

ASSEMBLY BILL NO. 73—COMMITTEE
ON COMMERCE AND LABOR

(ON BEHALF OF THE DIVISION OF PUBLIC AND
BEHAVIORAL HEALTH OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to the licensure of
dietitians. (BDR 54-259)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to dietetics; revising provisions relating to
licensure to engage in the practice of dietetics; and
providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides for the licensing and regulation of the practice of dietetics by the State Board of Health. (Chapter 640E of NRS) Existing law requires an application for a license to engage in the practice of dietetics to include written evidence that the applicant meets certain criteria and has completed certain educational requirements and certain training and experience in the practice of dietetics. (NRS 640E.150) **Section 1** of this bill replaces those existing requirements for an application for such a license with a requirement that an applicant provide evidence that the applicant is a registered dietitian in good standing with the Commission on Dietetic Registration of the Academy of Nutrition and Dietetics. (NRS 640E.080)

Existing law authorizes a person who has completed certain educational requirements and certain training and experience in the practice of dietetics, but who has not passed the examination required for licensure, to engage in the practice of dietetics without a license under the direct supervision of a licensed dietitian. (NRS 640E.170) **Section 2** of this bill replaces these qualifications for such unlicensed practice of dietetics with the qualification that the person is eligible to take, but has not successfully completed, the Registration Examination for Dietitians administered by the Commission on Dietetic Registration of the Academy of Nutrition and Dietetics.



Existing law authorizes the Board to issue a provisional license to engage in the practice of dietetics to an applicant who meets the educational requirements but does not meet all the other qualifications for full licensure. (NRS 640E.180) **Section 3** of this bill replaces the existing documentation of education required from an applicant who completed the educational requirements at a college or university that is located in a foreign country with a requirement for the submission of an evaluation conducted by an independent national evaluation agency approved by the Division of Public and Behavioral Health of the Department of Health and Human Services indicating that the foreign degree is equivalent to a degree obtained at an accredited college or university in the United States.

Section 4 of this bill removes a requirement in existing law that a licensed dietitian who fails to submit an application for the renewal of his or her license within 2 years after the date of the expiration of the license must take the Registration Examination for Dietitians before renewing the license. (NRS 640E.220)

Existing law requires the Board to establish by regulation certain fees relating to licensure, including a fee for the examination of an applicant for a license. (NRS 640E.240) Because **section 1** requires an applicant for a license to be a registered dietitian, for which a prerequisite is successful completion of the Registration Examination for Dietitians, **section 5** of this bill removes the requirement that the Board establish a fee for the examination of an applicant for a license. **Section 5** also removes the requirement that the Board establish fees for: (1) the late renewal of a license; and (2) the issuance of a duplicate license or for changing the name on a license.

Sections 6 and 7 of this bill make conforming changes as a result of the changes in the requirements for an application for licensure in **sections 1 and 3**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 640E.150 is hereby amended to read as follows:

640E.150 1. An applicant for a license to engage in the practice of dietetics in this State must submit to the Board a completed application on a form prescribed by the Board. The application must include ~~[-, without limitation, written]~~ evidence that the applicant ~~is:~~

~~—(a) Is 21 years of age or older.~~

~~—(b) Is of good moral character.~~

~~—(c) Has completed a course of study and holds a bachelor's degree or higher in human nutrition, nutrition education, food and nutrition, dietetics, food systems management or an equivalent course of study approved by the Board from a college or university that:~~

~~——(1) Was accredited, at the time the degree was received, by a regional accreditation body in the United States which is recognized by the Council for Higher Education Accreditation, or its successor organization, and the United States Department of Education; or~~



~~—— (2) Is located in a foreign country if the application includes the documentation required by NRS 640E.160.~~

~~—— (d) Has completed not less than 1,200 hours of training and experience within the United States in the practice of dietetics under the direct supervision of a licensed dietitian, registered dietitian or a person who holds a doctorate degree in human nutrition, nutrition education, food and nutrition, dietetics or food systems management from a college or university that is:~~

~~—— (1) Accredited by a regional accreditation body in the United States which is recognized by the Council for Higher Education Accreditation, or its successor organization, and the United States Department of Education; or~~

~~—— (2) Located in a foreign country if the application includes the documentation required by NRS 640E.160.~~

~~—— (e) Has successfully completed the Registration Examination for Dietitians administered by the Commission on Dietetic Registration of the Academy of Nutrition and Dietetics.~~

~~—— (f) Meets such other reasonable requirements as prescribed by the Board.~~ ***is a registered dietitian in good standing.***

2. Each applicant must remit the applicable fee required pursuant to this chapter with the application for a license to engage in the practice of dietetics in this State.

