



**DIETETICS AND
NUTRITION
PRACTICE COUNCIL
*LAWS AND RULES***

Chapter 468, Part X, F.S.,

And

Chapter 64B8-40 to 64B8-45, F.A.C.,

September 2019

PART X
DIETETICS AND
NUTRITION PRACTICE
(ss. 468.501-468.518)

PART X

DIETETICS AND NUTRITION PRACTICE

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468.501 Short title.—This part may be cited as the “Dietetics and Nutrition Practice Act.”

History.—ss. 1, 20, ch. 88-236; s. 4, ch. 91-429; s. 1, ch. 96-367.

468.502 Purpose and intent.—The Legislature finds that the practice of dietetics and nutrition or nutrition counseling by unskilled and incompetent practitioners presents a danger to the public health and safety. The Legislature further finds that it is difficult for the public to make informed choices about dietitians and nutritionists and that the consequences of wrong choices could seriously endanger the public health and safety. The sole legislative purpose in enacting this part is to ensure that every person who practices dietetics and nutrition or nutrition counseling in this state meets minimum requirements for safe practice. It is the legislative intent that any person practicing dietetics and nutrition or nutrition counseling who falls below minimum competency or who otherwise presents a danger to the public be prohibited from practicing in this state. It is also the intent of the Legislature that the practice of nutrition counseling be authorized and regulated solely within the limits expressly provided by this part and any rules adopted pursuant thereto.

History.—ss. 2, 20, ch. 88-236; s. 4, ch. 91-429; s. 2, ch. 96-367.

468.503 Definitions.—As used in this part:

- (1) “Board” means the Board of Medicine.
- (2) “Commission” means the Commission on Dietetic Registration, the credentialing agency of the Academy of Nutrition and Dietetics.
- (3) “Department” means the Department of Health.
- (4) “Dietetics” means the integration and application of the principles derived from the sciences of nutrition, biochemistry, food, physiology, and management and from the behavioral and social sciences to achieve and maintain a person’s health throughout the person’s life. It is an integral part of preventive, diagnostic, curative, and restorative health care of individuals, groups, or both.
- (5) “Dietetics and nutrition practice” shall include assessing nutrition needs and status using appropriate data; recommending appropriate dietary regimens, nutrition support, and nutrient intake; ordering therapeutic diets; improving health status through nutrition research, counseling, and education; and developing, implementing, and managing nutrition care systems, which includes, but is not limited to, evaluating, modifying, and maintaining appropriate standards of high quality in food and nutrition care services.
- (6) “Dietetic technician” means a person who assists in the provision of dietetic and nutrition services under the supervision of a qualified professional.
- (7) “Licensed dietitian/nutritionist” means a person licensed pursuant to s. 468.509.
- (8) “Licensed nutrition counselor” means a person licensed pursuant to s. 468.51.
- (9) “Nutrition assessment” means the evaluation of the nutrition needs of individuals or groups, using appropriate data to determine nutrient needs or status and make appropriate nutrition recommendations.

(10) “Nutrition counseling” means advising and assisting individuals or groups on appropriate nutrition intake by integrating information from the nutrition assessment.

(11) “Preprofessional experience component” means a planned and continuous supervised practice experience in dietetics or nutrition.

(12) “Registered dietitian” or “registered dietitian/nutritionist” means an individual registered with the commission.

History.—ss. 3, 20, ch. 88-236; s. 4, ch. 91-429; s. 144, ch. 94-218; s. 3, ch. 96-367; s. 1, ch. 2015-125; s. 57, ch. 2016-10.

468.504 License required.—No person may engage for remuneration in dietetics and nutrition practice or nutrition counseling or hold himself or herself out as a practitioner of dietetics and nutrition practice or nutrition counseling unless the person is licensed in accordance with the provisions of this part.

History.—ss. 4, 20, ch. 88-236; s. 4, ch. 91-429; s. 4, ch. 96-367.

468.505 Exemptions; exceptions.—

(1) Nothing in this part may be construed as prohibiting or restricting the practice, services, or activities of:

(a) A person licensed in this state under chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, part I of chapter 464, chapter 465, chapter 466, chapter 480, chapter 490, or chapter 491, when engaging in the profession or occupation for which he or she is licensed, or of any person employed by and under the supervision of the licensee when rendering services within the scope of the profession or occupation of the licensee.

(b) A person employed as a dietitian by the government of the United States, if the person engages in dietetics solely under direction or control of the organization by which the person is employed.

(c) A person employed as a cooperative extension home economist.

(d) A person pursuing a course of study leading to a degree in dietetics and nutrition from a program or school accredited pursuant to s. 468.509(2), if the activities and services constitute a part of a supervised course of study and if the person is designated by a title that clearly indicates the person’s status as a student or trainee.

(e) A person fulfilling the supervised experience component of s. 468.509, if the activities and services constitute a part of the experience necessary to meet the requirements of s. 468.509.

(f) Any dietitian or nutritionist from another state practicing dietetics or nutrition incidental to a course of study when taking or giving a postgraduate course or other course of study in this state, provided such dietitian or nutritionist is licensed in another jurisdiction or is a registered dietitian or holds an appointment on the faculty of a school accredited pursuant to s. 468.509(2).

(g) A person who markets or distributes food, food materials, or dietary supplements, or any person who engages in the explanation of the use and benefits of those products or the

preparation of those products, if that person does not engage for a fee in dietetics and nutrition practice or nutrition counseling.

(h) A person who markets or distributes food, food materials, or dietary supplements, or any person who engages in the explanation of the use of those products or the preparation of those products, as an employee of an establishment permitted pursuant to chapter 465.

(i) An educator who is in the employ of a nonprofit organization approved by the council; a federal, state, county, or municipal agency, or other political subdivision; an elementary or secondary school; or an accredited institution of higher education the definition of which, as provided in s. 468.509(2), applies to other sections of this part, insofar as the activities and services of the educator are part of such employment.

(j) Any person who provides weight control services or related weight control products, provided the program has been reviewed by, consultation is available from, and no program change can be initiated without prior approval by a licensed dietitian/nutritionist, a dietitian or nutritionist licensed in another state that has licensure requirements considered by the council to be at least as stringent as the requirements for licensure under this part, or a registered dietitian.

(k) A person employed by a hospital licensed under chapter 395, by a nursing home licensed under part II of chapter 400, by an assisted living facility licensed under chapter 429, or by a continuing care facility certified under chapter 651, if the person is employed in compliance with the laws and rules adopted thereunder regarding the operation of its dietetic department.

(l) A person employed by a nursing facility exempt from licensing under s. 395.002(12), or a person exempt from licensing under s. 464.022.

(m) A person employed as a dietetic technician.

(2) Nothing in this part may be construed to prohibit or limit any person from the free dissemination of information, or from conducting a class or seminar or giving a speech, related to nutrition.

(3) The provisions of this part have no application to the practice of the religious tenets of any church in this state.

(4) Notwithstanding any other provision of this part, an individual registered by the commission has the right to use the title "Registered Dietitian" or "Registered Dietitian/Nutritionist," and the designation "R.D." or "R.D.N." An individual certified by the Certification Board for Nutrition Specialists has the right to use the title "Certified Nutrition Specialist" and the designation "CNS," and an individual certified by the American Clinical Board of Nutrition has the right to use the title "Diplomate of the American Clinical Board of Nutrition" and use the designation "DACBN."

History.—ss. 5, 20, ch. 88-236; s. 4, ch. 91-429; s. 86, ch. 92-289; s. 41, ch. 95-210; s. 5, ch. 96-367; s. 39, ch. 98-89; s. 63, ch. 98-171; s. 127, ch. 2000-153; s. 134, ch. 2000-318; s. 94, ch. 2006-197; s. 179, ch. 2007-230; s. 2, ch. 2015-125.

468.506 Dietetics and Nutrition Practice Council.—There is created the Dietetics and Nutrition Practice Council under the supervision of the board. The council shall consist of four persons licensed under this part and one consumer who is 60 years of age or older. Council members shall be appointed by the board. Licensed members shall be appointed based on the proportion of licensees within each of the respective disciplines. Members shall be appointed for 4-year staggered terms. In order to be eligible for appointment, each licensed member must have been a licensee under this part for at least 3 years prior to his or her appointment. No council member shall serve more than two successive terms. The board may delegate such powers and duties to the council as it may deem proper to carry out the operations and procedures necessary to effectuate the provisions of this part. However, the powers and duties delegated to the council by the board must encompass both dietetics and nutrition practice and nutrition counseling. Any time there is a vacancy on the council, any professional association composed of persons licensed under this part may recommend licensees to fill the vacancy to the board in a number at least twice the number of vacancies to be filled, and the board may appoint from the submitted list, in its discretion, any of those persons so recommended. Any professional association composed of persons licensed under this part may file an appeal regarding a council appointment with the State Surgeon General, whose decision shall be final. The board shall fix council members' compensation and pay their expenses in the same manner as provided in s. 456.011.

History.—ss. 6, 19, 20, ch. 88-236; ss. 4, 5, ch. 91-429; s. 6, ch. 96-367; s. 91, ch. 98-166; s. 130, ch. 99-397; s. 150, ch. 2000-160; s. 94, ch. 2008-6.

468.507 Authority to adopt rules.—The board has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this part and chapter 456 conferring duties upon it. The powers and duties of the board as set forth in this part shall in no way limit or interfere with the powers and duties of the board as set forth in chapter 458. All powers and duties of the board set forth in this part shall be supplemental and additional powers and duties to those conferred upon the board by chapter 458.

History.—ss. 7, 20, ch. 88-236; s. 4, ch. 91-429; s. 7, ch. 96-367; s. 92, ch. 98-166; s. 136, ch. 98-200; s. 151, ch. 2000-160.

