

**RS 37:3081**

**CHAPTER 41. DIETITIANS AND NUTRITIONISTS**

§3081. Short title

This Chapter shall be known and may be cited as the "Louisiana Dietetics/Nutrition Practice Act of 1987".

Acts 1987, No. 574, §1, eff. July 9, 1987.

§3082. Legislative findings

A. The Legislature of Louisiana finds that the application of scientific knowledge relating to nutrition is important in the treatment of disease and in the attainment and maintenance of health.

B. The Legislature of Louisiana further finds that the rendering of sound dietetic or nutrition services in hospitals, nursing homes, health departments, in private practice and consultation, and in other settings requires trained and competent professionals.

C. The Legislature of Louisiana declares, therefore, that the purpose of this Chapter is to protect the health, safety, and welfare of the public by providing for the licensure and regulation of persons practicing the profession of dietetics and nutrition.

Acts 1987, No. 574, §1, eff. July 9, 1987.

§3083. Definitions

As used in this Chapter, the following definitions shall apply:

(1) "Dietetics/nutrition practice" means the integration and application of principles derived from the sciences of nutrition, biochemistry, food, physiology, management, behavioral, and social sciences to achieve and maintain client health through the provision of nutrition care services, which shall include:

(a) Assessing the nutritional needs of individuals and groups based upon appropriate biochemical, anthropometric, physical, and dietary data to determine nutrient needs and recommend to the primary health care provider appropriate nutritional intake including enteral and parenteral nutrition.

(b) Establishing priorities, goals, and objectives that meet nutritional needs and are consistent with available resources.

(c) Providing nutrition counseling by advising and assisting individuals or groups on appropriate nutritional intake by integrating information from the nutritional assessment with information on food and other sources of nutrients and meal preparation consistent with cultural background and socioeconomic status.

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

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

(2) "Licensed dietitian/licensed nutritionist" means a person licensed under this Chapter. The terms "dietitian", "dietician", and "nutritionist" may be used interchangeably.

(3) "Provisionally licensed dietitian/nutritionist" means a person provisionally licensed under this Chapter.

(4) "Registered dietitian" means a person registered by the Commission on Dietetic Registration.

Acts 1987, No. 574, §1, eff. July 9, 1987.

§3084. Louisiana State Board of Examiners in Dietetics and Nutrition; membership, terms, and vacancies; domicile; officers; meetings; quorum; compensation

A. The Louisiana State Board of Examiners in Dietetics and Nutrition, hereinafter referred to as the "board", is hereby created within the Department of Health and Hospitals.

B.(1) The board shall be composed of the following seven members, all appointed by the governor and subject to Senate confirmation:

(a) Four shall be licensed dietitians/nutritionists selected from a list submitted by the Louisiana Dietetic Association.

(b) One shall be a licensed registered nurse selected from a list of names submitted by the Louisiana State Nurses Association.

(c) One shall be a person with a baccalaureate or higher degree from a regionally accredited college or university with a major course of study in human nutrition, food and nutrition, dietetics, or food systems management selected from a list of names submitted by the Louisiana Commissioner of Agriculture and Forestry.

(d) One shall be a licensed physician selected from a list of names submitted by the Louisiana State Medical Society.

(2) The initial members of the board shall be appointed by the governor not later than sixty days after the effective date of this Chapter from lists of names submitted by the designated associations not later than thirty days after the effective date of this Chapter.

C. Board members shall be residents of the state who have been actively practicing in the field of dietetics/nutrition or a related field for not less than five years.

Board members shall have an unrestricted license to practice their respective professions, where applicable. The registered dietitians/nutritionists initially appointed to the board must be eligible for licensure pursuant to the provisions of this Chapter; thereafter, dietitians/nutritionists appointed to the board must be licensed pursuant to the provisions of this Chapter.

D. Two of the dietitian/nutritionist members of the board shall be appointed for initial terms of two years and two of the dietitian/nutritionist members for three years, as designated by the governor at the time of the appointment. The nursing member, the member appointed from names submitted by the commissioner of Agriculture and Forestry, and the physician each shall be appointed for an initial term of one year. Thereafter, each member shall be appointed for a term of three years.

E. A vacancy in the membership of the board shall be filled for the unexpired term in the same manner as the original appointment.

