

HOUSE BILL NO. 806

INTRODUCED BY C. SPRUNGER, E. BUTTREY

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO DIETITIANS AND NUTRITIONISTS; PROVIDING DEFINITIONS; PROVIDING LICENSURE REQUIREMENTS; REQUIRING CRIMINAL BACKGROUND CHECKS FOR LICENSURE OF DIETITIANS AND NUTRITIONISTS; PROVIDING EXEMPTIONS; PROVIDING QUALIFIED SUPERVISOR REQUIREMENTS; PROVIDING FOR PERMITS AND TRANSITIONAL LICENSURE; AMENDING SECTIONS 20-4-502, 20-9-327, 37-25-101, 37-25-102, 37-25-201, 37-25-303, 37-25-304, AND 37-25-305, MCA; AND REPEALING SECTIONS 37-25-301 AND 37-25-302, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-4-502, MCA, is amended to read:

"20-4-502. Definitions. For purposes of this part, unless the context requires otherwise, the following definitions apply:

- (1) "Education cooperative" means a cooperative of Montana public schools as described in 20-7-451.
- (2) "Educational loans" means all loans made pursuant to a federal loan program, except federal parent loans for undergraduate students (PLUS) loans, as provided in 20 U.S.C. 1078-2.
- (3) "Federal loan program" means educational loans authorized by 20 U.S.C. 1071, et seq., 20 U.S.C. 1087a, et seq., and 20 U.S.C. 1087aa, et seq.
- (4) "Impacted school" means:
 - (a) a special education cooperative;
 - (b) the Montana school for the deaf and blind, as described in 20-8-101;
 - (c) the Montana youth challenge program, as established in 10-1-1401;
 - (d) a correctional facility, as defined in 41-5-103;
 - (e) a public school located on an Indian reservation; and

1 (f) a public school that, driving at a reasonable speed for the road surface, is located more than 20
2 minutes from a Montana city with a population greater than 15,000 based on the most recent federal decennial
3 census.

4 (5) (a) "Quality educator" means a full-time equivalent educator, as reported to the superintendent
5 of public instruction for accreditation purposes in the current school year, who:

6 (i) holds a valid certificate under the provisions of 20-4-106 and is employed by an entity listed in
7 subsection (5)(b) in a position that requires an educator license in accordance with administrative rules adopted
8 by the board of public education; or

9 (ii) is a licensed professional under 37-8-405, 37-8-415, 37-11-301, 37-15-301, 37-17-302, 37-24-
10 301, ~~37-25-302~~ [section 7], 37-39-308, 37-39-309, or 37-39-311 and is employed by an entity listed in
11 subsection (5)(b) to provide services to students.

12 (b) For purposes of subsection (5)(a), an entity means:

13 (i) a school district;

14 (ii) an education cooperative;

15 (iii) the Montana school for the deaf and blind, as described in 20-8-101;

16 (iv) the Montana youth challenge program; and

17 (v) a correctional facility, as defined in 41-5-103.

18 (6) "School district" means a public school district, as provided in 20-6-101 and 20-6-701."
19

20 **Section 2.** Section 20-9-327, MCA, is amended to read:

21 **"20-9-327. Quality educator payment.** (1) (a) The state shall provide a quality educator payment to:

22 (i) public school districts, as defined in 20-6-101 and 20-6-701;

23 (ii) special education cooperatives, as described in 20-7-451;

24 (iii) the Montana school for the deaf and blind, as described in 20-8-101;

25 (iv) correctional facilities, as defined in 41-5-103; and

26 (v) the Montana youth challenge program.

27 (b) A special education cooperative that has not met the requirements of 20-7-454 may not be
28 funded under the provisions of this section except by approval of the superintendent of public instruction.

1 (2) (a) The quality educator payment for special education cooperatives must be distributed
2 directly to those entities by the superintendent of public instruction.

3 (b) The quality educator payment for the Montana school for the deaf and blind must be distributed
4 to the Montana school for the deaf and blind.

5 (c) The quality educator payment for Pine Hills correctional facility and the facility under contract
6 with the department of corrections for female, as defined in 1-1-201, youth must be distributed to those facilities
7 by the department of corrections.

8 (d) The quality educator payment for the Montana youth challenge program must be distributed to
9 that program by the department of military affairs.

