

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

Form #3

Do Not Mark In This Box

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2001 JUL 27 P 2:30

OFFICE 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: LEGISLATIVE

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 2

TITLE OF RULE BEING AMENDED: CODE OF PROFESSIONAL ETHICS

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

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

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: July 27, 2001

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

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

LEGISLATIVE RULE TITLE: CODE OF PROFESSIONAL ETHICS

1. Authorizing statute(s) citation W.VA. CODE 30-35-2a AND 30-35-4.

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
JUNE 25, 2001

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

c. Date of Public Hearing(s) *or* Public Comment Period ended:
JULY 25, 2001

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)

JULY 27, 2001

- 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.

b. Date of hearing or comment period:

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

d. Attach findings and determinations and reasons:

Attached

SCOPE OF PRACTICE AND CODE OF PROFESSIONAL ETHICS PROPOSED RULE

W. Va. Code §§30-35 established the West Virginia Board of Licensed Dietitians (Board). The legislature subsequently passed legislation modifying the code to add, amongst other changes, a scope of practice for licensed dietitians. The purpose of this rule is to provide add the definitions related to the scope of practice to the existing rule defining the code of professional ethics for dietitians.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: SCOPE OF PRACTICE AND CODE OF PROFESSIONAL ETHICS

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 MODIFY THE RULE TO ADD THE DEFINITIONS RELATED TO THE SCOPE OF PRACTICE TO THE EXISTING RULE DEFINING THE CODE OF PROFESSIONAL ETHICS FOR DIETITIANS.

Rule Title: SCOPE OF PRACTICE AND CODE OF PROFESSIONAL ETHICS

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: JUNE 25, 2001

Signature of Agency Head or Authorized Representative:

Helen Lodge

FILED

TITLE 31
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF LICENSED DIETITIAN

JUL 27 P 2:30

SERIES 2
SCOPE OF PRACTICE AND CODE OF PROFESSIONAL ETHICS

OFFICE WEST VIRGINIA
SECRETARY OF STATE**§31-2-1. General.**

1.1. Scope. -- This rule establishes the definitions for the scope of practice for licensees and a code of professional ethics for licensees and applicants for licensure.

1.2. Authority. -- W. Va. Code §30-35-2a and §30-35-4.

1.3. Filing Date. --

1.4. Effective Date. --

§31-2-2. Scope of practice definitions.

2.1. "Nutrition counseling services" means the development of an individualized nutrition plan for the purpose of disease management, based on a nutritional diagnostic assessment, to achieve optimal nutritional status which can include recommendation of an appropriate diet and supplementation program, including but not limited to micro-nutrients, macro-nutrients, vitamins and minerals.

2.2. "Nutritional diagnostic assessment" means the evaluation of individual nutritional needs for the purpose of disease management to determine factors necessary to restore or maintain optimal nutritional status. The term may include, but is not limited to the following modalities:

2.2.1. Medical history;

2.2.2. Diet/lifestyle history;

2.2.3. Anthropometric measurements;

2.2.4. Physical signs; and

2.2.5 Biochemical data, including

laboratory tests.

2.3. "Nutrition therapy" means the intervention and treatment of a disease or medical condition through the modification of nutrient or whole-food intake to achieve optimal clinical outcomes and includes specialized nutrition therapy and nutrition counseling services.

2.4. "Other nutritional services" means nutrition related services to promote the general health, well-being and the primary prevention of chronic diseases or conditions based on sound scientific findings and/or research.

2.5. "Specialized nutrition therapy" means the use of specialized nutrient supplementation using medical foods, to include, but not limited to, enteral nutrition, which is provided through a feeding tube into the gastrointestinal tract or by parenteral nutrition, which is delivered by intravenous infusion.

§31-2-3. Code of Ethics.

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

23.2. 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.

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

23.4. A licensed dietitian shall permit the use of his or her 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.

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

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

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

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

23.9. 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 the individual's or group's cultural background and socioeconomic status.

23.10. 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.

23.11. 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.

23.12. A licensed dietitian shall establish standards to include:

23.12.a. Assessing dietetic and

nutritional needs of individuals and groups, and determining resources and constraints in the practice setting;

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

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

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

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