

By Representative Lacasa

1 A bill to be entitled
2 An act relating to dietetics and nutrition
3 practice; amending s. 468.503, F.S.; revising
4 definitions; amending s. 468.506, F.S.;
5 revising qualifications for membership on the
6 Dietetics and Nutrition Practice Council;
7 providing applicability to current members;
8 revising provisions relating to filling
9 vacancies; amending s. 468.51, F.S.; providing
10 for licensure of nutrition counselors by
11 examination; providing requirements therefor
12 and providing for development of the
13 examination; amending s. 468.511, F.S.;
14 providing for a temporary permit to practice
15 nutrition counseling; amending s. 468.512,
16 F.S.; authorizing nutrition counselors to an
17 additional professional title; amending s.
18 468.513, F.S.; providing for licensure of
19 nutrition counselors by endorsement; amending
20 s. 468.516, F.S.; requiring certain referral
21 for nutrition counseling and assessment at the
22 patient's request; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

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26 Section 1. Section 468.503, Florida Statutes, is
27 amended to read:

28 468.503 Definitions.--As used in this part:

29 (1) "Agency" means the Agency for Health Care
30 Administration.

31 (2) "Board" means the Board of Medicine.

1 (3)(a) "Dietetics and nutrition practice" means the
2 integration and application of the principles derived from the
3 sciences of nutrition, biochemistry, food, physiology, and
4 management and from the behavioral and social sciences to
5 achieve and maintain a person's health throughout the person's
6 life. It is an integral part of preventive, diagnostic,
7 curative, and restorative health care of individuals, groups,
8 or both.

9 (b)~~(4)~~ "Dietetics and nutrition practice" includes
10 ~~shall include~~ assessing nutrition needs and status using
11 appropriate data; recommending appropriate dietary regimens,
12 nutrition support, and nutrient intake; improving health
13 status through nutrition research, counseling, and education;
14 and developing, implementing, and managing nutrition care
15 systems, which includes, but is not limited to, evaluating,
16 modifying, and maintaining appropriate standards of high
17 quality in food and nutrition care services.

18 (4)~~(5)~~ "Dietetic technician" means a person who
19 assists in the provision of dietetic and nutrition services
20 under the supervision of a qualified professional.

21 (5)~~(6)~~ "Licensed dietitian/nutritionist" means a
22 person licensed pursuant to s. 468.509.

23 (6)~~(7)~~ "Licensed nutrition counselor" means a person
24 licensed pursuant to s. 468.51.

25 (7)~~(8)~~ "Nutrition assessment" means the evaluation of
26 the nutrition needs of individuals or groups, using
27 appropriate data to determine nutrient needs or status and
28 make appropriate nutrition recommendations.

29 (8)~~(9)~~ "Nutrition counseling" means advising, and
30 assisting, and educating individuals or groups on appropriate
31 nutrition intake, including food supplements, by integrating

1 information from an assessment of an individual's nutritional
2 status ~~the nutrition assessment~~.

3 ~~(9)(10)~~ "Preprofessional experience component" means a
4 planned and continuous supervised practice experience in
5 dietetics or nutrition. However, a person practicing as a
6 dietitian must be supervised by a licensed
7 dietitian/nutritionist, and a person practicing as a nutrition
8 counselor must be supervised by a licensed nutrition
9 counselor, a clinical nutritionist, or a physician licensed
10 under chapter 458, chapter 459, or chapter 460 who is trained
11 in clinical nutrition.

12 ~~(10)(11)~~ "Registered dietitian" means an individual
13 registered with the Commission on Dietetic Registration, the
14 accrediting body of the American Dietetic Association.

15 Section 2. Section 468.506, Florida Statutes, is
16 amended to read:

17 468.506 Dietetics and Nutrition Practice
18 Council.--There is created the Dietetics and Nutrition
19 Practice Council under the supervision of the board. The
20 council shall consist of four persons licensed under this part
21 and one consumer who is 60 years of age or older. Two of the
22 licensed members must be practicing dietitian/nutritionists,
23 the other two licensed members must be practicing nutrition
24 counselors, and the consumer member must be knowledgeable
25 about nutrition. Council members shall be appointed by the
26 board. ~~Licensed members shall be appointed based on the~~
27 ~~proportion of licensees within each of the respective~~
28 ~~disciplines.~~ Members shall be appointed for 4-year staggered
29 terms. In order to be eligible for appointment, each licensed
30 member must have been a licensee under this part for at least
31 3 years prior to his or her appointment. No council member

1 shall serve more than two successive terms. The board may
2 delegate such powers and duties to the council as it may deem
3 proper to carry out the operations and procedures necessary to
4 effectuate the provisions of this part. However, the powers
5 and duties delegated to the council by the board must
6 encompass both dietetics and nutrition practice and nutrition
7 counseling. Any time there is a vacancy on the council, the
8 board shall elicit from each ~~any~~ professional association
9 composed of persons licensed under this part its
10 recommendations for ~~may recommend~~ licensees to fill the
11 vacancy ~~to the board~~ in a number at least twice the number of
12 vacancies to be filled, and the board must ~~may~~ appoint from
13 the submitted lists ~~list~~, in its discretion, a person from
14 among the ~~any of those~~ persons so recommended to fill each
15 vacancy. Any professional association composed of persons
16 licensed under this part may file an appeal regarding a
17 council appointment with the director of the agency, whose
18 decision shall be final. The board shall fix council members'
19 compensation and pay their expenses in the same manner as
20 provided in s. 455.207.

