SENATE BILL NO. 614

July 27, 2021, Introduced by Senators MACDONALD, BIZON, WOJNO, MOSS and VANDERWALL and referred to the Committee on Health Policy and Human Services.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16101, 16141, and 16145 (MCL 333.16101, 333.16141, and 333.16145), sections 16141 and 16145 as amended by 1993 PA 80, and by adding section 16346 and part 183A.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 16101. (1) For purposes of this article, the words and phrases defined in sections 16102-16103 to 16109-16109a have the meanings ascribed to them in those sections unless the context
requires a different meaning.

(2) In addition article 1 contains general definitions and principles of construction applicable to all articles in this code.

Sec. 16141. (1) The department shall furnish office services to the committee, the boards, and the task forces; have charge of their offices, records, and money collected; and perform managerial and administrative functions for them.

(2) The department shall appoint administrative and secretarial staff, clerks, and employees necessary to allow the proper exercise of the powers and duties of the committee, a board, or a task force. Salaries and other expenses incurred by the committee, a board, or a task force and staff and expenses for studies and activities authorized under this article shall must be paid out of funds appropriated by the legislature for those purposes.

(3) The department may promulgate rules to promote the effective and consistent administration of this article. However, except as provided in a specific part of this article, the department shall not promulgate rules that constitute the licensure, registration, or examination of health professionals.

Sec. 16145. (1) A board may adopt and have an official seal.

(2) A board or task force may promulgate rules necessary or appropriate to fulfill its functions as prescribed in this article.

(3) Except as provided in a specific part of this article, only a board or task force shall promulgate rules to specify requirements for licenses, registrations, renewals, examinations, and required passing scores.

Sec. 16346. Fees for an individual licensed or seeking
licensure as a dietitian nutritionist or nutritionist under part 183A are as follows:

(a) Application processing fee.............. $ 20.00
(b) License fee, per year................... $ 75.00
(c) Temporary license fee, per year........ $ 75.00

PART 183A. DIETETICS AND NUTRITION

Sec. 18351. (1) As used in this part:

(a) "Appropriate supervision" means a specific type, intensity, and frequency of oversight as provided in rules promulgated under section 18359a.

(b) "Dietitian nutritionist" means an individual who is licensed as a dietitian nutritionist under section 18357(1)(a) or (4).

(c) "General nonmedical nutrition information" means information on any of the following:

(i) Principles of human nutrition and food preparation.
(ii) Principles of self-care and a healthy relationship with food.
(iii) The essential nutrients needed by the human body.
(iv) The recommended amounts of essential nutrients in the human body.
(v) The actions of nutrients in the human body.
(vi) The effects of deficiencies or excesses of nutrients in the human body.
(vii) Foods, herbs, and dietary supplements that are good sources of essential nutrients in the human body.

(d) "Medical nutrition therapy" means the use of nutrition care services, including any of the following, for the treatment or management of diseases or medical conditions:
(i) Interpreting anthropometric, biochemical, clinical, and dietary data in acute and chronic disease states and recommending or ordering nutrient needs based on dietary data, including tube feedings and parenteral nutrition.

(ii) Food and nutrient counseling, including counseling on food and prescription drug interactions.

(iii) Developing and managing food service operations for the management or treatment of diseases or medical conditions, including operations with the primary function of nutrition care or recommending, ordering, or providing therapeutic diets.

(e) "Medical weight control" means medical nutrition therapy for the purpose of reducing, maintaining, or gaining weight.

(f) "Nutrition assessment" means the ongoing, dynamic, and systematic process of obtaining, verifying, and interpreting biochemical, anthropometric, physical, nutrigenomic, and dietary data to make decisions about the nature and cause of nutrition-related problems and making recommendations, including recommendations on enteral and parenteral nutrition. The collection of data does not, by itself, constitute nutrition assessment.

(g) "Nutrition care services" means the provision of any part or all of the following services within a systematic process:

(i) Assessing and evaluating the nutritional needs of individuals and groups and determining resources and constraints in the practice setting, including ordering laboratory tests to check and track nutrition status, creating dietary plans and orders, and monitoring the effectiveness thereof.

(ii) Establishing priorities, goals, and objectives that meet nutritional needs and that are consistent with available resources and constraints.
(iii) Providing nutrition counseling in health and disease.

(iv) Developing, implementing, and managing nutrition care systems.

(v) Evaluating, making changes in, and maintaining appropriate standards of quality in food and nutrition services.

(vi) Ordering therapeutic diets.

