

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:

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

1 **requires a different meaning.**

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

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

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

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

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

22 (2) A board or task force may promulgate rules necessary or
23 appropriate to fulfill its functions ~~as prescribed in~~**under** this
24 article.

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

29 **Sec. 16346. Fees for an individual licensed or seeking**

1 licensure as a dietitian nutritionist or nutritionist under part
2 183A are as follows:

- 3 (a) Application processing fee..... \$ 20.00
- 4 (b) License fee, per year..... \$ 75.00
- 5 (c) Temporary license fee, per year..... \$ 75.00

6 PART 183A. DIETETICS AND NUTRITION

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

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

11 (b) "Dietitian nutritionist" means an individual who is
12 licensed as a dietitian nutritionist under section 18357(1) (a) or
13 (4).

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

16 (i) Principles of human nutrition and food preparation.

17 (ii) Principles of self-care and a healthy relationship with
18 food.

19 (iii) The essential nutrients needed by the human body.

20 (iv) The recommended amounts of essential nutrients in the
21 human body.

22 (v) The actions of nutrients in the human body.

23 (vi) The effects of deficiencies or excesses of nutrients in
24 the human body.

25 (vii) Foods, herbs, and dietary supplements that are good
26 sources of essential nutrients in the human body.

27 (d) "Medical nutrition therapy" means the use of nutrition
28 care services, including any of the following, for the treatment or
29 management of diseases or medical conditions:

1 (i) Interpreting anthropometric, biochemical, clinical, and
2 dietary data in acute and chronic disease states and recommending
3 or ordering nutrient needs based on dietary data, including tube
4 feedings and parenteral nutrition.

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

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

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

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

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

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

27 (ii) Establishing priorities, goals, and objectives that meet
28 nutritional needs and that are consistent with available resources
29 and constraints.

1 (iii) Providing nutrition counseling in health and disease.

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

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

6 (vi) Ordering therapeutic diets.

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

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

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

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

29 (l) "Nutritionist" means an individual who is licensed as a

1 nutritionist under section 18357(1) (b) .

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

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

16 (i) Nutrition assessment.

17 (ii) Nutrition diagnosis.

18 (iii) Nutrition support.

19 (iv) Dietary and nutrition counseling and education.

20 (v) Nutrition intervention.

21 (vi) Nutrition monitoring and evaluation.

22 (vii) Development and administration of nutrition care
23 standards and systems.

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

28 (p) "Qualified supervisor" means an individual meeting the
29 requirements described in section 18360.

1 (q) "Therapeutic diet" means a diet intervention prescribed by
2 a physician, or another health professional licensed under this
3 article, that provides food or nutrients via oral, enteral, and
4 parenteral routes as part of treatment of a disease or clinical
5 condition to modify, eliminate, decrease, or increase identified
6 micronutrients and macronutrients in the diet, or to provide
7 mechanically altered food when indicated.

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

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

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

20 (2) Subject to this subsection, beginning 1 year after the
21 effective date of the amendatory act that added this part, the
22 following words, titles, or letters or a combination of the
23 following words, titles, or letters, with or without qualifying
24 words or phrases, are restricted in use only to a licensee:
25 "dietitian nutritionist", "nutritionist", "dietitian", "dietician",
26 "nutrition counselor", "nutrition specialist", "l.d.n.", "l.d.",
27 "l.n.", "nutritional therapy consultant", "certified nutrition
28 therapy practitioner", "master nutrition therapist", "licensed
29 dietitian nutritionist", "licensed nutritionist", or any other

1 words, titles, or letters indicating that an individual provides
2 medical nutrition therapy. Only an individual who is licensed as a
3 nutritionist may use the words "licensed nutritionist" or the
4 letters "l.n." in connection with his or her name. However, a
5 dietitian nutritionist may hold himself or herself out as and use
6 the word "nutritionist" in connection with his or her name. An
7 individual may use any lawfully earned federally trademarked title,
8 and the following individuals may use the following words, titles,
9 or letters:

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

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

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

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

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

24 (i) Furnishing general nonmedical nutrition information.

