

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 473

S.P. 169

In Senate, February 20, 1987

Reference to the Committee on Business Legislation suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate
Presented by Senator BUSTIN of Kennebec.

Cosponsored by Senator GILL of Cumberland, Representative
TELOW of Lewiston, Representative ALLEN of Washington.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT Making Changes to the Dietitian
Registration Act.

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Be it enacted by the People of the State of Maine as follows:

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Sec. 1. 32 §9901, first ¶, as enacted by PL 1985, c. 389, §28, is amended to read:

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In order to recognize the professional qualifications of dietitians and dietetic technicians and to assure the availability to the public of information regarding those who hold themselves out to be dietitians and dietetic technicians, it is the purpose of this chapter to provide for the registration licensing of qualified dietitians and dietetic technicians.

1 Sec. 2. 32 MRSA §9902, sub-§§1, 5 and 6, as en-
2 acted by PL 1985, c. 389, §28, are amended to read:

3 1. Board. "Board" means the Board of
4 ~~Registration~~ Licensing of Dietetic Practice estab-
5 lished under this chapter.

6 5. Licensed dietetic technician. "Registered
7 Licensed dietetic technician" means a person
8 ~~registered~~ licensed under this chapter who practices
9 dietetics under the supervision of a dietitian who is
10 ~~registered~~ licensed in accordance with this chapter.

11 6. Licensed dietitian. "Registered Licensed
12 dietitian" means a person who practices dietetics and
13 who is ~~registered~~ licensed as a dietitian under this
14 chapter.

15 Sec. 3. 32 MRSA §§9903 and 9904, as enacted by
16 PL 1985, c. 389, §28, are amended to read:

17 §9903. Board of Licensing of Dietetic Practice; es-
18 tablishment; compensation

19 1. Establishment and membership. There is es-
20 tablished, within the Department of Business, Occupa-
21 ~~tional~~ and Professional and Financial Regulation, the
22 Board of ~~Registration~~ Licensing of Dietetic Practice.
23 The board shall consist of 5 members appointed by the
24 Governor, including 2 public members who are resi-
25 dents of this State, who do not hold ~~registration~~ a
26 license to practice dietetics and who have no direct
27 or indirect financial interest in the practice or de-
28 livery of dietetic services. Other than these public
29 members, the persons appointed to the board shall
30 have been engaged in rendering dietetic services to
31 the public or in teaching or research in dietetics
32 for at least 2 years immediately preceding their ap-
33 pointments. Two board members shall be dietitians.
34 The 5th member shall be either a dietitian or a
35 dietetic technician. The professional members shall
36 at all times be holders of valid ~~registrations~~
37 licenses under this chapter, except for the members
38 of the first board, each of whom shall fulfill the
39 requirements for ~~registration~~ licensing under this
40 chapter.

1 2. Terms of appointment. To the first board es-
2 tablished under this chapter, the Governor shall ap-
3 point 2 board members for terms of one year, 2 for
4 terms of 2 years and one for a term of 3 years. Ap-
5 pointments made thereafter shall be for 3-year terms,
6 but no person may be appointed to serve more than 3
7 consecutive terms, provided that for this purpose on-
8 ly, a period actually served which exceeds 1/2 of a
9 3-year term shall be deemed a full term. Any member
10 of the board may be removed from office for cause by
11 the Governor.

12 3. Meetings. The board shall meet at least once
13 a year to conduct its business and to elect a chair-
14 person. Additional meetings shall be held as neces-
15 sary to conduct the business of the board and may be
16 covered at the call of the chairperson or a majority
17 of the board members. A majority of the members of
18 the board shall constitute a quorum for all purposes.

19 4. Compensation. Members of the board shall be
20 compensated as provided in Title 5, section 12002-A.

21 §9904. Board of Licensing of Dietetic Practice; pow-
22 ers and duties

23 1. Powers. The board shall administer and en-
24 force this chapter and evaluate the qualifications of
25 applicants for registration licensing. The board may
26 examine witnesses, administer oaths and shall investi-
27 gate or cause to be investigated any complaints
28 made to it or any cases of noncompliance with or vio-
29 lation of this chapter.

30 2. Rules. The board may adopt, in accordance
31 with the Maine Administrative Procedure Act, Title 5,
32 chapter 375, rules relating to professional conduct
33 to carry out the policy of this chapter, including,
34 but not limited to, rules relating to professional
35 registration licensing and to the establishment of
36 ethical standards of practice for persons registered
37 licensed to practice dietetics in this State.