21 Section 3. Section 468.51, Florida Statutes, is
22 amended to read:

23 468.51 Nutrition counselor; renewal of licensure;
24 licensure by examination.--

25 (1) Any person previously certified as qualified by
26 the board and holding a license to practice as a nutrition
27 counselor in this state which was issued during the period
28 from July 1, 1988, to March 30, 1997, based upon documentation
29 that the person was employed as a practitioner of nutrition
30 counseling previous to and on April 1, 1988, shall be eligible
31 to renew his or her license pursuant to s. 468.514.

1 (2)(a) Except for a person licensed under subsection
2 (1), any person desiring to be licensed as a nutrition
3 counselor shall apply to the agency to take the licensure
4 examination.
5 (b) The agency shall examine any applicant who the
6 board certifies has completed the application form and
7 remitted the application and examination fees specified in s.
8 468.508 and who:
9 1.a. Possesses a postbaccalaureate degree in human
10 nutritional science from a school or program accredited by the
11 United States Department of Education; and
12 b. Has completed a preprofessional experience
13 component of not less than 900 hours with a licensed nutrition
14 counselor, a clinical nutritionist, or a physician licensed
15 under chapter 458, chapter 459, or chapter 460 who is trained
16 in clinical nutrition, or has education or experience
17 determined to be equivalent by the board; or
18 2.a. Possesses a baccalaureate or postbaccalaureate
19 degree in a related field of study, including biochemistry,
20 physiology, health education, premedical studies, and any
21 other such area approved by the board, from a school or
22 program accredited, at the time of the applicant's graduation,
23 by the appropriate accrediting agency recognized by the United
24 States Department of Education;
25 b. Has met additional certification requirements for
26 training in the field of nutrition science, as recommended by
27 an agency-approved advisory committee of licensed nutrition
28 counselors and approved by the board, which are substantially
29 equivalent to the requirements for a degree in nutrition under
30 subparagraph 1.; and
31

1 c. Has completed a preprofessional experience
2 component of not less than 900 hours with a licensed nutrition
3 counselor, a clinical nutritionist, or a physician licensed
4 under chapter 458, chapter 459, or chapter 460 who is trained
5 in clinical nutrition, or has education or experience
6 determined to be equivalent by the board; or

7 3.a. Has an academic degree, from another state or
8 foreign country, that has been validated by an accrediting
9 agency approved by the United States Department of Education
10 as equivalent to the baccalaureate or postbaccalaureate degree
11 conferred by an accredited college or university in the United
12 States;

13 b. Has completed a major course of study in human
14 nutritional science, as recommended by the council and
15 approved by the board, which is substantially equivalent to
16 the course of study required for a degree in human nutritional
17 science under subparagraph 1.; and

18 c. Has completed a preprofessional experience
19 component of not less than 900 hours with a licensed nutrition
20 counselor, a clinical nutritionist, a physician licensed under
21 chapter 458, chapter 459, or chapter 460 who is trained in
22 clinical nutrition, or any other comparably trained person
23 approved by the board, or has education or experience
24 determined to be equivalent by the board.

25 (c) The agency shall license as a nutrition counselor
26 any applicant who has remitted the initial licensure fee and
27 has passed the examination in accordance with this subsection.

28 Section 4. Section 468.511, Florida Statutes, is
29 amended to read:

30 468.511 ~~Dietitian/nutritionist~~ Temporary permits
31 permit.--

1 (1) DIETITIAN/NUTRITIONISTS.--

2 (a) A temporary permit to practice dietetics and
3 nutrition may be issued by the board on the filing of an
4 application, payment of a temporary permit fee, and the
5 submission of evidence of the successful completion of the
6 educational requirement under s. 468.509. The initial
7 application shall be signed by the supervising licensee.

8 ~~(b)(2)~~ A person practicing dietetics and nutrition
9 under a temporary permit shall be under the supervision and
10 direction of a licensed dietitian/nutritionist.

11 ~~(c)(3)~~ A temporary permit to practice dietetics and
12 nutrition shall expire 1 year from the date of issuance.

13 ~~(d)(4)~~ One extension of a temporary permit to practice
14 dietetics and nutrition may be granted for good cause shown.

15 ~~(e)(5)~~ If the board determines that an applicant is
16 qualified to be licensed by endorsement under s. 468.513(1),
17 the board may issue the applicant a temporary permit to
18 practice dietetics and nutrition until the next board meeting
19 at which license applications are to be considered, but not
20 for a longer period of time.

