

Amendment No. 12

Assembly Amendment to Assembly Bill No. 73	(BDR 54-259)
Proposed by: Assembly Committee on Commerce and Labor	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



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 1.5** 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.]~~ **or its successor organization.** (NRS 640E.080) **Sections 1, 1.3, 2 and 6.5 of this bill update the names of the national entities for credentialing dieticians and accrediting dietetics education programs.**

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.]~~ **or its successor organization.**

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.]~~ qualifications for the issuance of a provisional license with the qualification that an applicant must be eligible to take, but have not successfully completed, the Registration Examination for Dietitians administered by the Commission on Dietetic Registration, or its successor organization.

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 1.5** 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 1.5 and 3**.

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

Section 1. NRS 640E.080 is hereby amended to read as follows:

640E.080 “Registered dietitian” means a person who is registered as a dietitian by the Commission on Dietetic Registration ~~[of the Academy of Nutrition and Dietetics],~~ or its successor organization.

Sec. 1.3. NRS 640E.090 is hereby amended to read as follows:

640E.090 1. The provisions of this chapter do not apply to:

(a) Any person who is licensed or registered in this State as a physician pursuant to chapter 630, 630A or 633 of NRS, dentist, nurse, dispensing optician, optometrist, occupational therapist, practitioner of respiratory care, physical therapist, podiatric physician, psychologist, marriage and family therapist, chiropractor, athletic trainer, massage therapist, reflexologist, structural integration practitioner, perfusionist, doctor of Oriental medicine in any form, medical laboratory director or technician or pharmacist who:

(1) Practices within the scope of that license or registration;

(2) Does not represent that he or she is a licensed dietitian or registered dietitian; and

(3) Provides nutrition information incidental to the practice for which he or she is licensed or registered.

(b) A student enrolled in an educational program accredited by the ~~[Commission on]~~ Accreditation Council for ~~[Dietetics]~~ Education ~~[of the Academy of]~~ in Nutrition and Dietetics, or its successor organization, if the student engages in the practice of dietetics under the supervision of a licensed dietitian or registered dietitian as part of that educational program.

(c) A registered dietitian employed by the Armed Forces of the United States, the United States Department of Veterans Affairs or any division or department of the Federal Government in the discharge of his or her official duties, including, without limitation, the practice of dietetics or providing nutrition services.

(d) A person who furnishes nutrition information, provides recommendations or advice concerning nutrition, or markets food, food materials or dietary supplements and provides nutrition information, recommendations or advice related to that marketing, if the person does not represent that he or she is a licensed dietitian or registered dietitian. While performing acts described in this paragraph, a person shall be deemed not to be engaged in the practice of dietetics or the providing of nutrition services.

(e) A person who provides services relating to weight loss or weight control through a program reviewed by and in consultation with a licensed dietitian or physician or a dietitian licensed or registered in another state which has equivalent licensure requirements as this State, as long as the person does not change the services or program without the approval of the person with whom he or she is consulting.

2. As used in this section, "nutrition information" means information relating to the principles of nutrition and the effect of nutrition on the human body, including, without limitation:

(a) Food preparation;

(b) Food included in a normal daily diet;

(c) Essential nutrients required by the human body and recommended amounts of essential nutrients, based on nationally established standards;

(d) The effect of nutrients on the human body and the effect of deficiencies in or excess amounts of nutrients in the human body; and

(e) Specific foods or supplements that are sources of essential nutrients.

~~[Section 1.]~~ **Sec. 1.5.** 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 ~~[-~~:

~~— (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.~~

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

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

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

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

13 640E.170 1. A person who ~~has the education and experience required by~~
14 ~~NRS 640E.150 but who has not passed the examination required for licensure] is~~
15 ~~eligible to take, but has not successfully completed, the Registration Examination~~
16 ~~for Dietitians administered by the Commission on Dietetic Registration [of the~~
17 ~~Academy of Nutrition and Dietetics], or its successor organization,~~ may engage
18 in the practice of dietetics under the direct supervision of a licensed dietitian who is
19 professionally and legally responsible for the applicant's performance.

20 2. A person shall not engage in the practice of dietetics pursuant to subsection
21 1 for a period of more than 1 year.

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

23 640E.180 1. Upon application and payment of the applicable fee required
24 pursuant to this chapter, the Board may grant a provisional license to engage in the
25 practice of dietetics in this State to an applicant who provides evidence to the Board
26 that the applicant ~~has completed a course of study and holds a bachelor's degree or~~
27 ~~higher in human nutrition, nutrition education, food and nutrition, dietetics, food~~
28 ~~systems management or an equivalent course of study approved by the Board from~~
29 ~~a college or university that:~~

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

34 ~~— (b) Is located in a foreign country if the application includes the documentation~~
35 ~~required by NRS 640E.160. an evaluation conducted by an independent national~~
36 ~~evaluation agency approved by the Division of Public and Behavioral Health of~~
37 ~~the Department of Health and Human Services indicating that the foreign degree~~
38 ~~is equivalent to the degree required pursuant to paragraph (a).] is eligible to take,~~
39 ~~but has not successfully completed, the Registration Examination for Dietitians~~
40 ~~administered by the Commission on Dietetic Registration, or its successor~~
41 ~~organization.~~

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

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

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

50 640E.220 1. A license to engage in the practice of dietetics expires 2 years
51 after the date of issuance.

52 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}~~

~~(f) 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.~~

1 ~~[(6)]~~ (5) Conviction for the use or unlawful possession of a controlled
2 substance or dangerous drug as defined in chapter 454 of NRS.

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

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

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

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

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

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

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

21 Sec. 6.5. NRS 640E.290 is hereby amended to read as follows:

22 640E.290 1. If any member of the Board or a Dietitian Advisory Group
23 established pursuant to NRS 640E.130 becomes aware of any ground for initiating
24 disciplinary action against a licensee, the member shall file an administrative
25 complaint with the Board.

26 2. As soon as practical after receiving an administrative complaint, the Board
27 shall:

28 (a) Notify the licensee in writing of the charges against him or her,
29 accompanying the notice with a copy of the administrative complaint; and

30 (b) Forward a copy of the complaint to the Commission on Dietetic
31 Registration, ~~[of the Academy of Nutrition and Dietetics]~~ or its successor
32 organization, for investigation of the complaint and request a written report of the
33 findings of the investigation or, to the extent money is available to do so, conduct
34 an investigation of the complaint to determine whether the allegations in the
35 complaint merit the initiation of disciplinary proceedings against the licensee.

36 3. Written notice to the licensee may be served by delivering it personally to
37 the licensee, or by mailing it by registered or certified mail to the last known
38 residential address of the licensee.

39 4. If the licensee, after receiving a copy of the administrative complaint
40 pursuant to subsection 1, submits a written request, the Board shall furnish the
41 licensee with a copy of each communication, report and affidavit in the possession
42 of the Board which relates to the matter in question.

43 5. If, after an investigation conducted by the Board or receiving the findings
44 from an investigation of the complaint from the Commission on Dietetic
45 Registration, ~~[of the Academy of Nutrition and Dietetics]~~ or its successor
46 organization, the Board determines that the administrative complaint is valid, the
47 Board shall hold a hearing on the charges at such time and place as the Board
48 prescribes. If the Board receives a report pursuant to subsection 5 of NRS 228.420,
49 the hearing must be held within 30 days after receiving the report. If requested by
50 the licensee, the hearing must be held within the county in which the licensee
51 resides.

1 **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.