

By Senator Bean

4-01067-15

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1                   A bill to be entitled  
2       An act relating to dietetics and nutrition; amending  
3       s. 468.502, F.S.; revising the purpose and intent of  
4       the Dietetics and Nutrition Practice Act; amending s.  
5       468.503, F.S.; revising and providing definitions;  
6       amending s. 468.504, F.S.; prohibiting the unlicensed  
7       practice of medical nutrition therapy; amending s.  
8       468.505, F.S.; conforming provisions; authorizing  
9       certain certified individuals to use specified titles  
10      and designations; amending s. 468.506, F.S.; renaming  
11      the Dietetics and Nutrition Practice Council as the  
12      Dietetics and Nutrition Practice Board; revising  
13      provisions regarding membership of the board;  
14      requiring certain board members to apply for licensure  
15      within a specified time period; amending s. 468.509,  
16      F.S.; requiring the board to waive the examination  
17      requirement for specified applicants; conforming  
18      provisions; amending s. 468.511, F.S.; making  
19      editorial changes; amending s. 468.513, F.S.; revising  
20      requirements for licensure by endorsement; conforming  
21      provisions; amending s. 468.516, F.S.; providing that  
22      a licensed dietitian or nutritionist treating a  
23      patient who is under the active care of a licensed  
24      physician or licensed chiropractor is not precluded  
25      from ordering a therapeutic diet; amending ss.  
26      468.514, 468.515, and 468.518, F.S.; conforming  
27      provisions; providing an effective date.

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29   Be It Enacted by the Legislature of the State of Florida:

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Section 1. Section 468.502, Florida Statutes, is reordered and amended to read:

468.502 Purpose and intent.—The Legislature finds that the practice of dietetics and nutrition or nutrition counseling plays an important part in promoting the maintenance and improvement of health. The Legislature further finds that such practice by unskilled and incompetent practitioners presents a danger to the public health and safety. The Legislature further finds that it is difficult for the public to make informed choices about dietitians and nutritionists and that the consequences of wrong choices could seriously endanger the public health and safety. The sole legislative purpose in enacting this part is to ensure that every person who practices dietetics and nutrition or nutrition counseling in this state meets minimum requirements for safe practice. It is the legislative intent that any person practicing dietetics and nutrition or nutrition counseling who falls below minimum competency or who otherwise presents a danger to the public be prohibited from practicing in this state. It is also the intent of the Legislature that the practice of nutrition counseling be authorized and regulated solely within the limits expressly provided by this part and any rules adopted pursuant thereto.

Section 2. Section 468.503, Florida Statutes, is reordered and amended to read:

468.503 Definitions.—As used in this part:

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

(1)(2) "Board" means the Dietetics and Nutrition Practice

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59 Board of Medicine.

60 (2) "Commission" means the Commission on Dietetic  
61 Registration, the accrediting body of the Academy of Nutrition  
62 and Dietetics.

63 (3) "Department" means the Department of Health.

64 (4)~~(3)~~ "Dietetics" means the integration and application of  
65 the principles derived from the sciences of nutrition,  
66 biochemistry, food, physiology, and management and from the  
67 behavioral and social sciences to achieve and maintain a  
68 person's health throughout the person's life. It is an integral  
69 part of preventive, diagnostic, curative, and restorative health  
70 care of individuals, groups, or both.

71 (5)~~(4)~~ "Dietetics and nutrition practice" includes the use  
72 of the nutrition care process for ~~shall include~~ assessing  
73 nutrition needs and status using appropriate data; recommending  
74 appropriate dietary regimens, medical nutrition therapy, food  
75 and prescription drug interactions, nutrition support, and  
76 nutrient intake; ordering therapeutic diets; improving health  
77 status through nutrition research, counseling, and education;  
78 and developing, implementing, and managing nutrition care  
79 systems, which includes, but is not limited to, evaluating,  
80 modifying, and maintaining appropriate standards of high quality  
81 in food and nutrition care services.

