

Committee on Public Health
Bill Summary

Bill No. H453

Title: *An Act relative to modernizing licensure of dietitians and nutritionists*

Sponsor: Representative Edward R. Philips

Committee: Public Health

Hearing Date: June 11, 2025

Similar Matters: S253

Prior History: New file

Reporting Deadline: August 10, 2025

Current Law:

- **M.G.L. Chapter 6** pertains to the governor, lieutenant governor and council, certain officers under the governor and council, and state library.
- **M.G.L. Chapter 6 § 181** pertains to the nutrition board, its establishment, members, secretary and executive secretary, staff, and appointment.
- **M.G.L. Chapter 13** pertains to the division and boards of registration.
- **M.G.L. Chapter 13 § 11D** pertains to the Board of Registration of Dietitians and Nutritionists.
- **M.G.L. Chapter 112** pertains to the registration of certain professions and occupations.
- **M.G.L. Chapter 112 § 201** pertains to definitions applicable to sections 201 to 210.
- **M.G.L. Chapter 112 § 202** pertains to the Board of Registration of Dietitians and Nutritionists, and the board's powers and duties.
- **M.G.L. Chapter 112 § 203** pertains to the application for original license, renewal or examination for dietitians/nutritionists, and educational and professional experience requirements.
- **M.G.L. Chapter 112 § 204** pertains to the license examination and time limitation for license application of dietitians/nutritionists.
- **M.G.L. Chapter 112 § 205** pertains to the disciplinary powers of the Board of Registration of Dietitians and Nutritionists and the enforcement of order.
- **M.G.L. Chapter 112 § 206** pertains to authorized activities for nonlicensed dietitians/nutritionists.
- **M.G.L. Chapter 112 § 207** pertains to the biennial license renewal, continuing education, and proof of compliance for dietitians/nutritionists.
- **M.G.L. Chapter 112 § 208** pertains to the authority for recognition of dietitian/nutritionist licensees from other states.
- **M.G.L. Chapter 112 § 209** pertains to the penalty for illegal representation or practice of dietitians/nutritionists.

- **M.G.L. Chapter 112 § 210** pertains to addresses of dietitians/nutritionists.

Summary:

This bill updates the provisions regulating the licensure of dietitians and nutritionists by amending the membership and updating the powers of the Board of Registration of Dietitians and Nutritionists, adding new definitions, specifying separate education and licensure requirements for dietitians and nutritionists, updating exemptions from professional discipline, and permitting the Board of Registration of Dietitians and Nutritionists to issue provisional licenses for dietitians and nutritionists who meet the specific outlined criteria.

SECTION 1 amends M.G.L. Chapter 6 by striking out Section 181 in its entirety and inserting a new section, Section 181:

- Renames the nutrition board within the Executive Office of Health and Human Services to the Dietetics and Nutrition Board.
- Outlines board membership, including the commissioner of public health, who shall serve as chair; the commissioner of transitional assistance; the commissioner of early and secondary education; and the following nine members appointed by the governor:
 - A registered physician with expertise in dietetics and nutritional science;
 - A qualified practicing dietitian or nutritionist with experience and knowledge in public and community nutrition;
 - A dietitian or nutritionist that is representative of the food industry;
 - A dietetics and nutrition educator from an institution of higher education concerned with programmatically accredited graduate education in the field of dietetics and nutrition ;
 - A dietitian or nutritionist whose primary practice is consulting in, or the private practice of, dietetics or nutrition;
 - A practicing dietitian whose primary practice is clinical dietetics in a hospital;
 - A practicing dietitian whose primary practice is clinical dietetics in a long-term care facility; and
 - Two representatives of the general public who shall be consumers selected in a manner so as to reflect the population distribution of the commonwealth.
- Permits the chair to appoint a secretary and an executive secretary with the approval of the board and outlines board/secretary/and executive secretary salaries. Requires that the board be provided with adequate quarters in the state house or elsewhere.

SECTION 2 amends M.G.L. Chapter 13 by striking out Section 11D in its entirety and inserting a new section, Section 11D:

- Establishes the Board of Registration of Dietitians and Nutritionists within DPH. The board may seek advice from the Massachusetts dietetics and nutrition board.
- Limits board membership to nine members appointed by the governor:
 - Five licensed dietitians;
 - One licensed nutritionist;
 - One physician; and

- Two consumers who are representatives of the general public.
- Requires members to be appointed for a term of three years and outlines term limits for members and removal of members from the board.
- Outlines elections and requirements of a chairperson to be elected by the board on an annual basis.
- Requires the board to meet a minimum of four times annually.

