

House Bill 844

By: Representatives Ehrhart of the 36th and Powell of the 33rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and
2 businesses, so as to repeal and reenact Chapter 11A, the "Dietetics Practice Act"; to provide
3 for the licensure of dietitian nutritionists and nutritionists; to provide for a short title; to
4 provide for the purpose of the chapter; to provide definitions; to establish the Georgia Board
5 of Examiners of Licensed Dietitian Nutritionists and Licensed Nutritionists; to provide for
6 powers, members, officers, and meetings of such board; to provide for the grant of a license
7 without examination; to provide for eligibility for licensure as a dietitian nutritionist and
8 nutritionist; to provide for provisional licenses; to permit applications to be made under oath;
9 to provide for such board to notify applicants of acceptance or rejection; to provide for
10 examinations; to provide for certain requirements of licensees; to provide for refusal,
11 suspension, or revocation of licenses; to provide for exceptions to licensure; to provide for
12 proceedings; to provide for statutory construction; to provide for scope of practice; to provide
13 for a qualified supervisor over a supervised practice experience in the practice of nutrition
14 and dietetics; to amend the Official Code of Georgia Annotated, so as to provide for
15 conforming cross-references; to provide for related matters; to provide for an effective date;
16 to repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 844

18

PART I

19

Practice of Nutrition and Dietetics Act

20

SECTION 1-1.

21 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
22 is amended by repealing and reenacting Chapter 11A, the "Dietetics Practice Act," as
23 follows:

24

"CHAPTER 11A25 43-11A-1.

26 This chapter shall be known and may be cited as the 'Practice of Nutrition and Dietetics
27 Act.'

28 43-11A-2.

29 The General Assembly acknowledges that the application of scientific knowledge relating
30 to nutrition is important in the treatment of disease and in the attainment and maintenance
31 of health and acknowledges further that the rendering of sound dietetic or nutrition services
32 for the treatment or management of diseases or medical conditions in hospitals, nursing
33 homes, school districts, health departments, private practice and consultation, and other
34 settings requires trained and competent professionals. It is declared, therefore, to be the
35 purpose of this chapter to protect the health, safety, and welfare of the public by providing
36 for the licensure and regulation of the activities of persons engaged in the practice of
37 nutrition and dietetics.

38 43-11A-3.

39 As used in this chapter, the term:

40 (1) 'Advertising' means, but is not limited to, issuing or causing to be distributed any
41 card, sign, or other device; causing or permitting any sign or marking on or in any
42 building or structure or in any newspaper, magazine, or directory; or causing or
43 permitting any announcement on radio or any announcement or display on television, a
44 computer network, or an electronic or telephonic medium.

45 (2) 'Applicant' means any person seeking a license under this chapter.

46 (3) 'Board' means the Georgia Board of Examiners of Licensed Dietitian Nutritionists
47 and Licensed Nutritionists established by this chapter.

48 (4) 'Certified nutrition specialist' means a person who is credentialed by the Board for
49 Certification of Nutrition Specialists or its successor organization as a certified nutrition
50 specialist and is authorized to use such title and the designation 'CNS.'

51 (5) 'Degree' means a degree received from a college or university accredited by the
52 appropriate regional accrediting agency recognized by the Council for Higher Education
53 Accreditation or its successor organization and the United States Department of
54 Education at the time the degree was received, or a validated foreign equivalent as
55 recognized by the board by approval, policy, or rule.

56 (6) 'General nonmedical nutrition information' means information on:

57 (A) Principles of human nutrition and food preparation;

58 (B) Principles of self care and a healthy relationship with food;

59 (C) Essential nutrients needed by the human body;

60 (D) General and nonindividualized recommended amounts of essential nutrients in the
61 human body;

62 (E) Actions of nutrients in the human body;

63 (F) Nonindividualized effects of deficiencies or excesses of nutrients in the human
64 body; or

65 (G) General education surrounding foods, herbs, and dietary supplements that are good
66 sources of essential nutrients in the human body.

67 (7) 'Licensed dietitian nutritionist' means a person duly licensed under this chapter as
68 meeting the requirements provided for in subsection (a) of Code Section 43-11A-9 to
69 practice nutrition and dietetics, including the provision of medical nutrition therapy,
70 subject to the scope of practice provisions provided in Code Section 43-11A-19.

71 (8) 'Licensed nutritionist' means a person duly licensed under this chapter as meeting the
72 requirements provided for in subsection (b) of Code Section 43-11A-9 to practice
73 nutrition and dietetics, including the provision of medical nutrition therapy, subject to the
74 scope of practice provisions provided in Code Section 43-11A-19.

75 (9) 'Medical nutrition therapy' means the provision of the following nutrition care
76 services for the treatment or management of a disease or medical condition:

77 (A) Nutrition assessment, including ordering laboratory tests to check and track
78 nutrition status;

79 (B) Nutrition diagnosis;

80 (C) Nutrition intervention, including approving, ordering, and monitoring therapeutic
81 diets, and nutrition counseling on therapeutic diets and food and prescription drug
82 interactions; and

83 (D) Nutrition monitoring and evaluation.

84 (10) 'Medical weight control' means medical nutrition therapy provided for the purpose
85 of reducing, maintaining, or gaining weight.

86 (11) 'Nonmedical weight control' means nutrition care services provided for the purpose
87 of reducing, maintaining, or gaining weight that do not constitute the treatment or
88 management of a disease or medical condition. Such term includes weight control
89 services for healthy population groups to achieve or maintain a healthy weight.

90 (12) 'Nutrition assessment' means the ongoing, dynamic, and systematic process of
91 ordering, obtaining, verifying, and interpreting biochemical, anthropometric, physical,
92 nutrigenomic, and dietary data to make decisions about the nature and cause of nutrition
93 related problems relative to patient or community needs. Such term includes the initial

94 data collection and evaluation and any reassessment and analysis of patient or community
95 needs. Such term provides the foundation for nutrition diagnosis and nutritional
96 recommendations; provided, however, that the collection of data does not, by itself,
97 constitute nutrition assessment.