82 (9)~~(5)~~ "Nutrition and dietetics ~~Dietetic~~ technician,  
83 registered" means a person who has an associate or baccalaureate  
84 degree in nutrition, food and nutrition, dietetics, food  
85 management, or an equivalent major course of study, from a  
86 school or program that is accredited at the time of graduation  
87 by an accrediting body recognized by the United States

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88 Department of Education, who assists in the provision of  
89 dietetic and nutrition services under the supervision of a  
90 qualified professional, and who is registered with the  
91 commission.

92 (6) "Licensed dietitian or nutritionist  
93 ~~dietitian/nutritionist~~" means a person licensed pursuant to s.  
94 468.509.

95 (7) "Licensed nutrition counselor" means a person licensed  
96 pursuant to s. 468.51.

97 (8) "Medical nutrition therapy" means the use of specific  
98 nutrition services for the purpose of disease management or to  
99 treat or rehabilitate an illness, injury, or condition.

100 (10)~~(8)~~ "Nutrition assessment" means the systematic process  
101 of obtaining, verifying, and interpreting biochemical,  
102 anthropometric, physical, and dietary data to make decisions  
103 about the nature and cause of nutrition-related problems.  
104 Nutrition assessment involves initial data collection,  
105 reassessment, and analysis of client or community needs and  
106 provides the foundation for nutrition diagnosis and nutritional  
107 recommendations, including enteral and parenteral nutrition  
108 ~~evaluation of the nutrition needs of individuals or groups,~~  
109 ~~using appropriate data to determine nutrient needs or status and~~  
110 ~~make appropriate nutrition recommendations.~~

111 (11) "Nutrition care process" means the systematic problem-  
112 solving method that dietitians and nutritionists use when  
113 providing medical nutrition therapy, addressing nutrition-  
114 related problems, and providing safe, effective, and high-  
115 quality care. The nutrition care process includes four distinct,  
116 but interrelated steps, including nutrition assessment,

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117 nutrition diagnosis, nutrition intervention, and nutrition  
118 monitoring and evaluation. As used in this subsection,  
119 "nutrition monitoring and evaluation" means identifying patient  
120 outcomes relevant to the nutrition diagnosis and nutrition  
121 intervention plans and goals, comparing such outcomes with the  
122 patient's status or intervention goals before treatment or with  
123 a reference standard to determine the progress made in achieving  
124 the desired outcome of nutrition care, and whether planned  
125 nutrition interventions should be continued or revised.

126 (12)-(9) "Nutrition counseling" means advising and assisting  
127 individuals or groups on appropriate nutrition intake by  
128 integrating information from the nutrition assessment with  
129 information about food, other sources of nutrients, and meal  
130 preparation while considering cultural background and  
131 socioeconomic status.

132 (13) "Nutrition diagnosis" means the identification of  
133 nutritional problems that a licensed or registered dietician or  
134 nutritionist is responsible for treating independently.

135 (14) "Nutrition intervention" means planned actions  
136 intended to positively change a nutrition-related behavior, risk  
137 factor, environmental condition, or aspect of health status for  
138 an individual and his or her family or caregivers, target  
139 groups, or the community at large.

140 (15)-(10) "Preprofessional experience component" means at  
141 least 900 hours of a planned and continuous supervised practice  
142 experience in dietetics or nutrition.

143 (16)-(11) "Registered dietitian" or "registered  
144 nutritionist" means an individual registered with the commission  
145 on Dietetic Registration, the accrediting body of the American

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146 ~~Dietetic Association.~~

147 Section 3. Section 468.504, Florida Statutes, is amended to  
148 read:

149 468.504 License required.—No person may practice medical  
150 nutrition therapy or engage for remuneration in dietetics and  
151 nutrition practice or nutrition counseling or hold himself or  
152 herself out as a practitioner of dietetics and nutrition  
153 practice or nutrition counseling unless the person is licensed  
154 in accordance with the provisions of this part.

