

BOARDS AND COMMISSIONS

Board of Licensure and Certification for Dietitians and Nutritionists (Amendment)

201 KAR 33:015. Application; approved programs.

RELATES TO: KRS 310.021, 310.031(1), (2)

STATUTORY AUTHORITY: KRS 310.041(1), (2), (6)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 310.041 requires the Kentucky Board of Licensure for Dietitians and Nutritionists to promulgate administrative regulations and to review and approve or reject the qualifications of all applicants for licensure and certification. This administrative regulation establishes the procedure for submitting an application for licensure~~[or]~~, certification, or dual licensure as a Nutritionist and as a Dietitian; and establishes requirements for programs of study~~[institutions]~~ to be approved by the board.

Section 1. Application.

(1) An "Application for Licensure,~~for~~ Certification, or Dual Licensure" shall be submitted for licensure to practice dietetics after the requirements established in KRS 310.021 are met.

(2) An "Application for Licensure,~~for~~ Certification, or Dual Licensure" shall be submitted for certification to practice nutrition after the requirements established in KRS 310.031 are met.

(3) An "Application for Licensure, Certification, or Dual Licensure" shall be submitted for dual licensure to practice dietetics and nutrition after the requirements established in KRS 310.021 and KRS 310.031 are met.

(4) ~~((3))~~ Each "Application for Licensure,~~for~~ Certification, or Dual Licensure" shall be accompanied by the nonrefundable application fee, established in 201 KAR 33:010.

(5) ~~((4))~~ Each application shall be signed by the applicant.

(6) ~~((5))~~

(a) Each application to practice dietetics and each application for dual licensure shall include:

1. A copy of the applicant's current registration card issued by the Commission ~~on~~off Dietetic Registration; ~~for~~
2. A letter from the Commission on Dietetic Registration indicating successful completion of the registration examination~~[-]~~; or
3. A Credential Verification Statement from the Commission on Dietetic Registration.

(b) An Academy of Nutrition and Dietetics membership card shall not constitute compliance with paragraph (a)1. of this subsection.

(7) ~~((6))~~ Each application to practice nutrition and each application for dual licensure shall include a certified copy of the applicant's official master's transcript or meet the criteria set forth at KRS 310.031(3).

(8) ~~((7))~~ If the applicant is or was licensed or registered in another jurisdiction, the applicant shall:

(a) List each jurisdiction and license or registration number;

(b) Provide a complete licensure disciplinary history; and

(c) Provide license verification documentation from each respective jurisdiction that is:

1. Created by each respective jurisdiction within the sixty (60) days prior to the submission of the application; and
2. Is not a license card, scroll, initial certificate, diploma, or other initial license document. ~~[submit a complete Verification of Licensure in Other Jurisdictions form]~~

~~for all jurisdictions where the applicant is currently or has formerly been licensed or registered.]~~

Section 2. Approved Programs.

(1) A baccalaureate degree from a college or university approved by the board pursuant to KRS 310.021(3) or 310.031(2)(a) shall be a degree program that is listed as accredited by the Accreditation Council for Education in Nutrition and Dietetics.

(2) If an applicant's baccalaureate degree is not listed as accredited by the Accreditation Council for Education in Nutrition and Dietetics, then the applicant shall demonstrate at least forty-five (45) semester hours or sixty-eight (68) quarter hours, as evidenced by a certified copy of an academic transcript, of coursework at the baccalaureate or graduate level in addition to the hours required by KRS 310.031(2)(b). The coursework shall include content specific to each of the following areas:

- (a) Communication;
- (b) Counseling;
- (c) Physical and biological sciences;
- (d) Social sciences;
- (e) Research;
- (f) Food composition;
- (g) Nutrient metabolism;
- (h) Food systems management;
- (i) Nutrition therapy;
- (j) Lifecycle nutrition; and
- (k) Healthcare systems.

(3) The twelve (12) semester hours of graduate credit required by KRS 310.031(2)(b) shall include only didactic hours of graduate credit specifically related to human nutrition. Examples include:

- (a) Food sources of nutrients;
- (b) Physiological and chemical processes of digestion, absorption, and metabolism;
- (c) Nutrient needs throughout the life cycle;
- (d) Nutrition assessment processes;
- (e) Pathophysiology of disease states;
- (f) Medical nutrition therapy;
- (g) Nutrient needs in exercise and fitness; and
- (h) Nutrition in health and wellness.

(4) The twelve (12) semester hours of graduate credit required by KRS 310.031(2)(b) shall not include practicums, courses that are primarily obtained from work experiences, independent study, thesis, or dissertation credit hours.

Section 3. Incorporation by Reference.