98 (13) 'Nutrition care process' means the systematic problem solving method that licensed
99 dietitian nutritionists and licensed nutritionists use to critically think and make decisions
100 when providing medical nutrition therapy or to address nutrition related problems and
101 provide safe, effective, high-quality nutrition care services. Such term consists of four
102 distinct, but interrelated steps: nutrition assessment, nutrition diagnosis, nutrition
103 intervention, and nutrition monitoring and evaluation.

104 (14) 'Nutrition care services' means any part or all of the following services provided
105 within a systematic process:

106 (A) Assessing and evaluating the nutritional needs of individuals and groups and
107 determining resources and constraints in a practice setting, including ordering nutrition
108 related laboratory tests to check and track nutrition status;

109 (B) Identifying nutrition problems and establishing priorities, goals, and objectives that
110 meet nutritional needs and are consistent with available resources and constraints;

111 (C) Creating individualized dietary plans, including therapeutic diets; issuing and
112 implementing dietary orders to meet the nutritional needs of healthy individuals and
113 individuals in acute and chronic disease states; and monitoring the effectiveness of such
114 dietary plans and orders;

115 (D) Determining and providing appropriate nutrition interventions in health and
116 disease, including nutrition counseling on food and prescription drug interactions;

117 (E) Developing, implementing, and managing nutrition care systems; or

118 (F) Evaluating, making changes to, and maintaining appropriate standards of quality
119 in food and nutrition services.

120 (15) 'Nutrition counseling' means a supportive process, characterized by a collaborative
121 counselor-patient or counselor-client relationship with individuals or groups, to establish
122 food and nutrition priorities, goals, individualized action plans, and general physical
123 activity recommendations that acknowledge and foster responsibility for self care to
124 promote health and wellness or to treat or manage an existing disease or medical
125 condition.

126 (16) 'Nutrition diagnosis' means identifying and labeling nutritional problems managed
127 and treated by a licensee but does not include a medical diagnosis of the health status of
128 an individual.

129 (17) 'Nutrition intervention' means purposefully planned interventions, including
130 nutrition counseling, intended to positively change a nutrition related behavior, risk
131 factor, environmental condition, or aspect of the health status of an individual, target
132 group, or community at large.

133 (18) 'Nutrition monitoring and evaluation' means identifying patient outcomes relevant
134 to a nutrition diagnosis, nutrition intervention plans, and nutrition goals, and comparing
135 those outcomes with a patient's previous health status, nutrition intervention plans, and
136 nutrition goals, or reference standards to determine the progress made in achieving
137 desired outcomes of nutrition care services and whether planned nutrition interventions
138 should be continued or revised.

139 (19) 'Patient' means an individual recipient of nutrition care services, whether in an
140 outpatient, inpatient, or nonclinical setting.

141 (20) 'Practice of nutrition and dietetics' means the integration and application of scientific
142 principles derived from the study of food, nutrition, biochemistry, metabolism,
143 nutrigenomics, physiology, and food systems and management, and from behavioral and
144 social sciences, for achieving and maintaining health throughout the lifespan. Such term
145 is primarily the provision of nutrition care services, including medical nutrition therapy.

146 in person or via telehealth, to prevent, manage, or treat diseases or medical conditions and
147 to promote wellness.

148 (21) 'Provisionally licensed dietitian nutritionist' or 'provisionally licensed nutritionist'
149 means a person provisionally licensed as provided for in Code Section 43-11A-10.

150 (22) 'Qualified supervisor' means an individual providing supervision who assumes full
151 professional responsibility for the work of the supervisee by verifying, directing, and
152 authorizing the provided nutrition care services and other work being supervised, as
153 provided for in Code Section 43-11A-20.

154 (23) 'Registered dietitian nutritionist' means a person who is credentialed by the
155 Commission on Dietetic Registration or its successor organization as a registered dietitian
156 nutritionist or a registered dietitian and is authorized to use such title and the designation
157 'RDN' or 'RD.'

158 (24) 'Supervisee' means a student, intern, or trainee providing nutrition care services and
159 other work under the supervision of a qualified supervisor, as provided for in Code
160 Section 43-11A-20.

161 (25) 'Telehealth' means the use of electronic information and telecommunications
162 technologies to provide services under this chapter between a healthcare provider in one
163 location and an individual in another location to support clinical healthcare, public health,
164 patient health related education, and health administration.

165 (26) 'Therapeutic diet' means a diet intervention prescribed by a licensed physician or
166 planned, ordered, or implemented by a licensed dietitian nutritionist or licensed
167 nutritionist that provides food or nutrients via oral, enteral, or parenteral routes as part of
168 the treatment of a disease or medical condition to modify, eliminate, decrease, or increase
169 identified micronutrients and macronutrients in a patient's diet, or to provide
170 mechanically altered food when indicated.

171 (27) 'Unrestricted practice of medical nutrition therapy' means the application of dietetics
172 and nutrition knowledge and skills by an individual who regulates and is responsible for
173 his or her own practice or treatment procedures.

174 43-11A-4.

175 (a) The Georgia Board of Examiners of Licensed Dietitians in existence prior to July 1,
176 2023, is continued in existence thereafter as the Georgia Board of Examiners of Licensed
177 Dietitian Nutritionists and Licensed Nutritionists. Those persons serving as members of
178 the board immediately prior to July 1, 2023, shall continue to serve out their respective
179 terms of office and until their successors are appointed and qualified. The board shall
180 consist of seven members as follows:

181 (1) Four members shall be licensed dietitian nutritionists and two members shall be
182 licensed nutritionists; provided, however, that, of those six members, at least one member
183 shall be from each of the following areas of the practice of nutrition and dietetics: clinical
184 nutrition and dietetics, community or public health nutrition and dietetics, and the private
185 practice of nutrition and dietetics; provided, further, that at least one member shall be an
186 educator on the faculty of a college or university specializing in the field of nutrition and
187 dietetics; and

188 (2) One member shall represent the public at large.