(h) "Nutrition counseling" means a supportive process, characterized by a collaborative counselor-patient relationship with individuals or groups, to establish food and nutrition priorities, goals, and individualized action plans and general physical activity guidance that acknowledge and foster responsibility for self-care to treat or manage an existing disease or medical condition or to promote health and wellness.

(i) "Nutrition diagnosis" means identifying and labeling nutritional problems managed and treated by a dietitian nutritionist or nutritionist. Nutrition diagnosis does not include the medical differential diagnosis of the health status of an individual.

(j) "Nutrition intervention" means purposefully planned action and nutrition counseling that is intended to positively change a nutrition-related behavior, risk factor, environmental condition, or aspect of the health status for an individual.

(k) "Nutrition monitoring and evaluation" means identifying patient outcomes relevant to nutrition diagnosis and comparing the outcomes with the patient's previous health status, intervention goals, or reference standards to determine the progress made in achieving desired outcomes of nutrition care and whether planned interventions should be continued or revised.

(l) "Nutritionist" means an individual who is licensed as a
nutritionist under section 18357(1)(b).

(m) "Patient" means an individual recipient of medical nutrition therapy, whether in the outpatient, inpatient, or nonclinical setting.

(n) "Practice of dietetics and nutrition" means the integration and application of scientific principles derived from the study of food, nutrition, biochemistry, metabolism, nutrigenomics, physiology, food systems and management, and from behavioral and social sciences in achieving and maintaining health throughout the lifespan and in providing nutrition care services, including medical nutrition therapy, for the prevention, management, and treatment of diseases or medical conditions. Practice of dietetics and nutrition does not include the medical differential diagnosis of the health status of an individual but does include each of the following:

(i) Nutrition assessment.
(ii) Nutrition diagnosis.
(iii) Nutrition support.
(iv) Dietary and nutrition counseling and education.
(v) Nutrition intervention.
(vi) Nutrition monitoring and evaluation.
(vii) Development and administration of nutrition care standards and systems.

(o) "Registered dietitian" or "registered dietitian nutritionist" means an individual who is credentialed by the Commission on Dietetic Registration as a registered dietitian nutritionist or a registered dietitian.

(p) "Qualified supervisor" means an individual meeting the requirements described in section 18360.
(q) "Therapeutic diet" means a diet intervention prescribed by a physician, or another health professional licensed under this article, that provides food or nutrients via oral, enteral, and parenteral routes as part of treatment of a disease or clinical condition to modify, eliminate, decrease, or increase identified micronutrients and macronutrients in the diet, or to provide mechanically altered food when indicated.

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

(2) In addition to the definitions in this part, article 1 contains general definitions and principles of construction applicable to all articles in this code and part 161 contains definitions applicable to this part.

Sec. 18353. (1) Beginning 1 year after the effective date of the amendatory act that added this part, an individual shall not engage in the provision of medical nutrition therapy unless the individual is licensed or otherwise authorized under this article.

(2) Subject to this subsection, beginning 1 year after the effective date of the amendatory act that added this part, the following words, titles, or letters or a combination of the following words, titles, or letters, with or without qualifying words or phrases, are restricted in use only to a licensee:

"dietitian nutritionist", "nutritionist", "dietitian", "dietician", "nutrition counselor", "nutrition specialist", "l.d.n.", "l.d.", "l.n.", "nutritional therapy consultant", "certified nutrition therapy practitioner", "master nutrition therapist", "licensed dietitian nutritionist", "licensed nutritionist", or any other
words, titles, or letters indicating that an individual provides medical nutrition therapy. Only an individual who is licensed as a nutritionist may use the words "licensed nutritionist" or the letters "l.n." in connection with his or her name. However, a dietitian nutritionist may hold himself or herself out as and use the word "nutritionist" in connection with his or her name. An individual may use any lawfully earned federally trademarked title, and the following individuals may use the following words, titles, or letters:

(a) An individual who is registered by the Commission on Dietetic Registration may use "registered dietitian", "registered dietitian nutritionist", "r.d.", or "r.d.n.".

(b) An individual who is certified by the Board for Certification of Nutrition Specialists may use "certified nutrition specialist" or "c.n.s.".

(3) Subsection (1) does not prevent any of the following:

(a) A physician or other individual licensed under any other part or any other act from performing activities that are considered the practice of dietetics and nutrition if those activities are within the individual's scope of practice and the individual does not use the titles protected under subsection (2).

