

SENATE FILE NO. SF0093

Dietetics licensure.

Sponsored by: Senator(s) Martin and Landen and  
Representative(s) Bonner, Craft and Pedersen

A BILL

for

1 AN ACT relating to professions and occupations; creating  
2 the dietetics licensing board; specifying membership;  
3 specifying board duties, powers and immunity; providing for  
4 licensure of dietitians; specifying requirements for  
5 licensure; providing exceptions; granting rulemaking  
6 authority; providing definitions; specifying grounds for  
7 denial, suspension, revocation or restriction of license;  
8 providing for hearings and appeals; providing penalties;  
9 providing an appropriation; and providing for effective  
10 dates.

11

12 *Be It Enacted by the Legislature of the State of Wyoming:*

13

14 **Section 1.** W.S. 33-47-101 through 33-47-110 are  
15 created to read:

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CHAPTER 47

DIETETICS LICENSURE ACT

**33-47-101. Short title.**

This act shall be known and may be cited as the "Dietetics  
Licensure Act."

**33-47-102. Definitions.**

(a) As used in this article:

(i) "Board" means the dietetics licensing board;

(ii) "Commission" means the commission on  
dietetic registration, the credentialing agency for the  
American dietetic association;

(iii) "Dietetics" means the integration and  
application of principles derived from the sciences of  
food, nutrition, management, communication, and biological,  
physiological, behavioral, and social sciences to achieve  
and maintain optimal human health. "Dietetics" includes  
the nutrition care process and medical nutrition therapy.

1 "Dietetics" does not include medical differential diagnosis  
2 of the health status of an individual;

3

4 (iv) "General nonmedical nutrition information"  
5 means information on any one (1) or more of the following:

6

7 (A) Principles of good nutrition and food  
8 preparation;

9

10 (B) Food to be included in the normal daily  
11 diet;

12

13 (C) The essential nutrients needed by the  
14 body;

15

16 (D) Recommended amounts of the essential  
17 nutrients, based on established standards;

18

19 (E) The actions of nutrients on the body;

20

21 (F) The effects of deficiencies or excesses  
22 of nutrients;

23

1                   (G) Food and supplements that are good  
2 sources of essential nutrients.

3

4                   (v) "Medical nutrition therapy" means the use of  
5 specific nutrition services for the purpose of disease  
6 management to treat or rehabilitate an illness, injury or  
7 condition and includes:

8

9                   (A) Interpreting dietary data and  
10 recommending nutrient needs relative to medically  
11 prescribed diets, including but not limited to tube  
12 feedings, specialized intravenous solutions and specialized  
13 oral feedings;

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15                   (B) Food and prescription drug  
16 interactions; and

17

18                   (C) Developing and managing food service  
19 operations whose chief function is nutrition care and  
20 provision of medically prescribed diets.

21

22                   (vi) "Medically prescribed diet" means a diet  
23 prescribed when specific food or nutrient levels need to be  
24 monitored, altered, or both, as a component of a treatment

1 program from an individual whose health status is impaired  
2 or at risk due to disease, injury or surgery and may only  
3 be performed as initiated by or in consultation with a  
4 physician licensed in this state or an individual  
5 authorized by a state license to prescribe medical care;

6

7 (vii) "Nutrition assessment" means the  
8 systematic process of obtaining, verifying and interpreting  
9 biochemical, anthropometric, physical and dietary data in  
10 order to make decisions about the nature and cause of  
11 nutrition related problems. It is an ongoing, dynamic  
12 process that involves not only initial data collection but  
13 also reassessment and analysis of client or community needs  
14 and provides the foundation for nutrition diagnosis and  
15 nutritional recommendations including enteral and  
16 parenteral nutrition;

17

18 (viii) "Nutrition care process" means the  
19 systematic problem solving method that dietitians use to  
20 critically think and make decisions when providing medical  
21 nutrition therapy or to address nutrition related problems  
22 and provide safe, effective, high quality care. The  
23 nutrition care process consists of four (4) distinct but  
24 interrelated steps including nutrition assessment,

1 nutrition diagnosis, nutrition intervention and nutrition  
2 monitoring and evaluation;

3

4 (ix) "Nutrition diagnosis" means identifying and  
5 labeling nutritional problems that a dietetics practitioner  
6 is responsible for treating independently;

7

8 (x) "Nutrition intervention" means purposefully  
9 planned actions intended to positively change a nutrition  
10 related behavior, risk factor, environmental condition or  
11 aspect of health status for an individual, the individual's  
12 family, caregivers, target groups or the community at  
13 large;

