
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1020 Session of
2021

INTRODUCED BY MEHAFFIE, CARROLL, CIRESI, GUENST, HANBIDGE,
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PICKETT, SANCHEZ, SMITH, STRUZZI, WARREN AND ZABEL,
MARCH 26, 2021

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MARCH 26, 2021

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 and for fees and qualifications
15 for licensure; providing for nutritionists and
16 qualifications; and further providing for persons entitled to
17 practice, for licenses, duration, renewal fee and inactive
18 status, for reporting of multiple licensure, for continuing
19 nursing education, for punishment for violations, for
20 refusal, suspension or revocation of licenses and for
21 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 for
12 the management or treatment of disease, including operations
13 with the primary function of nutrition care or recommending or
14 ordering therapeutic diets.

15 (iv) Medical weight control.

16 * * *

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

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

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

30 (19) "Commission on Dietetic Registration" means the

1 credentialing agency of the Academy of Nutrition and Dietetics.

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

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

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

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

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

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

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

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

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

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

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

30 (vii) Food, herbs and supplements that are good sources of

1 essential nutrients in the human body.

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

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

6 (27) "Medical weight control" means medical nutrition
7 therapy for the purpose of reducing, maintaining or gaining
8 weight.

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 does not include the mere collection
19 of data. The term includes an ongoing, dynamic process 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 the provision of any of
26 the following within a systematic process:

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

1 dietary plans and orders.

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

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

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

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

11 (vi) Ordering therapeutic diets.

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

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

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

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

30 (35) "Practice of dietetics and nutrition" means the

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

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

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

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

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

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

27 (37) "Therapeutic diet" means a diet intervention prescribed
28 by a physician or other authorized nonphysician practitioner
29 that provides food or nutrients via oral, enteral or parenteral
30 routes as part of the treatment of a disease or diagnosed

1 clinical condition for purpose of modifying, eliminating,
2 decreasing or increasing identified micro-nutrients and macro-
3 nutrients in the diet.

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

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

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

10 * * *

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

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

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

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

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

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

7 (B) "Dietitian or "dietician."

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

9 (D) "L.D.N."

10 (E) "L.D."

11 (F) "L.N."

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

14 (H) "Certified nutrition therapy practitioner."

15 (I) "Master nutrition therapist."

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

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

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

29 (c) Nothing in this section shall be construed to prohibit
30 an individual from using a title trademarked by the United

1 States Patent and Trademark Office.

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

3 Section 3.2. Scope of Practice of Licensed Dietitian

4 Nutritionists and Nutritionists.

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

10 (1) Addressing nutrition-related problems.

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

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

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

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

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

6 (3) The licensed dietitian nutritionist or licensed
7 nutritionist meets other requirements as determined by the Board
8 that are consistent with the competencies necessary for
9 evaluating, ordering and administering enteral and parenteral
10 nutrition.

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

16 Section 3.3. Practice or Teaching of Dietetics and
17 Nutrition.

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

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

23 (2) An individual enrolled in an accredited course on
24 dietetics and nutrition recognized by the Board from performing
25 any action necessary to complete the individual's course of
26 study or engaging in the practice of dietetics and nutrition
27 under a supervisor in accordance with section 6(b)(7) for a time
28 period of no more than five (5) years after the individual
29 completes the course of study. The Board, in its discretion, may
30 grant a limited extension to the time period specified under

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

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

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

17 (5) An individual from providing medical weight control
18 through a program or instruction that has been approved in
19 writing by any of the following:

20 (i) A licensed dietitian nutritionist or licensed
21 nutritionist in this Commonwealth.

22 (ii) A dietitian nutritionist or nutritionist licensed in
23 another state that has licensure requirements substantially
24 equivalent to the licensure requirements in this Commonwealth as
25 determined by the Board.

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

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

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

1 (vi) A licensed physician or other licensed health care
2 provider in this Commonwealth who is lawfully authorized to
3 provide nutrition care services for the purpose of treating or
4 managing a disease or medical condition.

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

8 (7) An individual from providing nutrition information,
9 guidance, encouragement, individualized nutrition
10 recommendations, behavioral change management, coaching,
11 assessments, weight control services or nutrition care services
12 that do not constitute medical nutrition therapy on the
13 condition that the individual does not hold himself or herself
14 out as a licensed dietitian nutritionist, licensed nutritionist
15 or medical nutrition therapy provider or otherwise violate the
16 provisions of this act.

