

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Edward R. Philips

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to modernizing licensure of dietitians and nutritionists.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Edward R. Philips</i>	<i>8th Norfolk</i>	<i>1/16/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act relative to modernizing licensure of dietitians and nutritionists.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 6 of the General Laws is hereby amended by striking out section
2 181 in its entirety and inserting in place thereof the following section:-

3 Section 181: Dietetics and Nutrition board; establishment; members; secretary and
4 executive secretary; staff; appointment

5 There shall be in the executive office of health and human services a dietetics and
6 nutrition board, hereinafter referred to as the board, which shall consist of the commissioner of
7 public health, who shall serve as chair, the commissioner of transitional assistance, the
8 commissioner of early education and care, the commissioner of mental health, the commissioner
9 of developmental services, the commissioner of elementary and secondary education, the
10 commissioner of agriculture, the secretary of health and human services, the director of
11 consumer affairs and business regulation, the secretary of elder affairs, or their respective
12 designees, and nine persons to be appointed for terms of three years by the governor, of whom
13 one shall be a registered physician with expertise in dietetics and nutritional science, one shall be

14 a qualified practicing dietitian or nutritionist with experience and knowledge in public and
15 community nutrition, one shall be a dietitian or nutritionist that is representative of the food
16 industry, one shall be a dietetics and nutrition educator from an institution of higher education
17 concerned with programmatically accredited graduate education in the field of dietetics and
18 nutrition, one shall be a dietitian or nutritionist whose primary practice is consulting in, or the
19 private practice of, dietetics or nutrition, one shall be a practicing dietitian whose primary
20 practice is clinical dietetics in a hospital, one shall be a practicing dietitian whose primary
21 practice is clinical dietetics in a long-term care facility and two shall be representatives of the
22 general public who shall be consumers selected in a manner so as to reflect the population
23 distribution of the commonwealth. Members of the board shall not be compensated for their
24 services but shall be reimbursed for any expense actually and necessarily incurred in the
25 performance of their duties.

26 The chair may, with the approval of the board, appoint a secretary and an executive
27 secretary who shall not be subject to the provisions of chapter thirty-one and section nine A of
28 chapter thirty, but who shall be recognized authorities in the fields of dietetics and nutrition. The
29 secretary and executive secretary shall receive such salary as the board, with the approval of the
30 governor, may fix. The chair shall, with the approval of the board, expend such sums for clerical,
31 technical and other assistance as may be required by the board in carrying out its duties. The
32 board shall be provided with adequate quarters in the state house or elsewhere.

33 SECTION 2. Chapter 13 of the General Laws is hereby amended by striking out section
34 11D in its entirety and inserting in place thereof the following section:-

35 Section 11D: Board of registration of dietitians and nutritionists

36 There shall be within the department of public health a board of registration of dietitians
37 and nutritionists to be appointed by the governor, who in his discretion may seek the advice of
38 the Massachusetts dietetics and nutrition board established under section 181 of chapter 6, to
39 consist of nine members who are citizens of the commonwealth, five of whom shall be licensed
40 dietitians, one of whom shall be a licensed nutritionist, one of whom shall be a physician
41 registered under Chapter 112 and two of whom shall be consumers who are representatives of
42 the general public.

43 Members shall be appointed for a term of three years. No member shall be appointed to
44 more than two consecutive full terms; provided, however, that a member appointed for less than
45 a full term may serve two full terms in addition to such part of a full term, and a former member
46 shall again be eligible for appointment after a lapse of one or more years. Any member of the
47 board may be removed by the governor for neglect of duty, misconduct or malfeasance or
48 misfeasance in office after being given a written statement of the charges against such member
49 and sufficient opportunity to be heard thereon.

50 Said board shall elect its chairperson annually and shall meet at the call of such
51 chairperson or upon the request of four or more members of the board. A quorum shall consist of
52 at a majority of the appointed members. Said chairperson shall only vote on board matters in the
53 case of a tie. Board members shall serve without compensation but shall be reimbursed for actual
54 and reasonable expenses incurred in the performance of their duties. The board shall meet a
55 minimum of four times annually.

56 SECTION 3. Chapter 112 of the General Laws is hereby amended by striking out
57 sections 201 to 210, inclusive, and inserting in place thereof the following 11 sections:-

58 Section 201: Definitions applicable to sections. 201 to 210A, inclusive

59 (a) For the purposes of sections 201 to 210A, inclusive, the following words shall have
60 the following meanings unless the context clearly requires otherwise:-

61 "Board", the board of registration of dietitians and nutritionists established in section 11D
62 of chapter 13.