155 Section 4. Paragraphs (b), (c), (d), (f), (j), (k), and (m)  
156 of subsection (1) and subsections (2) and (4) of section  
157 468.505, Florida Statutes, are amended to read:

158 468.505 Exemptions; exceptions.—

159 (1) Nothing in this part may be construed as prohibiting or  
160 restricting the practice, services, or activities of:

161 (b) A person employed as a dietitian or nutritionist by the  
162 government of the United States, if the person engages in  
163 dietetics solely under direction or control of the organization  
164 by which the person is employed.

165 (c) A person employed as an extension agent specializing in  
166 family and consumer services ~~a cooperative extension home~~  
167 ~~economist~~.

168 (d) A person pursuing a course of study leading to a degree  
169 in dietetics and nutrition from a program or school accredited  
170 pursuant to s. 468.509(2), if the activities and services  
171 constitute a part of a supervised course of study and if the  
172 person is designated by a title that clearly indicates the  
173 person's status as a student, intern, or trainee.

174 (f) Any dietitian or nutritionist from another state

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175 practicing dietetics or nutrition incidental to a course of  
176 study when taking or giving a postgraduate course or other  
177 course of study in this state, provided such dietitian or  
178 nutritionist is licensed in another jurisdiction or is a  
179 registered dietitian or nutritionist or holds an appointment on  
180 the faculty of a school accredited pursuant to s. 468.509(2).

181 (j) Any person who provides weight control services or  
182 related weight control products, provided the program has been  
183 reviewed by, consultation is available from, and no program  
184 change can be initiated without prior approval by a licensed  
185 dietitian or nutritionist ~~dietitian/nutritionist~~, a dietitian or  
186 nutritionist licensed in another state that has licensure  
187 requirements considered by the council to be at least as  
188 stringent as the requirements for licensure under this part, or  
189 a registered dietitian or nutritionist.

190 (k) A person employed by a hospital licensed under chapter  
191 395, by a nursing home licensed under part II of chapter 400, by  
192 an assisted living facility licensed under chapter 429, or by a  
193 continuing care facility certified under chapter 651, if the  
194 person is employed in compliance with the laws and rules adopted  
195 thereunder regarding the operation of its dietetic or nutrition  
196 ~~dietetic~~ department.

197 (m) A person employed as a nutrition and dietetics ~~dietetic~~  
198 technician, registered.

199 (2) Nothing in this part may be construed to prohibit or  
200 limit any person from the free dissemination of information  
201 through, ~~or from conducting~~ a class, ~~or~~ seminar, or ~~giving a~~  
202 speech, related to nutrition.

203 (4) Notwithstanding any other provision of this part, an

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204 individual registered by the commission ~~on Dietetic Registration~~  
 205 ~~of the American Dietetic Association~~ has the right to use the  
 206 title "Registered Dietitian," "Registered Nutritionist," and the  
 207 designation "R.D.N." ~~"R.D."~~ An individual certified by the  
 208 Certification Board for Nutrition Specialists has the right to  
 209 use the title "Certified Nutrition Specialist" and the  
 210 designation "CNS" and an individual certified by the American  
 211 Clinical Board of Nutrition has the right to use the title  
 212 "Diplomate of the American Clinical Board of Nutrition" and use  
 213 the designation "DACBN."

214 Section 5. Section 468.506, Florida Statutes, is amended to  
 215 read:

216 468.506 Dietetics and Nutrition Practice Board Council.—  
 217 There is created the Dietetics and Nutrition Practice Board  
 218 ~~Council~~ under the supervision of the board. The board council  
 219 shall consist of six ~~four~~ persons licensed under this part and  
 220 one consumer. At least one member of the board shall be who is  
 221 60 years of age or older. Board Council members shall be  
 222 appointed by the Governor ~~board~~. Licensed members shall be  
 223 appointed based on the proportion of licensees within each of  
 224 the respective disciplines. Members shall be appointed for 4-  
 225 year staggered terms. In order to be eligible for appointment,  
 226 each licensed member must have been a licensee under this part  
 227 for at least 3 years before ~~prior to~~ his or her appointment. An  
 228 initial board member for a newly added discipline is eligible to  
 229 be licensed and shall apply for licensure within 1 year after  
 230 October 1, 2015. No board council member shall serve more than  
 231 two successive terms. The board may delegate such powers and  
 232 duties ~~to the council~~ as it may deem proper to carry out the



