

The Senate Committee on Regulated Industries and Utilities offered the following substitute to HB 844:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and
2 businesses, so as to repeal and reenact Chapter 11A, the "Dietetics Practice Act"; to provide
3 for the licensure of dietitian nutritionists and nutritionists; to provide for a short title; to
4 provide for the purpose of the chapter; to provide definitions; to establish the Georgia Board
5 of Examiners of Licensed Dietitian Nutritionists and Licensed Nutritionists; to provide for
6 powers, members, officers, and meetings of such board; to provide for the grant of a license
7 without examination; to provide for eligibility for licensure as a dietitian nutritionist and
8 nutritionist; to provide for provisional licenses; to permit applications to be made under oath;
9 to provide for such board to notify applicants of acceptance or rejection; to provide for
10 examinations; to provide for certain requirements of licensees; to provide for refusal,
11 suspension, or revocation of licenses; to provide for exceptions to licensure; to provide for
12 proceedings; to provide for statutory construction; to provide for scope of practice; to provide
13 for a qualified supervisor over a supervised practice experience in the practice of nutrition
14 and dietetics; to amend the Official Code of Georgia Annotated, so as to provide for
15 conforming cross-references; to provide for related matters; to provide for an effective date;
16 to repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18

PART I

19

Practice of Nutrition and Dietetics Act

20

SECTION 1-1.

21 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
22 is amended by repealing and reenacting Chapter 11A, the "Dietetics Practice Act," as
23 follows:

24

"CHAPTER 11A25 43-11A-1.

26 This chapter shall be known and may be cited as the 'Practice of Nutrition and Dietetics
27 Act.'

28 43-11A-2.

29 The General Assembly acknowledges that the application of scientific knowledge relating
30 to nutrition is important in the treatment of disease and in the attainment and maintenance
31 of health and acknowledges further that the rendering of sound dietetic or nutrition services
32 for the treatment or management of diseases or medical conditions in hospitals, nursing
33 homes, school districts, health departments, private practice and consultation, and other
34 settings requires trained and competent professionals. It is declared, therefore, to be the
35 purpose of this chapter to protect the health, safety, and welfare of the public by providing
36 for the licensure and regulation of the activities of persons engaged in the practice of
37 nutrition and dietetics.

38 43-11A-3.

39 As used in this chapter, the term:

- 40 (1) 'ACEND' means the Accreditation Council for Education in Nutrition and Dietetics,
41 an accrediting agency for education programs preparing students for careers as registered
42 dietitian nutritionists or nutrition and dietetic technicians, registered, or its successor
43 organization.
- 44 (2) 'Advertising' means, but is not limited to, issuing or causing to be distributed any
45 card, sign, or other device; causing or permitting any sign or marking on or in any
46 building or structure or in any newspaper, magazine, or directory; or causing or
47 permitting any announcement on radio or any announcement or display on television, a
48 computer network, or an electronic or telephonic medium.
- 49 (3) 'Applicant' means any person seeking a license under this chapter.
- 50 (4) 'Board' means the Georgia Board of Examiners of Licensed Dietitian Nutritionists
51 and Licensed Nutritionists established by this chapter.
- 52 (5) 'Degree' means a degree received from a college or university accredited by the
53 appropriate regional accrediting agency recognized by the Council for Higher Education
54 Accreditation or its successor organization and the United States Department of
55 Education at the time the degree was received and accredited by ACEND, or a validated
56 foreign equivalent as recognized by the board by approval, policy, or rule.
- 57 (6) 'Dietetics' means the integration and application of dietary principles derived from
58 the science of food, nutrition, biochemistry, metabolism, nutrigenomics, physiology,
59 pharmacology, and food systems and management and from behavioral and social
60 sciences for achieving and maintaining health throughout the life span. The practice of
61 dietetics is primarily the provision of nutrition care services, including medical nutrition
62 therapy provided via the nutrition care process, in-person or through telehealth, to
63 prevent, manage, or treat diseases or medical conditions and to promote wellness.
64 Consistent with the level of competence, the practice of dietetics may include:

- 65 (A) Accepting or transmitting oral, verbal, delegated, or electronically transmitted
66 orders from a referring licensed provider consistent with applicable laws and rules in
67 conjunction with protocols established to implement medical nutrition therapy;
68 (B) Ordering patient diets, including therapeutic diets, via oral, enteral, and parenteral
69 routes;
70 (C) Ordering medical laboratory tests related to nutritional therapeutic treatments
71 consistent with state law;
72 (D) Implementing prescription drug dose adjustments in an inpatient setting for
73 specific disease treatment protocols within the limits of his or her knowledge, skills,
74 judgment, and current evidence-informed clinical practice guidelines as indicated in a
75 facility, medical staff, or medical director approved protocol and as approved and
76 delegated by a licensed prescribing practitioner;
77 (E) Implementing prescription drug dose adjustments in an outpatient setting for
78 specific disease treatment protocols within the limits of his or her knowledge, skills,
79 and judgment and as approved by and under the delegation of a licensed prescribing
80 practitioner;
81 (F) Recommending or ordering vitamin, mineral, and other dietary supplements or
82 discontinuing use of unnecessary vitamin, mineral, and other dietary supplements;
83 (G) Practicing dietetics via telehealth when appropriate for the individual or group
84 receiving the services and when the level of care provided by telehealth meets the
85 required level of care for that individual or group;
86 (H) Developing and managing food service operations for the management or
87 treatment of disease or medical conditions, including operations with the primary
88 function of nutrition care or recommending, ordering, or providing therapeutic diets;
89 and
90 (I) Providing advanced clinical nutrition care services and related support activities
91 consistent with current competencies required of academic and supervised practice

92 programs accredited by ACEND and in accordance with the scope and standards of
93 practice for a registered dietitian.

