

By: Representative Ford

To: Public Health and Welfare

HOUSE BILL NO. 476

1 AN ACT TO REENACT SECTIONS 73-10-1 THROUGH 73-10-23,  
2 MISSISSIPPI CODE OF 1972, WHICH ARE THE MISSISSIPPI DIETETICS  
3 PRACTICE ACT; TO AMEND SECTION 73-10-25, MISSISSIPPI CODE OF 1972,  
4 TO EXTEND THE DATE OF REPEAL ON THE MISSISSIPPI DIETETICS PRACTICE  
5 ACT; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 73-10-1, Mississippi Code of 1972, is  
8 reenacted as follows:

9 73-10-1. This chapter shall be known and may be cited as the  
10 Mississippi Dietetics Practice Act of 1986.

11 **SECTION 2.** Section 73-10-3, Mississippi Code of 1972, is  
12 reenacted as follows:

13 73-10-3. (1) For the purposes of this chapter the following  
14 terms shall have the meanings set forth herein:

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

17 (b) "Board" means the Mississippi State Board of  
18 Health.

19 (c) "Association" means the American Dietetic  
20 Association (ADA).

21 (d) "Mississippi association" means the Mississippi  
22 Dietetic Association, an affiliate of the American Dietetic  
23 Association.

24 (e) "Commission on Dietetic Registration" (CDR) means  
25 the Commission on Dietetic Registration that is a member of the  
26 National Commission for Health Certifying Agencies.

27 (f) "Degree" means a degree received from a college or  
28 university that was accredited through the Council on



29 Postsecondary Accreditation and the United States Department of  
30 Education at the time the degree was conferred.

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

33 (h) "Licensed dietitian" means a person licensed under  
34 this chapter.

35 (i) "Provisionally licensed dietitian" means a person  
36 provisionally licensed under this chapter.

37 (j) "Dietetics practice" means the integration and  
38 application of the principles derived from the sciences of  
39 nutrition, biochemistry, food, physiology, management and  
40 behavioral and social sciences to achieve and maintain people's  
41 health. Dietetics practice includes, but is not limited to:

42 (i) Providing medical nutrition therapy.

43 (ii) Development, administration, evaluation and  
44 consultation regarding nutritional care standards of quality in  
45 food services and medical nutrition therapy.

46 (iii) Providing case management services.

47 (k) "Medical nutrition therapy" is a nutritional  
48 diagnostic therapy and counseling services for the purpose of  
49 disease management. It means the assessment of the nutritional  
50 status of patients with a condition, illness or injury that  
51 appropriately requires medical nutrition therapy as part of the  
52 treatment. The assessment includes review and analysis of medical  
53 and diet history, blood chemistry lab values and anthropometric  
54 measurements to determine nutritional status and treatment  
55 modalities.

56 Therapy ranges from diet modification and nutrition  
57 counseling to administration of specialized nutrition therapies  
58 such as intravenous medical nutritional products as determined  
59 necessary to manage a condition or treat illness or injury.

60 (l) "Diet modification and nutrition counseling" means  
61 intervention and advice in assisting individuals or groups in the



62 development of personal diet plans to achieve appropriate  
63 nutritional intake. To develop the diet plan, the dietitian  
64 integrates information from the nutritional assessment with  
65 information on food and other sources of nutrients and meal  
66 preparation consistent with cultural background and socioeconomic  
67 status.

68 (m) "Specialized nutrition therapies" mean medical  
69 foods, enteral nutrition delivered via tube, or parenteral  
70 nutrition delivered by intravenous infusion.

71 (n) "Nutrition educator" shall mean one who  
72 communicates scientific nutrition information to individuals  
73 and/or groups and who provides information on food sources of  
74 nutrients to meet normal nutrition need based on the most current  
75 "Recommended Dietary Allowances" of the Food and Nutrition Board,  
76 National Academy of Sciences, National Research Council.

77 (o) "Dietitian" means one engaged in dietetics  
78 practice, medical nutrition therapy or nutrition education. The  
79 terms dietitian or dietician are used interchangeably in this  
80 chapter.

81 (p) "Direct, technical supervision" means the direct,  
82 technical supervision by a licensed dietitian, as prescribed in  
83 regulations by the board, of the dietetics practice or medical  
84 nutrition therapy provided to an individual and/or group by a  
85 provisionally licensed dietitian.

86 (q) "Department" means the Mississippi State Department  
87 of Health.

88 (2) All other terms shall have their commonly ascribed  
89 definitions unless some other meaning is clearly intended from its  
90 context.

91 **SECTION 3.** Section 73-10-5, Mississippi Code of 1972, is  
92 reenacted as follows:

93 73-10-5. Dietetics is the integration and application of  
94 principles derived from the sciences of nutrition, biochemistry,



95 physiology, food, management and behavioral and social sciences to  
96 achieve and maintain peoples' health. Dietetics practice is the  
97 provision of services which include, but are not limited to:

98 (a) Providing medical nutrition therapy.