SECTION 3 amends M.G.L. Chapter 112 by striking out Sections 201 to 210 inclusive, and inserts the following sections:

Section 201:

Subsection (a) defines for sections 201 to 210A, inclusive, “board,” “commission on dietetic registration,” “dietetics,” “general non-medical nutrition information,” “licensed dietitian,” “licensed nutritionist,” “medical nutrition therapy,” “medical weight control,” “non-medical weight control,” “nutrition,” “nutrition assessment,” “nutrition care process,” “nutrition care services,” “nutrition counseling,” “nutrition diagnosis,” “nutrition intervention,” “nutrition monitoring and evaluation,” “patient,” “provisionally licensed dietitian,” “provisionally licensed nutritionist,” “qualified supervisor,” “registered dietitian,” “telehealth,” and “therapeutic diet.”

Section 202 updates the powers and duties of the Board of Registration of Dietitians and Nutritionists to include the powers to:

- Seek injunctive relief for a temporary or permanent restraining order or injunction enjoining violations; and
- Conduct national background checks through the submission of fingerprints to the FBI through the Statewide Applicant Fingerprint Identification Services.

Section 203:

Subsection (a) requires an application for original license, renewal, and to sit for the licensing examination to be made available on forms approved by the board and accompanied by the appropriate fee.

Subsection (b) lists the requirements for licensing as a dietitian. An applicant must be at least 18 years old, capable and professionally competent, as determined by the board, to safely engage in the practices of dietetics and nutrition, and have met one of the two following criteria:

1. Applicant has met all of the following educational, supervised experience, and examination requirements:
 - Completion of a master’s degree or doctoral degree from a college or university accredited by the U.S. Department of Education or the foreign equivalent, and completion of a program of study accredited by the Accreditation Council for Education in Nutrition and Dietetics;
 - Completion of 1000 hours of supervised practice experience within 5 years of completion of the education requirements;

- Successful completion of the registration examination for dietitians administered by the Commission on Dietetic Registration.
- 2. Applicant submits proof of holding a valid current registration with the Commission on Dietetic Registration.

Subsection (c) lists the requirements for licensing as a nutritionist. An applicant must be at least 18 years old, capable and professionally competent, as determined by the board, to safely engage in the practices of dietetics and nutrition, and have met the following requirements:

1. Completion of a master's or doctoral degree in one of the pre-approved courses of study, including particular course requirements, from a college or university accredited by the U.S. Department of Education;
2. Completion of 1000 hours of supervised practice experience within 5 years of completion of the education requirements, with a minimum of 200 hours in each practice area: nutrition assessment, nutrition intervention, and nutrition monitoring and evaluation. The board must determine that the experience has prepared the applicant to provide nutrition care services for various populations of diverse cultures, genders, and across the life cycle.
3. Completion of the examination requirements:
 - Passage of the certified nutrition specialist examination administered by the Board for Certification of Nutrition Specialists within five years before application;
 - If passage occurred more than five years before application, the applicant must demonstrate completion of 75 hours of continuing education meeting the requirements set forth by the board.
 - Applicant holds a valid current certification with the Board for Certification of Nutrition Specialists.

Section 204 outlines the requirements for licensure examinations for dietitians and nutritionists.

Section 205:

Subsection (a) lists the disciplinary powers of the Board of Registration of Dietitians and Nutritionists. The board may deny/refuse a new license, suspend/revoke a current license, or issue an order to cease and desist from certain conduct to any applicant or licensee who has:

- Attempted to or obtained licensure by fraud or misrepresentation;
- Engaged in unethical or unprofessional conduct in the course of professional practice;
- Engaged in habitual intoxication or personal misuse of any drug so as to adversely affect the person's ability to practice;
- Been convicted in any court of a crime directly related to the duties/responsibilities of a dietitian or nutritionist;
- Been convicted in any court of a crime that was violent or sexual in nature, or entered into a plea of guilty or nolo contendere to any such crime; or
- Violated any lawful order, rule, or regulation rendered or adopted by the board.