14

15 (xi) "Nutrition monitoring and evaluation" means  
16 identifying patient or client outcomes relevant to the  
17 nutrition diagnosis and intervention plans and goals, and  
18 comparing those outcomes with previous status, intervention  
19 goals or a reference standard to determine the progress  
20 made in achieving desired outcomes of nutrition care. The  
21 purpose of nutrition monitoring and evaluation is to  
22 determine whether planned interventions should be continued  
23 or revised;

24

1           (xii) "Registered dietitian" means an individual  
2 registered with the commission or its successor  
3 organization;

4  
5           (xiii) "This act" means W.S. 33-47-101 through  
6 33-47-110.

7

8           **33-47-103. Exemptions; persons and practices not**  
9 **affected.**

10

11           (a) The following shall not be considered to be  
12 practicing dietetics under this act:

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14           (i) A qualified member of a legally recognized  
15 profession who is otherwise licensed or certified by this  
16 state, while performing services consistent with the  
17 license or certification, provided the member does not  
18 purport to be practicing dietetics and does not claim to be  
19 a dietitian;

20

21           (ii) A student enrolled in an accredited program  
22 in dietetics while engaged as part of the program in the  
23 practice of dietetics under the supervision of a licensed  
24 dietitian;

1

2 (iii) A dietitian who is serving in the armed  
3 forces or the public health service of the United States,  
4 who is employed by the veterans administration or a Wyoming  
5 department of health nutritional services program under the  
6 supervision of a licensed dietitian, while engaged in the  
7 practice of dietetics provided the practice is related to  
8 that service or employment;

9

10 (iv) A person employed by a school district who  
11 is responsible for menu planning, purchasing of food, meal  
12 preparation or food safety, who uses general nonmedical  
13 nutrition information in the performance of the person's  
14 duties and who does not purport to be practicing dietetics  
15 and does not claim to be a dietitian;

16

17 (v) A retailer who furnishes oral or written  
18 general nonmedical nutrition information related to food,  
19 food materials or dietary supplements or the marketing of  
20 food, food materials or dietary supplements;

21

22 (vi) A person who is currently employed as an  
23 instructor at a United States regionally accredited college  
24 or university with a major course of study in human

1 nutrition, nutrition education, public health nutrition,  
2 food and nutrition, dietetics or food systems management or  
3 an equivalent major course of study as approved by the  
4 board;

5

6 (vii) A person providing weight control services  
7 through a program that has been reviewed by and offers  
8 consultation from a licensed dietitian, a dietitian  
9 licensed in another state which has licensure requirements  
10 at least as stringent as the requirements for licensure  
11 under this act, a dietitian registered by the commission or  
12 a physician licensed in this state. Program changes shall  
13 not be initiated without prior review and approval by a  
14 program approver specified in this paragraph;

15

16 (viii) A nonresident registered dietitian  
17 licensed in another state if the requirements for licensure  
18 are at least as stringent as the requirements for licensure  
19 contained in this act, or registered by the commission if  
20 the state of residence does not require licensure, while  
21 practicing dietetics in this state for up to twenty (20)  
22 days annually.

23

1           **33-47-104. Board created; membership; appointment;**  
2 **terms; removal; meetings; immunity.**

3

4           (a) The dietetics licensing board is created. The  
5 board shall regulate the practice of dietetics in the state  
6 by providing for the licensing and regulation of persons  
7 engaged in the practice of dietetics to ensure the safety  
8 of the public seeking nutritional advice.

9

10           (b) The board shall consist of three (3) members.  
11 The initial board shall consist of one (1) member of the  
12 public and two (2) registered dietitians who shall have  
13 been engaged in the practice of dietetics for a period of  
14 not less than five (5) years immediately preceding  
15 appointment to the board. Thereafter, dietitian members  
16 shall be licensed under this act prior to appointment to  
17 the board.

18

19           (c) The governor shall appoint the members of the  
20 board. The initial appointments shall be for staggered  
21 terms with one (1) registered dietitian appointed for a  
22 term of three (3) years, one (1) member of the public  
23 appointed for a term of two (2) years and one (1)  
24 registered dietitian appointed for a term of one (1) year.

1 Thereafter, members shall be appointed for three (3) year  
2 terms.

3

4 (d) Vacancies in the board shall be filled by  
5 appointment by the governor as provided in subsection (b)  
6 of this section for the balance of an unexpired term. Each  
7 member shall serve until the member's successor is  
8 appointed and qualified. The governor may remove any  
9 member from the board as provided in W.S. 9-1-202.