468.508 Fees.—The board shall, by rule, establish fees to be paid for applications and examination, reexamination, licensing and renewal, licensure by endorsement, temporary permits, renewal, renewal of inactive licenses, reactivation of inactive licenses, recordmaking, and recordkeeping. The board shall establish fees which are adequate to administer and implement the provisions of this part.

- (1) The application fee shall not exceed \$100 and shall not be refundable.
- (2) The examination fee shall not exceed \$500 and shall be refundable if the applicant is found to be ineligible to take the licensure examination.
- (3) The initial licensure fee shall not exceed \$500.
- (4) The fee for reexamination shall not exceed \$250.
- (5) The biennial renewal fee shall not exceed \$500.
- (6) The fee for licensure by endorsement shall not exceed \$350.

(7) The fee for a temporary permit shall not exceed \$200.

(8) The fee for reactivation of an inactive license shall not exceed \$50.

History.—ss. 8, 20, ch. 88-236; s. 43, ch. 89-162; s. 44, ch. 89-374; s. 4, ch. 91-429; s. 8, ch. 96-367.

468.509 Dietitian/nutritionist; requirements for licensure.—

(1) Any person desiring to be licensed as a dietitian/nutritionist shall apply to the department to take the licensure examination.

(2) The department shall examine any applicant who the board certifies has completed the application form and remitted the application and examination fees specified in s. 468.508 and who:

(a)1. Possesses a baccalaureate or postbaccalaureate degree with a major course of study in human nutrition, food and nutrition, dietetics, or food management, or an equivalent major course of study, from a school or program accredited, at the time of the applicant's graduation, by the appropriate accrediting agency recognized by the Commission on Recognition of Postsecondary Accreditation and the United States Department of Education; and

2. Has completed a preprofessional experience component of not less than 900 hours or has education or experience determined to be equivalent by the board; or

(b)1. Has an academic degree, from a foreign country, that has been validated by an accrediting agency approved by the United States Department of Education as equivalent to the baccalaureate or postbaccalaureate degree conferred by a regionally accredited college or university in the United States;

2. Has completed a major course of study in human nutrition, food and nutrition, dietetics, or food management; and

3. Has completed a preprofessional experience component of not less than 900 hours or has education or experience determined to be equivalent by the board.

(3) The board shall waive the examination requirement for an applicant who presents evidence satisfactory to the board that the applicant is:

(a) A registered dietitian or registered dietitian/nutritionist who is registered with the commission and complies with the qualifications under this section; or

(b) A certified nutrition specialist who is certified by the Certification Board for Nutrition Specialists or who is a Diplomate of the American Clinical Board of Nutrition and complies with the qualifications under this section.

(4) The department shall license as a dietitian/nutritionist any applicant who has remitted the initial licensure fee and has passed the examination in accordance with this section.

History.—ss. 9, 20, ch. 88-236; s. 25, ch. 91-220; s. 4, ch. 91-429; s. 27, ch. 94-310; s. 9, ch. 96-367; s. 3, ch. 2015-125; s. 58, ch. 2016-10.

468.51 Nutrition counselor; renewal of licensure.—Any person previously certified as qualified by the board and holding a license to practice as a nutrition counselor in this state which was issued during the period from July 1, 1988, to March 30, 1997, based upon documentation that the person was employed as a practitioner of nutrition counseling previous to and on April 1, 1988, shall be eligible to renew his or her license pursuant to s. 468.514.

History.—ss. 10, 20, ch. 88-236; s. 4, ch. 91-429; ss. 10, 11, ch. 96-367.

468.511 Dietitian/nutritionist; temporary permit.—

(1) A temporary permit to practice dietetics and nutrition may be issued by the board on the filing of an application, payment of a temporary permit fee, and the submission of evidence of the successful completion of the educational requirement under s. 468.509. The initial application shall be signed by the supervising licensee.

(2) A person practicing under a temporary permit shall be under the supervision and direction of a licensed dietitian/nutritionist.

(3) A temporary permit shall expire 1 year from the date of issuance.

(4) One extension of a temporary permit may be granted for good cause shown.

(5) If the board determines that an applicant is qualified to be licensed by endorsement under s. 468.513, the board may issue the applicant a temporary permit to practice dietetics and nutrition until the next board meeting at which license applications are to be considered, but not for a longer period of time.

(6) If the board determines that an applicant has not passed an examination recognized by the board and is not qualified to be licensed by endorsement, but has otherwise met all the requirements of s. 468.509 and has made application for the next scheduled examination, the board may issue the applicant a temporary permit allowing him or her to practice dietetics and nutrition under the supervision of a licensed dietitian/nutritionist until notification of the results of the examination.

History.—ss. 11, 20, ch. 88-236; s. 4, ch. 91-429; s. 12, ch. 96-367.

468.512 License to be displayed.—

(1)(a) A licensed dietitian/nutritionist may use the words “dietitian,” “licensed dietitian,” “nutritionist,” or “licensed nutritionist,” in connection with the licensee’s name or place of business, to denote licensure under this part.

(b) A licensed nutrition counselor may use the words “nutrition counselor,” “licensed nutrition counselor,” “nutritionist,” or “licensed nutritionist,” in connection with the licensee’s name or place of business, to denote licensure under this part.

(2) Each person to whom a license is issued under this part shall keep such license conspicuously displayed in his or her office, place of business, or place of employment and, whenever required, shall exhibit such license to any member or authorized representative of the board.

History.—ss. 12, 20, ch. 88-236; s. 4, ch. 91-429; s. 13, ch. 96-367.

468.513 Dietitian/nutritionist; licensure by endorsement.—

(1) The department shall issue a license to practice dietetics and nutrition by endorsement to any applicant who the board certifies as qualified, upon receipt of a completed application and the fee specified in s. 468.508.

(2) The board shall certify as qualified for licensure by endorsement under this section any applicant who:

(a) Presents evidence satisfactory to the board that he or she is a registered dietitian; or

(b) Holds a valid license to practice dietetics or nutrition issued by another state, district, or territory of the United States, if the criteria for issuance of such license are determined by the board to be substantially equivalent to or more stringent than those of this state.

(3) The department shall not issue a license by endorsement under this section to any applicant who is under investigation in any jurisdiction for any act which would constitute a violation of this part or chapter 456 until such time as the investigation is complete and disciplinary proceedings have been terminated.

History.—ss. 13, 20, ch. 88-236; s. 4, ch. 91-429; s. 14, ch. 96-367; s. 93, ch. 98-166; s. 152, ch. 2000-160; s. 59, ch. 2016-10.

468.514 Renewal of license.—

(1) The department shall renew a license under this part upon receipt of the renewal application, fee, and proof of the successful completion of continuing education requirements as determined by the board.

(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses under this part.

History.—ss. 14, 20, ch. 88-236; s. 4, ch. 91-429; s. 202, ch. 94-119; s. 15, ch. 96-367; s. 60, ch. 2016-10.

468.515 Inactive status.—

(1) A license under this part which has become inactive may be reactivated pursuant to this section.

(2) The department shall reactivate a license under this part upon receipt of the reactivation application, fee, and proof of the successful completion of continuing education prescribed by the board.

(3) The board shall adopt rules relating to licenses under this part which have become inactive and for the reactivation of inactive licenses. The board shall prescribe, by rule, continuing education requirements for reactivating a license. The continuing education requirements for reactivating a license may not exceed 20 classroom hours for each year the license was inactive.

History.—ss. 15, 20, ch. 88-236; s. 4, ch. 91-429; s. 203, ch. 94-119; s. 16, ch. 96-367; s. 61, ch. 2016-10.

468.516 Practice requirements.—

(1)(a) A licensee under this part shall not implement a dietary plan for a condition for which the patient is under the active care of a physician licensed under chapter 458 or chapter 459, without the oral or written dietary order of the referring physician. In the event the licensee is unable to obtain authorization or consultation after a good faith effort to obtain it from the physician, the licensee may use professional discretion in providing nutrition services until authorization or consultation is obtained from the physician.

(b) The licensee shall refer a patient to a physician licensed under chapter 458 or chapter 459 upon the recognition of a condition within the scope of practice as authorized under chapter 458 or chapter 459, unless the patient has been referred by or is currently being treated by a physician licensed under chapter 458 or chapter 459.

(2)(a) A licensee under this part shall not implement a dietary plan for a chiropractic condition for which the patient is under the active care of a chiropractic physician licensed under chapter 460, without the oral or written dietary order of the referring chiropractic physician. In the event the licensee is unable to obtain authorization or consultation after a good faith effort to obtain it from the chiropractic physician, the licensee may use professional discretion in providing nutrition services until authorization or consultation is obtained from the chiropractic physician.

(b) The licensee shall refer a patient to a chiropractic physician licensed under chapter 460 upon the recognition of a condition within the scope of practice as authorized under chapter 460, unless the patient has been referred or is currently being treated by a chiropractic physician licensed under chapter 460.

(3) This section does not preclude a licensed dietitian/nutritionist from independently ordering a therapeutic diet if otherwise authorized to order such a diet in this state.

History.—ss. 16, 20, ch. 88-236; s. 4, ch. 91-429; s. 17, ch. 96-367; s. 4, ch. 2015-125.

468.517 Prohibitions; penalties.—

(1) A person may not knowingly:

(a) Engage in dietetics and nutrition practice or nutrition counseling for remuneration unless the person is licensed under this part;

(b) Use the name or title “dietitian,” “licensed dietitian,” “nutritionist,” “licensed nutritionist,” “nutrition counselor,” or “licensed nutrition counselor,” or any other words, letters, abbreviations, or insignia indicating or implying that he or she is a dietitian, nutritionist, or nutrition counselor, or otherwise hold himself or herself out as such, unless the person is the holder of a valid license issued under this part;

(c) Present as his or her own the license of another;

- (d) Give false or forged evidence to the board or a member thereof;
 - (e) Use or attempt to use a license that has been suspended, revoked, or placed on inactive or delinquent status;
 - (f) Employ unlicensed persons to engage in dietetics and nutrition practice or nutrition counseling; or
 - (g) Conceal information relative to any violation of this part.
- (2) A person who violates any provision of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—ss. 17, 20, ch. 88-236; s. 100, ch. 91-224; s. 4, ch. 91-429; s. 204, ch. 94-119; s. 18, ch. 96-367.