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

20 (9) An individual from providing nutrition care services
21 while under the direct supervision of a health care provider
22 licensed in this Commonwealth who is lawfully authorized to
23 provide nutrition care services for the purpose of treating or
24 managing a disease or medical condition.

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

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

30 Section 4. Unauthorized Practices; Acts not Prohibited.--

1 This act confers no authority to practice dentistry, podiatry,
2 optometry, chiropractic, medicine or surgery, nor does it
3 prohibit--

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

16 * * *

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

28 (4) The practice of professional nursing or dietetics and
29 nutrition, including the provision of medical nutrition therapy,
30 pursuant to a temporary practice permit, by a graduate of an

1 approved program of professional nursing or by an individual
2 satisfying the educational requirements for dietetics and
3 nutrition in Pennsylvania or any other state, working under
4 qualified supervision, during the period not to exceed one (1)
5 year between completion of his or her program and notification
6 of the results of a licensing examination taken by such [person]
7 individual, and during such additional period as the Board may
8 in each case especially permit.

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

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

29 Section 4.1. Temporary Practice Permit.--In order for [a
30 person] an individual to practice professional nursing or

1 dietetics and nutrition, including medical nutrition therapy,
2 during the one (1) year period from completion of his or her
3 education program or the one (1) year period from the
4 application for licensure by [a person] an individual who holds
5 a current license issued by any other state, territory or
6 possession of the United States or the Dominion of Canada, with
7 registration, certification or licensure requirements equivalent
8 to the licensure requirements under this act, the Board may
9 issue a temporary practice permit which is nonrenewable and
10 valid for a period of one (1) year and during such additional
11 period as the Board may in each case especially permit, except
12 that the temporary practice permit shall expire if such [person]
13 individual fails the licensing examination.

14 Section 5. Sections 5(b), (c) and (e) and 6(b) of the act
15 are amended and the sections are amended by adding a subsection
16 to read:

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

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

28 (c) The Board may admit to examination any [person]
29 individual who has satisfactorily completed a nursing education
30 program for the preparation of registered professional nurses or

1 an approved [~~dietetics-nutrition~~] dietetics and nutrition
2 education program in a country or territory not mentioned above
3 who has been licensed, registered, or duly recognized there as a
4 professional nurse, dietitian-nutritionist, dietitian or
5 nutritionist provided such a program is considered by the Board
6 to be equal to that required in this Commonwealth at the time
7 such program was completed and who meets the requirements of
8 character and preliminary education.

9 * * *

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

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

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

29 (b) An applicant applying for licensure as a [~~dietitian-~~
30 ~~nutritionist~~] dietitian nutritionist shall submit a written

1 application on forms provided by the Board evidencing and
2 insuring to the satisfaction of the Board that the applicant:

3 (1) Is of good moral character.

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

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

17 (4) Has satisfactorily completed an examination approved by
18 the Board. The Board shall contract with a professional testing
19 organization for the examination of qualified applicants for
20 licensure. All written, oral and practical examinations shall be
21 prepared and administered by a qualified and approved
22 professional testing organization in the manner prescribed for
23 written examinations by section 812.1 of the act of April 9,
24 1929 (P.L.177, No.175), known as "The Administrative Code of
25 1929."]

26 (5) Be at least eighteen (18) years of age.

27 (6) Pay any fees required by the Board.

28 (7) Meets any of the following criteria:

29 (i) Provides evidence of current and valid registration as a
30 registered dietitian or registered dietitian nutritionist with

1 the Commission on Dietetic Registration.

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

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

19 (B) Has successfully completed a planned clinical program in
20 the practice of dietetics and nutrition that meets the
21 competency requirements of a supervised practice accredited by
22 the Accreditation Council for Education in Nutrition and
23 Dietetics as approved by the Board. A planned clinical program
24 under this clause shall include no less than one thousand
25 (1,000) hours under the supervision of any of the following:

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

30 (II) A dietitian nutritionist registered with the Commission

1 on Dietetic Registration.

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

5 * * *

6 (d) An individual who meets the requirements for licensure
7 under this act as a dietitian nutritionist before the effective
8 date of this subsection and who is a registered dietitian,
9 registered dietitian nutritionist or certified nutrition
10 specialist shall be licensed as a licensed dietitian
11 nutritionist if an application is made to the Board within one
12 year from the effective date of this subsection and the
13 appropriate fee is paid as determined by the Board by
14 regulation. An individual licensed as dietitian nutritionist
15 under this act on the effective date of this subsection shall be
16 eligible to maintain and renew a license as a licensed dietitian
17 nutritionist in accordance with this act without satisfying any
18 additional requirements for licensure.