10

11 (e) The board shall meet at least twice each year and  
12 shall elect a chairman at the first meeting each year. The  
13 board may convene at the request of the chairman or as the  
14 board may determine for any other meeting as may be deemed  
15 necessary by the chairman to transact the board's business.  
16 The board shall adopt rules for the transaction of its  
17 business. Two (2) board members shall constitute a quorum.

18

19 (f) Members of the board shall not receive  
20 compensation for their services but shall receive mileage  
21 and per diem in the same manner and amount as state  
22 employees while engaged in the discharge of official  
23 duties.

24

1 (g) Members of the board shall have the same  
2 immunities from personal liability as state employees for  
3 actions taken in the performance of their duties under this  
4 act, as provided in W.S. 1-39-104.

5

6 **33-47-105. Board powers and authority.**

7

8 (a) The board shall:

9

10 (i) Examine, license and renew the licenses of  
11 duly qualified applicants;

12

13 (ii) Maintain an up-to-date list of every person  
14 licensed to practice dietetics under this act. The list  
15 shall show the licensee's last known place of employment,  
16 the license issue date and the registration number of the  
17 license;

18

19 (iii) Keep a record of all proceedings of the  
20 board and make the record available to the public for  
21 inspection during regular business hours;

22

23 (iv) Maintain an up-to-date list of persons  
24 whose licenses have been suspended, revoked or denied. The

1 list shall include the names, type and cause of action,  
2 date and penalty incurred and the length of penalty. The  
3 list shall be available for public inspection during  
4 regular business hours and shall be supplied to similar  
5 boards in other states upon request;

6

7 (v) Establish reasonable fees for application,  
8 examination, licensing, certification, specialty  
9 examination designation, renewal, late renewal,  
10 reinstatement and other services provided pursuant to W.S.  
11 33-1-201;

12

13 (vi) Adopt rules and regulations not  
14 inconsistent with this act as may be necessary to  
15 administer and enforce the provisions of this act.

16

17 (b) The board may:

18

19 (i) Employ personnel or enter into an agreement  
20 as necessary to perform the functions of the board;

21

22 (ii) Establish relicensure requirements and  
23 procedures as are appropriate, including adopting and

1 publishing a code of ethics as well as compliance guidance  
2 opinions as deemed necessary by the board;

3

4 (iii) Secure the services of resource  
5 consultants. Resource consultants shall receive travel and  
6 per diem expenses in the same manner and amount as state  
7 employees while engaged in consultative service to the  
8 board;

9

10 (iv) Enter into contracts with appropriate  
11 organizations for the purpose of developing, administering,  
12 grading or reporting the results of licensing examinations.  
13 The contracting organizations shall be capable of providing  
14 an examination which meets the standards of the commission  
15 or an equivalent organization. The examination shall be  
16 validated and nationally recognized as testing dietetic  
17 core competencies;

18

19 (v) Establish continuing education requirements  
20 for license renewal.

21

22 **33-47-106. Licensure; application; qualifications;**  
23 **issuance and revocation of licenses; fees; temporary**  
24 **permits.**

1

2 (a) An applicant for a license to practice dietetics  
3 shall submit to the board written evidence, verified by  
4 oath, that the applicant:

5

6 (i) Has received a baccalaureate or post  
7 baccalaureate degree from a United States regionally  
8 accredited college or university with a major course of  
9 study in human nutrition, nutrition education, public  
10 health nutrition, food and nutrition, dietetics, food  
11 systems management or an equivalent major course of study  
12 as approved by the board. Applicants who have obtained a  
13 degree outside of the United States and its territories  
14 shall have their academic degree validated by the board as  
15 equivalent to the same degree conferred by a regionally  
16 accredited college or university in the United States;

17

18 (ii) Has completed a documented supervised  
19 preprofessional practice experience component in dietetics  
20 of not less than nine hundred (900) hours under the  
21 supervision of a registered dietitian, a licensed dietitian  
22 or an individual with a doctoral degree conferred by a  
23 United States regionally accredited college or university  
24 with a major course of study in human nutrition, nutrition

1 education, food and nutrition, dietetics or food systems  
2 management;

3

4 (iii) Has successfully completed the  
5 registration examination for dietitians administered by the  
6 commission or an examination of an equivalent level  
7 approved by the board;

8

9 (iv) Has reached the age of majority; and

10

11 (v) Has not been convicted of a felony or a  
12 misdemeanor that relates adversely to the practice of  
13 dietetics, or the ability to practice dietetics, in the  
14 courts of this state, another jurisdiction or another  
15 country. As used in this paragraph, "conviction" includes  
16 a finding or verdict of guilt, an admission of guilt, a  
17 plea of nolo contendere, a plea agreement in which the  
18 defendant has pled guilty yet not admitted to all the facts  
19 that comprise the crime or a conditional plea as part of a  
20 deferred prosecution or deferred sentencing agreement.

