INTRODUCED BY MEHAFFIE, MULLERY, HARKINS, RAVENSTAHL, SANCHEZ, OTTEN, MARKOSEK, DIGIROLAMO, CIRESI, CARROLL, SIMS, QUINN, McNEILL, STURLA, SCHLOSSBERG, KAUFER, ISAACSON, KINSEY, BOBACK, MULLINS, BROWN, KORTZ, KOSIEROWSKI, BRIGGS, DAY, MADDEN, TOOIL, GILLESPIE, HEFFLEY, ROTHMAN AND PASHINSKI, SEPTEMBER 12, 2019

REferred To Committee on Professional Licensure, September 12, 2019

AN ACT

Amending the act of May 22, 1951 (P.L.317, No.69), entitled "An act relating to the practice of professional nursing; providing for the licensing of nurses and for the revocation and suspension of such licenses, subject to appeal, and for their reinstatement; providing for the renewal of such licenses; regulating nursing in general; prescribing penalties and repealing certain laws," further providing for definitions, for State Board of Nursing and for dietitian-nutritionist license required, providing for scope of practice of licensed dietitian nutritionists and nutritionists and for practice or teaching of dietetics and nutrition, further providing for unauthorized practices and acts not prohibited, for temporary practice permit, for examinations and certificates, for fees and qualifications for licensure, for education programs, approved lists, distribution and student credits where school removed from list, for persons entitled to practice, for licenses, duration, renewal fee and inactive status, for reporting of multiple licensure, for continuing nursing education, for punishment for violations, for refusal, suspension or revocation of licenses and for injunction or other process.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 2(5), (7), (9) and (10) of the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing
Law, are amended and the section is amended by adding paragraphs to read:

Section 2. Definitions.--When used in this act, the following words and phrases shall have the following meanings unless the context provides otherwise:

* * *

(5) "Treating" means selection and performance of those therapeutic measures essential to the effective execution and management of the nursing regimen or medical nutrition therapy, and execution of the prescribed medical regimen.

* * *

[(7) The "Practice of dietetics-nutrition" means the integration and application of principles derived from the sciences of food nutrition, biochemistry, physiology, management and behavior to provide for all aspects of nutrition therapy for individuals and groups, including nutrition therapy services and medical nutrition therapy, compatible with dietitian-nutritionist education and professional competence.]

* * *

[(9) "Licensed dietitian-nutritionist" means a dietitian-nutritionist who holds a current license under this act.]

(10) "Medical nutrition therapy" means the [component of nutrition therapy that concerns determining and recommending nutrient needs based on nutritional assessment and medical problems relative to diets prescribed by a licensed physician, including:

(i) tube feedings;

(ii) specialized intravenous solutions;

(iii) specialized oral solutions; and

(iv) interactions of prescription drugs with food or
 provision of nutrition care services for the purpose of treating or managing disease or medical conditions. The term includes the provision of all of the following services:

(i) Interpreting anthropometric, biochemical, clinical and dietary data in acute and chronic disease states and recommending or ordering nutrient needs based on the dietary data, including, but not limited to, tube feedings and parenteral nutrition.

(ii) Food and nutrient counseling regarding prescription drug interactions.

(iii) Developing and managing food service operations, including operations with the primary function of nutrition care or recommending or ordering therapeutic diets.

(iv) Medical weight control.

* * *

(16) "Accreditation Council for Education in Nutrition and Dietetics" means the autonomous accrediting agency for education programs that prepares students to begin careers as registered dietitians or registered dietitian nutritionists.

(17) "Board for Certification of Nutrition Specialists" means the entity that serves as the credentialing body for certified nutrition specialists.

(18) "Certified nutrition specialist" means an individual certified as a nutrition specialist by the Board for Certification of Nutrition Specialists that authorizes the individual to use the title "certified nutrition specialist" and the abbreviation "C.N.S." to indicate that the individual is a certified nutrition specialist.

(19) "Commission on Dietetic Registration" means the credentialing agency of the Academy of Nutrition and Dietetics.
"Dietetics" means the integration, application and communication of practice principles derived from the food, nutrition, social, business and basic sciences to achieve and maintain the optimal nutrition status of an individual.

"Dietitian" or "dietitian nutritionist" means an individual licensed under this act who may be referred to as a nutritionist, a dietitian nutritionist or a dietician.

"Diplomate of the American Clinical Board of Nutrition" means an individual certified as a diplomate by the American Clinical Board of Nutrition that authorizes the individual to use the title "diplomate of the American Clinical Board of Nutrition" and the abbreviation "D.A.C.B.N." to indicate that the individual is a diplomate of the American Clinical Board of Nutrition.

