

SENATE, No. 2341

STATE OF NEW JERSEY

INTRODUCED DECEMBER 15, 1997

By Senators SINGER and ADLER

1 AN ACT providing for the licensing of nutritionists and supplementing
2 chapter 9 of Title 45 of the Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. This act shall be known and may be cited as the "Nutritionist
8 Licensing Act."

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10 2. The Legislature finds and declares that the public interest
11 requires the regulation of the practice of nutrition and the
12 establishment of clear licensure standards for nutritionists and
13 dietitians; and that the health and welfare of the residents of the State
14 will be protected by identifying to the public those individuals who are
15 qualified and legally authorized to practice nutrition.

16

17 3. As used in this act:

18 "Board" means the State Board of Medical Examiners.

19 "Licensed nutritionist" or "licensed dietitian" means a person who
20 is licensed pursuant to the provisions of this act.

21 "Committee" means the Nutritionists Examining Committee
22 established pursuant to section 4 of this act.

23 "Director" means the Director of the Division of Consumer Affairs
24 in the Department of Law and Public Safety.

25 "Nutrition" means the integration and application of principles
26 derived from the science of nutrition, biochemistry, physiology, food,
27 food management and from behavioral and social sciences to achieve
28 and maintain a healthy human status. It includes the provision of
29 nutrition care as follows: assessing the nutritional needs of individuals
30 and groups, and determining resources and constraints; establishing
31 priorities, goals and objectives that meet nutritional needs and are
32 consistent with available resources and constraints; providing nutrition
33 counseling in health and disease; developing, implementing and
34 managing nutrition care systems; evaluating, making changes in and
35 maintaining appropriate standards of quality in food and nutrition
36 services; and establishing appropriate care plans for normal and
37 therapeutic nutrition services.

1 4. There is created within the Division of Consumer Affairs in the
2 Department of Law and Public Safety, under the State Board of
3 Medical Examiners, a Nutritionists Examining Committee. The
4 committee shall consist of six members who are residents of the State.
5 Five of the members shall be, except for the members first appointed,
6 licensed nutritionists under the provisions of this act and shall have
7 been actively engaged in the practice of nutrition in the State for at
8 least five years immediately preceding their appointment, as follows:
9 one shall be a nutritionist whose primary practice is clinical nutrition;
10 one shall be a nutritionist whose primary practice is community or
11 public health nutrition; one shall be a nutritionist whose primary
12 practice is consulting in nutrition; one shall be a nutritionist whose
13 primary practice is in management of nutritional services; and one shall
14 be a nutritionist teaching in an accredited four-year post-secondary
15 institution; and the remaining member shall be a physician licensed to
16 practice medicine and surgery pursuant to chapter 9 of Title 45 of the
17 Revised Statutes.

18 The Governor shall appoint the members with the advice and
19 consent of the Senate. Each member shall be appointed for a term of
20 three years, except that of the nutritionist members first appointed,
21 two shall serve for a term of three years, two shall serve for terms of
22 two years and one shall serve for a term of one year. Any vacancy in
23 the membership of the committee shall be filled for the unexpired term
24 in the manner provided by the original appointment. No member of
25 the committee may serve more than two successive terms in addition
26 to any unexpired term to which he has been appointed.
27

28 5. Members of the committee shall be compensated and reimbursed
29 for expenses and provided with office and meeting facilities and
30 personnel required for the proper conduct of the business of the
31 committee.
32

33 6. The committee shall organize within 30 days after the
34 appointment of its members and shall annually elect from among its
35 members a chairperson and vice-chairperson, and a secretary who need
36 not be a member of the committee. The committee shall meet twice
37 a year and may hold additional meetings as necessary to discharge its
38 duties. A majority of the committee membership shall constitute a
39 quorum.
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41 7. The committee may have the following powers and duties, as
42 delegated by the board:

- 43 a. Review the qualifications of applicants for licensure;
- 44 b. Adopt a code of ethics;
- 45 c. Insure the proper conduct and standards of examinations;
- 46 d. Issue and renew biennial licenses for nutritionists pursuant to

