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TITLE 216 - DEPARTMENT OF HEALTH

CHAPTER 40 – PROFESSIONAL LICENSING AND FACILITY REGULATION

SUBCHAPTER 05 – PROFESSIONAL LICENSING

PART 30 – Dietitians/Nutritionists

30.1 Authority

These regulations are promulgated pursuant to the authority conferred under R.I. Gen. Laws §§ 5-64-5(b)(1) and 5-64-16, for the purpose of protecting the health, safety and welfare of the public by establishing prevailing standards for the licensure of dietitians/nutritionists.

30.2 Definitions

A. Whenever used in this Part, the following terms shall be construed as follows:

1. "Act" means R.I. Gen. Laws Chapter 5-64.
2. "Board" means the Rhode Island State Board of Dietetics.
3. "Commission on Dietetic Registration" or "CDR" means a national commission on dietetic registration that is a member of the National Commission for Health Certifying Agencies.
4. "Degree" means a degree received from or validated by a college or university that was regionally accredited through the Council on Postsecondary Accreditation and the U.S. Department of Education at the time the degree was conferred.
5. "Dietitian and/or nutritionist" means a person engaged in the practice of dietetics.
6. "Registered dietitian" means a dietitian registered by the Commission on Dietetic Registration.
7. "Licensed dietitian/nutritionist" means a person licensed under the Act and this Part.
8. "Director" means the Director of the Rhode Island Department of Health.
9. "Dietetics" means the professional discipline of applying principles derived from the sciences of nutrition, biochemistry, physiology, management, and behavioral and social sciences in the provision of dietetic services.

10. "Examination" means the registration examination for dietitians or other examination as determined by and approved by the Board.

30.3 Licensing Requirement

Only a person licensed or otherwise authorized to practice under the Act and this Part shall practice dietetics or use the title "dietitian/nutritionist" or use the letters L.D.N. or any facsimile thereof.

30.4 Qualifications for Licensure

- A. Licensure by examination. The applicant must present:
 1. Evidence of completion of a baccalaureate or post baccalaureate degree from a U.S. regionally accredited university or college and course work approved by the Accreditation Council for Education in Nutrition and Dietetics (ACEND) of the Academy of Nutrition and Dietetics (AND); and
 2. Evidence of completion of a Board approved, planned, continuous experience in dietetics practice of not less than nine hundred (900) hours under the supervision of a registered dietitian or dietitian/nutritionist licensed in the state of Rhode Island; or evidence of completion of an Academy of Nutrition and Dietetics (AND)-approved internship of not less than nine hundred (900) hours; and
 3. Evidence of having successfully passed the Registration Examination for Dietitians administered by the Commission on Dietetic Registration.

30.5 Application for Licensure and Fee

- A. In addition to the requirements of R.I. Gen. Laws § 5-64-6, an applicant for licensure must submit the following:
 1. Evidence of having successfully completed the examination administered by the Commission on Dietetic Registration, mailed directly from the Commission to the Department.
 2. Persons who apply for licensure without examination must provide proof of valid registration mailed directly from the Commission on Dietetic Registration.
- B. Temporary Permit
 1. Any graduate of a program in nutrition/dietetics, that is approved by the Academy of Nutrition and Dietetics' (AND) Accreditation Council for Education in Nutrition and Dietetics (ACEND), who has filed a completed application (which includes all documents except for examination scores) for licensing, may, upon receiving a permit from the Department, perform as a dietitian/nutritionist under the supervision of a dietitian/ nutritionist licensed in this state.

- a. During this period, such an applicant shall identify him or herself only as a "graduate dietitian/nutritionist."
- b. If such an applicant shall fail to pass the examination and receive a license within ninety (90) days of receiving a permit from the Department, all aforementioned privileges shall automatically cease.

30.6 License Expiration and Renewal

- A. Licenses shall be valid for up to two (2) years and shall be renewed biennially, the renewal fee as set forth in the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health (Part 10-05-2 of this Title).
- B. Every licensed dietitian/nutritionist who wishes to continue practice in the state of Rhode Island must renew their license by November 1 of each odd-numbered year.
- C. Any licensee who allows his or her license to lapse by failing to renew the license by November 1st may be reinstated upon submission of a renewal fee as set forth in the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health (Part 10-05-2 of this Title) and a late renewal fee as also set forth in the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health (Part 10-05-2 of this Title).
- D. Continuing Education Requirements
 1. Licensees renewing their license shall attest to the completion of a minimum of twenty (20) continuing education credits using criteria accepted by the Commission on Dietetic Registration.
 2. Dietitians/nutritionists initially licensed by examination after the November 1st renewal date shall be exempt from the continuing education requirements stated in this Part until the date of the next renewal cycle (i.e., October 31st of the next odd-numbered year).
 3. It shall be the sole responsibility of the individual dietitian/nutritionist to obtain documentation of his or her participation in the learning experience and the number of dated credits earned. Furthermore, it shall be the sole responsibility of the dietitian/nutritionist to safeguard the documents for review by the Board, if required. These documents shall be retained by each licensee for no less than four (4) years and are subject to random audit by the Department.
 4. An extension of up to six (6) months to complete the continuing education requirements, or a waiver from these requirements, may be granted to a dietitian/nutritionist solely at the discretion of the Board for reasons of hardship or other extenuating circumstances.

30.7 Denial, Suspension or Revocation of License - Violations

A. Any violation pursuant to the provisions R.I. Gen. Laws Chapter 5-64 and this Part, may be cause for denial, revocation or suspension of license or for imposing such other penalties in accordance with R.I. Gen. Laws Chapter 42-35. In addition to the grounds for discipline stated in R.I. Gen. Laws § 5-64-9 such violations, include but are not limited to:

1. Willfully or repeatedly violated any of the provisions of the Act or this Part;
2. Habitually negligent in the performance of his/her duties;
3. Is habitually intemperate or is addicted to the use of habit-forming drugs;
4. Is mentally and/or professionally incompetent;
5. Conviction, including, a plea of nolo contendere, of one (1) or more of the offenses listed in section R.I. Gen. Laws § 23-17-37;
6. Abandonment of a patient;
7. Promotion by a dietitian/nutritionist of the sale of drugs, devices, appliances, or goods or services provided for a patient in a manner as to exploit the patient for the financial gain of the dietitian/nutritionist;
8. Making or filing false reports or records in the practice of dietetics;
9. Repeated failure to file or record, or impede or obstruct a filing or recording, or inducing another person to fail to file or record dietetic reports;
10. Failure to furnish patient records upon proper request;
11. Revocation, suspension, surrender, or limitation of privilege based on quality of care provided or disciplinary action against a license to practice as a dietitian/nutritionist in another state, jurisdiction, or country;
12. Failure to furnish the Board, administrator, investigator, or representatives information legally requested by the Board;
13. Departure from or failure to conform to the current standards of acceptable and prevailing practice;
14. Failure to conform to the code of ethics for the profession of dietetics of the Academy of Nutrition and Dietetics (AND) or its successor organization.

30.8 Exemptions

Exemptions to this Part and authorizing statute are in accordance with R.I. Gen. Laws § 5-64-12.

30.9 Rules Governing Practices and Procedures

All hearings and reviews required under the provisions of R.I. Gen. Laws Chapter 5-64 shall be held in accordance with the provisions of the rules and regulations regarding Practices and Procedures Before the Rhode Island Department of Health (Part 10-05-2 of this Title) and Access to Public Records (Part 10-05-2 of this Title).