10 (3) The quality educator payment is calculated as provided in 20-9-306, using the number of full-
11 time equivalent educators, as reported to the superintendent of public instruction for accreditation purposes in
12 the previous school year, each of whom:

13 (a) holds a valid certificate under the provisions of 20-4-106 and is employed by an entity listed in
14 subsection (1) of this section in a position that requires an educator license in accordance with the
15 administrative rules adopted by the board of public education;

16 (b) (i) is a licensed professional under 37-8-405, 37-8-415, 37-11-301, 37-15-301, 37-17-302, 37-
17 24-301, ~~37-25-302~~ [section 7], 37-39-308, 37-39-309, or 37-39-311; and

18 (ii) is employed by an entity listed in subsection (1) to provide services to students; or

19 (c) (i) holds an American Indian language and culture specialist license; and

20 (ii) is employed by an entity listed in subsection (1) to provide services to students in an Indian
21 language immersion program pursuant to Title 20, chapter 7, part 14."

22

23 **Section 3.** Section 37-25-101, MCA, is amended to read:

24 **"37-25-101. Legislative finding and purpose.** The legislature finds and declares that the practice of
25 medical nutrition assessment and counseling therapy affects the public health, safety, and welfare. It is the
26 purpose of this chapter to provide for the licensing and regulation of dietitians and nutritionists in order to
27 protect the public health, safety, and welfare, to ensure that dietetics and nutritional services of high quality are
28 available to the people of Montana, and to provide a means of identifying those qualified to practice dietetics

1 and nutrition."

2

3 **Section 4.** Section 37-25-102, MCA, is amended to read:

4 **"37-25-102. Definitions.** In this chapter, unless the context requires otherwise, the following
5 definitions apply:

6 (1) "Accredited" means accredited through the council on postsecondary accreditation and the
7 U.S. department of education.

8 (2) "ACEND" means the accreditation council for education in nutrition and dietetics or its
9 successor organization, which is an autonomous accrediting agency for education programs preparing students
10 to begin careers as nutrition and dietetics technicians or nutrition and dietetics technicians, registered.

11 ~~(2)(3)~~ "Board" means the board of medical examiners.

12 ~~(3)(4)~~ "Commission" means the commission on dietetic registration, which is a member of the
13 national commission for health certifying agencies.

14 (5) "Degree" means a degree received from an educational institution that at the time the degree
15 was awarded was accredited by a United States institutional accrediting body for higher education recognized
16 by the council for higher education and the United States department of education or a validated foreign
17 equivalent.

18 ~~(4) "Dietetic-nutrition practice" or "dietetics-nutrition" is the integration and application of principles~~
19 ~~derived from the sciences of nutrition, biochemistry, physiology, and food management and from the behavioral~~
20 ~~and social sciences to achieve and maintain health. The primary function of dietetic-nutrition practice is to~~
21 ~~provide nutrition assessment and nutrition counseling.~~

22 ~~(5)(6)~~ "General nutritional information" means information on:

- 23 (a) principles of good nutrition;
- 24 (b) foods to be included in a daily diet;
- 25 (c) the essential nutrients needed by the body;
- 26 (d) recommended amounts of these nutrients;
- 27 (e) the action of these nutrients on the body;
- 28 (f) the effects of deficiencies in these nutrients; or

1 (g) foods and supplements that are good sources of essential nutrients.

2 (7) "Licensed dietitian" means a person licensed under this chapter to engage in the practice of
3 dietetics and the practice of nutrition, including the provision of medical nutrition therapy.

4 ~~(6)~~(8) "Licensed nutritionist" means a nutritionist licensed under this chapter to engage in the practice
5 of nutrition, including the provision of medical nutrition therapy.

6 (9) "Medical nutrition therapy" means the provision of any of the following nutrition care services
7 for the purpose of management or treatment of a disease or medical condition:

8 (a) nutrition assessment;

9 (b) nutrition diagnosis;

10 (c) nutrition intervention; and

11 (d) nutrition monitoring and evaluation.

12 (10) "Medical weight control" means medical nutrition therapy provided for the purpose of reducing,
13 maintaining, or gaining weight.

14 (11) "Nonmedical weight control" means nutrition care services for the purpose of reducing,
15 maintaining, or gaining weight that do not constitute the treatment or management of a disease or medical
16 condition. The term includes weight control services for healthy population groups to achieve or maintain a
17 healthy weight.

18 ~~(7)~~ "Nutrition assessment" means the evaluation of nutritional needs of individuals and groups
19 based on appropriate biochemical, anthropometric, physical, and dietary data in order to determine nutrient
20 needs and to recommend appropriate nutritional intake, including both enteral and parenteral nutrition.

