

---

HOUSE BILL 1331

---

State of Washington

53rd Legislature

1993 Regular Session

By Representatives Flemming, Voloria, Dellwo, Thibaudeau, Leonard, Pruitt, Karahalios and L. Johnson

Read first time 01/25/93. Referred to Committee on Health Care.

1 AN ACT Relating to dietitians and nutritionists; amending RCW  
2 18.138.010, 18.138.020, 18.138.030, 18.138.040, 18.138.050, 18.138.060,  
3 18.138.070, 18.138.080, 18.138.090, and 18.138.110; and adding a new  
4 section to chapter 18.138 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 18.138.010 and 1991 c 3 s 278 are each amended to read  
7 as follows:

8 (1) "Dietetics" is the integration and application of scientific  
9 principles of food, nutrition, biochemistry, physiology, management,  
10 and behavioral and social sciences in counseling people to achieve and  
11 maintain health. Unique functions of dietetics include, but are not  
12 limited to:

13 (a) Assessing individual and community food practices and  
14 nutritional status using anthropometric, biochemical, clinical,  
15 dietary, and demographic data for clinical, research, and program  
16 planning purposes;

17 (b) Establishing priorities, goals, and objectives that meet  
18 nutritional needs and are consistent with available resources and  
19 constraints;

1 (c) Providing nutrition counseling and education as components of  
2 preventive, curative, and restorative health care;

3 (d) Developing, implementing, managing, and evaluating nutrition  
4 care systems; ~~((and))~~

5 (e) Evaluating, making changes in, and maintaining appropriate  
6 standards of quality in food and nutrition care services; and

7 (f) Interpreting and recommending nutrient needs relative to  
8 prescribed diets in which food or nutrients need to be monitored or  
9 altered as ordered by or in consultation with health care professionals  
10 licensed to prescribe diets.

11 (2) "General nutrition services" means ~~((the counseling and/or~~  
12 ~~educating of groups or individuals in the selection of food to meet~~  
13 ~~normal nutritional needs for health maintenance, which)) providing~~  
14 nutrition information and education for health maintenance and disease  
15 prevention for individuals and groups. "General nutrition services"  
16 includes, but is not restricted to:

17 (a) Assessing the nutritional needs for health maintenance and  
18 disease prevention of individuals and groups by planning, organizing,  
19 coordinating, and evaluating the nutrition components of community  
20 health care services;

21 (b) Supervising, administering, or teaching ~~((normal))~~ in nutrition  
22 ~~((in))~~ programs for health maintenance and disease prevention for  
23 colleges, universities, clinics, group care homes, nursing homes,  
24 hospitals, private industry, and group meetings.

25 (3) ~~((Certified))~~ Licensed dietitian means any person  
26 ~~((certified))~~ licensed to practice dietetics under this chapter.

27 (4) ~~((Certified))~~ Licensed nutritionist means any person  
28 ~~((certified))~~ licensed to provide general nutrition services under this  
29 chapter.

30 (5) "Department" means the department of health.

31 (6) "Secretary" means the secretary of health or the secretary's  
32 designee.

33 **Sec. 2.** RCW 18.138.020 and 1991 c 3 s 279 are each amended to read  
34 as follows:

35 (1) No persons shall practice dietetics or represent themselves as  
36 ~~((certified))~~ licensed dietitians ~~((or certified nutritionists))~~ unless  
37 ~~((certified))~~ licensed as provided for in this chapter.

1       (2) No persons shall represent themselves as licensed nutritionists  
2 or practice general nutrition services unless licensed as provided for  
3 in this chapter.

4       (3) Persons represent themselves as ((certified)) licensed  
5 dietitians or ((certified)) licensed nutritionists when any title or  
6 any description of services is used which incorporates one or more of  
7 the following items or designations:       "((Certified)) Licensed  
8 dietitian," "((certified)) licensed dietician," "((certified)) licensed  
9 nutritionist," "D.," "((E)) L.D.," or "((E)) L.N."

10       (3) The secretary may by rule proscribe or regulate advertising and  
11 other forms of patient solicitation which are likely to mislead or  
12 deceive the public as to whether someone is ((certified)) licensed  
13 under this chapter.