1 this act;

2 e. Refuse to admit a person to an examination or refuse to issue or
3 suspend, revoke or fail to renew the license of a nutritionist pursuant
4 to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.);

5 f. Maintain a record of every nutritionist licensed in this State, their
6 places of business, place of residence and the date and number of their
7 license;

8 g. Prescribe or change the charges for examinations, licenses,
9 renewals and other services it performs pursuant to P.L.1974, c.46
10 (C.45:1-3.1 et seq.), and set the passing score on any examination it
11 adopts as a licensure examination; and

12 h. Adopt standards for and approve continuing education
13 requirements.

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15 8. No person shall practice nutrition, whether or not compensation
16 is received or expected, unless the person holds a valid license to
17 practice in this State, except nothing in this act shall be construed to:

18 a. Prohibit any person licensed to practice or certified to teach in
19 this State under any other law from engaging in the practice or
20 teaching for which he is licensed, regulated or certified;

21 b. Prohibit any student enrolled in a school or post-graduate course
22 of nutrition recognized by the board, from performing that which is
23 necessary to the student's course of study;

24 c. Prohibit any person from practicing nutrition within the scope of
25 his official duties when employed by an agency, bureau or division of
26 the federal government, serving in the Armed Forces or the Public
27 Health Service of the United States, or employed by the Veterans
28 Administration;

29 d. Prohibit any person who does not hold himself out to be a
30 nutritionist from furnishing nutritional information as to the use of
31 food, food materials or dietary supplements or from engaging in the
32 explanation to persons as to the use of food or food products including
33 dietary supplements; or

34 e. Prohibit any person working in a licensed hospital, licensed long-
35 term health care facility, or State institution or facility from performing
36 those duties that are required in the course of that person's
37 employment.

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39 9. To be eligible to be licensed as a nutritionist, dietitian, or both,
40 an applicant shall fulfill the following requirements:

41 a. Be at least 18 years of age;

42 b. Be of good moral character;

43 c. Have received a baccalaureate or higher academic degree from
44 a college or university accredited by an agency recognized by the
45 United States Department of Education with a minimum of 15 credit
46 hours or a major in human nutrition, foods and nutrition, food systems

1 management, nutritional science, nutrition education or related courses
2 approved by the board; and have successfully completed a minimum
3 of 900 hours, within a two-year period, in one of the following: (1)
4 a nutrition practice under the supervision of a nutritionist licensed in
5 this State or licensed, registered or certified by a governmental agency
6 in any other state having requirements for licensure, registration or
7 certification substantially similar to licensure requirements in this
8 State; (2) under the supervision of a physician with expertise in human
9 nutrition as demonstrated by academic, clinical or professional
10 credentials; or (3) in a practice program recognized by an accrediting
11 agency recognized by the United States Department of Education or
12 the Commission on Recognition of Post-Secondary Accreditation; and

13 d. Pass an examination administered or approved by the board,
14 which examination shall have been approved by or administered by the
15 board after consultation with the committee, to determine the
16 applicant's competence to practice nutrition. Two examinations shall
17 be offered by the board; one examination shall qualify the applicant as
18 both a licensed nutritionist and licensed dietitian and one examination
19 shall qualify the applicant as a licensed nutritionist. The examinations
20 shall be identical, with the exception that the examination to qualify an
21 applicant as a licensed nutritionist shall not test knowledge of food
22 management.

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24 10. To be eligible to be licensed as a nutritionist, dietitian, or both,
25 an applicant who is a graduate of a foreign school of nutrition shall:

26 a. Be at least 18 years of age;

27 b. Be of good moral character;

28 c. Furnish evidence satisfactory to the board that he has completed
29 requirements which are substantially similar to those described in
30 subsection c. of section 9 of this act; and

31 d. Pass an examination as provided for in subsection d. of section
32 9 of this act.