"Family member" means a parent, child, spouse, former spouse, an individual related by consanguinity or affinity, a current or former sexual or intimate partner or an individual who shares biological parenthood.

"General nonmedical nutrition information" means information on any of the following:

(i) Principles of good nutrition and food preparation.

(ii) Food that should be included in the normal daily diet.

(iii) The essential nutrients needed by the human body.

(iv) The recommended amounts of essential nutrients in the human body.

(v) The actions of nutrients in the human body.

(vi) The effects of deficiencies or excesses of nutrients in the human body.

(vii) Food and supplements that are good sources of essential nutrients in the human body.
(25) "Licensed dietitian nutritionist" means an individual who is licensed as a dietitian nutritionist under this act.

(26) "Licensed nutritionist" means an individual who is licensed as a nutritionist under this act.

(27) "Medical weight control" means nutrition care services for the purpose of reducing, maintaining or gaining weight that are indicated or contraindicated by an existing or diagnosed disease or medical condition.

(28) "Nutrition" means the science of food and nutrients, including the action, interaction and balance of food and nutrients in relation to health and disease and the process by which humans ingest, absorb, transport, utilize and excrete food substances.

(29) "Nutrition assessment" means the systematic process of obtaining, verifying and interpreting biochemical, anthropometric, physical, nutrigenomic and dietary data in order to make decisions about the nature and cause of nutrition-related problems. The term includes an ongoing, dynamic process that:

(i) involves an initial data collection and a reassessment and analysis of client or community needs; and

(ii) provides the foundation for nutrition diagnosis and nutritional recommendations, including enteral and parenteral nutrition.

(30) "Nutrition care services" means any of the following:

(i) Assessing and evaluating the nutritional needs of an individual and determining the resources and constraints in a practice setting, including ordering laboratory tests to check and track nutrition status and monitoring the effectiveness of dietary plans and orders.

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(ii) Establishing priorities, goals and objectives that meet nutritional needs and are consistent with available resources and constraints.

(iii) Providing nutrition counseling regarding health and disease.

(iv) Developing, implementing and managing nutrition care systems.

(v) Evaluating, making changes in and maintaining appropriate standards of quality in food and nutrition services.

(vi) Ordering therapeutic diets.

(31) "Nutrition diagnosis" means identifying and labeling nutritional problems managed and treated by a dietitian, nutritionist or nutritionist. The term does not include the medical differential diagnosis of the health status of an individual.

(32) "Nutrition intervention" means purposefully planned actions and counseling intended to positively change a nutrition-related behavior, risk factor, environmental condition or aspect of the health status for an individual.

(33) "Nutrition monitoring and evaluation" means identifying patient outcomes relevant to a nutrition diagnosis and comparing the outcomes with the patient's previous health status, intervention goals or reference standards to determine the progress made in achieving desired outcomes of nutrition care and whether planned interventions should be continued or revised.

(34) "Nutritionist" means a licensed dietitian nutritionist, licensed nutritionist, dietitian or dietitian nutritionist.

(35) "Practice of dietetics and nutrition" means the integration and application of scientific principles derived
from the study of food, nutrition, biochemistry, metabolism, 
nutrigenomics, physiology, food management, behavioral and 
social sciences in achieving and maintaining health throughout 
the lifespan of an individual and providing nutrition care 
services, including medical nutrition therapy and telehealth for 
the prevention, management and treatment of disease. The term 
does not include the medical differential diagnosis of the 
health status of an individual. The term includes, but is not 
limited to, any of the following: 

(i) Nutrition assessment, nutrition diagnosis, nutrition 
intervention, nutrition monitoring or the evaluation of 
nutrition care plans. 

(ii) Nutrition support, including the ordering of parenteral 
and enteral nutrition. 

(iii) Dietary and nutritional counseling and education, 
including counseling and education regarding food and nutrient 
and prescription drug interactions. 

(iv) The development and administration of nutrition care 
standards and systems. 

(36) "Registered dietitian" or "registered dietitian 
nutritionist" means an individual who is registered as a 
dietitian or a dietitian nutritionist with the Commission on 
Dietetic Registration that authorizes the individual to use the 
title "registered dietitian nutritionist" or "registered 
dietitian" and the abbreviation "R.D.N." or "R.D."

