

# Proposed New Chapters

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

344 BOARD OF LICENSING OF DIETETIC PRACTICE

Chapter 10: DEFINITIONS

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**Summary:** This Chapter provides definitions for applicable terms contained in these rules.

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## SECTION 1. Definitions

As used in the Board's rules, unless the context otherwise indicates, the following terms have the following meanings:

- A. **ACEND.** "ACEND" means the Accreditation Council for Education in Nutrition and Dietetics (formerly known as the Commission on Accreditation for Dietetics Education (CADE) of the American Dietetic Association), which is the independent accrediting agency within the Academy of Nutrition and Dietetics (AND) for education programs preparing students for careers as Registered Dietitian Nutritionists or Nutrition and Dietetic Technicians, Registered.
- B. **AND.** "AND" means the Academy of Nutrition and Dietetics.
- C. **CDR.** "CDR" means the Commission on Dietetic Registration, which is the credentialing agency for the Academy of Nutrition and Dietetics (AND) (formerly known as the American Dietetic Association).
- D. **DTR.** "DTR" means "Dietetic Technician, Registered," a person who holds a dietetic technician, registered credential from the Commission on Dietetic Registration and is authorized to use such title and the corresponding abbreviation "DTR."
- E. **MAND.** "MAND" means the Maine Academy of Nutrition and Dietetics, the state affiliate of AND.
- F. **NDTR.** "NDTR" means "Nutrition and Dietetic Technician, Registered," a person who holds a dietetic technician, registered credential from the Commission on Dietetic Registration, and is authorized to use such title and the corresponding abbreviations "NDTR."
- G. **RD.** "RD" means "Registered Dietitian," a person who holds a registered dietitian credential from the Commission on Dietetic Registration and is authorized to use such title and the corresponding abbreviation "RD."
- H. **RDN.** "RDN" means "Registered Dietician Nutritionist," a person who holds a registered dietitian credential from the Commission on Dietetic Registration and is authorized to use such title and the corresponding abbreviation "RDN."
- I. **Supervision.** "Supervision" means the indirect or direct management of a licensed dietetic technician who aids in the practice of dietetics by a licensed dietitian who may or may not be on the premises.

- J. **Temporary Dietitian.** “Temporary Dietitian” means an applicant who has met all qualifications for eligibility as a licensed dietitian except passing the examination.
- K. **Temporary Dietetic Technician.** “Temporary Dietetic Technician” means an applicant who has met all the qualifications for eligibility as a licensed dietetic technician except passing the examination.

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STATUTORY AUTHORITY: 32 M.R.S. §§ 9904(2), 9914

EFFECTIVE DATE:

**Chapter 11: QUALIFICATIONS FOR LICENSING OF DIETETIC PRACTICE**

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**SUMMARY:** This chapter sets forth the qualifications for the initial licensure of dietitians and dietetic technicians and establishes the requirements for issuance of a temporary license.

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**SECTION 1. Application Process**

An application for licensure under this chapter must be made on forms provided by the board and must be accompanied by the applicable fee or fees prescribed by Chapter 10 of the rules of the Office of Professional and Occupational Regulation. The applicant must also submit, in the form required by the board, satisfactory documentation of all education, training, credentials and supervision required for the license sought, information relating to criminal or disciplinary history of the applicant, and such other information as the board may require.

**SECTION 2. Pathways to Initial Licensure**

A person may not practice dietetics or claim to be a dietitian or dietetic technician unless that person is licensed in accordance with in accordance with the board's laws and rules.

## 1. Dietitian

An applicant may qualify for licensure as a dietitian through one of the following pathways:

## A. CDR Credential

Submit proof of current, valid registration as a Registered Dietitian (RD) or a Registered Dietitian Nutritionist (RDN) issued by the Commission on Dietetic Registration (CDR).

## B. Proof of Education, Experience and Examination

Submit proof of completion of the following education, experience and examination requirements.

## (1) Education requirements

- (a) Baccalaureate or higher degree from an accredited college or university in the United States; and
- (b) Coursework that meets the minimum requirements set forth in 32 M.R.S. § 9907(1)(B) and includes completion of one of the ACEND-accredited programs for nutrition-related coursework.

- (c) 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 bachelor's or master's degree conferred by a U.S. accredited college or university. The Board will accept equivalency validations from a foreign degree evaluation agency approved by CDR.

(2) Supervised Experience Requirements

- (a) Supervised experience that meets the minimum requirements set forth in 32 M.R.S. § 9907(1)(C) and includes either completion of one of the ACEND-accredited programs for supervised practice, or equivalent experience approved by the board.

