

CHAPTER 104

DIETITIANS

§9901. Declaration of purpose

In order to recognize the professional qualifications of dietitians and dietetic technicians and to assure the availability to the public of information regarding those who hold themselves out to be dietitians and dietetic technicians, it is the purpose of this chapter to provide for the licensing of qualified dietitians and dietetic technicians. [PL 1987, c. 313, §1 (AMD).]

SECTION HISTORY

PL 1985, c. 389, §28 (NEW). PL 1987, c. 313, §1 (AMD).

§9902. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1985, c. 389, §28 (NEW).]

1. Board. "Board" means the Board of Licensing of Dietetic Practice established under this chapter.

[PL 1987, c. 313, §2 (AMD).]

2. Commissioner. "Commissioner" means the Commissioner of Professional and Financial Regulation.

[PL 1985, c. 389, §28 (NEW).]

3. Department. "Department" means the Department of Professional and Financial Regulation.

[PL 1985, c. 389, §28 (NEW).]

4. Dietetics. "Dietetics" means the professional discipline of assessing the nutritional needs of an individual, including recognition of the effects of the individual's physical condition and economic circumstances, and the applying of scientific principles of nutrition to prescribing means to ensure the individual's proper nourishment and care.

[PL 1985, c. 389, §28 (NEW).]

5. Licensed dietetic technician. "Licensed dietetic technician" means a person licensed under this chapter who practices dietetics under the supervision of a dietitian who is licensed in accordance with this chapter.

[PL 1995, c. 402, Pt. A, §27 (AMD).]

6. Licensed dietitian. "Licensed dietitian" means a person who practices dietetics and who is licensed as a dietitian under this chapter.

[PL 1987, c. 313, §2 (AMD).]

SECTION HISTORY

PL 1985, c. 389, §28 (NEW). PL 1987, c. 313, §2 (AMD). PL 1995, c. 402, §A27 (AMD).

§9903. Board of Licensing of Dietetic Practice; establishment; compensation

1. Establishment and membership. There is established, within the department, the Board of Licensing of Dietetic Practice. The board consists of 5 members appointed by the Governor, including 2 public members as defined in Title 5, section 12004-A. Other than these public members, the persons appointed to the board must have been engaged in rendering dietetic services to the public or in teaching or research in dietetics for at least 2 years immediately preceding their appointments. Two board members must be dietitians. The 5th member must be a dietetic technician. The professional members

must at all times be holders of valid licenses under this chapter, except for the members of the first board, each of whom must fulfill the requirements for licensing under this chapter.

[PL 2007, c. 402, Pt. Y, §1 (AMD).]

2. Terms of appointment. Appointments are for 3-year terms. Appointments of members must comply with Title 10, section 8009. A member of the board may be removed from office for cause by the Governor.

[PL 2007, c. 402, Pt. Y, §1 (AMD).]

3. Meetings; chair. The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members.

[PL 2013, c. 246, Pt. B, §20 (AMD).]

4. Compensation.

[PL 1995, c. 625, Pt. A, §39 (RP).]

SECTION HISTORY

PL 1985, c. 389, §28 (NEW). PL 1987, c. 313, §3 (AMD). PL 1993, c. 600, §A263 (AMD). PL 1995, c. 397, §97 (AMD). PL 1995, c. 402, §§A28,29 (AMD). PL 1995, c. 402, §A29 (AMD). PL 1995, c. 625, §A39 (AMD). PL 2007, c. 402, Pt. Y, §1 (AMD). PL 2013, c. 246, Pt. B, §20 (AMD).

§9904. Board of Licensing of Dietetic Practice; powers and duties

1. Powers. The board shall administer and enforce this chapter.

[PL 2007, c. 402, Pt. Y, §2 (AMD).]

2. Rules. The board may adopt, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, rules relating to professional conduct to carry out the policy of this chapter, including, but not limited to, rules relating to professional licensing and to the establishment of ethical standards of practice for persons licensed to practice dietetics in this State.

[PL 1987, c. 313, §3 (AMD).]

3. Hearings.

[PL 2007, c. 402, Pt. Y, §2 (RP).]

4. Records.

[PL 2007, c. 402, Pt. Y, §2 (RP).]

5. Contracts.

[PL 1995, c. 397, §98 (RP).]

6. Reports.

[PL 2007, c. 402, Pt. Y, §2 (RP).]