(37) "Therapeutic diet" means a diet intervention prescribed 
by a physician or other authorized non-physician practitioner 
that provides food or nutrients via oral, enteral or parenteral 
routes as part of the treatment of a disease or diagnosed 
clinical condition for purpose of modifying, eliminating,
decreasing or increasing identified micro-nutrients and macro-nutrients in the diet.

Section 2. Sections 2.1(a) and 3.1 of the act are amended to read:

Section 2.1. State Board of Nursing.--(a) The State Board of Nursing shall consist of the Commissioner of Professional and Occupational Affairs, three members appointed by the Governor, with the advice and consent of a majority of the members elected to the Senate, who shall be persons individuals representing the public at large, and nine members appointed by the Governor, with the advice and consent of a majority of the members elected to the Senate, six of whom shall be registered nurses, graduated from schools of nursing where practical and theoretical instruction is given, at least three of whom shall possess Masters' degrees in nursing, two of whom shall be licensed practical nurses and one of whom shall be a licensed dietitian-nutritionist or licensed nutritionist who shall possess a Master's degree or higher degree, and all of whom shall have been engaged in nursing or the practice of dietetics and nutrition in this Commonwealth for the five-year period immediately preceding appointment. [The dietitian-nutritionist member of the board initially appointed need not be licensed by the licensure examination adopted by the board but, at the time of appointment, must have satisfied the education and experience requirements of this act for licensure as a dietitian-nutritionist.] In making appointments to the Board, the Governor shall give due consideration to providing representation from diversified fields of nursing or dietetics and nutrition, including, but not limited to, specialized nurses.
or dietitian nutritionists or nutritionists of all types. The individuals representing the public at large may not have a financial interest in the provision of goods and services for dietitian nutritionists or nutritionists and may not be a dietitian-nutritionist or nutritionist or have a household member who is a dietitian-nutritionist or nutritionist.

* * *

Section 3.1. Dietitian-Nutritionist or Nutritionist License Required.--(a) It shall be unlawful for any individual to hold himself or herself forth as a licensed dietitian-nutritionist unless he or she shall first have obtained a license pursuant to this act. The following apply:

(1) Only individuals who have received licenses as licensed dietitian-nutritionists or licensed nutritionists pursuant to this act may use the letters "L.D.N." or "L.N." in connection with their names. A dietitian registered by the Commission on Dietetic Registration may use the title "registered dietitian" or "registered dietitian nutritionist" and the letters "R.D." or "R.D.N." in connection with the dietitian's name. A nutritionist certified by the Board for Certification of Nutrition Specialists may use the title "certified nutrition specialist" and the letters "C.N.S." in connection with the nutritionist's name.

(2) It shall be unlawful for an individual who is not licensed as a dietitian nutritionist or nutritionist pursuant to this act to engage in any of the following actions:

(i) Provide medical nutrition therapy with or without
compensation.

(ii) Use or allow a business entity or a business entity's employees, agents or representatives to use any of the following titles or abbreviations:

(A) "Dietitian nutritionist" or "nutritionist."

(B) "Dietitian or "dietician."

(C) "Nutrition counselor" or "nutrition specialist."

(D) "L.D.N."

(E) "L.D."

(F) "L.N."

(G) "Nutritional therapy practitioner" or "nutritional therapy consultant."

(H) "Certified nutrition therapy practitioner."

(I) "Master nutrition therapist."

(J) "Licensed dietitian nutritionist" or "licensed nutritionist."

(K) Any other designation, words, letters or insignia in connection with a name indicating a license to practice dietetics and nutrition or medical nutrition therapy.

[(b) Nothing in this section shall be construed to require or preclude third-party insurance reimbursement. Nothing herein shall preclude an insurer or other third-party payor from requiring that a licensed dietitian-nutritionist obtain a referral from a licensed physician, dentist or podiatrist or that a licensed dietitian-nutritionist file an evaluation and treatment plan with the insurer or third-party payor as a precondition of reimbursement.]

(c) Nothing in this section shall be construed to prohibit an individual from using a title trademarked by the United States Patent and Trademark Office.
Section 3. The act is amended by adding sections to read:

Section 3.2. Scope of Practice of Licensed Dietitian Nutritionists and Nutritionists.

(a) A licensed dietitian nutritionist or licensed nutritionist shall provide nutrition care services using systematic, evidence-based approaches for nutrition assessment, nutrition diagnosis, nutrition intervention and nutrition monitoring and evaluation for all of the following purposes:

(1) Addressing nutrition-related problems.

(2) Providing safe, effective, quality nutrition care services and medical nutrition therapy for patients and clients in clinical and community settings.