189 (b) Members of the board shall be appointed by the Governor with the confirmation of the
190 Senate. Members of the board shall take office on the first day of July immediately
191 following the expired terms of that office and shall serve for terms of four years and until
192 their successors are appointed and qualified. Those persons serving as members of the
193 board immediately prior to July 1, 2023, shall continue to serve out their respective terms
194 of office and until their respective successors are appointed and qualified. Any person
195 appointed to the board when the Senate is not in session may serve on the board without
196 Senate confirmation until the Senate acts on that appointment. No member shall serve on

197 the board for more than two consecutive terms. Any vacancy shall be filled by the
198 Governor subject to confirmation of the Senate.

199 (c) All members of the board shall be reimbursed as provided for in subsection (f) of Code
200 Section 43-1-2.

201 (d) All members of the board shall take the constitutional oath of office.

202 43-11A-5.

203 (a) Professional members of the board shall:

204 (1) Be citizens of the United States and residents of this state;

205 (2) Have engaged in the practice of nutrition and dietetics for compensation for not less
206 than five years; and

207 (3) Be licensed under this chapter.

208 (b) Consumer members of the board shall be appointed by the Governor from the public
209 at large, shall be citizens of the United States and residents of this state, and shall have no
210 connection whatsoever with the practice of nutrition and dietetics.

211 (c) The Governor may remove members of the board, after notice and opportunity for
212 hearing, for incompetence, neglect of duty, unprofessional conduct, conviction of any
213 felony, failure to meet the qualifications of this chapter, or committing any act prohibited
214 by this chapter.

215 43-11A-6.

216 The board shall meet annually and shall elect from its members a chairperson, a vice
217 chairperson, and any other officers as deemed necessary who shall hold office according
218 to the rules adopted by the board. In addition to its annual meeting, the board shall hold
219 at least two other meetings each year as provided by the rules adopted by the board.

220 43-11A-7.

221 The board shall have the power to:

222 (1) Enforce the provisions of this chapter, and it shall be granted all of the necessary
223 duties, powers, and authority to carry out this responsibility;

224 (2) Draft, adopt, amend, repeal, and enforce such rules as it deems necessary for the
225 administration and enforcement of this chapter in the protection of public health, safety,
226 and welfare;

227 (3) License duly qualified applicants by examination, endorsement, or reinstatement;

228 (4) Implement a disciplinary process;

229 (5) Enforce qualifications for licensure;

230 (6) Set standards for competency of licensees continuing in or returning to practice;

231 (7) Issue orders when a license is surrendered to the board while a complaint,
232 investigation, or disciplinary action against such license is pending;

233 (8) Adopt, revise, and enforce rules regarding advertising by licensees, including, but not
234 limited to, rules to prohibit false, misleading, or deceptive practices;

235 (9) Adopt, publish in print or electronically, and enforce a code of ethics;

236 (10) Establish examination and licensing fees;

237 (11) Request and receive the assistance of state educational institutions or other state
238 agencies;

239 (12) Prepare information of consumer interest describing the regulatory functions of the
240 board and describing the procedures by which consumer complaints are filed with and
241 resolved by the board. The board shall make the information available to the general
242 public and appropriate state agencies;

243 (13) Establish continuing education requirements; and

244 (14) Adopt a seal which shall be affixed only in such manner as prescribed by the board.

245 43-11A-8.

246 The board may grant, upon application and payment of proper fees, a license without
247 examination to a person who, at the time of application, holds a valid license or
248 certification as a licensed or certified dietitian nutritionist, dietitian, or nutritionist issued
249 by another state, political territory, or jurisdiction acceptable to the board if, in the board's
250 opinion, the requirements for such license or certification are substantially the same as the
251 requirements of this chapter and rules and regulations promulgated by the board.

252 43-11A-9.

253 (a) Each applicant for a license as a licensed dietitian nutritionist shall be at least 18 years
254 of age, submit a completed application upon a form and in such manner as the board
255 prescribes, pay any applicable fees, and:

256 (1) Present evidence satisfactory to the board that the applicant holds a current and valid
257 registration as a registered dietitian nutritionist; or

258 (2) Submit proof of:

259 (A) Completion of:

260 (i) A master's or doctoral degree with a major course of study in dietetics, human
261 nutrition, food and nutrition, nutrition education, food systems management, or an
262 equivalent course of study from a college or university accredited at the time of the
263 applicant's graduation by the appropriate regional accrediting agency recognized by
264 the Council for Higher Education Accreditation or its successor organization and the
265 United States Department of Education and accredited by the Accreditation Council
266 for Education in Nutrition and Dietetics or its successor organization; or

267 (ii) An academic degree from a college or university in a foreign country that the
268 board determines is equivalent to a degree and major course of study provided for in
269 division (i) of this subparagraph;

