

HOUSE BILL NO. 157

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE BY REQUEST

Introduced: 2/6/95

Referred: Health, Education and Social Services, Labor and Commerce, Finance

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) Except as provided in
7 AS 08.38.080 or (b) of this section, an individual may not, unless licensed as a
8 dietitian or nutritionist by the department,

9 (1) engage in dietetics or nutrition practice;

10 (2) use the title "dietitian," "licensed dietitian," "nutritionist," "licensed
11 nutritionist," or an occupational title using the word "dietitian" or "nutritionist";

12 (3) advertise or otherwise hold out as a dietitian or nutritionist.

13 (b) Notwithstanding (a) of this section, an individual who is registered by the
14 Commission on Dietetic Registration of the American Dietetic Association may use the

1 title "registered dietitian" and the designation "R.D."

2 (c) An individual who violates (a)(1) of this section is guilty of a class B
3 misdemeanor, punishable by a fine of not more than \$1,000 or by a definite term of
4 imprisonment of not more than one year, or by both.

5 (d) An individual who obtains or attempts to obtain a dietitian or nutritionist
6 license by dishonest or fraudulent means or who forges, counterfeits, or fraudulently
7 alters a dietitian's or nutritionist's license, is punishable by a fine of not more than
8 \$500, by imprisonment for not more than six months, or by both.

9 Sec. 08.38.020. DIETITIAN LICENSURE. The department shall issue a
10 dietitian license to an individual who applies on a form provided by the department
11 and submits evidence satisfactory to the department of either

12 (1) being a registered dietitian; or

13 (2) meeting the following qualifications:

14 (A) having a baccalaureate or postgraduate degree from a
15 United States regionally accredited college or university with a major in
16 dietetics, human nutrition, nutrition education, food and nutrition, or food
17 service management;

18 (B) having completed a documented supervised preprofessional
19 practice experience component in dietetic practice of at least 900 hours under
20 the supervision of a registered dietitian, a licensed nutrition professional, or an
21 individual with a doctoral degree conferred by a United States regionally
22 accredited college or university with a major course of study in human
23 nutrition, nutrition education, food and nutrition, dietetics, or food systems
24 management; this supervised practice experience must be completed in the
25 United States or its territories, and supervisors of this experience who obtained
26 their doctoral outside the United States and its territories must have their
27 degrees conferred by a United States regionally accredited college or university;
28 and

29 (C) having successfully completed the registration examination
30 for dietitians administered by the commission.

31 Sec. 08.38.030. NUTRITIONIST LICENSURE. The department shall issue

1 a nutritionist license to an individual who applies on a form provided by the
2 department and submits evidence satisfactory to the department that the individual
3 either

4 (1) has qualified as a diplomate of the American Board of Nutrition in
5 Springfield, Virginia; or

6 (2) meets the following qualifications:

7 (A) has received a master's or doctoral degree from an
8 accredited or approved college or university with a major in human nutrition,
9 public health nutrition, clinical nutrition, nutrition education, community
10 nutrition, or food and nutrition; and

11 (B) has completed a documented supervised preprofessional
12 practice experience component in dietetic practice of at least 900 hours under
13 the supervision of a registered dietitian, a licensed nutrition professional, or an
14 individual with a doctoral degree conferred by a United States regionally
15 accredited college or university with a major course of study in human
16 nutrition, nutrition education, food and nutrition, dietetics or food systems
17 management; supervised practice experience under this paragraph must be
18 completed in the United States or its territories, and the supervisors used under
19 this paragraph who obtained their doctoral degree outside the United States and
20 its territories must have their degrees validated as equivalent to the doctoral
21 degree conferred by a United States regionally accredited college or university.

22 Sec. 08.38.040. GROUNDS FOR SUSPENSION, REVOCATION, OR
23 REFUSAL TO ISSUE A LICENSE. The department may, after a hearing, impose a
24 disciplinary sanction authorized under AS 08.01.075 on an individual licensed under
25 this chapter when the department finds that the licensee

26 (1) secured a license through deceit, fraud, or intentional
27 misrepresentation;

28 (2) engaged in deceit, fraud, or intentional misrepresentation in the
29 course of providing professional services or engaging in professional activities;

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

31 (4) has been convicted of a felony or of another crime that affects the

1 licensee's ability to continue to practice competently and safely;

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

4 (6) continued to practice after becoming unfit due to

5 (A) professional incompetence;

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

8 (C) physical or mental disability; or

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

11 Sec. 08.38.050. RECIPROCITY. The department may issue a license to an
12 applicant who is licensed as a dietitian or nutritionist in another state or the District
13 of Columbia if, in the judgment of the department, the standards for licensure in the
14 other jurisdiction are not less stringent than the requirements in this chapter.

