

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Health Policy

BILL: CS/SB 1208

INTRODUCER: Health Policy Committee and Senator Bean

SUBJECT: Dietetics and Nutrition

DATE: March 17, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Lloyd	Stovall	HP	CS\Fav
2.			AHS	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1208 revises the Dietetics and Nutrition Practice Act (Act) to update terminology, provide examination exemptions under certain circumstances, and recognize new professional designations. The bill authorizes a licensed dietician/nutritionist to independently order a therapeutic diet if otherwise authorized to order such a diet in this state.

New or substantially modified definitions are provided for Commission on Dietetic Registration (Commission); dietetics and nutrition practice; and registered dietitian or registered dietitian/nutritionist.

A Certified Nutrition Specialist and certain nutritionists are exempted from the examination requirement as a condition for licensure as a registered dietitian/nutritionist.

The bill is effective July 1, 2015.

II. Present Situation:

Current Nutrition Employment Fields

There is a broad spectrum of nutrition related fields, but very few standardized descriptions of services for those fields. The Standard Occupational Classification of the U.S. Bureau of Labor Statistics (USBLS) classifies Dietitians and Nutritionists, which also includes Pediatric

Dietitians, Clinical Dietitian, and Dietetic Technician. The USBLS description states that dietitians and nutritionists plan and conduct food service or nutritional programs to assist in the promotion of health and control disease. Individuals in this occupation may also supervise activities of a dietetic department providing quality food service, counsel individuals, or conduct nutritional research.¹

The median annual wage in May 2012 for dietitians and nutritionists was \$55,240 and the employment outlook was expected to grow 21 percent from 2012 to 2022, faster than average for all occupations.² Most dietitians and nutritionists were employed in hospitals, nursing homes, cafeterias, and schools.³

Certification Process

The Academy of Nutrition and Dietetics (Academy) is an organization of food and nutrition professionals with over 75,000 members committed to advancing the profession through research, education and advocacy.⁴ The Accreditation Council for Education in Nutrition and Dietetics (ACEND) is the Academy's accrediting agency for education programs and the Commission on Dietetic Registration (Commission) is the Agency's credentialing agency for dietitians and dietetic technicians under seven separate and distinct credentials. The credentials awarded by the Commission are:

- Registered Dietitian Nutritionist (RDN) or Registered Dietitian;
- Nutrition and Dietetics Technician, Registered (NDTR) or Dietetic Technician, Registered;
- Board Certified Specialist in Renal Nutrition (CSR);
- Board Certified Specialist in Pediatric Nutrition (CSP);
- Board Certified Specialist in Sports Dietetics (CSSD);
- Board Certified Specialist in Gerontological Nutrition (CSG); and
- Board Certified Specialist in Oncology Nutrition.⁵

To receive the certification of "Registered Dietitian (RD)" or "Registered Dietitian Nutritionist (RDN)," from the Commission, an individual must:

- Complete the minimum of a bachelor's degree granted by a United States regionally accredited college or university, or foreign equivalent;
- Meet the current minimum academic requirements as approved the ACEND;
- Complete a supervised practice program accredited by the ACEND;
- Pass the registration examination for dietitians;
- Remit the annual registration fee;

¹ United States Department of Labor, Bureau of Labor Statistics, *Occupational Employment and Wages, May 2013 for Dietitians and Nutritionists*, <http://www.bls.gov/oes/current/oes291031.htm> (last visited Mar. 12, 2015).

² United States Department of Labor, Bureau of Labor Statistics, *Occupational Outlook Handbook - Dietitians and Nutritionists (Summary)*, <http://www.bls.gov/ooh/healthcare/dietitians-and-nutritionists.htm> (last visited Mar. 12, 2015).

³ United States Department of Labor, Bureau of Labor Statistics, *Occupational Outlook Handbook - Dietitians and Nutritionists (Work Environment)*, <http://www.bls.gov/ooh/healthcare/dietitians-and-nutritionists.htm#tab-3> (last visited Mar. 12, 2015).

⁴ Academy of Nutrition and Dietetics, *About Us*, <http://www.eatrightpro.org/resources/about-us> (last visited Mar. 12, 2015).

⁵ Commission on Dietetic Registration, *About CDR*, <http://www.cdnet.org/about>, (last visited Mar. 12, 2015).

- Comply with the Professional Development Portfolio recertification requirements.⁶

Florida currently recognizes the titles “Dietitian/Nutritionist,” “Nutrition Counselor,” “Dietetic Technician,” and “Registered Dietitian.”