14       **Sec. 3.** RCW 18.138.030 and 1991 c 3 s 280 are each amended to read  
15 as follows:

16       (1) An applicant applying for ((certification)) licensure as a  
17 ((certified)) licensed dietitian or ((certified)) licensed nutritionist  
18 shall file a written application on a form or forms provided by the  
19 secretary setting forth under affidavit such information as the  
20 secretary may require, and proof that the candidate has met  
21 qualifications set forth below in subsection (2) or (3) of this  
22 section.

23       (2) Any person seeking ((certification)) licensure as a  
24 "((certified)) licensed dietitian" shall meet the following  
25 qualifications:

26       (a) Be eighteen years of age or older;

27       (b) Has satisfactorily completed a major course of study in human  
28 nutrition, foods and nutrition, dietetics, or food systems management,  
29 and has received a baccalaureate or higher degree from a college or  
30 university accredited by the Western association of schools and  
31 colleges or a similar accreditation agency or colleges and universities  
32 approved by the secretary in rule;

33       (c) Demonstrates evidence of having successfully completed a  
34 planned continuous preprofessional experience in dietetic practice of  
35 not less than nine hundred hours under the supervision of a  
36 ((certified)) licensed dietitian or a registered dietitian or  
37 demonstrates completion of a coordinated undergraduate program in

1 dietetics, both of which meet the training criteria established by the  
2 secretary;

3 (d) Has satisfactorily completed an examination for dietitians  
4 administered by a public or private agency or institution recognized by  
5 the secretary as qualified to administer the examination; and

6 (e) Has satisfactorily completed courses of continuing education as  
7 currently established by the secretary.

8 (3) An individual may be ~~((certified))~~ licensed as a ~~((certified~~  
9 ~~dietician))~~ licensed dietitian if he or she provides evidence of  
10 meeting criteria for registration ~~((on June 9, 1988,))~~ by the  
11 commission on dietetic registration or of certification as a dietitian  
12 by the state of Washington on or before the effective date of this act.

13 (4) Any person seeking ~~((certification))~~ licensure as a  
14 ~~((certified))~~ licensed nutritionist" shall meet the following  
15 qualifications:

16 (a) Possess the qualifications required to be a ~~((certified))~~  
17 licensed dietitian; or

18 (b) Has received a master's degree or doctorate degree in one of  
19 the following subject areas: Human nutrition, nutrition education,  
20 foods and nutrition, or public health nutrition from a college or  
21 university accredited by the Western association of schools and  
22 colleges or a similar accrediting agency or colleges and universities  
23 approved by the secretary in rule; or

24 (c) Presents current certification as a nutritionist by the state  
25 of Washington on or before the effective date of this act.

26 **Sec. 4.** RCW 18.138.040 and 1991 c 3 s 281 are each amended to read  
27 as follows:

28 (1) If the applicant meets the qualifications as outlined in RCW  
29 18.138.030(2), the secretary shall confer on such candidates the title  
30 ~~((certified))~~ licensed dietitian.

31 (2) If the applicant meets the qualifications as outlined in RCW  
32 18.138.030(4), the secretary shall confer on such candidates the title  
33 ~~((certified))~~ licensed nutritionist.

34 (3) The application fee in an amount determined by the secretary  
35 shall accompany the application for ~~((certification))~~ licensure as a  
36 ~~((certified))~~ licensed dietitian or ~~((certified))~~ licensed  
37 nutritionist.

1       **Sec. 5.** RCW 18.138.050 and 1991 c 3 s 282 are each amended to read  
2 as follows:

3       The secretary may (~~certify~~) license a person applying for the  
4 title "~~certified~~) licensed dietitian" without examination if such  
5 person is licensed (~~or certified~~) as a dietitian in another  
6 jurisdiction and if, in the secretary's judgment, the requirements of  
7 that jurisdiction are equivalent to or greater than those of Washington  
8 state.

9       **Sec. 6.** RCW 18.138.060 and 1991 c 3 s 283 are each amended to read  
10 as follows:

11       (1) Every person (~~certified~~) licensed as a (~~certified~~) licensed  
12 dietitian or (~~certified~~) licensed nutritionist shall pay a renewal  
13 registration fee determined by the secretary as provided in RCW  
14 43.70.250. The (~~certificate~~) license of the person shall be renewed  
15 for a period of one year or longer at the discretion of the secretary.