3. Each applicant shall submit to the Central Repository for Nevada Records of Criminal History two complete sets of fingerprints for submission to the Federal Bureau of Investigation for its report. The Central Repository for Nevada Records of Criminal History shall determine whether the applicant has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 449.174 and immediately inform the Board of whether the applicant has been convicted of such a crime.

Sec. 2. NRS 640E.170 is hereby amended to read as follows:

640E.170 1. A person who ~~has the education and experience required by NRS 640E.150 but who has not passed the examination required for licensure~~ ***is eligible to take, but has not successfully completed, the Registration Examination for Dietitians administered by the Commission on Dietetic Registration of the Academy of Nutrition and Dietetics,*** may engage in the practice of dietetics under the direct supervision of a licensed dietitian who is professionally and legally responsible for the applicant's performance.

2. A person shall not engage in the practice of dietetics pursuant to subsection 1 for a period of more than 1 year.

Sec. 3. NRS 640E.180 is hereby amended to read as follows:

640E.180 1. Upon application and payment of the applicable fee required pursuant to this chapter, the Board may grant a



provisional license to engage in the practice of dietetics in this State to an applicant who provides evidence to the Board that the applicant has completed a course of study and holds a bachelor's degree or higher in human nutrition, nutrition education, food and nutrition, dietetics, food systems management or an equivalent course of study approved by the Board from a college or university that:

(a) Was accredited, at the time the degree was received, by a regional accreditation body in the United States which is recognized by the Council for Higher Education Accreditation, or its successor organization, and the United States Department of Education; or

(b) Is located in a foreign country if the application includes ~~the documentation required by NRS 640E.160.]~~ *an evaluation conducted by an independent national evaluation agency approved by the Division of Public and Behavioral Health of the Department of Health and Human Services indicating that the foreign degree is equivalent to the degree required pursuant to paragraph (a).*

2. A provisional license is valid for 1 year after the date of issuance. A provisional license may be renewed for not more than 6 months if the applicant submits evidence satisfactory to the Board for the failure of the applicant to obtain a license to engage in the practice of dietetics during the time the applicant held the provisional license.

3. A person who holds a provisional license may engage in the practice of dietetics only under the supervision of a licensed dietitian.

Sec. 4. NRS 640E.220 is hereby amended to read as follows:

640E.220 1. A license to engage in the practice of dietetics expires 2 years after the date of issuance.

2. The Board may renew a license if the applicant:

(a) Submits a completed written application and the appropriate fee required pursuant to this chapter;

(b) Submits documentation of completion of such continuing training and education as required by regulations adopted by the Board;

(c) Has not committed any act which is grounds for disciplinary action, unless the Board determines that sufficient restitution has been made or the act was not substantially related to the practice of dietetics;

(d) Submits information that the credentials of the applicant are in good standing; and

(e) Submits all other information required to complete the renewal.



~~{3. The Board shall require a licensed dietitian who fails to submit an application for the renewal of his or her license within 2 years after the date of the expiration of the license to take the examination required by NRS 640E.150 before renewing the license.}~~

Sec. 5. NRS 640E.240 is hereby amended to read as follows:
640E.240 1. The Board shall adopt regulations establishing reasonable fees for:

- (a) ~~{The examination of an applicant for a license;~~
- ~~—(b)} The issuance of a license;~~
- ~~{(c)}~~ (b) The issuance of a provisional license;
- ~~{(d)}~~ (c) The issuance of a temporary license;
- ~~{(e)}~~ (d) The renewal of a license; **and**
- ~~{(f) The late renewal of a license;~~
- ~~—(g)}~~ (e) The reinstatement of a license which has been suspended or revoked. **}; and**
- ~~—(h) The issuance of a duplicate license or for changing the name on a license.}~~

2. The fees established pursuant to subsection 1 must be set in such an amount as to reimburse the Board for the cost of carrying out the provisions of this chapter, except that no such fee may exceed \$250.