One USBLS classification not recognized by either the Commission or Florida’s current Act, is the Certified Nutrition Specialist (CNS) credential of the Board for Certification of Nutrition Specialists (BCNS).⁷ A CNS provides individual nutrition assessment, evaluation, intervention, and monitoring to prevent and improve health conditions.⁸ Becoming a CNS, requires an individual to have:

- An advanced degree, masters or doctorate, in the field of nutrition or a doctoral level degree in a clinical health field;
- Minimum coursework of 15 credit hours in nutrition and metabolism (including 6 in biochemistry) and 15 credit hours in clinical or life sciences (including 3 in anatomy/physiology);
- At least 1,000 hours of supervised practice experience;
- Successfully passed the BCNS Certifying Examination in clinical nutrition science; and
- Continuing education requirements of at least 75 credits every 5 years.⁹

The Chiropractic Board of Clinical Nutrition (CBCN) also credentials and certifies chiropractic physicians under the American Chiropractic Association and as a member of the American Board of Chiropractic Specialties. Upon application, completion of the required coursework, at least 2 years of practice in good standing, and examination, the CBCN issues a specialty certification of Diplomate (DCBCN).¹⁰

Medicare Regulations

On January 30, 2015, the Center for Clinical Standards and Quality/Survey and Certification Group released guidance announcing an update to 42 CFR Part 482 §482.28(b)(1) and (2), relating to food and dietetic services. The technical corrections and clarifications permit a qualified dietitian or qualified nutrition professional to order diets, if authorized by the medical staff and in accordance with state law governing dietitians and nutrition professionals. Previously, Medicare regulations restricted the ordering of diets to physicians and non-physician practitioners such as nurse practitioners and physician assistants.¹¹

⁶ Commission on Dietetic Registration, *Who is a Registered Dietitian (RD) or Registered Dietitian Nutritionist (RDN)?*, <http://www.cdrnet.org/about/who-is-a-registered-dietitian-rd> (last visited Mar. 12, 2015).

⁷ Board for Certification of Nutrition Specialists, *Setting the Standard for Advanced Nutrition Professionals*, <http://cbns.org/> (last visited Mar. 12, 2015).

⁸ Id.

⁹ Board for Certification of Nutrition Specialists, *Now is the Time to Transform*, http://cbns.org/wp-content/uploads/2010/08/CNSBrochure_web.pdf (last visited Mar. 12, 2015).

¹⁰ Chiropractic Board of Clinical Nutrition, *Eligibility Requirements for Diplomate Status*, <http://www.cbcn.us/eligibility> (last visited Mar. 12, 2015).

¹¹ U.S. Department of Health and Human Services, Center for Clinical Standards and Quality/Survey & Certification Group, p. 2, *Letter to State Survey Agency Directors* (January 30, 2015), <http://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertificationGenInfo/Downloads/Survey-and-Cert-Letter-15-22.pdf> (last visited Mar. 12, 2015).

Dietetics and Nutrition Practice Act

The 1988 Legislature enacted part X, of ch. 468, F.S., the “Dietetics and Nutrition Practice Act” (Act), to ensure that every person who practices dietetics and nutrition or nutrition counseling meets the minimum requirements for safe practice.¹² The Act prohibits any person from engaging in dietetics and nutrition practice¹³ or nutrition counseling¹⁴ for remuneration or holding him or herself out as a practitioner of dietetics and nutrition or a nutrition counselor unless the person is licensed or exempt.¹⁵

The Florida Department of Health (department) has responsibility for licensing and regulating health care practitioners to preserve the health, safety, and welfare of the public.¹⁶ General licensing provisions applicable to health care practitioners are contained in ch. 456, F.S., which also sets out in more detail the framework for regulation. Specifically, regulation is to occur when:¹⁷

- Unregulated practice can harm or endanger the health, safety, and welfare of the public, and the potential for harm outweighs the potentially anticompetitive effect of regulation;
- The public is not adequately protected by other means, including, but not limited to, other state statutes, local ordinances, or federal legislation; and
- Less restrictive means of regulation are not available.

The Act provides for the regulation of dietetics and nutrition by the four-member Dietetics and Nutrition Council (council) under the Board of Medicine (BOM) within the department. As a council under the BOM, the BOM has the powers and duties of the statute, including rule-making authority. The council has only those duties and responsibilities conferred upon it specifically by the Act and those delegated by the BOM.