(b) A licensed dietitian nutritionist or licensed nutritionist may accept or transmit oral, verbal, delegated or electronically transmitted orders from a referring practitioner consistent with the applicable laws of this Commonwealth in conjunction with protocols established by the licensed dietitian nutritionist or licensed nutritionist to implement medical nutrition therapy.

(c) A licensed dietitian nutritionist or licensed nutritionist may order patient diets, including therapeutic diets, in accordance with the provisions of this act. Therapeutic diets ordered under this subsection may include oral or enteral and parenteral nutrition therapy consisting of specialized enteral or intravenous solutions as authorized under this subsection. Enteral and parenteral nutrition therapy may only be ordered under this subsection by a licensed dietitian nutritionist or licensed nutritionist who meets any of the following criteria:

(1) The licensed dietitian nutritionist or licensed nutritionist
nutritionist is a registered dietitian nutritionist.

(2) The licensed dietitian nutritionist or licensed nutritionist is certified as a nutrition support clinician by the National Board of Nutrition Support Certification.

(3) The licensed dietitian nutritionist or licensed nutritionist meets the requirements for demonstrating competency at the novice level in evaluating, ordering and administering enteral and parenteral therapy as published in the Revised 2017 Standards of Practice and Standards of Professional Performance for Registered Dietitian Nutritionists (Competent, Proficient, and Expert) as published in the Journal of the Academy of Nutrition and Dietetics.

(d) Nothing in this section shall be construed to limit the ability of a licensed health care practitioner in this Commonwealth, other than a licensed dietitian nutritionist or licensed nutritionist, in accordance with the scope of the license held by the health care practitioner.

Section 3.3. Practice or Teaching of Dietetics and Nutrition.

(a) Nothing in this act shall be construed to prohibit any of the following:

(1) An individual licensed to practice dietetics and nutrition from engaging in the practice or teaching of dietetics and nutrition within the scope of the individual's license.

(2) A student enrolled in an accredited course on dietetics and nutrition recognized by the board from performing any action necessary to complete the student's course of study or engaging in the practice of dietetics and nutrition under a supervisor in accordance with section 6(b)(5) for a time period of no more than five years after the student completes the course of study.
The board, in its discretion, may grant a limited extension to the time period specified under this paragraph in the event of extraordinary circumstances to allow an individual to satisfy the qualifications for licensure under section 6. Extraordinary circumstances may include a circumstance when an individual who legally provides medical nutrition therapy in another state has not met the qualifications for licensure under section 6 within the time period specified under this paragraph.

(3) An individual from practicing dietetics and nutrition within the scope of the individual's official duties when employed by the Federal Government, serving in the United States Armed Forces or employed by any State agency or entity.

(4) An individual who does not hold himself or herself out to be a licensed dietitian nutritionist or licensed nutritionist from furnishing or explaining general nonmedical nutrition information regarding the use of food, food materials or dietary supplements.

(5) An individual from presenting a general program of instruction for medical weight control if the program has been approved in writing by any of the following:

(i) A licensed dietitian nutritionist or licensed nutritionist.

(ii) A dietitian nutritionist or nutritionist registered, certified or licensed in another state that has requirements equivalent to the licensure requirements under this act.

(iii) A dietitian registered by the Commission on Dietetic Registration.

(iv) A nutritionist certified by the Board for Certification of Nutrition Specialists.

(v) A diplomate of the American Clinical Board of Nutrition.
(vi) A licensed physician as part of a plan of care.

(6) A nutrition and dietetic technician from providing nutrition care services under the supervision of a licensed dietitian nutritionist or licensed nutritionist.

(7) An individual from providing nutrition information, guidance, encouragement, individualized nutrition recommendations or medical weight control services that do not constitute medical nutrition therapy on the condition that the individual does not hold himself or herself out as licensed to practice dietetics and nutrition or as a licensed dietitian, licensed nutritionist, nutritionist, dietitian or dietician.

(8) An individual trained, licensed or certified under any other law of this Commonwealth from engaging in a practice within the scope of the individual's license or certification.

(b) Nothing in this act shall be construed to authorize the board to regulate practitioners licensed or certified by other licensing boards.