21 (12) "Nutrition and dietetics technician" or "nutrition and dietetics technician, registered" means an
22 individual registered accordingly with the commission.

23 (13) (a) "Nutrition assessment" means the ongoing, dynamic, and systematic process of ordering,
24 obtaining, verifying, and interpreting biochemical, anthropometric, physical, nutrigenomic, and dietary data to
25 make decisions about the nature and cause of nutrition-related problems relative to patient and community
26 needs. The term includes initial data collection, including the ordering of laboratory tests and reassessment and
27 analysis of patient or community needs, and provides the foundation for nutrition diagnosis and nutritional
28 recommendations and orders. The term also includes ordering laboratory tests to check and track nutritional

1 status.

2 (b) The collection of nutrition-related data does not, by itself, constitute nutrition assessment.

3 (14) "Nutrition care services" means any part or all of the following services provided within a
4 systematic process:

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

8 (b) identifying nutrition problems and establishing priorities, goals, and objectives that meet
9 nutritional needs and are consistent with available resources and constraints;

10 (c) creating individualized dietary plans and issuing and implementing orders to meet nutritional
11 needs of healthy individuals and individuals with disease states or medical conditions, including ordering
12 therapeutic diets, and monitoring the effectiveness of therapeutic diets;

13 (d) determining and providing appropriate nutrition intervention in health and disease, including
14 nutrition counseling on food and prescription drug interactions;

15 (e) developing, implementing, and managing nutrition care systems; and

16 (f) evaluating, making changes in, and maintaining appropriate standards of quality in food and
17 nutrition services.

18 ~~(8)(15)~~ "Nutrition counseling" means providing assistance and advice to individuals or groups in the
19 selection of food and other sources of nutrients to achieve appropriate nutritional intake, based on:

20 (a) ~~the nutrition assessment;~~

21 (b) ~~the composition of food and other sources of nutrients; and~~

22 (c) ~~meal preparation consistent with cultural background and socioeconomic status.~~ a supportive
23 process, characterized by a collaborative counselor-patient relationship with individuals or groups, to establish
24 food and nutrition priorities, goals, and individualized action plans and general physical activity guidance that
25 acknowledge and foster responsibility for self-care to promote health and wellness or to treat or manage an
26 existing disease or medical condition.

27 (16) (a) "Nutrition diagnosis" means identifying and labeling nutrition problems managed and treated
28 by a licensed dietitian.

1 (b) The term does not include a medical diagnosis of the health status of an individual.

2 (17) "Nutrition intervention" means purposefully planned actions, including nutrition counseling,
3 intended to positively change a nutrition-related behavior, risk factor, environmental condition, or aspect of the
4 health status of an individual and the individual's family or caregivers, target groups, or community at large. The
5 term includes approving, ordering, and monitoring therapeutic diets and counseling on food and prescription
6 drug interactions.

7 (18) "Nutrition monitoring and evaluation" means identifying patient outcomes relevant to the
8 nutrition diagnosis, intervention plans, and goals and comparing those outcomes with previous status,
9 intervention goals, or a reference standard to determine the progress made in achieving desired outcomes of
10 nutrition care and whether planned interventions should be continued or revised.

11 (9) "Nutritionist" means:

12 (a) a person licensed under this chapter; or

13 (b) a person who has satisfactorily completed a baccalaureate and master's or a doctoral degree
14 in the field of dietetics, food and nutrition, or public health nutrition conferred by an accredited college or
15 university."

16 (19) "Patient" means an individual recipient of nutrition care services.

17 (20) "Practice of dietetics" means the integration and application of scientific principles derived from
18 the study of food, nutrition, biochemistry, metabolism, nutrigenomics, physiology, pharmacology, food systems,
19 management, and behavioral and social sciences to achieve and maintain optimal nutrition status of individuals
20 and groups. The term includes the provision of nutrition care services, including medical nutrition therapy, in
21 person or via telehealth, to prevent, manage, or treat chronic and acute diseases or medical conditions and
22 promote wellness in inpatient and outpatient settings. The term encompasses developing and ordering
23 therapeutic diets via oral, enteral, and parenteral routes and providing other advanced medical nutrition therapy
24 and related support activities consistent with current competencies required of academic and supervised
25 practice programs accredited by ACEND and in accordance with the commission's scope and standards of
26 practice for the registered dietitian.

