

Title 15 - Mississippi Department of Health

Part III – Office of Health Protection

Subpart 60 – Professional Licensure

CHAPTER 03 REGULATIONS GOVERNING LICENSURE OF DIETITIANS

100 GENERAL

100.01 **Purpose:** The purpose of these regulations is to safeguard the public's health, safety, and welfare by establishing minimum qualifications and creating exclusive titles corresponding to the level of qualifications for individuals who wish to offer dietetic and nutritional services to the public. Further, in order to insure the highest degree of professional conduct by those engaged in offering dietetic and nutritional services to the public, it is the purpose of these regulations to provide and impose disciplinary sanctions, be they civil or criminal, against persons who do not meet or adhere to the procedures, qualifications, and standards set out in the Act and in these regulations.

100.02 **Legal Authority:** The State Board of Health is authorized to establish and enforce these rules and procedures by virtue of the "Mississippi Dietetics Practice Act of 1986," Sections 73-10-1 et seq. of Mississippi Code of 1972, annotated.

100.03 **Definitions:** The following terms shall have the meaning set forth below, unless the context otherwise requires:

1. "Board" shall mean the Mississippi State Board of Health.
2. "Advisory Council" shall mean the Mississippi Council of Advisors in Dietetics.
3. "Association" means the American Dietetic Association (ADA).
4. "Mississippi Association" means the Mississippi Dietetic Association, an affiliate of the American Dietetic Association (MDA).
5. "Commission on Dietetic Registration" (CDR) means the Commission on Dietetic Registration that is a member of the National Commission for Health Certifying Agencies.
6. "Degree" means a degree received from a college or university that was accredited through the Council on Post-secondary Accreditation and the U.S. Department of Education at the time the degree was conferred.

7. "Registered Dietitian" means a person registered by the Commission on Dietetic Registration.
8. "Licensed Dietitian" means a person licensed pursuant to these regulations.
9. "Provisionally Licensed Dietitian" means a person provisionally licensed pursuant to these regulations.
10. "Dietetics Practice" means the integration and application of the principles derived from the sciences of nutrition, biochemistry, food, physiology, management and behavioral and social sciences to achieve and maintain people's health. Dietetic practice includes, but is not limited to:
 - a. Providing medical nutrition therapy.
 - b. Development, administration, evaluation, and consultation regarding nutritional care standards of quality in food services and medical nutrition therapy.
 - c. Providing nutrition counseling in health and disease.
 - d. Developing, implementing and managing nutrition care systems.
 - e. Providing case management services.
11. "Medical nutrition therapy" is a nutritional diagnostic therapy and counseling services for the purpose of disease management. It means the assessment of the nutritional status of patients with a condition, illness, or injury that appropriately requires medical nutrition therapy as part of the treatment. The assessment includes review and analysis of medical and diet history, blood chemistry lab values and anthropometric measurements to determine nutritional status and treatment modalities.
12. Therapy ranges from diet modification and nutrition counseling to administration of specialized nutrition therapies such as intravenous medical nutritional products as determined necessary to manage a condition or treat illness or injury.
13. Administration of specialized nutrition therapies does not include the clinical aspects of insertion of the nasogastric tube, initiation of the intravenous line, nor administration of nutritional feedings/fluids or medications via the intravenous, nasogastric, or gastrostomy route.
14. "Diet modification and nutrition counseling" means intervention and advice in assisting individuals or groups in the development of personal diet plans to achieve appropriate nutritional intake. To develop the diet plan, the dietitian integrates information from the nutritional assessment

with information on food and other sources of nutrients and meal preparation consistent with cultural background and socioeconomic status.

15. "Specialized nutrition therapies" mean medical foods, enteral nutrition delivered via tube, or parenteral nutrition delivered by intravenous infusion.
 16. "Nutrition Educator" shall mean one who communicates scientific nutrition information to individuals and/or groups and who provides information on food sources of nutrients to meet normal nutrition need based on the most current "Recommended Dietary Allowances" of the Food and Nutrition Board, National Academy of Sciences, National Research Council.
 17. "Dietitian" means one engaged in dietetics practice, medical nutrition therapy or nutrition education. The terms dietitian or dietician are used interchangeably in this chapter.
 18. "Direct technical supervision" means the direct, technical supervision by a licensed dietitian, as prescribed in regulations by the Board, of the dietetics practice or medical nutrition therapy provided to an individual and/or group by a provisionally licensed dietitian.
 19. "License" shall mean the document of licensure issued by the Board.
 20. "Department" shall mean the Mississippi Department of Health.
 21. "Examination" shall mean the Registration Examination for Dietitians as administered by the Commission on Dietetic Registration or other examination that the Department may designate.
 22. "Act" shall mean the "Mississippi Dietetics Practice Act of 1986," Sections 73-10-1 et seq. of Mississippi Code of 1972, annotated.
- 100.04 **Publication:** The Department shall make available, upon request and payment of a fee, a list of the names and addresses of all persons licensed by the Department as Dietitians, and a list of all persons whose licenses have been suspended, revoked, denied renewal, put on probationary status, censured, or reprimanded during the current licensure term.