(3) Examination Requirement

- (a) Passage of the RD examination administered by CDR.

2. Dietetic Technician

An applicant may qualify for licensure as a dietetic technician through one of the following pathways:

A. CDR Credential

Submit proof of current, valid registration as a Dietetic Technician, Registered (DTR) or a Nutrition and Dietetic Technician, Registered (NDTR) issued by the Commission on Dietetic Registration (CDR).

B. Proof of Education, Experience and Examination

Submit proof of completion of the following education, supervised experience and examination requirements.

(1) Education requirements

- (a) Completion of a dietetic technician program accredited by ACEND, or its successor organization; or
- (b) A Bachelor of Science Degree in food and nutrition from an approved four year program.
- (c) 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 associate or bachelor's degree conferred by a U.S. accredited college or university. The board will accept equivalency validations from a foreign degree evaluation agency approved by CDR.

(2) Supervised Experience Requirements

Supervised experience that meets the minimum requirements set forth in 32 M.R.S. § 9907(2)(C). 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 Title 32, Chapter 104 of the Maine Revised Statutes, or a dietitian in another state without licensing who is registered by the CDR.

(3) ACEND Equivalent Pathways

An applicant who has completed an associate degree granted by an accredited university and completed an ACEND Dietetic Technician Program (with a minimum of 450 supervised practice hours) or has completed a bachelor's degree granted by an accredited university and completed an ACEND accredited Didactic Program in Dietetics (DPD) has met the required education and experience requirements.

(4) Examination Requirement

Passage of the DTR examination administered by CDR.

### **SECTION 3. Temporary Licenses**

An applicant who has met all the qualifications for licensure except passing the examination may receive a temporary one year license. A permanent license may be issued after the applicant has fulfilled the requirements for permanent licensure, including submission of an application, verification of having passed the required examination, and payment of required fees. The holder of a temporary license is not required to obtain a permanent license prior to the expiration of the temporary license.

1. Temporary Licensed Dietitian

An applicant may qualify for temporary licensure as a dietitian by submitting proof of completion of the educational and supervised practice requirements as set forth in Section 1(B)(1) and (2) of this Chapter.

2. Temporary Licensed Dietetic Technician

An applicant may qualify for temporary licensure as a dietitian by submitting proof of completion of the educational and supervised practice requirements as set forth in Section 2(B)(1) and (2) or 2(B)(3) of this Chapter.

### **SECTION 4. Standards of Professional Behavior Established in Practice of Dietetics**

1. Professional Identification Procedure

Licenseses must identify themselves as a dietitian or dietetic technician while practicing dietetics. Identification must take the form of any of the following (or any combination):

- A. Name tag with the name of the individual and indicates their status as a dietitian or dietetic technician;
  - B. Display of a current license to practice dietetics in a location visible to all; or
  - C. Name is visible and identifies themselves as a dietitian or dietetic technician while communication via electronic means.
2. Dietetic Technician Standard of Practice

Dietetic technicians may administer screening tools and follow reevaluation protocols, as determined by the supervising dietitian in accordance with Chapter 13 of board rules.

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STATUTORY AUTHORITY: 32 M.R.S. §§ 9904(2), 9907, 9913, 9914

EFFECTIVE DATE:

**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

**344 BOARD OF LICENSING OF DIETETIC PRACTICE**

**Chapter 12: ADVISORY RULINGS**

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**SUMMARY:** This chapter provides for the discretionary issuance of advisory rulings by the board.

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**SECTION 1. Request and Consideration**

Upon written request of any interested person, the board may issue an advisory ruling pursuant to 5 M.R.S. § 9001 with respect to the applicability of any statute or rule it administers. Requests for advisory rulings must set forth in detail all facts pertinent to the question. The board may decline to issue an advisory ruling if the question is hypothetical, if there is insufficient information upon which to base a ruling, or for any other reason the board deems proper.

**SECTION 2. Response**

The board shall acknowledge receipt of a request for an advisory ruling within fifteen (15) days after receipt. The board shall respond to every written request for an advisory ruling within ninety (90) days of its receipt of the request, indicating whether or not a ruling will be issued by the board.

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**STATUTORY AUTHORITY:** 32 M.R.S. § 9904(2); 5 M.R.S. §§ 8051, 9001

**EFFECTIVE DATE:**

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

344 BOARD OF LICENSING OF DIETETIC PRACTICE

Chapter 13: CODE OF ETHICS

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**SUMMARY:** This Chapter adopts a code of ethics for licensed dietitians and dietetic technicians.