(b) An individual from doing any of the following if the individual does not use the titles protected under subsection (2):

(i) Furnishing general nonmedical nutrition information.

(ii) Providing evaluation, guidance, information, and education on the use of food, food materials, or dietary supplements.

(iii) Providing explanations to individuals or groups about food or food products, including dietary supplements.

(c) An individual from providing medical weight control for
prediabetes or obesity to individuals under a program of instruction that is approved by 1 of the following:

(i) A dietitian nutritionist or nutritionist licensed under this article or licensed by another state that has licensing requirements substantially equivalent to those in this state, as determined by the department in consultation with the board.

(ii) A registered dietitian or an individual certified by the Board for Certification of Nutrition Specialists as a certified nutrition specialist.

(iii) A health professional licensed under this article whose scope of practice otherwise authorizes him or her to provide nutrition care services for the treatment or management of a disease or medical condition and for which the medical weight control is being provided.

(d) An individual from providing delegated medical weight control services under a plan of care that is overseen by a health professional licensed under this article whose scope of practice otherwise authorizes him or her to provide and delegate nutrition care services for the treatment or management of a disease or medical condition for which medical weight control is being provided.

(e) An individual from providing nutrition care services under the appropriate supervision of another health professional licensed under this article whose scope of practice authorizes him or her to provide nutrition care services for the treatment or management of a disease or medical condition.

(f) An individual from providing general nonmedical nutrition information, guidance, encouragement, individualized nutrition recommendations, behavior change management, coaching, assessments,
services for weight management, or nutrition care services that do
not constitute medical nutrition therapy, if the individual does
not use the titles protected under subsection (2) or otherwise hold
himself or herself out as a dietitian nutritionist, as a
nutritionist, or as a provider of medical nutrition therapy, or
otherwise violates this act.

(g) Notwithstanding section 16171(a), an individual who is
pursuing the educational requirements described in section
18357(1)(a) or (b) from providing medical nutrition therapy, but
only if all of the following apply:
   (i) The individual is providing medical nutrition therapy as
       part of a course of study.
   (ii) The individual does not engage in the unrestricted
       practice of medical nutrition therapy.
       (iii) The medical nutrition therapy is provided under the
            appropriate supervision of a qualified supervisor.
       (iv) The individual is designated by a title that clearly
            indicates the individual's status as a student, trainee, or
            supervisee.

(h) An individual from fulfilling supervised practice
experience requirements to qualify for licensure as a dietitian
nutritionist or nutritionist under this part but only if all of the
following apply:
   (i) The individual does not engage in the unrestricted practice
       of medical nutrition therapy.
   (ii) The individual is designated by a title that clearly
       indicates the individual's status as a student, trainee, or
       supervisee.
   (iii) The individual is appropriately supervised by a qualified
supervisor who agrees to assume full legal responsibility for the work of the individual by verifying the work, directing the work, and authorizing the work.

Sec. 18355. (1) The Michigan board of dietetics and nutrition is created in the department and consists of the following voting members, each of whom must meet the requirements of part 161:

(a) Four dietitian nutritionists. Notwithstanding section 16135, a member first appointed under this subdivision must be a registered dietitian nutritionist and not be eligible for certification by the Board for Certification of Nutrition Specialists or the American Clinical Board of Nutrition.

(b) Two nutritionists. Notwithstanding section 16135, a member first appointed under this subdivision must be credentialed by the Board for Certification of Nutrition Specialists or as a diplomate of the American Clinical Board of Nutrition by the American Clinical Board of Nutrition and not be eligible for credentialing as a registered dietitian nutritionist by the Commission on Dietetic Registration.

(c) One public member.

(2) The terms of office of individual members of the board created under this part, except those appointed to fill vacancies, expire 4 years after appointment on June 30 of the year in which the term expires.

(3) The chairperson and vice-chairperson of the board must be elected in the manner described in section 16139 except that the positions shall rotate as follows:

(a) The chairperson must rotate annually between 1 of the following:

(i) A member who is credentialed as a registered dietitian
nutritionist with the Commission on Dietetic Registration who is not eligible for certification by the Board for Certification of Nutrition Specialists or the American Clinical Board of Nutrition.

(ii) A member who is credentialed by the Board for Certification of Nutrition Specialists or the American Clinical Board of Nutrition who is not eligible for credentialing as a registered dietitian nutritionist by the Commission on Dietetic Registration.

(b) The vice-chairperson shall rotate annually between 1 of the following:

(i) If the chairperson meets the requirements described in subdivision (a)(i), the vice-chairperson must meet the requirements described in subdivision (a)(ii).

