

The Florida

Dietetics Nutrition Practice Council

Rules Workshop Minutes

August 24, 2017

Telephone Conference Call

1-888-670-3525

Participant Code 7811783909 #

Stephanie Petrosky, MHA, RDN, LDN
Chair

Carol Elliott, RDN, LDN, FAND
Vice Chair

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DEPARTMENT OF HEALTH DIETETICS AND NUTRITION PRACTICE COUNCIL RULES WORKSHOP AUGUST 24, 2017

Participants in this public meeting should be aware that these proceedings are being recorded and that an audio file of the meeting will be posted to the council's website.

10:30 a.m. EST

Call to order – Rules Workshop

Ms. Petrosky called the meeting to order at 10:30 a.m. Ms. Karpp conducted roll call.

MEMBERS PRESENT

Stephanie Petrosky, MHA, RD/LDN,
FAND, Chair
Carol Elliott, RDN, LDN, FAND, Vice-Chair
Stephanie Norris, MS, RDN, LDN
Linda Gammon, LNC
Linda Rex- Present at 10:54 a.m.

STAFF PRESENT

Diane Guillemette, Assistant Attorney General
Allen Hall, Executive Director
Kayla Karpp, Regulatory Supervisor/Consultant

OTHER'S PRESENT

Judy Stone, Board for Certification of Nutrition Specialists (BCNS)
Louanne Seraga-Walters, Future applicant
Christine Stapell, Florida Academy of Nutrition and Dietetics
Debra Short
Nancy Spyker, WIC

RULES REVIEW AND/OR DEVELOPMENT

1. 64B8-42.002, F.A.C., Licensure by Examination

Ms. Petrosky opened the floor for Council members with questions or comments pertaining to the proposal.

Ms. Norris asked if the proposed language will increase the number of applications requiring review at council meetings.

Ms. Petrosky stated that that she believes the volume will be manageable.

Ms. Elliott and Ms. Gammon agreed with the Chair.

Ms. Rex joined the call at 10:54 a.m.

Discussion ensued between the Council members, Ms. Guillemette, staff and the public.

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MOTION: After discussion, Ms. Norris moved to approve the proposed rule language and directed counsel to proceed with rulemaking. The motion was seconded by Ms. Elliott and carried 5/0.

MOTION: Ms. Petrosky moved the rule would not have an adverse impact on small business nor was it likely to increase regulatory costs to any entity (including government) in excess of \$200,000 in Florida within 1 (one) year after the implementation of the rule. The motion was seconded by Ms. Elliott and carried 5/0.

MOTION: Ms. Petrosky moved that a violation of this rule, or any part of this rule, would not be designated a minor violation. The motion was seconded by Ms. Elliott and carried 5/0.

64B8-42.002 Licensure by Examination.

(1) Every applicant for certification by examination shall file the Application for Dietitian/Nutritionist Licensure, DOH Form DH-MQA 1161, ND APP, Rev. ~~07/2017~~ 07/2016, 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-07180> 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 subsection (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 subsection (3) and (4) or (5).

(2) An equivalent major as referenced in 468.509(2)(a)1., F.S. mentioned in subparagraph 64B8-42.002(1)(a)1., F.A.C., 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;

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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 license dietitian/nutritionist, or equivalently prepared, if supervised practice was in another jurisdiction. 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 Sections 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 the supervised practice requirement as explained in (3) and (4) of this rule, an applicant may provide proof of education or experience equivalent to the 900 hours of preprofessional experience. The education or experience necessary to satisfy this prong, must be in addition to the education necessary to meet the requirements of 468.509(2)(a)1, or (2)(b)1., F.S. Applicant must list the clinical and community nutrition education or experience in detail.

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

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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, _____.

2. 64B8-45.002, F.A.C., Continuing Education Approval

Ms. Petrosky opened the floor for comments pertaining to the proposal.

Discussion ensued between the Council members, Ms. Guillemette, staff and the public.

MOTION: After discussion, Ms. Norris made a motion to approve the proposed rule language and directed counsel to proceed with rulemaking. The motion was seconded by Ms. Elliott and carried 5/0.

MOTION: Ms. Petrosky moved to add a reference to the Board for Certification of Nutrition Specialists (BCNS) which would allow licensees to obtain continuing education for organized courses offered or approved by BCNS. The motion was seconded by Ms. Elliott and carried 5/0.

MOTION: Ms. Petrosky moved the rule would not have an adverse impact on small business nor was it likely to increase regulatory costs to any entity (including government) in excess of \$200,000 in Florida within one (1) year after the implementation of the rule. The motion was seconded by Ms. Rex and carried 5/0.

Ms. Norris left the call at approximately 11:51 p.m.

MOTION: Ms. Petrosky moved that a violation of this rule, or any part of this rule, would not be designated a minor violation. The motion was seconded by Ms. Elliott and carried 4/0.

The language provided below represents language presented and approved at the meeting but does not reflect the additional changes that will incorporate the inclusion of the Board for Certification of Nutrition Specialists (BCNS).

64B8-45.002 Continuing Education Approval.

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

(a) By participating in one of the following dietetics or nutrition practice courses:

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 and which course clearly relates to maintaining 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 **by** or approved **subsequent to May 31, 2011** by the Commission on Dietetic Registration.

(b) Attendance of a minimum of two hours at a scheduled public meeting of the Dietetics and Nutrition

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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)(c) 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. 64B8-44.007, F.A.C., Standards of Practice

The Council discussed the rule as it relates to telehealth and noted that the Department of Health and other agencies are currently gathering information on this issue. The consensus of the Council was to take no action on the rule.

Ms. Guillemette directed the Council to additional discussion of rule 64B8-42.002, F.A.C., Licensure by Examination. She requested a vote on the revised licensure application so it may be presented to the Board of Medicine.

MOTION: After discussion, Ms. Elliott moved to approve the changes to the application. The motion was seconded by Ms. Gammon and carried 4/0.

Council staff was delegated to make any needed technical changes before final submission to Ms. Guillemette.

MOTION: Ms. Petrosky moved the rule would not have an adverse impact on small business nor was it likely to increase regulatory costs to any entity (including government) in excess of

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\$200,000 in Florida within 1(one) year after the implementation of the rule. The motion was seconded by Ms. Elliot and carried 4/0.

MOTION: Ms. Petrosky moved that a violation of this rule, or any part of this rule, would not be designated a minor violation. The motion was seconded by Ms. Elliott and carried 4/0.

The meeting adjourned at 12:10 p.m.