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

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

29 (c) An individual from providing medical weight control for

1 prediabetes or obesity to individuals under a program of
2 instruction that is approved by 1 of the following:

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

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

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

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

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

27 (f) An individual from providing general nonmedical nutrition
28 information, guidance, encouragement, individualized nutrition
29 recommendations, behavior change management, coaching, assessments,

1 services for weight management, or nutrition care services that do
2 not constitute medical nutrition therapy, if the individual does
3 not use the titles protected under subsection (2) or otherwise hold
4 himself or herself out as a dietitian nutritionist, as a
5 nutritionist, or as a provider of medical nutrition therapy, or
6 otherwise violates this act.

7 (g) Notwithstanding section 16171(a), an individual who is
8 pursuing the educational requirements described in section
9 18357(1) (a) or (b) from providing medical nutrition therapy, but
10 only if all of the following apply:

11 (i) The individual is providing medical nutrition therapy as
12 part of a course of study.

13 (ii) The individual does not engage in the unrestricted
14 practice of medical nutrition therapy.

15 (iii) The medical nutrition therapy is provided under the
16 appropriate supervision of a qualified supervisor.

17 (iv) The individual is designated by a title that clearly
18 indicates the individual's status as a student, trainee, or
19 supervisee.

20 (h) An individual from fulfilling supervised practice
21 experience requirements to qualify for licensure as a dietitian
22 nutritionist or nutritionist under this part but only if all of the
23 following apply:

24 (i) The individual does not engage in the unrestricted practice
25 of medical nutrition therapy.

26 (ii) The individual is designated by a title that clearly
27 indicates the individual's status as a student, trainee, or
28 supervisee.

29 (iii) The individual is appropriately supervised by a qualified

1 supervisor who agrees to assume full legal responsibility for the
2 work of the individual by verifying the work, directing the work,
3 and authorizing the work.

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

7 (a) Four dietitian nutritionists. Notwithstanding section
8 16135, a member first appointed under this subdivision must be a
9 registered dietitian nutritionist and not be eligible for
10 certification by the Board for Certification of Nutrition
11 Specialists or the American Clinical Board of Nutrition.

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

19 (c) One public member.

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

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

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

29 (i) A member who is credentialed as a registered dietitian

1 nutritionist with the Commission on Dietetic Registration who is
2 not eligible for certification by the Board for Certification of
3 Nutrition Specialists or the American Clinical Board of Nutrition.

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

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

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

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

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

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

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

1 recognized by the United States Department of Education and is
2 approved by the department in consultation with the board.

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

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

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

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

23 (i) Hold 1 of the following:

24 (A) A master's degree or doctoral degree from a United States
25 regionally accredited institution of higher education approved by
26 the department in consultation with the board, or a degree from an
27 educational institution in another country that the department in
28 consultation with the board determines is substantially equivalent
29 to the master's or doctoral degree described in this sub-

1 subparagraph, with a major course of study in human nutrition,
2 foods and nutrition, community nutrition, public health nutrition,
3 nutrition education, nutrition, nutrition science, clinical
4 nutrition, applied clinical nutrition, nutrition counseling,
5 nutrition and functional medicine, nutritional biochemistry,
6 nutrition and integrative health, or an equivalent course of study,
7 as approved by the department in consultation with the board.

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

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

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

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

23 (iii) Have completed a documented, supervised practice
24 experience demonstrating competence in nutrition care services and
25 the provision of medical nutrition therapy of at least 1,000 hours,
26 at least 200 hours of which are in nutrition assessment, at least
27 200 hours of which are in nutrition intervention, education,
28 counseling, or management, and at least 200 hours of which are in
29 nutrition monitoring and evaluation. The supervised practice

1 experience must be approved by the department in consultation with
2 the board. The supervised practice experience must be completed
3 under a qualified supervisor.

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

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

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

23 (4) An individual who, on the day before the effective date of
24 the amendatory act that added this part, has the credential
25 conferred by the Commission on Dietetic Registration as a
26 registered dietitian nutritionist, is eligible for licensure as a
27 dietitian nutritionist under this part. An individual who meets the
28 requirements of this subsection and who maintains the credential
29 conferred by the Commission on Dietetic Registration or a successor

1 credential conferred by its successor organization shall first
2 apply for a license on or before the expiration of 2 years after
3 the effective date of the rules promulgated under this part. An
4 individual who obtains a license under this subsection is eligible
5 for renewal of that license if he or she continues to meet the
6 requirements of this subsection.

