

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

Form #4

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OFFICE OF THE SECRETARY OF STATE
WEST VIRGINIA

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: BOARD OF LICENSED DIETITIANS TITLE NUMBER: 31

CITE AUTHORITY: W. VA. CODE 30-35-4

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

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

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULES, 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 Fodge

Authorized Signature

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OCT 31 12 55 PM '00

TITLE 31
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF LICENSED DIETITIANS

OFFICE OF THE CLERK OF THE 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.

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Repeal and Replace. --

§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.

§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.

§31-1-4. Licensure Qualifications.

4.1. An applicant for licensure by the Board as a dietitian 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. Take the required written examination at any of the sites approved by the Board at any time the site is open to administer the exam.

§31-1-5. Waiver of Requirements.

5.1. 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 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. The permittee may renew a provisional permit 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 in compliance with the Board's rule Continuing Professional Education Requirements 31 CSR 5.

7.2.4. Beginning the first day of July 2001, 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. The documentation is 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 licensee with a suspended license who renews the license, may not 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, until the Board reinstates the license.

7.5. A license revoked on disciplinary

grounds will expire. 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 shall:

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 his or her license;

8.1.1.2. Complete ten (10) hours of approved continuing education for each year the license has lapsed; 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 shall:

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.