- 270 (B) Satisfactory completion of a documented, supervised experience component in the
271 practice of nutrition and dietetics accredited by the Accreditation Council for Education
272 in Nutrition and Dietetics or its successor organization, consisting of not less than 1,000
273 hours supervised by a qualified supervisor as provided for in Code Section 43-11A-20;
274 (C) Passage of the examination for registered dietitian nutritionists administered by the
275 Commission on Dietetic Registration or its successor organization; and
276 (D) Completion of such other requirements as may be prescribed by the board.
- 277 (b) Each applicant for a license as a licensed nutritionist shall be at least 18 years of age,
278 submit a completed application upon a form and in such manner as the board prescribes,
279 pay any applicable fees, and submit proof of:
- 280 (1) Completion of:
- 281 (A) A master's or doctoral degree with a major course of study in human nutrition, food
282 and nutrition, community nutrition, public health nutrition, nutrition education, nutrition
283 science, clinical nutrition, applied clinical nutrition, nutrition counseling, nutrition and
284 functional medicine, nutritional biochemistry, nutrition and integrative health, or a
285 substantially equivalent course of study from a college or university accredited at the
286 time of the applicant's graduation by the appropriate regional accrediting agency
287 recognized by the Council for Higher Education Accreditation or its successor
288 organization and by the United States Department of Education; provided, however,
289 that the applicant has completed coursework leading to competence in medical nutrition
290 therapy, including, but not limited to:
- 291 (i) Fifteen semester hours of courses on clinical or life sciences, including at least
292 three semester hours on human anatomy and physiology or an equivalent subject; and
293 (ii) Fifteen semester hours of courses on nutrition and metabolism, including at least
294 six semester hours on biochemistry;
- 295 (B) An academic degree from a college or university in a foreign country that the board
296 determines is equivalent to a degree and major course of study provided for in

297 subparagraph (A) of this paragraph; provided, however, that the applicant has
298 completed coursework leading to competence in medical nutrition therapy, including,
299 but not limited to:

- 300 (i) Fifteen semester hours of courses on clinical or life sciences, including at least
301 three semester hours on human anatomy and physiology or an equivalent subject; and
302 (ii) Fifteen semester hours of courses on nutrition and metabolism, including at least
303 six semester hours on biochemistry;

304 (C) A master's or doctoral degree in a clinical healthcare field from a college or
305 university accredited at the time of the applicant's graduation by the appropriate
306 regional accrediting agency recognized by the Council for Higher Education
307 Accreditation or its successor organization and the United States Department of
308 Education; provided, however, that the applicant has completed coursework leading to
309 competence in providing medical nutrition therapy, including, but not limited to:

- 310 (i) Fifteen semester hours of courses on clinical or life sciences, including at least
311 three semester hours on human anatomy and physiology or an equivalent subject; and
312 (ii) Fifteen semester hours of courses on nutrition and metabolism, including at least
313 six semester hours on biochemistry; or

314 (D) An academic degree from a college or university in a foreign country that the
315 board determines is equivalent to a degree and major course of study provided for in
316 subparagraph (C) of this paragraph; provided, however, that the applicant has
317 completed coursework leading to competence in providing medical nutrition therapy,
318 including, but not limited to:

- 319 (i) Fifteen semester hours of courses on clinical or life sciences, including at least
320 three semester hours on human anatomy and physiology or an equivalent subject; and
321 (ii) Fifteen semester hours of courses on nutrition and metabolism, including at least
322 six semester hours on biochemistry;

- 323 (2) Completion of a planned, documented, and continuous supervised practice
324 experience demonstrating competence in providing nutrition care services and medical
325 nutrition therapy approved by the board and meeting all of the following requirements:
326 (A) An applicant shall complete a supervised practice experience under this paragraph
327 within five years of completing the requirements provided for in paragraph (1) of this
328 subsection; provided, however, that the board in its discretion may grant an extension
329 for extraordinary circumstances;
330 (B) A supervised practice experience provided for in this paragraph shall:
331 (i) Involve at least 1,000 hours in the following practice areas, with a minimum of
332 200 hours in each practice area: conducting nutrition assessment and nutrition
333 diagnosis, nutrition intervention, and nutrition monitoring and evaluation;
334 (ii) Be under the supervision of a qualified supervisor as provided for in Code
335 Section 43-11A-20; and
336 (iii) Prepare students to provide nutrition care services for various populations of
337 diverse cultures, genders, and ages, and to be able to competently formulate
338 actionable medical nutrition therapies and nutrition interventions, nutrition education,
339 nutrition counseling, and ongoing nutrition care services for the prevention,
340 modulation, and management of a range of acute and chronic medical conditions;
341 (3) Satisfaction of examination requirements by:
342 (A) Passage of the certified nutrition specialist examination administered by the Board
343 for Certification of Nutrition Specialists or its successor organization, or passage of an
344 equivalent examination on all aspects of the practice of nutrition and dietetics that is
345 accredited by the National Commission for Certifying Agencies or its successor
346 organization and that is approved by the board; or
347 (B) A current and valid certification from the Board for Certification of Nutrition
348 Specialists or its successor organization that allows the applicant to use the title
349 'certified nutrition specialist' or the designation 'CNS'; and

350 (4) Completion of such other requirements as may be prescribed by the board.

351 (c) All persons licensed or who have submitted an application for licensure prior to July 1,
352 2023, shall remain licensed, be eligible for reactivation, or be eligible for licensure under
353 the requirements in place at the time of licensure or application, so long as the applicant
354 or licensee remains in good standing and maintains an active or inactive license if obtained
355 or once it is obtained. Such persons shall be licensed dietitian nutritionists.

356 43-11A-10.

357 The board, at its discretion, may issue a provisional license for an individual to practice as
358 a provisionally licensed dietitian nutritionist or provisionally licensed nutritionist for one
359 year under the supervision of a licensed dietitian nutritionist or licensed nutritionist upon
360 the filing of an application with appropriate fees and submission of evidence of successful
361 completion of a substantial portion of the requirements for licensure as provided for in
362 Code Section 43-11A-9; provided, however, that the board, at its discretion, may allow
363 such licensee to renew such provisional license for a length of time determined by the
364 board; provided, further, that the board may require a renewal fee for such licensee to
365 maintain such provisional license.

366 43-11A-11.

367 The board may require that all applications be made under oath.

368 43-11A-12.

