

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:**

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

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



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

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

35 Existing law requires the Board to establish by regulation certain fees relating  
36 to licensure, including a fee for the examination of an applicant for a license. (NRS  
37 640E.240) Because **section 1** requires an applicant for a license to be a registered  
38 dietitian, for which a prerequisite is successful completion of the Registration  
39 Examination for Dietitians, **section 5** of this bill removes the requirement that the  
40 Board establish a fee for the examination of an applicant for a license. **Section 5**  
41 also removes the requirement that the Board establish fees for: (1) the late renewal  
42 of a license; and (2) the issuance of a duplicate license or for changing the name on  
43 a license.

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

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

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

3 640E.150 1. An applicant for a license to engage in the  
4 practice of dietetics in this State must submit to the Board a  
5 completed application on a form prescribed by the Board. The  
6 application must include ~~[, without limitation, written]~~ evidence that  
7 the applicant ~~f:~~

8 ~~—(a) Is 21 years of age or older.~~

9 ~~—(b) Is of good moral character.~~

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

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



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

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

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

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

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

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

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

23 3. Each applicant shall submit to the Central Repository for  
24 Nevada Records of Criminal History two complete sets of  
25 fingerprints for submission to the Federal Bureau of Investigation  
26 for its report. The Central Repository for Nevada Records of  
27 Criminal History shall determine whether the applicant has been  
28 convicted of a crime listed in paragraph (a) of subsection 1 of NRS  
29 449.174 and immediately inform the Board of whether the applicant  
30 has been convicted of such a crime.

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

32 640E.170 1. A person who ~~[has the education and experience~~  
33 ~~required by NRS 640E.150 but who has not passed the examination~~  
34 ~~required for licensure]~~ *is eligible to take, but has not successfully*  
35 *completed, the Registration Examination for Dietitians*  
36 *administered by the Commission on Dietetic Registration of the*  
37 *Academy of Nutrition and Dietetics,* may engage in the practice of  
38 dietetics under the direct supervision of a licensed dietitian who is  
39 professionally and legally responsible for the applicant's  
40 performance.

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

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

44 640E.180 1. Upon application and payment of the applicable  
45 fee required pursuant to this chapter, the Board may grant a



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

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

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

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

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

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

29 640E.220 1. A license to engage in the practice of dietetics  
30 expires 2 years after the date of issuance.

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

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

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

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

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

43 (e) Submits all other information required to complete the  
44 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;
- ~~(e)~~ (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.



1 ~~[(3)]~~ (2) Permitting or allowing another person to use his or  
2 her license to engage in the practice of dietetics.

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

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

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

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

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

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

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

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

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

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

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

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### TEXT OF REPEALED SECTIONS

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#### **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.



