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IDAPA 22
TITLE 01
CHAPTER 13

22.01.13 - RULES FOR THE LICENSURE OF DIETITIANS

000. LEGAL AUTHORITY.
Pursuant to Section 54-3505(2), Idaho Code, the Idaho State Board of Medicine is authorized to promulgate rules to implement provisions of the Dietitians Act. (12-28-94)

001. TITLE AND SCOPE.
These rules shall be cited as IDAPA 22.01.13, "Rules for the Licensure of Dietitians." (12-28-94)

002. WRITTEN INTERPRETATIONS -- AGENCY GUIDELINES.
Written interpretations of these rules in the form of explanatory comments accompanying the notice of proposed rulemaking that originally proposed the rules and review of comments submitted in the rulemaking process in the adoption of these rules are available for review and copying at cost from the Board of Medicine, 1755 Westgate Drive, Suite 140, Box 83720, Boise, Idaho 83720-0058. (4-2-03)

003. ADMINISTRATIVE APPEAL.
All contested cases shall be governed by the provisions of IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," and IDAPA 22.01.07, "Rules of Practice and Procedure of the Board of Medicine." (4-2-03)

004. PUBLIC RECORD ACT COMPLIANCE.
These rules have been adopted in accordance with Title 67, Chapter 52, Idaho Code, and are public records. (4-2-03)

005. INCORPORATION BY REFERENCE.
There are no documents incorporated by reference into this rule. (4-2-03)

006. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.
The central office of the Board of Medicine will be in Boise, Idaho. (4-2-03)

01. Address. The Board's mailing address, unless otherwise indicated, will be Idaho State Board of Medicine, Statehouse Mail, Boise, Idaho 83720. The Board's street address is 1755 Westgate Drive, Suite 140, Boise, Idaho 83704. (4-2-03)

02. Telephone. The telephone number of the Board is (208) 327-7000. (4-2-03)

03. FAX. The Board's facsimile (FAX) number is (208) 327-7005. (4-2-03)

04. Office Hours. The Board's office hours for filing documents are 8 a.m. to 5 p.m. MST. (4-2-03)

05. Website. The Board's website is bom.idaho.gov. (3-27-13)

007. FILING OF DOCUMENTS -- NUMBER OF COPIES.
All documents in rulemaking or contested case proceedings must be filed with the office of the Board. The original and one (1) electronic copy of all documents must be filed with the office of the Board. (3-27-13)

008. SEVERABILITY.
The sections and subsections of these administrative rules are presumed severable unless specifically provided to the contrary. If any rule, or part thereof, or the application of such rule to any person or circumstance is declared invalid, that invalidity does not affect the validity of any remaining portion. (3-27-13)

009. (RESERVED)

010. DEFINITIONS.

01. **Board**. The Idaho State Board of Medicine. (4-2-03)

02. **Dietitian**. A person who meets all of the requirements of and is licensed under the provisions of Title 54, Chapter 35, Idaho Code, to engage in the practice of dietetics as set forth in Section 54-3505(3), Idaho Code. Dietitian and dietician are interchangeable terms. (4-2-03)

03. **Dietetic Practice**. Dietetic practice, the practice of dietetics or practicing dietetics means the integration and application of principles derived from the sciences of nutrition, biochemistry, food physiology, management, and behavioral and social sciences to achieve and maintain human health through the provision of medical nutrition services and the development of therapeutic nutrition care plans to assist in the maintenance of health and the prevention and treatment of disorders of body function, systems or organs. (4-2-03)

04. **Licensure Board**. The Dietetic Licensure Board. (4-2-03)

05. **Medical Nutrition Services**. Medical nutrition services refers to the nutritional assessment, the design and implementation of therapeutic nutrition care plans, and nutrition therapy counseling provided by a licensed dietitian. (4-2-03)

06. **Monitor of Provisionally Licensed Graduate Dietitian**. An Idaho licensed dietitian who shall be responsible for the activities of the provisionally licensed graduate dietitian being supervised and shall review and countersign all patient documentation performed by the provisionally licensed graduate dietitian being supervised. (4-2-03)

07. **Nutritional Assessment**. The evaluation of nutritional needs of individuals and groups based upon appropriate biochemical, anthropometric, physical, and dietary data which is necessary to determine nutrient needs and to recommend appropriate enteral or parenteral nutritional intake. (4-2-03)

08. **Nutrition Therapy Counseling**. The advising or assisting individuals or groups on appropriate nutrient intake by integrating information from the nutritional assessment and therapeutic nutrition care plan with information on food and other sources of nutrients and meal preparation consistent with health needs, disease state, psychological status, cultural background, and available resources. (4-2-03)

09. **Provisional License**. The Board may issue a provisional license to a graduate dietitian who meets the requirements set forth by Sections 54-3506(1) and 54-3506(2), Idaho Code. A provisional license shall authorize the practice of dietetics under the supervision of a monitor who is an Idaho licensed dietitian. (4-2-03)

