the Commission on Dietetic Registration of the American Dietetic
117 Association;

118 3. Has an active certificate of the Certification Board for Nutrition Specialists by the Board of
119 Nutrition Specialists;

120 4. Has an active accreditation by the Diplomats or Fellows of the American Board of Nutrition;

121 5. Has a current license or certificate as a dietitian or nutritionist issued by another state; or
 122 6. Has the minimum requisite education, training and experience determined by the Board of Health
 123 Professions appropriate for such person to hold himself out to be, or advertise or allow himself to be
 124 advertised as, a dietitian or nutritionist.

125 *Unless holding a license to practice dietetics or nutrition, no person shall be authorized by the*
 126 *Commonwealth of Virginia to use the title of nutritionist, dietitian, diet counselor, nutrition counselor,*
 127 *diet educator, nutrition educator, food counselor, food educator, or the terms licensed, registered, or*
 128 *certified in combination with the terms dietitian and nutritionist.*

129 The restrictions of this section apply to the use of the terms "dietitian" and "nutritionist" as used
 130 alone or in any combination with the terms "licensed," "certified," or "registered," as those terms also
 131 imply a minimum level of education, training and competence.

132 B. Any person who willfully violates the provisions of this section shall be guilty of a Class 3
 133 misdemeanor.