

## ACT 280

H.B. NO. 749

A Bill for an Act Relating to Dietitians.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that nutrition plays a critical role in growth and brain development, the prevention of diseases such as cancer, the control and treatment of many diseases including arteriosclerosis and diabetes, and the attainment and maintenance of health. Due to the growing awareness of the relationship between sound nutrition and health, there has also been a virtual explosion in the amount of information available to the public about nutrition. Unfortunately, but understandably, much of this information is contradictory, confusing, and misleading and, when followed, may actually undermine rather than improve a person's health.

The purpose of this Act is to provide for the regulation of persons offering dietetic services to:

- (1) Safeguard the public health, safety, and welfare;
- (2) Protect those seeking dietetic services from incompetent and unscrupulous persons, and persons unauthorized to perform these services;
- (3) Assure the highest degree of professional conduct on the part of dietitians; and
- (4) Assure the availability of high quality dietetic services.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to title 19 to be appropriately designated and to read as follows:

**“CHAPTER  
DIETITIANS**

§ -1 **Definitions.** As used in this chapter:

“Association” means the American Dietetic Association.

“Commission on Accreditation” means the Commission on Accreditation/Approval for Dietetics Education.

“Licensed dietitian” means a person who uses the title of licensed dietitian or dietitian and has been licensed to practice dietetics under this chapter.

“Department” means the department of health.

“Dietetic practice” means the integration and application of scientific principles of nutrition, biochemistry, physiology, food, behavioral, and social sciences, in managing disease, and achieving and maintaining human health throughout the life cycle.

“Director” means the director of health.

§ -2 **Dietitian licensure program.** There is established a dietitian licensure program within the department to be administered by the director.

§ -3 **Powers and duties of the director.** In addition to any other powers and duties authorized by law, the director shall have the following powers and duties:

- (1) Examine and approve the qualifications of all applicants under this chapter and issue a license to each successful applicant granting permission to use the title of “licensed dietitian” or “dietitian” in this State pursuant to this chapter and the rules adopted pursuant thereto;

- (2) Adopt, amend, or repeal rules pursuant to chapter 91 as the director finds necessary to carry out this chapter;
- (3) Administer, coordinate, and enforce this chapter and rules adopted pursuant thereto;
- (4) Discipline a licensed dietitian for any cause described by this chapter or for any violation of the rules, and refuse to license a person for failure to meet licensure requirements or for any cause that would be grounds for disciplining a licensed dietitian; and
- (5) Appoint an advisory committee consisting of licensed dietitians to assist with the implementation of this chapter and the rules adopted pursuant thereto.

§ **-4 Licensure required.** No person shall purport to be a “licensed dietitian” or use the letters “L.D.” in connection with the person’s name, or use any words or symbols indicating or tending to indicate that the person is a licensed dietitian without meeting the applicable requirements and holding a license as set forth in this chapter.

§ **-5 Licensure requirements.** In addition to the application requirements provided by section 436B-10, the director shall adopt rules as deemed necessary for the licensure of dietitians to protect public health and safety, and may consider the following as minimum evidence that an applicant is qualified to be licensed:

- (1) The applicant received a baccalaureate degree or post-baccalaureate degree from a regionally accredited college or university with a major course of study in dietetics, human nutrition, food and nutrition, or food systems management, or academic requirements related thereto, approved by the Commission on Accreditation, or meets equivalent core requirements for the dietetics option at the University of Hawaii. In addition to basic dietetic principles of nutrition, human physiology, biochemistry, and behavioral and social sciences, course work shall include at least nine semester credits (or twelve quarter hours) relating to food science and food preparation. Applicants who have obtained their education outside of the United States and its territories shall have their academic degree validated by an agency authorized to validate foreign academic degrees as being equivalent to a baccalaureate, master’s, or doctoral degree conferred by a regionally accredited college or university in the United States. Validation of a foreign degree shall include a verification statement of completion of the major course of study or related academic requirements, basic dietetic principles, and course work specified in this paragraph;
- (2) Satisfactorily complete a documented supervised practice experience component in dietetic practice of not less than nine hundred hours approved by the Commission on Accreditation;
- (3) Pass the registration examination for dietitians administered by the Commission on Dietetic Registration; and
- (4) Submit a report of any disciplinary action relating to dietetics practice taken against the applicant in another jurisdiction.

An individual who provides evidence of current registration in the Association shall be deemed to have met the educational and supervised practice experience requirements of this section.

§ **-6 Licensure by endorsement.** The director shall grant, upon application and payment of proper fees, licensure to a person who, at the time of application, holds a valid certification or license as a dietitian issued by another

state, territory, or jurisdiction if the requirements for that certification or license are equal to, or greater than, the requirements of this chapter.

§ **-7 Issuance of license.** The director shall issue a license to any person who meets the requirements of this chapter, upon payment of the prescribed fees.

§ **-8 Renewal of license.** (a) Every license issued under this chapter shall be renewed triennially on or before June 30, with the first renewal deadline occurring on June 30, 2003. Failure to renew a license shall result in a forfeiture of the license. Licenses that have been so forfeited may be restored within one year of the expiration date upon payment of renewal and penalty fees. Failure to restore a forfeited license within one year of the date of its expiration shall result in the automatic termination of the license, and relicensure may require the person to apply as a new applicant and satisfy all licensure requirements again.

(b) Upon request, the director may grant inactive status to a person licensed under this chapter.

§ **-9 Fees; disposition.** (a) Application, examination, reexamination, license, renewal, late renewal penalty fees, inactive, and other reasonable and necessary fees relating to administration of this chapter, none of which are refundable, shall be as provided in rules adopted by the director pursuant to chapter 91.

(b) Fees assessed shall defray all costs to be incurred by the director to support the operation of the dietitian licensure program.

§ **-10 Dietitian licensure special fund.** There is established in the state treasury a special fund to be known as the dietitian licensure special fund to be administered by the department. Fees collected under section -9 shall be deposited in the dietitian licensure special fund and may be expended for the costs associated with administering the licensure program, including but not limited to education.

§ **-11 Revocation, suspension, denial, or condition of licenses; fines.** In addition to any other acts or conditions provided by law, the director may refuse to renew, reinstate, or restore, or may deny, revoke, suspend, fine, or condition in any manner any license for any one or more of the following acts or conditions on the part of the applicant or licensed dietitian:

- (1) Conviction by a court of competent jurisdiction of a crime that the director has determined to be of a nature that renders the person convicted unfit to practice dietetics;
- (2) Failure to report in writing to the director any disciplinary decision related to dietetic practice issued against the licensed dietitian or the applicant in any jurisdiction within thirty days of the disciplinary decision or within twenty days of licensure;
- (3) Violation of recognized ethical standards for dietitians as set by the Association;
- (4) Use of fraud, deception, or misrepresentation in obtaining a license;
- (5) Revocation, suspension, or other disciplinary action by another state, territory, federal agency, or country against the licensed dietitian or applicant for any reason provided under this section; or
- (6) Other just and sufficient cause that renders a person unfit to practice dietetics.

§ **-12 Prohibited acts; penalties.** (a) No person shall:

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- (1) Use in connection with the person's name any designation tending to imply that the person is a licensed dietitian unless the person is duly licensed and authorized under this chapter; or
  - (2) Represent oneself as a licensed dietitian during the time the person's license issued under this chapter is forfeited, inactive, terminated, suspended, or revoked.
- (b) Any person who violates this section shall be subject to a fine of not more than \$1,000 and each day's violation shall be deemed a separate offense.'

SECTION 3. This Act shall take effect on July 1, 2000.

(Approved June 22, 2000.)