468.518 Grounds for disciplinary action.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(a) Violating any provision of this part, any board or department rule adopted pursuant thereto, or any lawful order of the board or department previously entered in a disciplinary hearing held pursuant to this part, or failing to comply with a lawfully issued subpoena of the department. The provisions of this paragraph also apply to any order or subpoena previously issued by the Department of Health during its period of regulatory control over this part.

(b) Being unable to engage in dietetics and nutrition practice or nutrition counseling with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition.

1. A licensee whose license is suspended or revoked pursuant to this paragraph shall, at reasonable intervals, be given an opportunity to demonstrate that he or she can resume the competent practice of dietetics and nutrition or nutrition counseling with reasonable skill and safety to patients.

2. Neither the record of the proceeding nor the orders entered by the board in any proceeding under this paragraph may be used against a licensee in any other proceeding.

(c) Attempting to procure or procuring a license to practice dietetics and nutrition or nutrition counseling by fraud or material misrepresentation of material fact.

(d) Having a license to practice dietetics and nutrition or nutrition counseling revoked, suspended, or otherwise acted against, including the denial of licensure by the licensing authority of another state, district, territory, or country.

(e) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of dietetics and nutrition or nutrition counseling or the ability to practice dietetics and nutrition or nutrition counseling.

(f) Making or filing a report or record that the licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records include only those that are signed in the capacity of a licensed dietitian/nutritionist or licensed nutrition counselor.

(g) Advertising goods or services in a manner that is fraudulent, false, deceptive, or misleading in form or content.

(h) Committing an act of fraud or deceit, or of negligence, incompetency, or misconduct in the practice of dietetics and nutrition or nutrition counseling.

(i) Practicing with a revoked, suspended, inactive, or delinquent license.

(j) Treating or undertaking to treat human ailments by means other than by dietetics and nutrition practice or nutrition counseling.

(k) Failing to maintain acceptable standards of practice as set forth by the board and the council in rules adopted pursuant to this part.

(l) Engaging directly or indirectly in the dividing, transferring, assigning, rebating, or refunding of fees received for professional services, or profiting by means of a credit or other valuable consideration, such as an unearned commission, discount, or gratuity, with any person referring a patient or with any relative or business associate of the referring person. Nothing in this part prohibits the members of any regularly and properly organized business entity that is composed of licensees under this part and recognized under the laws of this state from making any division of their total fees among themselves as they determine necessary.

(m) Advertising, by or on behalf of a licensee under this part, any method of assessment or treatment which is experimental or without generally accepted scientific validation.

(n) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

(3) The department shall reissue the license of a disciplined dietitian/nutritionist or nutrition counselor upon certification by the board that the disciplined dietitian/nutritionist or nutrition counselor has complied with all of the terms and conditions set forth in the final order.

History.—ss. 18, 20, ch. 88-236; s. 4, ch. 91-429; s. 205, ch. 94-119; s. 19, ch. 96-367; s. 94, ch. 98-166; s. 41, ch. 2001-277; s. 17, ch. 2005-240; s. 62, ch. 2016-10.

**FLORIDA
ADMINISTRATIVE CODE
Dietetics and Nutrition
Practice Council
Chapters
64B8-40 thru 64B8-45**

CHAPTER 64B8-40
DIETETICS AND NUTRITION PRACTICE COUNCIL – ORGANIZATION, PROCEDURES,
AND GENERAL PROVISIONS

64B8-40.002 Organization (Repealed)

64B8-40.003 Delegation of Powers and Duties

64B8-40.004 Attendance at Council Meetings

64B8-40.008 Address of Licensee

64B8-40.002 Organization.

Rulemaking Authority 468.507 FS. Law Implemented 468.507 FS. History—New 4-9-89, Formerly 21M-46.002, 61F6-46.002, Amended 11-16-95, Formerly 59R-40.002, Amended 6-21-01, Repealed 6-5-14.

64B8-40.003 Delegation of Powers and Duties.

(1) Pursuant to section 468.506, F.S., the Board delegates to the Council the following powers and duties:

(a) Approval and denial of dietitian/nutritionist by endorsement or examination and certification of nutrition counselor by employment status as of April 1, 1988.

(b) Issuance and denial of temporary permits to applicants for endorsement or examination.

(c) Approval and denial of requests for exemption from employment disqualification pursuant to section 435.07, Florida Statutes.

(d) Approval and denial of continuing education programs and providers of continuing education programs in dietetics and nutrition practice.

(2) Rulemaking proposals, petitions for declaratory statement and petitions to adopt, amend or repeal rules which relate to dietetics and nutrition practice and nutrition counseling and assessment shall be presented to the Council. The Council shall consider the matter and make recommendations to the Board as to the appropriate action to be taken.

Rulemaking Authority 468.507 FS. Law Implemented 435.07, 468.506 FS. History—New 4-9-89, Formerly 21M-46.003, 61F6-46.003, Amended 11-16-95, Formerly 59R-40.003, Amended 6-21-01, 11-10-09, 8-1-18.

64B8-40.004 Attendance at Council Meetings.

(1) Council members shall attend all regularly scheduled Council meetings unless prevented from doing so by reason of court order, subpoena, business with a court which has the sole prerogative of setting the date of such business, death of a family member, illness of the Council member, or hospitalization of the member's immediate family.

(2) No Council member may be absent from three consecutive regularly scheduled Council meetings unless the absence is excused for one of the reasons stated in subsection (1) of this rule. An absence for any reason other than the reasons stated in subsection (1) constitutes an unexcused absence for the purpose of declaring a vacancy on the Council. An otherwise excused absence is not excused if the Council member fails to notify the Board office of the impending absence prior to the regularly scheduled Council meeting at which the absence will occur or unless the failure to notify the Board office is the result of circumstances surrounding the reason for the absence which the Council itself excuses after the absence has occurred.

(3) "Family" consists of immediate family, nieces, nephews, aunts, uncles, cousins, and in-laws.

(4) "Immediate family" consists of spouse, child, child's spouse, parents, parent-in-law, siblings, grandchildren, and grandparents.

Rulemaking Authority 468.507 FS. Law Implemented 456.011 FS. History--New 6-30-03, Amended 2-27-14.

64B8-40.008 Address of Licensee.

Each person holding a license issued pursuant to Part X of Chapter 468, F.S., must maintain on file with the Department the current address at which any notice required by law may be served by the Department, the Board, the Council, or its agents. Within 60 days of changing this address, whether or not within this state, the licensee shall notify the Department, by notifying the Council, of the new address either in writing or electronically. If the licensee uses electronic notification, it is the responsibility of the licensee to ensure that the electronic notification was received by the Council.

Rulemaking Authority 456.035, 468.507, 468.514 FS. Law Implemented 456.073(1) FS. History--New 4-6-92, Formerly 21M-46.008, 61F6-46.008, 59R-40.008, Amended 8-13-02.

CHAPTER 64B8-41 DIETETICS AND NUTRITION PRACTICE COUNCIL – FEES

64B8-41.001 Fees

64B8-41.002 Duplicate License Fee (Repealed)

64B8-41.003 Certification of Public Records (Repealed)

64B8-41.001 Fees.

(1) The application fee for licensure is \$80.00.

(2) The endorsement fee for an applicant seeking licensure by endorsement is \$5.00.

(3) The fee for a temporary permit is \$50.00.

(4) The fee for initial licensure is \$80.00. The Department of Health assesses an additional fee of \$5.00, payable at the time of initial licensure, for the fund to combat unlicensed activity pursuant to section 456.065, F.S.

(5) The initial retired license fee is \$50.00.

(6) The biennial renewal fee is \$95.00, with the exception that for the 2021 and 2023 renewal fee periods the fee shall be \$75.00. The Department of Health assesses an additional fee of \$5.00, payable at the time of each biennial renewal, for the fund to combat unlicensed activity pursuant to section 456.065, F.S.

(7) The reactivation fee for inactive licenses is \$50.00.

(8) A fee of \$95.00, with the exception that for the 2021 and 2023 renewal periods the fee shall be \$75.00 and shall be paid to remove a license from delinquent status.

(9) The fee for renewal of inactive status is \$95.00. The Department of Health assesses an additional fee of \$5.00, payable at the time of each biennial renewal, for the fund to combat unlicensed activity pursuant to section 456.065, F.S.

(10) The change of status processing fee is \$50.00.

(11) The fee for a duplicate license is \$25.00.

(12) The fee for a certified public record is \$25.00.

Rulemaking Authority 456.036(3), (7), (16), 468.507, 468.508 FS. Law Implemented 456.013, 456.025(10), (11), 456.036, 456.065(3), 468.508 FS. History—New 4-9-89, Amended 8-28-90, 11-9-90, Formerly 21M-47.001, Amended 9-21-93, 11-4-93, 1-3-94, Formerly 61F6-47.001, Amended 12-28-94, 5-2-95, Formerly 59R-41.001, Amended 11-24-97, 6-22-99, 8-19-99, 9-26-01, 7-22-02, 8-18-02, 2-20-06, 11-18-07, 1-26-15, 12-23-15, 7-17-19.

64B8-41.002 Duplicate License Fee.

Rulemaking Authority 456.025(10), 468.507 FS. Law Implemented 456.025(10) FS. History—New 4-6-92, Formerly 21M-47.002, 61F6-47.002, 59R-41.002, Repealed 12-23-15.