19 Section 6. The act is amended by adding a section to read:

20 Section 6.3. Nutritionists; Qualifications.--An applicant
21 must satisfy or comply with all of the following requirements to
22 be eligible for licensure as a nutritionist:

23 (1) Be at least eighteen (18) years of age.

24 (2) Be of good moral character.

25 (3) Submit a completed application as required by the Board.

26 (4) Pay any fees as required by the Board.

27 (5) Submit proof that the applicant has received a master's
28 degree or doctoral degree from a regionally accredited college
29 or university or has an academic degree from a college or
30 university in a foreign country that has been validated as

1 equivalent by the Board, with all of the following:

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

9 (ii) A course of study leading to competence in medical
10 nutrition therapy, including the completion of all of the
11 following:

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

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

17 (6) Complete a Board-approved internship or a documented,
18 supervised practice experience in nutrition care services and
19 the provision of medical nutrition therapy for not less than one
20 thousand (1,000) hours, involving no less than two hundred (200)
21 hours of all of the following:

22 (i) Nutrition assessment.

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

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

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

5 (B) A health care practitioner licensed in any state or
6 jurisdiction whose scope of practice includes the provision of
7 nutrition care services for the purpose of treating or managing
8 a disease or medical condition.

9 (C) An individual with a doctoral degree conferred by
10 regionally accredited college or university or a college or
11 university in a foreign country validated as no less stringent
12 by the Board with a major course of study in human nutrition,
13 food and nutrition, dietetics, nutrition education, nutrition,
14 nutrition science, clinical nutrition, applied clinical
15 nutrition, nutrition counseling, nutrition and functional
16 medicine, nutritional biochemistry, nutrition and integrative
17 health or an equivalent course of study.

18 (7) Meet any of the following criteria:

19 (i) Successfully pass an examination administered by the
20 Board for certification of nutrition specialists or the
21 examination administered by the American Clinical Board of
22 Nutrition.

23 (ii) Hold a valid current certification with the Board for the
24 certification of nutrition specialists that authorizes the
25 applicant to use the title "certified nutrition specialist" or
26 the abbreviation "C.N.S." or a valid current certification with
27 the American Clinical Board of Nutrition that authorizes the
28 applicant to use the title "Diplomate, American Clinical Board
29 of Nutrition" or the abbreviation "D.A.C.B.N."

30 Section 7. Section 8 heading and (b) of the act are amended

1 to read:

2 Section 8. [Persons] Individuals Entitled to Practice.--* *
3 *

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

19 Section 8. Section 11(c) of the act is amended and the
20 section is amended by adding subsections to read:

21 Section 11. Licenses; Duration; Renewal Fee; Inactive
22 Status.--* * *

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

1 (d) Upon the payment to the Board of a fee and the
2 submission of a written application on a form provided by the
3 Board by a nutritionist or dietitian who is registered,
4 certified or licensed in another state with registration,
5 certification or licensure requirements no less stringent to the
6 licensure requirements under this act, the Board shall license
7 the nutritionist or dietitian without an examination.

8 (e) A member of the United States Armed Forces or the
9 member's spouse who is registered, certified or licensed as a
10 dietitian nutritionist or nutritionist in another state with
11 registration, certification or licensure requirements no less
12 stringent than the licensure requirements under this act may be
13 licensed as a dietitian nutritionist in this Commonwealth by
14 providing a proof of licensure in the other state in accordance
15 with regulations promulgated by the Board. A member or the
16 member's spouse who qualifies for licensure as a dietitian
17 nutritionist under this subsection shall be exempt from paying
18 the initial licensure application fee. If a member or the
19 member's spouse does not qualify for licensure as a dietitian
20 nutritionist under this subsection, the member or the member's
21 spouse shall apply for licensure as specified under this act and
22 shall be exempt from paying the initial licensure application
23 fee.