94 (7) 'General nonmedical nutrition information' means information on:

95 (A) Principles of human nutrition and food preparation;

96 (B) Principles of self-care and a healthy relationship with food;

97 (C) Essential nutrients needed by the human body;

98 (D) General and nonindividualized recommended amounts of essential nutrients in the
99 human body;

100 (E) Actions of nutrients in the human body;

101 (F) Nonindividualized effects of deficiencies or excesses of nutrients in the human
102 body; or

103 (G) General education surrounding foods, herbs, and dietary supplements that are good
104 sources of essential nutrients in the human body.

105 (8) 'Licensed dietitian nutritionist' means a person duly licensed under this chapter as
106 meeting the requirements provided for in subsection (a) of Code Section 43-11A-9 to
107 practice nutrition and dietetics, including the provision of medical nutrition therapy.

108 (9) 'Licensed nutritionist' means a person duly licensed under this chapter as meeting the
109 requirements provided for in subsection (b) of Code Section 43-11A-9 to practice
110 nutrition, including the provision of medical nutrition therapy.

111 (10) 'Medical nutrition therapy' means the provision of the following nutrition care
112 services for the treatment or management of a disease or medical condition: nutrition
113 assessment, nutrition diagnosis, nutrition intervention, and nutrition monitoring and
114 evaluation.

115 (11) 'Medical weight control' means medical nutrition therapy provided for the purpose
116 of reducing, maintaining, or gaining weight.

117 (12) 'Nonmedical weight control' means nutrition care services provided for the purpose
118 of reducing, maintaining, or gaining weight that do not constitute the treatment or

119 management of a disease or medical condition. Such term includes weight control
120 services for healthy population groups to achieve or maintain a healthy weight.

121 (13) 'Nutrition' means the integration and application of scientific principles derived
122 from the study of nutrition science, cellular and systemic metabolism, biochemistry,
123 physiology, and behavioral sciences for achieving and maintaining health throughout the
124 life span. The practice of nutrition is primarily the provision of nutrition care services,
125 including medical nutrition therapy, in-person or via telehealth, to prevent, manage, or
126 treat diseases or medical conditions and promote wellness. Consistent with the level of
127 competence, the practice of nutrition may include:

128 (A) Accepting or transmitting oral, verbal, delegated, or electronically transmitted
129 orders from a referring licensed provider consistent with applicable laws and rules in
130 conjunction with protocols established to implement medical nutrition therapy;

131 (B) Ordering patient diets, including therapeutic diets. Therapeutic diets consisting of
132 enteral or parenteral nutrition therapy shall only be ordered by a practitioner licensed
133 under this chapter when the practitioner is a registered dietitian or certified nutrition
134 clinician certified by the National Board of Nutrition Support Certification or otherwise
135 satisfies requirements established by the board by rule or regulation that are consistent
136 with the competencies necessary for evaluating, ordering, and administering enteral and
137 parenteral nutrition therapies;

138 (C) Ordering medical laboratory tests related to nutritional therapeutic treatments
139 consistent with state law;

140 (D) Implementing prescription drug dose adjustments in an outpatient setting for
141 specific disease treatment protocols within the limits of his or her knowledge, skills,
142 and judgment and as approved by and under the delegation of a licensed prescribing
143 practitioner;

144 (E) Providing recommendations on vitamin, mineral, and other dietary supplements;
145 and

146 (F) Practicing nutrition via telehealth when it is appropriate for the individual or group
147 receiving the services and when the level of care provided by telehealth meets the
148 required level of care for that individual or group.

149 (14) 'Nutrition assessment' means the ongoing, dynamic, and systematic process of
150 ordering, obtaining, verifying, and interpreting biochemical, anthropometric, physical,
151 nutrigenomic, and dietary data to make decisions about the nature and cause of nutrition
152 related problems relative to patient or community needs. Such term includes the initial
153 data collection and evaluation and any reassessment and analysis of patient or community
154 needs and provides the foundation for nutrition diagnosis and nutritional
155 recommendations. Nutrition assessment may require ordering laboratory tests to check
156 and track nutritional status. The collection of such data shall not, by itself, constitute
157 nutrition assessment.

158 (15) 'Nutrition care process' means the systematic problem-solving method that licensed
159 dietitian nutritionists use to critically think and make decisions when providing medical
160 nutrition therapy or to address nutrition related problems and provide safe, effective care.
161 Such term consists of four distinct but interrelated steps: nutrition assessment, nutrition
162 diagnosis, nutrition intervention, and nutrition monitoring and evaluation.

163 (16) 'Nutrition care services' means any part or all of the following services provided
164 within a systematic process:

165 (A) Assessing and evaluating the nutritional needs of individuals and groups and
166 determining resources and constraints in a practice setting, including ordering nutrition
167 related laboratory tests to check and track nutrition status;

168 (B) Identifying nutrition problems and establishing priorities, goals, and objectives that
169 meet nutritional needs and are consistent with available resources and constraints;

170 (C) Creating individualized dietary plans, including therapeutic diets; issuing and
171 implementing dietary orders to meet the nutritional needs of healthy individuals and

172 individuals in acute and chronic disease states; and monitoring the effectiveness of such
173 dietary plans and orders;

174 (D) Determining and providing appropriate nutrition interventions in health and
175 disease, including nutrition counseling on food and prescription drug interactions;

176 (E) Developing, implementing, and managing nutrition care processes; or

177 (F) Evaluating, making changes to, and maintaining appropriate standards of quality
178 in food and nutrition services.

179 (17) 'Nutrition counseling' means a supportive process, characterized by a collaborative
180 counselor-patient or counselor-client relationship with individuals or groups, to establish
181 food and nutrition priorities, goals, individualized action plans, and general physical
182 activity guidance that acknowledge and foster responsibility for self-care to promote
183 health and wellness or to treat or manage an existing disease or medical condition.

