

CS FOR SENATE BILL NO. 88(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 4/23/99

Referred: Rules

Sponsor(s): SENATOR DONLEY

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to licensure of dietitians and nutritionists; and providing for an**
2 **effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 08 is amended by adding a new chapter to read:

5 **Chapter 38. Dietitians and Nutritionists.**

6 **Sec. 08.38.010. License required.** (a) An individual may not, unless licensed
7 as a dietitian or nutritionist by the department, use the title "dietitian," "licensed
8 dietitian," "nutritionist," "licensed nutritionist," or an occupational title using the word
9 "dietitian" or "nutritionist."

10 (b) The only penalty that may be imposed on an individual who engages in
11 conduct that violates (a) of this section is a fine of not more than \$1,000 under a
12 citation issued under AS 08.01.102 - 08.01.104.

13 (c) An individual who obtains or attempts to obtain a dietitian or nutritionist
14 license by dishonest or fraudulent means or who forges, counterfeits, or fraudulently

1 alters a dietitian or nutritionist license, is punishable by a fine of not more than \$1,000
2 under a citation issued by the department. For a citation under this subsection, the
3 department shall use the citation procedures applicable to citations for unlicensed
4 practice under AS 08.01.102 - 08.01.104, and an individual who receives a citation
5 under this subsection is subject to the same requirements as an individual who receives
6 a citation under AS 08.01.102 - 08.01.104.

7 **Sec. 08.38.020. Dietitian licensure.** The department shall issue a dietitian
8 license to an individual who pays the required fee, applies on a form provided by the
9 department, and submits evidence satisfactory to the department of being certified as
10 a Registered Dietitian by the Commission on Dietetic Registration.

11 **Sec. 08.38.030. Nutritionist licensure.** The department shall issue a
12 nutritionist license to an individual who pays the required fee, applies on a form
13 provided by the department, and submits evidence satisfactory to the department that
14 the individual either

15 (1) has qualified as a diplomate of the American Board of Nutrition or
16 as a Certified Nutrition Specialist with the Certification Board for Nutrition Specialists;
17 or

18 (2) meets the following qualifications:

19 (A) has received a master's or doctoral degree from an
20 accredited college or university with a major in human nutrition, public health
21 nutrition, clinical nutrition, nutrition education, community nutrition, or food
22 and nutrition; and

23 (B) has completed a documented work experience in human
24 nutrition or human nutrition research of at least 900 hours.

25 **Sec. 08.38.040. Grounds for suspension, revocation, or refusal to issue a**
26 **license.** The department may refuse to issue a license or impose a disciplinary
27 sanction authorized under AS 08.01.075 on an individual licensed under this chapter
28 when the department finds that the license applicant or licensee, as applicable,

29 (1) secured or attempted to secure a license through deceit, fraud, or
30 intentional misrepresentation;

31 (2) engaged in deceit, fraud, or intentional misrepresentation in the

1 course of providing professional services or engaging in professional activities;

2 (3) advertised professional services in a false or misleading manner;

3 (4) has been convicted of a felony or of another crime that affects the
4 licensee's ability to continue to practice competently and safely;

5 (5) failed to comply with this chapter, with a regulation adopted under
6 this chapter, or with an order of the department;

7 (6) continued dietetics or nutrition practice after becoming unfit due to

8 (A) professional incompetence;

9 (B) addiction or severe dependency on alcohol or a drug that
10 impairs the licensee's ability to practice safely;

11 (C) physical or mental disability; or

12 (7) engaged in lewd or immoral conduct in connection with the delivery
13 of professional service to patients.

14 **Sec. 08.38.050. Licensure by credentials.** The department may issue a
15 license to an applicant who holds a current unrestricted license as a dietitian or
16 nutritionist in another state or political jurisdiction of the United States or Canada if,
17 in the judgment of the department, the standards for licensure in the other jurisdiction
18 are not less stringent than the requirements in this chapter.