38 3. Hearings. Hearings may be conducted by the
39 board to assist with investigations, to determine
40 whether grounds exist for suspension, revocation or
41 denial of a registration license or as otherwise

1 deemed necessary to the fulfillment of its responsi-
2 bilities under this chapter. Hearings shall be con-
3 ducted in accordance with the Maine Administrative
4 Procedure Act, Title 5, chapter 375, subchapter IV,
5 to the extent applicable.

6 4. Records. The board shall keep such records
7 and minutes as are necessary to the ordinary dispatch
8 of its functions.

9 5. Contracts. The board may enter into con-
10 tracts to carry out its responsibilities under this
11 chapter.

12 6. Reports. No later than August 1st of each
13 year, the board shall submit to the commissioner, for
14 the preceding fiscal year, its annual report of its
15 operations together with such comments and recommen-
16 dations as the commissioner deems essential.

17 Sec. 4. 32 MRSa §9905, as amended by PL 1985, c.
18 785, Pt. B, §146, is further amended to read:

19 §9905. Board of Licensing of Dietetic Practice; ad-
20 ministrative provisions

21 1. Employees. With the advice of the board, the
22 commissioner may appoint, subject to the Civil Ser-
23 vice Law, such employees as may be necessary to carry
24 out this chapter. Any person so employed shall be
25 located in the department and under the administra-
26 tive and supervisory direction of the commissioner.

27 2. Budget. The board shall submit to the com-
28 missioner its budgetary requirements in the same man-
29 ner as provided in Title 5, section 1665.

30 Sec. 5. 32 MRSa §§9906 to 9909, as enacted by PL
31 1985, c. 389, §28, are amended to read:

32 §9906. Licensing

33 1. Licensing required. No person may practice
34 dietetics or hold himself out to be a registered
35 licensed dietitian or a registered licensed dietetic
36 technician or use related terms or words, unless he
37 is registered licensed in accordance with this chap-
38 ter.

1 2. Individual licensing. Only an individual may
2 be ~~registered~~ licensed under this chapter.

3 3. Penalty; injunction. A person who violates
4 this section is guilty of a Class E crime.

5 The State may bring an action in Superior Court to
6 enjoin any person from violating this chapter, re-
7 gardless of whether proceedings have been or may be
8 instituted in the Administrative Court or whether
9 criminal proceedings have been or may be instituted.

10 §9907. Requirements for licensing; education; expe-
11 rience

12 1. Dietitian's licensing. An applicant for
13 ~~registration~~ licensing as a dietitian shall file a
14 written application on forms provided by the board,
15 showing to the satisfaction of the board that he
16 meets the following requirements.

17 A. The applicant must exhibit adherence to es-
18 tablished ethical professional standards.

19 B. An applicant shall present evidence satisfac-
20 tory to the board of having successfully com-
21 pleted the academic requirements established by
22 the American Dietetic Association or equivalent
23 requirements as determined by the board and shall
24 have received a baccalaureate or higher degree
25 from an accredited college or university. Such a
26 program includes courses in organic and
27 inorganic chemistry, human physiology,
28 microbiology, principles of sociology or psychol-
29 ogy, basic communication skills, economics, food
30 composition, nutrition and management theory.

31 C. An applicant shall submit to the board evi-
32 dence of having successfully completed the expe-
33 rience requirements approved by the American
34 Dietetic Association or equivalent experience ap-
35 proved by the board. That experience shall in-
36 clude at least 6 months full-time clinical expe-
37 rience in the field of dietetics, or its part-
38 time equivalent. The experience shall have been
39 acquired during or within 5 years of completion

1 of the academic requirements in paragraph B and
2 not more than 5 years before the date of license
3 application.

4 D. The applicant must have successfully com-
5 pleted an examination given by the American
6 Dietetic Association or its equivalent as deter-
7 mined and administered by the board.

8 2. Dietetic technician's licensing. An appli-
9 cant for ~~registration~~ licensing as a dietetic techni-
10 cian shall file a written application on forms pro-
11 vided by the board showing to the satisfaction of the
12 board that he meets the following requirements.

13 A. The applicant must exhibit adherence to es-
14 tablished ethical professional standards.

15 B. The applicant must have graduated from a
16 dietetic technician program approved by the Com-
17 mission on Accreditation of the American Dietetic
18 Association or its equivalent, as determined by
19 the board, or graduated with a Bachelor of Sci-
20 ence Degree in Food and Nutrition from an ap-
21 proved 4-year program.

