

By: Moody

To: Public Health and  
Welfare

HOUSE BILL NO. 714

1 AN ACT TO REENACT SECTIONS 73-10-1 THROUGH 73-10-23,  
2 MISSISSIPPI CODE OF 1972, WHICH LICENSE AND REGULATE DIETITIANS;  
3 TO AMEND REENACTED SECTIONS 73-10-3, 73-10-5, 73-10-7 AND  
4 73-10-21, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN DEFINITIONS  
5 IN THE MISSISSIPPI DIETETICS PRACTICE ACT; TO AMEND REENACTED  
6 SECTION 73-10-9, MISSISSIPPI CODE OF 1972, TO PRESCRIBE AND  
7 CLARIFY CERTAIN QUALIFICATIONS FOR APPLICANTS FOR LICENSURE AS A  
8 DIETITIAN; TO AMEND REENACTED SECTION 73-10-11, MISSISSIPPI CODE  
9 OF 1972, TO PRESCRIBE AND CLARIFY CERTAIN QUALIFICATIONS FOR  
10 APPLICANTS FOR PROVISIONAL LICENSURE AS A DIETITIAN; TO AMEND  
11 REENACTED SECTION 73-10-13, MISSISSIPPI CODE OF 1972, TO CLARIFY  
12 CERTAIN EXEMPTIONS FROM THE DIETETICS PRACTICE ACT; TO AMEND  
13 REENACTED SECTION 73-10-15, MISSISSIPPI CODE OF 1972, TO CLARIFY  
14 THE LIMITATIONS ON PRACTICE BY NONRESIDENT DIETITIANS; TO AMEND  
15 SECTION 73-10-25, MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEALER  
16 ON THE DIETETICS PRACTICE ACT; AND FOR RELATED PURPOSES.

17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

18 SECTION 1. Section 73-10-1, Mississippi Code of 1972, is  
19 reenacted as follows:

20 73-10-1. This chapter shall be known and may be cited as the  
21 Mississippi Dietetics Practice Act of 1986.

22 SECTION 2. Section 73-10-3, Mississippi Code of 1972, is  
23 reenacted and amended as follows:[JU1]

24 73-10-3. (1) For the purposes of this chapter the following  
25 terms shall have the meanings set forth herein:

26 (a) "Advisory council" means the Mississippi Council of  
27 Advisors in Dietetics established in this chapter.

28 (b) "Board" means the Mississippi State Board of  
29 Health.

30 (c) "Association" means the American Dietetic  
31 Association (ADA).

32 (d) "Mississippi association" means the Mississippi  
33 Dietetic Association, an affiliate of the American Dietetic

34 Association.

35 (e) "Commission on Dietetic Registration" (CDR) means  
36 the Commission on Dietetic Registration that is a member of the  
37 National Commission for Health Certifying Agencies.

38 (f) "Degree" means a degree received from a college or  
39 university that was accredited through the Council on  
40 Postsecondary Accreditation and the United States Department of  
41 Education at the time the degree was conferred.

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

44 (h) "Licensed dietitian" means a person licensed under  
45 this chapter.

46 (i) "Provisionally licensed dietitian" means a person  
47 provisionally licensed under this chapter.

48 (j) "Dietetics practice" means the integration and  
49 application of the principles derived from the sciences of  
50 nutrition, biochemistry, food, physiology, management and  
51 behavioral and social sciences to achieve and maintain people's  
52 health \* \* \*. Dietetics practice includes, but is not limited to:

53 (i) Providing medical nutrition therapy.

54 (ii) Development, administration, evaluation and  
55 consultation regarding nutritional care standards of quality in  
56 food services and medical nutrition therapy.

57 (iii) Providing case management services.

58 (k) "Medical nutrition therapy" is a nutritional  
59 diagnostic therapy and counseling services for the purpose of  
60 disease management. It means the assessment of the nutritional  
61 status of patients with a condition, illness or injury that  
62 appropriately requires medical nutrition therapy as part of the  
63 treatment. The assessment includes review and analysis of medical  
64 and diet history, blood chemistry lab values and anthropometric  
65 measurements to determine nutritional status and treatment  
66 modalities.

67       Therapy ranges from diet modification and nutrition  
68 counseling to administration of specialized nutrition therapies  
69 such as intravenous medical nutritional products as determined  
70 necessary to manage a condition or treat illness or injury.

71           (1) "Diet modification and nutrition counseling" means  
72 intervention and advice in assisting individuals or groups in the  
73 development of personal diet plans to achieve appropriate  
74 nutritional intake. To develop the diet plan, the dietitian  
75 integrates information from the nutritional assessment with  
76 information on food and other sources of nutrients and meal  
77 preparation consistent with cultural background and socioeconomic  
78 status.

