

SENATE BILL NO. 88

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY SENATOR DONLEY

Introduced: 2/25/99

Referred: 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 AS 08.38.080,
7 an individual may not, unless licensed as a dietitian or nutritionist by the department,

8 (1) engage in dietetics or nutrition practice;

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

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

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

1 (c) An individual who obtains or attempts to obtain a dietitian or nutritionist
 2 license by dishonest or fraudulent means or who forges, counterfeits, or fraudulently
 3 alters a dietitian or nutritionist license, is punishable by a fine of not more than \$1,000
 4 under a citation issued by the department. For a citation under this subsection, the
 5 department shall use the citation procedures applicable to citations for unlicensed
 6 practice under AS 08.01.102 - 08.01.104, and an individual who receives a citation
 7 under this subsection is subject to the same requirements as an individual who receives
 8 a citation under AS 08.01.102 - 08.01.104.

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

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

16 (1) has qualified as a diplomate of the American Board of Nutrition in
 17 Rockville, Maryland, or as a Certified Nutrition Specialist with the Certification Board
 18 for Nutrition Specialists in New York, New York; or

19 (2) meets the following qualifications:

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

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

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

31 (1) secured or attempted to secure a license through deceit, fraud, or

1 intentional misrepresentation;

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

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

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

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

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

10 (A) professional incompetence;

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

13 (C) physical or mental disability; or

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

16 **Sec. 08.38.050. Reciprocity.** The department may issue a license to an
17 applicant who is licensed as a dietitian or nutritionist in another state or the District
18 of Columbia if, in the judgment of the department, the standards for licensure in the
19 other jurisdiction are not less stringent than the requirements in this chapter.

20 **Sec. 08.38.080. Exemptions.** The requirements of this chapter do not apply
21 to

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

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

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

6 (4) a person, including a dietetic technician registered by the American
7 Dietetic Association, or other paraprofessional working in a program administered by
8 a licensed dietitian or licensed nutritionist if the person's activities are within the scope
9 of the person's education and training and in accordance with accepted scientific
10 knowledge and standards of practice in nutrition or dietetics and the person does not
11 hold out as being a dietitian or nutritionist unless licensed as a dietitian or nutritionist;

12 (5) a person who provides weight control services, provided the
13 nutrition program has been reviewed by, consultation is available from, and no
14 program change can be initiated without the prior approval of either a dietitian or
15 nutritionist licensed under this chapter or a licensed dietitian in another state that has
16 licensure requirements that are substantially equivalent to the requirements contained
17 in this chapter;

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

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

28 (8) a person who furnishes nutrition information on food, food
29 materials, or dietary supplements or engages in the explanation to customers about
30 foods, food products, or dietary supplements in connection with the marketing and
31 distribution of those products, provided that the person does not hold out as being a

1 dietitian or nutritionist unless licensed as a dietitian or nutritionist;

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

6 (10) an animal nutritionist whose activities are limited to the nutritional
7 care of animals; animal nutritionists may use the title "nutritionist" as long as they
8 provide nutrition services only to animals;

9 (11) a person who provides nutrition services to family members
10 without remuneration;

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

15 (13) the practice of the tenets of a religion, sect, or denomination,
16 provided that a member of the religion, sect, or denomination may not use the title
17 "dietitian" or "nutritionist" unless licensed under this chapter.

18 **Sec. 08.38.100. Definitions.** In this chapter,

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

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

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

1 (4) "nutritional assessment" means the evaluation of the nutritional
 2 needs of individuals or groups based on appropriate biochemical, anthropometric,
 3 physical, and dietary data to determine nutrient needs and to recommend appropriate
 4 nutritional care;

5 (5) "nutrition care services" means

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

7 (B) establishment of priorities, goals, and objectives to meet
 8 nutritional needs;

9 (C) provision of nutrition counseling for both normal and
 10 therapeutic needs;

11 (D) development, implementation, and management of nutrition
 12 care services; or

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

15 (6) "nutrition counseling" means advising and assisting individuals or
 16 groups on appropriate nutritional intake by integrating information from the nutritional
 17 assessment with information on food and other sources of nutrients and meal
 18 preparation consistent with cultural background and socioeconomic status;

19 (7) "nutritionist" means an individual who engages in dietetics or
 20 nutrition practice and uses the title "nutritionist".

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

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

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

25 * **Sec. 4.** AS 08.38.010, enacted by sec. 1 of this Act, takes effect January 1, 2000.