21

22 (b) Until June 30, 2012, the board shall waive the  
23 examination required by subsection (a) of this section and  
24 shall grant a license to any applicant who:

1

2 (i) Makes satisfactory application to the board  
3 and is registered with the commission; or

4

5 (ii) Received a baccalaureate or post  
6 baccalaureate degree from a United States regionally  
7 accredited college or university with a program in  
8 dietetics or an equivalent major course of study as  
9 approved by the board and who has completed a board  
10 approved practical experience and met the educational  
11 requirements for registration by the commission or its  
12 equivalent.

13

14 (c) If an applicant fails to complete the  
15 requirements for licensing within one (1) year from the  
16 date of filing an application, the application shall be  
17 deemed to be abandoned.

18

19 (d) The board may issue a temporary permit to  
20 practice dietetics for a period of six (6) months to an  
21 applicant for licensing, provided:

22

23 (i) The applicant is currently practicing or has  
24 within the last twelve (12) months practiced as a licensed

1 dietitian in another state, territory or country that  
2 required licensure of dietitians;

3

4 (ii) The applicant is currently practicing or  
5 has within the last twelve (12) months practiced as a  
6 registered dietitian in another state, territory or country  
7 that did not require licensure of dietitians; or

8

9 (iii) The applicant is a student in a commission  
10 approved dietetics education program who expects to  
11 graduate within thirty (30) calendar days of the  
12 application filing date. Upon notification that a student  
13 in an approved program who has received a temporary permit  
14 under this section fails to successfully complete the  
15 program, the permit shall immediately expire.

16

17 (e) On payment of an additional fee established  
18 pursuant to W.S. 33-47-105(a)(v), the board may extend a  
19 permit to practice dietetics for an additional period not  
20 to exceed six (6) months from the date of issuance of the  
21 original permit.

22

23 (f) Upon payment of a fee established pursuant to  
24 W.S. 33-47-105(a)(v), the board shall issue a license to

1 practice dietetics to an applicant who was a dietitian  
2 registered prior to July 1, 2011 by the commission or its  
3 equivalent.

4

5 (g) Unless licensed to practice under this act, no  
6 person shall engage in the practice of dietetics or  
7 represent himself to the public as being a dietitian or a  
8 licensed dietitian. Only a person holding a license to  
9 practice dietetics in this state may use the title  
10 "licensed dietitian" or the abbreviation "LD" to indicate  
11 that the person is a licensed dietitian.

12

13 **33-47-107. License renewal, revocation; hearings.**

14

15 (a) A licensed dietitian shall renew the license  
16 every two (2) years. The board shall notify and provide  
17 applications for renewal to licensed dietitians at least  
18 sixty (60) calendar days prior to expiration of the  
19 license. A licensee seeking renewal shall complete the  
20 application for renewal and return it to the board with the  
21 renewal fee at least fifteen (15) days before the license  
22 expiration date. The renewal request shall be accompanied  
23 by evidence satisfactory to the board that the licensee has

1 complied with this act and completed any applicable  
2 continuing education requirements.

3

4 (b) Upon receipt of the application for renewal and  
5 the fee, the board shall promptly verify its contents and  
6 issue a renewal license.

7

8 (c) A licensee who fails to submit a timely  
9 application for renewal may be reinstated by the board upon  
10 payment of the renewal fee and reinstatement fee  
11 established by the board provided that the request for  
12 reinstatement is made within ninety (90) days of the  
13 license expiration date.

14

15 (d) A licensed dietitian who does not engage in the  
16 practice of dietetics following expiration of the  
17 dietitian's license is not required to pay the renewal fee  
18 and shall be deemed inactive. If an inactive licensee  
19 desires to resume the practice of dietetics, the license  
20 shall be reissued upon application to the board, payment of  
21 renewal and reinstatement fees and submission of evidence  
22 that the applicant satisfies the current requirements for  
23 licensure.