The Act and the rules adopted by the BOM thereunder provide prohibitions and penalties relating to the practice of dietetics and nutrition and nutrition counseling. Licensed practitioners may be disciplined for violations of the Act, as well as provisions in ch. 456, F.S., that are applicable to all health care practitioners. Some of the grounds for disciplinary action include failing to comply with a department subpoena; being unable to practice with reasonable skill and safety to patients by reason of illness or use of alcohol or drugs, narcotics, chemicals or any other type of materials or as a result of any mental or physical condition; filing false reports; attempting to procure or procuring a license to practice dietetics and nutrition by fraud or material misrepresentation; or advertising good and services in a fraudulent, false or misleading manner.¹⁸

¹² Section 468.502, F.S.

¹³ “Dietetics and nutrition practice” means the assessment of nutritional needs and status using appropriate data; the recommendation of appropriate dietary regimens, nutrition support, and nutrition intake; the improvement of health status through nutrition research, counseling, and education; and implementation and management of nutritional care systems. *See* s. 468.503(4), F.S.

¹⁴ “Nutrition counseling” means advising and assisting individuals or groups on appropriate intake by integrating information from the nutrition assessment. “Nutrition assessment” means the evaluation of the nutrition needs of individuals or groups, using appropriate data to determine nutrient needs or status and make appropriate nutrition recommendations. *See* s. 468.503(4), F.S.

¹⁵ *See* s. 468.504, F.S.

¹⁶ Section 20.43(1)(g), F.S.

¹⁷ Section 456.003(2), F.S.

¹⁸ Section 456.518, F.S. and Rule 64B8-44.002, F.A.C.

Individuals providing regulated services who are neither licensed under, not exempt from, the Act may be prosecuted by the department for unlicensed activity. For the 2013-14 fiscal year, there were no emergency orders affecting these licensed practitioners, one voluntary license surrender, and two legally sufficient complaints with one completed investigation.¹⁹

Any individual who engages in either the practice of dietetics and nutrition or nutrition counseling must be licensed, unless the individual qualifies for one of the statutory exemptions. Exemptions to licensure are those individuals who meet one of these qualifications:

- Licensed in this state under chs. 457, 458, 459, 460, 461, 462, 462, part I of ch. 464, 465, 466, 480, 490, or 491, F.S.,²⁰ when engaging in the profession for which the individual was licensed, or of any person employed by and under the supervision of the licensee when services are rendered;
- Employed as a dietitian in this state by the United States government, if the person is solely under direction or control of the organization by the which the person is employed;
- Employed as a cooperative extension home economist;
- Enrolled in an accredited school leading to a degree in dietetics and nutrition and the activities and services are a part of a supervised course of study;
- Enrolled in activities or services that fulfill the supervised experience component of s. 468.509, F.S., and constitute a part of the experience necessary to meet that requirement;
- Participated in or conducted a post-graduate course or other course of study as a dietitian or nutritionist from another state, provided that the individual holds an appointment on the faculty of a school accredited, pursuant to s. 468.509(2), F.S.;
- Marketed or distributed food, food materials, or dietary supplements, or any person who engaged in the explanation of the use and benefits of these products, if the person did not do so for a fee;
- Marketed or distributed food, food materials, or dietary supplements, or explained the use of those products in the preparation of those foods as an employee of a food establishment;
- Employed as an educator of a non-profit organization approved by the council; a federal, state, county, or municipal agency, or other political subdivision; an elementary or secondary school; or an accredited institution of higher education;
- Provided weight control services or related weight control products, provided the program has been reviewed by, consultation is available from, and no program change can be initiated without prior approval by a licensed dietitian/nutritionist, a dietitian or nutritionist licensed in another state that has licensure requirements considered by the council at least as stringent as the requirements for licensure under this part, or a registered dietitian;
- Employed by a hospital licensed under ch. 395, F.S., by a nursing home licensed under part II of ch. 400, F.S., by an assisted living facility licensed under ch. 429, F.S., or by a

¹⁹ Florida Department of Health, Division of Medical Quality Assurance, *Annual Report and Long Range Plan Fiscal Year 2013-2014*, pgs. 22, 25, 28, 31, <http://mqawebteam.com/annualreports/1314/#40>, (last visited Mar. 12, 2015).