27 (21) "Practice of nutrition" means the integration and application of scientific principles derived from
28 the study of nutrition science, cellular and systemic metabolism, biochemistry, physiology, and behavioral

1 sciences for achieving and maintaining health throughout a person's lifespan. The term includes the provision of
2 nutrition care services, including medical nutrition therapy, in person or via telehealth, to prevent, manage, or
3 treat chronic diseases or medical conditions and promote wellness in outpatient settings. Consistent with level
4 of competence, the practice of nutrition may encompass the ordering of oral therapeutic diets, the ordering of
5 medical laboratory tests related to nutritional therapeutic treatments, and the provision of recommendations on
6 vitamin, mineral, and other dietary supplements.

7 (22) "Qualified supervisor" means an individual providing supervision who assumes full professional
8 responsibility for the work of the supervisee by verifying, directing, and approving the provided nutrition care
9 services, medical nutrition therapy, and other work being supervised.

10 (23) "Registered dietitian" means a person who is credentialed by the commission or its successor
11 organization as a registered dietitian or a registered dietitian nutritionist and is authorized to use the title and the
12 corresponding abbreviations "RD" or "RDN".

13 (24) "Telehealth" has the same meaning as provided in 37-2-305.

14 (25) "Therapeutic diet" means a diet intervention prescribed by a physician or other authorized
15 nonphysician practitioner that provides food, fluid, or nutrients via oral, enteral, or parenteral routes as part of
16 the treatment of disease or clinical conditions to modify, eliminate, decrease, or increase identified
17 micronutrients and macronutrients in the diet or to provide mechanically altered food when indicated.

18

19 **Section 5.** Section 37-25-201, MCA, is amended to read:

20 **"37-25-201. Powers and duties of board.** In addition to all other powers and duties conferred and
21 imposed on the board by Title 37, chapter 1, and this chapter, the board shall adopt rules that set professional,
22 practice, and ethical standards for licensed dietitians and nutritionists and other rules as may be necessary for
23 the administration of this chapter."

24

25 **NEW SECTION. Section 6. Scope of dietetic-nutrition practice.** Only an individual licensed under
26 this chapter or as permitted pursuant to 37-25-304 may provide medical nutrition therapy as part of the practice
27 of dietetics or nutrition.

28

1 **NEW SECTION. Section 7. Licensing requirements for dietitians and nutritionists.** (1) An

2 applicant for licensure as a dietitian shall submit:

3 (a) a completed application as required by the board;

4 (b) any fees as required by the board; and

5 (c) proof of valid current registration with the commission or its successor organization that gives
6 the applicant the right to use the term "registered dietitian", "registered dietitian nutritionist", "RD", or "RDN".

7 (2) An applicant for licensure as a nutritionist shall submit:

8 (a) a completed application as required by the board; and

9 (b) valid proof of the following:

10 (i) completion of a master's or doctoral degree with a major in human nutrition, foods and nutrition,
11 community nutrition, public health nutrition, nutrition education, nutrition, nutrition science, clinical nutrition,
12 applied clinical nutrition, nutrition counseling, nutrition and functional medicine, nutritional biochemistry, nutrition
13 and integrative health, or a comparable titled major, or a doctoral degree or validated foreign equivalent, in a
14 field of clinical health care from a college or university accredited at the time of graduation by a U.S. institutional
15 accrediting body for higher education recognized by the United States department of education. The applicant
16 must have completed coursework leading to competence in medical nutrition therapy, including but not limited
17 to:

18 (A) 15 semester hours of courses on clinical or life sciences, including at least 3 semester hours in
19 human anatomy and physiology or the equivalent; and

20 (B) 15 semester hours of courses on nutrition and metabolism, including at least 6 semester hours
21 in biochemistry.

22 (ii) completion of a planned, documented, and continuous supervised practice experience
23 approved by the board demonstrating competence in the practice of nutrition, including medical nutrition
24 therapy, meeting all the following:

25 (A) completion of a supervised practice experience under this subsection (2) within 5 years of
26 completing the requirements under subsection (2)(b)(i), unless the examining board grants an extension for a
27 limited time;

28 (B) supervised practice experience completed under this subsection (2) must include at least 1,000

1 hours in the following practice areas, with a minimum of 200 hours each in nutrition assessment, nutrition
2 intervention, and nutrition monitoring and evaluation;

3 (C) the experience is determined by the board to have prepared the applicant to provide nutrition
4 care services for various populations of diverse cultures, genders, and across a person's lifespan, and to be
5 able to competently formulate actionable medical nutrition therapies and interventions, education, counseling,
6 and ongoing care for the prevention, modulation, and management of a range of chronic medical conditions;
7 and

8 (D) the supervised practice experience completed under this subsection (2) was under the
9 supervision of a qualified supervisor as defined in 37-25-102.