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

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

28 (b) The individual has been employed or self-employed at least
29 half-time to provide nutrition care services for the treatment or

1 management of a diagnosed disease or medical condition for 3 of the
2 5 years immediately preceding the effective date of the amendatory
3 act that added this part.

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

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

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

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

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

24 (d) He or she may order patient diets, including oral
25 therapeutic diets, in accordance with this section. Enteral and
26 parenteral nutrition therapy, which consists of enteral feedings or
27 specialized intravenous solutions and associated nutrition-related
28 services as part of a therapeutic diet, must only be ordered by a
29 licensee if he or she meets 1 of the following requirements:

1 (i) Is a registered dietitian nutritionist.

2 (ii) Is a certified nutrition support clinician certified by
3 the National Board of Nutrition Support Certification.

4 (iii) Meets other requirements established by the department in
5 consultation with the board that are consistent with competencies
6 necessary for evaluating, ordering, and administering enteral and
7 parenteral nutrition therapies.

8 (e) He or she may order medical laboratory tests related to a
9 nutritional therapeutic treatment as provided by the laws of this
10 state.

11 (f) He or she may implement prescription drug dose adjustments
12 for specific disease treatment protocols within the limits of his
13 or her knowledge, skills, judgment, and informed clinical practice
14 guidelines as indicated in a facility, medical staff, or medical
15 director approved protocol and as approved by and under the
16 delegation of a prescriber.

17 (g) In an outpatient setting, he or she may implement
18 prescription drug dose adjustments for specific disease treatment
19 protocols within the limits of his or her knowledge, skills, and
20 judgment and as approved by and under the delegation of a
21 prescriber.

22 (h) He or she may recommend or order vitamin and mineral
23 supplements or the discontinuance of unnecessary vitamins and
24 minerals, within any existing controlling protocols.

25 (i) He or she shall not prescribe or initiate drug treatment.

26 Sec. 18359. (1) Notwithstanding the requirements of part 161,
27 the department in consultation with the board shall by rule
28 prescribe continuing education requirements as a condition of
29 license renewal. At a minimum, the board shall accept continuing

1 education approved by the Board for Certification of Nutrition
2 Specialists, the Commission on Dietetic Registration, and any other
3 organization approved by the board. The department in consultation
4 with the board may adopt any updates or amendments to the standards
5 described in this subsection by rule.

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

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

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

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

26 (b) Require a personal review by a qualified supervisor of a
27 supervisee's practice on a regular basis and regularly scheduled in
28 person, education and review conferences between the qualified
29 supervisor and the supervisee. As used in this subdivision, "in

1 person" includes, but is not limited to, being in the same physical
 2 location as another individual and being close enough to hear,
 3 communicate, and observe him or her and 2-way real-time audiovisual
 4 technology that allows for the direct, contemporaneous interaction
 5 by sight and sound between a qualified supervisor and supervisee.

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

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

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

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

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

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

21 (ii) A nutritionist or dietitian nutritionist.

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

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

29 (b) If he or she is supervising the provision of nutrition

1 care services that do not constitute medical nutrition therapy, he
2 or she must meet 1 of the following requirements:

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

5 (ii) Meet both of the following:

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

10 (B) Hold a master's or doctoral degree as provided in section
11 18357(1) (b) (i) (B).

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

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

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

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

28 (c) At a minimum, be physically on-site and present where the
29 supervisee is providing nutrition care services or be immediately

1 and continuously available to the supervisee by means of 2-way
2 real-time audiovisual technology that allows for the direct,
3 contemporaneous interaction by sight and sound between the
4 qualified supervisor and the supervisee. If the qualified
5 supervisor assigns a nutrition care service to a supervisee that is
6 to be provided in a setting where the qualified supervisor is not
7 routinely present, the qualified supervisor shall ensure that the
8 means and methods of supervision are adequate to ensure appropriate
9 patient care, which may include synchronous videoconferencing,
10 chart review, or another method of communication and oversight that
11 is appropriate to the care setting and the education and experience
12 of the supervisee.

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

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

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

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

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