

**WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION**

Form #3

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Aug 7 4 22 PM '00

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: WEST VIRGINIA BOARD OF LICENSED DIETITIANS TITLE NUMBER: 31

CITE AUTHORITY: W.VA. CODE 30-35-1, 30-35-6, 30-35-7, AND 30-35-8

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 RULE BEING PROPOSED: 1

TITLE OF RULE BEING PROPOSED: CODE OF PROFESSIONAL ETHICS, CONTINUING
EDUCATION AND STANDARDS EXAMINATION,
LICENSURE AND RENEWAL REQUIREMENTS

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

Helen Lodge
Authorized Signature

LICENSURE AND RENEWAL REQUIREMENTS PROPOSED RULE

W. Va. Code §§30-35 established the West Virginia Board of Licensed Dietitians (Board). The legislature subsequently approved regulations that included the Board's code of professional ethics, continuing education and standards examination and licensure and renewal requirements. The Office of the Legislative Auditor conducted a performance review of the Board in 1999 and made several suggestions. The Board has re-written its regulations based on the findings and recommendations of the legislative auditor.

The purpose of this rule is to define licensure and renewal requirements for dietitians. The code of ethics and continuing professional education requirements are outlined in separate rules.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: LICENSURE AND RENEWAL REQUIREMENTS

Type of Rule: Legislative Interpretive Procedural

Agency: WEST VIRGINIA BOARD OF LICENSED DIETITIANS

Address: 54 TWIN VIEW LANE

HUNTINGTON, WV 25704

1. Effect of Proposed rule:

	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	0	0	0	0	0
PERSONAL SERVICES	0	0	0	0	0
CURRENT EXPENSE	0	0	0	0	0
REPAIRS & ALTERATIONS	0	0	0	0	0
EQUIPMENT	0	0	0	0	0
OTHER	0	0	0	0	0

2. Explanation of Above Estimates:
N/A

3. Objectives of These Rules:
TO MORE CLEARLY DEFINE THE REQUIREMENTS FOR LICENSURE AND RENEWAL REQUIREMENTS FOR LICENSED DIETITIANS.

Rule Title: LICENSURE AND RENEWAL REQUIREMENTS

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

N/A

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

N/A

C. Economic Impact on Citizens/Public at Large.

N/A

Date: JULY 3, 2000

Signature of Agency Head or Authorized Representative:

Helen Lodge

QUESTIONNAIRE

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

DATE: AUGUST 7, 2000

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: *(Agency Name, Address & Phone No.)* BOARD OF LICENSED DIETITIANS

LEGISLATIVE RULE TITLE: CODE OF PROFESSIONAL ETHICS, CONTINUING
EDUCATION AND STANDARDS EXAMINATION, LICENSURE
AND RENEWAL REQUIREMENTS

1. Authorizing statute(s) citation W.VA. CODE 30-35-1, 30-35-6, 30-35-7, AND 30-35-8

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
JULY 3, 2000

b. What other notice, including advertising, did you give of the hearing?
NOTICE WAS PLACED IN BOARD OF LICENSED DIETITIANS NEWSLETTER
WHICH GOES TO ALL LICENSED DIETITIANS. COPIES OF THE PROPOSED
REGULATIONS WERE SENT TO DISTRICT DIETETIC ASSOCIATIONS AND
THE PRESIDENT OF THE WEST VIRGINIA DIETETIC ASSOCIATION.

c. Date of Public Hearing(s) *or* Public Comment Period ended:
AUGUST 2, 2000

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

Attached _____ No comments received X

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

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

HELEN LODGE, PRESIDENT
54 TWIN VIEW LANE
HUNTINGTON, WV 25704

- 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: (Please type)

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 of a hearing for the taking of evidence and a general description of the issues to be decided.

NOT APPLICABLE

b. Date of hearing or comment period:

NOT APPLICABLE

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

NOT APPLICABLE

d. Attach findings and determinations and reasons:

Attached _____

FILED

AUG 7 4 22 PM '00

TITLE 31
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF LICENSED DIETITIANS

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 1
LICENSURE AND RENEWAL REQUIREMENTS

§31-1-1. General.

1.1. Scope. -- This rule establishes examination, licensure and renewal requirements for licensees and applicants for licensure.

1.2. Authority. -- W. Va. Code §30-35-4, §30-35-6, §30-35-7 and §30-35-8.

1.3. Filing Date. --

1.4. Effective Date. --

§31-1-2. Definitions.

2.1. "Board" means the 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. "Supervised clinical practice" means supervision by a registered or licensed dietitian.

§31-1-3. Board Approval for Licensure.

3.1. The Board shall issue a license to an applicant who meets the requirements of W. Va. Code §30-35-1 et seq. and rules promulgated by the Board.

3.2. If the Board determines that an applicant has met the requirements for dietitian licensure, it shall issue to the applicant a license that is valid for the current license period.

§31-1-4. Licensure Qualifications.

