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, for dietitian-nutritionist license required, for examinations and certificates, for fees and qualifications for licensure, for persons entitled to practice, for licenses and durations and renewal fee and inactive status, for reporting of multiple licensure, for setting of fees and disposition of fees, fines and civil penalties, 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 or dietetics and nutrition regimen,
and execution of the prescribed medical regimen.

* * *

(7) The ["Practice of dietetics-nutrition"] "Practice of dietetics and 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"] "Licensed dietitian
nutritionist" means a [dietitian-nutritionist] dietitian
nutritionist who holds a current license under this act and is
qualified to provide dietetics and nutrition services, including
medical nutrition therapy. The term does not include an
individual who engages in the medical differential diagnosis of
the health status of an individual.

[(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;]

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(ii) specialized intravenous solutions;
(iii) specialized oral solutions; and
(iv) interactions of prescription drugs with food or nutrients.

* * *

(16) "Board for Certification of Nutrition Specialists" means the board that is accredited by the National Commission for Certifying Agencies to certify nutrition specialists and nutrition specialist-scholar credentials.

(17) "Commission on Dietetic Registration" means the commission accredited by the National Commission for Certifying Agencies to be the credentialing agency for the Academy of Nutrition and Dietetics.

(18) "Dietetics" means the integration, application and communication of practice principles derived from food, nutrition, social, business and basic sciences to achieve and maintain the optimal nutrition status of an individual.

(19) "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.

(20) "Family or household members" 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.

(21) "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 the essential nutrients.
(v) The actions of nutrients in the human body.
(vi) The effects of deficiencies or excesses of nutrients.
(vii) Food and supplements that are good sources of essential nutrients.

(22) "Medical nutrition therapy" means the use of the nutrition care process and specific nutrition services for the purpose of disease management and to treat or rehabilitate an illness, injury or condition. The term includes the use of the 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 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 with the primary functions of nutrition care and ordering therapeutic diets.

(23) "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.

(24) "Nutrition assessment" means all of the following:

(i) The evaluation of an individual for nutritional status through a systematic process of obtaining, verifying and interpreting biochemical, anthropometric, physical and dietary data to make decisions about the nature and cause of nutrition-related problems.
The reassessment and analysis of dietary data to determine the foundation for nutrition diagnosis and nutritional recommendations, including enteral and parenteral nutrition.

(25) "Nutrition care" means the services that a patient receives during the nutrition care process.

(26) "Nutrition care process" means the systematic methods which a licensed dietitian nutritionist uses to make decisions when providing medical nutrition therapy or addressing nutrition-related problems, including nutrition assessment, nutrition diagnosis, nutrition intervention and nutrition monitoring and evaluation.

(27) "Nutrition diagnosis" means identifying and labeling nutritional problems managed and treated by a licensed dietitian nutritionist.

(28) "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.

(29) "Nutrition monitoring and evaluation" means identifying patient outcomes relevant to the 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.

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

(31) "Registered dietitian" or "registered dietitian nutritionist" means a dietitian nutritionist registered with the Commission on Dietetic Registration.
"Therapeutic diet". A diet intervention prescribed by an authorized licensed practitioner that provides food or nutrients via oral, enteral or parenteral routes as part of a treatment for a disease or clinical condition to modify, eliminate, decrease or increase identified micronutrients and macronutrients in the diet.

Section 2. Section 2.1(a) of the act is 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 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, and all of whom shall have been engaged in nursing or the practice of dietetics nutrition 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-nutrition, including, but not limited to, specialized nurses or dietitian-nutritionists of all types. The persons representing the public at large may not have a financial interest in the provision of goods and services for dietitian-nutritionists and may not be a dietitian-nutritionist or have a household member who is a dietitian-nutritionist.

* * *

Section 3. Section 3.1 heading and (a) of the act are amended and the section is amended by adding subsections to read:

Section 3.1. [Dietitian-Nutritionist] Dietitian 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. Only individuals who have received licenses as licensed dietitian-nutritionists pursuant to this act may use the letters "L.D.N." in connection with their names.] It shall be unlawful for an individual who is not licensed under this act to engage in any of the following actions:

(1) Practice dietetics and nutrition or provide medical nutrition therapy or other nutrition care.

(2) Use the title or an abbreviation of the title of "dietitian," "dietician," "dietitian nutritionist,"

"nutritionist," "licensed dietitian nutritionist" or "LDN".

(3) Hold oneself out as a dietitian, dietician, dietitian nutritionist or nutritionist.
(4) Imply that the individual is authorized to provide medical nutrition therapy.

* * *

(c) A licensed dietitian nutritionist may engage in any of the following practices:

1. Medical nutrition therapy.
2. The nutrition care process, including nutrition assessment, nutrition diagnosis, nutrition or diet intervention and nutrition monitoring and evaluation.
3. Dietetics and nutrition.
5. Therapeutic diet initiation and counseling.
7. Telehealth services in accordance with the laws of this Commonwealth.

(d) Subsection (a)(1) shall not apply to the following individuals:

1. A licensed health care professional who is acting within the scope of the individual's licensed profession.
2. A student working under the direct supervision of a licensed dietitian nutritionist to satisfy the requirements for licensure as a dietitian nutritionist under this act.
3. An individual who has completed the educational and pre-professional experiential requirements as specified by the Commission on Dietetic Registration or Board for Certification of Nutrition Specialists and has not received notice of passing the examinations required to apply for licensure as a dietitian nutritionist under this act. An individual who meets the
criteria under this paragraph may practice under the supervision
of a licensed dietitian nutritionist for no more than one year.

(4) A dietitian nutritionist or nutritionist serving in the
United States Armed Forces, United States Public Health Service
or United States Department of Veterans Affairs when performing
duties associated with the service.

(5) An employee of the Commonwealth, a local political
subdivision or a local school administrative unit or an
individual who contracts with the Commonwealth, a local
political subdivision or a local school administrative unit who
is engaged in the practice of dietetics or nutrition within the
scope of the employment or contract.

(6) A retailer who furnishes general nonmedical nutrition
information to customers on food, food materials, dietary
supplements and other goods sold at his or her retail
establishment with the marketing and distribution of those goods
at his or her retail establishment.

(7) An individual who provides weight control services if
the services, including changes to services, are being reviewed
and approved by any of the following:

(i) A licensed dietitian nutritionist under this act or
other licensed independent practitioner.

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

(iii) A dietitian nutritionist registered by the Commission
on Dietetic Registration or certified by the Board for
Certification of Nutrition Specialist.

(8) An individual who provides nutrition care without
remuneration to family or household members.
Section 4. Section 5(b), (c) and (e) of the act are amended to read:

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

(b) The Board may admit to examination any person 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 person 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 who, in addition, has been engaged in the practice of dietetics and 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] dietitian nutritionist by the Commission [of
Dietetic Registration of the American Dietetic Association] on
Dietetic Registration 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.

Section 5. Section 6(b) of the act is amended and the
section is amended by adding a subsection to read:

Section 6. Fees; Qualifications for Licensure.---* * *
(b) [An] Except as specified under subsection (b.1), an
applicant applying for licensure as a [dietitian-nutritionist]
dietitian 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]
pre-professional experience component in dietetic practice of
not less than nine hundred (900) hours under the supervision of
a [registered dietitian, a dietitian-nutritionist] 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] a
registration examination for dietitians prescribed by the Commission on Dietetic Registration or the certification examination for nutrition specialists prescribed by the Board for Certification of Nutrition Specialist as 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."

(b.1) An applicant of good moral character shall not be required to satisfy the requirements under subsection (b) if the applicant is a registered dietitian nutritionist or registered dietitian with the Commission on Dietetic Registration and authorized to use the letters "RDN" or "RD" to indicate that the applicant is a registered dietitian nutritionist or registered dietitian.

Section 6. Sections 8(b), 11(c) and 11.1 of the act are amended to read:

Section 8. Persons Entitled to Practice.--* * *

(b) The Board shall issue to each person who meets the [dietitian-nutritionist] dietitian nutritionist licensure requirements of this act a certificate setting forth that such person is licensed as a [dietitian-nutritionist] dietitian nutritionist and entitled to use the title ["licensed dietitian-nutritionist"] "licensed dietitian nutritionist" and the letters ["L.D.N."] LDN and authorized to practice dietetics and nutrition and medical nutrition therapy. A record of all persons
licensed as [dietitian-nutritionists] dietitian 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 11. Licenses; Duration; Renewal Fee; Inactive Status.--* * *

(c) A [dietetics-nutrition] dietitian 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.

Section 11.1. Reporting of Multiple Licensure.--Any licensed professional nurse or [dietitian-nutritionist] dietitian nutritionist of this Commonwealth who is also licensed to practice nursing or [dietetics-nutrition] dietetics and nutrition in any other state, territory, possession or country shall report this information to the Board on the biennial registration application. Any disciplinary action taken 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 7. Section 11.2 of the act is amended by adding a subsection to read:

Section 11.2. Setting of Fees and Disposition of Fees, Fines

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and Civil Penalties.--* * *

(e) A member of the United States Armed Forces or the member's spouse who is licensed as a dietitian nutritionist in another state that has licensing requirements equivalent to the requirements under this act may be licensed as a dietitian nutritionist in this Commonwealth by providing a proof of licensure in the other state as determined by regulations promulgated by the board. An individual who qualifies for licensure in this Commonwealth under this subsection shall be exempt from paying the initial licensure application fee. An individual residing in a state that does not have license requirements for a dietitian nutritionist shall apply for licensure in this Commonwealth as specified by this act and shall be exempt from paying the initial licensure application fee.

Section 8. Sections 12.1(g)(1), 13(b), 14(a)(1), (2.1), (4), (b) introductory paragraph and (6) and 15.4 of the act are amended to read:

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 licensees shall fulfill the requirements for continuing education in accordance with sections 8.1 and 11, respectively.

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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 who
practices nursing or holds himself or herself forth as a
licensed [dietitian-nutritionist] dietitian nutritionist,
dietitian, nutritionist or other individual qualified to
practice dietetics or medical nutrition therapy 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
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] **dietetics and 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] **dietetics and nutrition** or in securing his or her license as a [dietitian-nutritionist] **dietitian nutritionist**.

* * *

(b) When the Board finds that the license of any nurse or [dietitian-nutritionist] **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
Section 15.4. Injunction or Other Process.--It shall be unlawful for any person to practice or attempt to offer to practice nursing or practice or attempt to offer to practice dietetics and nutrition or hold himself or herself forth as a licensed [dietitian-nutritionist] dietitian 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 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 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 practice of dietetics and nutrition, 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 9. This act shall take effect in 60 days.