Subsection (b) outlines the disciplinary action the board may take against an applicant or licensee, including denial, suspension, revocation or cancellation of, or refusal to renew such license; placement of such a license on probation; assessing upon the holder of such license a fine not to exceed \$5,000 for each violation.

Subsection (c) allows the board to impose sanctions not listed in this section by consent agreement.

Subsection (d) allows any person aggrieved by any disciplinary action taken by the board to file a petition for judicial review of the disciplinary action with the Supreme Judicial Court. The Supreme Judicial Court has exclusive jurisdiction over such petitions.

Subsection (e) allows the board to file a petition in equity in the superior court after issuing an order for revocation or suspension to ensure appropriate injunctive relief to expedite the secure enforcement of its order.

Section 206:

Subsection (a) clarifies instances that are not considered the illegal practice of dietetics or nutrition, including but not limited to:

- Pursuing a degree in dietetics or nutrition at an accredited college or university and engaging in the practice of dietetics or nutrition under the supervision of a qualified supervisor;
- Fulfilling the professional experience requirement in dietetics or nutrition necessary for licensure and engaging in the practice of dietetics or nutrition under the supervision of a qualified supervisor;
- Disseminating non-individualized, written, general non-medical nutrition information in connection with the marketing and distribution of dietary supplements, food, herbs, or food materials;
- A dietitian or nutritionist serving in the armed forces or the United States Public Health Service or is employed by the Veterans Administration who engages in the practice of medical nutrition therapy or using government-issued titles, when such practice or title use is related to such service or employment; and
- A licensed health care professional who engages in the practice of medical nutrition therapy when medical nutrition therapy is within the professional's licensed scope of practice and is incidental to the practice for which he or she is licensed.

Section 207 requires anyone licensed by the board must apply to renew their license no later than their birthday, that is more than 24 months after the license was issued. After that, they need to renew their license every two years. Applicants for renewal must complete at least 30 hours of continuing education every two years. The board may provide for the late renewal of a license which has lapsed and may require the payment of a late fee.

Section 208 allows the board to provide reciprocal recognition for registered, certified or licensed dietitians/nutritionists from other jurisdictions as long as the standards of registration,

certification and licensure are substantially similar to those set forward in sections 201 to 210A, inclusive.

Section 209:

Subsection (a) lists actions considered to be illegal representation or practice.

Subsection (b) clarifies that identifying oneself using an earned, federally trademarked nutrition credential is not prohibited, but such permitted use does not give the right to practice medical nutrition therapy or identify using the general titles of “dietitian,” “dietitian nutritionist,” or “nutritionist” unless an individual is also licensed by the board under this chapter.

Subsection (c) outlines the penalties applied to any person engaging in illegal representation or practice who has not been issued a license by the board under this section. The first conviction is punishable by a fine of no more than \$5,000, imprisonment for up to one year or both. Each subsequent conviction is punishable by a fine of no more than \$10,000, two years' imprisonment or both.

Subsection (d) establishes a fine for any person who receives money or the equivalent as a fee/commission/compensation/profit by or as a consequence of violating this section. The fine must be at least the sum of money received and cannot be more than treble the amount of money received.

Subsection (e) clarifies that only licensed dietitians/nutritionists may collect compensation for services rendered in a court of law in the commonwealth.

Section 210 requires licensees to inform the board of the address of the licensee’s principal place of business and all other addresses at which the licensee is currently engaged in business.

Section 210A:

Subsection (a) permits the board to issue provisional licenses for dietitians and nutritionists to practice in dietetics/nutrition for one year under the supervision of a licensed dietitian/nutritionist upon meeting the education criteria outlined in Section 203.

SECTION 4 requires any person appointed to the board of registration of dietitians and nutritionists at the time of this Act’s enactment to continue to serve out their term under M.G.L. Chapter 13 Section 11D until a successor is appointed.

SECTION 5 clarifies that any licensed dietitian or nutritionist or any person who has applied for licensure prior to the effective date of this Act shall remain licensed or eligible for licensure under the requirements in place at the time of application. Anyone who is licensed as a dietitian or nutritionist by the board on the effective date of this Act will automatically be licensed as a dietitian if they have the registered dietitian credential from the Commission on Dietetic Registration. If they do not hold that credential, they will be licensed as a nutritionist without needing to meet any extra requirements.