99 (b) Development, administration, evaluation and  
100 consultation regarding nutritional care standards of quality in  
101 food services and medical nutrition therapy.

102 (c) Providing case management services.

103 (d) Developing, implementing and managing nutrition  
104 care system.

105 **SECTION 4.** Section 73-10-7, Mississippi Code of 1972, is  
106 reenacted as follows:

107 73-10-7. It shall be unlawful for any person, corporation or  
108 association to, in any manner, represent himself or itself as a  
109 dietitian or nutritionist, send out billings as providing services  
110 covered in Section 73-10-3(j), or use in connection with his or  
111 its name, the titles "dietitian," "dietician" or "nutritionist" or  
112 use the letters "LD," "LN" or any other facsimile thereof when he  
113 or she is not licensed in accordance with the provisions of this  
114 chapter or meets the exemptions in paragraph (c) of Section  
115 73-10-13. Notwithstanding any other provision of this chapter, a  
116 dietitian registered by the Commission on Dietetic Registration  
117 (CDR) shall have the right to use the title "Registered Dietitian"  
118 and the designation "R.D." Registered dietitians shall be  
119 licensed according to the provisions of this chapter to practice  
120 dietetics or provide medical nutrition therapy.

121 **SECTION 5.** Section 73-10-9, Mississippi Code of 1972, is  
122 reenacted as follows:

123 73-10-9. (1) An applicant for a license as a dietitian  
124 shall file a written application on forms provided by the board,  
125 showing to the satisfaction of the board that he or she meets the  
126 following requirement.



127           (2) Applicants shall provide evidence of current  
128 registration as a registered dietitian by the Commission on  
129 Dietetic Registration.

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

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

134           **SECTION 6.** Section 73-10-11, Mississippi Code of 1972, is  
135 reenacted as follows:

136           73-10-11. (1) The board may issue a provisional license to  
137 any resident dietitian who presents evidence to the advisory  
138 council of the successful completion of the education and  
139 experience requirements of subsections (2) and (3) of this  
140 section for licensure. Such a provisional license may be issued  
141 to such a person before he or she has taken the examination to  
142 become a registered dietitian as given by the Commission on  
143 Dietetic Registration (CDR). A provisional license may be issued  
144 for a period not exceeding one (1) year and may be renewed from  
145 year to year not to exceed five (5) years.

146           (2) An applicant for provisional licensure as a dietitian  
147 shall present evidence satisfactory to the board of having  
148 received a baccalaureate or post-baccalaureate degree from a  
149 college or university accredited through the United States  
150 Department of Education, Office of Postsecondary Education, with a  
151 major in dietetics or an equivalent major course of study as  
152 approved by the board.

153           (3) An applicant for licensure as a dietitian shall submit  
154 to the board evidence of having successfully completed a board  
155 approved planned program of dietetics experience under the  
156 supervision of a licensed or registered dietitian.

157           (4) A provisional license shall permit the holder to  
158 practice only under the direct technical supervision of a  
159 dietitian.



160 (5) A fee for a provisional license and for each renewal  
161 shall be established by the board.

162 **SECTION 7.** Section 73-10-13, Mississippi Code of 1972, is  
163 reenacted as follows:

164 73-10-13. This chapter shall not be construed to affect or  
165 prevent:

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

171 (b) Any person fulfilling the experience requirements  
172 of Section 73-10-11(3) from engaging in the practice of dietetics  
173 under the supervision of a licensed or registered dietitian.

174 (c) A registered dietitian who is serving in the Armed  
175 Forces or the Public Health Service of the United States or is  
176 employed by the Department of Veterans Affairs from engaging in  
177 the practice of dietetics provided such practice is restricted to  
178 such service or employment.

179 (d) Any person providing dietetic services, including  
180 but not limited to dietetic technicians, dietetic assistants and  
181 dietary managers, from practicing dietetics while working under  
182 the direct technical supervision of a licensed dietitian.

183 (e) Persons licensed or registered to practice the  
184 health professions from engaging in the practice of dietetics when  
185 covered under the scope of practice of his or her profession,  
186 except that such persons may not use the title "dietitian" or  
187 "nutritionist."

188 (f) Persons who perform the activities and services of  
189 a nutrition educator in the employ of a federal, state, county or  
190 municipal agency, or another political subdivision, or a chartered  
191 elementary or secondary school or accredited degree-granting



192 educational institution insofar as such activities and services  
193 are part of a salaried position.

194 (g) Federal, state, county or local government  
195 employees involved with programs providing the services of a  
196 nutrition educator that help to prevent disease and maintain good  
197 nutritional health, including, but not limited to, the Cooperative  
198 Extension Service, the Child Nutrition Program, and Project Head  
199 Start.