79           (m) "Specialized nutrition therapies" mean medical  
80 foods, enteral nutrition delivered via tube, or parenteral  
81 nutrition delivered by intravenous infusion.

82           (n) "Nutrition educator" shall mean one who  
83 communicates scientific nutrition information to individuals  
84 and/or groups and who provides information on food sources of  
85 nutrients to meet normal nutrition need based on the most current  
86 "Recommended Dietary Allowances" of the Food and Nutrition Board,  
87 National Academy of Sciences, National Research Council.

88           (o) "Dietitian" means one engaged in dietetics  
89 practice, medical nutrition therapy or nutrition education. The  
90 terms dietitian or dietician are used interchangeably in this  
91 chapter.

92           (p) "Direct, technical supervision" means the direct,  
93 technical supervision by a licensed dietitian, as prescribed in  
94 regulations by the board, of the dietetics practice or medical  
95 nutrition therapy provided to an individual and/or group by a  
96 provisionally licensed dietitian.

97           (q) "Department" means the Mississippi State Department  
98 of Health.

99           (2) All other terms shall have their commonly ascribed

100 definitions unless some other meaning is clearly intended from its  
101 context.

102 SECTION 3. Section 73-10-5, Mississippi Code of 1972, is  
103 reenacted and amended as follows:[JU2]

104 73-10-5. Dietetics is the integration and application of  
105 principles derived from the sciences of nutrition, biochemistry,  
106 physiology, food, management and behavioral and social sciences to  
107 achieve and maintain peoples' health. \* \* \* Dietetics practice is  
108 the provision of \* \* \* services which \* \* \* include, but are not  
109 limited to:

110 (a) Providing medical nutrition therapy.

111 (b) Development, administration, evaluation and  
112 counseling regarding nutritional care standards of quality in food  
113 services and medical nutrition therapy.

114 (c) Providing case management services.

115 (d) Developing, implementing and managing nutrition  
116 care system.

117 \* \* \*

118 SECTION 4. Section 73-10-7, Mississippi Code of 1972, is  
119 reenacted and amended as follows:[JU3]

120 73-10-7. It shall be unlawful for any person, corporation or  
121 association to, in any manner, represent himself or itself as a  
122 dietitian or nutritionist, send out billings as providing services  
123 covered in Section 73-10-3(j), or use in connection with his or  
124 its name, the titles "dietitian," "dietician" or "nutritionist" or  
125 use the letters "LD," "LN" or any other facsimile thereof when he  
126 or she is not licensed in accordance with the provisions of this  
127 chapter or meets the exemptions in paragraph (c) of Section  
128 73-10-13. Notwithstanding any other provision of this chapter, a  
129 dietitian registered by the Commission on Dietetic Registration  
130 (CDR) shall have the right to use the title "Registered Dietitian"  
131 and the designation "R.D." Registered dietitians shall be  
132 licensed according to the provisions of this chapter to practice

133 dietetics or provide medical nutrition therapy.

134 SECTION 5. Section 73-10-9, Mississippi Code of 1972, is  
135 reenacted and amended as follows:[JU4]

136 73-10-9. (1) An applicant for a license as a dietitian  
137 shall file a written application on forms provided by the board,  
138 showing to the satisfaction of the board that he or she meets the  
139 following requirement.

140 \* \* \*

141 (2) Applicants shall provide evidence of current  
142 registration as a registered dietitian by the Commission on  
143 Dietetic Registration \* \* \*.

144 \* \* \*

145 (3) Applicants shall pay a fee as established by the board.

146 (4) Each application or filing made under this section shall  
147 include the social security number(s) of the applicant in  
148 accordance with Section 93-11-64, Mississippi Code of 1972.

149 SECTION 6. Section 73-10-11, Mississippi Code of 1972, is  
150 reenacted and amended as follows:[JU5]

151 73-10-11. (1) The board may issue a provisional license to  
152 any resident dietitian who presents evidence to the advisory  
153 council of the successful completion of the education requirements  
154 of subsection for licensure. Such a provisional license may be  
155 issued to such a person before he or she has taken the \* \* \*  
156 examination to become a registered dietitian as given by the  
157 Commission on Dietetic Registration (CDR). A provisional license  
158 may be issued for a period not exceeding one (1) year and may be  
159 renewed from year to year not to exceed five (5) years \* \* \*.

160 (2) An applicant for provisional licensure as a dietitian  
161 shall present evidence satisfactory to the board of having  
162 received a baccalaureate or post-baccalaureate degree from a  
163 college or university accredited through the United States  
164 Department of Education, Office of Postsecondary Education, with a  
165 major in dietetics or an equivalent major course of study as

166 approved by the board.