63 "Commission on dietetic registration", the certifying body of the Academy of Nutrition
64 and Dietetics or its successor organization, that is accredited by the National Commission for
65 Certifying Agencies.

66 "Dietetics", the integration and application of scientific principles derived from the study
67 of food, nutrition, biochemistry, metabolism, nutrigenomics, physiology, pharmacology, food
68 systems, management, and behavioral and social sciences to achieve and maintain optimal
69 nutrition status of individuals and groups. The practice of dietetics includes the provision of
70 nutrition care services, including medical nutrition therapy, in person or via telehealth, to
71 prevent, manage, or treat chronic and acute diseases or medical conditions and promote wellness
72 in inpatient and outpatient settings. Dietetics encompasses developing and ordering therapeutic
73 diets, via oral, enteral, and parenteral routes and providing other advanced medical nutrition
74 therapy and related support activities consistent with current competencies required of academic
75 and supervised practice programs accredited by the Accreditation Council for Education in
76 Nutrition and Dietetics and in accord with the Commission on Dietetic Registration's Scope and
77 Standards of Practice for the Registered Dietitian.

78 "General non-medical nutrition information", information on any of the following:

- 79 (1) Principles of human nutrition and food preparation;
- 80 (2) Principles of self-care and a healthy relationship with food;
- 81 (3) Essential nutrients needed by the human body;
- 82 (4) General and non-individualized recommended amounts of essential nutrients in the
83 human body;
- 84 (5) Actions of nutrients in the human body;
- 85 (6) Non-individualized effects of deficiencies or excesses of nutrients in the human
86 body; and,
- 87 (7) General education surrounding foods, herbs, and dietary supplements that are good
88 sources of essential nutrients in the human body.
- 89 “Licensed Dietitian” or “LD”, a person duly licensed by the board under this chapter as
90 meeting the dietitian requirements under section 203 and licensed to practice dietetics and
91 nutrition, including the provision of medical nutrition therapy.
- 92 “Licensed Nutritionist” or “LN”, a person duly licensed by the board under this chapter
93 as meeting the nutritionist requirements under section 203 and licensed to practice nutrition,
94 including the provision of medical nutrition therapy.
- 95 “Medical nutrition therapy”, the provision of any of the following nutrition care services
96 for the purpose of management or treatment of a disease or medical condition: (i) nutrition
97 assessment; (ii) nutrition diagnosis; (iii) nutrition intervention; and (iv) nutrition monitoring and
98 evaluation.

99 "Medical weight control", medical nutrition therapy provided for the purpose of reducing,
100 maintaining, or gaining weight.

101 "Non-medical weight control", nutrition care services for the purpose of reducing,
102 maintaining, or gaining weight that do not constitute the treatment or management of a disease or
103 medical condition. "Non-medical weight control" shall include weight control services for
104 healthy population groups to achieve or maintain a healthy weight.

105 "Nutrition", the integration and application of scientific principles derived from the study
106 of nutrition science, cellular and systemic metabolism, biochemistry, physiology, and behavioral
107 sciences for achieving and maintaining health throughout the lifespan. The practice of nutrition
108 includes the provision of nutrition care services, including medical nutrition therapy, in person or
109 via telehealth, to prevent, manage, or treat chronic diseases or medical conditions and promote
110 wellness in outpatient settings. Consistent with level of competence, the practice of nutrition may
111 encompass the ordering of oral therapeutic diets; the ordering of medical laboratory tests related
112 to nutritional therapeutic treatments; and the provision of recommendations on vitamin, mineral,
113 and other dietary supplements.

114 "Nutrition assessment", the ongoing, dynamic, and systematic process of ordering,
115 obtaining, verifying, and interpreting biochemical, anthropometric, physical, nutrigenomic, and
116 dietary data to make decisions about the nature and cause of nutrition-related problems relative
117 to patient and community needs. It involves not only initial data collection, but also reassessment
118 and analysis of patient or community needs and provides the foundation for nutrition diagnosis
119 and nutritional recommendations and orders. Nutrition assessment may require ordering

120 laboratory tests to check and track nutritional status. The collection of nutrition-related data does
121 not, by itself, constitute nutrition assessment.

122 “Nutrition care process”, the systematic problem-solving method that licensed dietitians
123 use to critically think and make decisions when providing medical nutrition therapy or to address
124 nutrition-related problems and provide safe and effective care. The nutrition care process
125 consists of four distinct, but interrelated steps including nutrition assessment, nutrition diagnosis,
126 nutrition intervention, and nutrition monitoring and evaluation.