184 (18) 'Nutrition diagnosis' means identifying and labeling nutritional problems managed
185 and treated by a licensed dietitian nutritionist but does not include a medical diagnosis
186 of the health status of an individual.

187 (19) 'Nutrition intervention' means purposefully planned interventions, including
188 nutrition counseling, intended to positively change a nutrition related behavior, risk
189 factor, environmental condition, or aspect of the health status of an individual, his or her
190 family or caregivers, target groups, or the community at large. Such term includes
191 approving, ordering, and monitoring therapeutic diets and counseling on food and
192 prescription drug interactions.

193 (20) 'Nutrition monitoring and evaluation' means: identifying patient outcomes relevant
194 to a nutrition diagnosis, intervention plans, and goals; comparing those outcomes with a
195 patient's previous health status, intervention plans, and goals or with a reference standard
196 to determine the progress made in achieving desired outcomes of nutrition care services;
197 and determining whether planned nutrition interventions should be continued, revised,
198 or concluded.

- 199 (21) 'Patient' means an individual recipient of nutrition care services, whether in an
200 outpatient, inpatient, or nonclinical setting.
- 201 (22) 'Provisionally licensed dietitian nutritionist' or 'provisionally licensed nutritionist'
202 means a person provisionally licensed as provided for in Code Section 43-11A-10.
- 203 (23) 'Qualified supervisor' means an individual providing supervision who assumes full
204 professional responsibility for the work of the supervisee by verifying, directing, and
205 approving the provided nutrition care services, medical nutrition therapy, and other work
206 being supervised, as provided for in Code Section 43-11A-19.
- 207 (24) 'Registered dietitian nutritionist' means a person who is credentialed by the
208 Commission on Dietetic Registration or its successor organization as a registered dietitian
209 nutritionist or a registered dietitian and is authorized to use such title and the designation
210 'RDN' or 'RD.'
- 211 (25) 'Supervisee' means a student, intern, or trainee providing nutrition care services and
212 other work under the supervision of a qualified supervisor, as provided for in Code
213 Section 43-11A-19.
- 214 (26) 'Telehealth' means the use of electronic information and telecommunications
215 technologies to provide services under this chapter between a healthcare provider in one
216 location and an individual in another location to support clinical healthcare, public health,
217 patient health related education, and health administration.
- 218 (27) 'Therapeutic diet' means a diet intervention prescribed by a licensed physician or
219 other authorized nonphysician practitioner that provides food or nutrients via oral,
220 enteral, or parenteral routes as part of the treatment of a disease or clinical condition to
221 modify, eliminate, decrease, or increase identified micronutrients and macronutrients in
222 a patient's diet, or to provide mechanically altered food when indicated.
- 223 (28) 'Unrestricted practice of medical nutrition therapy' means the provision of medical
224 nutrition therapy by an individual who is responsible for his or her own practice or
225 treatment procedures.

226 43-11A-4.

227 (a) The Georgia Board of Examiners of Licensed Dietitians in existence prior to
228 July 1, 2024, is continued in existence thereafter as the Georgia Board of Examiners of
229 Licensed Dietitian Nutritionists and Licensed Nutritionists. Those persons serving as
230 members of the board immediately prior to July 1, 2024, shall continue to serve out their
231 respective terms of office and until their successors are appointed and qualified. The board
232 shall consist of seven members as follows:

233 (1) Five members shall be licensed dietitian nutritionists and one member shall be a
234 licensed nutritionist; provided, however, that, of those six members, at least one member
235 shall be from each of the following areas of the practice of nutrition and dietetics: clinical
236 nutrition and dietetics, community or public health nutrition and dietetics, and the private
237 practice of nutrition and dietetics; provided, further, that at least one member shall be an
238 educator on the faculty of a college or university specializing in the field of nutrition and
239 dietetics; and

240 (2) One member shall represent the public at large.

241 (b) Members of the board shall be appointed by the Governor with the confirmation of the
242 Senate. Members of the board shall take office on the first day of July immediately
243 following the expired terms of that office and shall serve for terms of four years and until
244 their successors are appointed and qualified. Those persons serving as members of the
245 board immediately prior to July 1, 2024, shall continue to serve out their respective terms
246 of office and until their respective successors are appointed and qualified. Any person
247 appointed to the board when the Senate is not in session may serve on the board without
248 Senate confirmation until the Senate acts on that appointment. No member shall serve on
249 the board for more than two consecutive terms. Any vacancy shall be filled by the
250 Governor subject to confirmation of the Senate.

251 (c) All members of the board shall be reimbursed as provided for in subsection (f) of Code
252 Section 43-1-2.

253 (d) All members of the board shall take the constitutional oath of office.

254 43-11A-5.

255 (a) Professional members of the board shall:

256 (1) Be citizens of the United States and residents of this state;

257 (2) Have engaged in the practice of nutrition and dietetics for compensation for not less
258 than five years; and

259 (3) Be licensed under this chapter.

260 (b) Consumer members of the board shall be appointed by the Governor from the public
261 at large, shall be citizens of the United States and residents of this state, and shall have no
262 connection whatsoever with the practice of nutrition or dietetics.

263 (c) The Governor may remove members of the board, after notice and opportunity for
264 hearing, for incompetence, neglect of duty, unprofessional conduct, conviction of any
265 felony, failure to meet the qualifications of this chapter, or committing any act prohibited
266 by this chapter.

267 (d) Initial members of the board may be exempt from the requirements established in
268 paragraphs (2) and (3) of subsection (a) of this Code section, provided that such members
269 possess the qualifications for a license under this chapter and apply for such license within
270 six months of the availability of such license.

271 43-11A-6.

272 The board shall meet annually and shall elect from its members a chairperson, a vice
273 chairperson, and any other officers as deemed necessary who shall hold office according
274 to the rules adopted by the board. In addition to its annual meeting, the board shall hold
275 at least two other meetings each year as provided by the rules adopted by the board.