24

1           (e) Fees received by the board and any monies  
2 collected under this act shall be deposited and credited to  
3 the board as provided in W.S. 33-1-202.

4

5           (f) The board may revoke, suspend or refuse to renew  
6 any license or permit or place on probation, reprimand a  
7 licensee or deny a license to an applicant if it finds that  
8 the person:

9

10           (i) Is guilty of fraud or deceit in procuring or  
11 attempting to procure a license or renewal of license to  
12 practice dietetics;

13

14           (ii) Is unfit or incompetent by reason of  
15 negligence, habits or other causes of incompetency as  
16 defined in the rules and regulations of the board;

17

18           (iii) Is addicted to a drug or intoxicant to a  
19 degree that renders the licensee unsafe or unfit to  
20 practice dietetics;

21

22           (iv) Is guilty of unprofessional conduct as  
23 defined by rules of the board, or has violated the code of  
24 ethics adopted and published by the board;

1

2 (v) Has practiced dietetics under cover of any  
3 permit or license illegally or fraudulently obtained or  
4 issued, or under a license that has expired or been  
5 suspended;

6

7 (vi) Has violated or aided or abetted others in  
8 violation of any provision of this act.

9

10 (g) Upon filing of written complaint with the board  
11 charging a person with having been guilty of any of the  
12 acts prohibited by this act, the executive director or  
13 other authorized employee of the board shall conduct an  
14 appropriate investigation. If the board finds reasonable  
15 grounds to substantiate the allegations of the complaint,  
16 the board may refuse to grant, revoke, suspend or restrict  
17 the license of an applicant or licensee.

18

19 (h) The applicant or licensee shall be afforded an  
20 opportunity for a hearing on the board's action under  
21 subsection (f) or (g) of this section. Notices, hearings  
22 and appeals shall be in accordance with the Wyoming  
23 Administrative Procedure Act. The board may issue  
24 subpoenas for the attendance of witnesses and the

1 production of necessary evidence in any hearing before it.  
2 Upon request of the respondent or his counsel, the board  
3 shall issue subpoenas on behalf of the respondent.

4

5 **33-47-108. Reciprocity.**

6

7 Reciprocity may be provided for dietitians licensed in  
8 other states which have laws at least as stringent as this  
9 act, or registered dietitians if their previous state of  
10 residence does not require licensure, provided that the  
11 applicant meets the requirements of W.S. 33-47-106.

12

13 **33-47-109. Disclosure of information.**

14

15 A licensed dietitian or any person employed in a licensed  
16 dietitian's professional practice shall not disclose  
17 without the consent of the client any communication made by  
18 a client to the dietitian or the dietitian's employees in  
19 the course of professional practice, except as required by  
20 law.

21

22 **33-47-110. Penalties; injunctive relief.**

23

1 Any person violating any provision of this act is guilty of  
2 a misdemeanor punishable by a fine of not more than one  
3 thousand dollars (\$1,000.00), imprisonment for not more  
4 than one (1) year, or both. The board may seek an  
5 injunction in the district court to enjoin any person from  
6 violating this act.

7  
8 **Section 2.** There is appropriated twenty thousand  
9 dollars (\$20,000.00) from the general fund to the department  
10 of administration and information. This appropriation shall  
11 be for the period beginning with the effective date of this  
12 section and ending June 30, 2012. This appropriation shall  
13 only be expended for the purpose of providing necessary  
14 support and executive secretary services for the dietetics  
15 licensing board created under section 1 of this act.  
16 Notwithstanding any other provision of law, this  
17 appropriation shall not be transferred or expended for any  
18 other purpose and any unexpended, unobligated funds  
19 remaining from this appropriation shall revert as provided  
20 by law on June 30, 2012. The board shall submit a standard  
21 budget request for the fiscal biennium beginning July 1,  
22 2012 and for subsequent biennia through the normal budget  
23 process.

24  
25 **Section 3.**

1

2 (a) Except as provided in subsection (b) of this  
3 section, this act is effective July 1, 2011.

4

5 (b) W.S. 33-47-104 and 33-47-105 created by section 1  
6 of this act and section 2 of this act are effective  
7 immediately upon completion of all acts necessary for a bill  
8 to become law as provided by Article 4, Section 8 of the  
9 Wyoming Constitution. The dietetics licensing board may  
10 immediately commence drafting and adoption of rules and  
11 regulations for the implementation of this act and may  
12 immediately accept applications for dietitian licenses to be  
13 issued on or after July 1, 2011.

14

15

(END)