127 "Nutrition care services", any part or all of the following services provided within a
128 systematic process:

129 (1) assessing and evaluating the nutritional needs of individuals and groups and
130 determining resources and constraints in a practice setting, including ordering of nutrition-related
131 laboratory tests to check and track nutrition status;

132 (2) identifying nutrition problems and establishing priorities, goals, and objectives that
133 meet nutritional needs and are consistent with available resources and constraints;

134 (3) creating individualized dietary plans and issuing and implementing orders to meet
135 nutritional needs of healthy individuals and individuals with disease states or medical conditions,
136 including ordering therapeutic diets, and monitoring the effectiveness thereof;

137 (4) determining and providing appropriate nutrition intervention in health and disease,
138 including nutrition counseling on food and prescription drug interactions;

139 (5) developing, implementing, and managing nutrition care systems; and,

140 (6) evaluating, making changes in, and maintaining appropriate standards of quality in
141 food and nutrition services.

142 "Nutrition counseling", a supportive process, characterized by a collaborative counselor-
143 patient relationship with individuals or groups, to establish food and nutrition priorities, goals,
144 and individualized action plans and general physical activity guidance, that acknowledge and
145 foster responsibility for self-care, to promote health and wellness or to treat or manage an
146 existing disease or medical condition.

147 "Nutrition diagnosis", identifying and labeling nutrition problems managed and treated
148 by a licensed dietitian but does not include a medical diagnosis of the health status of an
149 individual.

150 "Nutrition intervention", purposefully planned actions, including nutrition counseling,
151 intended to positively change a nutrition-related behavior, risk factor, environmental condition,
152 or aspect of health status of an individual, and his or her family or caregivers, target groups, or
153 community at large. "Nutrition intervention" shall include approving, ordering and monitoring
154 therapeutic diets, and counseling on food and prescription drug interactions.

155 "Nutrition monitoring and evaluation", identifying patient outcomes relevant to the
156 nutrition diagnosis, intervention plans, and goals and comparing those outcomes with previous
157 status, intervention goals, or a reference standard to determine the progress made in achieving
158 desired outcomes of nutrition care and whether planned interventions should be continued or
159 revised.

160 "Patient", means an individual recipient of nutrition care services.

161 "Provisionally licensed dietitian" or "provisionally licensed nutritionist", a person
162 provisionally licensed by the board under section 210A.

163 "Qualified supervisor", means an individual providing supervision who assumes full
164 professional responsibility for the work of the supervisee by verifying, directing and approving
165 the provided nutrition care services, medical nutrition therapy and other work being supervised.

166 A "qualified supervisor" shall (i) be licensed or certified as a dietitian, nutritionist, dietitian
167 nutritionist, or healthcare provider whose scope of practice includes medical nutrition therapy in
168 the state or territory where such supervised practice experience occurs; (ii) meet such other
169 criteria as the board may establish by rule or regulation when a state where the supervised
170 practice occurs does not provide for licensure or certification of dietitians, dietitian nutritionists,
171 or nutritionists; or (iii) meet the exemption requirements specified in subsection (d) of section
172 206. To qualify as a qualified supervisor, an individual shall meet all the following requirements:

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

175 (2) Develop and carry out a program for advancing and optimizing the quality of care
176 provided by the student or trainee being supervised. A qualified supervisor and a student or
177 trainee being supervised shall identify and document goals for supervised practice experience,
178 the assignment of clinical tasks as appropriate to the supervisee's evolving level of competence,
179 the supervisee's relationship and access to the qualified supervisor, and a process for evaluating
180 the student or trainee's performance;

181 (3) Oversee the activities of and approve and accept responsibility for the nutrition care
182 services rendered by the student or trainee;

183 (4) At a minimum, be physically on-site and present where the supervisee is providing
184 nutrition care services or be immediately and continuously available to the supervisee by means
185 of two-way real-time audiovisual technology that allows for the direct, contemporaneous
186 interaction by sight and sound between the qualified supervisor and the supervisee. If the
187 qualified supervisor assigns a nutrition care service to a supervisee that is to be provided in a
188 setting where the qualified supervisor is not routinely present, the qualified supervisor shall
189 ensure that the means and methods of supervision are adequate to ensure appropriate patient
190 care, which may include synchronous videoconferencing, or another method of communication
191 and oversight that is appropriate to the care setting and the education and experience of the
192 supervisee;

193 (5) Review on a regular basis the charts, records, and clinical notes of the persons
194 supervised, and maintain responsibility for the supervisee’s clinical record keeping;

195 (6) Be available to render assistance during the provision of nutrition care services when
196 requested by the patient or shall have arranged for another qualified practitioner lawfully able to
197 render nutrition care services, to be available in the absence of the qualified supervisor;

198 (7) Limit the assignment of nutrition care services to those services that are within the
199 training and experience of the supervisee and customary to the practice of the qualified
200 supervisor;

201 “Registered Dietitian”, a person who is credentialed by the Commission on Dietetic
202 Registration or its successor organization as a registered dietitian or a registered dietitian
203 nutritionist and is authorized to use such title and the corresponding abbreviations “RD” or
204 “RDN.”

