

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #4

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: WV Board of Licensed Dietitians TITLE NUMBER: 31

CITE AUTHORITY WV Code § 30-35-4

AMENDMENT TO AN EXISTING RULE: YES NO

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

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

Helen Lodge - Chairman
Authorized Signature

\$3.20

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

**OFFICE OF WEST VIRGINIA
SECRETARY OF STATE**

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

§31-1-1. General.

1.1. Scope. -- This rule establishes a code of professional ethics, continuing education requirements and standards, and examination, licensure and renewal requirements for licensees and applicants for licensure.

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

1.3. Filing Date. --

1.4. Effective Date. --

§31-1-2. Examination, licensure and renewal requirements of duly qualified applicants.

2.1. Each applicant for licensure shall pass a written examination demonstrating competence in the discipline of dietetics and nutrition. The board may supplement each examination with an oral examination.

2.2. The board shall issue a license to an applicant who successfully passes the examinations to engage in practice as a licensed dietitian.

2.3 The written examination administered by the board shall be the

examination offered by the Commission on Dietetic Registration.

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

2.5. The board may waive examination requirements and issue a license to an applicant for licensure who is a dietitian 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. The applicant shall pay the annual license fee of fifty dollars.

2.6. 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.

2.7. A licensed dietitian shall renew his or her license annually on a renewal application form provided by the board.

§31-1-3. Continuing education requirements and standards.

3.1. Beginning the first day of July 1999, each licensed dietitian shall complete twenty (20) hours of continuing education every two (2) years.

3.2. Beginning the first day of July 2001, and every two (2) years thereafter, each licensed dietitian shall provide evidence of completion of continuing education during the previous two (2) year period on a form provided by the board and accompanied by a renewal application for licensure.

3.3. Continuing education shall be approved by the Commission on Dietetic Registration or the American Dietetic Association.

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

§31-1- 4. Code of ethics.

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

4.2. 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.

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

4.4. 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.

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

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

clients, and the public.

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

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

4.9. 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.

4.10. 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.

4.11. 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.

4.12. A licensed dietitian shall establish standards to include:

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

4.12.b. Establishing priorities, goals and objectives that meet dietetic and nutritional needs that are consistent with available resources and constraints;

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

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

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



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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

State Capitol - Room MB-49
Charleston, West Virginia 25305
(304) 347-4840

Senator Mike Ross, Co-Chairman
Delegate Mark Hunt, Co-Chairman
Debra A. Graham, Counsel

September 23, 1998

Joseph A. Altizer, Associate Counsel
Rita Pauley, Associate Counsel
Teri Anderson, Administrative Assistant

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Frank Markun
WV Board of Dietitians
54 Twin View Lane, RR #4
Huntington, WV 25704

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Code of Professional Ethics; Continuing Education; and Examination, Licensure and Renewal Requirements, 31CSR1**

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed
 - (b) as modified by the agency
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached.
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.



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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

State Capitol - Room MB-49
Charleston, West Virginia 25305
(304) 347-4840

Senator Mike Ross, Co-Chairman
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Rita Pauley, Associate Counsel
Teri Anderson, Administrative Assistant

September 23, 1998

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Helen Lodge
WV Board of Dietitians
4106 Virginia Avenue, SE
Charleston, WV 25304

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Code of Professional Ethics; Continuing Education; and Examination, Licensure and Renewal Requirements, 31CSR1**

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

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4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.

ANALYSIS OF PROPOSED LEGISLATIVE RULES

Agency: WV Board of Licensed Dietitians

Subject: Code of Professional Ethics; Continuing Education; and Examination, Licensure and Renewal Requirements, 31CSR1

PERTINENT DATES

Filed for public comment: June 24, 1998
Public comment period ended: July 25, 1998
Filed following public comment period: July 29, 1998
Filed LRMRC: July 29, 1998
Filed as emergency:

Fiscal Impact: \$300 increase in costs.

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ABSTRACT

The proposed rule is new. The following is a section by section synopsis of the proposed rule.

Section 1 is the standard general section, setting forth the scope, authority, filing date and effective date of the proposed rule.

Section 2 sets forth the definitions from the Code in their entirety.

Section 3 sets forth a Code of Ethics for dietitians.

Section 4 requires licensed dietitians to complete 20 hours of continuing education every two years in order to renew their licenses. It also allows the Board to waive this requirement due to illness, injury or other documented reasons.

Section 5 requires applicants for licensure to take an exam and provides that applicants registered by the Commission on Dietetic Registration or licensed in another state having similar standards may be exempted from taking the examination.

AUTHORITY

Statutory authority: W.Va. Code, §30-35-4, which provides, in part, as follows:

- (a) The board may...
 - (1) Promulgate rules in accordance with the provisions of chapter twenty-nine-a of this code to implement and effectuate the provisions of this article, including, but not limited to, legislative rules establishing the following:
 - (A) A code of professional ethics;
 - (B) Continuing education requirements and standards;
 - (C) Examination, licensure and renewal requirements of duly qualified applicants; and
 - (D) Procedures and guidelines for the suspension or revocation of a license...

ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

No. It is Counsel's opinion that the proposed rule does not go far enough. For example, some fees are not specified, the subject matter for the continuing education courses is not specified, and a method for a provider to obtain approval of a continuing education program is not provided.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

No.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

Yes.

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

No.

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISION OF THE CODE?

Yes.

VIII. OTHER.

Counsel has technical modifications to suggest.