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### SECTION 1. Incorporation by Reference; Code of Ethics

The board adopts and hereby incorporates by reference the *Code of Ethics for the Nutrition and Dietetics Profession*, approved by the Academy of Nutrition and Dietetics Board of Directors and the Commission on Dietetic Registration, effective June 1, 2018, (hereinafter “Code of Ethics”). A copy of the 2018 Code of Ethics is available by accessing the Academy of Nutrition and Dietetics at <https://www.eatrightpro.org/practice/code-of-ethics/code-of-ethics-for-the-nutrition-and-dietetics-profession>, or by sending a request for a copy via email to [cdr@eatright.org](mailto:cdr@eatright.org).

### SECTION 2. Compliance

All licensees must comply with the Code of Ethics.

The Code of Ethics reflects the values and ethical principles guiding the profession and sets forth commitments and obligations of the nutrition and dietetics practitioner to the public, clients, the profession, colleagues, and all others to whom they provide service in this State.

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STATUTORY AUTHORITY: 32 M.R.S. § 9904(2)

EFFECTIVE DATE:

**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

**344 BOARD OF LICENSING OF DIETETIC PRACTICE**

**Chapter 14: LICENSE RENEWAL AND CONTINUING EDUCATION REQUIREMENTS;  
REINSTATEMENT**

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**SUMMARY:** This chapter sets forth the requirements for renewing licenses issued by the board, requirements for continuing education, how to qualify for inactive status, and when an applicant can seek reinstatement of a license that has expired for more than 90 days.

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**SECTION 1. License Term**

**1. Dietitian or Dietetic Technician**

Licenses of all dietitians and dietetic technicians expire annually on December 31.

**2. Temporary Licenses**

A temporary license may be issued for a term of one (1) year. If a temporary licensee submits a request for an additional term due to conditions of extreme hardship, the board may renew the license for one additional one (1) year term. Requests must be submitted in writing to the board at least 15 days before the temporary license expires.

**SECTION 2. Requirements for License Renewal**

**1. Generally.** A dietitian or dietetic technician may renew a license by:

- A. Submitting a renewal application;
- B. Remitting the fee set forth in Chapter 10 of the rules of the Office of Professional and Occupational Regulation;
- C. Certifying to completion of the required continuing education as set forth in Section 3 of this Chapter;
- D. For licenses renewed up to 90 days after the date of expiration, remitting the late fee required by Chapter 11 of the rules of the Office of Professional and Occupational Regulation; and
- E. Providing such other information as the board may require.

**SECTION 3. Continuing Education Requirement for Licensed Dietitians and Licensed Dietetic Technicians**

Licensed dietitians and dietetic technicians shall certify at the time of license renewal to compliance with the continuing education requirements set forth in this chapter.

1. **Number of Hours and Content Required**

All activities shall contribute to the advancement, extension, and enhancement of the professional skills or scientific knowledge of the licensee in the practice of dietetics and nutrition services. The reporting period is January 1 of the current year through the December 31 renewal date. Hours completed during the reporting period cannot be carried forward into a subsequent renewal period.

- A. Licensed dietitians shall complete fifteen (15) hours of qualifying continuing education activities during each reporting period as a condition of renewal.
- B. Licensed dietetic technicians shall complete ten (10) hours of continuing education credits during each reporting period as a condition of renewal.

2. **Qualifying Continuing Education Activities**

The following qualifying continuing education activities satisfy the requirements of Section 3(1):

- A. **Recognized sponsored presentation.** At least four (4) of the required hours shall include participation as required at a sponsored presentation offered by any recognized sponsor as set forth in Section 3(3) of this chapter.
- B. **Other qualifying activities.** Other qualifying activities include:
  - (1) Participation as required at a presentation such as a workshop, seminar, conference, or in-service educational program.
  - (2) Academic coursework related to the practice of dietetics, which includes participation in on-site or distance learning academic courses from a university, college, or vocational-technical adult education course.
  - (3) Publications of peer-reviewed books, articles, films, or web-based resources related to practice, management, or education of dietetics.
  - (4) Preparation for teaching a course in dietetics in an accredited program.
  - (5) Preparation for and presenting at a workshop, seminar, conference, or in-service educational program.
  - (6) Pursuit of evidence-based practice by reviewing critically appraised topics for evidence-based literature on practice-related subjects.
  - (7) Research, which includes development or participation in a research project as a primary or assistant investigator in the research project.

- C. **In-person attendance; live, remote, interaction.** For purposes of this chapter, continuing education activities are not required to be held in-person nor required to include live, remote interaction with presenters.