SECTION HISTORY

PL 1985, c. 389, §28 (NEW). PL 1987, c. 313, §3 (AMD). PL 1995, c. 397, §98 (AMD). PL 1995, c. 402, §A30 (AMD). PL 2007, c. 402, Pt. Y, §2 (AMD).

§9905. Board of Licensing of Dietetic Practice; administrative provisions

(REPEALED)

SECTION HISTORY

PL 1985, c. 389, §28 (NEW). PL 1985, c. 785, §B146 (AMD). PL 1987, c. 313, §4 (AMD). PL 1995, c. 397, §99 (RP).

§9906. Licensing

1. Licensing required. A person may not practice dietetics or claim to be a dietitian or a dietetic technician unless that person is licensed in accordance with this chapter.

[PL 1995, c. 402, Pt. A, §31 (AMD).]

2. Individual licensing. Only an individual may be licensed under this chapter.

[PL 1987, c. 313, §5 (AMD).]

3. Penalty. A person who violates this section is subject to the provisions of Title 10, section 8003-C.

[PL 2007, c. 402, Pt. Y, §3 (AMD).]

SECTION HISTORY

PL 1985, c. 389, §28 (NEW). PL 1987, c. 313, §5 (AMD). PL 1995, c. 402, §A31 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2007, c. 402, Pt. Y, §3 (AMD).

§9907. Qualifications

1. Dietitian's licensing. An applicant for licensing as a dietitian must file a written application showing to the satisfaction of the board that the applicant meets the following requirements.

A. The applicant must exhibit trustworthiness and competency. [PL 2007, c. 402, Pt. Y, §4 (AMD).]

B. An applicant must present evidence satisfactory to the board of having successfully completed the academic requirements established by the American Dietetic Association or equivalent requirements as determined by the board and must have received a baccalaureate or higher degree from an accredited college or university. As part of the applicant's professional education, the applicant must have completed courses in organic and inorganic chemistry, human physiology, microbiology, principles of sociology or psychology, basic communication skills, economics, food composition, nutrition and management theory. [PL 1995, c. 402, Pt. A, §32 (AMD).]

C. An applicant must submit to the board evidence of having successfully completed the experience requirements approved by the American Dietetic Association or equivalent experience approved by the board. That experience must include at least 6 months full-time experience in the field of dietetics, or its part-time equivalent. The experience must have been acquired during or within 5 years of completion of the academic requirements in paragraph B or not more than 5 years before the date of license application. [PL 1995, c. 402, Pt. A, §32 (AMD).]

D. The applicant must have successfully completed an examination given by the American Dietetic Association or its equivalent as determined and approved by the board. The examination requirement of this paragraph does not apply to an applicant who presents evidence of having practiced as a dietitian without censure for a period of 10 years immediately prior to September 30, 1987. [PL 2007, c. 402, Pt. Y, §4 (AMD).]

[PL 2007, c. 402, Pt. Y, §4 (AMD).]

2. Dietetic technician's licensing. An applicant for licensing as a dietetic technician must file a written application showing to the satisfaction of the board that the applicant meets the following requirements.

A. The applicant must exhibit trustworthiness and competency. [PL 2007, c. 402, Pt. Y, §4 (AMD).]

B. The applicant must have graduated from a dietetic technician program approved by the Commission on Accreditation of the American Dietetic Association or its equivalent, as determined by the board, or graduated with a Bachelor of Science Degree in Food and Nutrition from an approved 4-year program. [PL 1985, c. 389, §28 (NEW).]

C. An applicant must submit to the board evidence of having successfully completed a 2-month work experience approved by the board. That experience must have been acquired during or within 5 years from completion of the academic requirements in paragraph B and not more than 5 years from the date of license application. [PL 1995, c. 402, Pt. A, §32 (AMD).]

D. The applicant must have successfully completed an examination given by the American Dietetic Association or its equivalent as determined by the board. [PL 1987, c. 313, §5 (NEW).]
[PL 2007, c. 402, Pt. Y, §4 (AMD).]

SECTION HISTORY

PL 1985, c. 389, §28 (NEW). PL 1987, c. 313, §5 (AMD). PL 1987, c. 664, §§1,2 (AMD). PL 1991, c. 509, §32 (AMD). PL 1995, c. 402, §A32 (AMD). PL 2007, c. 402, Pt. Y, §4 (AMD).