16       (2) Any failure to register and pay the annual renewal registration  
17 fee shall render the (~~certificate~~) license invalid. The  
18 (~~certificate~~) license shall be reinstated upon: (a) Written  
19 application to the secretary; (b) payment to the state of a penalty fee  
20 determined by the secretary; and (c) payment to the state of all  
21 delinquent annual (~~certificate~~) license renewal fees.

22       (3) Any person who fails to renew his or her (~~certification~~)  
23 license for a period of three years shall not be entitled to renew  
24 (~~such certification~~) the license under this section. Such person, in  
25 order to obtain a (~~certification~~) license as a (~~certified~~) licensed  
26 dietitian or (~~certified~~) licensed nutritionist in this state, shall  
27 file a new application under this chapter, along with the required fee,  
28 and shall meet all requirements as the secretary provides.

29       (4) All fees collected under this section shall be credited to the  
30 health professions account as required.

31       **Sec. 7.** RCW 18.138.070 and 1991 c 3 s 284 are each amended to read  
32 as follows:

33       In addition to any other authority provided by law, the secretary  
34 may:

35       (1) Adopt rules in accordance with chapter 34.05 RCW necessary to  
36 implement this chapter;

37       (2) Establish forms necessary to administer this chapter;

- 1 (3) Issue a ~~((certificate))~~ license to an applicant who has met the  
2 requirements for ~~((certification))~~ licensing and deny a ~~((certificate))~~  
3 license to an applicant who does not meet the minimum qualifications;  
4 (4) Hire clerical, administrative, and investigative staff as  
5 needed to implement and administer this chapter and hire individuals,  
6 including those ~~((certified))~~ licensed under this chapter, to serve as  
7 consultants as necessary to implement and administer this chapter;  
8 (5) Maintain the official departmental record of all applicants and  
9 ~~((certificate))~~ license holders;  
10 (6) Conduct a hearing, pursuant to chapter 34.05 RCW, on an appeal  
11 of a denial of ~~((certification))~~ licensure based on the applicant's  
12 failure to meet the minimum qualifications for ~~((certification))~~  
13 licensing;  
14 (7) Investigate alleged violations of this chapter and consumer  
15 complaints involving the practice of persons representing themselves as  
16 ~~((certified))~~ licensed dietitians or ~~((certified))~~ licensed  
17 nutritionists;  
18 (8) Issue subpoenas, statements of charges, statements of intent to  
19 deny ~~((certifications))~~ licenses, and orders and delegate in writing to  
20 a designee the authority to issue subpoenas, statements of charges, and  
21 statements on intent to deny ~~((certifications))~~ licenses;  
22 (9) Conduct disciplinary proceedings, impose sanctions, and assess  
23 fines for violations of this chapter or any rules adopted under it in  
24 accordance with chapter 34.05 RCW;  
25 (10) Set all ~~((certification))~~ licensing, renewal, and late renewal  
26 fees in accordance with RCW 43.70.250; and  
27 (11) Set ~~((certification))~~ license expiration dates and renewal  
28 periods for all ~~((certifications))~~ licenses under this chapter.

29 **Sec. 8.** RCW 18.138.080 and 1991 c 3 s 285 are each amended to read  
30 as follows:

- 31 (1) There is created a ~~((state advisory committee))~~ dietetic  
32 nutrition board consisting of five members appointed by the  
33 ~~((secretary))~~ governor who shall advise the secretary concerning the  
34 administration of this chapter. Two members of the ~~((committee))~~ board  
35 shall be ~~((certified))~~ licensed dietitians who have been engaged in the  
36 practice of dietetics for at least five years immediately preceding  
37 their appointments. ~~((Two))~~ One member~~((s))~~ of the ~~((committee))~~ board  
38 shall be ~~((certified))~~ licensed nutritionist~~((s))~~ who ~~((have))~~ has been

1 engaged in the provision of general nutrition services for at least  
2 five years preceding ~~((their))~~ his or her appointment~~((s))~~. One member  
3 shall be a physician licensed under chapter 18.71 RCW. These  
4 ~~((committee))~~ board members shall at all times be ~~((certified))~~  
5 licensed under this chapter, except for the initial members of the  
6 ~~((committee))~~ board, who shall fulfill the requirements for  
7 ~~((certification))~~ licensing under this chapter, and the physician, who  
8 shall at all times be licensed under chapter 18.71 RCW. The remaining  
9 member of the ~~((committee))~~ board shall be a member of the public with  
10 an interest in the rights of consumers of health services, but who does  
11 not have any financial interest in the rendering of health services.