276 43-11A-7.

277 The board shall have the power to:

278 (1) Enforce the provisions of this chapter, and it shall be granted all of the necessary
279 duties, powers, and authority to carry out this responsibility;

280 (2) Draft, adopt, amend, repeal, and enforce such rules as it deems necessary for the
281 administration and enforcement of this chapter in the protection of public health, safety,
282 and welfare;

283 (3) License duly qualified applicants by examination, endorsement, or reinstatement;

284 (4) Implement a disciplinary process;

285 (5) Enforce qualifications for licensure;

286 (6) Set standards for competency of licensees continuing in or returning to practice;

287 (7) Issue orders when a license is surrendered to the board while a complaint,
288 investigation, or disciplinary action against such license is pending;

289 (8) Adopt, revise, and enforce rules regarding advertising by licensees, including, but not
290 limited to, rules to prohibit false, misleading, or deceptive practices;

291 (9) Adopt, publish in print or electronically, and enforce a code of ethics;

292 (10) Establish examination and licensing fees;

293 (11) Request and receive the assistance of state educational institutions or other state
294 agencies;

295 (12) Prepare information of consumer interest describing the regulatory functions of the
296 board and describing the procedures by which consumer complaints are filed with and
297 resolved by the board. The board shall make the information available to the general
298 public and appropriate state agencies;

299 (13) Establish continuing education requirements;

300 (14) Adopt a seal which shall be affixed only in such manner as prescribed by the board;

301 and

302 (15) Conduct a national background check, as provided for in Code Sections 43-11A-11
303 and 43-11A-15, by the submission of fingerprints to the Federal Bureau of Investigation
304 through the Georgia Crime Information Center; provided, however, that reports from
305 such background checks shall not be shared with entities outside of this state.

306 43-11A-8.

307 (a) The board shall adopt rules and regulations implementing a process by which
308 transitioning service members may qualify for licensure, as provided for in Code
309 Section 43-1-34.

310 (b) The board shall issue an expedited license by endorsement to any individual who is a
311 spouse of a service member or transitioning service member stationed within the State of
312 Georgia, as provided for in Code Section 43-1-35.

313 (c) The board may grant, upon application and payment of proper fees, a license without
314 examination to a person who, at the time of application, holds a valid license or
315 certification as a licensed or certified dietitian nutritionist, dietitian, or nutritionist issued
316 by another state, political territory, or jurisdiction acceptable to the board if, in the board's
317 opinion, the requirements for such license or certification are substantially the same as the
318 requirements of this chapter and rules and regulations promulgated by the board.

319 43-11A-9.

320 (a) Each applicant for a license as a licensed dietitian nutritionist shall be at least 18 years
321 of age, submit a completed application upon a form and in such manner as the board
322 prescribes, pay any applicable fees, and:

323 (1) Present evidence satisfactory to the board that the applicant holds a current and valid
324 registration as a registered dietitian nutritionist; or

325 (2) Submit proof of:

326 (A) Completion of a master's or doctoral degree;

327 (B) Satisfactory completion of a planned, documented, supervised experience in the
328 practice of nutrition and dietetics accredited by ACEND, consisting of not less than
329 1,000 hours of supervised practice under the supervision of a qualified supervisor as
330 provided for in Code Section 43-11A-19; provided, however, that an applicant shall
331 complete such experience within five years of earning the degree required under
332 subparagraph (A) of this paragraph; provided, further, that the board in its discretion
333 may grant an extension for a limited time for extraordinary circumstances;

334 (C) Passage of the examination for registered dietitian nutritionists administered by the
335 Commission on Dietetic Registration or its successor organization; provided, however,
336 that, if such passage occurred more than five years before license application, the
337 applicant shall demonstrate completion of 75 hours of continuing education that satisfy
338 the continuing education criteria of the board for each five-year period
339 post-examination; and

340 (D) Completion of such other requirements as may be prescribed by the board.

341 (b) Each applicant for a license as a licensed nutritionist shall be at least 18 years of age,
342 submit a completed application upon a form and in such manner as the board prescribes,
343 pay any applicable fees, and submit proof of:

344 (1) Completion of a master's or doctoral degree with a major course of study in human
345 nutrition, food and nutrition, community nutrition, public health nutrition, nutrition
346 education, nutrition science, clinical nutrition, applied clinical nutrition, nutrition
347 counseling, nutrition and functional medicine, nutritional biochemistry, nutrition and
348 integrative health, or a comparable major or in a field of clinical healthcare; provided,
349 however, that the applicant has completed coursework leading to competence in medical
350 nutrition therapy, including, but not limited to:

351 (A) Fifteen semester hours of courses on clinical or life sciences, including at least
352 three semester hours on human anatomy and physiology or an equivalent subject; and

- 353 (B) Fifteen semester hours of courses on nutrition and metabolism, including at least
354 six semester hours on biochemistry;
- 355 (2) Satisfactory completion of a planned, documented, and supervised practice
356 experience demonstrating competence in providing nutrition care services and medical
357 nutrition therapy approved by the board and meeting all of the following requirements:
- 358 (A) An applicant shall complete a supervised practice experience under this paragraph
359 within five years of completing the requirements provided for in paragraph (1) of this
360 subsection; provided, however, that the board in its discretion may grant an extension
361 for a limited time for extraordinary circumstances; and
- 362 (B) A supervised practice experience provided for in this paragraph shall:
- 363 (i) Involve at least 1,000 hours in the following practice areas, with a minimum
364 of 200 hours in each practice area: conducting nutrition assessment and nutrition
365 diagnosis, nutrition intervention, and nutrition monitoring and evaluation;
- 366 (ii) Be under the supervision of a qualified supervisor as provided for in Code
367 Section 43-11A-19; and
- 368 (iii) Prepare an applicant, as determined by the board, to provide nutrition care
369 services for various populations of diverse cultures, genders, and ages, and to be able
370 to competently formulate actionable medical nutrition therapies and nutrition
371 interventions, nutrition education, nutrition counseling, and ongoing nutrition care
372 services for the prevention, modulation, and management of a range of acute and
373 chronic medical conditions;
- 374 (3) Satisfaction of examination requirements by:
- 375 (A) Passage of the certified nutrition specialist examination administered by the Board
376 for Certification of Nutrition Specialists or its successor organization, or passage of an
377 equivalent examination on all aspects of the practice of nutrition and dietetics that is
378 accredited by the National Commission for Certifying Agencies or its successor
379 organization and that is approved by a two-thirds' vote of the board; provided, however,