64B8-41.003 Certification of Public Records.

Rulemaking Authority 456.025(11), 468.507 FS. Law Implemented 456.025(11) FS. History—New 4-6-92, Formerly 21M-47.003, 61F6-47.003, 59R-41.003, Repealed 12-23-15.

CHAPTER 64B8-42 LICENSURE OF DIETITIANS/NUTRITIONISTS

64B8-42.001 Licensure by Endorsement

64B8-42.002 Licensure by Examination

64B8-42.003 Temporary Permits

64B8-42.004 Exemption of Spouses of Members of Armed Forces from License Renewal Requirements

64B8-42.005 Additional Educational Requirements for Initial Licensure (Repealed)

64B8-42.001 Licensure by Endorsement.

Each applicant for certification as a dietitian/nutritionist by endorsement shall file the Dietetics and Nutrition Practice Council Application for Licensure, DOH Form DH-MQA 1161, ND APP, Rev. 04/2019, incorporated by reference, which can be accessed at <http://www.floridahealth.gov/licensing-and-regulation/dietetic-nutrition>, or at

<https://www.flrules.org/Gateway/reference.asp?No=Ref-11072>, and demonstrate the following:

(1)(a) That she or he holds registered dietitian credentials issued by the Commission on Dietetic Registration of the Academy of Nutrition and Dietetics, or

(b) That she or he holds certification or licensure to deliver dietetic and nutritional practice in another state, district, or territory of the United States; such certification must have been granted to requirements determined to be equivalent to or more stringent than the requirements in Florida.

(2) That she or he is not under investigation, involved in disciplinary proceedings in any jurisdiction, or otherwise disqualified by reason of violation for any act which is a violation of chapters 456 and 468, part X, F.S., or the rules promulgated thereunder.

Rulemaking Authority 468.507 FS. Law Implemented 456.013, 456.0635, 456.38, 468.508, 468.509, 468.511, 468.513 FS. History—New 4-9-89, Formerly 21M-48.001, 61F6-48.001, 59R-42.001, Amended 5-31-09, 2-15-10, 9-13-12, 3-5-13, 1-26-15, 9-22-15, 8-10-16, 9-18-19.

64B8-42.002 Licensure by Examination.

(1) Every applicant for certification by examination shall file the Dietetics and Nutrition Practice Council Application for Licensure, DOH Form DH-MQA 1161, ND APP, Rev. 04/2019, incorporated by reference, which can be accessed at <http://www.floridahealth.gov/licensing-and-regulation/dietetic-nutrition>, or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-11072>, and demonstrate to the Council that he or she meets one of the following:

(a)1. Has a baccalaureate or post baccalaureate degree with a major in human nutrition, food and nutrition, dietetics, food management or equivalent major as determined by the Council from a school or program accredited by the appropriate accrediting agency recognized by the Council on Post-secondary Accreditation or its successor and the United States Department of Education; and,

2. Has completed 900 hours of planned and continuous supervised practice in dietetics or nutrition, or has education or experience determined to be equivalent by the Council as described in subsections (3) and (4) or (5); or

(b)1. Has an academic degree with a major course of study in human nutrition, food and nutrition, dietetics, or food management from a foreign country, provided that degree has been validated by an accrediting agency approved by the U.S. Department of Education as equivalent to the baccalaureate or post baccalaureate degree conferred by a regionally accredited college or university in the United States; and,

2. Has completed 900 hours of planned and continuous supervised practice in dietetics or nutrition, or has education or experience determined to be equivalent by the Council as described in subsections (3) and (4) or (5).

(2) An equivalent major as reference in Section 468.509(2)(a)1., F.S., shall be a course of study specially designed to prepare an individual to integrate and apply principles of nutrition under varying conditions of health, social, physical, psychological, and economic status to the appropriate care, nourishment and education of individuals or groups throughout the life cycle. Any major must include at least thirty semester hours covering human nutrition, nutrition in health and disease, nutrition education and counseling, food science, nutrition in the community, and administration of food service or nutrition programs.

(3) A documented and planned supervised practice experience component in dietetic and nutrition practice of not less than 900 hours shall provide the applicant with a broad spectrum of experiences in dietetics and nutrition. Such practice shall include:

(a) A minimum of 200 hours in Clinical Nutrition that provides competency in the following areas: Examples of clinical nutrition practical experience are generally acquired in a hospital or other acute or chronic care setting.

1. Assessment of nutritional status for both complex and uncomplicated medical conditions,
2. Design and implementation of nutrition care plans,
3. Application of medical nutrition therapy for treatment of disease and trauma,
4. Selection, implementation and evaluation of nutritional support, such as medical food, enteral and parenteral nutrition regimens,

5. Counseling and nutrition education of patients on dietary modifications, including techniques that demonstrate integration of theoretical training, psychological and behavioral aspects of interpersonal relationships, documentation of appropriate interventions, and proper decision-making,

6. Performance of basic physical assessments,

7. Quality assurance,

8. Menu planning for target populations to meet nutritional guidelines and special dietary

needs,

9. Development or modification of recipes or formulas,

10. Food safety and sanitation.

(b) A minimum of 200 hours in Community Nutrition that provides competency in the following areas: Examples of Community Nutrition practical experience generally acquired within a community or public health program or HMO.

1. Screening/assessment of nutritional status of the population or community group, including counseling techniques that demonstrate integration of theoretical training, psychological and behavioral aspects of interpersonal relationships, documentation of appropriate interventions, and proper decision-making,

2. Provision of nutritional care for people of diverse cultures and religions across the lifespan,

3. Development, evaluation or implementation of community – based health promotion program(s),

4. Nutrition surveillance and monitoring of the population or community group,

5. General health assessment, e.g. blood pressure and vital signs,

6. Development and review of educational materials for the target population; and,

7. Development of food and nutrition policy for the population or community group.

(4) The supervisor/preceptor of the supervised practice experience shall be a dietitian/nutritionist licensed under Part X, Chapter 468, F.S., or a healthcare provider with training that is substantially equivalent to a licensed dietitian/nutritionist. Although many dietetics and nutrition programs include the 900 hour component in their baccalaureate or post graduate training, the Council will recognize an individual preceptorship when the following requirements are met:

(a) The student has met the academic requirements of section 468.509(2)(a)1., (b)1., or (b)2., F.S.;

(b) The supervisor/preceptor meets the requirement of this rule;

(c) The supervisor/preceptor shall provide written objectives and a planned experience component that meets the requirements of this rule prior to the student beginning the preceptorship;

(d) The preceptor shall be available to the student at all time the student is performing dietetics and nutrition services for patients.

(5) As an alternative to the supervised practice requirement as explained in subsections (3) and (4) of this rule, an applicant may provide documentation of education or experience equivalent to the 900 hours of preprofessional experience.

(6) The examination to be used for licensure is the Registration Examination for Dietitians from the Commission on Dietetic Registration, unless the person is qualified for exemption by section 468.509(3), F.S. The number of test questions each examinee answers correctly shall be transferred to a scale that ranges from 1 to 50 with a minimum passing score being a scaled score of 25.

(7) When an applicant is certified to sit for the examination or re-examination, it is the applicant's responsibility to complete the examination process with the national vendor. In compliance with the Americans for Disabilities Act, any applicant requesting special accommodations shall comply with the Department of Health's rule 64B-1.005, F.A.C.

Rulemaking Authority 456.017(1), 468.507 FS. Law Implemented 456.013, 456.027, 456.0635, 456.38, 468.508, 468.509, 468.511 FS. History—New 4-9-89, Amended 11-28-90, 3-24-91, 11-9-92, 5-6-93, Formerly 21M-48.002, Amended 11-4-93, 6-9-94, Formerly 61F6-48.002, Amended 11-12-95, Formerly 59R-42.002, Amended 8-19-99, 3-9-08, 5-31-09, 1-26-10, 9-13-12, 3-5-13, 1-26-15, 9-22-15, 2-18-16, 5-2-16, 8-10-16, 9-18-19.

64B8-42.003 Temporary Permits.

(1) When the Executive Director makes a preliminary determination that an application and accompanying documentation are complete and the applicant appears eligible for licensure by examination or endorsement, a temporary permit may be issued to the applicant to practice dietetics and nutrition. At the next meeting of the Council, scheduled for the purpose of reviewing credentials, the Council shall either ratify or rescind the issuance of the temporary certificate.

(2) An applicant who has been issued a temporary permit based on apparent eligibility for the next scheduled examination but who has never passed an examination to determine competency as recognized by the Board and who is not qualified for licensure by endorsement, may practice dietetics and nutrition under the supervision of a licensed dietitian/nutritionist until notification of the results of the examination. A temporary permit shall expire one year from the date of issuance. The expiration date shall be extended for an applicant who did not take the examination due to illness, death of a family member, jury duty, military service, or similar circumstances beyond the applicant's control, provided a notarized statement and supporting documentation is supplied. Such extension is valid only until notification of the results of the next examination.

(3) An applicant who has been issued a temporary permit based upon apparent eligibility for licensure by endorsement may practice as a dietitian/nutritionist with supervision of a licensee dietitian/nutritionist, but such practice shall be permitted only until the next meeting of the Council at which applications are considered. The Council shall either grant or deny licensure and the temporary permit shall become void.

Rulemaking Authority 468.507, 468.511 FS. Law Implemented 468.511 FS. History—New 4-9-89, Formerly 21M-48.003, 61F6-48.003, Amended 11-12-95, Formerly 59R-42.003, Amended 11-24-97.

64B8-42.004 Exemption of Spouses of Members of Armed Forces from License Renewal Requirements.

A licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the State of Florida because of the spouse's duties with the armed forces shall be exempt from all licensure renewal provisions during such absence. The licensee must show satisfactory proof to the Council of the absence and the spouse's military status.