### 3. **Recognized Sponsors**

Licensees may satisfy the requirement of Section 3(2)(A) by completing activities sponsored or approved by the:

- A. Maine Academy of Nutrition and Dietetics (MAND), its successor organization, or a comparable organization;
- B. Commission on Dietetic Registration (CDR), its successor organization, or a comparable organization;
- C. Accreditation Council for Education in Nutrition and Dietetics (ACEND), its successor organization, or a comparable organization;
- D. American Society for Parenteral and Enteral Nutrition (ASPEN), its successor organization, or comparable organization; or
- E. Maine Nutrition Council (MNC), its successor organization, or comparable organization.

### 4. **Audit of Continuing Education**

A licensee's certification of completion of continuing professional education is subject to audit and documentation retention requirements as set forth in Chapter 13 of the rules of the Office of Professional and Occupational Regulation.

### 5. **Failed Audit and Disciplinary Action**

If a continuing education audit shows that the licensee did not fulfill the requirements of this chapter then the licensee shall be notified of the failed audit. A failed audit may result in further investigation and may result in disciplinary action.

### 6. **Deferments, First Renewal, Inactive Status**

- A. **Deferment.** Upon receipt of a written request prior to license expiration, the board may, in its discretion, grant a continuing education deferment to an individual licensed by the board who, because of prolonged illness or other extenuating circumstances, has been unable to meet the continuing education requirements under this chapter.

- B. **First Renewal; General Requirements.** Licensees who renew for the first time must complete one half of the required continuing education credit hours as outlined in this chapter.
- C. **Active to Inactive Status.** To place an active license on inactive status, the licensee must submit a written request to the board attesting that services will not be rendered during the remainder of the license term.

Licensees with an inactive license status are required to renew their licenses to maintain inactive license status, but are not required to complete continuing education credit hours under this chapter.

- 7. **Inactive to Active License Status.** To place an inactive license on active status, the licensee must submit a written request to the Board, documenting evidence of completing continuing education credit hours as outlined below.
  - A. Licensees who hold an inactive license status for a period of less than two (2) years must meet the continuing education requirements as outlined in Section 3(6)(B) for the license they hold under this chapter, to return the license to active status.
  - B. Licensees who hold an inactive license status for a period exceeding two (2) years must meet the continuing education requirements as outlined in Section 3(1) \_\_\_\_ for the license they hold under this chapter, to return the license to active status. \_\_

#### **SECTION 4. Reinstatement**

Any person who submits an application for renewal more than 90 days after the licensing renewal date is subject to all requirements governed by 32 M.R.S. § 9909(1).

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STATUTORY AUTHORITY: 32 M.R.S. §§ 9904(2), 9909, 9910, 9914; 10 M.R.S. § 8003(5-A)(D)(4)-(5)

EFFECTIVE DATE:

# Proposed Repeal of Existing Chapters

~~02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION~~

~~344 STATE BOARD OF LICENSING OF DIETETIC PRACTICE~~

~~Chapter 1: GENERAL INFORMATION~~

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~~SUMMARY: This chapter establishes guidelines relating to meetings, records and advisory rulings.~~

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## ~~1. Board~~

~~The Board was established in Fiscal 1986 in order to recognize the professional qualifications of dietitians and dietetic technicians and to assure the availability to the public of information regarding those who hold themselves out to be dietitians and dietetic technicians.~~

~~A. Quorum. Three members shall constitute a quorum.~~

~~B. Officers. The Board shall elect a chairperson, secretary and a complaint officer who shall serve for (1) year with the privilege of re-election. Officers shall be elected at the annual meeting in September. Newly elected officers shall assume their duties at the next meeting.~~

## ~~2. Meeting Notices~~

~~The Department shall be responsible for distributing meeting notices to the board members and to others as may be requested or required by statute.~~

## ~~3. Meetings and Meeting Agendas~~

~~The Board shall meet at least once each calendar year to conduct its business and to elect a chairperson, secretary and complaint officer. The first meeting of each calendar year shall constitute the annual meeting. Additional meetings may be held as needed to conduct the business of the board and may be convened at the call of the chair or a majority of the board members.~~

~~Agendas shall be prepared by the Department in cooperation with the board chairperson and shall include business requiring consideration or action by the board. Business not included on the agenda may be considered following an affirmative vote of a majority of the board members present at the meeting.~~

## ~~4. Records~~

~~The Department shall maintain a record of all business conducted by the Board and shall preserve, subject to the provisions of 5 M.R.S.A., Chapter 6, all books, documents and papers~~

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entrusted to their care. Records shall be opened to public inspection subject to 1 M.R.S.A., Chapter 13. Delays in making records available for inspection may be occasioned by action necessary to preserve the security of records, to obtain legal advice, or to avoid disrupting regular business activities and for these reasons, it is recommended that requests be submitted three business days in advance of anticipated inspection.