380 that, if such passage occurred more than five years before the license application, the
381 applicant shall demonstrate to the satisfaction of the board completion of 75 hours of
382 continuing education per each five-year period post-examination; or

383 (B) Demonstration the applicant holds a current and valid certification from the Board
384 for Certification of Nutrition Specialists or its successor organization that allows the
385 applicant to use the title 'certified nutrition specialist' or the designation 'CNS'; and

386 (4) Completion of such other requirements as may be prescribed by the board.

387 (c) All persons licensed or who have submitted an application for licensure prior to
388 July 1, 2024, shall remain licensed, be eligible for reactivation, or be eligible for licensure
389 under the requirements in place at the time of licensure or application, so long as the
390 applicant or licensee remains in good standing and maintains an active or inactive license
391 if obtained or once it is obtained. Such persons shall be licensed as dietitian nutritionists.

392 43-11A-10.

393 The board, at its discretion, may issue a provisional license for an individual to practice as
394 a provisionally licensed dietitian nutritionist or provisionally licensed nutritionist for one
395 year under the supervision of a licensed dietitian nutritionist or licensed nutritionist upon
396 the filing of an application with appropriate fees and submission of evidence of successful
397 completion of a substantial portion of the requirements for licensure as provided for in
398 Code Section 43-11A-9; provided, however, that the board, at its discretion, may allow
399 such licensee to renew such provisional license for a length of time determined by the
400 board; provided, further, that the board may require a renewal fee for such licensee to
401 maintain such provisional license.

402 43-11A-11.

403 (a) As used in this Code section, the term 'conviction data' means a record of a finding or
404 verdict of guilty or plea of guilty or plea of nolo contendere with regard to any crime,

405 regardless of whether an appeal of the conviction has been sought, or a record of a
406 sentencing to first offender treatment without an adjudication of guilt.

407 (b) With respect to the provisions of Code Section 43-11A-15, the board shall be
408 authorized to obtain conviction data with respect to an applicant or licensee. The board
409 may require an applicant or licensee who has been convicted of, pled nolo contendere to,
410 or been granted first offender treatment upon being charged with any criminal offense other
411 than a traffic violation or any traffic violation that involved driving under the influence of
412 alcohol or drugs, homicide or feticide by vehicle, fleeing the scene of an accident,
413 attempting to elude a police officer, or impersonating a law enforcement officer to submit
414 to the board two complete sets of classifiable fingerprints of the applicant or licensee.
415 Upon receipt thereof, the board shall submit both sets of fingerprints to the Georgia Crime
416 Information Center which shall promptly transmit one set of fingerprints to the Federal
417 Bureau of Investigation for a search of bureau records and an appropriate report. The
418 Georgia Crime Information Center shall retain the other set of fingerprints and promptly
419 conduct a search of its own records and records to which it has access. The Georgia Crime
420 Information Center shall notify the board in writing of any derogatory finding, including,
421 but not limited to, any conviction data regarding the fingerprint records check or if there
422 is no such finding. All conviction data received by the board shall be used by it for the
423 exclusive purpose of carrying out its responsibilities under this chapter, shall not be a
424 public record, shall be privileged, and shall not be disclosed to any other person or agency
425 except as provided in Code Section 43-11A-15.

426 (c) The board may require that all applications be made under oath.

427 43-11A-12.

428 After evaluation of an application and other evidence submitted, the board shall notify each
429 applicant that the application and evidence submitted are satisfactory and accepted or

430 unsatisfactory and rejected. If the application and evidence are unsatisfactory and rejected,
431 the notice shall state the reasons for the rejection.

432 43-11A-13.

433 Examinations to determine qualifications for licensure as provided for in Code
434 Section 43-11A-9 shall be administered to qualified applicants at least twice each calendar
435 year. The examinations may be administered by a national testing service. The board shall
436 notify each examinee of the results of the examination.

437 43-11A-14.

438 (a) A license issued by the board is the property of the board and shall be surrendered on
439 demand.

440 (b) The licensee shall display the license certificate in an appropriate and public manner.

441 (c) The licensee shall inform the board of any change of address.

442 (d) If a licensee is not in violation of this chapter at the time of application for renewal and
443 if such licensee fulfills current requirements of continuing education as established by the
444 board and pays any requisite fees, such license shall be renewed biennially.

445 (e) Each licensee is responsible for renewing his or her license before the expiration date.

446 (f) Under procedures and conditions established by the board, a licensee may request that
447 his or her license be declared inactive; provided, however, that such licensee may apply for
448 active status at any time and, upon meeting the conditions set by the board, shall be
449 declared active.

450 43-11A-15.