369 After evaluation of an application and other evidence submitted, the board shall notify each
370 applicant that the application and evidence submitted are satisfactory and accepted or
371 unsatisfactory and rejected. If the application and evidence are unsatisfactory and rejected,
372 the notice shall state the reasons for the rejection.

373 43-11A-13.

374 (a) Examinations to determine competence shall be administered to qualified applicants
375 at least twice each calendar year. The examinations may be administered by a national
376 testing service. The board shall prescribe or develop the examinations, which may include,
377 but are not limited to:

378 (1) The examination for registered dietitian nutritionists administered by the Commission
379 on Dietetic Registration or its successor organization;

380 (2) The examination for certified nutrition specialists administered by the Board for
381 Certification of Nutrition Specialists or its successor organization; or

382 (3) Any other equivalent examination evaluating knowledge of the practice of nutrition
383 and dietetics that is accredited by the National Commission for Certifying Agencies or
384 its successor organization and approved by a two-thirds' vote of the board.

385 (b) The board shall notify each examinee of the results of the examination.

386 43-11A-14.

387 (a) A license issued by the board is the property of the board and shall be surrendered on
388 demand.

389 (b) The licensee shall display the license certificate in an appropriate and public manner.

390 (c) The licensee shall inform the board of any change of address.

391 (d) The license shall be renewed biennially if the licensee is not in violation of this chapter
392 at the time of application for renewal and if the applicant fulfills current requirements of
393 continuing education as established by the board.

394 (e) Each licensee is responsible for renewing his or her license before the expiration date.

395 (f) Under procedures and conditions established by the board, a licensee may request that
396 his or her license be declared inactive; provided, however, that such licensee may apply for
397 active status at any time and upon meeting the conditions set by the board shall be declared
398 active.

399 43-11A-15.

400 The board may refuse to grant or renew a license to an applicant; administer a public or
401 private reprimand, but a private reprimand shall not be disclosed to any person except the
402 licensee; suspend the license of any licensee for a definite period or for an indefinite period
403 in connection with any condition which may be attached to the restoration of such license;
404 limit or restrict the license of any licensee as the board deems necessary for the protection
405 of the public; revoke any license; condition the penalty upon, or withhold formal
406 disposition pending, the applicant's or licensee's submission to such care, counseling, or
407 treatment as the board may direct; or impose a fine not to exceed \$500.00 for each violation
408 of a law, rule, or regulation relating to the profession regulated by this chapter upon a
409 finding by a majority of the board that the licensee or applicant has:

410 (1) Failed to demonstrate the qualifications or standards for a license contained in this
411 chapter or under the laws, rules, or regulations under which licensure is sought or held.
412 It shall be incumbent upon the applicant to demonstrate to the satisfaction of the board
413 that such applicant meets all the requirements for the issuance of a license, and, if the
414 board is not satisfied as to the applicant's qualifications, it may deny a license without a
415 prior hearing; provided, however, that the applicant shall be allowed to appear before the
416 board if he or she so desires;

417 (2) Knowingly made misleading, deceptive, untrue, or fraudulent representations in the
418 practice of a business or profession licensed under this title or on any document
419 connected therewith, or practiced fraud or deceit or intentionally made any false
420 statement in obtaining a license to practice the licensed business or profession, or made
421 a false statement or deceptive registration with the board;

422 (3) Been convicted of any felony or of any crime involving moral turpitude in the courts
423 of this state or any other state, territory, or country or in the courts of the United States;
424 as used in this paragraph and paragraph (4) of this Code section, the term 'felony' shall
425 include any offense which, if committed in this state, would be deemed a felony, without

426 regard to its designation elsewhere; and, as used in this paragraph, the term 'convicted'
427 shall include a finding or verdict of guilty or a plea of guilty, regardless of whether an
428 appeal of the conviction has been sought;

429 (4) Been arrested, charged, and sentenced for the commission of any felony, or any crime
430 involving moral turpitude, where:

431 (A) A plea of nolo contendere was entered to the charge;

432 (B) First offender treatment without adjudication of guilt pursuant to the charge was
433 granted; or

434 (C) An adjudication or sentence was otherwise withheld or not entered on the charge.
435 The plea of nolo contendere or the order entered pursuant to the provisions of Article 3
436 of Chapter 8 of Title 42, relating to probation of first offenders, or other first offender
437 treatment shall be conclusive evidence of arrest and sentencing for such crime;

438 (5) Had his or her license to practice a business or profession licensed under this title
439 revoked, suspended, or annulled by any lawful licensing authority other than the board;
440 had other disciplinary action taken against him or her by any such lawful licensing
441 authority other than the board; was denied a license by any such lawful licensing
442 authority other than the board, pursuant to disciplinary proceedings; or was refused the
443 renewal of a license by any such lawful licensing authority other than the board, pursuant
444 to disciplinary proceedings;

445 (6) Engaged in any unprofessional, immoral, unethical, deceptive, or deleterious conduct
446 or practice harmful to the public, which conduct or practice materially affects the fitness
447 of the licensee or applicant to practice a business or profession licensed under this title,
448 or of a nature likely to jeopardize the interest of the public, which conduct or practice
449 need not have resulted in actual injury to any person or be directly related to the practice
450 of the licensed business or profession but shows that the licensee or applicant has
451 committed any act or omission which is indicative of bad moral character or
452 untrustworthiness; unprofessional conduct shall also include any departure from, or the

453 failure to conform to, the minimal standards of acceptable and prevailing practice of the
454 business or profession licensed under this title;

455 (7) Knowingly performed any act which in any way aids, assists, procures, advises, or
456 encourages any unlicensed person or any licensee whose license has been suspended or
457 revoked by a professional licensing board to practice a business or profession licensed
458 under this title or to practice outside the scope of any disciplinary limitation placed upon
459 the licensee by the board;