Access to written communication with the Department of the Attorney General, criminal history records, materials relating to license examinations, pending complaints, and other records may be restricted subject to 1 M.R.S.A., Chapter 13 and other applicable laws.

## **5. Advisory Rulings**

### **A. Authority and Scope**

The Board may issue an advisory ruling pursuant to 5 M.R.S.A., §9001 concerning the applicability to an existing factual situation of any statutes or rule it administers. Each request shall be reviewed individually by the Board to determine whether an advisory ruling is appropriate. The Board may, at its discretion, decline the request for an advisory ruling. An advisory ruling is not legally binding upon the Board pursuant to 5 M.R.S.A., §9001 of the Administrative Procedure Act.

### **B. Submission**

A request for an advisory ruling shall be submitted to the Board in writing and shall set forth in detail all facts pertinent to the question. The Board may require the submission of additional information as necessary to complete a factual background for a ruling by the Board.

### **C. Ruling**

An advisory ruling shall be in writing and shall include a statement of facts or assumptions, or both, upon which the ruling is based. The statement, without reference to other documents, shall be sufficiently detailed to apprise the reader of the basis of the opinion. A ruling shall be rendered with the assent of four members of the Board. An advisory ruling shall be signed by the Chairperson of the Board, shall be identified specifically as an advisory ruling, and shall be numbered serially.

### **D. Publication**

An advisory ruling shall be mailed to the requesting party and a copy shall be kept by the Board Administrator. An advisory ruling is a public document and shall be available for public inspection during the normal working hours of the Board. In addition, the Board, as it deems appropriate, may otherwise publish or circulate an advisory ruling.

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STATUTORY AUTHORITY: 32 M.R.S.A., Chapter 105, §9904

EFFECTIVE DATE:

~~January 31, 1988~~

AMENDED:

~~October 29, 1989~~

~~January 28, 1990~~

~~July 1, 1991~~

~~October 23, 1991~~

EFFECTIVE DATE (ELECTRONIC CONVERSION):

~~November 2, 1996~~

REPEALED AND REPLACED:

~~May 24, 1998 — former contents heavily amended and renumbered as Chapter 2~~

Chapter 2: RULES FOR LICENSING OF DIETETIC PRACTICE

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**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.

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**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.~~

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b. Experience Requirements

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i. Successful completion of experience requirements approved by the American Dietetic Association (ADA) or

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ii. Equivalent Experience

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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

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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

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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.

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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.

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d. Adherence to established ethical professional standards (Chapter 4, Code of Ethics)

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2. Dietetic Technician

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a. Educational requirements

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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

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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.

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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.

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2. Categories

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

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i. Programs

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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

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bb. The program must be at least 4 hours in length; and

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cc. At least 15 people must be present at the program.

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ii. College level courses

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aa. These courses must be germane to the profession.

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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.

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b. Category #2

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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

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aa. Must be at least one (1) hour in length, and

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bb. Must have at least four (4) people present.

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ii. Correspondence courses, which are germane to the profession, and which must utilize a study guide, syllabus, bibliography and/or examination.

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iii. Self assessment articles which are germane to the profession, such as audio visual cassette series or articles from professional journals.

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

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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 31<sup>st</sup> 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 1<sup>st</sup> and December 31<sup>st</sup> 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~~

EFFECTIVE DATE:

~~January 31, 1988 (as Chapter 1)~~

AMENDED:

~~October 29, 1989~~

~~January 28, 1990~~

~~July 1, 1991~~

~~October 23, 1991~~

EFFECTIVE DATE (ELECTRONIC CONVERSION):

~~November 2, 1996~~

EFFECTIVE DATE:

~~May 24, 1998 — former Chapter 1 heavily amended and renumbered as Chapter 2.~~

AMENDED:

~~September 21, 1999~~

APAO WORD VERSION CONVERSION (IF NEEDED) AND ACCESSIBILITY CHECK:

~~July 18, 2025~~

Chapter 3: COMPLAINTS AND INVESTIGATIONS

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**SUMMARY:** This Chapter describes the procedure by which complaints and investigations will be handled by the Board.

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**1. Complaints**

Complaints are filed in accordance with procedures established by the Department of Professional and Financial Regulation, Office of Licensing and Registration.