451 The board may refuse to grant or renew a license to an applicant; administer a public or
452 private reprimand, but a private reprimand shall not be disclosed to any person except the
453 licensee; suspend the license of any licensee for a definite period or for an indefinite period

454 in connection with any condition which may be attached to the restoration of such license;
455 limit or restrict the license of any licensee as the board deems necessary for the protection
456 of the public; revoke any license; condition the penalty upon, or withhold formal
457 disposition pending, the applicant's or licensee's submission to such care, counseling, or
458 treatment as the board may direct; or impose a fine not to exceed \$500.00 for each violation
459 of a law, rule, or regulation relating to the profession regulated by this chapter upon a
460 finding by a majority of the board that the licensee or applicant has:

461 (1) Failed to demonstrate the qualifications or standards for a license contained in this
462 chapter or under the laws, rules, or regulations under which licensure is sought or held.
463 It shall be incumbent upon the applicant to demonstrate to the satisfaction of the board
464 that such applicant meets all the requirements for the issuance of a license, and, if the
465 board is not satisfied as to the applicant's qualifications, it may deny a license without a
466 prior hearing; provided, however, that the applicant shall be allowed to appear before the
467 board if he or she so desires;

468 (2) Knowingly made misleading, deceptive, untrue, or fraudulent representations in the
469 practice of a business or profession licensed under this title or on any document
470 connected therewith, or practiced fraud or deceit or intentionally made any false
471 statement in obtaining a license to practice the licensed business or profession, or made
472 a false statement or deceptive registration with the board;

473 (3) Been convicted of any felony or of any crime involving moral turpitude in the courts
474 of this state or any other state, territory, or country or in the courts of the United States;
475 as used in this paragraph and paragraph (4) of this Code section, the term 'felony' shall
476 include any offense which, if committed in this state, would be deemed a felony, without
477 regard to its designation elsewhere; and, as used in this paragraph, the term 'convicted'
478 shall include a finding or verdict of guilty or a plea of guilty, regardless of whether an
479 appeal of the conviction has been sought;

480 (4) Been arrested, charged, and sentenced for the commission of any felony, or any crime
481 involving moral turpitude, where:

482 (A) A plea of nolo contendere was entered to the charge;

483 (B) First offender treatment without adjudication of guilt pursuant to the charge was
484 granted; or

485 (C) An adjudication or sentence was otherwise withheld or not entered on the charge.

486 The plea of nolo contendere or the order entered pursuant to the provisions of Article 3
487 of Chapter 8 of Title 42, relating to probation of first offenders, or other first offender
488 treatment shall be conclusive evidence of arrest and sentencing for such crime;

489 (5) Had his or her license to practice a business or profession licensed under this title
490 revoked, suspended, or annulled by any lawful licensing authority other than the board;
491 had other disciplinary action taken against him or her by any such lawful licensing
492 authority other than the board; was denied a license by any such lawful licensing
493 authority other than the board, pursuant to disciplinary proceedings; or was refused the
494 renewal of a license by any such lawful licensing authority other than the board, pursuant
495 to disciplinary proceedings;

496 (6) Engaged in any unprofessional, immoral, unethical, deceptive, or deleterious conduct
497 or practice harmful to the public, which conduct or practice materially affects the fitness
498 of the licensee or applicant to practice a business or profession licensed under this title,
499 or of a nature likely to jeopardize the interest of the public, which conduct or practice
500 need not have resulted in actual injury to any person or be directly related to the practice
501 of the licensed business or profession but shows that the licensee or applicant has
502 committed any act or omission which is indicative of bad moral character or
503 untrustworthiness; unprofessional conduct shall also include any departure from, or the
504 failure to conform to, the minimal standards of acceptable and prevailing practice of the
505 business or profession licensed under this title;

506 (7) Knowingly performed any act which in any way aids, assists, procures, advises, or
507 encourages any unlicensed person or any licensee whose license has been suspended or
508 revoked by a professional licensing board to practice a business or profession licensed
509 under this title or to practice outside the scope of any disciplinary limitation placed upon
510 the licensee by the board;

511 (8) Violated a statute, law, or any rule or regulation of this state, any other state, the
512 professional licensing board regulating the business or profession licensed under this title,
513 the United States, or any other lawful authority, without regard to whether the violation
514 is criminally punishable, which statute, law, or rule or regulation relates to or in part
515 regulates the practice of a business or profession licensed under this title, when the
516 licensee or applicant knows or should know that such action is violative of such statute,
517 law, or rule or regulation; or violated a lawful order of the board previously entered by
518 the board in a disciplinary hearing, consent decree, or license reinstatement;

519 (9) Been adjudged mentally incompetent by a court of competent jurisdiction within or
520 outside of this state; any such adjudication shall automatically suspend the license of any
521 such person and shall prevent the reissuance or renewal of any license so suspended for
522 as long as the adjudication of incompetence is in effect; or

523 (10) Displayed an inability to practice a business or profession licensed under this title
524 with reasonable skill and safety to the public or has become unable to practice the
525 licensed business or profession with reasonable skill and safety to the public by reason
526 of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material.

527 43-11A-16.

528 (a) Except as provided in Code Section 43-11A-18, no person shall engage in or offer to
529 provide medical nutrition therapy unless the person is licensed under this chapter.

530 (b) Except as provided in subsection (e) of this Code section, no person shall designate or
531 hold himself or herself out as a licensed dietitian nutritionist or use or assume the title

532 'dietitian nutritionist,' 'licensed dietitian nutritionist,' 'dietitian,' 'dietician,' or any other title
533 indicating that the person is a licensed dietitian nutritionist, or append to or use in
534 conjunction with that person's name the designation 'LDN' or 'LD' unless the person is a
535 licensed dietitian nutritionist.

536 (c) Except as provided in subsection (e) of this Code section, no person shall designate or
537 hold himself or herself out as a licensed nutritionist or append to or use in conjunction with
538 that person's name the designation 'LN' unless the person is licensed as a nutritionist under
539 this chapter.

540 (d) Except as provided in subsection (e) of this Code section, no person shall designate or
541 hold himself or herself out as a nutritionist unless the person is licensed under this chapter.