Section 4. Sections 4(1), (3), (4), (5) and (6) and 4.1 of the act are amended to read:

Section 4. Unauthorized Practices; Acts not Prohibited.-- This act confers no authority to practice dentistry, podiatry, optometry, chiropractic, medicine or surgery, nor does it prohibit--

(1) Home care of the sick by friends, domestic servants, nursemaids, companions, \[or\] household, or home care aides of any type, so long as such \[persons\] individuals do not represent or hold themselves out to be licensed nurses, licensed registered nurses, \[or\] registered nurses, or licensed dietitian nutritionists or licensed nutritionists; or use in connection
with their names, any designation tending to imply that they are licensed to practice under the provisions of this act nor services rendered by any physicians, osteopaths, dentists or chiropractors, podiatrists, optometrists, or any individual licensed pursuant to the act of March 2, 1956 (P.L.1211, No.376), known as the "Practical Nurse Law."

* * *

(3) The practice of professional nursing or dietetics and nutrition, including the provision of medical nutrition therapy, by an individual temporarily in this Commonwealth licensed by another state, territory or possession of the United States or a foreign country, with registration, certification or licensure requirements equivalent to the licensure requirements under this act, in compliance with an engagement made outside of this Commonwealth, which engagement requires that such individual accompany and care for a patient while temporarily in this Commonwealth: Provided, however, That said engagement shall not be of more than six (6) months' duration.

(4) The practice of professional nursing or dietetics and nutrition, including the provision of medical nutrition therapy, pursuant to a temporary practice permit, by a graduate of an approved program of professional nursing or by an individual satisfying the educational requirements for dietetics and nutrition in Pennsylvania or any other state, working under qualified supervision, during the period not to exceed one (1) year between completion of his or her program and notification of the results of a licensing examination taken by such individual, and during such additional period as the Board may in each case especially permit.

(5) The practice of professional nursing or dietetics and
nutrition, including the provision of medical nutrition therapy, pursuant to a temporary practice permit, by an individual who holds a current license or other evidence of the right to practice professional nursing or dietetics and nutrition, as that term is defined in this act, issued by any other state, territory or possession of the United States or the Dominion of Canada, with registration, certification or licensure requirements equivalent to the licensure requirements under this act, during the period that an application filed by such individual for licensure in Pennsylvania is pending before the Board, but not for a period of more than one year and during such additional period as the Board may in each case especially permit.

(6) The practice of professional nursing or dietetics and nutrition, including the provision of medical nutrition therapy, within the definition of this act, by any individual when such individual is engaged in the practice of nursing or dietetics and nutrition as an employee of the United States.

Section 4.1. Temporary Practice Permit.--In order for an individual to practice professional nursing or dietetics and nutrition, including medical nutrition therapy, during the one (1) year period from completion of his or her education program or the one (1) year period from the application for licensure by an individual who holds a current license issued by any other state, territory or possession of the United States or the Dominion of Canada, with registration, certification or licensure requirements equivalent to the licensure requirements under this act, the Board may issue a temporary practice permit which is nonrenewable and
valid for a period of one (1) year and during such additional period as the Board may in each case especially permit, except that the temporary practice permit shall expire if such individual fails the licensing examination.

Section 5. Section 5(b), (c) and (e) of the act are amended and the section is amended by adding a subsection to read:

Section 5. Examinations and Certificates.--* * *

(b) The Board may admit to examination any individual who has satisfactorily completed an approved nursing education program for the preparation of registered professional nurses or an approved dietetics and nutrition education program in Pennsylvania or such a program in any other state, territory or possession of the United States, considered by the Board to be equivalent to that required in this Commonwealth at the time such program was completed, and who meets the requirements of character and preliminary education.

(c) The Board may admit to examination any individual who has satisfactorily completed a nursing education program for the preparation of registered professional nurses or an approved dietetics and nutrition education program in a country or territory not mentioned above who has been licensed, registered, or duly recognized there as a professional nurse, dietitian-nutritionist, dietitian or nutritionist provided such a program is considered by the Board to be equal to that required in this Commonwealth at the time such program was completed and who meets the requirements of character and preliminary education.

* * *

[(e) A person who meets the requirements of section 6 and 20190HB1802PN2445]
who, in addition, has been engaged in the practice of dietetics-
nutrition for a period of five (5) years during the seven (7) 
years immediately preceding the effective date of this 
subsection or a person who provides evidence of current 
registration as a registered dietitian-nutritionist by the 
Commission of Dietetic Registration of the American Dietetic 
Association shall be considered to meet the requirements of this 
act. This person shall be licensed without the necessity of 
taking the examination if an application is made to the Board 
within one (1) year of the effective date of this subsection and 
the appropriate fee is paid.]

(f) The board shall accept the examination for a dietitian 
or nutritionist administered by the Commission on Dietetic 
Registration, the Board for Certification of Nutrition 
Specialists or the American Clinical Board of Nutrition in lieu 
of the examination required for a dietitian or nutritionist 
under this section.