460 (8) Violated a statute, law, or any rule or regulation of this state, any other state, the
461 professional licensing board regulating the business or profession licensed under this title,
462 the United States, or any other lawful authority, without regard to whether the violation
463 is criminally punishable, which statute, law, or rule or regulation relates to or in part
464 regulates the practice of a business or profession licensed under this title, when the
465 licensee or applicant knows or should know that such action is violative of such statute,
466 law, or rule or regulation; or violated a lawful order of the board previously entered by
467 the board in a disciplinary hearing, consent decree, or license reinstatement;

468 (9) Been adjudged mentally incompetent by a court of competent jurisdiction within or
469 outside of this state; any such adjudication shall automatically suspend the license of any
470 such person and shall prevent the reissuance or renewal of any license so suspended for
471 as long as the adjudication of incompetence is in effect; or

472 (10) Displayed an inability to practice a business or profession licensed under this title
473 with reasonable skill and safety to the public or has become unable to practice the
474 licensed business or profession with reasonable skill and safety to the public by reason
475 of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material.

476 43-11A-16.

477 (a) Except as provided in Code Section 43-11A-18, no person shall engage in or offer to
478 provide medical nutrition therapy unless the person is licensed under this chapter.

479 (b) Except as provided in subsection (e) of this Code section, no person shall designate or
480 hold himself or herself out as a licensed dietitian nutritionist or use or assume the title
481 'dietitian nutritionist,' 'licensed dietitian nutritionist,' 'dietitian,' 'dietician,' or any other title
482 indicating that the person provides medical nutrition therapy or is a licensed dietitian
483 nutritionist, or append to or use in conjunction with that person's name the designation
484 'LDN' or 'LD' unless the person is a licensed dietitian nutritionist.

485 (c) Except as provided in subsection (e) of this Code section, no person shall designate or
486 hold himself or herself out as a licensed nutritionist or use or assume the title 'nutritionist,'
487 'nutrition counselor,' 'nutrition specialist,' 'nutrition therapy practitioner,' 'nutrition therapy
488 consultant,' 'master nutrition therapist,' or any other title indicating that the person is a
489 licensed nutritionist unless the person is licensed under this chapter.

490 (d) Except as provided in subsection (e) of this Code section, no person shall use or
491 assume any title indicating that the person is a licensed nutritionist, or append to or use in
492 conjunction with that person's name the designation 'LN' unless the person is a licensed
493 nutritionist.

494 (e) Use of an earned, federally trademarked nutrition credential is not prohibited; provided,
495 however, that such use shall not give a person the right to practice medical nutrition
496 therapy or to use the general titles of 'dietitian,' 'dietitian nutritionist,' or 'nutritionist' unless
497 such person is also licensed under this chapter. Notwithstanding any law to the contrary,
498 a person may use a lawfully earned federally trademarked title, including the following:

499 (1) A registered dietitian or registered dietitian nutritionist may use the titles 'registered
500 dietitian' or 'registered dietitian nutritionist' and use in conjunction with his or her name
501 the designation 'RD' or 'RDN.'

502 (2) A certified nutrition specialist may use the title 'certified nutrition specialist' and use
503 in conjunction with his or her name the designation 'CNS.'

504 (f) Any person violating the provisions of this Code section shall be guilty of a
505 misdemeanor.

506 43-11A-17.

507 Proceedings under this chapter shall be governed by Chapter 13 of Title 50, the 'Georgia
508 Administrative Procedure Act.'

509 43-11A-18.

510 Nothing in this chapter shall be construed to affect:

511 (1) A supervisee who is:

512 (A) Practicing as a part of a course of study or as part of a supervised practice
513 experience to satisfy the educational or supervised practice experience requirements
514 provided for in Code Section 43-11A-9;

515 (B) Completing a supervised practice experience provided for in Code
516 Section 43-11A-9 not more than five years after completing the education requirements
517 provided for in Code Section 43-11A-9; and

518 (C) Practicing while supervised by a qualified supervisor as provided for in Code
519 Section 43-11A-20;

520 provided, however, that such supervisee shall not engage in the unrestricted practice of
521 medical nutrition therapy; provided, further, that such supervisee shall use a title that
522 clearly indicates his or her status as a supervisee;

523 (2) A dietitian or nutritionist serving in the armed forces of the United States or any other
524 federal agency who is engaging in the practice of medical nutrition therapy and such
525 practice is related to such individual's service or employment;

526 (3) Persons licensed to practice the professions of dentistry, medicine, osteopathy,
527 chiropractic, nursing, or pharmacy engaging in the practice of medical nutrition therapy
528 when incidental to the practice of their professions; provided, however, that such persons
529 shall not use any protected titles as provided in Code Section 43-11A-16;

530 (4) A nonresident dietitian, dietitian nutritionist, or nutritionist practicing medical
531 nutrition therapy in this state for five days without a license or up to 30 days per year if

532 such person holds licensure from another state and the requirements for licensure are
533 substantially the same as the requirements in this chapter;

534 (5) Employees of a department, agency, or division of state, county, or local government
535 engaging in the practice of medical nutrition therapy within the discharge of official
536 duties when such practice is directed by or in consultation with a licensed dietitian
537 nutritionist or licensed nutritionist;

538 (6) A person who assists the provision of medical nutrition therapy if such person
539 performs only support activities that are not discretionary and do not require the exercise
540 of professional judgment for their performance and such person is directly supervised by
541 a licensed dietitian nutritionist, licensed nutritionist, or a healthcare provider licensed in
542 this state acting within the scope of such provider's license;

543 (7) A person who provides medical weight control services for persons with prediabetes
544 or obesity as part of:

545 (A) An instructional program that has been approved in writing by:

546 (i) A licensed dietitian nutritionist or licensed nutritionist;