(ii) If the chairperson meets the requirements described in subdivision (a)(ii), the vice-chairperson must meet the requirements described in subdivision (a)(i).

Sec. 18357. (1) An individual who is granted a license under this part shall meet 1 of the following:

(a) Except as otherwise provided in subsection (4) and subject to section 18359, if the individual is seeking a license as a dietitian nutritionist, meet all of the following requirements:

(i) Hold a baccalaureate, master's, or doctoral degree from a college or university located in this state or another state that, at the time of graduation, was accredited in good standing by a United States institutional accrediting body for higher education recognized by the United States Department of Education, and is approved by the department in consultation with the board, or hold from a foreign educational institution an academic degree that is validated as equivalent by a credential evaluation agency.
recognized by the United States Department of Education and is
approved by the department in consultation with the board.

(ii) Have successfully completed a major course of study in
human nutrition, dietetics, foods and nutrition, food systems
management, or an equivalent course of study, as approved by the
department in consultation with the board, fulfilling the didactic
requirements of a program in dietetics accredited by the
Accreditation Council for Education in Nutrition and Dietetics.

(iii) Have successfully completed a planned, documented
supervised practice experience in the practice of dietetics and
nutrition fulfilling the competency requirements of a program in
dietetics that is accredited by the Accreditation Council for
Education in Nutrition and Dietetics. The practice experience
described in this subparagraph must include at least 1,000 hours
under the supervision of a dietitian nutritionist or a registered
dietitian nutritionist.

(iv) Have successfully completed an examination for dietitian
nutritionists administered by the Commission on Dietetic
Registration.

(b) Except as otherwise provided in section 18357a, if the
individual is seeking a license as a nutritionist, meet all of the
following requirements:

(i) Hold 1 of the following:

(A) A master's degree or doctoral degree from a United States
regionally accredited institution of higher education approved by
the department in consultation with the board, or a degree from an
educational institution in another country that the department in
consultation with the board determines is substantially equivalent
to the master's or doctoral degree described in this sub-
subparagraph, with a major course of study in human nutrition, foods and nutrition, community nutrition, public health nutrition, nutrition education, nutrition, nutrition science, clinical nutrition, applied clinical nutrition, nutrition counseling, nutrition and functional medicine, nutritional biochemistry, nutrition and integrative health, or an equivalent course of study, as approved by the department in consultation with the board.

(B) A master's degree or doctoral degree in a field of clinical health care with a major course of study in nutrition with at least 3 years of clinical nutrition experience, as approved by the department in consultation with the board.

(ii) As part of the educational requirements described in subparagraph (i), have completed coursework leading to competence in medical nutrition therapy, which includes, but may not be limited to, the following content areas:

(A) Fifteen semester hours of clinical or life sciences, at least 3 of which are in human anatomy and physiology or its equivalent, as determined by the department in consultation with the board.

(B) Fifteen semester hours of nutrition and metabolism, at least 6 of which are in biochemistry or its equivalent, as determined by the department in consultation with the board.

(iii) Have completed a documented, supervised practice experience demonstrating competence in nutrition care services and the provision of medical nutrition therapy of at least 1,000 hours, at least 200 hours of which are in nutrition assessment, at least 200 hours of which are in nutrition intervention, education, counseling, or management, and at least 200 hours of which are in nutrition monitoring and evaluation. The supervised practice
experience must be approved by the department in consultation with the board. The supervised practice experience must be completed under a qualified supervisor.

(iv) Have successfully completed the examination from the Board for Certification of Nutrition Specialists or an equivalent examination dealing with all aspects of the practice of dietetics and nutrition that is approved by the board, or, at the time of application, hold a certification as a Certified Nutrition Specialist or "c.n.s." from the Board for Certification of Nutrition Specialists.

(2) The department in consultation with the board shall automatically approve an academic program described in subsection (1)(a)(i) or an applicant's supervised practice experience described in subsection (1)(a)(iii) if the applicant's supervised practice experience is accredited by the Accreditation Council for Education in Nutrition and Dietetics.

(3) Any supervised practice experience described in subsection (1)(a)(iii) or (b)(iii) undertaken after 1 year after the effective date of the amendatory act that added this subsection must be under the supervision of an individual licensed in this state if the individual is supervising an applicant who is providing medical nutrition therapy to an individual located in this state.