§9907-A. Licensure by endorsement

Notwithstanding any provision of this chapter to the contrary, the board, in accordance with Title 10, section 8003-H and any applicable rules adopted pursuant to that section, shall establish a process to issue a license by endorsement for each license authorized under this chapter that the board determines is appropriate for licensure by endorsement. An applicant may submit an application under the process established under this section or any other licensure process authorized in this chapter. [PL 2021, c. 642, §33 (NEW).]

SECTION HISTORY

PL 2021, c. 642, §33 (NEW).

§9908. Issuance of license

The board shall issue a license to any person who meets the requirements of this chapter upon payment of the fee as set under section 9911. [PL 2007, c. 402, Pt. Y, §5 (AMD).]

SECTION HISTORY

PL 1985, c. 389, §28 (NEW). PL 1987, c. 313, §5 (AMD). PL 2007, c. 402, Pt. Y, §5 (AMD).

§9909. Term of license

1. Renewal. A license expires annually on September 30th or such other time as the commissioner may designate.

Licenses may be renewed up to 90 days after the date of expiration upon payment of a late fee together with the additional late fee and renewal fee as set under section 9911. Any person who submits an application for renewal more than 90 days after the licensing renewal date is subject to all requirements governing new applicants under this chapter.

[PL 2007, c. 402, Pt. Y, §6 (AMD).]

2. Continuing education. Each license renewal must be accompanied by evidence of continuing education or other requirements as established in rule by the board.

[PL 1995, c. 402, Pt. A, §33 (AMD).]

SECTION HISTORY

PL 1985, c. 389, §28 (NEW). PL 1987, c. 313, §5 (AMD). PL 1991, c. 509, §33 (AMD). PL 1995, c. 402, §A33 (AMD). PL 1999, c. 257, §4 (AMD). PL 2007, c. 402, Pt. Y, §6 (AMD).

§9910. Denial or refusal to renew license; disciplinary action

The board may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for any of the reasons enumerated in Title 10, section 8003, subsection 5-A, paragraph A. [PL 2007, c. 402, Pt. Y, §7 (NEW).]

1. Complaints.

[PL 2007, c. 402, Pt. Y, §7 (RP).]

2. Disciplinary actions; grounds.

[PL 2007, c. 402, Pt. Y, §7 (RP).]

3. Reinstatement.

[PL 2004, c. 402, Pt. Y, §7 (RP).]

SECTION HISTORY

PL 1985, c. 389, §28 (NEW). PL 1987, c. 313, §6 (AMD). PL 1989, c. 502, §A115 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2007, c. 402, Pt. Y, §7 (RPR).

§9911. Fees

The Director of the Office of Professional and Occupational Regulation may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed \$200. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [PL 2007, c. 402, Pt. Y, §8 (NEW); PL 2011, c. 286, Pt. B, §5 (REV).]

1. Amount.

[PL 2007, c. 402, Pt. Y, §8 (RP).]

2. Deposit of fees.

[PL 2007, c. 402, Pt. Y, §8 (RP).]

SECTION HISTORY

PL 1985, c. 389, §28 (NEW). PL 1987, c. 313, §7 (AMD). PL 1991, c. 509, §34 (AMD). PL 1995, c. 397, §100 (AMD). PL 1995, c. 402, §A34 (AMD). PL 1995, c. 502, §H41 (AMD). PL 1995, c. 625, §A40 (AMD). PL 1999, c. 257, §5 (AMD). PL 2007, c. 402, Pt. Y, §8 (RPR). PL 2011, c. 286, Pt. B, §5 (REV).

§9912. Reciprocity

The board may, in its discretion, grant a license under this chapter to an individual licensed in another state if it determines that the requirements or standards for licensure in that state are equivalent to, or greater than, those established by this chapter. The board may not require an individual licensed in another state to meet requirements or standards for licensure in the State that are more stringent than requirements or standards for licensure imposed on in-state applicants. [PL 1995, c. 402, Pt. A, §35 (AMD).]

SECTION HISTORY

PL 1985, c. 389, §28 (NEW). PL 1987, c. 313, §8 (AMD). PL 1995, c. 402, §A35 (AMD).

§9913. Equivalent requirements

The board shall adopt rules, as it determines necessary and appropriate, to indicate what requirements will be considered the equivalent of the specific education, experience and examination required by section 9907. [PL 1987, c. 313, §9 (NEW).]

SECTION HISTORY

PL 1987, c. 313, §9 (NEW).

§9914. Temporary license

The board shall adopt rules establishing requirements for a temporary license within the scope of this chapter. [PL 1987, c. 313, §9 (NEW).]