F. The board shall be domiciled in Baton Rouge, but may hold public meetings elsewhere in the state.

G. Within thirty days after the appointment of its initial members, the board shall hold a meeting for the purpose of organization and shall elect from its membership a

chairman, a vice chairman, and a secretary-treasurer. Officers shall be elected for terms of one year, or until the successor of each is elected. Thereafter, the board shall annually and in like manner elect its officers.

H. The board shall hold regular meetings at least twice in each year for the purpose of considering applicants and at any other time the board or its chairman deems necessary, at a time and place designated by the chairman. Special meetings may be called by the chairman upon giving at least seventy-two hours' notice thereof by registered or certified mail to the post office address of each member of the board and of persons who previously have indicated that they have business before the board.

I. Four members of the board shall constitute a quorum for the transaction of any and all business at any regular or special meeting.

J. Members of the board shall serve in their capacity as board members without compensation but shall be reimbursed for necessary expenses incurred while engaged on board business. Reimbursement for expenses shall be paid out of the monies credited the board as provided by R.S. 37:3089.

K. This board shall be financially self-sufficient. It shall receive no state funds through appropriation or otherwise and shall not expend any such state funds. No state funds shall be expended or committed to expenditure for the group benefits program or any other health insurance or employee benefit program, for any retirement system, for any salary, per diem payment, travel or expenses, office supplies and materials, rent, purchase of any product or service, or for any other purpose.

Acts 1987, No. 574, §1, eff. July 9, 1987; Acts 1999, No. 1055, §1.

#### 3085. Powers and duties of the board

The board shall have the following powers and duties:

(1) To license dietitians/nutritionists in a manner consistent with the provisions of this Chapter.

(2) To keep a record of its proceedings, a register of all applicants for licensure, and a register of all licensed dietitians/licensed nutritionists.

(3) To promulgate rules and regulations to govern its actions and provide for the enforcement of the provisions of this Chapter.

(4) To adopt a code of ethics and to promulgate the licensure standards prescribed in this Chapter, any amendments thereto, and such rules and regulations relevant to licensure as the board may adopt.

(5) To establish, collect, and disburse fees as required by this Chapter.

(6) To issue subpoenas, examine witnesses, and administer oaths, and, at its discretion, investigate allegations or practices violating the provisions of this Chapter.

The board shall have power to seek injunctive relief to prohibit any person from providing professional dietetic or nutritional care services as defined in R.S. 37:3083 without being licensed as provided herein.

Acts 1987, No. 574, §1, eff. July 9, 1987.

#### §3086. Licensing of dietitians/nutritionists; qualifications

A. Any person who represents himself as a licensed dietitian/nutritionist shall have submitted an application upon a form and in such manner as the board prescribes,

accompanied by applicable fees, and shall be in compliance with the requirements of one of the following Subsections:

B. Shall have been granted a doctorate degree granted prior to July 1, 1988, in addition to a baccalaureate or higher degree from a regionally accredited college or university with a major course of study in human nutrition, food and nutrition, dietetics, food systems management or biochemistry. Such a person shall be considered to have met the requirements for licensure as provided herein provided that application is made to the board upon the form and in the manner prescribed by the board, that applicable fees are paid to the board, and that the license is renewed as prescribed by the board.

C. Compliance with all of the following minimum requirements:

(1) Receipt of a baccalaureate or higher degree from a college or university accredited by the Southern Association of Schools and Colleges or any other regional accreditation agency with a major course of study in human nutrition, food and nutrition, dietetics, or food systems management.

(2) Satisfactory completion of a program of experience of not less than nine hundred hours supervised by a licensed dietitian/nutritionist or registered dietitian as prescribed by the board in conjunction with meeting academic requirements or independent thereof.

(3) Satisfactory completion of an examination as determined by the board.

(4) Satisfactory completion of continuing education requirements established by the board.

D. Shall have been granted prior to July 1, 1988, the right to use the title "registered dietitian" by the Commission on Dietetic Registration of the American Dietetic Association. Such a person shall be considered to have met the requirements for licensure as provided herein provided that application is made to the board upon the form and in the manner prescribed by the board, that applicable fees are paid to the board, that registration is maintained in accordance with standards established by the board, and that the license is renewed as prescribed by the board.

