

Chapter 2: RULES FOR LICENSING OF DIETETIC PRACTICE

SUMMARY: This chapter outlines the rules regarding licensure in dietetic practice, including educational requirements, examination requirements, application and licensing procedures, fees, and continuing education requirements. Persons providing services for the State or Federal government through the intermediary of a local agency are exempt from the requirements of this Chapter, except in those instances where they provide services outside of the context of State or Federal employment.

1. Definitions

- A. **Nutrition Assessment.** Nutrition Assessment means a comprehensive process for defining nutrition status using medical, nutrition, and medication intake histories, physical examination, anthropomorphic measurements, and laboratory data.
1. All dietetic technicians shall be supervised by a licensed dietitian while practicing dietetics. The supervising dietitian shall develop criteria and screening tools with reevaluation protocols to determine the individual's nutritional risk.
 2. Dietetic technicians may administer the screening tools and follow the reevaluation protocols as determined by the supervising dietitian.
 3. It is the responsibility of the supervising dietitian to ensure that the supervision is adequate.
- B. **Nutrition Screening.** Nutrition screening means the process of identifying characteristics known to be associated with nutrition problems in order to determine if patients are malnourished or at high nutrition risk for malnourishment. Screening facilitates effective intervention.
1. Screening requiring clinical judgment is a tool used to determine nutritional risk and requires licensure.
 2. Screening not requiring clinical judgment is a tool predicated solely upon quantification and does not require licensure.
- C. **Nutrition Care.** Nutrition care means interventions and counseling of individuals to promote appropriate nutrition intake, based on nutrition assessment and information about food, other sources of nutrients, and meal preparation consistent with the patient's cultural background and socioeconomic status. Nutrition therapy, a component of medical treatment, includes enteral and parenteral nutrition.

- D. **Medical Nutrition Therapy.** Medical Nutrition Therapy involves the assessment of the nutritional status of patients with a condition, illness, or injury that puts them at risk. This includes review and analysis of medical and diet history, laboratory values, and anthropometric measurements. Based on the assessment, nutrition modalities most appropriate to manage the condition or treat the illness or injury are chosen and include the following:

Diet modification and counseling leading to the development of a personal diet plan to achieve nutritional goals and desired health outcomes.

Specialized nutrition therapies including supplementation with medical foods for those unable to obtain adequate nutrients through food intake only; enteral nutrition delivered via tube feeding into the gastrointestinal tract for those unable to ingest or digest food, and parenteral nutrition delivered via intravenous infusion for those unable to absorb nutrients.

2. **Licensure**

- A. A person who practices as a dietitian or dietetic technician in Maine must be licensed with this Board. Any person practicing as a dietitian or a dietetic technician (unless otherwise exempt) without a license will be construed as engaging in "unlicensed practice" and may be subject to referral to the Office of the Attorney General.

B. **Eligibility**

1. **Dietitian**

a. **Educational requirements**

- i. Baccalaureate or higher degree from a U.S. regionally accredited college or university as recognized by the Council on Post Secondary Education. Applicants who have obtained their education outside of the United States and its territories must have their academic degree(s) validated as equivalent to the baccalaureate or masters degree conferred by a regionally accredited college or university in the United States. The Board will accept equivalency validations from U.S. regionally accredited colleges or universities or Board approved agencies specializing in educational credential evaluations; and
- ii. Successful completion of the academic requirements established by the American Dietetic Association (ADA) or the equivalent: a major course of study in human nutrition, food and nutrition dietetics, or food system management.

- b. Experience Requirements
 - i. Successful completion of experience requirements approved by the American Dietetic Association (ADA) or-
 - ii. Equivalent Experience
 - aa. Successful completion of 900 hours of planned continuous clinical experience which shall be acquired in not fewer than 6 months in the field of dietetics; and
 - bb. Experience shall be pre approved by the Board and will be acquired during or within 5 years of completion of the academic requirements and not more than 5 years before the date of licensure application; and
 - cc. Experience must be observed, assessed and verified by a licensed dietitian, a dietitian licensed in another state that has licensure requirements determined by the Board to be equal to the requirements of PL 1987, ch. 313, Section 5, or a dietitian in another state without licensing who is registered by the American Dietetic Association.
- c. Examination Requirements. Successful completion of examination given by the American Dietetic Association or equivalent; i.e., proof of current registration by the American Dietetic Association.
- d. Adherence to established ethical professional standards (Chapter 4, Code of Ethics)