205 "Telehealth", the use of electronic information and telecommunications technologies to
206 provide services under this chapter between a practitioner in one location and an individual in
207 another location to support clinical health care, public health, patient health-related education,
208 and health administration.

209 "Therapeutic diet", a diet intervention prescribed by a physician or other authorized non-
210 physician practitioner that provides food or nutrients via oral, enteral, or parenteral routes as part
211 of treatment of disease or clinical conditions to modify, eliminate, decrease, or increase
212 identified micro- and macro-nutrients in the diet, or to provide mechanically altered food when
213 indicated.

214 Section 202: Board of registration of dietitians and nutritionists; powers and duties

215 The board shall have the following powers and duties:

216 (1) to promulgate regulations and adopt such rules as are necessary to regulate the fields
217 of dietetics and nutrition and the practice of licensed dietitians and licensed nutritionists;

218 (2) to receive, review, approve or disapprove applications for licensing and to issue
219 licenses;

220 (3) to establish administrative procedures for processing applications and renewals and to
221 hire or appoint such agents as appropriate for processing applications and renewals;

222 (4) to retain records of its actions and proceedings in accordance with the public records
223 law;

224 (5) to provide for examination of applicants;

225 (6) to define by regulation the appropriate standards for education and experience
226 necessary to qualify for licensure, and for the conduct and ethics which shall govern the practice
227 of licensed dietitians and licensed nutritionists;

228 (7) to establish administrative procedures consistent with chapter 30A for the conduct of
229 disciplinary proceedings;

230 (8) to fine, censure, suspend, revoke or otherwise discipline licensees pursuant to the
231 disciplinary proceedings provided for herein;

232 (9) to summarily suspend the license of licensees who pose an imminent danger to the
233 public provided a hearing is afforded to the licensee within seven days of the board's action to
234 determine whether such summary action was warranted;

235 (10) to pursue such other functions and duties as may be necessary to carry out the
236 provisions of sections 201 to 210A, inclusive;

237 (11) to seek injunctive relief for a temporary or permanent restraining order or injunction
238 enjoining violations of this chapter; and

239 (12) to conduct national background checks by the submission of fingerprints to the
240 Federal Bureau of Investigation through the Statewide Applicant Fingerprint Identification
241 Services; provided, however, that reports from such background checks shall not be shared with
242 entities outside of this state.

243 Section 203: Dietitians and nutritionists; application for original license, renewal or
244 examination; educational and professional experience requirements

245 (a) An application for original license, renewal and to sit for the licensing examination
246 shall be made on the forms approved by the board and accompanied by the appropriate fee. The
247 fee for original license and renewal shall be determined by the commissioner of administration
248 and finance pursuant to the provisions of section 3B of chapter 7 which shall be established at a
249 level sufficient to and dedicated to offsetting the cost to the department of public health for the
250 operations of the board.

251 (b) An application for original license as a dietitian shall be sworn and furnish
252 satisfactory proof that the applicant is at least 18 years old, is capable and professionally
253 competent, as determined by the board, to safely engage in the practices of dietetics and nutrition
254 and has met one of the two following criteria:

255 (1) The applicant has met all the following educational, supervised practice experience,
256 and examination requirements:

257 (i) Completion of a master's degree or doctoral degree from a college or university
258 accredited at the time of graduation by a U.S. institutional accrediting body for higher education
259 recognized by the United States Department of Education or the foreign equivalent and
260 completion of a program of study accredited by ACEND, or its successor organization;

261 (ii) Satisfactory completion of a planned, documented, supervised experience in dietetics
262 and nutrition practice approved by the examining board and accredited by ACEND, or its
263 successor organization, that involves at least 1000 hours of supervised practice experience under
264 the supervision of a qualified supervisor as defined in section 201 of this chapter. An applicant
265 shall complete a supervised practice experience under this subsection within 5 years of

266 completing the education requirements unless the examining board, for extraordinary
267 circumstances, grants an extension for a limited time; and,

268 (iii) Successful completion of the registration examination for dietitians administered
269 by the Commission on Dietetic Registration, or its successor organization. If passage of the
270 examination occurred more than 5 years before application, demonstration of completion of 75
271 hours of continuing education meeting the continuing education criteria of the board per each 5-
272 year period post examination; or,

273 (2) The applicant submits proof of holding a valid current registration with the
274 Commission on Dietetic Registration, or its successor organization, that gives the applicant the
275 right to use the term "registered dietitian," "registered dietitian nutritionist," "RD," or "RDN."