10 (iii) completion of the examination requirements by demonstrating:

11 (A) passage of the certified nutrition specialist examination administered by the board for
12 certification of nutrition specialists or its successor organization or an equivalent examination on all aspects of
13 the practice of nutrition that has been reviewed under a program that requires a master's degree or higher, is
14 accredited by the national commission for certifying agencies, and is approved by the board. If passage of the
15 examination occurred more than 5 years before application, demonstration of completion of 75 hours of
16 continuing education meeting the continuing education criteria of the board for each 5-year period post-
17 examination; or

18 (B) the applicant holds a valid current certification with the board for certification of nutrition
19 specialists or its successor organization that gives the applicant the right to use the title "certified nutrition
20 specialist".

21 (3) A person who is licensed under this chapter on [the effective date of this act] must be licensed
22 as a licensed dietitian without meeting any additional requirements so long as the person holds the RD
23 credential.

24

25 **NEW SECTION. Section 8. Criminal background check.** (1) Each applicant for licensure shall
26 submit a full set of the applicant's fingerprints to the board for the purpose of obtaining a state and federal
27 criminal history background check.

28 (2) Each license applicant is responsible to pay all fees charged in relation to obtaining the state

1 and federal criminal history background check.

2 (3) The board may require a licensee renewing a license to submit a full set of the licensee's
3 fingerprints to the board for the purpose of obtaining a state and federal criminal history background check.

4 (4) The Montana department of justice may share the fingerprint data obtained under this section
5 with the federal bureau of investigation.

6

7 **Section 9.** Section 37-25-303, MCA, is amended to read:

8 **"37-25-303. Issuance of license.** ~~Upon~~ On successful completion of the requirements in 37-25-302
9 [section 7], an applicant must be issued a license attesting to the date and fact of licensure."

10

11 **Section 10.** Section 37-25-304, MCA, is amended to read:

12 **"37-25-304. Exemptions from licensure requirements.** This chapter does not prevent:

13 (1) a student or intern in an approved academic program ~~or a paraprofessional with approved~~
14 ~~dietetic-nutrition training~~ from engaging in the practice of ~~dietetics-nutrition~~ medical nutrition therapy if a
15 ~~licensed nutritionist~~ qualified supervisor is available for direct supervision and if the student, ~~or intern,~~ or
16 ~~paraprofessional~~ does not represent to the public that the individual is a dietitian or a nutritionist;

17 (2) a ~~licensed~~ physician or nurse licensed in this state from engaging in the practice of ~~dietetics-~~
18 ~~nutrition~~ medical nutrition therapy when it is incidental to the practice of that profession;

19 (3) a person licensed under any other law of this state from engaging in the profession or business
20 for which the person is licensed if the person does not represent to the public that the person is a dietitian or a
21 nutritionist;

22 (4) an educator or adviser employed by a nonprofit agency acceptable to the board or by an
23 accredited degree-granting institution or an accredited elementary or secondary school from engaging in an
24 activity within the scope of the individual's salaried position;

25 (5) ~~a person employed by or under contract with an agency of the state or federal government from~~
26 ~~discharging an official duty if the person does not represent to the public that the person is a nutritionist;~~ a
27 dietitian or nutritionist who is serving in the armed forces or the United States public health service or is
28 employed by the United States department of veterans affairs from engaging in the practice of medical nutrition

1 therapy or using government-issued titles, provided the practice or title use is related to the service or
2 employment;

3 (6) a person from furnishing general nutritional information, including dissemination of literature, as
4 to the use of food, food materials, or dietary supplements or from engaging in the explanation as to the use of
5 foods or food products, including dietary supplements, in connection with the marketing and distribution of
6 those products if the person does not represent to the public that the person is a dietitian or a nutritionist;

7 (7) a person from furnishing general nutrition information or disseminating literature if the person
8 does not represent to the public that the person is a dietitian or a nutritionist; ~~or~~

9 (8) ~~a person from fulfilling state or federal regulations governing the delivery or provision of~~
10 ~~nutritional health services to hospitals or long-term care facilities if the person does not represent to the public~~
11 ~~that the person is a nutritionist.~~ a person who is employed by this state, a county, a municipal agency, or any
12 other political subdivision or a person who contracts with this state, a county, a municipal agency, or any other
13 political subdivision for the purposes of providing nutrition care services for the women, infants, and children
14 food supplement program from providing nutrition care services or utilizing the title of "nutritionist" within the
15 discharge of the person's official duties;

16 (9) a person who does not represent as a dietitian or nutritionist from providing medical weight
17 control for obesity for any of the following:

18 (a) an instructional program that has been approved in writing by one or more of the following:

19 (i) a licensed nutritionist or licensed dietitian; or

20 (ii) a health care practitioner licensed or certified in this state whose authorized scope of practice
21 includes medical nutrition therapy; or

22 (b) a plan of care that is overseen by a health professional licensed in this state whose scope of
23 practice otherwise authorizes the health professional to provide and delegate medical nutrition therapy, so long
24 as the medical weight control services are not discretionary and do not require the exercise of professional
25 judgment;

26 (10) a person who does not represent as a dietitian or nutritionist who assists with the provision of
27 medical nutrition therapy from performing only support activities that are not discretionary and that do not
28 require the exercise of professional judgment for their performance, and the person is directly supervised by a

1 licensed dietitian, licensed nutritionist, or a health care practitioner licensed in this state acting within the scope
 2 of the practitioner's license;

3 (11) a person from providing individualized nutrition recommendations for the wellness and primary
 4 prevention of chronic disease, health coaching, holistic and wellness education, guidance, motivation, behavior
 5 change management, services for nonmedical weight control, or other nutrition care services so long as the
 6 services do not constitute medical nutrition therapy and the person does not represent as a dietitian or
 7 nutritionist;

8 (12) an out-of-state practitioner from providing medical nutrition therapy services via telehealth to a
 9 patient located in this state if the out-of-state practitioner:

10 (a) is a health care practitioner licensed or certified in good standing in any state or territory with a
 11 licensed or certified scope of practice that includes the provision of medical nutrition therapy and provides
 12 medical nutrition therapy services via telehealth:

13 (i) in consultation with a medical nutrition therapy practitioner licensed in this state who has a
 14 practitioner-patient relationship with the patient;

15 (ii) for a patient whom the practitioner has a current practitioner-patient relationship and the patient
 16 is temporarily present in this state; or

17 (iii) pursuant to a current practitioner-patient relationship and the care is limited to temporary or
 18 short-term follow-up medical nutrition therapy services to ensure continuity of care.

19 (b) by providing medical nutrition therapy via telehealth as described in subsection (12)(a),
 20 consents to the jurisdiction of the board."

21

22 **Section 11.** Section 37-25-305, MCA, is amended to read:

23 **"37-25-305. Representation to public as dietitian or nutritionist -- limitation on use of title.** A
 24 person may not represent to the public by any title, sign, or advertisement or description of services that the
 25 person is a dietitian or a nutritionist or a licensed dietitian or nutritionist unless the person has been licensed
 26 under this chapter ~~or has met the requirements of 37-25-102(9)(b).~~"

27

28 NEW SECTION. Section 12. Qualified supervisor requirements. (1) If supervising a student or

1 trainee who is providing medical nutrition therapy, a qualified supervisor must be one of the following:

2 (a) a licensed dietitian, licensed nutritionist, or a health care provider licensed or certified in any
3 state or territory, including licensed or certified dietitians, dietitian nutritionists, or nutritionists whose scope of
4 practice includes the provision of medical nutrition therapy;

5 (b) in the case of the supervisor supervising a student or trainee in a state that does not provide for
6 licensure or certification of dietitians, dietitian nutritionists, or nutritionists, the supervisor meets other criteria as
7 the board may establish, including being a registered dietitian or a licensed health care provider whose scope
8 of practice includes the provision of medical nutrition therapy; or

9 (c) an employee of the federal government authorized within the discharge of official duty to
10 provide medical nutrition therapy.

11 (2) Unless the person is an employee of the federal government authorized within the discharge of
12 official duty to provide medical nutrition therapy, a qualified supervisor must be licensed in this state to provide
13 medical nutrition therapy if the qualified supervisor is supervising a student or trainee who is providing medical
14 nutrition therapy to a patient located in this state.

15 (3) A qualified supervisor may only supervise a clinical activity or nutrition care service for which
16 the qualified supervisor is qualified and is authorized to perform.

17 (4) A qualified supervisor shall develop and carry out a program for advancing and optimizing the
18 quality of care provided by the student or trainee being supervised. A qualified supervisor and a student or
19 trainee being supervised shall identify and document goals for supervised practice experience, the assignment
20 of clinical tasks as appropriate to the supervisee's evolving level of competence, the supervisee's relationship
21 and access to the qualified supervisor, and a process for evaluating the student or trainee's performance.

22 (5) A qualified supervisor shall oversee the activities of and approve and accept responsibility for
23 the nutrition care services rendered by the student or trainee.

24 (6) A qualified supervisor shall, at a minimum, be physically onsite and present where the
25 supervisee is providing nutrition care services or be immediately and continuously available to the supervisee
26 by means of two-way real-time audiovisual technology that allows for the direct, contemporaneous interaction
27 by sight and sound between the qualified supervisor and the supervisee. If the qualified supervisor assigns a
28 nutrition care service to a supervisee that is to be provided in a setting where the qualified supervisor is not

1 routinely present, the qualified supervisor shall ensure that the means and methods of supervision are
2 adequate to ensure appropriate patient care, which may include synchronous videoconferencing or another
3 method of communication and oversight that is appropriate to the care setting and the education and
4 experience of the supervisee.

5 (7) A qualified supervisor shall review on a regular basis the charts, records, and clinical notes of
6 the persons supervised and maintain responsibility for the supervisee's clinical record keeping.

7 (8) A qualified supervisor must be available to render assistance during the provision of nutrition
8 care services when requested by the patient or must have arranged for another qualified practitioner lawfully
9 able to render nutrition care services to be available in the absence of the qualified supervisor.

10 (9) A qualified supervisor shall limit the assignment of nutrition care services to those services that
11 are within the training and experience of the supervisee and customary to the practice of the qualified
12 supervisor.

13

14 **NEW SECTION. Section 13. Provisional and limited permits.** (1) The board may issue a
15 provisional license for an individual to engage in the practice of dietetics for 1 year under the supervision of a
16 licensed dietitian on the filing of an application with appropriate fees and submission of evidence of successful
17 completion of the education and supervised practice requirements for dietitian licensure provided for in [section
18 7].

19 (2) The board may issue a provisional license for an individual to engage in the practice of nutrition
20 for 1 year under the supervision of a licensed dietitian or licensed nutritionist on the filing of an application with
21 appropriate fees and submission of evidence of successful completion of the education and supervised practice
22 requirements for nutritionist licensure provided for in [section 7].

23

24 **NEW SECTION. Section 14. Transitional licensure.** For 1 year beginning on [the effective date of
25 this act], the board may waive the examination requirement and may grant a nutritionist license to an applicant
26 who:

27 (1) received a baccalaureate or higher academic degree from a United States regionally
28 accredited institution of higher education recognized by the council on higher education with at least 30 credit

1 hours, or a major course of study, in human nutrition, foods and nutrition, food systems management, nutritional
 2 science, nutritional education, community nutrition, public health nutrition, nutrition education, nutrition, nutrition
 3 science, clinical nutrition, applied clinical nutrition, nutrition counseling, nutrition and functional medicine,
 4 nutritional biochemistry, nutrition and integrative health, or an equivalent course of study leading to competence
 5 in medical nutrition therapy;

6 (2) has been employed or self-employed at least half-time to provide nutrition care services for the
 7 treatment or management of a diagnosed disease or medical condition for 3 of the 5 years immediately
 8 preceding [the effective date of this act];

9 (3) has been providing medical nutrition therapy to residents of this state without supervision for at
 10 least 6 months immediately preceding [the effective date of this act]; and

11 (4) does not hold the RD credential.

12

13 **NEW SECTION. Section 15. Repealer.** The following sections of the Montana Code Annotated are
 14 repealed:

15 37-25-301. Scope of dietetic-nutrition practice.

16 37-25-302. Licensing requirements.

17

18 **NEW SECTION. Section 16. Codification instruction.** [Sections 6 through 8 and 12 through 14] are
 19 intended to be codified as an integral part of Title 37, chapter 25, part 3, and the provisions of Title 37, chapter
 20 25, part 3, apply to [sections 6 through 8 and 12 through 14].

21

- END -