(4) An individual who, on the day before the effective date of the amendatory act that added this part, has the credential conferred by the Commission on Dietetic Registration as a registered dietitian nutritionist, is eligible for licensure as a dietitian nutritionist under this part. An individual who meets the requirements of this subsection and who maintains the credential conferred by the Commission on Dietetic Registration or a successor
credential conferred by its successor organization shall first
apply for a license on or before the expiration of 2 years after
the effective date of the rules promulgated under this part. An
individual who obtains a license under this subsection is eligible
for renewal of that license if he or she continues to meet the
requirements of this subsection.

Sec. 18357a. For a period of 1 year after the effective date
of the amendatory act that added this part, an individual may be
granted a license as a nutritionist under this part if the
individual meets all of the following requirements:

(a) The individual presents satisfactory evidence to the board
that he or she has received a baccalaureate or higher academic
degree from a United States regionally accredited institution of
higher education approved by the department in consultation with
the board, with at least 30 credit hours, or a major course of
study, in human nutrition, foods and nutrition, food systems
management, nutritional science, nutritional education, community
nutrition, public health nutrition, nutrition education, nutrition,
nutrition science, clinical nutrition, applied clinical nutrition,
nutrition counseling, nutrition and functional medicine,
nutritional biochemistry, nutrition and integrative health, or an
equivalent course of study leading to competence in medical
nutrition therapy, as approved by the department in consultation
with the board. A major course of study described in this
subdivision must lead to competence in the provision of medical
nutrition therapy as approved by the department in consultation
with the board.

(b) The individual has been employed or self-employed at least
half-time to provide nutrition care services for the treatment or
management of a diagnosed disease or medical condition for 3 of the
5 years immediately preceding the effective date of the amendatory
act that added this part.

(c) The individual has been a resident of this state providing
medical nutrition therapy to residents of this state without
supervision for at least 6 months immediately preceding the
effective date of the amendatory act that added this part.

Sec. 18358. All of the following apply to a licensee:

(a) He or she may accept or transmit orders related to medical
nutrition therapy from a referring health professional licensed
under this article, as established in rules promulgated by the
department in consultation with the board.

(b) He or she shall provide nutrition care services using
systematic, evidence-based problem solving methods of the nutrition
care process to crucially think and make decisions to address
nutrition-related problems and provide safe, effective, quality
nutrition services and medical nutrition therapy for individuals in
clinical and community settings.

(c) He or she may accept or transmit oral, verbal, delegated,
or electronically transmitted orders from a referring health
professional licensed under this article consistent with applicable
laws and rules and any controlling facility employer protocols
established to implement medical nutrition therapy.

(d) He or she may order patient diets, including oral
therapeutic diets, in accordance with this section. Enteral and
parenteral nutrition therapy, which consists of enteral feedings or
specialized intravenous solutions and associated nutrition-related
services as part of a therapeutic diet, must only be ordered by a
licensee if he or she meets 1 of the following requirements:
(i) Is a registered dietitian nutritionist.
(ii) Is a certified nutrition support clinician certified by the National Board of Nutrition Support Certification.
(iii) Meets other requirements established by the department in consultation with the board that are consistent with competencies necessary for evaluating, ordering, and administering enteral and parenteral nutrition therapies.
(e) He or she may order medical laboratory tests related to a nutritional therapeutic treatment as provided by the laws of this state.
(f) He or she may implement prescription drug dose adjustments for specific disease treatment protocols within the limits of his or her knowledge, skills, judgment, and informed clinical practice guidelines as indicated in a facility, medical staff, or medical director approved protocol and as approved by and under the delegation of a prescriber.
(g) In an outpatient setting, he or she may implement prescription drug dose adjustments for specific disease treatment protocols within the limits of his or her knowledge, skills, and judgment and as approved by and under the delegation of a prescriber.
(h) He or she may recommend or order vitamin and mineral supplements or the discontinuance of unnecessary vitamins and minerals, within any existing controlling protocols.
(i) He or she shall not prescribe or initiate drug treatment.

Sec. 18359. (1) Notwithstanding the requirements of part 161, the department in consultation with the board shall by rule prescribe continuing education requirements as a condition of license renewal. At a minimum, the board shall accept continuing
education approved by the Board for Certification of Nutrition Specialists, the Commission on Dietetic Registration, and any other organization approved by the board. The department in consultation with the board may adopt any updates or amendments to the standards described in this subsection by rule.

(2) As required under section 16204, the department in consultation with the board shall promulgate rules requiring each applicant for license renewal to complete as part of the continuing education required under subsection (1) an appropriate number of hours or courses in pain and symptom management.