276 (c) An application for original license as a nutritionist shall be sworn and furnish
277 satisfactory proof that the applicant is at least 18 years old, is capable and professionally
278 competent, as determined by the Board, to safely engage in the practices of nutrition and has met
279 all the following educational, supervised practice experience, and examination requirements:

280 (1) Completion of a master's or doctoral degree or validated foreign equivalent from a
281 college or university accredited at the time of graduation by a U.S. institutional accrediting body
282 for higher education recognized by the United States Department of Education with a major in
283 human nutrition, foods and nutrition, community nutrition, public health nutrition, nutrition
284 education, nutrition, nutrition science, clinical nutrition, applied clinical nutrition, nutrition
285 counseling, nutrition and functional medicine, nutritional biochemistry, nutrition and integrative
286 health, or a comparable titled major, or a doctoral degree or validated foreign equivalent, in a
287 field of clinical healthcare from a college or university accredited at the time of graduation by a

288 U.S. institutional accrediting body for higher education recognized by the United States
289 Department of Education. Regardless of the course of study, the applicant shall have completed
290 coursework leading to competence in medical nutrition therapy, which includes, but may not be
291 limited to: (i) fifteen semester hours of courses on clinical or life sciences, including at least 3
292 semester hours on human anatomy and physiology or the equivalent; and (ii) fifteen semester
293 hours of courses on nutrition and metabolism, including at least 6 semester hours on
294 biochemistry.

295 (2) Completion of a planned, documented, and continuous supervised practice experience
296 demonstrating competence in providing nutrition care services and medical nutrition therapy
297 approved by the examining board and meeting all the following requirements:

298 (i) an applicant shall complete a supervised practice experience under this subsection
299 within 5 years of completing the academic requirements under subsection (1) unless the
300 examining board, for extraordinary circumstances, grants an extension for a limited time;

301 (ii) a supervised practice experience completed under this subsection shall involve at least
302 1,000 hours in the following practice areas, with a minimum of 200 hours in each practice area:
303 nutrition assessment; nutrition intervention; and nutrition monitoring and evaluation;

304 (iii) the experience is determined by the board to have prepared the applicant to provide
305 nutrition care services for various populations of diverse cultures, genders, and across the life
306 cycle, and to be able to competently formulate actionable medical nutrition therapies and
307 interventions, education, counseling, and ongoing care for the prevention, modulation, and
308 management of a range of chronic medical conditions; and,

309 (iv) a supervised practice experience completed under this subsection shall be under the
310 supervision of a qualified supervisor as defined in section 201 of this chapter.

311 (3) Completion of the examination requirements by demonstrating:

312 (i) passage of the certified nutrition specialist examination administered by the Board for
313 Certification of Nutrition Specialists, or its successor organization, or an equivalent examination
314 on all aspects of the practice of nutrition that has been reviewed under a program that requires a
315 master's degree or higher, is accredited by the National Commission for Certifying Agencies,
316 and is approved by the examining board. If passage of the examination occurred more than 5
317 years before application, demonstration of completion of 75 hours of continuing education
318 meeting the continuing education criteria of the board per each 5-year period post examination;
319 or

320 (ii) the applicant holds a valid current certification with the Board for Certification of
321 Nutrition Specialists, or its successor organization, that gives the applicant the right to use the
322 title "certified nutrition specialist."

323 Section 204: Dietitians and nutritionists; license examination

324 Competency examinations shall be administered at least twice each year to qualified
325 applicants for licensing. The examinations may be administered by a national testing service.
326 The examinations shall include the registration examination for dietitians administered by the
327 Commission on Dietetic Registration and the certified nutrition specialist examination
328 administered by the Board for Certification of Nutrition Specialists. The board may include other
329 dietetics or nutrition therapy focused examinations designed for graduates with a master's degree

330 or higher that have been reviewed under a program accredited by the National Commission for
331 Certifying Agencies and are approved by a two-thirds vote of the entire board.