²⁰ Chapter 457 regulates acupuncture; chapter 458 regulates the medical practice; chapter 459 regulates the practice of osteopathic medicine; chapter 460 regulates the practice of chiropractic medicine; chapter 461 regulates the practice of podiatric medicine; chapter 462 regulates the practice of naturopathy; part I of chapter 464 regulates nursing; chapter 465 regulates pharmacy; chapter 466 regulates the practice of dentistry, dental hygiene and dental laboratories; chapter 480 regulates the practice of massage; chapter 490 regulates psychological services; and chapter 491 regulates clinical, counseling and psychotherapy services.

continuing care facility certified under ch. 651, F.S., if the person is employed in compliance with the laws and rules adopted regarding the operation of its dietetic department;

- A person employed by a nursing facility exempt from licensing under s. 395.002(12), F.S., or a person exempt from licensing under s. 464.022, F.S.; and
- A person employed as a dietetic technician.²¹

According to the department's 2013-14 Medical Quality Assurance Annual Report, there were 4,072 active licensees in Florida.²²

Type	In-State Active	Out of State Active	Military Active	Total Actives
Dietitian/Nutritionist	3,628	316	12	3,956
Nutrition Counselors	98	18	0	116
Total	3,726	334	12	4,072

For the same time period, an additional 382 applications for licensure had been received and 362 initial licenses were issued.²³

Individuals are eligible for licensure in Florida as dietitian/nutritionist either by examination or endorsement. The fees are set by the council for application, examination, and licensure:²⁴

Application by Examination Fees	
Application Fee (non-refundable)	\$80.00
Initial License Fee	\$80.00
Unlicensed Activity Fee	\$5.00
Total Fee (without temporary permit)	\$165.00
Temporary Permit Fee	\$50.00
Total Fee (with temporary permit)	\$215.00

Temporary permits allow an applicant to work under the supervision of licensed dietitian/nutritionist while the council reviews an application for up to 1 year. The Executive Director of the council makes a preliminary determination based on the application that the applicant appears to be eligible for licensure based on the documentation and is authorized to issue a temporary permit.²⁵ The permit expires one year from the date of issuance, but may be extended under certain circumstances such as illness, death in the family, military duty, or jury duty.²⁶

The minimum requirements for initial licensure are:

- An application and required fees;

²¹ Section 468.505, F.S.

²² Florida Department of Health, Division of Medical Quality Assurance, *Annual Report and Long Range Plan Fiscal Year 2013-2014*, p.13, <http://mqawebteam.com/annualreports/1314/> (last visited Mar. 11, 2015).

²³ Id. at p. 18.

²⁴ Florida Department of Health, *Licensing - Application and Licensing Requirements*, <http://www.floridahealth.gov/licensing-and-regulation/dietetic-nutrition/licensing/index.html> (last visited Mar. 12, 2015).

²⁵ See s. 468.511, F.S., and Rule 648B-42-003, F.A.C., for authorization of the Executive Director of the council to issue temporary permits.

²⁶ Id.

- 900 hours of approved and pre-professional experience,²⁷ or equivalent experience or education;
- A passing score on the Commission’s licensure examination;
- A bachelor’s degree with a major in human nutrition, food and nutrition, dietetics, or food management, or equivalent from an accredited program or school; or
- A degree from a foreign country that has been validated by the United States Department of Education as equivalent to the degree conferred in the United States; and
- Completion of a 2-hour course relating to the prevention of medical errors which is required of all licensed health care professionals.²⁸

The examination for licensure is the Registration Examination for Dietitians administered by the Commission. The examination fee is \$200.00.²⁹ The department indicates that scores from the exam are usually received within three weeks and license numbers are issued within 2 weeks.³⁰

An individual may also be licensed by endorsement if he or she meets these minimum requirements:

- Holds registered dietitian credentials issued by the Commission; or,
- Holds certification or licensure to deliver dietetic and nutritional practice in another state, district, or territory of the United States; such certification must have been granted to requirements determined to be equivalent to or more stringent than the requirements of Florida; and
- Remains free from investigation, involvement in disciplinary proceedings in any jurisdiction, or otherwise disqualified by reason of violation for any act which is a violation of ch. 456, part II, ch., 468, part X, or the rules promulgated thereunder.³¹

To receive licensure by endorsement the following fee schedule applies:³²

Application by Endorsement Fees	
Endorsement Fee	\$75.00
Application Fee	\$80.00
Initial License Fee	\$80.00
Unlicensed Activity Fee	\$5.00
Total Fee (without temporary permit)	\$240.00
Temporary Permit Fee	\$50.00
Total Fee (with temporary permit)	\$290.00

²⁷ Rule 64B8-42.002(3), F.A.C., requires a minimum of 200 hours each in the areas of clinical nutrition, community nutrition, and food service systems management.