101 MISSISSIPPI COUNCIL OF ADVISORS IN DIETETICS ("COUNCIL")

101.01 **Council Structure and Purpose:** The Council shall consist of seven (7) members as set forth in the enabling statute, for the terms indicated therein, and shall serve under the jurisdiction of the State Board of Health. The purpose of the Council is to serve in an advisory capacity to the Board in matters relating to the administration and interpretation of the enabling statute.

101.02 **Meetings:** The Council shall meet at least twice each year. Additional meetings may be held, at the discretion of the chairman of the Council or of the Board, upon ten (10) day written notice to the Council members. A quorum shall consist of four (4) members of the Council, including the chairman, and shall be necessary for the Council to take action by vote.

102 STATE BOARD OF HEALTH ("BOARD")

102.01 **Responsibilities:** The Board, with the advice of the council, shall:

1. establish licensing and renewal of license criteria for applicants;
2. refer disciplinary actions of any individual engaged in the practice of dietetics to the appropriate government agency for prosecution, whether licensed or otherwise, or, in its discretion, refer same to the appropriate committee or council;
3. conduct disciplinary hearings, upon specified charges, of a licensee; and
4. direct the Department to promulgate and implement rules and procedures to carry out the purpose of the Act.

103 LICENSURE

103.01 **Licensure Requirements:** An applicant for licensure shall submit to the Department, verified by oath, written evidence in form and content satisfactory to the Department that the applicant:

1. has passed an examination as administered by the Commission on Dietetic Registration or other examination as approved by the Department;
2. is in good standing in any other state or jurisdiction where licensed;
3. is of good moral character; and
4. is presently in good standing with the Commission on Dietetic Registration.

103.02 **Provisional License:** The Board may, in its discretion, issue a provisional license for the practice of dietetics for a period of one (1) year, providing the

applicant submits to the Department, verified by oath, in form and content satisfactory to the Department that the applicant:

1. is a resident of the State of Mississippi; and
2. has received a baccalaureate or post-baccalaureate degree from a college or university accredited through the U.S. Department of Education, Office of Postsecondary Education, with a major in dietetics or an equivalent major course of study as approved by the Department; and
3. Submits proof of having successfully completed a planned program of dietetic experience which makes the applicant eligible for registration by the Commission on Dietetic Registration, or its successor organization: and
4. will be practicing only under the direct technical supervision of a dietitian.
5. is of good moral character.
6. In its discretion, and upon application, the Board may renew a provisional license from year to year, not to exceed five (5) years, from the date of the issuance of the original provisional license.

103.03 **Direct Technical Supervision:** Direct technical supervision shall mean a periodic review, by the licensed dietitian on file as the supervisor with the Department, of the practice of the provisional licensee. A review shall be conducted no less than once a month, and shall include a written assessment of the practice of the provisional licensee.

103.04 **Abandonment:** An application shall be deemed abandoned by the Department if, after two years from the date of filing, the requirements for licensing have not been completed and submitted to the Department.

104 PROFESSIONAL PRACTICE AND IDENTIFICATION

104.01 **Practice, Titles and Abbreviation:** It shall be unlawful for any person, corporation or association to, in any manner, represent himself or itself as a dietitian or nutritionist, send out billings as providing services covered in Section 100.03 10, 11, 12, and 13, or use in connection with his or its name, the titles "dietitian" or "nutritionist" or use the letters "LD," "LN" or any other facsimile thereof when he or she is not licensed in accordance with the provisions of these regulations or meets the exemptions set forth in Section 108 herein. Notwithstanding any other provision of these regulations, a dietitian registered by the Commission on Dietetic Registration (CDR) shall have the right to use the title "Registered Dietitian" and the designation "R.D." Registered dietitians must be licensed pursuant to these regulations to practice dietetics or provide medical nutrition therapy.