10. **Therapeutic Nutrition Care Plan**. A plan of care developed by a licensed dietitian that includes: (4-2-03)

a. The design and implementation of nutrition goals and objectives for individuals and groups for the maintenance of health and prevention of disease; (4-2-03)

b. The design and implementation of therapeutic nutrition regimens, including enteral and parenteral nutrition for the treatment of disorders of body functions, systems, or organs; (4-2-03)

c. Establishing priorities, goals, and objectives that meet nutritional needs and are consistent with available resources and constraints; (4-2-03)

d. Developing, implementing, and managing nutrition care systems; and (4-2-03)

e. Evaluating, making changes in, and maintaining appropriate standards of quality in food and nutrition care services. (4-2-03)

011. -- 019. **(RESERVED)**

020. **GENERAL QUALIFICATIONS FOR LICENSURE.**

01. **Applicant**. An applicant must be of good moral character and shall meet the requirements set forth in Section 54-3506, Idaho Code. The Board may refuse licensure if it finds the applicant has engaged in conduct prohibited by Section 54-3510, Idaho Code, provided, the Board shall take into consideration the rehabilitation of the applicant and other mitigating circumstances. (12-28-94)

02. **Examination**. Each applicant shall either pass an examination required by the Board or shall be entitled to apply for a waiver pursuant to Section 54-3508, Idaho Code. (4-2-03)

a. The written examination shall be the examination conducted by the Commission on Dietetic Registration and the passing score shall be the passing score established by the Commission. (12-28-94)

b. An applicant who fails to pass the examination must submit a new application. (12-28-94)

c. An applicant who has failed to pass the examination on two (2) separate occasions will be denied eligibility to reapply; however his application may be considered on an individual basis if he submits proof of additional training. (12-28-94)

03. **Application Expiration**. An application upon which the applicant takes no further action will be held for no longer than one (1) year. (12-28-94)

021. APPLICATION FOR LICENSURE.

01. **Application**. Each applicant for licensure shall submit a completed written application to the board on forms prescribed by the board, together with the application fee. The application shall be verified and under oath and shall require the following information: (12-28-94)

a. A certificate of successful completion of a program approved by the Academy of Nutrition and Dietetics or its successor and a certificate of successful completion of a dietetic internship or preprofessional program approved or accredited by the Academy of Nutrition and Dietetics or its successor; (3-20-14)

b. The disclosure of any criminal conviction or charges against the applicant other than minor traffic offenses; (12-28-94)

c. The disclosure of any disciplinary action against the applicant by any state professional regulatory agency or professional organization; (12-28-94)

d. The disclosure of the denial of registration or licensure by any state or district regulatory body; (12-28-94)

e. Not less than two (2) certificates of recommendation from persons having personal knowledge of the applicant's character; (12-28-94)

f. Two (2) unmounted photographs of the applicant, no larger than three inches by four inches (3" x 4") (head and shoulders), taken not more than one (1) year prior to the date of the application; (12-28-94)

g. A copy of any registration by the Commission on Dietetic Registration, if applicable; (12-28-94)

h. A copy of examination results or the application to write the qualifying exam and the date the examination is scheduled; (4-2-03)

i. Such other information as deemed necessary for the Board to identify and evaluate the applicant's credentials; and (4-2-03)

j. A Provisional License Dietitian/Monitor Affidavit, if applicable. (4-2-03)

02. **Personal Interview**. The Board may, at its discretion, require the applicant to appear for a personal interview. (12-28-94)

022. LICENSE EXPIRATION AND RENEWAL.

01. Provisional Licensure Expiration. Provisional licenses shall become full active licenses to practice as a dietitian upon the date of receipt of a copy of registration by the Commission on Dietetic Registration. All provisional licenses shall expire on June 30 following issuance. (4-2-03)

02. Renewal. Each full license shall be renewed annually before July 1 by submitting a completed request for renewal accompanied by payment of the renewal fee and a copy of current registration as a registered dietitian, as determined by the Commission on Dietetic Registration of the American Dietetic Association, or current credentialing as a credentialed dietitian by any other association which is also recognized by the National Commission for Health Certifying Agencies to the Board. Full licenses not renewed by the expiration date shall be canceled. (4-2-03)

023. PROVISIONAL LICENSURE.

01. Provisional License. The Board may issue a provisional license to a person who has successfully completed the academic requirements of an education program in dietetics approved by the licensure board and has successfully completed a dietetic internship or preprofessional practice program, coordinated program or such other equivalent experience as may be approved by the board and who has met all the other requirements set forth by Section 021 of this rule but who has not yet passed the examination conducted by the Commission on Dietetic Registration. (4-2-03)

02. Provisional License Dietitian/Monitor Affidavit. An affidavit signed by an Idaho licensed dietitian affirming and attesting to be responsible for the activities of the provisionally licensed graduated dietitian being supervised and to review and countersign all patient documentation performed by the provisionally licensed graduate dietitian being supervised. (4-2-03)

03. Supervision by Monitor. The practice or provision of dietetics by a graduate dietitian holding a provisional license to practice dietetics shall be in direct association with an Idaho licensed dietitian who shall be responsible for the activities of the provisionally licensed graduate dietitian being supervised and shall review and countersign all patient documentation performed by the provisionally licensed graduate dietitian. The supervising monitor need not be physically present or on the premises at all times but must be available for telephonic consultation. The extent of communication between the monitor and the provisionally licensed graduate dietitian shall be determined by the competency of the individual, the treatment setting, and the diagnostic category of the patients. (4-2-03)