21 ~~(f)(6)~~ If the board determines that an applicant has
22 not passed an examination recognized by the board and is not
23 qualified to be licensed by endorsement, but has otherwise met
24 all the requirements of s. 468.509 and has made application
25 for the next scheduled examination, the board may issue the
26 applicant a temporary permit allowing him or her to practice
27 dietetics and nutrition under the supervision of a licensed
28 dietitian/nutritionist until notification of the results of
29 the examination.

30 (2) NUTRITION COUNSELORS.--

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1 (a) A temporary permit to practice nutrition
2 counseling may be issued by the board on the filing of an
3 application, payment of a temporary permit fee, and the
4 submission of evidence of the successful completion of the
5 educational requirement under s. 468.51. The initial
6 application shall be signed by the supervising licensee.

7 (b) A person practicing nutrition counseling under a
8 temporary permit shall be under the supervision and direction
9 of a licensed nutrition counselor.

10 (c) A temporary permit to practice nutrition
11 counseling shall expire 1 year from the date of issuance.

12 (d) One extension of a temporary permit to practice
13 nutrition counseling may be granted for good cause shown.

14 (e) If the board determines that an applicant is
15 qualified to be licensed by endorsement under s. 468.513(2),
16 the board may issue the applicant a temporary permit to
17 practice nutrition counseling until the next board meeting at
18 which license applications are to be considered, but not for a
19 longer period of time.

20 (f) If the board determines that an applicant has not
21 passed the examination required by the board and is not
22 qualified to be licensed by endorsement, but has otherwise met
23 all the requirements of s. 468.51(2) and has made application
24 for the next scheduled examination, the board may issue the
25 applicant a temporary permit allowing him or her to practice
26 nutrition counseling under the supervision of a licensed
27 nutrition counselor until notification of the results of the
28 examination.

29 Section 5. Paragraph (b) of subsection (1) of section
30 468.512, Florida Statutes, is amended to read:

31 468.512 License to be displayed.--

1 (1)
2 (b) A licensed nutrition counselor may use the words
3 "nutrition counselor," "licensed nutrition counselor,"
4 "nutritionist," ~~or~~ "licensed nutritionist," or "licensed
5 clinical nutritionist"in connection with the licensee's name
6 or place of business, to denote licensure under this part.

7 Section 6. Section 468.513, Florida Statutes, is
8 amended to read:

9 468.513 ~~Dietitian/nutritionist~~;Licensure by
10 endorsement.--

11 (1) DIETITIAN/NUTRITIONISTS.--

12 (a) The agency shall issue a license to practice
13 dietetics and nutrition by endorsement to any applicant who
14 the board certifies as qualified, upon receipt of a completed
15 application and the fee specified in s. 468.508.

16 ~~(b)(2)~~ The board shall certify as qualified for
17 licensure by endorsement under this subsection ~~section~~ any
18 applicant who:

19 1.(a) ~~(a)~~ Presents evidence satisfactory to the board that
20 he or she is a registered dietitian; or

21 2.(b) ~~(b)~~ Holds a valid license to practice dietetics or
22 nutrition issued by another state, district, or territory of
23 the United States, if the criteria for issuance of such
24 license are determined by the board to be substantially
25 equivalent to or more stringent than those of this state.

26 (c) ~~(3)~~ The agency shall not issue a license by
27 endorsement under this subsection ~~section~~ to any applicant who
28 is under investigation in any jurisdiction for any act which
29 would constitute a violation of this part or chapter 455 until
30 such time as the investigation is complete and disciplinary
31 proceedings have been terminated.

1 (2) NUTRITION COUNSELORS.--

2 (a) The agency shall issue a license to practice
3 nutrition counseling by endorsement to any applicant who the
4 board certifies as qualified, upon receipt of a completed
5 application and the fee specified in s. 468.508.

6 (b) The board shall certify as qualified for licensure
7 by endorsement under this subsection any applicant who:

8 1. Presents evidence satisfactory to the board that he
9 or she is a registered nutrition counselor; or

10 2. Holds a valid license to practice nutrition
11 counseling issued by another state, district, or territory of
12 the United States, if the criteria for issuance of such
13 license are determined by the board to be substantially
14 equivalent to or more stringent than those of this state.

15 (c) The agency shall not issue a license by
16 endorsement under this subsection to any applicant who is
17 under investigation in any jurisdiction for any act which
18 would constitute a violation of this part or chapter 455 until
19 such time as the investigation is complete and disciplinary
20 proceedings have been terminated.

21 Section 7. Subsection (3) is added to section 468.516,
22 Florida Statutes, to read:

23 468.516 Practice requirements; referral by other
24 practitioners.--

25 (3) A physician licensed under chapter 458, chapter
26 459, or chapter 460 must refer a patient to a licensed
27 dietitian/nutritionist or nutrition counselor for nutrition
28 counseling and assessment at the patient's request.

29 Section 8. The new requirements for membership on the
30 Dietetics and Nutrition Practice Council set forth in s.
31 468.506, Florida Statutes, as amended by this act, are not

