



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Dietitians TITLE-SERIES: 31-05
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: LICENSURE AND RENEWAL REQUIREMENTS
CITE STATUTORY AUTHORITY: §30-35-4

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) §30-35-4

Section Series 5 Passed On 3/9/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

July 1, 2024

This rule shall terminate and have no further force or effect from the following date:

August 01, 2030

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Mallory J Mount -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 31
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF LICENSED DIETITIANS

SERIES 5
CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS

§31-5-1. General.

1.1. Scope. -- This rule establishes continuing professional education requirements for initiation and renewal of licensure.

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

1.3. Filing Date. -- April 4, 2024

1.4. Effective Date. -- July 1, 2024

1.5. Sunset Provision. -- This rule shall terminate and have no further force after August 1, 2030.

§31-5-2. Application.

This legislative rule applies to licensees who apply to have their licenses renewed and to persons or organizations who provide continuing professional education courses.

§31-5-3. Definitions.

3.1. "Approved Provider" means a person or organization offering continuing professional education who is approved by the Board.

3.2. "Course" means a systematic learning experience, at least fifty (50) minutes in length, which deals with and is designed for the acquisition of knowledge, skills and information relevant to professional nutrition and dietetics practice.

3.3. "Licensee" means any dietitian licensed by the Board of Licensed Dietitians and, except as noted, any dietitian granted a provisional permit by the Board.

3.4. "Independent Study" means a subject/program/activity that a person pursues autonomously that meets standards for approval criteria in the rules and includes a posttest.

3.5. "Webinar" means a web-based seminar, presentation, lecture, or workshop that is transmitted over the internet.

§31-5-4. Approved Providers.

4.1. The following organizations are considered "approved"

4.1.1. The West Virginia Academy of Nutrition and Dietetics

4.1.2. Any national, state or district Academy of Nutrition and Dietetics affiliation;

- 4.1.3. The American Medical Association;
- 4.1.4. The West Virginia Medical Association;
- 4.1.5. The American Nurses Association;
- 4.1.6 The West Virginia Nurses Association;
- 4.1.7. Accredited schools or colleges; and
- 4.1.8 other providers that are also approved by the Commission on Dietetic Registration.

§31-5-5. Approval Of Continuing Professional Education Courses.

5.1. Only an approved provider may offer continuing professional education courses.

5.2. The content of all courses of continuing professional education shall be relevant to the practice of nutrition/dietetics and shall:

5.2.1. Be related to the knowledge and/or technical skills required to practice professional nutrition/dietetics; or

5.2.2. Be related to direct and/or indirect patient care. Courses in professional nutrition/dietetics practice management or medical ethics are also acceptable.

5.3 The licensee may engage in other types of activities identified in the individual licensee's professional development portfolio for Commission on Dietetic Registration (CDR) certification. The licensee may engage in programs/activities via webinars and independent study, in accordance with the definitions and standards in these rules.

§31-5-6. Activities Eligible for Continuing Professional Education Credits.

6.1. A licensee shall meet requirements for continuing professional education.

6.1.1. Every other renewal period, or every two (2) years, an active licensee shall have a minimum of twenty (20) hours of continuing professional education (CPE) (from an approved provider) that relates directly to professional growth and development.

6.1.2. Dietitians practicing under a provisional permit must complete a minimum of ten (10) hours of continuing professional education each year after the first year in which they are practicing under a provisional permit.

6.2. Continuing professional education hours may only apply if they are acquired during the two (2) year reporting period. There is no carry-over of hours from one (1) period to the next.

6.2.1. The two (2) year reporting period starts with the effective date of the license and runs through one renewal of the license. The end of the reporting period is at the expiration date of the renewed license.

6.3. Continuing professional education hours may include:

- 6.3.1. Educational activities.

6.3.1.1. A licensee may earn continuing professional education hours by attending professional meetings and other formally organized learning events that are offered by an approved provider of continuing professional education.

6.3.1.2. The licensee shall only receive credit for those continuing professional education hours that meet the specifications established by the Board.

6.3.1.3. The Board shall grant one (1) CPE hour for up to fifty (50) minutes of educational presentation.

6.3.1.4. A licensee may not count time spent in assigned reading, outside writing assignments or similar activities, travel time, meeting time devoted to business activities, entertainment, and refreshment breaks and meals in the calculation of CPE hours.

6.3.1.5. A licensee may count an integral part of an approved continuing professional education program that occurs during a meal, such as a speech or panel discussion, in the calculation of CPE hours.

6.3.2. Academic Courses.

6.3.2.1. A licensee may take courses for credit or audit, including those taken by correspondence.

6.3.2.2. The Board will approve an academic course for CPE hours when the licensee successfully completes the course at an accredited college or university.

6.3.2.3. For courses taken for credit, the Board shall grant fifteen (15) CPE hours per one (1) credit for each semester course; fourteen (14) CPE hours per one (1) credit for each trimester course; and ten (10) CPE hours per one (1) credit for each quarter course.