167       (3) A provisional license shall permit the holder to  
168 practice only under the direct technical supervision of a  
169 dietitian.

170       (4) A fee for a provisional license and for each renewal  
171 shall be established by the board.

172       SECTION 7. Section 73-10-13, Mississippi Code of 1972, is  
173 reenacted and amended as follows:[JU6]

174       73-10-13. This chapter shall not be construed to affect or  
175 prevent:

176           (a) A student enrolled in an approved academic program  
177 in dietetics from engaging in the practice of dietetics, if such  
178 practice constitutes a part of a supervised course of study, and  
179 if the student is designated by a title which clearly indicates  
180 his or her status as a student or trainee.

181       \* \* \*

182           (b) A registered dietitian who is serving in the armed  
183 forces or the Public Health Service of the United States or is  
184 employed by the Department of Veterans Affairs from engaging in  
185 the practice of dietetics provided such practice is restricted to  
186 such service or employment.

187       \* \* \*

188           (c) Persons \* \* \* licensed or registered to practice  
189 the health professions from engaging in the practice of dietetics  
190 when covered under the scope of practice of his or her profession,  
191 except that such persons may not use the title "dietitian" or  
192 "nutritionist."

193           (d) Persons who perform the activities and services of  
194 a nutrition educator in the employ of a federal, state, county or  
195 municipal agency, or another political subdivision, or a chartered  
196 elementary or secondary school or accredited degree-granting  
197 educational institution insofar as such activities and services  
198 are part of a salaried position.

199           (e) Federal, state, county or local government  
200 employees involved with programs providing the services of a  
201 nutrition educator that help to prevent disease and maintain good  
202 nutritional health, including, but not limited to, the Cooperative  
203 Extension Service, the Child Nutrition Program, and Project Head  
204 Start \* \* \*.

205       \* \* \*

206           (f) Any person from furnishing general nutrition  
207 information as to the use of food, food materials or dietary  
208 supplements as defined by the Federal Food and Drug Administration  
209 (FDA), nor prevent in any way the free dissemination of  
210 literature; provided, however, no such individual may call  
211 themselves a dietitian or nutritionist unless they are licensed  
212 under this chapter.

213       SECTION 8. Section 73-10-15, Mississippi Code of 1972, is  
214 reenacted and amended as follows:[JU7]

215       73-10-15. (1) A nonresident dietitian may practice  
216 dietetics in Mississippi for five (5) days \* \* \* per year with  
217 current other state's licensure or with current registration with  
218 the Commission on Dietetics Registration.

219       (2) The board may waive the prescribed examination for  
220 licensure and grant a license to any person who shall present  
221 proof of current licensure as a dietitian in another state, the  
222 District of Columbia, or territory of the United States which  
223 requires standards for licensure considered by the advisory  
224 council to be greater than or equal to the requirements for  
225 licensure of this chapter, if such state or territory extends  
226 reciprocity to licensees of the State of Mississippi.

227       SECTION 9. Section 73-10-17, Mississippi Code of 1972, is  
228 reenacted as follows:[JU8]

229       73-10-17. (1) There is established the Mississippi Council  
230 of Advisors in Dietetics under the jurisdiction of the Mississippi  
231 State Board of Health.

232           (2) The council shall be comprised of seven (7) members of  
233 whom five (5) shall be dietitians who have been engaged in the  
234 practice of dietetics for at least three (3) years immediately  
235 preceding their appointment. Members of the council shall be  
236 licensed to practice dietetics. The following areas of practice  
237 shall be represented by council members: administrative  
238 dietetics, clinical dietetics, dietetic education, community  
239 nutrition and consultation and private practice. The remaining  
240 two (2) members shall be a licensed member of the health  
241 professions and a member of the public with an interest in the  
242 rights of the consumers of health services.

243           (3) A person is eligible for appointment as a public member  
244 if the person or the person's spouse:

245                 (a) Is not employed by and does not participate in the  
246 management of an agency or business entity that provides health  
247 care services or that sells, manufactures or distributes health  
248 care supplies or equipment; and

249                 (b) Does not own, control or have a direct or indirect  
250 interest in more than ten percent (10%) of a business entity that  
251 provides health care services or that sells, manufactures or  
252 distributes health care supplies or equipment.

253           (4) Appointments to the advisory council shall be made  
254 without regard to race, creed, sex, religion or national origin of  
255 the appointees.