**2. Other Investigations**

An investigation may be conducted based upon information if such information provides prima facie evidence of a violation of 32 M.R.S.A., Chapter 105, or if the information raises a substantial question regarding the qualifications of any applicant or licensee.

**3. Board Member Request for Investigation**

A member of the Board may file a complaint or request an investigation, but such complaint or request shall serve to disqualify that member from participating in the Board's disposition of that complaint. The complaining Board member shall be prohibited from discussing the issue with other members, except as a witness or party to the proceeding, until after final agency action and the time for appeal has lapsed or appeal rights have been exhausted.

**4. Prohibited Communications**

The Board members shall avoid discussing, except with adequate notice and opportunity for all parties to participate, any specific case under investigation, or any case which may reasonably be expected to be the subject of investigations, until after final agency action and the time for filing an appeal has lapsed or appeal remedies have been exhausted, except in accordance with the Standard Complaint Procedure of the Department of Professional and Financial Regulation, Office of Licensing and Registration. This rule shall not be construed to prohibit the Board members from speaking with each other, or from having the advice of agency staff, counsel or consultants retained by the Board who have not participated and will not participate in the proceeding in an advocate capacity. This rule shall not be construed to limit communications regarding matters which have reached final disposition, investigatory procedures in general, inquiries regarding the procedural status of a specific case, or other matters not relating to issues of fact or law concerning a specific case.

STATUTORY AUTHORITY: ~~32 M.R.S.A., Chapter 105, §9904~~

EFFECTIVE DATE:  
~~\_\_\_\_\_~~ May 24, 1998

Chapter 4: CODE OF ETHICS

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**SUMMARY:** This Chapter sets forth rules regarding codes of ethics for licensed dietitians and dietetic technicians.

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**PREAMBLE**

This code is intended to serve as a guide to everyday conduct of members of the dietetic profession and as a basis for the adjudication of issues in ethics when the conduct of dietitians or dietetic technicians is alleged to deviate from the standards expressed or implied in this code. It represents standards of ethical behavior for practitioners in professional relationships with those served, with colleagues, other individuals and professions, and with the community and society as a whole.

1. The licensee provides professional services with objectivity and with respect for the unique needs and values of individuals.
2. The licensee avoids discrimination against other individuals on the basis of race, creed, religion, sex, age and national origin.
3. The licensee fulfills professional commitments in good faith.
4. The licensee conducts him/herself with honesty, integrity, and fairness.
5. The licensee remains free of conflict of interest while fulfilling the objectives and maintaining the integrity of the dietetic profession.
6. The licensee maintains confidentiality of information.
7. The licensee practices dietetics based on scientific principles and current information.
8. The licensee assumes responsibility and accountability for personal competence in practice.
9. The licensee recognizes and exercises professional judgment within the limits of his/her qualifications and seeks counsel or makes referrals as appropriate.
10. The licensee provides sufficient information to enable clients to make their own informed decisions.

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11. The licensee who wishes to inform the public and colleagues of his/her services does so by using factual information. The dietetic practitioner does not advertise in a false or misleading manner.
  12. The licensee promotes or endorses products in a manner that is neither false nor misleading.
  13. The licensee permits use of his/her name for the purpose of certifying that dietetic services have been rendered only if he/she has provided or supervised the provision of those services.
  14. The licensee presents substantiated information and interprets controversial information without personal bias, recognizing that legitimate differences of opinion exist.
  15. The licensee makes all reasonable effort to avoid bias in any kind of professional evaluation. The licensee provides objective evaluation of candidates for professional association memberships, awards, scholarships, or job advancements.
  16. The licensee voluntarily withdraws from professional practice under the following circumstances;
    - A. The licensee has engaged in any substance abuse that could affect his/her practice;
    - B. The licensee has been adjudged by a court to be mentally incompetent;
    - C. The licensee has an emotional or mental disability that affects his/her practice in a manner that could harm the client.
  17. The licensee complies with all applicable laws and regulations concerning the profession. The licensee practitioner is subject to disciplinary action under the following circumstances:
    - A. The licensee has been convicted of a crime under the laws of the United States which is a felony or a misdemeanor, an essential element of which is dishonesty and which is related to the practice of the profession.
    - B. The licensee has been disciplined by a state, and at least one of the grounds for the discipline is the same or substantially equivalent to these principles.
    - C. The licensee has committed an act of misfeasance or malfeasance which is directly related to the practice of the profession as determined by a court of competent jurisdiction, a licensing board, or an agency of a governmental body.
  18. The licensee accepts the obligation to protect society and the profession by upholding the Code of Ethics for the Profession of Dietetics and by reporting alleged violations of the Code through the defined review process of the Maine Board of Licensing of Dietetic Practice.