332 Section 205: Discipline powers of the board of registration of dietitians and nutritionists;
333 enforcement of order

334 (a) The board shall be empowered to deny or refuse to renew a license, or suspend or
335 revoke a license or issue an order to cease and desist from certain conduct or to otherwise
336 lawfully discipline any applicant or licensee who has:

337 (1) attempted to or obtained licensure by fraud or misrepresentation;

338 (2) engaged in unethical or unprofessional conduct, including, but not limited to, willful
339 acts, negligence or incompetence in the course of professional practice;

340 (3) engaged in habitual intoxication or personal misuse of any drug, including alcohol,
341 narcotics or controlled substance so as to adversely affect the person's ability to practice;

342 (4) been convicted in any court of a crime directly related to the duties and
343 responsibilities of a dietitian or nutritionist or that was violent or sexual in nature or entered into
344 a plea of guilty or nolo contendere to any such crime; or

345 (5) violated any lawful order, rule or regulation rendered or adopted by the board.

346 (b) Such disciplinary action against an applicant or licensee may include any or all of the
347 following actions:

348 (1) denial, suspension, revocation or cancellation of, or refusal to renew such license;

349 (2) placement of such a license on probation;

350 (3) reprimanding or censuring the holder of such license;

351 (4) assessing upon the holder of such license a fine not to exceed \$5,000 for each
352 violation;

353 (5) requiring the holder of such license to perform, for each violation, up to 100 hours of
354 community service in a manner and time to be determined by the board;

355 (6) requiring the holder of such license to complete additional education and training as a
356 condition of retention or reinstatement of such license, or requiring an applicant for such license
357 to complete additional education and training as a condition for future consideration of such
358 application;

359 (7) requiring the holder of such license to practice under appropriate supervision for a
360 period of time as determined by the board as a condition of retention or reinstatement of such
361 license, or requiring an applicant for such license to practice under appropriate supervision for a
362 period of time as determined by the board as a condition for future consideration of that
363 application;

364 (8) requiring the holder of such license to participate in an alcohol or drug rehabilitation
365 program or undergo drug testing, or both, as a condition of retention or reinstatement of such
366 license, or requiring an applicant for such license to participate in an alcohol or drug
367 rehabilitation program or undergo drug testing, or both, as a condition for future consideration of
368 such application; and

369 (9) requiring the holder of such license to make restitution of not more than \$50,000,
370 where appropriate.

371 (c) Nothing in this section shall be deemed a limitation on the board's authority to impose
372 such sanctions by consent agreement as are deemed reasonable and appropriate by the board.

373 (d) Any person aggrieved by any disciplinary action taken by the board pursuant to this
374 section may, pursuant to section 64 of chapter 112, file a petition for judicial review of such
375 disciplinary action with the supreme judicial court. The supreme judicial court shall have
376 exclusive jurisdiction over all such petitions and any such petition shall be reviewed in
377 accordance with the standards for review provided in paragraph (8) of section 14 of chapter 30A.

378 (e) After issuing an order for revocation or suspension the board may also file a petition
379 in equity in the superior court in the county in which the respondent resides or conducts his
380 practice, or in Suffolk county, to ensure appropriate injunctive relief to expedite the secure
381 enforcement of its order.

382 Section 206: Exemptions

383 (a) Nothing in sections 201 to 210A, inclusive, shall be construed to affect or prevent the
384 following:

385 (1) pursuing a degree in dietetics or nutrition at an accredited college or university and
386 engaging in the practice of dietetics or nutrition under the supervision of a qualified supervisor
387 and in accordance with professional standards of practice, provided that the person is designated
388 by a title clearly indicating the person's status as a student;

389 (2) fulfilling the professional experience requirement in dietetics or nutrition necessary
390 for licensure and engaging in the practice of dietetics or nutrition under the supervision of a

391 qualified supervisor and in accordance with professional standards of practice, provided that the
392 person is designated by a title clearly indicating the person's status as a trainee;

393 (3) disseminating non-individualized, written, general non-medical nutrition information
394 in connection with the marketing and distribution of dietary supplements, food, herbs, or food
395 materials, including providing explanations of their federally regulated label claims, any known
396 drug-nutrient interactions, their role in various diets, or suggestions as how to best use and
397 combine them so long as such information does not constitute medical nutrition therapy and the
398 individual does not represent himself or herself using titles protected under 209 of this chapter;

399 (4) a dietitian or nutritionist who is serving in the armed forces or the United States
400 Public Health Service or is employed by the Veterans Administration from engaging in the
401 practice of medical nutrition therapy or using government issued titles, provided such practice or
402 title use is related to such service or employment;