256           (5) The board shall, within sixty (60) days after passage of  
257 this chapter, appoint two (2) advisory council members for a term  
258 of one (1) year, two (2) for a term of two (2) years, and three  
259 (3) for a term of three (3) years. Appointments made thereafter  
260 shall be for three-year terms, but no person shall be appointed to  
261 serve more than two (2) consecutive terms.

262           (6) Terms shall begin on the first day of the calendar year  
263 and end on the last day of the calendar year or until successors  
264 are appointed, except for the first appointed members who shall



265 serve through the last calendar day of the year in which they are  
266 appointed before commencing the terms prescribed by this section.

267 (7) Not less than sixty (60) days before the end of each  
268 calendar year, the Mississippi Dietetic Association shall submit  
269 the names of at least two (2) persons for each dietitian vacancy  
270 and each of the health professional and public member  
271 appointments.

272 (8) In the event of a vacancy, the board shall, as soon as  
273 possible, appoint a person who shall fill the unexpired term.

274 (9) The council shall meet during the first month of each  
275 calendar year to select a chairman and for other appropriate  
276 purposes. At least one (1) additional meeting shall be held  
277 before the end of each calendar year. Further meetings may be  
278 convened at the call of the chairman or the written request of a  
279 majority of the council members, or at the request of the board.

280 (10) A majority of the members of the council shall  
281 constitute a quorum for all purposes.

282 SECTION 10. Section 73-10-19, Mississippi Code of 1972, is  
283 reenacted as follows:[JU9]

284 73-10-19. (1) It shall be a ground for removal from the  
285 advisory council if a member:

286 (a) Does not have at the time of appointment the  
287 qualifications required for appointment to the advisory council;

288 (b) Does not maintain during service on the advisory  
289 council the qualifications required for appointment to the  
290 council; \* \* \*

291 (c) Violates a prohibition established by this chapter;  
292 or

293 (d) Fails to attend advisory council meetings for the  
294 period of one (1) year.

295 (2) If a ground for removal of a member from the council  
296 exists, the advisory council's actions taken during the existence  
297 of the ground for removal shall be valid.

298 SECTION 11. Section 73-10-21, Mississippi Code of 1972, is  
299 reenacted and amended as follows:[JU10]

300 73-10-21. (1) Rules, regulations and standards.

301 (a) The board is hereby empowered, authorized and  
302 directed to adopt, amend, promulgate and enforce such rules,  
303 regulations and standards governing dietitians as may be necessary  
304 to further the accomplishment of the purpose of the governing law,  
305 and in so doing shall utilize as the basis thereof the  
306 corresponding recommendations of the advisory council. The rules,  
307 regulations and minimum standards for licensing of dietitians may  
308 be amended by the board as deemed necessary. In so doing, the  
309 board shall utilize as the basis thereof the corresponding  
310 recommendations of the advisory council.

311 (b) The board shall publish and disseminate to all  
312 licensees, in appropriate manner, the licensure standards  
313 prescribed by this chapter, any amendments thereto, and such rules  
314 and regulations as the board may adopt under the authority vested  
315 by Section 73-38-13, within sixty (60) days of their adoption.

316 (2) The board shall adopt a code of ethics for dietitians  
317 using as the basis thereof the ADA "Code of Ethics for the  
318 Profession of Dietetics."

319 (3) Issuance and renewal of licenses.

320 (a) The board shall issue a license to any person who  
321 meets the requirements of this chapter upon payment of the license  
322 fee prescribed.

323 (b) Upon the first renewal, licenses under this chapter  
324 shall be valid for two (2) calendar years and shall be subject to  
325 renewal and shall expire unless renewed in the manner prescribed  
326 by the rules and regulations of the board, upon the payment of a  
327 biennial renewal fee to be set at the discretion of the board, but  
328 not to exceed One Hundred Dollars (\$100.00), and the presentation  
329 of evidence satisfactory to the board that the licensee has met  
330 such continuing education requirements as the board may require.

331 An applicant for license renewal shall demonstrate to the board  
332 evidence of satisfactory completion of the continuing education  
333 requirements established by the American Dietetic Association  
334 and/or other continuing education requirements as may be required  
335 by the board.

336 (c) The board may provide for the late renewal of a  
337 license upon the payment of a late fee in accordance with its  
338 rules and regulations, but no such late renewal of a license may  
339 be granted more than one (1) year after its expiration.

340 (d) A suspended license shall be subject to expiration  
341 and may be renewed as provided in this section, but such renewal  
342 shall not entitle the licensee, while the license remains  
343 suspended and until it is reinstated, to engage in the licensed  
344 activity, or in any other conduct or activity in violation of the  
345 order of judgment by which the license was suspended. If a  
346 license revoked on disciplinary grounds is reinstated, the  
347 licensee, as a condition of reinstatement, shall pay the renewal  
348 fee and any late fee that may be applicable.