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233 operations and procedures necessary to effectuate the provisions  
234 of this part. However, the powers and duties delegated ~~to the~~  
235 ~~council by the board~~ must encompass both dietetics and nutrition  
236 practice and nutrition counseling. Any time there is a vacancy  
237 on the board ~~council~~, any professional association composed of  
238 persons licensed under this part may recommend licensees to fill  
239 the vacancy to the Governor ~~board~~ in a number at least twice the  
240 number of vacancies to be filled, and the Governor ~~board~~ may  
241 appoint from the submitted list, in his or her ~~its~~ discretion,  
242 any of those persons so recommended. Any professional  
243 association composed of persons licensed under this part may  
244 file an appeal regarding a board ~~council~~ appointment with the  
245 State Surgeon General, whose decision shall be final. The board  
246 shall fix ~~council~~ members' compensation and pay their expenses  
247 in the same manner as provided in s. 456.011.

248 Section 6. Section 468.509, Florida Statutes, is amended to  
249 read:

250 468.509 Dietitian or nutritionist; ~~Dietitian/nutritionist;~~  
251 requirements for licensure.—

252 (1) Any person desiring to be licensed as a dietitian or  
253 nutritionist ~~dietitian/nutritionist~~ shall apply to the  
254 department ~~agency~~ to take the licensure examination.

255 (2) The department ~~agency~~ shall examine any applicant who  
256 the board certifies has completed the application form and  
257 remitted the application and examination fees specified in s.  
258 468.508 and who:

259 (a)1. Possesses a baccalaureate or postbaccalaureate degree  
260 with a major course of study in human nutrition, food and  
261 nutrition, dietetics, or food management, or an equivalent major

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262 course of study, from a school or program accredited, at the  
263 time of the applicant's graduation, by the appropriate  
264 accrediting body ~~agency~~ recognized by the Commission on  
265 Recognition of Postsecondary Accreditation and the United States  
266 Department of Education; and

267 2. Has completed a preprofessional experience component of  
268 not less than 900 hours or has education or experience  
269 determined to be equivalent by the board; or

270 (b)1. Has an academic degree, from a foreign country, that  
271 has been validated by an accrediting body ~~agency~~ approved by the  
272 United States Department of Education as equivalent to the  
273 baccalaureate or postbaccalaureate degree conferred by a  
274 regionally accredited college or university in the United  
275 States;

276 2. Has completed a major course of study in human  
277 nutrition, food and nutrition, dietetics, or food management;  
278 and

279 3. Has completed a preprofessional experience component of  
280 at least ~~not less than~~ 900 hours or has education or experience  
281 determined to be equivalent by the board.

282 (3) The board shall waive the examination requirement for  
283 an applicant who presents evidence satisfactory to the board  
284 that the applicant is:

285 (a) A registered dietitian or nutritionist who is  
286 registered with the commission and in compliance with all of the  
287 qualifications as stated in chapter 468 or chapter 509; or

288 (b) A certified nutrition specialist who is certified by  
289 the Certification Board for Nutrition Specialists or who is a  
290 Diplomate of the American Clinical Board of Nutrition and who is

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291 in compliance with the qualifications under this section.

292 (4) The department ~~agency~~ shall license as a dietitian or  
293 nutritionist ~~dietitian/nutritionist~~ any applicant who has  
294 remitted the initial licensure fee and has passed the  
295 examination in accordance with this section.