Acts 1987, No. 574, §1, eff. July 9, 1987.

#### §3087. Provisional license

A. The board may issue a provisional license to any resident dietitian/nutritionist who presents evidence to the board of successful completion of the education requirements of R.S. 37:3086(C)(1) for licensure and who makes application for a provisional license upon the form and in the manner prescribed by the board, accompanied by applicable fees. A provisional license may be issued to such a person before he has taken the licensure examination prescribed by the board. A provisional license may be issued for a period not exceeding one year and may be renewed from year to year for a period not to exceed five years upon payment of a fee and presentation of evidence satisfactory to the board that the applicant is in the process of meeting the experience requirements in anticipation of taking the examination.

B. A provisional license shall permit the holder to practice only under the supervision of a licensed dietitian/nutritionist.

Acts 1987, No. 574, §1, eff. July 9, 1987.

§3088. Issuance and renewal of licenses; reciprocity

A. The board shall issue a license to any person who meets the requirements of this Chapter and upon payment of the required license fee.

B. Licenses granted under this Chapter shall be subject to annual renewal and shall expire unless renewed in a manner as prescribed by the board.

C. The board may provide for the late renewal of a license but no late renewal shall be granted more than one year after its expiration without payment of all fees in arrears.

D. A suspended license shall be subject to expiration and may be renewed as provided in this Section, but such renewal shall not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity, or in any other conduct or activity in violation of the order of judgment by which the license was suspended.

E. A license revoked on disciplinary grounds may be reinstated in a manner as provided by the board. As a condition of reinstatement, the licensee shall pay the renewal fee and any late fee that may be applicable.

F. The board may grant a license to any person who presents proof of current licensure as a dietitian or nutritionist in another state, the District of Columbia, or territory of the United States which requires standards for licensure considered by the board to be equivalent to the requirements for licensure as prescribed in this Chapter.

Acts 1987, No. 574, §1, eff. July 9, 1987; Acts 1999, No. 1055, §1.

§3089. Fees

A. Fees to be paid under this Chapter shall be as follows:

(1)	Application fee	\$	
			45.00
(2)	Initial license fee		45.00
(3)	License renewal fee		60.00
(4)	Provisional license fee		50.00
(5)	Provisional license renewal fee		30.00
(6)	Late renewal fee		25.00
(7)			

Reciprocity fee

25.00

(8)

Duplicate license fee

25.00

B. All fees collected pursuant to the provisions of this Chapter shall be paid to the secretary-treasurer and used by the board to administer the provisions of this Chapter. Such funds shall be subject to a periodic audit by the legislative auditor.

Acts 1987, No. 574, §1, eff. July 9, 1987.

§3090. Denial, revocation, or suspension of license

A. The board may deny or refuse to renew a license, or suspend or revoke a license, or issue orders to cease or desist from certain conduct, or issue warnings or reprimands where the licensee or applicant for license has been convicted of unlawful conduct or has demonstrated unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. Such conduct includes:

(1) Obtaining a license by means of fraud, misrepresentation, or concealment of material facts.

(2) Being guilty of unprofessional conduct as defined by the board.

(3) Being convicted in any court of a crime other than a misdemeanor.

(4) Violating any lawful order, rule, or regulation rendered or adopted by the board.

(5) Violating any provision of this Chapter.

B. Such denial, refusal to renew, suspension, revocation, order to cease and desist from designated conduct, or warning or reprimand may be ordered by the board in a decision made after a hearing in a manner pursuant to the Administrative Procedure Act, R.S. 49:950 et seq. One year from the date of the revocation of a license, application may be made to the board for reinstatement.

Acts 1987, No. 574, §1, eff. July 9, 1987.

§3091. License required

No person shall use the titles "dietitian", "dietician", or "nutritionist" or any abbreviation or facsimile thereof unless he is licensed in accordance with the provisions of this Chapter and is engaged in the practice of human nutrition, or meets the exemptions in R.S. 37:3093. No person shall practice dietetics/nutrition or provide nutrition care services unless licensed or otherwise authorized to practice in accordance with the provisions of this Chapter. The board may cause to issue in any competent court a writ of injunction enjoining any person from violating the provisions of this Chapter.

The provisions of this Section shall become effective July 1, 1988.