024. -- 029. (RESERVED)

030. INACTIVE STATUS.
The Board shall grant inactive status to a licensee who makes application for inactive status and who does not practice as a dietitian. (12-28-94)

031. REINSTATEMENT TO FULL LICENSURE FROM INACTIVE STATUS.
An individual desiring reinstatement to full active licensure to practice as a dietitian shall submit a completed written application to the Board, on the forms prescribed by the Board together with the license and reinstatement fees. The application shall be verified and under oath (Subsection 021.01). The Board may request such other information deemed necessary to identify and evaluate the applicant's proficiency. (12-28-94)

032. DENIAL OR REFUSAL TO RENEW, SUSPENSION OR REVOCATION OF LICENSE.

01. Disciplinary Authority. A new or renewal application may be denied or a license may be suspended or revoked by the Board, and every person licensed pursuant to Title 54, Chapter 35, Idaho Code and these rules is subject to disciplinary actions or probationary conditions pursuant to the procedures and powers established by and set forth in Section 54-3505, Idaho Code, IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," and IDAPA 22.01.07, "Rules of Practice and Procedure of the Board of Medicine." (3-20-14)

02. Grounds for Discipline. In addition to the grounds set forth in Section 54-3510, Idaho Code, applicants may be refused licensure and licensees are subject to discipline upon the following grounds, including but not limited to: (12-28-94)

a. Being guilty of unprofessional conduct, including the provision of care which fails to meet the standard of care provided by other qualified licensees within the state of Idaho. (12-28-94)

b. Violating any provisions of this act or any of the rules promulgated by the Board under the authority of the act. (12-28-94)

c. Being convicted of a crime which may or would have a direct and adverse bearing on the licensee's ability to practice dietetics; (3-27-13)

d. Demonstrating a manifest incapacity to carry out the functions of the licensee's ability to practice dietetics or deemed unfit by the Board to practice dietetics; (3-27-13)

e. Using any controlled substance or alcohol which may or would have a direct and adverse bearing on the licensee's ability to practice dietetics; (3-27-13)

f. Misrepresenting educational or experience attainments; (3-27-13)

g. Failing to maintain adequate dietetic records. Adequate dietetic records mean legible records that contain subjective information, an evaluation or report of objective findings, assessment or diagnosis, and the plan of care; (3-27-13)

h. Failure to monitor and be responsible for the activities of the provisionally licensed graduate dietitian; (3-27-13)

i. Employing, directing or supervising the unlicensed practice of dietetics; (3-27-13)

j. Practicing in an area of dietetics for which the licensee is not trained; (3-27-13)

k. Commission of any act of sexual contact, misconduct, exploitation or intercourse with a patient or former patient or related to the licensee's practice of dietetics; (3-27-13)

l. Failing to report to the Board any known act or omission of a licensee, applicant, or any other person, that violates any of the rules promulgated by the Board under the authority of the act; (3-27-13)

m. Interfering with an investigation or disciplinary proceeding by willful misrepresentation of facts or by use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding, investigation or other legal action; (3-27-13)

n. Failure to obey federal and local laws and rules governing the practice of dietetics; or (3-27-13)

o. Failure to be lawfully present in the United States. (3-27-13)

033. -- 040. (RESERVED)

041. FEES.
Actual fees shall be set to reflect costs of Board administration. (12-28-94)

01. Initial/Provisional Licensure and Examination Fee. The fee for initial licensure and examination shall be no more than one hundred fifty dollars ($150). (3-27-13)

02. Renewal Fee. The annual renewal fee shall be no more than one hundred dollars ($100). (3-27-13)

03. Reinstatement Fee. The reinstatement fee for a lapsed license shall be the annual renewal fee for

each year of the two (2) years not licensed plus a fee of no more than fifty dollars ($50). Lapsed licenses not reinstated after two (2) years shall be canceled. (3-27-13)

04. **Inactive Fee**. The fee for inactive licensure shall be no more than fifty dollars ($50). (3-27-13)

05. **Inactive to Active License Fee**. An inactive license may be converted to an active license by application to the Board and payment of required fees. (4-2-03)

a. The fee for converting an inactive license to an license shall be a fee of no more than fifty dollars ($50) and the annual renewal fee for each year not actively licensed minus inactive fees previously paid. (3-27-13)

b. Before the license will be converted, the applicant must account for the time during which an inactive license was held. The Board, in its discretion, may require a personal interview. (4-2-03)

06. **Application Fees and Refunds**. Necessary fees shall accompany applications. Fees shall not be refundable. (4-2-03)

07. **Extraordinary Expenses**. In situations where the processing of an application or a change in status requires extraordinary expenses, the Board will charge the applicant with reasonable fees to cover all the extraordinary expenses. (3-27-13)

042. -- 049. (RESERVED)

050. EFFECTIVE DATE.
These rules shall be effective, December 28, 1994. (12-28-94)

051. -- 999. (RESERVED)

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