200 (h) Individuals who do not hold themselves out to be  
201 dietitians from marketing or distributing food products including  
202 dietary supplements as defined by the Food and Drug Administration  
203 or from engaging in the explanation and education of customers  
204 regarding the use of such products.

205 (i) Any person from furnishing general nutrition  
206 information as to the use of food, food materials or dietary  
207 supplements, nor prevent in any way the free dissemination of  
208 literature; provided, however, no such individual may call  
209 themselves a dietitian unless they are licensed under this  
210 chapter.

211 **SECTION 8.** Section 73-10-15, Mississippi Code of 1972, is  
212 reenacted as follows:

213 73-10-15. (1) A nonresident dietitian may practice  
214 dietetics in Mississippi for five (5) days per year with current  
215 other state's licensure or with current registration with the  
216 Commission on Dietetics Registration.

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



225           **SECTION 9.** Section 73-10-17, Mississippi Code of 1972, is  
226 reenacted as follows:

227           73-10-17. (1) There is established the Mississippi Council  
228 of Advisors in Dietetics under the jurisdiction of the Mississippi  
229 State Board of Health.

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

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

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

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

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

254           (5) The board shall, within sixty (60) days after passage of  
255 this chapter, appoint two (2) advisory council members for a term  
256 of one (1) year, two (2) for a term of two (2) years, and three  
257 (3) for a term of three (3) years. Appointments made thereafter





258 shall be for three-year terms, but no person shall be appointed to  
259 serve more than two (2) consecutive terms.

260 (6) Terms shall begin on the first day of the calendar year  
261 and end on the last day of the calendar year or until successors  
262 are appointed, except for the first appointed members who shall  
263 serve through the last calendar day of the year in which they are  
264 appointed before commencing the terms prescribed by this section.

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

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

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

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

280 **SECTION 10.** Section 73-10-19, Mississippi Code of 1972, is  
281 reenacted as follows:

282 73-10-19. (1) It shall be a ground for removal from the  
283 advisory council if a member:

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

286 (b) Does not maintain during service on the advisory  
287 council the qualifications required for appointment to the  
288 council;

289 (c) Violates a prohibition established by this chapter;

290 or



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

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

296 **SECTION 11.** Section 73-10-21, Mississippi Code of 1972, is  
297 reenacted as follows:

298 73-10-21. (1) Rules, regulations and standards.

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

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

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

317 (3) Issuance and renewal of licenses.

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

321 (b) Upon the first renewal, licenses under this chapter  
322 shall be valid for two (2) calendar years and shall be subject to  
323 renewal and shall expire unless renewed in the manner prescribed



324 by the rules and regulations of the board, upon the payment of a  
325 biennial renewal fee to be set at the discretion of the board, but  
326 not to exceed One Hundred Dollars (\$100.00), and the presentation  
327 of evidence satisfactory to the board that the licensee has met  
328 such continuing education requirements as the board may require.  
329 An applicant for license renewal shall demonstrate to the board  
330 evidence of satisfactory completion of the continuing education  
331 requirements established by the American Dietetic Association  
332 and/or other continuing education requirements as may be required  
333 by the board.

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

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

347 (4) Denial or revocation of license.

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

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



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

360 (iii) Being convicted of a crime in any court  
361 other than a misdemeanor;

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

364 (v) Violating any provision of this chapter.

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

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

387 (5) Establish fees.



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

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

394           (6) Collect funds.

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

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

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

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

412           (7) Receive and process complaints.

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

416           (b) The board shall have the authority to issue  
417 subpoenas, examine witnesses and administer oaths, and shall, at  
418 its discretion, investigate allegations or practices violating the  
419 provisions of this chapter, and in so doing shall have power to  
420 seek injunctive relief to prohibit any person from providing



421 professional dietetic services as defined in Section 73-10-3(1)(j)  
422 without being licensed as provided herein.

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

425 **SECTION 12.** Section 73-10-23, Mississippi Code of 1972, is  
426 reenacted as follows:

427 73-10-23. Any person who violates any provision of this  
428 chapter shall, upon conviction thereof, be guilty of a misdemeanor  
429 and shall be punished by a fine of not more than One Thousand  
430 Dollars (\$1,000.00), or imprisoned in the county jail for a period  
431 not exceeding six (6) months, or both.

432 **SECTION 13.** Section 73-10-25, Mississippi Code of 1972, is  
433 amended as follows:

434 73-10-25. Sections 73-10-1 through 73-10-23, Mississippi  
435 Code of 1972, which is the Dietetics Practice Act, shall stand  
436 repealed on July 1, 2003.

437 **SECTION 14.** This act shall take effect and be in force from  
438 and after July 1, 2002.