547 (ii) A dietitian, dietitian nutritionist, nutritionist, or other healthcare provider licensed
548 or certified in another state that has licensure or certification requirements that are at
549 least as stringent as this chapter, and other relevant laws under Title 43, and whose
550 licensed scope of practice includes medical nutrition therapy;

551 (iii) A registered dietitian nutritionist; or

552 (iv) A certified nutrition specialist; or

553 (B) A plan of care that is overseen by a healthcare provider licensed in this state whose
554 scope of practice otherwise authorizes such provider to provide and delegate medical
555 nutrition therapy; provided, however, that the medical weight control services are not
556 discretionary and do not require the exercise of professional judgment;

557 (8) A person who disseminates nonindividualized, written, general nutrition information
558 in connection with the marketing and distribution of dietary supplements, food, herbs, or

559 food materials, including, but not limited to, explanations of their federally regulated
560 label claims, any known drug-nutrient interactions, their role in various diets, or
561 suggestions as how to best use and combine them; provided, however, that such
562 information does not constitute medical nutrition therapy and such person shall not use
563 any protected titles as provided in Code Section 43-11A-16 and shall not hold himself or
564 herself out as qualified to engage in the practice of medical nutrition therapy;

565 (9) The practice of the tenets of any religion, sect, or denomination whatsoever;
566 provided, however, that a member of such religion, sect, or denomination shall not use
567 any protected titles as provided in Code Section 43-11A-16 and shall not hold himself or
568 herself out as qualified to engage in the practice of medical nutrition therapy;

569 (10) A person who provides individualized nutrition recommendations for the wellness
570 and primary prevention of chronic disease, health coaching, holistic and wellness
571 education, guidance, motivation, behavior change management, services for nonmedical
572 weight control, or other nutrition care services; provided, however, that such services do
573 not constitute medical nutrition therapy and such person shall not use any protected titles
574 as provided in Code Section 43-11A-16 and shall not hold himself or herself out as
575 qualified to engage in the practice of medical nutrition therapy; or

576 (11) A person who is an operator or employee of a health food store or business that sells
577 health products, including dietary supplements, food, herbs, or food materials, and who
578 provides verbal general nonmedical nutrition information that does not constitute medical
579 nutrition therapy.

580 43-11A-19.

581 (a) A licensed dietitian nutritionist or licensed nutritionist shall provide nutrition care
582 services using systematic, evidence based problem solving methods of the nutrition care
583 process to address nutrition related problems and provide safe, effective, quality nutrition

584 care services and medical nutrition therapy for patients and clients in both clinical and
585 community settings.

586 (b) A licensed dietitian nutritionist or licensed nutritionist may:

587 (1) Accept or transmit verbal, delegated, or electronically transmitted orders from the
588 referring healthcare provider consistent with applicable laws and rules, including any
589 controlling facility or employer protocols established to implement medical nutrition
590 therapy;

591 (2) Order patient diets, including therapeutic diets;

592 (3) Conduct swallow screens, place nasogastric or nasoenteric feeding tubes, and
593 evaluate, order, and administer enteral or parenteral nutrition therapy that consists of
594 enteral feedings or specialized intravenous solutions; provided, however, that the licensed
595 individual is a registered dietitian nutritionist or a certified nutrition support clinician or
596 meets other requirements established by the board by rule that are consistent with the
597 competencies necessary for conducting swallow screens, placing nasogastric or
598 nasoenteric feeding tubes, and evaluating, ordering, and administering enteral and
599 parenteral nutrition therapies;

600 (4) Order medical laboratory tests related to medical nutrition therapy;

601 (5) Implement prescription drug dose adjustments in an inpatient setting for specific
602 disease treatment protocols within the limits of his or her knowledge, skills, judgment,
603 and current evidence informed clinical practice guidelines as indicated in a facility,
604 medical staff, or medical director approved protocol, and as approved by and under the
605 delegation of a licensed prescribing healthcare provider;

606 (6) Implement prescription drug dose adjustments in an outpatient setting for specific
607 disease treatment protocols within the limits of his or her knowledge, skills, and
608 judgment, and as approved by and under the delegation of a licensed prescribing
609 healthcare provider;

610 (7) Recommend or order vitamin, mineral, and other dietary supplements or discontinue
611 use of unnecessary vitamin, mineral, and dietary supplements; and

612 (8) Provide services constituting the practice of nutrition and dietetics via telehealth;
613 provided, however, that such services shall be appropriate for the individual or group
614 receiving such services and the level of care provided shall meet the required level of care
615 for such individual or group.

616 (c) A licensed dietitian nutritionist may develop and manage food service operations that
617 have the chief function of providing food and nutrition care, including therapeutic diets,
618 to manage or treat disease states and medical conditions.

619 (d) Nothing in this Code section shall be construed to:

620 (1) Authorize licensees under this chapter to prescribe or initiate drug treatment other
621 than as provided in this Code section; or

622 (2) Limit the ability of any other licensed healthcare provider in this state to conduct
623 swallow screens, place nasogastric or nasoenteric feeding tubes, or evaluate, order, or
624 administer therapeutic diets; provided, however, that such activities fall within the scope
625 of the license held by such provider.

626 43-11A-20.