Rulemaking Authority 456.024, 468.507 FS. Law Implemented 456.024 FS. History—New 8-13-02.

64B8-42.005 Additional Educational Requirements for Initial Licensure.

Rulemaking Authority 456.013(7) FS. Law Implemented 456.013(7) FS. History—New 7-22-02, Amended 1-8-07, Repealed 11-16-16.

CHAPTER 64B8-43 NUTRITION COUNSELORS

64B8-43.002 Nutrition Counseling

64B8-43.002 Nutrition Counseling.

(1) "Nutrition counseling" means advising and assisting individuals or groups on appropriate nutrition intake by integrating information from the nutrition assessment and individualized lifestyle.

(2) Prior to providing nutrition counseling to an individual, the licensee shall conduct a comprehensive nutrition assessment of the health and nutrition status of the patient, which shall

include but not be limited to the identification of food intake, medication, drug or supplement usage, personal health practices, and personal and family health or medical conditions.

(3) The licensee shall develop and implement an individualized nutrition counseling plan for each patient based on the nutrition assessment of the patient's health, nutrition status, and individualized lifestyle.

(4) The licensee shall periodically reassess the patient's health and nutrition status and adjust the nutrition counseling plan as indicated.

(5) The licensee shall not render advice, counseling or recommendations to a patient which is not documented, or which is not consistent with the nutrition assessment or the nutrition counseling plan.

(6) Nutrition counseling does not include diagnosis, treatment, operation, or prescription for any human disease, pain, injury, deformity, or other physical or mental condition.

Specific Authority 468.507 FS. Law Implemented 468.503(8), (9), 468.518(1)(i), (j), (k) FS. History--New 1-1-92, Formerly 21M-49.002, Amended 6-22-94, Formerly 61F6-49.002, 59R-43.002.

CHAPTER 64B8-44 STANDARDS OF PRACTICE

- 64B8-44.001 Nutrition Assessment
- 64B8-44.002 Fraudulent, False, Deceptive, or Misleading Advertising
- 64B8-44.003 Disciplinary Guidelines
- 64B8-44.0035 Payment of Fine
- 64B8-44.004 Documentation
- 64B8-44.005 Citations
- 64B8-44.006 HIV/AIDS: Knowledge of Antibody Status; Action to be Taken (Repealed)
- 64B8-44.007 Standards of Practice
- 64B8-44.008 Performance of Delegated Tasks by Non-Licensed Personnel (Repealed)
- 64B8-44.009 Unauthorized Treatments (Repealed)
- 64B8-44.010 Mediation

64B8-44.001 Nutrition Assessment.

A nutrition assessment is the evaluation of the nutritional needs of individuals or groups using data to determine nutrient needs or status and to make appropriate nutrition recommendations. Objective and subjective information may be gathered from observations, interviews, and written records. Appropriate data shall include some or all of the following:

(1) Dietary history and current dietary intake including types and quantities of nutrients consumed;

(2) Anthropometric measures such as height, weight, and measurements of body fat and muscle;

(3) Information from health care providers including previous medical charting data and laboratory results of biochemical tests ordered by the client's physician;

(4) Individual and family health history and status;

(5) Demographic factors such as cultural, religious, occupational, educational, residential, environmental, and socio-economic background;

(6) Recreation and exercise patterns;

(7) Client knowledge and perception about individual and family nutritional status and nutritional goals.

Rulemaking Authority 468.507 FS. Law Implemented 468.503(8) FS. History--New 12-4-90, Formerly 21M-50.001, 61F6-50.001, 59R-44.001.

64B8-44.002 Fraudulent, False, Deceptive, or Misleading Advertising.

(1) "Advertisement" or "advertising" shall mean any written or oral statements to or before the public with the intent of furthering the purpose, either directly or indirectly, of selling professional services, or offering to perform professional services, or inducing members of the public to enter into any obligation relating to such professional services.

(2) Any advertisement or advertising shall be deemed by the Board to be fraudulent, false, deceptive, or misleading if it:

(a) Contains a misrepresentation of facts; or

(b) Makes only a partial disclosure of relevant facts; or

(c) Creates false or unjustified expectations of beneficial assistance; or

(d) Represents that professional services can or will be completely performed for a stated fee when this is not the case, or makes representations with respect to fees for professional services that do not disclose all variables affecting the fees that will in fact be charged; or

(e) Appears in any classified directory, listing, or compendium under a heading, which when considered together with the advertisement, has the capacity or tendency to be deceptive or misleading with respect to the profession or professional status of the licensee; or

(f) Contains any representation of a special area of practice by the licensee which implies that the licensee requires a superior license or formal recognition by the Board to that granted other dietitian/nutritionists or nutrition counselors who meet the licensing requirements of the Dietetics and Nutrition Practice Act; or

(g) States or implies the licensee is a specialist in any aspect of dietetics/nutrition practice or nutrition counseling unless the person has completed post-baccalaureate training in the recognized speciality field including internship, fellowship or alternative training requirements. The licensee may indicate the services offered and may state that the practice is limited to one or more types of services when this is the case; or

(h) States or implies that the licensee has been certified as a specialist in any aspect of the practice of nutrition unless he or she has received such certification, meets the training requirements, includes the name of the certifying agency in any statement or advertisement claiming certification, and the certifying agency meets the following criteria:

1. The organization has been granted Section 501(c) status under the Internal Revenue Code.
 2. The organization shall have full time administrative staff, housed in dedicated office space which is appropriate for the organization's program.
 3. The organization shall have bylaws, a code of ethics to guide the practice to its members, an internal review and control process, including budgetary practices and quality assurance management to ensure effective education, training or testing standards.
 4. The organization shall be national in scope with a central purpose being protecting the health and safety of the public.
 5. The certifying organization shall be able to demonstrate adequate procedures to ensure that its examination is of sufficient breadth and scope to cover the speciality field; that the exams and answers are adequately secured; that prior to testing it established a standard grading system with pass/fail standards of acceptable psychometric validity and reliability; that exam proctoring shall be done by independent proctors, at a minimum, members of the certification board not related to, in practice or association with, or having a financial interest in the applicant being tested; and that the grant or denial of certification is based on objective performance, skill, knowledge and merit of the candidate.
 6. The organization has an interest in the continuing proficiency of its members by requiring periodic recertification and documentation of continuing professional education hours as well as continued practice in the field of certification. These speciality fields include the American Diabetic Association Certified Diabetic Educators, persons certified by the American Society of Parenteral and Enteral Nutrition; and a fellow of the American Society of Clinical Nutrition.
 - (i) Makes false, unproven, or misleading claims about the validity, safety, or effectiveness of any dietetic or nutrition related service, product or test; or
 - (j) Fails to conspicuously identify the licensee by name in the advertisement; or
 - (k) Contains any other representation, statement, or claim which misleads or deceives.
- (3) Any licensee who advertises in the electronic media must insure that an exact copy of the audio tape or video tape, as applicable, is maintained and preserved for at least 90 days from the date the actual advertisement is aired on or shown through the electronic media.

Rulemaking Authority 468.507 FS. Law Implemented 468.518(1)(g), (h), (j) FS. History—New 12-4-90, Formerly 21M-50.002, Amended 6-22-94, Formerly 61F6-50.002, Amended 2-20-96, Formerly 59R-44.002, Amended 7-13-16.

64B8-44.003 Disciplinary Guidelines.

(1) Purpose. The legislature created the Board and the Council to assure protection of the public from persons who do not meet minimum requirements for safe practice or who pose a danger to the public. Pursuant to Section 456.079, F.S., the Board provides within this rule disciplinary guidelines upon applicants or licensees whom it regulates under Chapter 468, Part X, F.S. The purpose of this rule is to notify applicants and licensees of the ranges of penalties which will routinely be imposed unless the Board finds it necessary to deviate from the guidelines for the stated reasons given within this rule. Each range includes the lowest and highest penalty and all penalties falling between. The purposes of the imposition of discipline are to punish the applicants or licensees for violations and to deter them from future violations; to offer opportunities

for rehabilitation, when appropriate; and to deter other applicants or licensees from violations.

(2) Among the range of disciplinary actions are:

(a) Reprimand and a minimum administrative fine of \$100;

(b) Probation with conditions to include limitations on the type of practice or practice setting, requirement of supervision by a licensee of the Council as approved by the Board, employer and self reports, periodic appearances before the Board, counseling or participation in the Physician's Recovery Network, payment of administrative fines, and such conditions to assure protection of the public;

(c) Restriction of practice;

(d) Suspension for a minimum of ninety days and thereafter until the licensee appears before the Board to demonstrate current competency and ability to practice safely in compliance with any previous Board orders;

(e) Denial of licensure with conditions to be met prior to any reapplication;

(f) Permanent Revocation.

(3) Aggravating and Mitigating Circumstances. Based upon consideration of aggravating and mitigating factors present in an individual case, the Board may deviate from the penalties recommended below. The Board shall consider as aggravating or mitigating factors the following:

(a) Exposure of patients or public to injury or potential injury, physical or otherwise; none, slight, severe, or death;

(b) Legal status at the time of the offense; no restraints, or legal constraints;

(c) The number of counts or separate offenses established;

(d) The number of times the same offense or offenses have previously been committed by the licensee or applicant;

(e) The disciplinary history of the applicant or licensee in any jurisdiction and the length of practice;

(f) Pecuniary benefit or self-gain inuring to the applicant or licensee;

(g) Any efforts at rehabilitation, attempts by the licensee to correct or to stop violations, or refusal by the licensee to correct or to stop violations;

(h) Any other relevant mitigating factors.

