
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1802 Session of
2019

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, TOOHIL, GILLESPIE, HEFFLEY, ROTHMAN AND PASHINSKI,
SEPTEMBER 12, 2019

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,
SEPTEMBER 12, 2019

AN ACT

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

22 The General Assembly of the Commonwealth of Pennsylvania

23 hereby enacts as follows:

24 Section 1. Section 2(5), (7), (9) and (10) of the act of May
25 22, 1951 (P.L.317, No.69), known as The Professional Nursing

1 Law, are amended and the section is amended by adding paragraphs
2 to read:

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

6 * * *

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

11 * * *

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

19 * * *

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

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

27 (i) tube feedings;

28 (ii) specialized intravenous solutions;

29 (iii) specialized oral solutions; and

30 (iv) interactions of prescription drugs with food or

1 nutrients.] provision of nutrition care services for the purpose
2 of treating or managing disease or medical conditions. The term
3 includes the provision of all of the following services:

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

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

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

14 (iv) Medical weight control.

15 * * *

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

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

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

29 (19) "Commission on Dietetic Registration" means the
30 credentialing agency of the Academy of Nutrition and Dietetics.

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

5 (21) "Dietitian" or "dietitian nutritionist" means an
6 individual licensed under this act who may be referred to as a
7 nutritionist, a dietitian nutritionist or a dietician.

8 (22) "Diplomate of the American Clinical Board of Nutrition"
9 means an individual certified as a diplomate by the American
10 Clinical Board of Nutrition that authorizes the individual to
11 use the title "diplomate of the American Clinical Board of
12 Nutrition" and the abbreviation "D.A.C.B.N." to indicate that
13 the individual is a diplomate of the American Clinical Board of
14 Nutrition.

15 (23) "Family member" means a parent, child, spouse, former
16 spouse, an individual related by consanguinity or affinity, a
17 current or former sexual or intimate partner or an individual
18 who shares biological parenthood.

19 (24) "General nonmedical nutrition information" means
20 information on any of the following:

21 (i) Principles of good nutrition and food preparation.

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

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

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

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

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

29 (vii) Food and supplements that are good sources of
30 essential nutrients in the human body.

1 (25) "Licensed dietitian nutritionist" means an individual
2 who is licensed as a dietitian nutritionist under this act.

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

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

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

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

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

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

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

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

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

4 (iii) Providing nutrition counseling regarding health and
5 disease.

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

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

10 (vi) Ordering therapeutic diets.

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

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

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

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

29 (35) "Practice of dietetics and nutrition" means the
30 integration and application of scientific principles derived

1 from the study of food, nutrition, biochemistry, metabolism,
2 nutrigenomics, physiology, food management, behavioral and
3 social sciences in achieving and maintaining health throughout
4 the lifespan of an individual and providing nutrition care
5 services, including medical nutrition therapy and telehealth for
6 the prevention, management and treatment of disease. The term
7 does not include the medical differential diagnosis of the
8 health status of an individual. The term includes, but is not
9 limited to, any of the following:

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

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

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

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

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

26 (37) "Therapeutic diet" means a diet intervention prescribed
27 by a physician or other authorized non-physician practitioner
28 that provides food or nutrients via oral, enteral or parenteral
29 routes as part of the treatment of a disease or diagnosed
30 clinical condition for purpose of modifying, eliminating,

1 decreasing or increasing identified micro-nutrients and macro-
2 nutrients in the diet.

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

5 Section 2.1. State Board of Nursing.--(a) The State Board
6 of Nursing shall consist of the Commissioner of Professional and
7 Occupational Affairs, three members appointed by the Governor,
8 with the advice and consent of a majority of the members elected
9 to the Senate, who shall be [~~persons~~] individuals representing
10 the public at large, and nine members appointed by the Governor,
11 with the advice and consent of a majority of the members elected
12 to the Senate, six of whom shall be registered nurses, graduated
13 from schools of nursing where practical and theoretical
14 instruction is given, at least three of whom shall possess
15 Masters' degrees in nursing, two of whom shall be licensed
16 practical nurses and one of whom shall be a licensed [~~dietitian-~~
17 ~~nutritionist~~] dietitian nutritionist or licensed nutritionist
18 who shall possess a Master's degree or higher degree, and all of
19 whom shall have been engaged in nursing or the practice of
20 [~~dietetics-nutrition~~] dietetics and nutrition in this
21 Commonwealth for the five-year period immediately preceding
22 appointment. [~~The dietitian-nutritionist member of the board~~
23 ~~initially appointed need not be licensed by the licensure~~
24 ~~examination adopted by the board but, at the time of~~
25 ~~appointment, must have satisfied the education and experience~~
26 ~~requirements of this act for licensure as a dietitian-~~
27 ~~nutritionist.~~] In making appointments to the Board, the Governor
28 shall give due consideration to providing representation from
29 diversified fields of nursing or [~~dietetics-nutrition~~] dietetics
30 and nutrition, including, but not limited to, specialized nurses

1 or [dietitian-nutritionists] dietitian nutritionists or
2 nutritionists of all types. The [persons] individuals
3 representing the public at large may not have a financial
4 interest in the provision of goods and services for [dietitian-
5 nutritionists] dietitian nutritionists or nutritionists and may
6 not be a [dietitian-nutritionist] dietitian nutritionist or
7 nutritionist or have a household member who is a [dietitian-
8 nutritionist] dietitian nutritionist or nutritionist.