104.02 **Production and Display of License:** A person issued a license to practice dietetics by the Mississippi State Board of Health shall carry said license at all times and show said license when requested.

105 RENEWAL OF LICENSE

105.01 **General Provisions:**

1. The Board shall issue licenses which, upon expiration of the initial license, shall be renewed biennially.
2. The licensure term for regular licenses shall be construed as April 1 of even numbered years through March 31 of odd numbered years.
3. The Department shall issue provisional licenses which, upon expiration of the initial provisional license, shall be renewed annually.
4. The licensure term for provisional licenses shall be construed as April 1 through March 31.

105.02 **Procedure for Renewal of License:** The Department shall mail notices, at least thirty (30) days prior to the renewal date, to the last home address registered with the Board, to the persons to whom licenses were issued or renewed during the preceding licensure term. The licensee shall:

1. complete the renewal form;
2. submit proof of continuing education credit as detailed in Section 106 of these regulations;
3. enclose the renewal fee; and
4. file the above with the Department prior to the end of the licensure term, which is the expiration date of the license.

105.03 **Failure to Renew:** A licensee who does not file, with the Department, the renewal application within the renewal period will be deemed to have allowed his license to lapse. Said licensee may be reinstated by the Department, in its discretion, by the payment of the renewal fee and a reinstatement fee, provided said application for reinstatement is made within two (2) years of the end of the licensure term. Any license that has lapsed for a full licensure term must, upon re-application, meet the requirements for licensure at the time of the application.

106 CONTINUING EDUCATION

106.01 **Requirements:**

1. Regulations set the requirement for continuing education at thirty (30) clock hours to be accrued during the two year licensure term.
2. For provisional licensees, regulations set the requirement for continuing education at fifteen (15) clock hours to be accrued during the one year provisional licensure term.
3. Licensees registered and in good standing with the Commission on Dietetic Registration may submit proof, in form and content satisfactory to the Department, of having met the continuing education requirements of the CDR in lieu of the provisions of this section.
4. Individuals applying for initial licensure within a licensing term must accrue continuing education hours on a prorated scale. Written notification of required hours will be sent to the applicant at the time of licensure.
5. Persons who fail to accrue the required continuing education hours shall be issued a probationary license for a term of two (2) years or in the case of provisional licensees, for one (1) year. Failure to accrue the required hours will automatically result in the revocation of the license. Hours accrued are first credited for the delinquent hours lacking from the previous licensure period, and then applied to the present licensing period.

Probationary licenses will be issued for one licensure term only. No ensuing license may be probationary as a result of not meeting continuing education requirements.

106.02 **Sources of Continuing Education:** Continuing education hours may be accrued from the following sources:

1. Attendance at Mississippi Dietetic Association (MDA) sponsored meetings, American Dietetic Association (ADA) sponsored meetings, or other meetings approved for continuing education credit by MDA or ADA.
2. Presentations made before dietitians, medical practitioners, or other health related professionals and directly related to the profession of dietetics. To be considered for continuing education credit, material outline and a synopsis must be submitted to the Department at least sixty (60) days prior to the presentation date. Notice of approval or disapproval will be sent following a review by the council. For approved presentations, the presenter may accrue one (1) hour of continuing education credit for each hour of the actual presentation, and one (1) hour of preparation time, for a total of (2) two hours. Presenter credit is given one (1) time only, even though the session may be presented multiple times. No more than 30% of total required hours may be accrued through presentations.

Presentations approved by the MDA, whether prior to or subsequent to the presentation, will be accepted for continuing education credit.

3. Academic course work taken from a regionally accredited college or university for credit or with a grade of at least a C. The courses must relate to the profession of dietetics. Courses in supporting fields must have prior approval of the Department. One academic semester hour shall be equivalent to fifteen (15) clock hours for continuing education credit. No more than fifty percent (50%) of total required hours may be accrued through academic course work.

106.03 **Reporting Procedures for Continuing Education:** It is the responsibility of the licensee to insure that the following criteria are met with respect to continuing education credit:

1. Attendance at seminars, workshops, presentations, etc., approved by the MDA and ADA are automatically accepted for credit unless sessions are duplicated. Verification of attendance may be made by a roster signed by the program chairman, submission of a continuing education certificate, or a continuing education reporting form signed by the program chairman.
2. Presentation credits will be accrued when cited on the continuing education form and accompanied by a copy of the program listing the presentation, and a copy of the prior letter of approval from the council.
3. Academic course work credits to be accrued must meet the content criteria in Sections 106.03, be cited by title on the continuing education form, and must be accompanied by a course description from the college or university catalog and a copy of the transcript or final grade report.