12 (2) The term of office for ~~((committee))~~ board members is four  
13 years. The terms of the first ~~((committee))~~ board members however,  
14 shall be staggered to ensure an orderly succession of new ~~((committee))~~  
15 board members thereafter. Terms of office shall expire on December 31.  
16 Any ~~((committee))~~ board member may be removed for just cause. The  
17 ~~((secretary))~~ governor may appoint a new member to fill any vacancy on  
18 the ~~((committee))~~ board for the remainder of the unexpired term. No  
19 ~~((committee))~~ board member may serve more than two consecutive terms  
20 whether full or partial.

21 (3) ~~((Committee))~~ Board members shall be entitled to be compensated  
22 in accordance with RCW 43.03.240 and to be reimbursed for travel  
23 expenses under RCW 43.03.050 and 43.03.060.

24 (4) The ~~((committee))~~ board shall have the authority to annually  
25 elect a chairperson and vice-chairperson to direct the meetings of the  
26 ~~((committee))~~ board. The ~~((committee))~~ board shall meet at least once  
27 each year, and may hold additional meetings as called by the secretary  
28 or the chairperson. Three members of the ~~((committee))~~ board shall  
29 constitute a quorum of the ~~((committee))~~ board.

30 **Sec. 9.** RCW 18.138.090 and 1991 c 3 s 286 are each amended to read  
31 as follows:

32 The uniform disciplinary act, chapter 18.130 RCW, governs the  
33 issuance and denial of ~~((certificates))~~ licenses, unauthorized  
34 practices, and the disciplining of ~~((certificate))~~ license holders  
35 under this chapter. The secretary shall be the disciplining authority  
36 under this chapter.

1       **Sec. 10.** RCW 18.138.110 and 1988 c 277 s 11 are each amended to  
2 read as follows:

3       Nothing in this chapter shall be construed to apply to owners,  
4 operators or employees of health food stores provided the owners,  
5 operators or employees do not represent themselves to be ((certified))  
6 licensed dietitians or ((certified)) licensed nutritionists.

7       NEW SECTION. **Sec. 11.** A new section is added to chapter 18.138  
8 RCW to read as follows:

9       This chapter does not prohibit or restrict:

10       (1) A dietetic technician or dietetic technician student engaged in  
11 dietetic practice under the supervision of a licensed dietitian. A  
12 dietetic technician is an individual who has an associate or higher  
13 degree from a United States regionally accredited college or university  
14 with a major course of study in dietetic technology, nutrition care,  
15 food service systems management, human nutrition, nutrition education,  
16 foods and nutrition, or dietetics and has completed a documented  
17 supervised experience component in dietetic practice of not less than  
18 four hundred fifty hours under the supervision of a licensed dietitian;

19       (2) A dietetic student enrolled in an approved academic program in  
20 dietetics who is under the supervision of a licensed dietitian;

21       (3) A nutrition student enrolled in an advanced degree program as  
22 outlined in RCW 18.138.030 who is under the supervision of a licensed  
23 dietitian or nutritionist;

24       (4) Other health care professionals licensed by the state of  
25 Washington as of the effective date of this act from engaging in the  
26 practice of dietetics or provision of general nutrition services when  
27 incidental to the practice of his or her profession;

28       (5) A dietitian or nutritionist who is serving in the armed forces  
29 or the public health service of the United States or who is employed by  
30 the veterans administration whose practice is related to such service  
31 or employment;

32       (6) Any person who provides weight control services, provided the  
33 program has been reviewed by, consultation is available from, and no  
34 program change can be initiated without prior approval by a licensed  
35 dietitian, a dietitian credentialed in another state that has licensure  
36 requirements at least as stringent as the requirements for licensure  
37 under this chapter; or

1       (7) An educator who is in the employ of a nonprofit organization  
2 and authorized by the department; a federal, state, county, or  
3 municipal agency or other political subdivision; an elementary or  
4 secondary school; or a regionally accredited institution of higher  
5 education, insofar as the activities and services of the educator are  
6 part of his or her employment.

--- END ---