9 * * *

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

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

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

30 (i) Provide medical nutrition therapy with or without

1 compensation.

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

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

6 (B) "Dietitian or "dietician."

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

8 (D) "L.D.N."

9 (E) "L.D."

10 (F) "L.N."

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

13 (H) "Certified nutrition therapy practitioner."

14 (I) "Master nutrition therapist."

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

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

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

28 (c) Nothing in this section shall be construed to prohibit
29 an individual from using a title trademarked by the United
30 States Patent and Trademark Office.

1 Section 3. The act is amended by adding sections to read:

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

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

9 (1) Addressing nutrition-related problems.

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

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

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

30 (1) The licensed dietitian nutritionist or licensed

1 nutritionist is a registered dietitian nutritionist.

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

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

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

18 Section 3.3. Practice or Teaching of Dietetics and
19 Nutrition.

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

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

25 (2) A student enrolled in an accredited course on dietetics
26 and nutrition recognized by the board from performing any action
27 necessary to complete the student's course of study or engaging
28 in the practice of dietetics and nutrition under a supervisor in
29 accordance with section 6(b)(5) for a time period of no more
30 than five years after the student completes the course of study.

1 The board, in its discretion, may grant a limited extension to
2 the time period specified under this paragraph in the event of
3 extraordinary circumstances to allow an individual to satisfy
4 the qualifications for licensure under section 6. Extraordinary
5 circumstances may include a circumstance when an individual who
6 legally provides medical nutrition therapy in another state has
7 not met the qualifications for licensure under section 6 within
8 the time period specified under this paragraph.

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

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

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

21 (i) A licensed dietitian nutritionist or licensed
22 nutritionist.

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

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

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

30 (v) A diplomate of the American Clinical Board of Nutrition.

1 (vi) A licensed physician as part of a plan of care.

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

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

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

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

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

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

25 (1) Home care of the sick by friends, domestic servants,
26 nursemaids, companions, [or] household, or home care aides of
27 any type, so long as such [persons] individuals do not represent
28 or hold themselves out to be licensed nurses, licensed
29 registered nurses, [or] registered nurses, or licensed dietitian
30 nutritionists or licensed nutritionists; or use in connection

1 with their names, any designation tending to imply that they are
2 licensed to practice under the provisions of this act nor
3 services rendered by any physicians, osteopaths, dentists or
4 chiropractors, podiatrists, optometrists, or any [person]
5 individual licensed pursuant to the act of March 2, 1956
6 (P.L.1211, No.376), known as the "Practical Nurse Law."

7 * * *

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

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

30 (5) The practice of professional nursing or dietetics and

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

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

20 Section 4.1. Temporary Practice Permit.--In order for [a
21 person] an individual to practice professional nursing or
22 dietetics and nutrition, including medical nutrition therapy,
23 during the one (1) year period from completion of his or her
24 education program or the one (1) year period from the
25 application for licensure by [a person] an individual who holds
26 a current license issued by any other state, territory or
27 possession of the United States or the Dominion of Canada, with
28 registration, certification or licensure requirements equivalent
29 to the licensure requirements under this act, the Board may
30 issue a temporary practice permit which is nonrenewable and

1 valid for a period of one (1) year and during such additional
2 period as the Board may in each case especially permit, except
3 that the temporary practice permit shall expire if such [person]
4 individual fails the licensing examination.

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

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

8 (b) The Board may admit to examination any [person]
9 individual who has satisfactorily completed an approved nursing
10 education program for the preparation of registered professional
11 nurses or an approved [~~dietetics-nutrition~~] dietetics and
12 nutrition education program in Pennsylvania or such a program in
13 any other state, territory or possession of the United States,
14 considered by the Board to be equivalent to that required in
15 this Commonwealth at the time such program was completed, and
16 who meets the requirements of character and preliminary
17 education.

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

29 * * *

30 [(e) A person who meets the requirements of section 6 and

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

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

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

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

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

24 (1) Is of good moral character.

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

29 (3) Has completed a planned continuous preprofessional
30 experience component in dietetic practice of not less than nine

1 hundred (900) hours under the supervision of a registered
2 dietitian, a dietitian-nutritionist licensed under this act or
3 an individual with a doctoral degree conferred by a regionally
4 accredited college or university in the United States with a
5 major course of study in human nutrition, food and nutrition,
6 nutrition education, dietetics or food systems management as
7 approved by the Board.