(4) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

VIOLATION

**RECOMMENDED RANGE OF
PENALTY**

- (a) Violating Practice Act or Board or Department Rules.
(Section 468.518(1)(a), F.S.)
 - (a)1. From a minimum of six months' probation to revocation or denial of licensure, and an administrative fine from \$150.00 to \$1,000.00, depending on the seriousness of the underlying offense and the magnitude of the violation.
 - (a)2. After the first offense, a minimum of one year probation to revocation or denial of licensure, and an administrative fine from \$200.00 to \$1,000.00, depending on the seriousness of the underlying offense and the magnitude of the violation.

- (b) Inability to practice with skill and safety.
(Section 468.518(1)(b), F.S.)
 - (b) From submission to a mental or physical examination directed towards the problem, one year probation with conditions, possible referral to the PRN to revocation or denial, and an administrative fine from \$100.00 to \$1,000.00.

- (c) Attempting to procure a license by bribery, fraud, or misrepresentation or through error of the department or the council.
(Sections 468.518(1)(r), 456.072(1)(h), F.S.)
 - (c)1. Attempting to obtain an initial license by bribery or fraud.
 - (c)1. Denial of application and \$10,000.00.00 fine.
 - (c)2. Attempting to renew a license by bribery or fraud.
 - (c)2. For the first offense, from revocation of the license with ability to reapply upon payment of a \$10,000.00 fine to permanent revocation. After the first offense, permanent revocation and a \$10,000.00 fine.
 - (c)3. Obtaining or renewing a license by fraud.
 - (c)3. For the first offense, from revocation of the license with ability to reapply upon payment of a \$10,000.00 fine to permanent revocation. After the first offense, permanent revocation and a \$10,000.00 fine.
 - (c)4. Obtaining or renewing a license through error of the department or the council.
 - (c)4. Revocation.
 - (c)5. Obtaining or renewing a license through negligent misrepresentation.
 - (c)5. For the first offense, from a \$300.00 fine and 3 hours of continuing education on ethics to suspension and a reprimand and a \$1,000.00 administrative fine. After the first offense, from suspension and a reprimand and a \$3,000.00 fine to

revocation or denial of application.

- (d) Action taken against license by another jurisdiction.
(Section 468.518(1)(d), F.S.)
- (d) From imposition of discipline comparable to that which would have been imposed if the substantive violation had occurred in Florida to suspension or denial of license until it is unencumbered in the other jurisdiction, and an administrative fine from \$100.00 to \$1,000.00. Evaluations shall be required to determine the need for referral to PRN.
- (e) Conviction of a crime relating to the practice.
(Section 468.518(1)(e), F.S.)
- (e)1. From a one year probation with conditions to revocation or denial of the license and an administrative fine ranging from \$100.00 to \$1,000.00. Any Board ordered probation shall be for no less time than Court ordered sanctions.
- (e)2. After the first offense, from a three-year probation with conditions to revocation or denial of the license, and an administrative fine ranging from \$250.00 to \$1,000.00. Any Board ordered probation shall be for no less time than Court ordered sanctions.
- (f) Filing a false report or failing to file a report as required.
(Section 468.518(1)(f), F.S.)
- (f)1. Negligently filing a false report or failing to file a report as required.
- (f)1. For the first offense, from a letter of concern or denial of application to one (1) year probation and an administrative fine from \$300 to \$1,500.00. After the first offense, from one (1) year probation to revocation, and an administrative fine from \$1,500.00 to \$3,000.00.
- (f)2. Fraudulently filing a false report or failing to file a report as required.
- (f)2. For the first offense, from one (1) year probation to revocation or denial of application, and a \$10,000.00 fine. After the first offense, from suspension to revocation and a \$10,000.00 fine.
- (g) False, deceptive, or misleading advertising.
(Section 468.518(1)(g), F.S.)
- (g)1 Negligent false, deceptive or misleading advertising.
- (g)1. For the first offense, from a letter of concern to one (1) year suspension or denial of application, and an administrative fine from \$300.00 to \$1,500.00. After the first offense, from

- reprimand to up to one (1) year suspension or denial of application, and an administrative fine from \$1,500.00 to \$3,000.00.
- (g)2 Fraudulent false, deceptive or misleading advertising. (g)2. For the first offense, from reprimand to up to one (1) year suspension or denial of application, and an administrative fine of \$10,000.00. After the first offense, from suspension up to revocation and a fine of \$10,000.00.
- (h) Committing fraud in the practice. (Section 468.518(1)(h), F.S.) (h)1. From one year probation with conditions to revocation or denial of licensure and an administrative fine of \$10,000.00.
(h)2. After the first offense, from one year suspension followed by probation with conditions to revocation or denial of licensure, and an administrative fine of \$10,000.00.
- (i) Practicing on delinquent, revoked, suspended, or inactive license.(Section 468.518(1)(i), F.S.) (i)1. From a \$250.00 administrative fine to revocation.
(i)2. After the first offense, from a \$750.00 administrative fine to revocation.
- (j) Treating ailments by means other than dietetics and nutrition practice. (Section 468.518(1)(j), F.S.) (j)1. From one year suspension followed by at least one year probation with conditions to revocation or denial licensure, and an administrative fine from \$250 to \$1,000.00.
(j)2. For a second offense, two years suspension followed by at least one year probation with conditions to revocation or denial of licensure, and an administrative fine from \$400.00 to \$1,000.00.
(j)3. For a third offense, revocation or denial of licensure and an administrative fine from \$800.00 to \$1,000.00.
- (k) Failure to maintain acceptable standards of practice. (Section 468.518(1)(k), F.S.) (k)1. From one year probation with conditions to revocation or denial of a license, and an administrative fine from \$100.00 to \$1,000.00.
(k)2. After the first offense, a minimum of one year suspension followed by a minimum of one year probation with conditions to revocation or denial of a license, and an administrative fine from \$350.00 to

- \$1,000.00.
- (l) Kickbacks or split fee arrangements.
(Section 468.518(1)(l), F.S.)
- (l)1. From six months suspension followed by one year probation with conditions to revocation or denial of licensure, and an administrative fine from \$250.00 to \$1,000.00.
- (l)2. After the first offense, from one year suspension followed by two years of probation with conditions to revocation or denial of licensure, and an administrative fine from \$350.00 to \$1,000.00.
- (m) Advertising any experimental assessment or treatment.
(Section 468.518(1)(m), F.S.)
- (m)1 From suspension to revocation or denial of licensure, and an administrative fine from \$500.00 to \$1,000.00.
- (m)2 For a second offense, revocation or denial of licensure, and an administrative fine from \$750.00 to \$1,000.00.
- (n) Failure to keep written medical records.
(Rule 64B8-44.004, F.A.C.)
- (n)1. From probation with conditions to denial or one year suspension followed by a minimum of one year probation with conditions and an administrative fine from \$100.00 to \$1,000.00.
- (n)2. After the first offense, from one year suspension followed by a minimum of one year probation with conditions to revocation or denial of a license, and an administrative fine from \$400.00 to \$1,000.00.
- (o) Sexual misconduct.
(Sections 456.063, 456.072(1)(v), F.S.)
- (o)1. From one year probation with conditions to revocation or denial of licensure, and an administrative fine from \$500.00 to \$1,000.00. Evaluations shall be required to determine the need for referral to PRN.
- (o)2. For a second offense, from one year suspension followed by a minimum of one year probation with conditions to revocation or denial of licensure, and an administrative fine from \$800.00 to \$1,000.00. Evaluations shall be required to determine the need for referral to PRN.
- (o)3. After the second offense, revocation of license and a fine of \$1,000.00.
- (p) Failing to report in writing within 30 days after the licensee has been convicted or found
- (p)1. From a \$100.00 administrative fine to revocation or denial of a license.

guilty of, or has entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction.

(Section 456.072(1)(x), F.S.)

- (q) Testing positive for drugs on employment drug screening.

(Section 456.072(1)(aa), F.S.)

- (r) Being terminated from or failing to successfully complete an impaired practitioners treatment program.

(Section 456.072(1)(hh), F.S.)

- (s) Performing or attempting to perform health care services on the wrong patient, a wrong procedure, an unauthorized procedure, or a procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition.

(Section 456.072(1)(bb), F.S.)

- (t) Failure to notify patients of practioner's license type or failure to identify license type in advertisement that names a practioner.

(Section 456.072(1)(t), F.S.)

- (u) Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, under 18 U.S.C. s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 U.S.C. ss. 1320a-7b, relating to

- (p)2. After the first offense, from a \$250.00 administrative fine to revocation or denial of a license.

- (q) From submission to a mental or physical examination directed towards the problem and one year probation with conditions, to revocation or denial, and administrative fine from \$100.00 to \$1,000.00.

- (r) First offense: Minimum stayed suspension and probation for a period of one (1) year with a fine of \$500.00 to a maximum of suspension or denial of license until successful completion or receipt of a written confirmation from the program that further treatment is neither required nor indicated followed by a one (1) year probation and a fine of \$1,500.00.

Subsequent offenses: Minimum suspension for three (3) years or until licensee is able to demonstrate to the Board the ability to practice with reasonable skill and safety, whichever is longer and a fine of \$1,000.00 to a maximum of revocation or denial of license and a \$3,000.00 fine.

- (s) For the first offense, from 1 year probation with conditions and a \$1,000.00 fine to 1 year suspension, 2 years probation and a \$5,000.00 fine. For the second offense, from 1 year suspension, 2 years probation with conditions and a \$5,000.00 fine to revocation and a \$10,000.00 fine.

- (t) First offense from letter of concern to 1 year suspension and an administrative fine of \$300.00 to \$1,500.00.00. After first offense from reprimand to 3 year suspension and an administrative fine of \$1,500.00.00 to \$3,000.00.

- (u) Revocation or non-renewal or denial of the initial license and a fine of \$10,000.00.

the Medicaid program.

(Section 456.072(1)(ii), F.S.)