²⁸ Section 456.013(7), F.S., and Rule 64B8-42.005, F.A.C.

²⁹ Florida Department of Health, *Licensing - Application and Licensing Requirements*, <http://www.floridahealth.gov/licensing-and-regulation/dietetic-nutrition/licensing/index.html> (last visited Mar. 12, 2015).

³⁰ Id.

³¹ Rule 64B8-41.001, F.A.C.

³² Rule 64B8-41.001, F.A.C.

Application fees for licensure by endorsement are also non-refundable should the applicant decide to no longer pursue licensure.

Licenses are no longer being issued for Nutrition Counselors in Florida. Any individual who was previously certified as a Nutrition Counselor from July 1, 1988 through March 30, 1997; however, may continue to renew their license under s. 468.514, F.S., the renewal provisions.

The renewal fee for an active license under any of these categories is \$95 plus \$5 to combat fraud, and the fee is due biennially by May 31.³³

Under the Act's practice requirements, a licensee is not authorized to implement a dietary plan for any condition which the patient is under a physician's active care without the physician's written or oral dietary order.³⁴ If, after a good faith effort, the licensee is unable to receive authorization from the physician, the licensee is permitted to use his or her professional discretion in providing nutrition services until authorization can be received.³⁵

If the licensee identifies a condition that is within the scope of practice of a health care practitioner licensed under ch. 458, ch. 459, or ch. 460, F.S., the licensee is required to refer that patient to a physician licensed under those same chapters, unless that patient is already being treated by a physician.³⁶

A person may not knowingly engage in the practice of dietetics and nutrition for money unless the individual is licensed. The Act protects the use of certain titles, abbreviations, and insignia that indicate that an individual is a dietitian, nutritionist or nutrition counselor. Persons that hold themselves out to be licensed as someone else, give false or forged evidence, use a license that has been revoked or suspended, employ unlicensed individuals, or conceal information commit a misdemeanor of the first degree, which is punishable in s. 775.082, F.S. or s. 775.083, F.S.³⁷

The department shall reissue the license of a disciplined dietitian/nutritionist or nutrition counselor upon certification by the board that the disciplined licensee has complied with all of the terms and conditions in the final order.³⁸

³³ Rule 64B8-41.001, F.A.C.; The Florida Department of Health website shows online renewal fees for an active license to an active license is \$105. <http://www.floridahealth.gov/licensing-and-regulation/dietetic-nutrition/renewal/fees.html> (last visited Mar. 13, 2015).

³⁴ Section 468.516(1)(a), and (2)(a), F.S.

³⁵ Id.

³⁶ Section 458.516(1)(b), F.S.

³⁷ Section 468.517, F.S. A first degree misdemeanor conviction under s. 775.082(4), F.S., is punishable by a definite term of imprisonment not to exceed 1 year. Under s. 775.083, F.S., a first degree misdemeanor conviction is punishable by a fine not to exceed \$1,000, in addition to any punishment under s. 775.082, F.S.

³⁸ Section 468.518(3), F.S.

III. Effect of Proposed Changes:

Updated Terminology

The definitions for the Act are modified and updated to recognize changes in the occupation since the Act was established in 1988 and to update professional guidance under s. 468.502, F.S., which in many cases has not been updated since 1988.

A definition for the *Commission on Dietetic Registration (Commission)*, means the Commission which is the credentialing entity of the Academy of Nutrition and Dietetics (Academy). The Academy actually has two entities, the Registration Commission, which credentials individuals through its licensing exams, and another entity called the Accreditation Council for Education in Nutrition and Dietetics (ACEND) which credentials educational programs.

The current definition for *dietetics and nutrition practice* is modified to include ordering therapeutic diets.

The definition for dietitian/nutritionist is revised to *registered dietitian or registered dietitian/nutritionist* which means an individual licensed with the commission. The recognized occupational term with similar educational and training requirements by the Commission is registered dietitian nutritionist and is used as a singular phrase.³⁹

A registered dietitian is an individual who has a bachelor’s degree with a required internship and specific coursework and then an examination. A registered dietitian must also maintain continuing education credits and renew his or her credentials on a 5-year cycle.⁴⁰

Section 2 revises s. 468.505, F.S., which updates the titles individuals may use who are registered with the commission.

