

ARE YOU AS A DIETITIAN PRACTICING LEGALLY?

To use the title "Dietitian" in your practice, you must be a licensed dietitian in the state of Minnesota. Minnesota Statute §148.630 determines when a dietitian or nutritionist license is required:

(a) No person may engage in dietetics or nutrition practice unless the person is licensed as a dietitian or nutritionist by the board. No person may use the title "dietitian," "licensed dietitian," "nutritionist," "licensed nutritionist," or any occupational title using the word "dietitian" or "nutritionist" unless so licensed by the board, nor shall any person hold out as a dietitian or nutritionist unless so licensed.

Statutory definitions of a dietitian and dietitian practice are determined in the following subdivisions of §148.62;

Subd. 7. Dietitian. - "Dietitian" means an individual who engages in dietetics or nutrition practice and uses the title dietitian.

Subd. 9. Dietetics or nutrition practice. - "Dietetics or nutrition practice" means the integration and application of scientific principles of food, nutrition, biochemistry, physiology, food management, and behavioral and social sciences to achieve and maintain human health through the provision of nutrition care services.

Licensed Dietitian Qualification Requirements

- has received a baccalaureate or postgraduate degree from a United States regionally accredited college or university with a major in dietetics, human nutrition, nutrition education, food and nutrition, or food services management;
- has completed a documented supervised pre-professional practice experience component in dietetic practice of not less than 900 hours under the supervision of a registered dietitian, a state licensed nutrition professional, or an individual with a doctoral degree conferred by a United States regionally accredited college or university with a major course of study in human nutrition, nutrition education, food and nutrition, dietetics, or food systems management. Supervised practice experience must be completed in the United States or its territories. Supervisors who obtain their doctoral degree outside the United States and its territories must have their degrees approved by the board as equivalent to the doctoral degree conferred by a United States regionally accredited college or university; and
- has successfully completed the registration examination for dietitians administered by the commission; or
- has a valid current registration with the commission which gives the applicant the right to use the term "registered dietitian" or "RD."

Eligibility Requirements for the Commission on Dietetic Registration (CDR)

CDR is the credentialing agency for the Academy of Nutrition and Dietetics (AND). Successful completion of the Registration Examination for Dietitians administered by CDR is required to carry the title of Registered Dietitian (RD). The CDR RD certification program is fully accredited by the National Commission for Certifying Agencies, the accrediting arm of the Institute for Credentialing Excellence. Accreditation by the Institute for Credentialing Excellence reflects achievement of the highest standards of professional credentialing. Compliance with the CDR Professional Development Portfolio requirements to maintain registration includes completion of 75 hours of continuing education every 5 years, whereas the State of Minnesota requires 45 CE every three years. RDs can only practice in areas in which they are qualified and have demonstrated competence to achieve ethical, safe, and quality outcomes in the delivery of food and nutrition services.

Scope of Practice Questions

The MN Board of Dietetics and Nutrition Practice does not provide legal opinions regarding professional scope of practice questions.

AND (Academy of Nutrition & Dietetics) may provide some scope of practice guidance, or you may review your workplace policies and procedures or consult with legal counsel. Scope of practice varies from a generalist RD, and RD with specialty training or an RD in advanced practice. To determine scope of practice, visit the AND website at <http://www.eatright.org> and click on the following;

- go to members
- click practice
- scope of dietetics practice (SOP) framework
- SOP Dietetics Framework,
- Explanation of Framework Blocks and Related Links, Practice (SOP) Framework,
- SOP Dietetics Framework,
- Explanation of Framework Blocks and Related Links
- Block 3: Decision Tree Analysis, and Decision Analysis Tool.

Prescription Protocol, Order Writing and Privileging

In 2013 the legislature clarified in §148.634 that licensed dietitians and licensed nutritionists have legal authority, upon delegation by the physician, to follow patient care protocols and guidelines that also reference a prescription drug. As clearly stated in the law, drug prescription remains the responsibility of the physician.

Other resources can be found at <http://www.eatright.org/qualityresources> click Order Writing and Privileging, click Practice Tips: for Hospital RDs and Nutrition (Diet) Order Writing and Practice Tips: for Hospital Privileges for the RD Practicing MD/DO work. These are both excellent resources and will answer many of the questions you may have on these topics. You may also want to review two past articles in the ADA Journal: “Clinical Privileging: What It Is...And Isn’t” in the March 2009 issue, pages 400-402 and “Why are Therapeutic Diet Orders an Issue Now and What Does It Have To Do with Legal Scope of Practice” in the September 2009 issue, pages 1515-1519.

§148.631 PENALTY

A person who violates sections [148.621](#) to [148.633](#) is guilty of a misdemeanor. If a person other than a licensed dietitian or nutritionist engages in an act or practice constituting an offense under sections [148.621](#) to [148.633](#), a district court on application of the board may issue an injunction or other appropriate order restraining the act or practice.

If the board finds that a licensed dietitian or nutritionist has violated a provision of sections [148.621](#) to [148.633](#) or rules adopted under them, it may impose a civil penalty not exceeding \$10,000 for each separate violation, the amount of the civil penalty to be fixed so as to deprive the dietitian or nutritionist of any economic advantage gained by reason of the violation charged, to discourage similar violations, or to reimburse the board for the cost of the investigation and proceeding, including, but not limited to, fees paid for services provided by the Office of Administrative Hearings, legal and investigational services provided by the Office of the Attorney General, services of court reporters, witnesses, reproduction of records, board members' per diem compensation, board staff time, and expenses incurred by board members and staff.

References

1. Steinmuller, P.L., Meyer, N.L., Kruskall, L.J. et al. **American Dietetic Association Standards of Practice and Standards of Professional Performance for Registered Dietitians (Generalist, Specialty, Advanced) in Sports Dietetics.** *J Am Diet Assoc.* 2009; 109: 544

2. Academy of Nutrition and Dietetics Quality Management Committee and Scope of Practice Subcommittee of the Quality Management Committee. **Academy of Nutrition and Dietetics: Scope of Practice for the Registered Dietitian.** *J Acad Nutr Diet.* 2013; 113: S17–S28

3. Gates, G. **Ethics opinion: Dietetics professionals are ethically obligated to maintain personal competence in practice.** *J Am Diet Assoc.* 2003; 103: 633–635