- | | |
|---|---|
| (v) Failing to remit the sum owed to the state for an overpayment from the Medicaid Program pursuant to a final order, judgment, or stipulation or settlement.

(Section 456.072(1)(jj), F.S.) | (v) For the first offense, one year of probation, with conditions and a \$2,500.00 fine. For the second offense, one year of suspension and a \$5,000.00 fine. |
| (w) Being terminated from the state Medicaid Program pursuant to Section 409.913, F.S., any other state Medicaid program, or the federal Medicare program, unless eligibility to participate in the program from which the practitioner was terminated has been restored.

(Section 456.072(1)(kk), F.S.) | (w) Revocation or non-renewal or denial of the initial license and a fine of \$10,000.00. |
| (x) Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which related to health care fraud.

(Section 456.072(1)(ll), F.S.) | (x) Revocation or non-renewal or denial of the initial license and a fine of \$10,000.00. |
| (y) Willfully failing to comply with Section 627.64194 or 641.513, F.S., with such frequency as to indicate a general business practice.

(Section 456.072(1)(oo), F.S.) | (y) For the first offense, one year of probation, with conditions and a \$2,500.00 fine. For the second offense, one year of suspension and a \$5,000.00 fine. For a third offense, revocation. |

(5) Stipulations or Settlements. The provisions of this rule are not intended and shall not be construed to limit the ability of the Board to dispose informally of disciplinary actions by stipulation, agreed settlement, or consent order pursuant to Section 120.57(4), F.S.

Rulemaking Authority 456.072, 456.079, 458.309, 468.507 FS. Law Implemented 456.072, 456.079, 468.518(1), (2) FS. History—New 12-4-90, Formerly 21M-50.003, Amended 6-22-94, Formerly 61F6-50.003, 59R-44.003, Amended 3-16-98, 8-19-99, 9-28-00, 9-26-01, 2-13-03, 4-10-06, 1-8-07, 5-13-10, 7-13-16, 6-5-17.

64B8-44.0035 Payment of Fine.

All fines imposed by the Board shall be paid within thirty (30) days from the date of the final order entered by the Board unless the final order extends the deadline in any given case.

Rulemaking Authority 456.072(3), 468.507, 468.518(2)(c) FS. Law Implemented 456.072(3), 468.518(2)(c) FS. History—New 2-21-99.

64B8-44.004 Documentation.

(1) All licensees shall keep written patient records which shall include the nutrition assessment, the nutrition counseling plan, dietary orders, nutrition advice, patient progress notes, recommendations related to the patient's health or the patient's food or supplement intake, and any patient examination or test results.

(2) Prior to implementing a dietary or nutrition plan for a condition, the licensee must inquire whether the patient is under the active care of a licensed medical doctor, osteopathic physician, or chiropractic physician for that condition, and secure a written or oral dietary or nutrition order of the referring physician or the licensee must have been granted nutrition ordering privileges by the medical staff of a licensed care facility. If prior authorization is not practicable, the licensee may use professional discretion in providing nutrition services until authorization is obtained from the physician. The requirements of this subsection must be fully and completely documented in the patient's record.

(3) Upon recognition that a patient who is not already under the care of a medical doctor, osteopathic physician, or chiropractic physician has a condition which is treatable within the scope of practice of any of these three health care providers, the licensee must refer the patient to one or more of these providers. The requirements of this subsection must be fully and completely documented in the patient's record.

(4) The licensee shall sign and date all patient records.

(5) The licensee shall keep in confidence whatever he may learn about a patient in the discharge of professional duties and keep all patient records confidential. Information shall be divulged by the licensee when required by law, rule of the Board, or authorized by the patient.

(6) Inaccurate recording, falsifying or altering patient records including the nutrition assessment and documents required by this rule shall constitute a failure to maintain acceptable standards of practice.

Rulemaking Authority 468.507 FS. Law Implemented 468.516, 468.518(1)(f), (h), (k) FS. History--New 1-1-92, Formerly 21M-50.004, Amended 6-22-94, Formerly 61F6-50.004, 59R-44.004, Amended 8-15-16.

64B8-44.005 Citations.

(1) "Citation" means an instrument which meets the requirements set forth in Section 456.077, F.S., and which is served upon a licensee for the purpose of assessing a penalty in an amount established by this rule.

(2) In lieu of the disciplinary procedures contained in Section 456.073, F.S., the Department may issue a citation to the subject within six (6) months after the filing of the complaint which is the basis for the citation.

(3) The citation may be served upon the licensee by hand delivery or certified mail at the licensee's last known home address. If service by certified mail fails because the licensee has relocated without leaving a forwarding address, then the Department shall endeavor to give the subject actual or constructive notice of the pending disciplinary action as permitted by law.

(4) The Board designates the following as citation violations:

(a) Failure to renew license during which time the person continues to practice up to sixty (60) days – a fine of \$100.

(b) Tendering a dishonored check or electronic payment to the Department for payment of licensure or renewal – a fine of \$100.

(c) Failure to notify the Department of a change of address within sixty (60) days – a fine of \$100.

(d) Falsely certifying timely completion of required continuing education courses for renewal or initial licensure, if completed by the time the citation is to be issued – a fine of \$100 per contact hour wrongfully claimed.

(e) Failure to comply with continuing education requirements:

1. Fines:

a. Failure to complete less than nine (9) hours, a fine of \$300.

b. Failure to complete between nine (9) and sixteen (16) hours, a fine of \$600.

c. Failure to complete between seventeen (17) and twenty-four (24) hours, a fine of \$1,000.

2. Licensee must submit full payment of the fine and costs within ninety (90) days of the date the citation was issued.

3. Licensee must provide proof of completion of the deficient hours within ninety (90) days of the date the citation was issued.

(f) Failure to timely pay required fees and fines – a fine of \$100.

(g) Failure to comply with advertising requirements – a fine of \$100.

(h) Failure to display signs, licenses and permits – a fine of \$100.

(4) In addition to the penalties established in this rule, the Department may recover the costs of investigation in accordance with its rules. When the Department intends to assess the costs of investigation, the penalty specified in the citation shall be the sum of the penalty established by this rule plus the Department's cost of investigation.

(5) If the subject disputes any matter contained in the citation within thirty (30) days after service, the Department shall follow the procedure set forth in Section 456.073, F.S.; otherwise, the citation shall become a final order of the Board.

Rulemaking Authority 456.077, 468.507 FS. Law Implemented 456.077, 468.517, 468.518 FS. History—New 1-1-92, Formerly 21M-50.005, 61F6-50.005, 59R-44.005, Amended 9-26-01, 3-25-02, 7-17-05, 4-10-06, 7-8-09, 2-3-10, 8-20-14.

64B8-44.0055 Notice of Non-Compliance – Minor Violations.

(1) A Notice of noncompliance is a notification by the department issued to a licensee as a first response to a minor violation of Board rule. It is not accompanied by a fine or other disciplinary penalty.

(2) The Board designates the following as minor violations for which a notice of noncompliance may be issued for the first violation thereof:

(a) Failure to notify the Department of a change of address within 60 days, in violation of Rule 64B8-40.008, F.A.C.

(b) Failure to display license, in violation of Rule 64B8-44.002, F.A.C.

Rulemaking Authority 120.695, 456.073(3), 468.507 FS. Law Implemented 120.695, 456.073(3) FS. History–New 2-19-18.

64B8-44.006 HIV/AIDS: Knowledge of Antibody Status; Action to be Taken.

Rulemaking Authority 468.507, 456.032 FS. Law Implemented 456.032, 468.518(1)(b) FS. History–New 11-9-92, Formerly 21M-50.006, 61F6-50.006, 59R-44.006, Repealed 7-13-16.

64B8-44.007 Standards of Practice.

Licensees, under Chapter 468, Part X, F.S., shall comply with the following standards in their professional practice and conduct.

(1) The licensee shall maintain confidentiality of information.

(2) The licensee shall recognize and exercise professional judgement within the limits of the licensee’s qualifications and seek counsel or make referrals as appropriate.

(3) The licensee shall take reasonable action to inform a patient’s physician or encourage the patient to consult the physician where a patient’s nutritional status indicated a change in health status or new information about the health status has surfaced. This shall be documented in the patient’s record.

(4) The licensee shall accurately present professional qualifications and credentials. The licensee shall use “LD,” “LN,” “LNC,” “RD” or “Registered Dietitian,” or “RDN” only when licensure is current and authorized by the Council, Board, and Department.

(5) The licensee shall permit use of that licensee’s name to certify that professional services have been rendered only if the licensee has provided or supervised those services.

(6) The licensee shall be responsible for all delegated acts performed by persons under either direct or indirect supervision. Supervision means the licensee oversees the activities of those persons and gives final approval to any procedures by non-licensed supportive personnel. Direct supervision means on-site supervision.

(7) Licensees shall not maintain clinical laboratories or collect or order analysis of any human specimen sample unless they also hold licensure as designated practitioners defined by Section 483.035(1) or 483.041(7), F.S.

(8) Any modality such as naturopathy or colonic irrigation shall be performed only if the individual is properly licensed by the Department. These practices are not within the scope of dietetics/nutrition practice.

(9) The licensee’s initial nutritional assessment of a patient must be done in a face-to-face setting, and may not be done by telephone, fax, or internet, except through use of a two point or multiple point video-conferencing system to provide each participant with a video camera, microphone and speakers which allow video and audio communication between all participants as if they were virtually seated in the same room. Communication between the patient and the licensee subsequent to the initial nutritional assessment may be accomplished either face-to-face or by other means, in the reasonable clinical judgment of the licensee. Federal programs that are federally funded are exempt from this subsection, so long as the administration of the program follows the dictates of the federal statutes and rules applicable to the program.