Acts 1987, No. 574, §1, eff. July 9, 1987.

§3092. Penalties

A. Any person who violates any provision of this Chapter shall, upon conviction thereof, be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars or imprisonment for a period not exceeding six months, or both.

B. In addition to any other penalty or remedy pursuant to this Chapter or regulation adopted hereunder, any violation of this Chapter or regulation adopted hereunder shall be punishable by a fine not to exceed two hundred fifty dollars. Each day of violation constitutes a separate offense.

C. In addition to any other fine or penalty that may be imposed against any person found to have violated any provision of this Chapter, the board may assess and collect all costs incurred in connection with disciplinary actions, including but not limited to investigator fees, stenographer fees, attorney fees, and hearing costs.

Acts 1987, No. 574, §1, eff. July 9, 1987; Acts 1999, No. 1055, §1.

### §3093. Exemptions

A. Nothing in this Chapter shall be construed to affect or prevent:

(1) A student enrolled in an approved academic program in dietetics/nutrition from engaging in the practice of dietetics/nutrition, if such practice constitutes a part of a supervised course of study, and if the student is designated by a title which clearly indicates his status as a student or trainee; any person fulfilling the experience requirements of R.S. 37:3086(C)(2) from engaging in the practice of dietetics/nutrition under the supervision of a licensed dietitian/nutritionist.

(2) A dietitian/nutritionist who is serving in the Armed Forces or any other federal agency from engaging in the practice of dietetics/nutrition provided such practice is related to service or employment.

(3)(a) Persons licensed to practice the professions of dentistry, medicine, osteopathy, chiropractic, nursing, or pharmacy from engaging in the practice of dietetics/nutrition when incidental to the practice of their profession, except that such persons may not use the titles "dietitian", "dietician", or "nutritionist".

(b) Employees of physicians or osteopaths who work in the private office of and under the direction and supervision of a physician or osteopath, provided that such employees do not engage in the practice of dietetics/nutrition or use the titles "dietitian", "dietician", or "nutritionist".

(4) Persons who perform the activities and services of a nutrition educator in the employ of a federal, state, parish, 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.

(5) Employees classified by the state civil service commission from engaging in the practice of dietetics/nutrition within the discharge of official duties and authorized to use the title "dietitian", "dietician", or "nutritionist" and who is not registry-eligible or registered currently with the Commission on Dietetic Registration and is in such a position prior to July 1, 1988.

(6) A nonresident registered dietitian/nutritionist from practicing dietetics/nutrition in Louisiana for five days without a license or up to thirty days per year with licensure from another state if the requirements for licensure are substantially equal to the requirements contained in R.S. 37:3086.

(7) A person from marketing or distributing food, food materials, or food supplements or a person from engaging in an explanation of the use or preparation of

these products, or from furnishing general nutrition information related to such products in connection with the marketing or distribution of such products, if that person does not represent himself as a dietitian or nutritionist.

(8) A person from providing weight control services through a program which has been reviewed by, consultation is available from, and no program change can be initiated without prior approval by a licensed dietitian/nutritionist, a dietitian/nutritionist licensed in another state which has licensure requirements at least as stringent as the requirements for licensure specified herein, or a dietitian registered by the Commission on Dietetic Registration of the American Dietetic Association.

(9) Repealed by Acts 1999, No. 1055, §2.

B. Persons with a doctorate degree granted prior to July 1, 1988, with a major course of study in human nutrition, foods and nutrition, dietetics, food systems management, or food science and a human nutrition minor from a regionally accredited college or university may use the title "nutritionist" but may not practice dietetics/nutrition unless licensed as provided herein.

C. Nothing in this Chapter shall be construed to affect or prevent any person employed on or before August 15, 1999, by a physical fitness center that is a member of the Louisiana Health and Fitness Association when the employee is providing information on exercise and weight control to members of the center.

Acts 1987, No. 574, §1, eff. July 9, 1987; Acts 1999, No. 1055, §§ 1, 2.

#### §3094. Representation of the board by the attorney general

The attorney general shall designate one of his assistants to act as attorney for the board, without additional salary, who shall counsel and advise the board and shall prosecute any violation of the provisions of this Chapter.

Acts 1999, No. 1055, §1.