542 (e) Use of an earned, federally trademarked nutrition credential is not prohibited; provided,
543 however, that such use shall not give a person the right to practice medical nutrition
544 therapy or to use the general titles of 'dietitian,' 'dietitian nutritionist,' or 'nutritionist' unless
545 such person is also licensed under this chapter. Notwithstanding any law to the contrary,
546 a person may use a lawfully earned federally trademarked title, including the following:

547 (1) A registered dietitian or registered dietitian nutritionist may use the titles 'registered
548 dietitian' or 'registered dietitian nutritionist' and use in conjunction with his or her name
549 the designation 'RD' or 'RDN'; and

550 (2) A certified nutrition specialist may use the title 'certified nutrition specialist' and use
551 in conjunction with his or her name the designation 'CNS.'

552 (f) Any person violating the provisions of this Code section shall be guilty of a
553 misdemeanor.

554 43-11A-17.

555 Proceedings under this chapter shall be governed by Chapter 13 of Title 50, the 'Georgia
556 Administrative Procedure Act.'

557 43-11A-18.

558 Nothing in this chapter shall be construed to affect:

559 (1) A supervisee who is:

560 (A) Practicing as a part of a course of study or as part of a supervised practice
561 experience to satisfy the educational or supervised practice experience requirements
562 provided for in Code Section 43-11A-9;

563 (B) Completing a supervised practice experience provided for in Code
564 Section 43-11A-19 not more than five years after completing the education
565 requirements provided for in Code Section 43-11A-9; and

566 (C) Practicing while supervised by a qualified supervisor as provided for in Code
567 Section 43-11A-19; provided, however, that such supervisee shall not engage in the
568 unrestricted practice of medical nutrition therapy; provided, further, that such
569 supervisee shall use a title that clearly indicates his or her status as a supervisee;

570 (2) A dietitian or nutritionist serving in the armed forces of the United States or any other
571 federal agency who is using government issued titles and who is engaging in the practice
572 of medical nutrition therapy, provided such title use and such practice are related to such
573 individual's service or employment;

574 (3) Persons licensed to practice the professions of dentistry, medicine, osteopathy,
575 chiropractic, nursing, or pharmacy engaging in the practice of medical nutrition therapy
576 when incidental to the practice of their professions; provided, however, that such persons
577 shall not use any protected titles as provided in Code Section 43-11A-16;

578 (4) A nonresident dietitian, dietitian nutritionist, or nutritionist practicing medical
579 nutrition therapy for up to 30 days per year if such person holds a valid license from
580 another state and the requirements for such license are, in the board's opinion,
581 substantially the same or higher than the requirements of this chapter;

582 (5) Employees of a department, agency, or division of state, county, or local government,
583 or a person who contracts with any of the foregoing for purposes of providing nutrition

584 care services for the Women, Infants, and Children program and who is authorized within
585 the discharge of official duties to use the title of nutritionist and provides such services
586 within the discharge of his or her official duties;

587 (6) A person who assists the provision of medical nutrition therapy if such person
588 performs only support activities that are not discretionary and do not require the exercise
589 of professional judgment for their performance and such person is directly supervised by
590 a licensed dietitian nutritionist, licensed nutritionist, or healthcare provider licensed in
591 this state acting within the scope of such provider's license; provided, however, that such
592 person shall not use any protected titles as provided in Code Section 43-11A-16;

593 (7) A person who does not represent himself or herself using protected titles as provided
594 in Code Section 43-11A-16 and who provides medical weight control services for persons
595 with obesity as part of:

596 (A) An instructional program that has been approved in writing by a licensed dietitian
597 nutritionist, licensed nutritionist, or healthcare provider licensed or certified in this state
598 whose authorized scope of practice includes medical nutrition therapy; or

599 (B) A plan of care that is overseen by a healthcare provider licensed in this state whose
600 scope of practice otherwise authorizes such provider to provide and delegate medical
601 nutrition therapy; provided, however, that the medical weight control services are not
602 discretionary and do not require the exercise of professional judgment;

603 (8) A person who disseminates nonindividualized, written, general nutrition information
604 in connection with the marketing and distribution of dietary supplements, food, herbs, or
605 food materials, including, but not limited to, explanations of their federally regulated
606 label claims, any known drug-nutrient interactions, their role in various diets, or
607 suggestions as how to best use and combine them; provided, however, that such
608 information does not constitute medical nutrition therapy; provided, further, that such
609 person shall not use any protected titles as provided in Code Section 43-11A-16 and shall

610 not hold himself or herself out as qualified to engage in the practice of medical nutrition
611 therapy;

612 (9) The practice of the tenets of any religion, sect, or denomination whatsoever;
613 provided, however, that a member of such religion, sect, or denomination shall not use
614 any protected titles as provided in Code Section 43-11A-16 and shall not hold himself or
615 herself out as qualified to engage in the practice of medical nutrition therapy;

616 (10) A person who provides individualized nutrition recommendations for the wellness
617 and primary prevention of chronic disease, health coaching, holistic and wellness
618 education, guidance, motivation, behavior change management, services for nonmedical
619 weight control, or other nutrition care services, provided that:

620 (A) Such services do not constitute medical nutrition therapy;

621 (B) Such person does not use protected titles as provided in Code Section 43-11A-16;
622 and

623 (C) Such person does not hold himself or herself out as licensed or qualified to engage
624 in the practice of medical nutrition therapy; or

625 (11) A person who is an operator or employee of a health food store or business that sells
626 health products, including dietary supplements, food, herbs, or food materials, and who
627 provides verbal general nonmedical nutrition information that does not constitute medical
628 nutrition therapy; provided, however, that such person shall not use any protected titles
629 as provided in Code Section 43-11A-16.

630 43-11A-19.

631 (a) Except as provided for in subsection (b) of this Code section, a qualified supervisor
632 shall be licensed under this chapter or exempt under paragraph (2) of Code
633 Section 43-11A-18.