Titles\Designations - CS/SB 1208		Certification\Credentials	Current Florida Law
Title	Designation	Examining Agency	Licensure Required
Registered Dietitian	RDN	Commission (RD)	Yes - Dietitian\Nutritionist
Registered Dietitian\Nutritionist	RDN	Commission (RDN)	Yes - Dietitian\Nutritionist
Certified Nutrition Specialist	CNS	Certification Board for Nutrition Specialists	Not available

Section 3 amends s. 468.509, F.S., relating to qualifications for waiver of the examination requirement by the Board of Medicine.

New exemptions from the examination requirement for licensure are added for a registered dietitian/nutritionist who is registered with the commission and who is in compliance with the all

³⁹ *Supra* note 5.

⁴⁰ NutritionEd.org, *Registered Dietitian Career Overview*, <http://www.nutritioned.org/registered-dietitian.html> (last visited Mar. 13, 2015).

of the requirements in ch. 468, F.S., or ch. 509, F.S.,⁴¹ or for a certified nutrition specialist who is certified by the Certification Board for Nutrition Specialists or who is a Diplomate of the American Clinical Board of Nutrition and is in compliance with the qualifications of this section.

The official terminology from the accrediting and credentialing bodies is to recognize the status as Registered Dietitian Certification (RD) or a Registered Dietitian Nutritionist.⁴² There is also a separate status for Nutrition Dietetics Technician, Registered (NDTR). The qualifications for licensure listed in this statute, which remain unchanged, match those of the credentialing agency's Registered Dietitian Nutritionist.

Section 4 revises s. 468.516, F.S., relating to the practice requirements. The new subsection (3) clarifies that the other provisions of this section would not preclude a licensed dietitian/nutritionist from independently ordering a therapeutic diet, if otherwise authorized to order such a diet in this state.

Section 13 provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The re-write of this Act may bring clarity to those in the private sector that practice in dietetics and nutrition in some areas and confusion in others, as the definitions do not currently align with the certifications and designations of the Commission.

⁴¹ Chapter 509 covers lodging and food service establishments and membership campgrounds.

⁴² *Supra* note 5.

The bill provides another pathway for licensure for a registered dietitian, registered dietitian/ nutritionist, and certified nutritional specialist by exempting these applicants from an examination.

C. Government Sector Impact:

The rules governing dietetics and nutrition must also be re-written to conform to the changes in CS/SB 1208, including the professional name changes, inclusion of additional designations, and examination waivers.

The department indicates it will incur expenses in workload to update rules, the website, and the online and paper applications. For all of these activities, the department reports that costs can be absorbed within existing resources.⁴³

VI. Technical Deficiencies:

None

VII. Related Issues:

Under s. 464.015(5), F.S., clinical nurse specialists have the right to use the abbreviation “C.N.S.” and under CS/SB 1208, certified nutrition specialists have the right to use the abbreviation “CNS”; the same initials, but without the periods between each letter.

A person who uses either abbreviation and does not have the appropriate license for that designation is guilty of a misdemeanor of the first degree, as provided under ss. 775.082 or 775.083, F.S.⁴⁴ According to the Florida Board of Nursing, Florida does not have many licensed C.N.S., but they could exist in hospital settings and there could be confusion if the similar credential was being used for certified nutrition specialist.⁴⁵

Section 468.516(1)(a), F.S., requires a licensee to have a written or oral dietary order of a referring physician licensed under ch. 458, F.S., or ch. 459, F.S., before implementing a dietary plan for a condition which a patient is under the active care of physician. Under the CS/SB 1208, subsection (3) was added to permit a licensed dietitian/nutritionist to independently order a therapeutic diet if otherwise authorized to do so in this state. The newly added subsection does not appear to grant any new authority to the licensee.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 468.503, 468.505, 468.509, and 468.516.

⁴³ Florida Department of Health, *Senate Bill 1208 Analysis* (February 26, 2015), p.5, (on file with the Senate Committee on Health Policy).

⁴⁴ *Supra* note 37.

⁴⁵ Emails from Lucy Gee, Allen Hall, and Joe Baker, Jr., Department of Health (March 16, 2015) (on file with Senate Committee on Health Policy).

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Senate Health Policy Committee on March 17, 2015

The committee substitute:

- Removes many changes to terminology and practice guidelines for dietetics and nutrition;
- Reinstates recognition of the profession by registered dietitian/nutritionist, rather than inserting an “or” in the title; and
- Reinstates the council rather than creating a board.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