107 **REVOCATION, SUSPENSION, AND DENIAL OF LICENSE**

107.01 **Standards of Conduct:** Licensees may, at the discretion of the Board, have their license suspended, revoked, or denied at the time of renewal if the Board determines that the licensee:

1. Is guilty of fraud, misrepresentation, concealment of material facts, or deceit in procuring or attempting to procure a license or renewal of a license to practice dietetics.
2. Is unfit or incompetent by reason of negligence, habits, or other causes of incompetency.
3. Is habitually intemperate in the use of alcoholic beverage.
4. Is addicted to, or has improperly obtained, possessed, used or distributed habit-forming drugs or narcotics.

5. Is guilty of dishonest or unethical conduct.
6. Is in violation of the Code of Ethics of the American Dietetic Association.
7. Has practiced dietetics after his license has expired or has been suspended.
8. Has practiced dietetics under cover of any permit or license illegally or fraudulently obtained or issued.
9. Has violated, aided, or abetted others in violation of any provision of these regulations, rules of the Board or Department, or the Act.
10. Is convicted of a crime in any court other than a misdemeanor.
11. Has engaged in any conduct considered by the Board to be detrimental to the profession of dietetics.

107.02 **Summary Suspension:** The Board may summarily suspend a license without a hearing, simultaneously with the filing of a formal complaint and notice of hearing, if the Board determines that:

1. The health, safety, or welfare of the general public is in immediate danger; or
2. The licensee's physical capacity to practice his profession is in issue; or
3. The licensee's mental capacity to practice his profession is in issue.

107.03 **Complaints:** All complaints concerning a licensee shall be reviewed by the Department to determine what action, if any, shall be initiated.

107.04 **Notice of Charges and Hearing:**

1. Following the investigative process, the Department may file formal charges against the licensee. Such formal complaint shall, at a minimum, inform the licensee of the facts which are the basis of the charge and which are specific enough to enable the licensee to defend against the charges.
2. Each licensee, whose conduct is the subject of a formal charge which seeks to impose disciplinary action against the licensee, shall be served notice of the formal charge at least fifteen (15) days before the date of hearing. A hearing shall be presided over by the Board or the Board's designee. Service shall be considered to have been given if the notice was personally received by the licensee, or the notice was mailed certified, return receipt requested, to the licensee at the licensee's last known home address as listed with the state agency.

3. The notice of the formal hearing shall consist at a minimum of the following information:
 - a. The time, place and date of hearing;
 - b. That the licensee shall appear personally at the hearing and may be represented by counsel;
 - c. That the licensee shall have the right to produce witnesses and evidence in the licensee's behalf and shall have the right to cross-examine adverse witnesses and evidence;
 - d. That the hearing could result in disciplinary action being taken against the licensee's license;
 - e. That rules for the conduct of these hearings exist and it may be in the licensee's best interest to obtain a copy; and
 - f. That the Board, or its designee, shall preside at the hearing and following the conclusion of the hearing shall make findings of facts, conclusions of law and recommendations, separately stated, to the Board as to what disciplinary action, if any, should be imposed on the licensee.
4. The Board or its designee shall hear evidence produced in support of the formal charges and contrary evidence produced by the licensee. At the conclusion of the hearing, the Board shall issue an order, within sixty (60) days.
5. Disposition of any complaints may be made by consent order or stipulation between the Board and the licensee.
6. All proceedings pursuant to this section are matters of public record and shall be preserved pursuant to state law.

107.05 **Board Sanctions:** The Board may impose any of the following sanctions, singly or in combination, when it finds that a licensee is guilty of any of the above offenses:

1. Revocation of the license;
2. Suspension of the license, for any period of time;
3. Censure the licensee;
4. Issue a letter of reprimand to the licensee;

5. Place a license on probationary status and require the licensee to submit to any of the following:
 - a. report regularly to the Board upon matters which are the basis of probation;
 - b. continue to renew professional education until a satisfactory degree of skill has been attained in those areas which are the basis of probation; or
 - c. such other reasonable requirements or restrictions as are proper;
 - d. Refuse to renew a license; or
 - e. Impose a cost assessment; or
 - f. Revoke probation which has been granted and impose any other disciplinary action in this subsection when the requirements of probation have not been fulfilled or have been violated.

107.06 **Appeal:** Any person aggrieved by a decision of the Board shall have a right of appeal in the manner provided for in the Act and the Laws of the State of Mississippi.