349 (4) Denial or revocation of license.

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

357 (i) Obtaining a license by means of fraud,  
358 misrepresentation or concealment of material facts;

359 (ii) Being guilty of unprofessional conduct as  
360 defined by the rules and established by the board or violating the  
361 Code of Ethics of the American Dietetic Association;

362 (iii) Being convicted of a crime in any court  
363 other than a misdemeanor;

364 (iv) Violating any lawful order, rule or  
365 regulation rendered or adopted by the board; or

366 (v) Violating any provision of this chapter.

367 (b) Such denial, refusal to renew, suspension,  
368 revocation, order to cease and desist from designated conduct, or  
369 warning or reprimand may be ordered by the board in a decision  
370 made after a hearing in the manner provided by the rules and  
371 regulations adopted by the board. One (1) year from the date of  
372 the revocation of a license, application may be made to the board  
373 for reinstatement. The board shall have discretion to accept or  
374 reject an application for reinstatement and may, but shall not be  
375 required to, hold a hearing to consider such reinstatement.

376 (c) In addition to the reasons specified in paragraph  
377 (a) of this subsection (4), the board shall be authorized to  
378 suspend the license of any licensee for being out of compliance  
379 with an order for support, as defined in Section 93-11-153. The  
380 procedure for suspension of a license for being out of compliance  
381 with an order for support, and the procedure for the reissuance or  
382 reinstatement of a license suspended for that purpose, and the  
383 payment of any fees for the reissuance or reinstatement of a  
384 license suspended for that purpose, shall be governed by Section  
385 93-11-157 or 93-11-163, as the case may be. If there is any  
386 conflict between any provision of Section 93-11-157 or 93-11-163  
387 and any provision of this chapter, the provisions of Section  
388 93-11-157 or 93-11-163, as the case may be, shall control.

389 (5) Establish fees.

390 (a) A person licensed under this chapter shall pay to  
391 the board a fee, not to exceed One Hundred Dollars (\$100.00), to  
392 be set by the board for the issuance of a license.

393 (b) Such fees shall be set in such an amount as to  
394 reimburse the state to the extent feasible for the cost of the  
395 services rendered.

396 (6) Collect funds.

397           (a) The administration of the provisions of this  
398 chapter shall be financed from income accruing from fees, licenses  
399 and other charges assessed and collected by the board in  
400 administering this chapter.

401           (b) The board shall receive and account for all funds  
402 received and shall keep such funds in a separate fund.

403           (c) Funds collected under the provisions of this  
404 chapter shall be used solely for the expenses of the advisory  
405 council and the board to administer the provisions of this  
406 chapter. Such funds shall be subject to audit by the State  
407 Auditor.

408           (d) Members of the advisory council shall receive no  
409 compensation for services performed on the council, but may be  
410 reimbursed for necessary and actual expenses incurred in  
411 connection with attendance at meetings of the council or for  
412 authorized business of the council from funds made available for  
413 such purpose, as provided in Section 25-3-41.

414           (7) Receive and process complaints.

415           (a) The board shall have full authority to investigate  
416 and evaluate each and every applicant applying for a license to  
417 practice dietetics, with the advice of the advisory council.

418           (b) The board shall have the authority to issue  
419 subpoenas, examine witnesses and administer oaths, and shall, at  
420 its discretion, investigate allegations or practices violating the  
421 provisions of this chapter, and in so doing shall have power to  
422 seek injunctive relief to prohibit any person from providing  
423 professional dietetic services as defined in Section 73-10-3(1)(j)  
424 without being licensed as provided herein.

425           (8) A license certificate issued by the board is the  
426 property of the board and must be surrendered on demand.

427           SECTION 12. Section 73-10-23, Mississippi Code of 1972, is  
428 reenacted as follows:[JU11]

429           73-10-23. Any person who violates any provision of this

430 chapter shall, upon conviction thereof, be guilty of a misdemeanor  
431 and shall be punished by a fine of not more than One Thousand  
432 Dollars (\$1,000.00), or imprisoned in the county jail for a period  
433 not exceeding six (6) months, or both.

434 SECTION 13. Section 73-10-25, Mississippi Code of 1972, is  
435 amended as follows:

436 73-10-25. Sections 73-10-1 through 73-10-23, Mississippi  
437 Code of 1972, which is the Dietetics Practice Act, shall stand  
438 repealed as of July 1, 2001.

439 SECTION 14. This act shall take effect and be in force from  
440 and after June 30, 2000.