403 (5) any health care professional duly licensed under this chapter from engaging in the
404 practice of medical nutrition therapy when medical nutrition therapy is within the professional's
405 licensed scope of practice and is incidental to the practice for which he or she is licensed, except
406 such persons shall not represent themselves using titles protected under section 209 of this
407 chapter;

408 (6) persons who do not represent themselves using titles protected under section 209 of
409 this chapter from providing medical weight control for obesity as part of: (i) an instructional
410 program that has been approved in writing by one or more licensed dietitians, licensed
411 nutritionists or health care practitioners licensed or certified under this chapter whose authorized
412 scope of practice includes medical nutrition therapy.; or,(ii) a plan of care that is overseen by a

413 health professional licensed under this chapter whose scope of practice otherwise authorizes the
414 health professional to provide and delegate medical nutrition therapy, so long as the medical
415 weight control services are not discretionary and do not require the exercise of professional
416 judgment.

417 (7) an individual who is employed by, or who contracts with, the state, a county, a
418 municipal agency, or another political subdivision, for the purposes of providing nutrition care
419 services for the special supplemental nutrition program for Women, Infants, and Children,
420 created pursuant to 42 U.S.C. sec. 1786, and who is authorized within the discharge of her or her
421 official duties to use the title “nutritionist” from providing nutrition care services within the
422 discharge of his or her official duties to use the title “nutritionist” from providing nutrition care
423 services within the discharge of his or her official duties;

424 (8) A person who does not represent himself or herself using titles protected under 209 of
425 this chapter from assisting with the provision of medical nutrition therapy if the person performs
426 only support activities that are not discretionary and that do not require the exercise of
427 professional judgment for their performance, and the person is directly supervised by a licensed
428 dietitian, licensed nutritionist, or a health care practitioner licensed in this state acting within the
429 scope of such practitioner’s license;

430 (9) a person from providing individualized nutrition recommendations for the wellness
431 and primary prevention of chronic disease, health coaching, holistic and wellness education,
432 guidance, motivation, behavior change management, services for non-medical weight control, or
433 other nutrition care services so long as:(i) the services do not constitute medical nutrition
434 therapy; (ii) the person does not represent himself or herself using titles protected under section

435 209; and (iii) the person does not hold himself or herself out as licensed or qualified to engage in
436 the practice of medical nutrition therapy; or

437 (10) an out-of-state practitioner from providing medical nutrition therapy services via
438 telehealth to a patient located in the commonwealth if the out-of-state practitioner is a health care
439 practitioner licensed or certified in good standing in any state or territory, with a licensed or
440 certified scope of practice that includes the provision of medical nutrition therapy and provides
441 medical nutrition therapy services via telehealth: (i) in consultation with a medical nutrition
442 therapy practitioner licensed in the commonwealth who has a practitioner-patient relationship
443 with the patient; (ii) for a patient whom the practitioner has a current practitioner-patient
444 relationship, and the patient is temporarily present in this State for business, work, education,
445 vacation, or other reasons; or, (iii) pursuant to a current practitioner-patient relationship and such
446 care is limited to temporary or short-term follow-up medical nutrition therapy services to ensure
447 continuity of care.

448 Section 207: Dietitians and nutritionists; license renewal biennially; continuing
449 education; proof of compliance

450 Every person licensed by the board in accordance with sections 201 to 210A, inclusive,
451 shall apply to the board for renewal of license on or before the anniversary of the date of birth of
452 the licensee next occurring more than 24 months after the date of issuance of the license and
453 every two years thereafter. An application for renewal of license shall be approved for those
454 applicants who provide evidence of successful completion of at least 30 hours biannually of
455 continuing education for licensed dietitians or nutritionists as approved by the board, and provide
456 evidence of compliance with such other requirements or equivalent requirements as approved by

457 the board. Upon satisfactory proof of compliance with the licensing requirements dietitians or
458 nutritionists and successful completion of said continuing education requirement the board shall
459 issue a renewal license showing that the holder is entitled to be licensed for two years. The board
460 may provide for the late renewal of a license which has lapsed and may require the payment of a
461 late fee.

462 Section 208: Dietitians and nutritionists; authority for recognition of licensees from other
463 states

464 The board may provide reciprocal recognition for registered, certified or licensed
465 dietitians or nutritionists from other jurisdictions, provided that the standards of registration,
466 certification and licensure in the jurisdiction are substantially the same as those set forth in
467 sections 201 to 210A, inclusive..