Sec. 6. NRS 640E.270 is hereby amended to read as follows:
640E.270 1. The Board may deny, refuse to renew, revoke or suspend any license applied for or issued pursuant to this chapter, or take such other disciplinary action against a licensee as authorized by regulations adopted by the Board, upon determining that the licensee:

(a) Is guilty of fraud or deceit in procuring or attempting to procure a license pursuant to this chapter.

(b) Is guilty of any offense:

- (1) Involving moral turpitude; or
- (2) Relating to the qualifications, functions or duties of a licensee.

(c) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license.

(d) Is guilty of unprofessional conduct, which includes, without limitation:

- (1) ~~{Impersonating an applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license.~~

~~—(2)}~~ Impersonating another licensed dietitian.



~~(3)~~ (2) Permitting or allowing another person to use his or her license to engage in the practice of dietetics.

~~(4)~~ (3) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee.

~~(5)~~ (4) Physical, verbal or psychological abuse of a patient.

~~(6)~~ (5) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

(e) Has willfully or repeatedly violated any provision of this chapter.

(f) Is guilty of aiding or abetting any person in violating any provision of this chapter.

(g) Has been disciplined in another state in connection with the practice of dietetics or has committed an act in another state which would constitute a violation of this chapter.

(h) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

(i) Has willfully failed to comply with a regulation, subpoena or order of the Board.

2. In addition to any criminal or civil penalty that may be imposed pursuant to this chapter, the Board may assess against and collect from a licensee all costs incurred by the Board in connection with any disciplinary action taken against the licensee, including, without limitation, costs for investigators and stenographers, attorney's fees and other costs of the hearing.

3. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.

Sec. 7. NRS 439.537, 640E.160 and 640E.210 are hereby repealed.

TEXT OF REPEALED SECTIONS

439.537 Unlawful use of words or letters designating person as licensed or registered dietitian; penalty.

1. A person shall not use in connection with his or her name the words or letters "Dietitian," "Licensed Dietitian," "Registered Dietitian," "L.D.," "R.D." or any other title, word, letter or other designation intended to designate that the person is a licensed or registered dietitian without being registered with the Commission on



Dietetic Registration, a member of the National Commission on Health Certifying Agencies, or its successor organization.

2. Any person who violates the provisions of this section is guilty of a misdemeanor.

640E.160 Submission of evidence of equivalent degree by certain applicants.

1. If an applicant for a license to engage in the practice of dietetics is a graduate of a college or university located in a foreign country, the applicant must include with his or her application a written statement or other proof from the Council for Higher Education Accreditation or its successor organization that the degree is equivalent to a degree issued by a college or university accredited by a regional accreditation body in the United States which is recognized by the Council for Higher Education Accreditation, or its successor organization, and the United States Department of Education.

2. If an applicant for a license to engage in the practice of dietetics completed his or her hours of training and experience under the supervision of a person who holds a doctorate degree conferred by a college or university located in a foreign country, the applicant must include with his or her application a written statement or other proof from the Council for Higher Education Accreditation or its successor organization that the degree held by the person who supervised the training and experience is equivalent to a degree issued by a college or university accredited by a regional accreditation body in the United States which is recognized by the Council for Higher Education Accreditation, or its successor organization, and the United States Department of Education.

640E.210 Waiver of certain requirements for licensure by Board.

1. Except as otherwise provided in subsection 2, the Board may waive any requirement of NRS 640E.150 or 640E.180 for an applicant who proves to the satisfaction of the Board that his or her education and experience are substantially equivalent to the education and experience required by the respective section.

2. The Board may waive the requirement of an examination that is set forth in NRS 640E.150 in accordance with regulations adopted by the Board that prescribe the circumstances under which the Board may waive the requirement of the examination.