8 (4) Has satisfactorily completed an examination approved by
9 the Board. The Board shall contract with a professional testing
10 organization for the examination of qualified applicants for
11 licensure. All written, oral and practical examinations shall be
12 prepared and administered by a qualified and approved
13 professional testing organization in the manner prescribed for
14 written examinations by section 812.1 of the act of April 9,
15 1929 (P.L.177, No.175), known as "The Administrative Code of
16 1929."]

17 (5) Meets any of the following criteria:

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

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

24 (A) A baccalaureate degree, master's degree or doctoral
25 degree that meets the competency requirements in dietetics as
26 required by the board with a major course of study in human
27 nutrition, foods and nutrition, dietetics, food systems
28 management, nutrition education, nutrition, nutrition science,
29 clinical nutrition, applied clinical nutrition, nutrition
30 counseling, nutrition and functional medicine, nutritional

1 biochemistry, nutrition and integrative health, or an equivalent
2 course of study from a regionally accredited college or
3 university or an academic degree from a college or university in
4 a foreign country validated as equivalent by the board, that
5 meets the competency requirements of a program accredited by the
6 Accreditation Council for Education in Nutrition and Dietetics
7 as approved by the board.

8 (B) Has successfully completed a planned clinical program in
9 the practice of dietetics and nutrition that meets the
10 competency requirements of a supervised practice accredited by
11 the Accreditation Council for Education in Nutrition and
12 Dietetics as approved by the board. A planned clinical program
13 under this clause shall include no less than twelve hundred
14 (1,200) hours under the supervision of any of the following:

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

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

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

24 * * *

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

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

29 * *

30 (d) An applicant must satisfy or comply with all of the

1 following requirements to be eligible for licensure as a
2 nutritionist:

3 (1) Be at least 18 years of age.

4 (2) Be of good moral character.

5 (3) Submit a completed application as required by the board.

6 (4) Pay any fees as required by the board.

7 (5) Submit proof that the applicant has received a master's
8 degree or doctoral degree from a regionally accredited college
9 or university or has an academic degree from a college or
10 university in a foreign country that has been validated as
11 equivalent by the board, with all of the following:

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

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

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

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

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

1 hours of all of the following:

2 (i) Nutrition assessment.

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

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

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

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

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

28 (7) Meet any of the following criteria:

29 (i) Successfully pass an examination administered by the
30 Board for Certification of Nutrition Specialists or the

1 examination administered by the American Clinical Board of
2 Nutrition.

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

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

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

12 *

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

29 Section 9. Section 11(c) of the act is amended and the
30 section is amended by adding subsections to read:

1 Section 11. Licenses; Duration; Renewal Fee; Inactive
2 Status.--* * *

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

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

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

1 for licensure as specified under this act and shall be exempt
2 from paying the initial licensure application fee.

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

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

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

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

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

29 * * *

30 Section 13. Punishment for Violations.--* * *

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

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

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

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

25 * * *

26 (2.1) The licensee is unable to practice [dietetics-
27 nutrition] dietetics and nutrition with reasonable skill and
28 safety to individuals or groups by reason of mental or physical
29 illness or condition or physiological or psychological
30 dependence upon alcohol, hallucinogenic or narcotic drugs or

1 other drugs which tend to impair judgment or coordination so
2 long as such dependence shall continue. In enforcing this clause
3 (2.1), the Board shall upon probable cause have authority to
4 compel a licensee to submit to a mental or physical examination
5 as designated by it. After notice, hearing, adjudication and
6 appeal as provided for in section 15, failure of a licensee to
7 submit to such examination when directed shall constitute an
8 admission of the allegations against him or her unless failure
9 is due to circumstances beyond his or her control, consequent
10 upon which a default and final order may be entered without the
11 taking of testimony or presentation of evidence. A licensee
12 affected under this paragraph shall at reasonable intervals be
13 afforded an opportunity to demonstrate that he or she can resume
14 a competent practice of [~~dietetics-nutrition~~] dietetics and
15 nutrition with reasonable skill and safety to individuals or
16 groups.

17 * * *

18 (4) The licensee has committed fraud or deceit in:

19 (i) the practice of nursing, or in securing his or her
20 admission to such practice or nursing school; or

21 (ii) the practice of [~~dietetics-nutrition~~] dietetics and
22 nutrition or in securing his or her license as a [~~dietitian-~~
23 ~~nutritionist~~] dietitian nutritionist or nutritionist.

24 * * *

25 (b) When the Board finds that the license of any nurse or
26 [~~dietitian-nutritionist~~] dietitian nutritionist or nutritionist
27 may be refused, revoked or suspended under the terms of
28 subsection (a), the Board may:

29 * * *

30 (6) Restore or reissue, in its discretion, a suspended

1 license to practice professional or practical nursing or
2 [dietetics-nutrition] dietetics and nutrition and impose any
3 disciplinary or corrective measure which it might originally
4 have imposed.

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

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