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34 11. The examinations required by subsection d. of section 9 and
35 subsection d. of section 10 of this act shall test the applicant's
36 knowledge of basic and clinical sciences as they relate to nutrition
37 theory and procedures and any other subjects the board, after
38 consultation with the committee, may deem useful to test the
39 applicant's fitness to practice nutrition. Examinations shall be held
40 within the State at least twice a year at a time and place to be
41 determined by the board, in consultation with the committee. The
42 board shall give adequate written notice of the examination to
43 applicants for licensure and examination.

44 If an applicant fails an examination twice, the applicant may take a
45 third examination not less than one year nor more than three years
46 from the date of the applicant's initial examination. Additional

1 examinations may be permitted in accordance with standards set by the
2 board, after consultation with the committee.

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4 12. The board, in consultation with the committee, shall issue a
5 license to any applicant who, in the opinion of the board, has
6 satisfactorily met all the requirements of this act.

7 Except in the case of a temporary license issued pursuant to section
8 17 of this act, all licenses shall be issued for a two-year period upon
9 the payment of the licensure fee prescribed by the board, after
10 consultation with the committee, and shall be renewed upon filing of
11 a renewal application, the payment of a licensure fee and presentation
12 of satisfactory evidence that the renewal applicant has successfully
13 completed the continuing education requirements prescribed by the
14 board by regulation.

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16 13. In addition to the provisions of section 8 of P.L.1978, c.73
17 (C.45:1-21), the board, after consultation with the committee, may
18 refuse to grant or may suspend or revoke a license upon proof to the
19 satisfaction of the board that the holder thereof has been found guilty
20 of advertising the practice of nutrition in a manner which disseminates
21 false, deceptive or misleading information, whether as an individual,
22 through a professional service corporation or through a third party.

23

24 14. Upon payment to the board of a fee and the submission of a
25 written application on forms provided by it, the board, after
26 consultation with the committee, shall license without examination a
27 nutritionist or dietitian who is licensed, registered or certified by
28 another state or possession of the United States or the District of
29 Columbia which has standards substantially equivalent to those of this
30 State.

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32 15. For a period of one year after the effective date of this act, any
33 person who is practicing or residing in this State on the effective date
34 of this act may qualify as a licensed dietitian, a licensed nutritionist, or
35 both, upon application for licensure and payment of the appropriate
36 fee, providing the applicant furnishes evidence satisfactory to the
37 board that he meets the requirements of subsections a., b. and c. of
38 section 9 of this act; and has been employed in the field of nutrition for
39 three of the last 10 years immediately preceding the effective date of
40 this act.

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42 16. No person, business entity or its employees, agents or
43 representatives shall use the titles, "nutritionist," "dietitian," "nutrition
44 counselor," "nutrition consultant," "nutrition specialist," or any other
45 title, designation, words, letters, abbreviations or insignia indicating
46 the practice of nutrition unless licensed to practice nutrition under the

1 provisions of this act.

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3 17. a. Upon payment to the board of a fee and the submission of
4 a written application on forms provided by it, the board shall issue a
5 temporary license to a person who has applied for licensure pursuant
6 to this act and who, in the judgment of the board, after consultation
7 with the committee, is eligible for examination. A temporary license
8 shall be available to an applicant with his initial application for
9 examination and he may practice only under the direct supervision of
10 a licensed nutritionist or licensed dietitian. A temporary license shall
11 expire automatically upon failure of the licensure examination but may
12 be renewed until the date of the next examination at which time it shall
13 automatically expire and be surrendered to the board.

14 b. Upon payment to the board of a fee and the submission of a
15 written application on forms provided by it, the board, after
16 consultation with the committee, may issue without examination a
17 temporary license to practice nutrition in this State to a person who
18 provides evidence that he is in the State on a temporary basis to assist
19 in a medical emergency or engage in a special project or teaching
20 assignment relating to nutrition. A temporary license shall expire one
21 year from its date of issuance, but it may be renewed by the board for
22 an additional one year period. This temporary license shall be
23 surrendered to the board upon its expiration.