2. Dietetic Technician

- a. Educational requirements
 - i. Graduation from a dietetic technician program approved by the American Dietetic Association or its equivalent; a minimum of an associate degree from a regionally accredited college or university and a major course of study in dietetic technology, nutrition care, food service system management, human nutrition, food and nutrition, or dietetics or a
 - ii. Baccalaureate degree in food and nutrition from a U.S. regionally accredited college or university or its equivalent: a major course of study in human nutrition, food and nutrition dietetics or food systems management.
 - iii. Applicants who have obtained their education outside of the United States and its territories must have their academic degree(s) validated as equivalent to the baccalaureate or masters degree conferred by regionally accredited colleges or universities

in the United States. The board will accept equivalency validations from U.S. regionally accredited colleges or universities or board approved agencies specializing in educational credential evaluations.

- b. Experience Requirements
 - i. The board will approve an appropriate successful work experience of 450 hours acquired in a period of not fewer than 2 months; and
 - ii. The experience will be acquired during or within 5 years of completion of the academic requirements and not more than 5 years before the date of licensure application; and
 - iii. Experience must be observed, assessed and verified by a licensed dietitian, a dietitian licensed in another state that has licensure requirements determined by the Board to be equal to the requirements of PL 1987, ch. 313, Section 5, or a dietitian in another state without licensing who is registered by the American Dietetic Association.
- c. Examination Requirements - Successful completion of the examination given by the American Dietetic Association or equivalent: proof of current registration of the American Dietetic Association.
- d. Adherence to established ethical professional standards, as found in Chapter 4, Code of Ethics.

C. Application

- 1. Initial application
 - a. Application forms may be obtained from the Board Clerk of the Board of Licensing of Dietetic Practice.
 - b. The application and all necessary supporting documents and fees must be filed with the Office of Licensing and Registration before any action can be taken.
 - c. After all necessary supporting materials have been received, the Board will review the application.
 - d. Acceptance of the application by the Board will result in the issuance of a license.
- 2. Renewal
 - a. All licenses expire on December 31 and must be renewed annually.

- b. An application for renewal will be sent to each licensee at least 30 days prior to expiration of the license. This information will be sent to the licensee's last known address. Licensees are responsible for informing the Board of any address change.
 - c. Licensees who have not renewed their licenses within 90 days of the expiration date are then unlicensed and must re-apply as a new applicant as described in C (1) above and pay the appropriate fees. Continuation of practice without a license is a crime (32 MRSA, c. 105, §9906). Cases of unlicensed practice reported to the Board will be referred to the Office of the Attorney General for action.
 - d. Proof of continuing education must be received by September 1.
3. Fees:
- a. A non-refundable application fee: \$25.00
 - b. Initial license fee: \$140.00 (\$70.00 if issued after July1)
 - c. Licensure renewal fee: \$140.00
 - d. Late renewal fee additional: \$10.00
 - e. Temporary license fee: \$100.00
 - f. Reissuance of a license: \$10.00
 - g. Completion of a certification form or letter: \$25.00
4. Out of state applicant
- a. Individuals licensed, certified or registered (without American Dietetic Association registration) in another state whose standards for registration, certification or licensure are equivalent to or greater than those established in 32 M.R.S.A. Sec. 9907 and Board Rules should follow the same procedures outlined above and include a copy of their registration, certification or license as supporting documentation with their application.
 - b. An original written verification of licensure is required from each state where the applicant holds or has held a registration, certification or licensure. The verification document must include the state board seal and be officially signed.
 - c. Applicants who currently hold ADA (American Dietetic Association) registration in good standing will be eligible for consideration for licensure in the State of Maine.