22 §9908. Issuance of license

23 The board shall issue a ~~registration~~ license to
24 any person who meets the requirements of this chapter
25 upon payment of the prescribed fee.

26 §9909. Term of license

27 1. Annual renewal. Registration A license shall
28 expire annually on December 31st or on such other
29 date as the commissioner may determine. Notice of
30 expiration shall be mailed to each ~~registrant's~~
31 licensee's last known address at least 30 days in ad-
32 vance of the expiration of his ~~registration~~ the
33 license. The notice shall include any requests for
34 information necessary for renewal.

35 Registrations Licenses may be renewed up to 90 days
36 after the date of expiration upon payment of a late
37 fee of \$10 in addition to the renewal fee. Any per-
38 son who submits an application for renewal more than

1 90 days after the registration licensing renewal date
2 shall be subject to all requirements governing new
3 applicants under this chapter.

4 2. Continuing education. Each registration
5 license renewal shall be accompanied by evidence of
6 continuing education or other requirements as estab-
7 lished in rule by the board.

8 Sec. 6. 32 MRSA §9910, sub-§§2 and 3, as enacted
9 by PL 1985, c. 389, §28, are amended to read:

10 2. Disciplinary actions; grounds. The board may
11 suspend or revoke a registration license pursuant to
12 Title 5, section 1004. In addition, the board may
13 refuse to renew or the Administrative Court may re-
14 voke, suspend or refuse to renew any registration
15 license issued under this chapter on any of the fol-
16 lowing grounds:

17 A. The practice of fraud or deceit in obtaining
18 a registration license under this chapter or in
19 connection with service rendered within the scope
20 of the registration license issued;

21 B. A registrant licensee shall be deemed to have
22 engaged in unprofessional conduct if he violates
23 any standard of professional behavior which has
24 been established in the practice of dietetics;

25 C. Subject to the limitations of Title 5, chap-
26 ter 341, conviction of a crime which involves
27 dishonesty or false statement or which relates
28 directly to the practice for which the individual
29 is registered licensed or convicted of
30 any crime for which imprisonment for one year or
31 more may be imposed; or

32 D. Any violation of this chapter or rules
33 adopted by the board.

34 3. Reinstatement. An application for reinstatement
35 may be made to the board after one year from the
36 date of revocation of a registration license.

37 Sec. 7. 32 MRSA §9911, sub-§1, as enacted by PL
38 1985, c. 389, §28, is amended to read:

1 1. Amount. Application fees may be established
2 by the board in amounts which are reasonable and nec-
3 essary. Registration Licensing fees may not exceed
4 the following amounts:

5 A. For an original dietitians or dietetic tech-
6 nicians registration license, \$80; or

7 B. For a renewal dietitians or dietetic techni-
8 cians registration license, \$40.

9 Sec. 8. 32 MRSA §9912, first ¶, as enacted by PL
10 1985, c. 389, §28, is amended to read:

11 The board may, in its discretion, grant a
12 registration license under this chapter to an indi-
13 vidual registered or licensed in another state if it
14 determines that the requirements or standards for
15 registration or licensure in that state are equiva-
16 lent to, or greater than, those established by this
17 chapter.

18 Sec. 9. 32 MRSA §§9913 and 9914 are enacted to
19 read:

20 §9913. Waiver of requirements for licensure

21 The board shall adopt rules, as it deems neces-
22 sary and appropriate, to allow the waiver of require-
23 ments for a person who meets the requirements of sec-
24 tion 9907 or equivalent requirements.

25 §9914. Temporary license

26 The board shall adopt rules establishing require-
27 ments for a temporary license within the scope of
28 this chapter.

1 STATEMENT OF FACT

2 This bill makes several changes in the State's
3 law setting forth credentials for professional
4 dietitians. These changes which have been discussed
5 with both the licensing board and the American
6 Dietitians Association are as follows:

7 1. Changing the credential from registration to
8 license, more accurately reflecting the nature of
9 dietitians work and educational requirements;

10 2. Including a requirement for an examination to
11 be passed in order to become a licensed
12 dietitian;

13 3. Adding a provision for the Board of Dietetic
14 Registration to grant temporary licenses under
15 certain conditions;

16 4. Including the practice of dietetics as part
17 of the scope of licensure; and

18 5. Authorizing the Board of Registration of
19 Dietetic Practice to develop rules to carry out
20 these changes.

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