108 **EXCEPTIONS AND EXEMPTIONS**

108.01 **Exceptions:** No person shall engage in the practice of dietetics or represent himself to be a dietitian unless he is licensed by the Board, except as otherwise provided in this section.

1. A student enrolled in an approved academic program in dietetics, if such practice constitutes a part of a supervised course of study, and if the student is designated by a title which clearly indicated his or her status as a student or trainee.
2. A registered dietitian who is serving in the Armed Forces or the Public Health Service of the United States or is employed by the Veteran Affairs provided such practice is related to such service or employment.
3. Any person providing dietetic services, including but not limited to dietetic technicians, dietetic assistants, and dietary managers, working under the direct technical supervision of a licensed dietitian, except that such persons may not use the title "dietitian" or "nutritionist."
4. Persons licensed or registered to practice the health professions when covered under the scope of practice of his or her profession, except that such persons may not use the title "dietitian" or "nutritionist."

5. Persons who perform the activities and services of a nutrition educator in the employ of a federal, state, county or municipal agency, or another political subdivision, or a chartered elementary or secondary school or accredited degree-granting educational institution insofar as such activities and services are part of a salaried position except that such persons may not use the title "dietitian" or "nutritionist."
6. Federal, state, county or local employees involved with programs providing the services of nutrition educator that help to prevent disease and maintain good nutritional health, including but not limited to the Cooperative Extension Service, the Child Nutrition Program, and Project Head Start, except that such persons may not use the title "dietitian" or "nutritionist."
7. Individuals who do not hold themselves out to be dietitians from marketing or distributing food products including dietary supplements as defined by the Food and Drug Administration or from engaging in the explanation and education of customers regarding the use of such products, except that such persons may not use the title "dietitian" or "nutritionist."
8. Any person from furnishing general nutrition information as to the use of food, food materials, or dietary supplements, nor prevent in any way the free dissemination of literature; provided, however, no such individual may call themselves a dietitian or nutritionist unless they are licensed under this chapter by the Department pursuant to these regulations.
9. A nonresident dietitian may practice dietetics in Mississippi for five (5) days with other state's licensure or with registration with the American Dietetics Association.

109 CRIMINAL OFFENSES AND PUNISHMENT

109.01 **Offenses:** Any person who violates any provision of the Act, or these regulations promulgated thereto shall, upon conviction thereof, be guilty of a misdemeanor.

109.02 **Punishment:** Such misdemeanor shall, upon conviction, be punishable by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment for not more than six (6) months or by both fine and imprisonment for each offense.

110 FEES

110.01 **Method of Payment:** In accordance with the enabling statute, the following fees, where applicable, are payable to the State Board of Health by certified check, cashiers check, or money order. Fees paid are non-refundable.

110.02 **Schedule of Fees:**

1. Initial Licensure Fee - \$100.00
2. Renewal Fee - \$100.00
3. Provisional License Fee - \$50.00
4. Provisional License Renewal Fee - \$50.00
5. Provisional License Upgrade Fee - \$50.00
6. Reinstatement Fee - \$200.00
7. Replacement Fee - \$50.00
8. License Verification Fee - \$25.00

110.03 **Examination Fee:** Fees for examination are to be paid directly to the appropriate testing organization.

111 **ADMINISTRATIVE GRIEVANCE PROCEDURE**

111.01 **Administrative Appeals:** All persons aggrieved by a decision regarding the initial application for licensure or the renewal of licensure shall have the right of administrative appeal and a hearing to be conducted according to the policy of the Department of Health.

111.02 **Notification:** Written notice will be provided to all applicants regarding denial of an original license or a renewal license. Such notice shall contain the reason thereof and shall offer the applicant an opportunity to submit additional information pertinent to their application for a second review by the Department.

111.03 **Hearing:**

1. If requested in writing within the specified time frame a hearing will be provided in which the applicant may show cause why the license should be granted or renewed.
2. Within sixty (60) days of the hearing, or other such time frame as determined during the hearing, written findings of fact, together with a recommendation for action on the license in question, shall be forwarded to the State Health Officer. The State Health Officer shall decide what action will be taken on the recommendation within five days of its receipt. Written notice shall be provided to the applicant.

CERTIFICATION OF REGULATION

This is to certify that the above **Regulations Governing Licensure of Dietitians** was adopted by the Mississippi State Board of Health on April 10, 2002 to become effective May 10, 2002.

Brian W. Amy, MD, MHA, MPH
Secretary and Executive Officer