627 (a) To qualify as a qualified supervisor for purposes of this chapter, an individual shall
628 meet the following requirements:

629 (1) If the supervisee is providing medical nutrition therapy, the qualified supervisor shall
630 be:

631 (A) A registered dietitian nutritionist;

632 (B) A licensed dietitian nutritionist or licensed nutritionist;

633 (C) An individual licensed or certified in another state as a dietitian, dietitian
634 nutritionist, nutritionist, or other qualified nutrition professional who is authorized by
635 such state to provide medical nutrition therapy; or

636 (D) A healthcare provider licensed or otherwise authorized by this state or another state
637 to provide nutrition care services for the treatment or management of disease and
638 medical conditions; or

639 (2) If the supervisee is providing nutrition care services that do not constitute medical
640 nutrition therapy, the qualified supervisor shall be:

641 (A) An individual meeting the requirements provided for in paragraph (1) of this
642 subsection;

643 (B) An individual who has at least three years of experience practicing clinical
644 nutrition within the five years immediately preceding the start of the supervised practice
645 experience and who holds a doctoral degree with a major course of study in dietetics,
646 human nutrition, food and nutrition, community nutrition, public health nutrition,
647 naturopathic medicine, nutrition education, nutrition, nutrition science, clinical
648 nutrition, applied clinical nutrition, nutrition counseling, nutrition and functional
649 medicine, nutritional biochemistry, nutrition and integrative health, or an equivalent
650 course of study approved by the board; or

651 (C) An individual who obtained a doctoral degree outside the United States with a
652 major course of study as provided for in subparagraph (B) of this paragraph; provided,
653 however, that the board determines that the doctoral degree is equivalent to a doctoral
654 degree granted by a regionally accredited college or university in the United States.

655 (b) A qualified supervisor shall:

656 (1) Only supervise a clinical activity or nutrition care service for which the qualified
657 supervisor is qualified and authorized to perform;

658 (2) Be licensed in this state if the supervisee is providing medical nutrition therapy to an
659 individual located in this state;

660 (3) Develop and carry out a program for advancing and optimizing the quality of
661 nutrition care services provided by a supervisee; provided, however, that such qualified
662 supervisor and supervisee shall identify and document:

- 663 (A) The goals for such supervised practice experience;
664 (B) The assignment of clinical tasks as appropriate to the supervisee's evolving level
665 of competence;
666 (C) The supervisee's relationship and the amount and type of access to the qualified
667 supervisor; and
668 (D) The process for evaluating the supervisee's performance;
669 (4) Oversee the activities of and authorize and accept responsibility for the nutrition care
670 services rendered by the supervisee;
671 (5) At a minimum, be physically on-site and present where the supervisee is providing
672 nutrition care services or be immediately and continuously available to the supervisee by
673 means of two-way real-time audiovisual technology that allows for the direct,
674 contemporaneous interaction by sight and sound between the qualified supervisor and the
675 supervisee; provided, however, that, if the qualified supervisor assigns to a supervisee a
676 nutrition care service that is to be provided in a setting where the qualified supervisor is
677 not routinely present, such qualified supervisor shall ensure that the means and methods
678 of supervision are adequate to ensure appropriate patient care, which may include
679 synchronous videoconferencing or another method of communication, and oversight that
680 is appropriate to the care setting and the education and experience of the supervisee, as
681 determined by the board by approval, policy, or rule;
682 (6) Review on a regular basis the charts, records, and clinical notes of any supervisee and
683 maintain responsibility for such supervisee's clinical record keeping;
684 (7) Be available to render assistance during the provision of nutrition care services when
685 requested by the patient; provided, however, that, if such qualified supervisor is not
686 available, such qualified supervisor shall arrange for another qualified healthcare provider
687 lawfully able to render nutrition care services to be available; and

688 (8) Limit the assignment of nutrition care services to those services that are within the
 689 training and experience of the supervisee and customary to the practice of the qualified
 690 supervisor."

691

PART II

692

Conforming cross-references

693

SECTION 2-1.

694 The Official Code of Georgia Annotated is amended by replacing "clinical dietitian" and
 695 "dietitian" with "dietitian nutritionist or nutritionist" and by replacing "dietitians" with
 696 "dietitian nutritionists or nutritionists" wherever such terms occur in:

697 (1) Code Section 9-11-9.1, relating to affidavit to accompany charge of professional
 698 malpractice;

699 (2) Code Section 31-2A-14, relating to Georgia Diabetes Control Grant Program, advisory
 700 committee, administration of authorized grant programs, and grant criteria;

701 (3) Code Section 31-8-192, relating to definitions;

702 (4) Code Section 33-20A-3, relating to definitions;

703 (5) Code Section 33-20E-2, relating to application to insurers and definitions;

704 (6) Code Section 33-24-59.27, relating to right to shop for insurance coverage, disclosure
 705 of pricing information, and notice;

706 (7) Code Section 33-39-3, relating to definitions;

707 (8) Code Section 43-1-28, relating to volunteers in health care specialties;

708 (9) Code Section 43-1-33, relating to advertisement, signage, and identifier requirements
 709 for health care practitioners;

710 (10) Code Section 51-2-5.1, relating to relationship between hospital and health care
 711 provider prerequisite to liability, notice regarding independent contractor status, and factors
 712 for consideration in determining status; and

713 (11) Code Section 51-16-1, relating to definitions.

714 **SECTION 2-2.**

715 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
716 is amended by replacing "dietetics" with "nutrition and dietetics" wherever such term occurs
717 in:

718 (1) Code Section 43-1-28, relating to volunteers in health care specialties; and

719 (2) Code Section 43-22A-13, relating to compliance with state and federal regulations.

720 **SECTION 2-3.**

721 Said title is further amended in Code Section 43-34-316, relating to exceptions, by revising
722 paragraph (5) as follows:

723 "(5) Any person using genetic data for purposes of nutritional counseling who is licensed
724 as a dietitian nutritionist or nutritionist under Chapter 11A of this title ~~or exempt from~~
725 ~~such licensure pursuant to paragraph (10) of Code Section 43-11A-18."~~

726 **PART III**

727 *Effective date and repealer provision*

728 **SECTION 3-1.**

729 This Act shall become effective upon its approval by the Governor or upon its becoming law
730 without such approval.

731 **SECTION 3-2.**

732 All laws and parts of laws in conflict with this Act are repealed.