Section 6. Section 6(b) of the act is amended to read:

Section 6. Fees; Qualifications for Licensure.--* * *

(b) An applicant applying for licensure as a [dietitian-
nutritionist] dietitian or nutritionist shall submit a written 
application on forms provided by the Board evidencing and 
insuring to the satisfaction of the Board that the applicant:

(1) Is of good moral character.

[(2) Has received a baccalaureate or higher degree from a 
Board-approved, regionally accredited college or university, 
including a major course of study in human nutrition, food and 
nutrition, dietetics or food systems management.]

(3) Has completed a planned continuous preprofessional 
experience component in dietetic practice of not less than nine
hundred (900) hours under the supervision of a registered
dietitian, a dietitian-nutritionist licensed under this act or
an individual with a doctoral degree conferred by a regionally
accredited college or university in the United States with a
major course of study in human nutrition, food and nutrition,
nutrition education, dietetics or food systems management as
approved by the Board.

(4) Has satisfactorily completed an examination approved by
the Board. The Board shall contract with a professional testing
organization for the examination of qualified applicants for
licensure. All written, oral and practical examinations shall be
prepared and administered by a qualified and approved
professional testing organization in the manner prescribed for
written examinations by section 812.1 of the act of April 9,
1929 (P.L.177, No.175), known as "The Administrative Code of
1929."

(5) Meets any of the following criteria:

(i) Provides evidence of current and valid registration as a
registered dietitian or registered dietitian nutritionist with
the Commission on Dietetic Registration.

(ii) Submits proof of completion of all of the following
educational, supervised practice experience and examination
requirements:

(A) A baccalaureate degree, master's degree or doctoral
degree that meets the competency requirements in dietetics as
required by the board with a major course of study in human
nutrition, foods and nutrition, dietetics, food systems
management, nutrition education, nutrition, nutrition science,
clinical nutrition, applied clinical nutrition, nutrition,
counseling, nutrition and functional medicine, nutritional
biochemistry, nutrition and integrative health, or an equivalent
course of study from a regionally accredited college or
university or an academic degree from a college or university in
a foreign country validated as equivalent by the board, that
meets the competency requirements of a program accredited by the
Accreditation Council for Education in Nutrition and Dietetics
as approved by the board.

(B) Has successfully completed a planned clinical program in
the practice of dietetics and nutrition that meets the
competency requirements of a supervised practice accredited by
the Accreditation Council for Education in Nutrition and
Dietetics as approved by the board. A planned clinical program
under this clause shall include no less than twelve hundred
(1,200) hours under the supervision of any of the following:

(I) A dietitian nutritionist licensed in this Commonwealth
or registered, certified or licensed in any other state with
requirements equivalent to the licensure requirements under this
act as approved by the board.

(II) A dietitian nutritionist registered with the Commission
on Dietetic Registration.

(C) Has passed the registration examination for dietitian
nutritionists administered by the Commission on Dietetic
Registration.

* * *

Section 7. Section 6.2 of the act is amended by adding a
subsection to read:

Section 6.2. Education Programs, Approved Lists,
Distribution; Student Credits Where School Removed from List.--*

* *

(d) An applicant must satisfy or comply with all of the
following requirements to be eligible for licensure as a nutritionist:

(1) Be at least 18 years of age.
(2) Be of good moral character.
(3) Submit a completed application as required by the board.
(4) Pay any fees as required by the board.
(5) Submit proof that the applicant has received a master's degree or doctoral degree from a regionally accredited college or university or has an academic degree from a college or university in a foreign country that has been validated as equivalent by the board, with all of the following:

(i) A major course of study in human nutrition, food and nutrition, community nutrition, public health nutrition, nutrition education, nutrition, nutrition science, clinical nutrition, applied clinical nutrition, nutrition counseling, nutrition and functional medicine, nutritional biochemistry, nutrition and integrative health or a comparable major course of study in a field of clinical health care.

(ii) A course of study leading to competence in medical nutrition therapy, including, but not limited to, the completion of all of the following:

(A) Fifteen (15) semester hours of clinical or life sciences coursework with at least three (3) semester hours in human anatomy and physiology or the equivalent subjects.

(B) Fifteen (15) semester hours of nutrition and metabolism coursework with at least six (6) semester hours in biochemistry.

(6) Complete a board-approved internship or a documented, supervised practice experience in nutrition care services and the provision of medical nutrition therapy for not less than one thousand (1000) hours involving no less than two hundred (200)
hours of all of the following:

(i) Nutrition assessment.

