

Arkansas Dietetics Practice Act

Subchapter 1 – General Provisions

17-83-101. Short Title and Citation.

This chapter shall be known and may be cited as the “Dietetics Practice Act”.

17-83-102. Intent of Provisions.

(a) It is the purpose of this chapter to protect the health, safety, and welfare of the public by providing for the licensing and regulation of persons engaged in the practice of dietetics.

(b) Nothing in this chapter shall prevent the furnishing of general nutritional information on food, food materials, or dietary supplements or the explanation to customers about foods or food products in connection with the sale, marketing, and distribution of those products.

17-83-103. Definitions.

As used in this chapter:

(1) “Academy” means the Arkansas Academy of Nutrition and Dietetics;

(2) “Commission on Dietetic Registration” means the Commission on Dietetic Registration that is a national certifying agency for voluntary professional credentialing in dietetics and a member of the Institute for Credentialing Excellence;

(3) “Degree” means a degree received from a United States college or university that was regionally accredited at the time the degree was conferred;

(4) “Dietetic technician” means one who has completed a dietetic technician program and has

received a two-year associate degree from a regionally accredited college or university;

(5) “Dietetics practice” means the integration and application of the principles derived from the sciences of nutrition, biochemistry, food, physiology, management, and behavioral and social sciences to achieve and maintain people’s health through the provision of nutrition care services;

(6) “Dietitian” means one engaged in dietetics practice;

(7) “Institute for Credentialing Excellence” means the national organization that establishes national standards for certifying bodies that attest to the competence of individuals who participate in the healthcare delivery system, grants recognition to certifying bodies that voluntarily apply and meet the established standards, and monitors the adherence to those standards by the certifying bodies that it has recognized;

(8) “Licensed dietitian” means a person licensed under this chapter;

(9) “Nutrition care services” means:

(A) Assessing the nutritional needs of individuals and groups of humans and determining resources and constraints in the practice setting;

(B) Establishing priorities, goals, and objectives that meet nutritional needs of humans and are consistent with available resources and constraints;

(C) Providing nutrition counseling to humans in health and disease;

(D) Developing, implementing, and managing nutrition care of, and food service systems for, humans; and

(E) Evaluating, making changes in, and maintaining appropriate standards of quality in food and nutrition care services for humans;

(10) “Nutrition counseling” means advising and assisting individuals or groups concerning appropriate nutritional intake by integrating information from the nutritional assessment with information on food and other sources of nutrients and meal preparation consistent with cultural background and socioeconomic status;

(11) “Nutritional assessment” means the evaluation of the nutritional needs of individuals and groups, based upon appropriate biochemical, anthropometric, physical, and dietary data, to determine nutrient needs and recommend appropriate nutritional intervention, including enteral and parenteral nutrition;

(12) “Provisionally licensed dietitian” means a person provisionally licensed under this chapter; and

(13) “Registered dietitian” means a person registered by the Commission on Dietetic Registration.

17-83-104. Exemptions.

This chapter does not affect or prevent:

(1) Dietetics students who engage in clinical practice under the supervision of a dietitian as part of a dietetic education program approved or accredited by the Academy of Nutrition and Dietetics and approved by the Arkansas Dietetics Licensing Board;

(2) A dietitian who is serving in the armed forces or the United States Public Health Service or is employed by the Department of Veterans Affairs from engaging in the practice of dietetics, provided that the practice is related to that service or employment;

(3) A cooperative extension home economist from performing nutrition tasks incidental to the practice of his or her profession, if the person does not hold himself or herself out under the title of dietitian or licensed dietitian;

(4) A licensed physician, pharmacist, or nurse from engaging in the practice of dietetics if incidental to the practice of his or her profession, and if the person does not hold himself or herself out under the title of dietitian or licensed dietitian;

(5) A person employed by, supervised by, under the guidance of, or in consultation with a licensed dietitian, such as a dietetic technician, home economist, dietary manager, or food service supervisor, from performing nutrition tasks in the practice of his or her profession, if the person does not hold himself or herself out under the title of dietitian or licensed dietitian;

(6) A person who has received a doctoral degree from a regionally accredited United States college or university in or with a concentration in human nutrition, food and nutrition, dietetics, public health nutrition, or food systems management;

(7) A nonresident dietitian practicing dietetics in this state, if:

(A) The dietetics are performed for no more than one hundred eighty (180) consecutive working days; and

(B) The dietitian:

(i) Is licensed under the laws of another state that has licensure requirements at least as stringent as the requirements of this chapter, as determined by the board; or

(ii) Has met qualifications as specified in this chapter for the practice of dietetics;

(8) A person who offers weight control programs prepared under the supervision of or approved by a registered dietitian or a licensed dietitian who is licensed under the laws of this state or another state that has licensure requirements at least as stringent as the requirements of this chapter, as determined by the board, if the person does not hold himself or herself out under the title of dietitian or licensed dietitian;

(9) A person employed by a hospital or long-term care facility licensed by the Department of Health or the Department of Human Services and operating under the rules of the Department of Health or the Department of Human Services if the person's practice of dietetics is related to the employment;

(10) A person employed by a facility that is operated by and for those who rely exclusively upon treatment by prayer alone for healing in accordance with the tenets or practices of any recognized religious denomination if the person's practice of dietetics is related to the employment;

(11) A person who has received a doctoral degree from a regionally accredited United States college or university in or with a concentration in animal nutrition and whose practice is related to the degree;

(12) A healthcare professional or nutritionist from engaging in dietetics practice without a license under this chapter;

(13) The sale of vitamins, over-the-counter healthcare products, or food supplements by persons who are not licensed under this chapter; or

(14) Nutritionists from advising customers in regard to vitamins, over-the-counter healthcare products, or food supplements.

17-83-105. Violations of provisions.

The following acts shall constitute violations of this chapter:

(1) Representing oneself to be a dietitian or licensed dietitian, using the words "dietitian" or "provisional licensed dietitian" alone or in combination, or using the initials, "L.D." or "P.L.D." or any other letters, words, abbreviations, or insignia indicating that he or she is a dietitian, unless he or she is duly licensed as such under this chapter;

(2) Practicing or attempting to practice dietetics without having first been licensed or otherwise permitted under this chapter;

(3) Obtaining or attempting to obtain a license or renewal of a license by bribery or fraudulent representation; and

(4) Knowingly making a false statement on any form promulgated under this chapter or the rules promulgated under this chapter.

17-83-106. Enforcement of Provisions.

(a) Violations of this chapter shall constitute Class A misdemeanors.

(b)(1) The Arkansas Dietetics Licensing Board shall assist the prosecuting attorney in the enforcement of this chapter.

(2) Any member of the board may present evidence of a violation to the appropriate prosecuting attorney.

Subchapter 2 – Arkansas Dietetics Licensing Board

17-83-201. Creation – Composition.

(a) There is hereby created the Arkansas Dietetics Licensing Board, to commence operations on January 1, 1990.

(b) The Arkansas Dietetics Licensing Board shall consist of five (5) persons, all of whom are Arkansas residents, with the following qualifications:

(1) Three (3) members who are licensed dietitians; and

(2) Two (2) members who are representatives of the public at large, including:

(A) One (1) member who is not actively engaged in or retired from the field of dietetics, to represent consumers; and

(B) One (1) member who is sixty (60) years of age or older, who is not actively engaged in or retired from the field of dietetics, to represent the elderly.

(c) The members shall be appointed by the Governor from the state at large subject to confirmation by the Senate and shall serve terms of five (5) years each.

(d)(1) The Governor shall consult the Board of Directors of the Arkansas Academy of Nutrition and Dietetics before appointing the three (3) members who are licensed dietitians.

(2) Each of the board members who are licensed dietitians shall have been practicing dietitians for at least five (5) years preceding his or her appointment.

(e)(1) Members of the Arkansas Dietetics Licensing Board may be removed from office by the Governor for cause.

(2) In case of death, resignation, or removal, the vacancy of the unexpired term shall be filled by the Governor in the same manner as other appointments.

(3) A person chosen to fill a vacancy shall be appointed only for the unexpired terms of the Arkansas Dietetics Licensing Board member replaced.

(4) No members shall serve more than two (2) consecutive terms.

(f) Each member of the Arkansas Dietetics Licensing Board may receive expense reimbursement in accordance with [§ 25-16-901 et seq.](#) However, expenses shall in no case exceed the fees collected by the Arkansas Dietetics Licensing Board. All reimbursements for expenses authorized

by this chapter shall be paid from the Dietetics Practice Licensing Fund.

17-83-202. Organization and Meetings.

(a)(1) At least two (2) regular meetings of the Arkansas Dietetics Licensing Board shall be held each calendar year, and at the first regular meeting every two (2) years, the board shall elect a chair and vice chair. Other regular meetings may be held at such time as the rules of the board may provide.

(2) Special called meetings may be held at the discretion of the Chair of the Arkansas Dietetics Licensing Board or at the written request of any three (3) members of the board.

(3) Reasonable notice of all meetings shall be given in the manner prescribed by the laws of this state.

(4) A quorum of the board shall consist of four (4) members.

(5) A secretary of the board shall be employed by the Department of Health.

(6) The board shall adopt a seal, which must be affixed to all certificates issued by the board.

(b) The Department of Health shall employ personnel for the performance of the board's functions and the board may disburse funds to the Department of Health to employ necessary personnel for the performance of the board's functions.

17-83-203. Responsibilities and Authorities.

(a) In addition to the duties set forth elsewhere in this chapter, the Arkansas Dietetics Licensing Board shall:

(1) Establish an examination procedure, utilizing the examination approved by the board;

- (2) Establish a licensure reciprocity agreement with other states;
 - (3) Annually compile a list of names, addresses, both residential and business, and dates and license numbers of all persons licensed under this chapter to be available upon request and cost;
 - (4) Establish mechanisms for appeal and decisions regarding applications and granting of licenses, such mechanisms to include provisions for judicial review in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.;
 - (5) Make such rules not inconsistent with law as may be necessary to regulate its proceedings;
 - (6) Promulgate rules necessary to implement this chapter;
 - (7) Compile an annual report;
 - (8) Establish rules defining unprofessional conduct and set forth and publish standards of professional responsibility and publish standards for practice within twelve (12) months after the first board meeting;
 - (9) Receive and process complaints;
 - (10) Impose penalties;
 - (11) Establish fees and publish financial records; and
 - (12) Require at the time of license renewal each applicant to present satisfactory evidence that in the period since the license was issued he or she has completed the continuing education requirements in a manner specified by the board.
- (b) The board shall establish, charge, and collect for:

- (1) The filing of an application for a license under this chapter;
 - (2) The original issuance of a license under this chapter;
 - (3) A renewal of a license issued in accordance with this chapter; and
 - (4) Replacement of a license or renewal lost or destroyed.
- (c) The board shall establish continuing education requirements and shall notify the applicants for licensing of the requirements.

17-83-204. Funds.

- (a)(1) The Secretary of the Arkansas Dietetics Licensing Board shall receive and account for all money derived under the provisions of this chapter and shall deposit the money weekly into financial institutions other than the State Treasury.
- (2) These moneys shall be known as the “Dietetics Practice Licensing Fund”.
- (b) There shall be such audits of this fund as are required by law.
- (c) The secretary shall give a surety bond for the faithful performance of his or her duties to the Governor in the sum of ten thousand dollars (\$10,000) or an amount recommended by the Auditor of State. The premium for this bond shall be paid out of the fund.
- (d) The board may make expenditures from this fund for any purpose which is reasonable and necessary to carry out the provisions of this chapter.

Subchapter 3 – Licensing

17-83-301. License Requirement.

Beginning July 4, 1990, no individual shall practice or offer to practice dietetics within the meaning of this chapter unless he or she is duly licensed or is a student under the provisions of this chapter or is otherwise entitled under § 17-83-104 or § 17-83-302.

17-83-302. Examination for license – Waiver.

(a) For one (1) year beginning July 3, 1989, the Arkansas Dietetics Licensing Board shall waive the examination requirement and grant a license to any person who:

(1) Has received a baccalaureate or postbaccalaureate degree from a regionally accredited United States college or university with a program in human nutrition, food and nutrition, dietetics, or food systems management;

(2) Has completed a planned continuous preprofessional experience component in dietetic practice of not fewer than nine hundred (900) hours under the supervision of a registered dietitian or licensed dietitian; and

(3) Has been employed in the practice of dietetics for at least three (3) of the last ten (10) years preceding July 3, 1989; or

(4) Is registered with the Commission on Dietetic Registration.

(b) Applicants who have obtained their education outside of the United States and its territories must have their academic degree or degrees validated as equivalent to the baccalaureate or postbaccalaureate degree conferred by a regionally accredited college or university in the United States.

17-83-303. License applicants – Requirements

The Arkansas Dietetics Licensing Board may issue a license as licensed dietitian to an applicant who qualifies as follows:

(1) The applicant files an application and has:

(A) Received a baccalaureate or postbaccalaureate degree from a regionally accredited United States college or university with a program in human nutrition, food and nutrition, dietetics, or food systems management. Applicants who have obtained their education outside of the United States and its territories must have their academic degree or degrees validated as equivalent to the baccalaureate or postbaccalaureate degree conferred by a regionally accredited college or university in the United States;

(B) Completed a planned, continuous preprofessional experience component in dietetic practice of not fewer than nine hundred (900) hours under the supervision of a registered dietitian or licensed dietitian; and

(C) Passed an examination as defined by the board; or

(2) The applicant files an application and provides evidence of current registration as a registered dietitian by the Commission on Dietetic Registration.

17-83-304. Provisional licenses.

(a) A provisional license to practice as a dietitian may be issued by the Arkansas Dietetics Licensing Board upon the filing of an application and submission of evidence of successful completion of the education requirements.

(b) A provisional license shall expire eighteen (18) months from the date of issuance. Provisional licenses may be renewed one (1) time upon submission to the board of a satisfactory explanation

for the applicant's failure to become licensed within the original eighteen-month period.

(c) A provisional license shall permit the holder to practice only under the supervision of a dietitian licensed in this state.

17-83-305. Out-of-state license – Reciprocity.

Reciprocity shall be provided for licensed dietitians from other states, provided that the standards for licensing in that state are not less than those provided for in this chapter as determined by the Arkansas Dietetics Licensing Board.

17-83-306. License renewal.

(a) All licenses shall be effective when issued by the Arkansas Dietetics Licensing Board.

(b) The license of a licensed dietitian shall be ruled valid for one (1) year after the date of issuance.

(c)(1)(A) A license may be renewed by the payment of a renewal fee as set by the board.

(B) The board shall mail an application for renewal of a license to each person sixty (60) days before the renewal date. This shall be mailed to the most recent address of the person as it appears on the record of the board. The person shall complete the renewal application and return it to the board, accompanied by the required renewal fee, within not more than sixty (60) days after the renewal application was mailed by the board. Upon receipt of the application and fee, the board shall verify the accuracy of the application and issue to the applicant a notice of license renewal for the next year.

(C) If a person fails to renew his or her license within the sixty-day period, the license shall lapse the last day of the month of the calendar year that is exactly one (1) year from the calendar year and month in which the license was issued.

(D) If the renewal license has been expired for not more than ninety (90) days, the person may renew the license by paying to the board the required renewal fee and a penalty in an amount equal to one-half ($\frac{1}{2}$) of the renewal fee.

(E) If the license has been expired for more than ninety (90) days but less than one (1) year, the person may renew the license by paying to the board the unpaid renewal fee and a penalty in an amount equal to the renewal fee.

(2) At the time of license renewal, each applicant shall present satisfactory evidence that in the period since the license was issued, he or she has completed the continuing education requirements as required by the board.

(d) If a license has been expired one (1) year or more, the license shall not be renewed, but a new license may be obtained by applying to the board as a new licensee.

17-83-307. Grounds for denial, revocation, or suspension.

The Arkansas Dietetics Licensing Board may refuse to issue or renew a license or may revoke or suspend a license issued under this chapter for any of the following, but is not limited to:

(1) Violation of a provision of this chapter;

(2) Engaging in unprofessional conduct or gross incompetence as defined by the rules of the board or violating the standards of professional responsibility adopted and published by the board; or

(3) Conviction of a felony listed under [§ 17-3-102](#).

17-83-308. Administrative procedure.

(a) Hearings shall be conducted by the Arkansas Dietetics Licensing Board.

(b) Decisions will be determined by a majority vote of the board.

(c) All proceedings will be conducted in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.