D. Temporary License

1. An applicant who has met all the qualifications for licensure except passing the examination may receive a temporary one year non-renewable license. A permanent license may be issued after the candidate has fulfilled the requirements for permanent licensure, to include submission of an application, verification of having passed the examination and payment of the application and licensing fees. The holder of a temporary license is not required to obtain a permanent license prior to the expiration of the temporary license.
2. Under conditions of extreme hardship, the Board will review an application for renewal of temporary licensure. Requests must be submitted in writing to the Board 15 days before the temporary license expires.

3. Standards of Professional Behavior Established in Practice of Dietetics

A. Professional Identification Procedure

Licensees must identify themselves as a dietitian or dietetic technician while practicing dietetics. Identification must take the form of a:

1. Name tag with the name of the individual and indicating his or her status as a dietitian or dietetic technician; and/or
2. Display of a current license to practice dietetics in a location visible to all.

B. Continuing Professional Education

Continuing Education is an educational experience in the practice of dietetics, which includes but is not limited to clinical, community, administration, research, consultation and education. It is a scheduled activity with a designated leader. There are written prescribed learning goals for the activity. Unscheduled ad hoc gatherings, while often of value, are not creditable for these purposes. All programs submitted for continuing education credits are subject to Board approval. The Board may approve all programs approved by the American Dietetic Association. The reporting deadline for Continuing Education credits is September 1 annually, beginning in the year following the year in which the license was initially issued.

1. Hours Required
 - a. Dietitians must obtain 15 credits annually; a minimum of 4 credits must be obtained from category #1.
 - b. Dietetic technicians must obtain 10 credits annually; a minimum of 4 credits must be obtained from category #1.

2. Categories

a. Category #1 (minimum of 4 credits required annually)

i. Programs

- aa. The programs have a post-program measurement, in the form of a written evaluation, of the quality of the program, of the quality of the speakers and of the program's success in meeting its prescribed learning goals; and
- bb. The program must be at least 4 hours in length; and
- cc. At least 15 people must be present at the program.

ii. College level courses

- aa. These courses must be germane to the profession.
- bb. Hours for these courses may be approved as follows:

	Credit	Audit
1 semester credit	15 hrs.	8 hrs.
1 trimester credit	14 hrs.	7 hrs.
1 quarter credit	10 hrs.	5 hrs.

b. Category #2

- i. Programs, such as grand rounds and journal clubs, which may be informal and need not have a measurement of program goals, the presenter's efforts or the program's quality, but
 - aa. Must be at least one (1) hour in length, and
 - bb. Must have at least four (4) people present.
- ii. Correspondence courses, which are germane to the profession, and which must utilize a study guide, syllabus, bibliography and/or examination.
- iii. Self assessment articles which are germane to the profession, such as audio visual cassette series or articles from professional journals.

c. Category #3 (maximum of 2 credits annually)

Special projects, research, or publications which are germane to the profession.

3. Records, Reporting Forms and Related Procedures

a. Forms: Individual Reporting Forms and Summary Sheets are available from the Board Clerk.

i. Individual Reporting Forms or verifiable records should be maintained for each activity.

aa. Verifiable records include:

Title of program and date
Speakers and their affiliations
Certificate of attendance or copy of program
Category and number of hours claimed
Name of sponsoring or approving agency

bb. This information should be retained by the licensee for at least two (2) years following the activity. The Board may wish to review it.

ii. Summary Sheet

aa. This form summarizes all continuing education activity for the reporting year and includes:

Title of program and date
Sponsor or approving agency
Category and number of credits
Signed, dated statement attesting to the accuracy of the information

bb. This information should be sent to the Board no later than September 1st of the year of license renewal unless the licensee is exempt under B(3)(b)(ii) below.

b. Schedule

i. Continuing Education must be obtained between September 1st of the year of renewal and August 31st of the following year.

ii. In the event of a personal or medical emergency which interferes with a licensee's ability to meet a minimum requirement of hours prior to the deadline, the Board may approve the accumulation of credit hours during the four (4) month period between September 1st and December 31st upon written request to the Board. Credits obtained during the extension period may not be used for meeting requirements for both the preceding and succeeding year.

STATUTORY AUTHORITY: 32 M.R.S.A. Chapter 104, §9904

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AMENDED:

September 21, 1999

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