

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

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27 provisions; providing an effective date.

28

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

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31 Section 1. Section 468.502, Florida Statutes, is amended
32 to read:

33 468.502 Purpose and intent.—The Legislature finds that the
34 practice of dietetics and nutrition or nutrition counseling
35 plays an important part in promoting the maintenance and
36 improvement of health. The Legislature further finds that such
37 practice by unskilled and incompetent practitioners presents a
38 danger to the public health and safety. The Legislature further
39 finds that it is difficult for the public to make informed
40 choices about dietitians and nutritionists and that the
41 consequences of wrong choices could seriously endanger the
42 public health and safety. The sole legislative purpose in
43 enacting this part is to ensure that every person who practices
44 dietetics and nutrition or nutrition counseling in this state
45 meets minimum requirements for safe practice. It is the
46 legislative intent that any person practicing dietetics and
47 nutrition or nutrition counseling who falls below minimum
48 competency or who otherwise presents a danger to the public be
49 prohibited from practicing in this state. It is also the intent
50 of the Legislature that the practice of nutrition counseling be
51 authorized and regulated solely within the limits expressly
52 provided by this part and any rules adopted pursuant thereto.

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

55 468.503 Definitions.—As used in this part:

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

58 (1)(2) "Board" means the Dietetics and Nutrition Practice
 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
 65 of 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 (6) "Licensed dietitian or nutritionist
 83 ~~dietitian/nutritionist~~" means a person licensed pursuant to s.
 84 468.509.

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

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

90 (9)~~(5)~~ "Nutrition and dietetics ~~Dietetic~~ technician,
 91 registered" means a person who has an associate or baccalaureate
 92 degree in nutrition, food and nutrition, dietetics, food
 93 management, or an equivalent major course of study, from a
 94 school or program that is accredited at the time of graduation
 95 by an accrediting body recognized by the United States
 96 Department of Education, who assists in the provision of
 97 dietetic and nutrition services under the supervision of a
 98 qualified professional, and who is registered with the
 99 commission.

100 (10)~~(8)~~ "Nutrition assessment" means the systematic
 101 process 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
112 problem-solving method that dietitians and nutritionists use
113 when 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,
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
127 assisting individuals or groups on appropriate nutrition intake
128 by 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
 146 Dietetic Association.

147 Section 3. Section 468.504, Florida Statutes, is amended
 148 to 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
 156 (m) 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
160 or restricting the practice, services, or activities of:

161 (b) A person employed as a dietitian or nutritionist by
162 the 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
166 in family and consumer services ~~a cooperative extension home~~
167 ~~economist~~.

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

174 (f) Any dietitian or nutritionist from another state
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
 198 ~~dietetic~~ 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
 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
 215 to 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
 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
 249 to 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
 260 degree with a major course of study in human nutrition, food and

261 nutrition, dietetics, or food management, or an equivalent major
 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
 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
 310 to read:

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

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

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
334 to 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.

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~~.

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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.