(ii) Nutrition intervention, education, counseling or management.

(iii) Nutrition monitoring or evaluation under the supervision of an individual specified under clause (A), (B) or (C). A supervisor under this subparagraph shall be licensed in this Commonwealth if supervising an applicant providing medical nutrition therapy in this Commonwealth. Any of the following may be supervisors under this subparagraph:

(A) A certified nutrition specialist, a diplomate of the American Clinical Board of Nutrition, a registered dietitian nutritionist, a licensed dietitian nutritionist or a licensed nutritionist in this Commonwealth.

(B) A licensed health care practitioner whose scope of practice includes the provision of nutrition care services for the purpose of treatment or management of a disease or medical condition.

(C) An individual with a doctoral degree conferred by a regionally accredited college or university or a college or university in a foreign country validated as equivalent by the board with a major course of study in human nutrition, food and nutrition, dietetics, nutrition education, nutrition, nutrition science, clinical nutrition, applied clinical nutrition, nutrition counseling, nutrition and functional medicine, nutritional biochemistry, nutrition and integrative health or an equivalent course of study.

(7) Meet any of the following criteria:

(i) Successfully pass an examination administered by the Board for Certification of Nutrition Specialists or the
examination administered by the American Clinical Board of Nutrition.

(ii) Hold a valid current certification with the Board for Certification of Nutrition Specialists that authorizes the applicant to use the title "certified nutrition specialist" or the abbreviation "C.N.S." or a valid current certification with the American Clinical Board of Nutrition that authorizes the applicant to use the title "diplomate, American Clinical Board of Nutrition" or the abbreviation "D.A.C.B.N."

Section 8. Section 8(b) of the act is amended to read:

Section 8. [Persons] Individuals Entitled to Practice.--* * *

(b) The Board shall issue to each [person] individual who meets the [dietitian-nutritionist] dietitian nutritionist or nutritionist licensure requirements of this act a certificate setting forth that such [person] individual is licensed as a [dietitian-nutritionist] dietitian nutritionist or nutritionist and entitled to use the title ["licensed dietitian-nutritionist" and the letters "L.D.N."] "licensed dietitian nutritionist" and the letters "L.D.N." or licensed as a nutritionist and entitled to use the title "licensed nutritionist" and the letters "L.N." and authorized to practice dietetics and nutrition and provide medical nutrition therapy. A record of all [persons] individuals licensed as [dietitian-nutritionists] dietitian nutritionists or nutritionists in this Commonwealth shall be kept in the office of the Board and shall be open to public inspection and copying upon payment of a nominal fee for copying the record.

Section 9. Section 11(c) of the act is amended and the section is amended by adding subsections to read:
Section 11. Licenses; Duration; Renewal Fee; Inactive Status.--* * *

(c) A dietetics-nutrition dietitian nutritionist or nutritionist license issued under this act shall not be renewed unless the licensee applying for renewal submits proof to the Board that during the two (2) calendar years immediately preceding the application for renewal the licensee has satisfactorily completed a minimum of thirty (30) hours of continuing dietetic-nutrition dietetic and nutrition education approved by the Board by regulation.

(d) Upon the payment to the board of a fee and the submission of a written application on a form provided by the board by a nutritionist or dietitian who is registered, certified or licensed in another state with registration, certification or licensure requirements equivalent to the licensure requirements under this act, the board shall license the nutritionist or dietitian without an examination.

(e) A member of the United States Armed Forces or the member's spouse who is registered, certified or licensed as a dietitian nutritionist or nutritionist in another state with registration, certification or licensure requirements equivalent to the licensure requirements under this act may be licensed as a dietitian nutritionist in this Commonwealth by providing a proof of licensure in the other state in accordance with regulations promulgated by the board. A member or the member's spouse who qualifies for licensure as a dietitian nutritionist under this subsection shall be exempt from paying the initial licensure application fee. If a member or the member's spouse does not qualify for licensure as a dietitian nutritionist under this subsection, the member or the member's spouse shall apply...
for licensure as specified under this act and shall be exempt from paying the initial licensure application fee.

Section 10. Sections 11.1, 12.1(g)(1), 13(b), 14(a)(1), (2.1) and (4) and (b) introductory paragraph and (6) and 15.4 of the act are amended to read:

Section 11.1. Reporting of Multiple Licensure.--Any licensed professional nurse or dietitian-nutritionist, dietitian nutritionist or nutritionist of this Commonwealth who is also licensed to practice nursing or [dietetics-nutrition] licensed as a dietitian nutritionist or nutritionist in any other state, territory, possession or country shall report this information to the Board on the biennial registration application. Any disciplinary action taken or pending investigation or investigation resolved unfavorably against the applicant in other states shall be reported to the Board on the biennial registration application or within ninety (90) days of final disposition, whichever is sooner. Multiple licensure shall be noted by the Board on the licensee's record, and such state, territory, possession or country shall be notified by the Board of any disciplinary actions taken against said licensee in this Commonwealth.