6.3.2.4. For courses taken for audit, the Board shall grant eight (8) CPE hours per one (1) credit for each semester course; seven (7) CPE hours per one (1) credit for each trimester course; and five (5) CPE hours per one (1) credit for each quarter course.

6.3.3. Instruction of approved continuing professional education courses.

6.3.3.1. Instructors of approved continuing professional education courses may receive a maximum of two (2) hours of continuing professional education credit per year. An instructor may claim credit only where the individual acts as an instructor of an approved course.

6.3.3.2. A licensee who participates as a member of a panel presentation for an approved course is not entitled to earn continuing professional education credit as an instructor.

6.3.4. The Board shall determine all other CPE hours.

6.3.5. A licensee may obtain CPE hours for any other program which is approved by the Board, at the Board's discretion, including, but not limited to:

6.3.5.1. Self-directed, professional nutrition/dietetics study activities including, but not limited to, formally organized learning events; college courses taken outside an accredited nutrition/dietetics program; writing for professional nutrition/dietetics publications; nutrition/dietetics teaching or training assignments if not part of the primary job duties; independent study, research, or tutoring of a professional nutrition/dietetic nature; and making presentations on a professional nutrition/dietetic issues, provided that the activities are part of a planned, organized learning program approved in advance by the Board;

6.3.5.2. Viewing trade and educational exhibits and poster presentations, and

6.3.5.3. Continuing professional education hours from organizations who are not approved providers if the course relates to the professional growth and development of the licensee.

6.4. Organizations not approved by the Board to provide continuing education will not be accepted.

§31-5-7. Record Keeping and Reporting.

7.1. Each licensee at the time of license renewal shall sign a statement under penalty of false swearing that he or she has or has not complied with the continuing professional education requirements. The licensee shall submit the record of continuing education activities on the Board's website along with the approved renewal application form from the Board.

7.2. The Board may audit once each year a random sample of licensees who have reported compliance with the continuing professional education requirement.

7.3. It constitutes unprofessional conduct for any licensee to misrepresent completion of the required continuing professional education.

7.4. Any licensee selected for audit shall submit documentation or records of continuing professional education course work he or she has taken and completed. The Board may request additional documentation including, but not limited to, program notes, payment receipts, certificates of attendance, a statement by the authorized provider and/or other proof of program attendance.

7.5. A licensee is solely responsible for maintaining adequate records for his or her continuing professional education hours.

7.6. Each licensee shall retain for a minimum of three (3) years, records of all continuing professional education programs attended which indicate the provider's name, the title of the course or program, the date and location of the course and the number of continuing professional education hours awarded.

§31-5-8. Requests for Extension.

8.1. A licensee who does not earn the required number of CPE hours may, no later than the due date specified in Section 7.2. of this rule, petition the Board in writing to extend the time necessary to earn the required number of CPE hours. Each petition shall indicate:

8.1.1. The number of hours earned to date or of the failure to earn hours;

8.1.2. The licensee's detailed plan to insure he or she will, if granted the opportunity by the Board, earn the required number of the CPE hours in a timely manner;

8.1.3. The nature of the extenuating circumstances which prevented the licensee from earning the required hours during the current two (2) year period; and

8.1.4. Written supportive documentation to any claim of extenuating circumstances, including, but not limited to, statements from an employer or health practitioner as may be requested by the Board.

8.2. The Board, at its sole discretion, may, upon reviewing the written request, extend the time to earn the required continuing professional education hours.

§31-5-9. Sanctions and Appeals.

9.1. The license of a licensee who fails to meet the continuing professional education requirements lapses.

9.1.1. The Board shall notify the licensee, in writing, that his or her license has lapsed within thirty (30) working days of receipt of the reporting forms.

9.1.2. If no forms are filed, the license shall automatically lapse with no further notification required.

9.2. The licensee may appeal decisions regarding continuing professional education hours by filing a written appeal with the Board.

9.2.1. Appeals shall be sent to the Board within thirty (30) calendar days after notification of a decision and shall be considered by an appeals panel appointed by the Board at its next scheduled meeting.

9.2.2. Until a decision is reached, the licensee shall be considered on active status.

9.2.3. The appeals panel shall meet within thirty (30) working days of its appointment by the Board.

9.2.4. The Board shall send a written decision to the licensee within thirty (30) working days of the appeals panel meeting to consider the appeal.

§31-5-10. Required Continuing Education for West Virginia Licensed Dietitians

10.1. Effective July 1, 2024, all licensees will be required to complete a Board mandated continuing education session (1 hour), applicable to licensees within their 2-year reporting period.

10.1.1. Licensees may receive information on required Board CPE's through the Board email listserv and on the BOLD website. The licensee will be responsible to check the website to ensure compliance with requirements.

10.2. Effective July 1, 2025, all new licensure applicants (for provisional applicants and new licensure applicants) will complete a WVBOLD mandated education session (1 hour) before receiving their license.

10.2.1. New applicants will need to complete the 1 hour required CEU and pay the licensure fee before the license becomes valid.