24 Section 9. Sections 11.1, 12.1(g) (1), 13(b), 14(a) (1), (2.1)
25 and (4) and (b) introductory paragraph and (6) and 15.4 of the
26 act are amended to read:

27 Section 11.1. Reporting of Multiple Licensure.--Any licensed
28 professional nurse or [dietitian-nutritionist] dietitian
29 nutritionist or nutritionist of this Commonwealth who is also
30 licensed to practice nursing or [dietetics-nutrition] licensed

1 as a dietitian nutritionist or nutritionist in any other state,
2 territory, possession or country shall report this information
3 to the Board on the biennial registration application. Any
4 disciplinary action taken or pending investigation or
5 investigation resolved unfavorably against the applicant in
6 other states shall be reported to the Board on the biennial
7 registration application or within ninety (90) days of final
8 disposition, whichever is sooner. Multiple licensure shall be
9 noted by the Board on the licensee's record, and such state,
10 territory, possession or country shall be notified by the Board
11 of any disciplinary actions taken against said licensee in this
12 Commonwealth.

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

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

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

20 * * *

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

22 (b) In addition to any other civil remedy or criminal
23 penalty provided for in this act, the Board, by a vote of the
24 majority of the maximum number of the authorized membership of
25 the Board as provided by law or by a vote of the majority of the
26 duly qualified and confirmed membership or a minimum of five (5)
27 members, whichever is greater, may levy a civil penalty of up to
28 one thousand dollars (\$1,000) on any current licensee who
29 violates any provision of this act or on any [~~person~~] individual
30 who practices nursing or holds himself or herself forth as a

1 licensed [~~dietitian-nutritionist~~] dietitian nutritionist,
2 dietitian or nutritionist without being properly licensed to do
3 so under this act or on the responsible officers or employes of
4 any corporation, copartnership, institution or association
5 violating any of the provisions of this act. The Board shall
6 levy this penalty only after affording the accused party the
7 opportunity for a hearing, as provided in Title 2 of the
8 Pennsylvania Consolidated Statutes (relating to administrative
9 law and procedure).

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

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

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

16 * * *

17 (2.1) The licensee is unable to practice [~~dietetics-~~
18 ~~nutrition~~] dietetics and nutrition with reasonable skill and
19 safety to individuals or groups by reason of mental or physical
20 illness or condition or physiological or psychological
21 dependence upon alcohol, hallucinogenic or narcotic drugs or
22 other drugs which tend to impair judgment or coordination so
23 long as such dependence shall continue. In enforcing this clause
24 (2.1), the Board shall upon probable cause have authority to
25 compel a licensee to submit to a mental or physical examination
26 as designated by it. After notice, hearing, adjudication and
27 appeal as provided for in section 15, failure of a licensee to
28 submit to such examination when directed shall constitute an
29 admission of the allegations against him or her unless failure
30 is due to circumstances beyond his or her control, consequent

1 upon which a default and final order may be entered without the
2 taking of testimony or presentation of evidence. A licensee
3 affected under this paragraph shall at reasonable intervals be
4 afforded an opportunity to demonstrate that he or she can resume
5 a competent practice of [~~dietetics-nutrition~~] dietetics and
6 nutrition with reasonable skill and safety to individuals or
7 groups.

8 * * *

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

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

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

15 * * *

16 (b) When the Board finds that the license of any nurse or
17 [~~dietitian-nutritionist~~] dietitian nutritionist or nutritionist
18 may be refused, revoked or suspended under the terms of
19 subsection (a), the Board may:

20 * * *

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

26 Section 15.4. Injunction or Other Process.--It shall be
27 unlawful for any [~~person~~] individual to practice or attempt to
28 offer to practice nursing or provide or attempt to offer to
29 provide medical nutrition therapy or hold himself or herself
30 forth as a licensed [~~dietitian-nutritionist~~] dietitian

1 nutritionist or nutritionist, as defined in this act, without
2 having at the time of so doing a valid, unexpired, unrevoked and
3 unsuspended license issued under this act. The unlawful practice
4 of nursing or the unlawful provision of medical nutrition
5 therapy as defined in this act may be enjoined by the courts on
6 petition of the Board or the Commissioner of Professional and
7 Occupational Affairs. In any such proceeding, it shall not be
8 necessary to show that any [person] individual is individually
9 injured by the actions complained of. If it is determined that
10 the respondent has engaged in the unlawful practice of nursing
11 or the unlawful provision of medical nutrition therapy, the
12 court shall enjoin him or her from so practicing unless and
13 until he or she has been duly licensed. Procedure in such cases
14 shall be the same as in any other injunction suit. The remedy by
15 injunction hereby given is in addition to any other civil or
16 criminal prosecution and punishment.

17 Section 10. This act shall take effect in 60 days.