Section 12.1. Continuing Nursing Education.--* * *

(g) In lieu of meeting the requirements of this section:

(1) Certified registered nurse practitioners and [dietetics-nutrition] dietitian nutritionist and nutritionist licensees shall fulfill the requirements for continuing education in accordance with sections 8.1 and 11, respectively.

* * *

Section 13. Punishment for Violations.--* * *
(b) In addition to any other civil remedy or criminal penalty provided for in this act, the Board, by a vote of the majority of the maximum number of the authorized membership of the Board as provided by law or by a vote of the majority of the duly qualified and confirmed membership or a minimum of five (5) members, whichever is greater, may levy a civil penalty of up to one thousand dollars ($1,000) on any current licensee who violates any provision of this act or on any [person] individual who practices nursing or holds himself or herself forth as a licensed [dietitian-nutritionist] dietitian nutritionist, dietitian or nutritionist without being properly licensed to do so under this act or on the responsible officers or employes of any corporation, copartnership, institution or association violating any of the provisions of this act. The Board shall levy this penalty only after affording the accused party the opportunity for a hearing, as provided in Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure).

Section 14. Refusal, Suspension or Revocation of Licenses.--

(a) The Board may refuse, suspend or revoke any license in any case where the Board shall find that--

(1) The licensee is on repeated occasions negligent or incompetent in the practice of professional nursing or [dietetics-nutrition] dietetics and nutrition.

* * *

(2.1) The licensee is unable to practice [dietetics-nutrition] dietetics and nutrition with reasonable skill and safety to individuals or groups by reason of mental or physical illness or condition or physiological or psychological dependence upon alcohol, hallucinogenic or narcotic drugs or

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other drugs which tend to impair judgment or coordination so
long as such dependence shall continue. In enforcing this clause
(2.1), the Board shall upon probable cause have authority to
compel a licensee to submit to a mental or physical examination
as designated by it. After notice, hearing, adjudication and
appeal as provided for in section 15, failure of a licensee to
submit to such examination when directed shall constitute an
admission of the allegations against him or her unless failure
is due to circumstances beyond his or her control, consequent
upon which a default and final order may be entered without the
taking of testimony or presentation of evidence. A licensee
affected under this paragraph shall at reasonable intervals be
afforded an opportunity to demonstrate that he or she can resume
a competent practice of dietetics-nutrition with reasonable skill and safety to individuals or
groups.

* * *

(4) The licensee has committed fraud or deceit in:
(i) the practice of nursing, or in securing his or her
admission to such practice or nursing school; or
(ii) the practice of dietetics-nutrition or in securing his or her license as a dietitian-nutritionist dietitian nutritionist or nutritionist.

* * *

(b) When the Board finds that the license of any nurse or
dietitian-nutritionist may be refused, revoked or suspended under the terms of
subsection (a), the Board may:

* * *

(6) Restore or reissue, in its discretion, a suspended
license to practice professional or practical nursing or [dietetics-nutrition] dietetics and nutrition and impose any disciplinary or corrective measure which it might originally have imposed.

Section 15.4. Injunction or Other Process.--It shall be unlawful for any [person] individual to practice or attempt to offer to practice nursing or provide or attempt to offer to provide medical nutrition therapy or hold himself or herself forth as a licensed [dietitian-nutritionist] dietitian, nutritionist or nutritionist, as defined in this act, without having at the time of so doing a valid, unexpired, unrevoked and unsuspended license issued under this act. The unlawful practice of nursing or the unlawful provision of medical nutrition therapy as defined in this act may be enjoined by the courts on petition of the Board or the Commissioner of Professional and Occupational Affairs. In any such proceeding, it shall not be necessary to show that any [person] individual is individually injured by the actions complained of. If it is determined that the respondent has engaged in the unlawful practice of nursing or the unlawful provision of medical nutrition therapy, the court shall enjoin him or her from so practicing unless and until he or she has been duly licensed. Procedure in such cases shall be the same as in any other injunction suit. The remedy by injunction hereby given is in addition to any other civil or criminal prosecution and punishment.

Section 11. This act shall take effect in 60 days.