634 (b) If a supervisee is providing medical nutrition therapy, a qualified supervisor shall:

635 (1) Be a licensed dietitian nutritionist, licensed nutritionist, or a healthcare provider
636 licensed or certified in any state or territory, including licensed or certified dietitians,
637 dietitian nutritionists, or nutritionists, whose scope of practice includes the provision of
638 medical nutrition therapy;

639 (2) When a state does not provide for licensure or certification of dietitians, dietitian
640 nutritionists, or nutritionists, meet such other criteria as the board may establish by rule
641 or regulation, including being a registered dietitian, certified nutrition specialist, or
642 licensed healthcare provider whose scope of practice includes the provision of medical
643 nutrition therapy; or

644 (3) Be an employee of the federal government authorized within the discharge of his or
645 her official duties to provide medical nutrition therapy.

646 (c) A qualified supervisor shall:

647 (1) Only supervise a clinical activity or nutrition care service for which the qualified
648 supervisor is authorized to perform;

649 (2) Develop and carry out a program for advancing and optimizing the quality of
650 nutrition care services provided by a supervisee; provided, however, that such qualified
651 supervisor and supervisee shall identify and document:

652 (A) The goals for such supervised practice experience;

653 (B) The assignment of clinical tasks as appropriate to the supervisee's evolving level
654 of competence;

655 (C) The supervisee's relationship and the amount and type of access to the qualified
656 supervisor; and

657 (D) The process for evaluating the supervisee's performance;

658 (3) Oversee the activities of and approve and accept responsibility for the nutrition care
659 services rendered by the supervisee;

660 (4) At a minimum, be physically on-site and present where the supervisee is providing
661 nutrition care services or be immediately and continuously available to the supervisee by

662 means of two-way real-time audiovisual technology that allows for direct,
663 contemporaneous interaction by sight and sound between the qualified supervisor and the
664 supervisee; provided, however, that, if the qualified supervisor assigns to a supervisee a
665 nutrition care service that is to be provided in a setting where the qualified supervisor is
666 not routinely present, such qualified supervisor shall ensure that the means and methods
667 of supervision are adequate to ensure appropriate patient care, which may include
668 synchronous videoconferencing or another method of communication, and oversight that
669 is appropriate to the care setting and the education and experience of the supervisee, as
670 determined by the board by approval, policy, or rule;
671 (5) Review on a regular basis the charts, records, and clinical notes of any supervisee and
672 maintain responsibility for such supervisee's clinical record keeping;
673 (6) Be available to render assistance during the provision of nutrition care services when
674 requested by the patient; provided, however, that, if such qualified supervisor is not
675 available, such qualified supervisor shall arrange for another qualified healthcare provider
676 lawfully able to render nutrition care services to be available; and
677 (7) Limit the assignment of nutrition care services to those services that are within the
678 training and experience of the supervisee and customary to the practice of the qualified
679 supervisor."

680

PART II

681

Conforming cross-references

682

SECTION 2-1.

683 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
684 is amended by revising subparagraph (c)(5)(D) of Code Section 43-1-33, relating to
685 advertisement, signage, and identifier requirements for health care practitioners, as follows:

686 "(D) Dietitian nutritionist or nutritionist licensed ~~or registered~~ pursuant to Chapter 11A
687 of this title;"

688 **SECTION 2-2.**

689 Said title is further amended in Code Section 43-34-316, relating to exceptions, by revising
690 paragraph (5) as follows:

691 "(5) Any person using genetic data for purposes of nutritional counseling who is licensed
692 as a dietitian nutritionist or nutritionist under Chapter 11A of this title ~~or exempt from~~
693 ~~such licensure pursuant to paragraph (10) of Code Section 43-11A-18."~~

694 **SECTION 2-3.**

695 The Official Code of Georgia Annotated is amended by replacing "clinical dietitian" and
696 "dietitian" with "dietitian nutritionist or nutritionist" and by replacing "dietitians" with
697 "dietitian nutritionists or nutritionists" wherever such terms occur in:

- 698 (1) Code Section 9-11-9.1, relating to affidavit to accompany charge of professional
699 malpractice;
- 700 (2) Code Section 31-2A-14, relating to Georgia Diabetes Control Grant Program,
701 advisory committee, administration of authorized grant programs, and grant criteria;
- 702 (3) Code Section 31-8-192, relating to definitions relative to health share volunteers in
703 medicine;
- 704 (4) Code Section 33-20A-3, relating to definitions relative to patient protection;
- 705 (5) Code Section 33-20E-2, relating to application to insurers and definitions;
- 706 (6) Code Section 33-24-59.27, relating to right to shop for insurance coverage, disclosure
707 of pricing information, and notice;
- 708 (7) Code Section 33-39-3, relating to definitions relative to the collection, use, and
709 disclosure of information gathered by insurance institutions;
- 710 (8) Code Section 43-1-28, relating to volunteers in health care specialties;

- 711 (9) Code Section 51-2-5.1, relating to relationship between hospital and health care
712 provider prerequisite to liability, notice regarding independent contractor status, and
713 factors for consideration in determining status; and
714 (10) Code Section 51-16-1, relating to definitions relative to pandemic business safety.

715 **SECTION 2-4.**

716 Said Code is further amended by replacing "dietetics" with "nutrition and dietetics" wherever
717 such term occurs in:

- 718 (1) Code Section 43-1-28, relating to volunteers in health care specialties; and
719 (2) Code Section 43-22A-13, relating to compliance with state and federal regulations.

720 **PART III**

721 *Effective date and repealer*

722 **SECTION 3-1.**

723 This Act shall become effective upon its approval by the Governor or upon its becoming law
724 without such approval.

725 **SECTION 3-2.**

726 All laws and parts of laws in conflict with this Act are repealed.