19 **Sec. 08.38.080. Exemption.** The requirements of this chapter do not apply to

20 (1) an animal nutritionist whose activities are limited to the nutritional
21 care of animals; animal nutritionists may use the title "nutritionist" as long as they
22 provide nutrition services only to animals;

23 (2) a person who is serving as an employee of the federal government
24 whose job title includes the term "dietitian" or "nutritionist"; or

25 (3) a person who is serving as a dietitian or nutritionist in the armed
26 forces of the United States, but the exemption provided under this paragraph does not
27 authorize the person to use the title "dietitian," "licensed dietitian," "nutritionist,"
28 "licensed nutritionist," or an occupational title using the word "dietitian" or
29 "nutritionist" outside the scope of the person's military service.

30 **Sec. 08.38.090. Regulations.** The department may adopt regulations under
31 AS 44.62 (Administrative Procedure Act) to implement this chapter.

Sec. 08.38.100. Definitions. In this chapter,

(1) "accredited college or university" means a college or university accredited by the regional or national accrediting agencies recognized by the Council on Post-Secondary Accreditation and the United States Department of Education at the time the degree was conferred;

(2) "Commission on Dietetic Registration" means the Commission on Dietetic Registration of the American Dietetic Association that is a member of the National Commission on Health Certifying Agencies, which establishes national standards of competence for individuals participating in the health care delivery system;

(3) "dietetics or nutrition practice" means the integration and application of scientific principles of food, nutrition, biochemistry, physiology, food management, and behavioral and social sciences to achieve and maintain human health through the provision of nutrition care services.

* **Sec. 2.** AS 08.01.010 is amended by adding a new paragraph to read:

(36) regulation of dietitians and nutritionists under AS 08.38.

* **Sec. 3.** AS 08.02.010(a) is amended to read:

(a) An acupuncturist licensed under AS 08.06, an audiologist licensed under AS 08.11, a person licensed in the state as a chiropractor under AS 08.20, a dentist under AS 08.36, **a dietitian or nutritionist licensed under AS 08.38**, a marital and family therapist licensed under AS 08.63, a medical practitioner or osteopath under AS 08.64, a direct-entry midwife certified under AS 08.65, a registered nurse under AS 08.68, an optometrist under AS 08.72, a licensed pharmacist under AS 08.80, a physical therapist or occupational therapist licensed under AS 08.84, a psychologist under AS 08.86, or a clinical social worker licensed under AS 08.95, shall use as professional identification appropriate letters or a title after that person's name **that** [WHICH] represents **the** [THAT] person's specific field of practice. The letters or title shall appear on all signs, stationery, or other advertising in which the person offers or displays personal professional services to the public. In addition, a person engaged in the practice of medicine or osteopathy as defined in AS 08.64.380, or a person engaged in any manner in the healing arts who diagnoses, treats, tests, or counsels

1 other persons in relation to human health or disease and uses the letters "M.D." or the
2 title "doctor" or "physician" or another title that tends to show that the person is
3 willing or qualified to diagnose, treat, test, or counsel another person, shall clarify the
4 letters or title by adding the appropriate specialist designation, if any, such as
5 "dermatologist", "radiologist", "audiologist", "naturopath", or the like.

6 * **Sec. 4.** Notwithstanding AS 08.38.030(2), added by sec. 1 of this Act, the Department
7 of Commerce and Economic Development shall issue a nutritionist license to an individual
8 who pays the required fee, applies on a form provided by the department, and submits
9 evidence satisfactory to the department that the individual, on the effective date of
10 AS 08.38.030, meets the qualifications listed in AS 08.38.030(2)(A) but does not meet the
11 requirements of AS 08.38.030(2)(B). A person to whom a license is issued under this section
12 shall meet the requirements of AS 08.38.030(2)(B) no later than June 30, 2001, and if the
13 person does not do so, the license issued under this section expires July 1, 2001.

14 * **Sec. 5.** Except as provided in sec. 6 of this Act, this Act takes effect immediately under
15 AS 01.10.070(c).

16 * **Sec. 6.** AS 08.38.010, enacted by sec. 1 of this Act, takes effect January 1, 2000.