15 Sec. 08.38.080. EXEMPTIONS. The requirements of this chapter do not apply
16 to

17 (1) a person pursuing a degree in dietetics or nutrition at an accredited
18 college or university who is practicing under the supervision of a licensed dietitian or
19 licensed nutritionist and in accordance with accepted scientific knowledge and
20 standards of practice, provided that the person is designated by a title that clearly
21 indicates the person's status as a student or trainee;

22 (2) a person in the process of fulfilling the professional experience
23 requirements in dietetics or nutrition necessary for licensure who is practicing under
24 the supervision of a licensed dietitian or licensed nutritionist and in accordance with
25 accepted scientific knowledge and standards of practice, provided that the person is
26 designated by a title that clearly indicates the person's status as a trainee;

27 (3) a person licensed to practice medicine, nursing, optometry,
28 psychology, pharmacy, dentistry, chiropractic or naturopathic medicine, when nutrition
29 practice is incidental to the practice of the person's profession and the person does not
30 hold out as being a dietitian or nutritionist unless licensed as a dietitian or nutritionist;

31 (4) a person, including a registered dietetic technician, or other

1 paraprofessional working in a program administered by a licensed dietitian or licensed
2 nutritionist, if the person's activities are within the scope of the person's education and
3 training and in accordance with accepted scientific knowledge and standards of practice
4 in nutrition or dietetics and the person does not hold out as being a dietitian or
5 nutritionist unless licensed as a dietitian or nutritionist;

6 (5) a person who provides weight control services, provided the
7 nutrition program has been reviewed by, consultation is available from, and no
8 program change can be initiated without the prior approval of either a licensed dietitian
9 under this chapter, a licensed dietitian in another state that has licensure requirements
10 that are substantially equivalent to the requirements contained in this chapter, or a
11 registered dietitian;

12 (6) a home economist with a baccalaureate or graduate degree from an
13 accredited college or university, if the person's activities are within the scope of the
14 person's education and training and in accordance with accepted scientific knowledge
15 and standards of practice and the person does not hold out as being a dietitian or
16 nutritionist unless licensed as a dietitian or nutritionist;

17 (7) a person employed by a federal, state, or municipal agency, school
18 district, regionally accredited institution of higher education, or nonprofit agency, if the
19 person's activities are within the scope of the person's employment and the person
20 does not hold out as being a dietitian or nutritionist unless licensed as a dietitian or
21 nutritionist;

22 (8) a person who furnishes nutrition information on food, food
23 materials, or dietary supplements or engages in the explanation to customers about
24 foods or food products in connection with the marketing and distribution of those
25 products, provided that the person does not hold out as being a dietitian or nutritionist
26 unless licensed as a dietitian or nutritionist;

27 (9) a person who is recognized in the community as a provider of
28 nutritional advice, including a medicine man or a medicine woman, and who advises
29 people according to or based on traditional practices, provided the person does not
30 hold out as being a dietitian or nutritionist unless licensed as a dietitian or nutritionist;

31 (10) an animal nutritionist whose activities are limited to the nutritional

1 care of animals; animal nutritionists may use the title "nutritionist" as long as they
2 provide nutrition services only to animals;

3 (11) a person who provides nutrition services to family members
4 without remuneration;

5 (12) a person involved in dietary or nutritional counseling under a
6 research study supervised by an institution of higher learning or a state agency that has
7 been approved by an institutional review board to ensure the informed consent and
8 safety of study participants; or

9 (13) the practice of the tenets of a religion, sect, or denomination,
10 provided that a member of the religion, sect, or denomination may not use the title
11 "dietitian" or "nutritionist" unless licensed to do so.

12 Sec. 08.38.100. DEFINITIONS. In this chapter,

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

17 (2) "association" means the American Dietetic Association;

18 (3) "commission" means the Commission on Dietetic Registration that
19 is a member of the National Commission on Health Certifying Agencies and that
20 establishes national standards of competence for individuals participating in the health
21 care delivery system;

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

26 (5) "nutritional assessment" means the evaluation of the nutritional
27 needs of individuals or groups based on appropriate biochemical, anthropometric,
28 physical, and dietary data to determine nutrient needs and recommend appropriate
29 nutritional care;

30 (6) "nutrition care services" means

31 (A) assessment of the nutritional needs of individuals or groups;

1 (B) establishment of priorities, goals, and objectives to meet
2 nutritional needs;

3 (C) provision of nutrition counseling for both normal and
4 therapeutic needs;

5 (D) development, implementation, and management of nutrition
6 care services; or

7 (E) evaluation, adjustment, and maintenance of appropriate
8 standards of quality in nutrition care;

9 (7) "nutrition counseling" means advising and assisting individuals or
10 groups on appropriate nutritional intake by integrating information from the nutritional
11 assessment with the information on food and other sources of nutrients and meal
12 preparation consistent with cultural background and socioeconomic status;

13 (8) "nutritionist" means an individual who engages in dietetics or
14 nutrition practice and uses the title "nutritionist";

15 (9) "registered dietitian" means an individual who engages in dietetics
16 or nutrition practice and is registered by the Commission on Dietetic Registration of
17 the American Dietetic Association.

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

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

20 * **Sec. 3.** Except as provided in sec. 4 of this Act, this Act takes effect immediately under
21 AS 01.10.070(c).

22 * **Sec. 4.** AS 08.38.010, enacted by sec. 1 of this Act, takes effect January 1, 1996.