~~EFFECTIVE DATE:~~

~~\_\_\_\_\_ May 24, 1998~~

~~NON-SUBSTANTIVE CORRECTION:~~

~~\_\_\_\_\_ July 2, 1998 spacing in 16(C).~~

STATE OF MAINE  
DEPARTMENT OF THE SECRETARY OF STATE

**Notice of Agency Rulemaking Proposal**

**AGENCY:** 02-344, Department of Professional and Financial Regulation, Board of Licensing of Dietetic Practice

**CHAPTER NUMBER AND RULE TITLE:** Repeal: Chapter 1: General Information, Chapter 2: Rules for Licensing of Dietetic Practice, Chapter 3: Complaints and Investigations, Chapter 4: Code of Ethics; New: Chapter 10: Definitions, Chapter 11: Qualifications for Licensing of Dietetic Practice, Chapter 12: Advisory Rulings, Chapter 13: Code of Ethics, Chapter 14: License Renewal and Continuing Education Requirements; Reinstatement

**TYPE OF RULE:** Routine Technical

**PROPOSAL FILING NUMBER:**

**BRIEF SUMMARY:** The Board of Licensing of Dietetic Practice is proposing to repeal its current rules and adopt new rule chapters to update terms and definitions, clarify and update licensing and examination requirements, adopt a code of ethics and issue a new rule setting forth the requirements for continuing education and how a licensee can apply for inactive status. Copies of the proposed rules and rulemaking forms can be found at

<https://www.maine.gov/pfr/professionallicensing/professions/board-licensing-dietetic-practice>.

The rulemaking will repeal Chapter 1: General Information, Chapter 2: Rules for Licensing of Dietetic Practice, Chapter 3: Complaints and Investigations, Chapter 4: Code of Ethics. The Board proposes to adopt Chapter 10: Definitions, providing definitions for applicable terms contained in Board rules; Chapter 11: Qualifications for Licensing of Dietetic Practice, setting forth the qualifications for the initial licensure of dietitians and dietetic technicians and establishes the requirements for issuance of a temporary license; Chapter 12: Advisory Rulings, providing for discretionary issuance of advisory rulings by the board; Chapter 13: Code of Ethics, adopting a code of ethics for licensed dietitians and dietetic technicians; and Chapter 14: License Renewal and Continuing Education Requirements; Reinstatement, setting forth the requirements for renewing licenses issued by the board, requirements for continuing education, how to qualify for inactive status, and when an applicant can seek reinstatement of a license that has expired for more than 90 days.

**PUBLIC HEARING:** N/A. Pursuant to 5 M.R.S. § 8052(1) and § 8053(7)(A), a hearing may be requested by five (5) interested persons by submitting a request in writing to the contact person for this filing.

**COMMENT DEADLINE:** Friday, April 17, 2026 at 5:00 p.m. EST. Comments may be submitted in writing: (1) by e-mail to Candice Wright at [Candice.B.Wright@maine.gov](mailto:Candice.B.Wright@maine.gov) or (2) by mail to the Board of Licensing of Dietetic Practice, 35 State House Station, Augusta, ME 04333-0035.

**CONTACT PERSON FOR THIS FILING:**

Candice B. Wright, Regulatory Board Manager  
35 State House Station, Augusta, ME 04333-0035  
207-624-8601  
207-624-8637

TTY users call Maine relay 711

[Candice.B.Wright@maine.gov](mailto:Candice.B.Wright@maine.gov)

**CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT:** N/A

**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES:** N/A  
**STATUTORY AUTHORITY FOR THIS RULE:** 32 M.R.S. §§ 9904(2), 9907, 9909, 9910, 9913, 9914;  
 5 M.R.S. §§ 8051, 9001; 10 M.R.S. § 8003(5-A)(D)(4)-(5)  
**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED:** N/A  
**AGENCY WEBSITE:** <https://www.maine.gov/pfr/professionallicensing/professions/board-licensing-dietetic-practice>  
**EMAIL ADDRESS FOR OVERALL AGENCY RULEMAKING LIAISON:**  
[Candice.B.Wright@maine.gov](mailto:Candice.B.Wright@maine.gov)

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**Choose one of the following:**

*The summary provided above is for publication in both the newspaper and website notices.*

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**Please approve the bottom portion of this form and assign the appropriate AdvantageME number.**

Approved for Payment: \_\_\_\_\_ Date: Click or tap to enter a date.  
 (Authorized Signature)

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014	02A	4240	01	4946	Click or tap here to enter text.			