4.1. To be eligible for licensure by the Board

as a dietitian, an applicant shall:

4.1.1. Make application to the Board prior to the date of examination for licensure on the license application form approved by the Board including any documentation required by the Board;

4.1.2. Pay to the Board the appropriate application fee;

4.1.3. Complete a major course of study in human nutrition, dietetics, food system management or equivalent with course work approved by the Commission on Dietetic Registration or American Dietetic Association;

4.1.4. Possess at least a baccalaureate degree;

4.1.5. Complete supervised clinical practice of not less than nine hundred hours;

4.1.6. Pass a written examination demonstrating competence in the discipline of dietetics and nutrition; and

4.1.7. If required by the Board, pass an oral examination.

4.2. The written examination administered by the Board shall be the examination offered by the Commission on Dietetic Registration.

4.3. The Board shall administer examinations for licensure at least two (2) times a year on dates and at locations determined by the Board.

§31-1-5. Waiver of Requirements.

5.1. The Board may waive the written exami-

nation requirement for an applicant who either:

5.1.1. Is a dietitian registered by the Commission on Dietetic Registration; or

5.1.2. 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.

5.2. The Board shall not grant a waiver from the written examination for an individual who holds a current license from another state with equivalent standards or who holds the registration by the Commission on Dietetic Registration unless the applicant has filed the license application, including required documentation, and paid the application fee.

§30-1-6. Provisional Permit.

6.1. The Board may issue a provisional permit to practice to an applicant who:

6.1.1. Meets the academic and experience requirements of W. Va. Code §30-35-7;

6.1.2 Submits an application to the Board on the application form approved by the Board; and

6.1.3. Pays to the Board the provisional permit application fee.

6.2. The purpose of the provisional permit is to allow an individual who has not yet passed the required examination to practice dietetics after completing the education and post-graduate professional experience as required by W. Va. Code §30-35-7.

6.3. The Board shall issue the provisional permit for a period of one (1) year.

6.4. A provisional permit is renewable annually for up to three (3) additional years upon proof of the completion of a minimum of ten (10) hours of continuing professional education in the previous one (1) year permit period, a satisfactory

explanation of the failure to become fully licensed, the completion of the provisional permit renewal application form, and the payment of the provisional permit renewal fee.

§31-1-7. Renewal.

7.1. The license of every person licensed under W. Va. Code §30-35 shall be renewed annually except as otherwise provided by W. Va. Code §30-35.

7.2. Every person licensed under W. Va. Code §30-35, requesting renewal of a license shall:

7.2.1. Pay to the Board the license renewal fee;

7.2.2. Submit an application for renewal on the professional license renewal form prescribed by the Board;

7.2.3. Beginning the first day of July 1999, complete a minimum of twenty (20) hours of continuing professional education activities every two (2) years. Continuing education shall be in accordance with regulations promulgated by the Board.

7.2.4. Beginning the first day of July 2001, 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 submitted with the renewal application for licensure. Such documentation shall be required every two years and is not required to accompany the applications for the intervening years.

7.3. Upon receipt of a 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.

7.4. A suspended license is subject to expiration and may be renewed as provided in this

section. A suspended license renewal shall not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity, or in any other conduct or activity in violation of the order of judgment by which the license was suspended.

7.5. A license revoked on disciplinary grounds will be expired. The Board shall reinstate a revoked license after its expiration when the licensee, as a condition of reinstatement, pays a reinstatement fee that equals the renewal fee in effect on the last regular renewal date immediately preceding the date of reinstatement, plus a professional license reinstatement fee.

§31-1-8. Reinstatement of Expired Licenses.

8.1. The Board may reinstate the licenses of licensees who fail to renew their licenses by the end of the license period.

8.1.1. For a licensee who has allowed his or her license to lapse for a period not to exceed three years, the license may be reinstated by the Board. The applicant for reinstatement must:

8.1.1.1. Submit a written request for reinstatement of their professional license to the Board, including a satisfactory explanation for the failure to renew, within three (3) years after the expiration date of their license;

8.1.1.2. Complete ten (10) hours of approved continuing education per year; and

8.1.1.3. Pay to the Board the annual renewal fee in effect on the last regular renewal date immediately preceding the date of reinstatement, and the professional license reinstatement fee.

8.1.2 For a licensee who has allowed his or her license to lapse for a period in excess of three (3) years, the license may be reinstated by the Board. The applicant for reinstatement must:

8.1.1.1. Submit a written request for reinstatement of their professional license to the

Board;

8.1.1.2. Pass the written examination required of applicants for licensure; and

8.1.1.3. Pay to the Board the licensing fee.

§31-1-9. Inactive Status.

9.1. The Board shall place a licensee on inactive status when the licensee submits a written notice of temporary retirement to the Board.

9.2. An individual on inactive status may not engage in the practice of licensed dietetics.

9.3. The Board shall place a licensee on inactive status to active status upon filing of a renewal application and payment of the renewal fee.

§31-1-10. Standards of Conduct.

10.1. Licensees shall abide by the West Virginia Board of Licensed Dietitians Code of Professional Ethics described in rules promulgated by the Board. Failure to do so will be considered grounds for disciplinary action as described in W. Va. Code §30-35-10.