SECTION HISTORY

PL 1987, c. 313, §9 (NEW).

§9915. Persons and practices exempt

Nothing in this chapter prevents the activities of: [PL 1987, c. 313, §9 (NEW).]

1. Licensed persons. Any person licensed or registered in this State under any other law from engaging in the profession or occupation for which that person is licensed or registered; [PL 1995, c. 402, Pt. A, §36 (AMD).]

2. Persons giving general nutrition-related information. Individuals who give general nutrition-related information; [PL 1987, c. 313, §9 (NEW).]

3. State and federal employees. State and federal employees in state or federally funded cooperative extension food and nutrition programs and supplemental food and nutrition programs for women, infants and children; [PL 1987, c. 313, §9 (NEW).]

4. Persons marketing or distributing food products. Persons who market or distribute food, food materials or dietary supplements or any person who engages in the explanation of the use of those products or the preparation of those products; and [PL 1987, c. 313, §9 (NEW).]

5. Persons providing weight control services. Any person who provides weight control services, provided that:

A. The weight control program either recommends physician consultation generally or has in place procedures which require physician referral when medical conditions, such as heart disease, cancer, diabetes, hypoglycemia, morbid obesity and pregnancy exist; and [PL 1987, c. 313, §9 (NEW).]

B. The program has been reviewed by, consultation is available from and no program change may be initiated without prior approval by:

(1) A licensed dietitian;

(2) A dietitian licensed in another state that has licensure requirements determined by the board to be equal to the requirements of this chapter; or

(3) A dietitian in another state without licensing who is registered by the Commission on Dietetic Registration of the American Dietetic Association or its successor or other organization approved by the board. [PL 2007, c. 402, Pt. Y, §9 (AMD).]

[PL 2007, c. 402, Pt. Y, §9 (AMD).]

SECTION HISTORY

PL 1987, c. 313, §9 (NEW). PL 1995, c. 402, §A36 (AMD). PL 2007, c. 402, Pt. Y, §9 (AMD).

§9916. Telehealth services

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Asynchronous encounter" means an interaction between an individual and a person licensed under this chapter through a system that has the ability to store digital information, including, but not limited to, still images, video files, audio files, text files and other relevant data, and to transmit such information without requiring the simultaneous presence of the individual and the person licensed under this chapter. [PL 2021, c. 291, Pt. B, §17 (NEW).]

B. "Store and forward transfer" means the transmission of an individual's records through a secure electronic system to a person licensed under this chapter. [PL 2021, c. 291, Pt. B, §17 (NEW).]

C. "Synchronous encounter" means a real-time interaction conducted with an interactive audio or video connection between an individual and a person licensed under this chapter or between a person licensed under this chapter and another health care provider. [PL 2021, c. 291, Pt. B, §17 (NEW).]

D. "Telehealth services" means health care services delivered through the use of information technology and includes synchronous encounters, asynchronous encounters, store and forward transfers and telemonitoring. [PL 2021, c. 291, Pt. B, §17 (NEW).]

E. "Telemonitoring" means the use of information technology to remotely monitor an individual's health status via electronic means, allowing the person licensed under this chapter to track the individual's health data over time. Telemonitoring may be synchronous or asynchronous. [PL 2021, c. 291, Pt. B, §17 (NEW).]
[PL 2021, c. 291, Pt. B, §17 (NEW).]

2. Telehealth services permitted. A person licensed under this chapter may provide telehealth services as long as the licensee acts within the scope of practice of the licensee's license, in accordance with any requirements and restrictions imposed by this section and in accordance with standards of practice.
[PL 2021, c. 291, Pt. B, §17 (NEW).]

3. Confidentiality. When providing telehealth services, a person licensed under this chapter shall comply with all state and federal confidentiality and privacy laws.
[PL 2021, c. 291, Pt. B, §17 (NEW).]

4. Professional responsibility. All laws and rules governing professional responsibility, unprofessional conduct and generally accepted standards of practice that apply to a person licensed under this chapter also apply to that licensee while providing telehealth services.
[PL 2021, c. 291, Pt. B, §17 (NEW).]

5. Rulemaking. The board shall adopt rules governing telehealth services by persons licensed under this chapter. These rules must establish standards of practice and appropriate restrictions for the various types and forms of telehealth services. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.
[PL 2021, c. 291, Pt. B, §17 (NEW).]

SECTION HISTORY

PL 2021, c. 291, Pt. B, §17 (NEW).

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