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**ADDITIONAL INFORMATION FOR THE WEB NOTICE**

**DETAILED SUMMARY:**

Click or tap here to enter text.

STATE OF MAINE  
DEPARTMENT OF THE SECRETARY OF STATE

**Rulemaking Fact Sheet**

(see 5 M.R.S. § 8057-A(1))

**Agency:** 02-344, Department of Professional and Financial Regulation, Board of Licensing of Dietetic Practice

**Name, Address, Telephone Number, and Email Address of Agency Contact Person:**

Candice B. Wright, Regulatory Board Manager  
35 State House Station, Augusta, ME 04333-0035  
207-624-8601, TTY users call Maine relay 711

[Candice.B.Wright@maine.gov](mailto:Candice.B.Wright@maine.gov)

**Chapter Number and Rule Title:** **Repeal: Chapter 1: General Information, Chapter 2: Rules for Licensing of Dietetic Practice, Chapter 3: Complaints and Investigations, Chapter 4: Code of Ethics; New: Chapter 10: Definitions, Chapter 11: Qualifications for Licensing of Dietetic Practice, Chapter 12: Advisory Rulings, Chapter 13: Code of Ethics, Chapter 14: License Renewal and Continuing Education Requirements; Reinstatement**

**Type of Rule:** Routine Technical

**Statutory Authority:** 32 M.R.S. §§ 9904(2), 9907, 9909, 9910, 9913, 9914; 5 M.R.S. §§ 8051, 9001; 10 M.R.S. § 8003(5-A)(D)(4)-(5)

**Public Hearing(s):** N/A. Pursuant to 5 M.R.S. § 8052(1) and § 8053(7)(A), a hearing may be requested by five (5) interested persons by submitting a request in writing to the contact person for this filing.

**Comment Deadline(s):** Friday, April 17, 2026 at 5:00 p.m. EST. Comments may be submitted in writing: (1) by e-mail to Candice Wright at [Candice.B.Wright@maine.gov](mailto:Candice.B.Wright@maine.gov) or (2) by mail to the Board of Licensing of Dietetic Practice, 35 State House Station, Augusta, ME 04333-0035.

**Principal Reason(s) or Purpose for Proposing this Rule:**

The rulemaking will repeal Chapter 1: General Information, Chapter 2: Rules for Licensing of Dietetic Practice, Chapter 3: Complaints and Investigations, Chapter 4: Code of Ethics. The Board proposes to adopt Chapter 10: Definitions, providing definitions for applicable terms contained in Board rules; Chapter 11: Qualifications for Licensing of Dietetic Practice, setting forth the qualifications for the initial licensure of dietitians and dietetic technicians and establishes the requirements for issuance of a temporary license; Chapter 12: Advisory Rulings, providing for discretionary issuance of advisory rulings by the board; Chapter 13: Code of Ethics, adopting a code of ethics for licensed dietitians and dietetic technicians; and Chapter 14: License Renewal and Continuing Education Requirements; Reinstatement, setting forth the requirements for renewing licenses issued by the board, requirements for continuing education, how to qualify for inactive status, and when an applicant can seek reinstatement of a license that has expired for more than 90 days.

**Is Material Incorporated by Reference into the Rule?** Yes

**Analysis and Expected Operation of the Rule:**

It is expected that the rulemaking will repeal the Board's current rules, update terminology and the process for licensure to reflect changes in the profession, as well as update the code of ethics. It is also

anticipated the rulemaking will update the continuing education requirements and clarify requirements for individuals seeking temporary licensure.

**Brief Summary of Relevant Information Considered During Development of the Rule (including up to 3 primary sources relied upon):**

Expertise from board members, information received from the Commission on Dietetic Registration (CDR), and information received from the Accreditation Council for Education in Nutrition and Dietetics (ACEND).

**Estimated Fiscal Impact of the Rule:**

None anticipated.

***FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:***

**Economic Impact, Whether or Not Quantifiable in Monetary Terms [see 5 M.R.S. § 8057-A(2)(A)]:**

Click or tap here to enter text.

**Individuals, Major Interest Groups and Types of Businesses Affected and How They Will Be Affected [see 5 M.R.S. § 8057-A(2)(B)]:**

Click or tap here to enter text.

**Benefits of the Rule [see 5 M.R.S. § 8057-A(2)(C)]:**

Click or tap here to enter text.

*Note: If necessary, additional pages may be used.*