Rulemaking Authority 456.072(1)(t), 468.503(4), 468.507, 468.516(1)(a), (2)(a) FS. Law Implemented 456.072(1)(t), 468.503(4), 468.516, 468.517, 468.518 FS. History–New 6-22-94, Formerly 61F6-50.007, Amended 2-20-96,

Formerly 59R-44.007, Amended 7-14-03, 4-26-04, 1-8-07, Amended 7-6-10, 7-13-16.

64B8-44.008 Performance of Delegated Tasks by Non-Licensed Personnel.

Rulemaking Authority 468.507 FS. Law Implemented 468.503(5), 468.511, 468.517, 468.518(1)(k) FS. History—New 2-28-93, Formerly 21M-50.008, 61F6-50.008, 59R-44.008, Repealed 7-13-16.

64B8-44.009 Unauthorized Treatments.

Rulemaking Authority 468.507 FS. Law Implemented 468.503(3), (4), (8) FS. History—New 6-22-94, Formerly 61F6-50.009, Amended 2-20-96, Formerly 59R-44.009, Repealed 7-13-16.

64B8-44.010 Mediation.

The Board finds that mediation is an acceptable resolution of the following first time violations that are economic in nature or can be remedied by the licensee:

(1) Failure to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome.

(2) Permitting a license to become delinquent for fewer than thirty (30) days, provided the licensee has not practiced, attempted to practice or offered to practice the profession during the delinquency period.

(3) Failure to promptly return a license or certificate to the Department.

(4) Failure to keep license conspicuously displayed in licensee's office, place of business or place of employment.

(5) Failure to timely pay fines or costs imposed in a final order.

(6) Advertising violations.

(7) Overcharging for patient records.

(8) Tendering a dishonored check or electronic payment to the Department for payment of licensure or renewal.

(9) Failure to notify the Department of a change of address within sixty (60) days.

Rulemaking Authority 456.078, 468.507 FS. Law Implemented 456.078 FS. History—New 12-28-94, Formerly 59R-44.010, Amended 8-20-14.

CHAPTER 64B8-45 CONTINUING EDUCATION

64B8-45.001 General Requirements

64B8-45.002 Continuing Education Approval

64B8-45.004 Continuing Education Requirements for Reactivation of an Inactive or Delinquent License

64B8-45.005 Performance of Pro Bono Services

64B8-45.001 General Requirements.

(1) As a condition of biennial licensure renewal all licensees shall complete a minimum of thirty (30) hours of continuing education in dietetics and nutrition practice within the twenty-four (24) month period prior to the expiration date of the license, of which no more than ten (10) hours may be in management, risk management, personal growth, and educational techniques. Up to twenty (20) hours of credit shall be accepted per biennium for approved home study courses. Those persons certified for licensure in the second half of the biennium are exempt from the continuing education requirements for that biennium. One hour of continuing education equals a minimum of fifty (50) minutes of instruction.

(2) Home study education is independent study and requires a certificate of completion and an examination. Web based, satellite transmitted, video or audio transmitted or on line instruction programs that allow or require the licensee to interact or communicate back and forth with the instructor during the presentation of the program are not considered home study education, but can be counted as continuing education.

(3) By renewing the license, the licensee is stating that he or she has completed the required hours.

(4) The licensee shall retain for 4 years certificates of attendance or other records to document the completion of the continuing education requirement.

(5) Failure to document compliance with the continuing education requirements or the furnishing of false or misleading information regarding compliance shall be grounds for disciplinary action.

(6) If prior to biennial renewal a licensee has any extenuating circumstance such as catastrophic illness or extreme situations beyond the control of the licensee, the Council shall consider the situation on an individual basis.

(7) Two (2) hours of the required thirty contact hours per biennium shall relate to prevention of medical errors, including a study of root-cause analysis, error reduction and prevention, and patient safety. If the course is being offered by a facility licensed pursuant to Chapter 395, F.S., for its employees, up to one hour of the two-hour course may be specifically related to error reduction and prevention methods used in that facility.

Rulemaking Authority 456.013(7), (8), (9), 468.507 FS. Law Implemented 456.013(7), (8), (9), 468.514, 468.515 FS. History—New 12-5-90, Amended 1-1-92, 9-24-92, 5-6-93, Formerly 21M-51.001, Amended 9-28-93, Formerly 61F6-51.001, Amended 1-2-95, 11-12-95, Formerly 59R-45.001, Amended 9-26-01, 3-4-02, 3-24-03, 4-30-06, 7-8-09, 2-3-10, 6-26-13.

64B8-45.002 Continuing Education Approval.

(1) Continuing education credit shall be awarded for educational experiences received through the following methods:

(a) By attendance and participation in any of the following dietetics or nutrition practice courses approved by the Board effective June 1, 2017:

1. Organized courses of post graduate study offered by or approved subsequent to May 31, 2011 by the American Medical Association's Liaison Committee for Medical Education;

2. Organized courses sponsored or approved subsequent to May 31, 2011 by the Public Health Service, state or territorial health services, or a branch of the United States Armed Services;

3. College courses from an approved graduate or undergraduate program which is accredited by an accrediting agency approved by the United States Department of Education or courses approved by any Board within the Division of Medical Quality Assurance of the Florida Department of Health which relate to the maintenance of skills necessary for the safe and competent practice of dietetics and nutrition services, the licensee shall receive 15 continuing education credits for each semester hour of the course.

4. Organized courses offered or approved subsequent to May 31, 2011 by the Commission on Dietetic Registration, or the Board for Certification of Nutrition Specialists.

(b) Attendance of a minimum of two hours at a scheduled public meeting of the Dietetics and Nutrition Practice Council, up to a maximum of 2 hours per biennium.

(c) A licensee who successfully completes a dietetic-related advanced certification exam offered or approved by the Commission on Dietetic Registration shall receive 28 hours of continuing education in the biennium in which the certification was awarded.

(d) In addition to the continuing education credits authorized above, any volunteer expert witness who is providing expert witness opinions for cases being reviewed pursuant to Chapter 468, Part X, F.S., shall receive 2.5 hours of credit per case for performing a literature survey of at least two articles in conjunction with the review of cases for the Board up to a total of 5 hours per biennium.

(2) A lecturer or author presenting or authoring for the initial presentation a Board approved continuing education program that meets the requirements of subsection (1), shall receive three hours continuing education credit for every one hour of program up to a maximum of fifteen hours of credit per biennium.

(3) A preceptor may earn 2 hours of continuing education credit for each 100 hours of supervised practice experience, up to a maximum of 8 hours per biennium. To be eligible for the credit, the preceptor must participate as the primary preceptor for a potential licensee. The primary preceptor is expected to maintain documentation of the persons trained, number of hours supervised, subject matter, and dates of training.

(4) Acceptable subject matter for continuing education programs include:

(a) Updates of knowledge and skills in dietetics and nutrition practice for competent performance beyond the minimum requirements for licensure;

(b) Food preparation that focuses on nutritional value;

(c) Nutrition with specialized populations;

(d) Assessment and treatment of various dietary and nutritional disorders;

(e) Innovative marketing strategies in dietetics and nutrition practice;

(f) Food service systems management.

(5) Nonacceptable subject matter for continuing education programs include:

(a) Professional association business meetings or delegate reports;

- (b) Menu planning;
- (c) Food service sanitation;
- (d) Cooking demonstrations;
- (e) Sales presentation on a company's new product;
- (f) Programs intended for or by the lay public.

Rulemaking Authority 456.013(7), (8), (9), 468.507 FS. Law Implemented 456.013, 468.514, 468.515 FS. History—New 12-5-90, Amended 1-1-92, 9-24-92, Formerly 21M-51.002, Amended 11-4-93, Formerly 61F6-51.002, Amended 12-28-94, 11-12-95, Formerly 59R-45.002, Amended 9-26-01, 5-22-06, 7-8-09, 6-26-13, 3-28-18.

64B8-45.004 Continuing Education Requirements for Reactivation of an Inactive, Retired or Delinquent License.

Any person seeking to reactivate an inactive, retired or delinquent license must submit proof of successful completion of fifteen hours per year of continuing education approved pursuant to this rule chapter for each year of inactive status.

Specific Authority 456.036, 468.507, 468.515(3) FS. Law Implemented 456.036, 468.515 FS. History—New 9-28-93, Formerly 61F6-51.004, Amended 11-12-95, Formerly 59R-45.004, Amended 5-22-06.

64B8-45.005 Performance of Pro Bono Services.

(1) Up to six (6) hours per biennium of continuing education credit may be fulfilled by the performance of pro bono services to the indigent as provided in Section 456.013(9), F.S., or to underserved populations, or in areas of critical need within the state where the licensee practices.

(2) In order to receive credit under this rule, licensees must make application to the Council and receive approval in advance. One hour credit shall be given for each two hours worked. In the application for approval, licensees shall disclose the type, nature and extent of services to be rendered, the facility where the services will be rendered, the number of patients expected to be serviced, and a statement indicating that the patients to be served are indigent. If the licensee intends to provide services in underserved or critical need areas, the application shall provide a brief explanation as to those facts.

Rulemaking Authority 456.013(9), 468.507 FS. Law Implemented 468.514, 456.013(9) FS. History—New 9-28-93, Amended 2-8-94, Formerly 61F6-51.005, 59R-45.005, Amended 9-26-01, 12-23-01, 6-26-13.

64B8-45.006 Continuing Education on HIV/AIDS.

(1) For the first renewal of licensure, licensees must complete a three hour course on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) within the 24-month period prior to the expiration date of the license.

(2) Each course on HIV/AIDS shall meet the requirements of Section 456.033, F.S.

(3) Courses approved by any Board within the Division of Medical Quality Assurance of the Department of Health pursuant to Section 456.033, F.S., are recommended by the Council and approved by the Board.

Rulemaking Authority 456.033 FS. Law Implemented 456.033 FS. History—New 6-12-01, Amended 7-22-02, 1-8-07.