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25 18. The provisions of the uniform enforcement law, P.L.1978, c.73
26 (C.45:1-14 et seq.) shall apply to this act. The authority of the board
27 may be delegated to the committee at the discretion of the board.

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29 19. The board, after consultation with the committee, shall adopt
30 rules and regulations pursuant to the "Administrative Procedure Act,"
31 P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the
32 purposes of this act.

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34 20. This act shall take effect immediately, except that sections 8
35 and 16 of this act shall take effect on the 360th day following the
36 effective date.

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STATEMENT

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41 This bill provides for the licensure of nutritionists and dietitians and
42 establishes a Nutritionists Examining Committee under the State
43 Board of Medical Examiners in the Division of Consumer Affairs in
44 the Department of Law and Public Safety to oversee their licensure.
45 The committee is to consist of five licensed nutritionists and a
46 physician.

1 To be eligible for licensure as a nutritionist, dietitian, or both, an
2 applicant must be at least 18 years old and be of good moral character
3 and fulfill the following requirements:

- 4 a. Have received a baccalaureate or higher academic degree from
5 a regionally accredited college or university with a minimum of 15
6 credits or a major in human nutrition, foods and nutrition, food
7 systems management, nutritional science, nutrition education, or
8 related courses approved by the board, and have successfully
9 completed a minimum of 900 hours, within a two-year period, in one
10 of the following: a nutrition practice under the supervision of a
11 nutritionist licensed in this State or licensed, registered or certified by
12 a governmental agency in any other state having requirements for
13 licensure, registration or certification substantially similar to licensure
14 requirements in this State; under the supervision of a physician with
15 expertise in human nutrition; or in a recognized practice program; and
16 b. Pass an examination administered or approved by the board,
17 after consultation with the committee. The board shall offer two
18 examinations, one to qualify persons as a licensed nutritionist and one
19 to qualify persons as both a licensed nutritionist and a licensed
20 dietitian.

21 The bill provides that no person may practice nutrition in this State,
22 with or without compensation, unless that person holds a valid license.
23 Those exempt from this prohibition are: licensed professionals and
24 certified teachers who are practicing or teaching within the scope of
25 their license or certificate; students enrolled in schools recognized by
26 the board who are performing that which is necessary to their course
27 of study; federal government employees practicing nutrition within the
28 scope of their official duties; persons who do not hold themselves out
29 to be nutritionists while furnishing nutritional information as to the use
30 of food, food materials or dietary supplements; and persons working
31 in a licensed hospital, licensed long term health care facility, or State
32 institution or facility performing those duties that are required in the
33 course of that person's employment.

34 For a period of one year after the effective date of the bill, a person
35 who is practicing or residing in the State on the effective date of the
36 bill may qualify as a licensed dietitian, a licensed nutritionist, or both,
37 if that person is at least 18 years of age, is of good moral character,
38 has met the educational standards established by the bill and has been
39 employed in the field of nutrition for three of the last 10 years. The
40 bill also provides for the licensure by the board by endorsement to
41 nutritionists who have been licensed, registered or certified in another
42 state with standards substantially equivalent to those of this State.

43 Under the bill, "nutrition" is the integration and application of
44 principles derived from the science of nutrition, biochemistry,
45 physiology, food, food management and from behavioral and social
46 sciences to achieve and maintain a healthy human status. It includes
47 the provision of nutrition care as follows: assessing the nutritional

1 needs of individuals and groups, and determining resources and
2 constraints; establishing priorities, goals, and objectives that meet
3 nutritional needs and are consistent with available resources and
4 constraints; providing nutritional counseling in health and disease;
5 developing, implementing and managing nutrition care systems;
6 evaluating, making changes in and maintaining appropriate standards
7 of quality in food and nutrition services; and establishing appropriate
8 care plans for normal and therapeutic nutrition services.

9 The uniform procedures and enforcement law for licensing boards,
10 P.L.1978, c.73 (C.45:1-14 et seq.) applies to the provisions of the bill.

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15 "Nutritionist Licensing Act."