(3) The department, in consultation with the board, may promulgate rules under section 16145 to supplement the requirements for licensure as a dietitian nutritionist under this part, including adopting updated standards of the Commission on Dietetic Registration or the Accreditation Council for Education in Nutrition and Dietetics or standards of any successor organizations of the organizations described in this subsection.

Sec. 18359a. (1) The department in consultation with the board shall promulgate rules on appropriate supervision that are consistent with the range of prevailing professional standards. The rules must comply with all of the following:

(a) Provide for adequate, active, and continuing overview of a supervisee's activities to ensure that the supervisee is performing as directed and complying with this article and any rules promulgated under this article.

(b) Require a personal review by a qualified supervisor of a supervisee's practice on a regular basis and regularly scheduled in person, education and review conferences between the qualified supervisor and the supervisee. As used in this subdivision, "in
person" includes, but is not limited to, being in the same physical location as another individual and being close enough to hear, communicate, and observe him or her and 2-way real-time audiovisual technology that allows for the direct, contemporaneous interaction by sight and sound between a qualified supervisor and supervisee.

(c) Require the personal review of charts, records, and clinical notes of a supervisee on a regular basis.

(d) Require the designation of an alternate qualified supervisor to oversee a service provided in the event of and during a qualified supervisor's absence.

(2) In promulgating rules under this section, the department shall consider factors that include, but are not limited to, level of education, experience, and level of responsibility.

Sec. 18360. (1) To qualify as a qualified supervisor for purposes of this part, an individual shall meet all of the following requirements:

(a) He or she must be 1 of the following:

(i) A registered dietitian nutritionist or an individual certified by the Board for Certification of Nutrition Specialists as a certified nutrition specialist.

(ii) A nutritionist or dietitian nutritionist.

(iii) An individual licensed or certified in another state as a dietitian, dietitian nutritionist, nutritionist, or other qualified nutrition professional whose scope of practice includes the provision of medical nutrition therapy.

(iv) A health professional licensed or otherwise authorized by another state to provide nutrition care services for the treatment or management of diseases and medical conditions.

(b) If he or she is supervising the provision of nutrition
care services that do not constitute medical nutrition therapy, he or she must meet 1 of the following requirements:

(i) Meet the requirements described in subdivision (a)(i), (ii), (iii), or (iv).

(ii) Meet both of the following:

(A) Have been regularly employed or self-employed in the field of clinical nutrition for at least 3 of the 5 years immediately preceding the commencement of an applicant's practice experience under section 18357(1)(b)(iii).

(B) Hold a master's or doctoral degree as provided in section 18357(1)(b)(i)(B).

(2) A qualified supervisor shall only supervise a clinical activity or nutrition care service for which he or she is qualified and is authorized to perform.

(3) A qualified supervisor shall comply with all of the following:

(a) Develop and carry out a program for advancing and optimizing the quality of care provided by a supervisee. The qualified supervisor and the supervisee shall identify and document each goal for the supervised practice experience described in section 18357(1)(a)(iii) or (b)(iii), the supervisee's scope of practice, the assignment of clinical tasks as appropriate to the supervisee's level of competence, the supervisee's relationship and access to the qualified supervisor, and an evaluation process for the supervisee's performance.

(b) Oversee the activities of, and accept responsibility for, the nutrition care services rendered by a supervisee.

(c) At a minimum, be physically on-site and present where the supervisee is providing nutrition care services or be immediately
and continuously available to the supervisee by means of 2-way
real-time audiovisual technology that allows for the direct,
contemporaneous interaction by sight and sound between the
qualified supervisor and the supervisee. If the qualified
supervisor assigns a nutrition care service to a supervisee that is
to be provided in a setting where the qualified supervisor is not
routinely present, the qualified supervisor shall ensure that the
means and methods of supervision are adequate to ensure appropriate
patient care, which may include synchronous videoconferencing,
chart review, or another method of communication and oversight that
is appropriate to the care setting and the education and experience
of the supervisee.

(d) Limit the assignment of nutrition care services to those
services that meet all of the following requirements:

(i) Are within the training and experience of a supervisee.

(ii) Are customary to the practice of the qualified supervisor.

(iii) Are within the parameters of the laws and rules of this
state and any standards of the facility in which the qualified
supervisor practices.

Sec. 18361. The department may issue a license by endorsement
to an applicant from another state that, at the time the applicant
obtained his or her license from the other state, has licensure
requirements substantially equivalent to this part, as determined
by the board.