(1) "Application for Licensure, Certification, or Dual Licensure," January 2022, is incorporated by reference. ~~[The following material is incorporated by reference:]~~

~~[(a)] ["Application for Licensure or Certification", July 2015; and]~~

~~[(b)] ["Verification of Licensure in Other Jurisdictions", July 2015.]~~

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists, 500 Mero Street, 2SC32, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. The Board's Web site is <https://bdn.ky.gov/>. ~~[Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. The Board's Web site is <https://bdn.ky.gov/>.~~

LORA ARNOLD PARKS, RDNLD CSG

APPROVED BY AGENCY: January 26, 2022

FILED WITH LRC: February 14, 2022 at 10:45 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on April 25, 2022, at 2:00 p.m. EST in Room 133CE, The Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601. All attendees shall comply with all Executive Orders relating to the State of Emergency as may be in effect on the date of the public hearing. Members of the public may utilize the following link to attend the meeting by video conference: Join from PC, Mac, Linux, iOS or Android: <https://us06web.zoom.us/j/81717776176?pwd=c2IxRG1TZlA3RHJJY0d1S1BsRVZlQT09> -- Password: 698572 // or Telephone: Dial: USA 713 353 0212, USA 8888227517 (US Toll Free) -- Conference code: 257130 // Individuals interested in attending this hearing shall notify this agency in writing by April 18, 2022, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until 11:59 p.m. EST on April 30, 2022. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person listed below. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: August Lincoln Pozgay, Executive Advisor, Public Protection Cabinet, 500 Mero Street, 2NCWK#2, Frankfort, Kentucky 40601, phone 502-782-0714, fax 502-564-4818, email august.pozgay@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: August Lincoln Pozgay

(1) Provide a brief summary of:

(a) What this administrative regulation does:

KRS 310.041 requires the Kentucky Board of Licensure for Dietitians and Nutritionists (the board) to promulgate administrative regulations and to review and approve or reject the qualifications of all applicants for licensure and certification. This administrative regulation establishes the procedure for submitting an application for licensure or certification; and establishes requirements for institutions to be approved by the board. The proposed amendment will clarify requirements for dual licensure as a Nutritionist and as a Dietitian.

(b) The necessity of this administrative regulation:

This administrative regulation is required by KRS 310.041(1), (2), and (6).

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 310.041(1) requires the Kentucky Board of Licensure for Dietitians and Nutritionists to promulgate administrative regulations to regulate the issuance of licenses and certificates under KRS 310.021 and KRS 310.031. This administrative regulation establishes the procedure for submitting an application for licensure or certification; and establishes requirements for programs of study to be approved by the board.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This regulation assists in the effective administration of KRS Chapter 310 by carrying out the legislative mandate for the board to establish regulations for the issuance of licenses and certifications to practice dietetics and nutrition.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

This amendment adds a requirement that license verification documentation be created within sixty (60) days of the application, clarifies the form of documentation accepted by the board to verify licensure in other jurisdictions, and replaces the material incorporated by reference with an updated form to be used by applicants for dual licensure as Dietitian and as Nutritionist.

(b) The necessity of the amendment to this administrative regulation:

See (1)(b).

(c) How the amendment conforms to the content of the authorizing statutes:

See (1)(c).

(d) How the amendment will assist in the effective administration of the statutes:

See (1)(d).

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

As of February 10, 2022, the board oversees 1739 active licensees, and an additional 100 licensees with temporary telehealth permits. This regulation will affect as an

unknown number of applicants for licensure following implementation of the proposed amendment.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

Applicants for licensure or certification will have to provide license verification documentation from other jurisdictions where applicants hold licenses, documentation that must be created within sixty (60) days of the date of application.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

This regulation should add no additional cost to applicants for licensure because the current regulation and material incorporated by reference already requires license verification to be provided by the applicant.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

This regulation will clarify the form of license verification documentation accepted by the board and make it easier for applicants coming from other jurisdictions to apply for licensure in Kentucky.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

This administrative regulation does not create a cost for the administrative body.

(b) On a continuing basis:

This administrative regulation does not create a cost for the administrative body.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

The Kentucky Board of Licensure and Certification for Dietitians and Nutritionists self-funded through the fees paid by licensees. No additional funding is necessary for the implementation and enforcement of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No increases in fees or funding is necessary to implement the amendment to this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:

No increases in fees or funding is necessary to implement this administrative regulation.

(9) TIERING: Is tiering applied?

Tiering is not applied because similarly situated applicants and licensees are treated similarly under this administrative regulation.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

This administrative regulation impacts the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists (the Board).

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 319.032(1).

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

This administrative regulation does not generate revenue for the Board. Board fees are set by separate regulation at 201 KAR 33:010.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

None.

(c) How much will it cost to administer this program for the first year?

There are no additional costs.

(d) How much will it cost to administer this program for subsequent years?

See 3(c).

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: