

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark In this Box

FILED

JUN 24 2 15 PM '98

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: WV Board of Licensed Dietitians TITLE NUMBER: 31

RULE TYPE: legislative; CITE AUTHORITY WV Code § 30-35-4

AMENDMENT TO AN EXISTING RULE: YES ___ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 1

TITLE OF RULE BEING PROPOSED: Code of Professional Ethics;
Continuing Education; and Examination, Licensure and
Renewal Requirements

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 25, 1998 AT 4:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Frank Markun, Vice Chairman
WV Board of Licensed Dietitians
54 Twin View Lane, RR#4
Huntington, WV 25704

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

Helen Lodge - Chairman
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

\$3.00

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period, and if needed, Emergency and Modified Rule.)

DATE: June 24, 1998

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) West Virginia Board of Licensed Dietitians

54 Twin View Lane, RR #4, Huntington, WV 25705

LEGISLATIVE RULE TITLE: Code of Profession Ethics; Continuing Education; and

Examination, Licensure and Renewal Requirements 31 CSR 1

1. Authorizing statute(s) citation: WV Code § 30-35-4

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:

June 24, 1998

b. What other notice, including advertising, did you give of the hearing?

Notice of proposed rule and Public Comment Period filed in the State

Register. Notice of proposed rule and Public Comment Period sent to

Capitol New Service and West Virginia Dietetic Association whose

members are licensed dietitians.

c. Date of Public Hearing(s) or Public Comment Period ended:

Public Comment Period ends July 25, 1998

- d. **Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.**

Attached N/A No comments received N/A

- e. **Date you filed in State Register the agency approved proposed Legislative Rule following public hearing (be exact):**

N/A

- f. **Name, title, address and phone/fax/e-mail numbers of agency person(s) to receive all written correspondence regarding this rule.**

Frank Markun, Vice Chairman

West Virginia Board of Licensed Dietitians

54 Twin View Lane, RR #4, Huntington, WV 25704

Phone (304) 453-3267 or (304) 526-1165

- g. **IF DIFFERENT FROM ITEM "f" please give name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule.**

Helen Lodge, Chairman

West Virginia Board of Licensed Dietitians

4106 Virginia Avenue, SE

Charleston, WV 25304 Phone No. (304) 925-8828

3. **If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:**

- a. **Give the date upon which you filed in the State Register a notice of the time and place a hearing for the taking of evidence and a general description of the issues to be decided.**

N/A

b. **Date of hearing or comment period:**

N/A

c. **On what date did you file in the State Register the findings and determinations required together with the reasons therefore?**

N/A

d. **Attach findings and determinations and reasons:**

N/A

Brief Summary of the Proposed Rule

The proposed rule establishes: a code of professional ethics for licensed dietitians; continuing education requirements and standards of continuing education programs for licensed dietitians; and requirements for examination, licensure and renewal of licensure for licensed dietitians in accordance with West Virginia Code § 30-35-4.

Circumstances Requiring This Proposed Rule

Powers and duties of the board of licensed dietitians under West Virginia Code § 30-35-4 authorizes the board to promulgate legislative rules establishing a code of professional ethics, continuing education requirements, standards for continuing education, examination and licensure of qualified applicants, and licensure renewal requirements for licensed dietitians. The rule is proposed to comply with the statute to assure public welfare and safety is maintained with competency of applicants and continued competency of licensees.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Code of Professional Ethics; Continuing Education; and Examination, Licensure and Renewal Requirements

Type of Rule: Legislative Interpretive Procedural

Agency WV Board of Licensed Dietitians

Address 54 Twin View Lane, RR#4
Huntington, WV 25704

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$	\$	\$	\$	\$
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERNATIONS					
EQUIPMENT					
OTHER	\$300				

2. Explanation of above estimates:

Above expense increase of \$300 is for cost of printing forms for licensees to report continuing education courses upon renewal of license every other year. The Board will provide the form for licensees.

3. Objectives of these rules:

The rules establishes: a code of professional ethics for licensed dietitians; continuing education requirements and standards for continuing education programs for licensed dietitians; and requirements for examination, licensure and renewal of licensure for licensed dietitians.

Rule Title: Code of Professional Ethics; Continuing Education;
and Examination, Licensure and Renewal Requirements

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

None

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

None

C. Economic Impact on Citizens/Public at Large.

None

Date: June 24, 1998

Signature of Agency Head or Authorized Representative

Helen Lodge - Chairman

31 CSR 1

**TITLE 31
LEGISLATIVE RULES
WEST VIRGINIA BOARD OF LICENSED DIETITIANS**

**SERIES 1
CODE OF PROFESSIONAL ETHICS
CONTINUING EDUCATION AND STANDARDS
EXAMINATION, LICENSURE AND RENEWAL REQUIREMENTS**

§31-1-1. General.

1.1. Scope. -- The West Virginia Board of Licensed Dietitians establishes the rules for a code of professional ethics, continuing education requirements and standards, and examination, licensure and renewal requirements of duly qualified applicants.

1.2. Authority. -- W. Va. Code §30-35-4

1.3. Filing Date. --

1.4. Effective Date. --

§31-1-2. Definitions

2.1. "Board" means the West Virginia board of licensed dietitians;

2.2 "Commission on dietetic registration" means the commission on dietetic registration that is a member of the national commission for health certifying agencies;

2.3 "Fund" means the board of examiners for dietitians' administrative fund created pursuant to the provisions of West Virginia Code §30-35-4;

2.4 "Licensed dietitian" means any person who has obtained a license to practice as a licensed dietitian from the West Virginia board of licensed dietitians; and

2.5 "Registered dietitian" means a person registered by the commission on dietetic registration.

§31-1-3. Code of ethics.

3.1. A licensed dietitian shall provide professional services with objectivity and with respect to the dietetic and nutritional needs and values of an individual.

3.2. A licensed dietitian shall avoid discrimination on the basis of factors that are irrelevant to provision of professional services, including, but not limited to: race, creed, sex, age or handicap.

3.3. A licensed dietitian shall accurately present professional qualifications and credentials.

3.4. A licensed dietitian shall permit the use of their name for the purpose of certifying that dietetic and nutritional services have been rendered only if the licensed dietitian has provided or supervised those services.

3.5. A licensed dietitian shall remain free of conflict of interest while fulfilling the objectives and maintaining the integrity of the dietetic profession.

3.6. A licensed dietitian shall advance and promote the profession while maintaining professional judgement, honesty, integrity and trust to colleagues, clients, and the public.

3.7. A licensed dietitian shall promote or endorse products only in a manner that is true and not misleading.

3.8. A licensed dietitian shall evaluate the dietetic and nutritional needs of individuals and groups based upon appropriate biochemical, physical, and dietary data.

3.9. A licensed dietitian shall advise and assist individuals and groups on appropriate nutrition intake as components of preventive, curative, and restorative health care by integrating information about nutrition assessment with information on food and other sources of nutrition and meal preparation consistent with cultural background and socio-economic status.

3.10. A licensed dietitian shall integrate and apply scientific principles of food, nutrition, biochemistry, physiology and management, and the behavioral and social sciences in achieving and maintaining the health of people through the life cycle and in the treatment of disease.

3.11. A licensed dietitian shall implement methods of practice to include nutrition assessments; development, implementation, management and evaluation of nutrition care plans, nutrition counseling and education; and the development and administration of nutrition care standards and systems.

3.12. A licensed dietitian shall establish standards to include:

3.12.a. Assessing dietetic and nutritional needs of individuals and groups, and determining resources and constraints in the practice setting;

3.12.b. Establishing priorities, goals and objectives that meet dietetic

and nutritional needs that are consistent with available resources and constraints;

3.12.c. Providing dietetic and nutritional counseling in health and disease;

3.12.d. Developing, implementing, managing and evaluating appropriate dietetic and nutritional care systems; and

3.12.e. Developing, evaluating, altering and maintaining appropriate standards of quality in food and dietetic and nutritional care services.

§31-1-4. Continuing education requirements and standards.

4.1. Beginning the first day of July 1999, each licensed dietitian shall be required to complete twenty (20) hours of continuing education every two (2) years thereafter. Evidence of completion of continuing education shall accompany the renewal application for licensure on a form provided by the board.

4.2. Continuing education must be approved by the board, or the commission on dietetic registration or the American dietetic association.

4.3. Upon receipt of written application and documented proof that a licensed dietitian has been unable to comply with this continuing education requirement due to illness, injury to other documented reasons, the board may waive this continuing education requirement.

§31-1-5. Examination, licensure and renewal requirements of duly qualified applicants.

5.1. Each applicant is required to pass a written examination demonstrating competence in the discipline of dietetics and nutrition. Each examination may be supplemented by an oral examination.

5.2. Upon successfully passing such examination or examinations, the board shall issue to the applicant a license to engage in practice as a licensed dietitian.

5.3. The board approves the examination for licensed dietitians offered by the commission on dietetic registration.

5.4. The board shall administer examinations for licensure at least two times a year on dates and at locations determined by the board.

5.5. Upon application and submission of the applicable fee, the board may waive examination requirements and issue a license to practice as a licensed dietitian to an applicant who is registered by the commission on dietetic registration or who has been duly licensed as a nutritionist or dietitian under the laws of another state if the standards for licensing in that state are no less stringent than those required in this state.

5.6. Any person applying for a dietitian license shall submit an application for examination and appropriate fee to the board at least 60 days prior to the date of examination for licensure.

5.7. The license of every licensed dietitian shall be renewed annually on a renewal application form provided by the board.