468 Section 209: Dietitians and nutritionists; penalty for illegal representation or practice

469 (a) Except as otherwise provided in sections 201 to 210A, inclusive, no person shall:

470 (1) engage in or offer to provide medical nutrition therapy unless such person is licensed
471 by the board under this chapter;

472 (2) designate or hold himself or herself out as a licensed dietitian or use or assume the
473 title “dietitian,” “dietitian nutritionist,” “dietician,” or any other title indicating that the person is
474 a licensed dietitian or append to or use in conjunction with that person’s name the letters “LD” or
475 “LDN” unless the person is a licensed dietitian;

476 (3) use or assume any title indicating that the person is a licensed nutritionist or append to
477 or use in conjunction with that person's name the letters "LN" unless the person is a licensed
478 nutritionist;

479 (4) designate or hold himself or herself out as a nutritionist or use or assume the title
480 "nutritionist," unless the person is licensed by the board under this chapter;

481 (b) Identifying oneself using an earned, federally trademarked nutrition credential is not
482 prohibited, but such permitted use does not give the right to practice medical nutrition therapy or
483 identify using the general titles of "dietitian," "dietitian nutritionist," or "nutritionist" unless an
484 individual is also licensed by the board under this chapter.

485 (c) Any person violating the requirements of this section without first being issued a
486 license by the board to practice under this chapter shall be guilty of a misdemeanor and upon
487 conviction shall be punished by a fine of not more than \$5,000 or by imprisonment for a term not
488 to exceed one year or both. Upon conviction of a subsequent violation, such person shall be
489 punished by a fine of not more than \$10,000 or two years imprisonment or both.

490 (d) A person who receives any money or the equivalent thereof as a fee, commission,
491 compensation or profit by, or in the consequence of a violation of any provision of sections 201
492 to 210A, inclusive, shall, in addition to any other penalty, be liable for a fine of not less than the
493 sum of the money so received and not more than three times the sum so received as may be
494 determined by the board.

495 (e) No action or suit shall be instituted nor recovery had, in any court of the
496 commonwealth by any person for compensation for any act done or service rendered as a

497 licensed dietitian or licensed nutritionist, unless such person held a valid current license issued
498 by the board under this chapter at the time of offering to perform such act or service.

499 Section 210: Dietitians and nutritionists; addresses

500 (a) Each licensed dietitian and licensed nutritionist shall advise the board of the address
501 of the licensee's principal place of business and all other addresses at which the licensee is
502 currently engaged in business. The licensee shall immediately give written notification to the
503 board upon a change of address and shall apply for an amended license. Each licensed dietitian
504 and licensed nutritionist shall also advise the board in writing of the licensee's current residential
505 address.

506 Section 210A; Dietitians and nutritionists; provisional licensure

507 (a) The board, in its discretion, may issue a provisional license for an individual to
508 engage in the practice of dietetics or the practice of nutrition for one year under the supervision
509 of a licensed dietitian upon the filing of an application with appropriate fees and submission of
510 evidence of successful completion of the education and supervised practice requirements for
511 dietitian licensure provided for in section 203 of this chapter.

512 The board, in its discretion, may issue a provisional license for an individual to engage in
513 the practice of nutrition for one year under the supervision of a licensed dietitian or licensed
514 nutritionist upon the filing of an application with appropriate fees and submission of evidence of
515 successful completion of the education and supervised practice requirements for nutritionist
516 licensure provided for in section 203 of this chapter.

517 The fee for a provisional license and for renewal thereof shall be determined by the
518 commissioner of administration and finance pursuant to the provisions of section 3B of chapter 7

519 SECTION 4. Any person duly appointed to board of registration of dietitians and
520 nutritionists established under section 11D of chapter 13 as of the effective date of this Act shall
521 continue to serve out their term in accordance with said section 11D until their successor is
522 appointed.

523 SECTION 5. Notwithstanding any general or special law to the contrary, any person
524 licensed by the board of registration of dietitians and nutritionists and any person who has
525 applied for licensure by said board prior to the effective date of this Act shall remain licensed,
526 eligible for reactivation, or eligible for licensure under the requirements in place at the time of
527 application, so long as the applicant or licensee remains in good standing and maintains an active
528 or inactive license. Any person licensed by the board as a dietitian/nutritionist as of the effective
529 date of this Act shall be licensed as a licensed dietitian without meeting any additional
530 requirements so long as such person holds the registered dietitian credential issued by the
531 Commission on Dietetic Registration. Any person licensed by the board as a dietitian/nutritionist
532 as of the effective date of this Act that does not hold the registered dietitian credential issued by
533 the Commission on Dietetic Registration shall be licensed as a licensed nutritionist without
534 meeting any additional requirements.