296 Section 7. Subsection (6) of section 468.511, Florida  
297 Statutes, is amended to read:

298 468.511 Dietitian or nutritionist ~~Dietitian/nutritionist~~;  
299 temporary permit.—

300 (6) If the board determines that an applicant has not  
301 passed an examination recognized by the board and is not  
302 qualified to be licensed by endorsement, but has otherwise met  
303 all the requirements of s. 468.509 and has applied ~~made~~  
304 ~~application~~ for the ~~next scheduled~~ examination, the board may  
305 issue the applicant a temporary permit allowing him or her to  
306 practice dietetics and nutrition under the supervision of a  
307 licensed dietitian or nutritionist ~~dietitian/nutritionist~~ until  
308 notification of the results of the examination.

309 Section 8. Section 468.513, Florida Statutes, is amended to  
310 read:

311 468.513 Dietitian or nutritionist ~~Dietitian/nutritionist~~;  
312 licensure by endorsement.—

313 (1) The department ~~agency~~ shall issue a license to practice  
314 dietetics and nutrition by endorsement to any applicant who the  
315 board certifies as qualified, upon receipt of a completed  
316 application and the fee specified in s. 468.508.

317 (2) The board shall certify as qualified for licensure by  
318 endorsement under this section any applicant who complies with  
319 the licensure requirements under s. 468.509 and+

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320 ~~(a) Presents evidence satisfactory to the board that he or~~  
321 ~~she is a registered dietitian; or~~

322 ~~(b)~~ holds a valid license to practice dietetics or  
323 nutrition issued by another state, district, or territory of the  
324 United States, if the criteria for issuance of such license are  
325 determined by the board to be substantially equivalent to or  
326 more stringent than those of this state.

327 (3) The department ~~agency~~ shall not issue a license by  
328 endorsement under this section to any applicant who is under  
329 investigation in any jurisdiction for any act which would  
330 constitute a violation of this part or chapter 456 until such  
331 time as the investigation is complete and disciplinary  
332 proceedings have been terminated.

333 Section 9. Section 468.514, Florida Statutes, is amended to  
334 read:

335 468.514 Renewal of license.—

336 (1) The department ~~agency~~ shall renew a license under this  
337 part upon receipt of the renewal application, fee, and proof of  
338 the successful completion of continuing education requirements  
339 as determined by the board.

340 (2) The department ~~agency~~ shall adopt rules establishing a  
341 procedure for the biennial renewal of licenses under this part.

342 Section 10. Subsection (1) of section 468.515, Florida  
343 Statutes, is amended to read:

344 468.515 Inactive status.—

345 (2) The department ~~agency~~ shall reactivate a license under  
346 this part upon receipt of the reactivation application, fee, and  
347 proof of the successful completion of continuing education  
348 prescribed by the board.

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349 Section 11. Subsection (3) is added to section 468.516,  
350 Florida Statutes, to read:

351 468.516 Practice requirements.—

352 (3) This section does not preclude a licensed dietitian or  
353 nutritionist from independently ordering a therapeutic diet if  
354 otherwise authorized to order such a diet in this state.

355 Section 12. Paragraph (a) of subsection (1) and subsection  
356 (3) of section 468.518, Florida Statutes, are amended to read:

357 468.518 Grounds for disciplinary action.—

358 (1) The following acts constitute grounds for denial of a  
359 license or disciplinary action, as specified in s. 456.072(2):

360 (a) Violating any provision of this part, any board or  
361 department ~~agency~~ rule adopted pursuant thereto, or any lawful  
362 order of the board or department ~~agency~~ previously entered in a  
363 disciplinary hearing held pursuant to this part, or failing to  
364 comply with a lawfully issued subpoena of the department ~~agency~~.  
365 The provisions of this paragraph also apply to any order or  
366 subpoena previously issued by the department ~~of Health~~ during  
367 its period of regulatory control over this part.

368 (3) The department ~~agency~~ shall reissue the license of a  
369 disciplined dietitian or nutritionist ~~dietitian/nutritionist~~ or  
370 nutrition counselor upon certification by the board that the  
371 disciplined dietitian or nutritionist ~~dietitian/nutritionist~~ or  
372 nutrition counselor has complied with all of the terms and  
373 conditions set forth in the final order.

374 Section 13. This act shall take effect July 1, 2015.