

HOUSE BILL NO. 4608

May 23, 2023, Introduced by Reps. Pohutsky, Paiz, Young, Arbit, Price, Dievendorf, Morse, Rheingans, Snyder, Mentzer, Steckloff, Weiss, Breen and Glanville and referred to the Committee on Regulatory Reform.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16141 and 16145 (MCL 333.16141 and 333.16145), as amended by 1993 PA 80, and by adding section 16346 and part 183A.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16141. (1) The department shall furnish office services
2 to the committee, the boards, and the task forces; have charge of
3 their offices, records, and money collected; and perform managerial

1 and administrative functions for them.

2 (2) The department shall appoint administrative and
3 secretarial staff, clerks, and employees necessary to allow the
4 proper exercise of the powers and duties of the committee, a board,
5 or a task force. Salaries and other expenses incurred by the
6 committee, a board, or a task force and staff and expenses for
7 studies and activities authorized under this article ~~shall~~**must** be
8 paid out of funds appropriated by the legislature for those
9 purposes.

10 (3) The department may promulgate rules to promote the
11 effective and consistent administration of this article. However,
12 **except as provided in a specific part of this article**, the
13 department shall not promulgate rules that constitute the
14 licensure, registration, or examination of health professionals.

15 Sec. 16145. (1) A board may adopt and have an official seal.

16 (2) A board or task force may promulgate rules necessary or
17 appropriate to fulfill its functions ~~as prescribed in~~**under** this
18 article.

19 ~~Only~~**Except as provided in a specific part of this**
20 **article, only** a board or task force shall promulgate rules to
21 specify requirements for licenses, registrations, renewals,
22 examinations, and required passing scores.

23 **Sec. 16346. Fees for an individual licensed or seeking**
24 **licensure as a dietitian nutritionist under part 183A are as**
25 **follows:**

26	(a) Application processing fee.....	\$	75.00
27	(b) License fee, per year.....	\$	55.00
28	(c) Temporary license fee.....	\$	55.00

29 **PART 183A. DIETETICS AND NUTRITION**

1 Sec. 18351. (1) As used in this part:

2 (a) "Dietitian nutritionist" means an individual who is
3 licensed or otherwise authorized to engage in the practice of
4 medical nutrition therapy under this article.

5 (b) "General nonmedical nutrition information" means
6 information on any of the following:

7 (i) Principles of human nutrition and food preparation.

8 (ii) Principles of self-care and a healthy relationship with
9 food.

10 (iii) The essential nutrients needed by the human body.

11 (iv) The recommended amounts of essential nutrients in the
12 human body.

13 (v) The actions of nutrients in the human body.

14 (vi) The effects of deficiencies or excesses of nutrients in
15 the human body.

16 (vii) Foods, herbs, and dietary supplements that are good
17 sources of essential nutrients in the human body.

18 (c) "Medical weight control" means the practice of medical
19 nutrition therapy for the purpose of reducing, maintaining, or
20 gaining weight.

21 (d) "Nutrition assessment" means the ongoing, dynamic, and
22 systematic process of obtaining, verifying, and interpreting
23 biochemical, anthropometric, physical, nutrigenomic, and dietary
24 data to make decisions about the nature and cause of nutrition-
25 related problems and making recommendations, including
26 recommendations on enteral and parenteral nutrition. The collection
27 of data does not, by itself, constitute nutrition assessment.

28 (e) "Nutrition care services" means any part or all of the
29 following services within a systematic process:

1 (i) Assessing and evaluating the nutritional needs of
2 individuals and groups and determining resources and constraints in
3 the practice setting, including ordering laboratory tests to check
4 and track nutrition status, creating dietary plans and orders, and
5 monitoring the effectiveness thereof.

6 (ii) Interpreting anthropometric, biochemical, clinical, and
7 dietary data in acute and chronic disease states and recommending
8 or ordering nutrient needs based on dietary data, including enteral
9 and parenteral nutrition.

10 (iii) Establishing priorities, goals, and objectives that meet
11 nutritional needs and that are consistent with available resources
12 and constraints.

13 (iv) Providing nutrition counseling in health and disease,
14 including food and nutrient counseling and counseling on food and
15 prescription drug interactions.

16 (v) Developing, implementing, and managing nutrition care
17 systems.

18 (vi) Evaluating, making changes in, and maintaining appropriate
19 standards of quality in food and nutrition services.

20 (vii) Ordering therapeutic diets.

21 (f) "Nutrition counseling" means a supportive process,
22 characterized by a collaborative counselor-patient or counselor-
23 client relationship with individuals or groups, to establish food
24 and nutrition priorities, goals, and individualized action plans
25 and general physical activity guidance that acknowledge and foster
26 responsibility for self-care to treat or manage an existing disease
27 or medical condition or to promote health and wellness.

28 (g) "Nutrition diagnosis" means identifying and labeling
29 nutritional problems managed and treated by a dietitian

1 nutritionist. Nutrition diagnosis does not include the medical
2 differential diagnosis of the health status of an individual.

3 (h) "Nutrition intervention" means purposefully planned
4 actions and nutrition counseling intended to positively change a
5 nutrition-related behavior, risk factor, environmental condition,
6 or aspect of the health status for an individual.

7 (i) "Nutrition monitoring and evaluation" means identifying
8 patient outcomes relevant to a nutrition diagnosis and comparing
9 the outcomes with the patient's previous health status,
10 intervention goals, or reference standards to determine the
11 progress made in achieving desired outcomes of nutrition care and
12 whether nutrition intervention should be continued or revised.

13 (j) "Patient" means an individual recipient of the practice of
14 medical nutrition therapy, whether in the outpatient, inpatient, or
15 nonclinical setting.

16 (k) "Practice of dietetics and nutrition" means the
17 integration and application of scientific principles derived from
18 the study of food, nutrition, biochemistry, metabolism,
19 nutrigenomics, physiology, food systems and management, and from
20 behavioral and social sciences in achieving and maintaining health
21 throughout the lifespan and in providing nutrition care services,
22 including the practice of medical nutrition therapy, for the
23 prevention, management, and treatment of diseases or medical
24 conditions. Practice of dietetics and nutrition does not include
25 the medical differential diagnosis of the health status of an
26 individual but does include each of the following:

27 (i) Nutrition assessment.

28 (ii) Nutrition diagnosis.

29 (iii) Nutrition support.

1 (iv) Dietary and nutrition counseling and education.

2 (v) Nutrition intervention.

3 (vi) Nutrition monitoring and evaluation.

4 (vii) Development and administration of nutrition care
5 standards and systems.

6 (l) "Practice of medical nutrition therapy" means the provision
7 of nutrition care services for the treatment or management of
8 diseases or medical conditions.

9 (m) "Qualified supervisor" means an individual meeting the
10 requirements described in section 18360.

11 (n) "Registered dietitian nutritionist" means an individual
12 who is credentialed by the Commission on Dietetic Registration or
13 its successor organization as a registered dietitian or registered
14 dietitian nutritionist.

15 (o) "Therapeutic diet" means a diet intervention prescribed by
16 a physician, or another health professional licensed under this
17 article, that provides food or nutrients via oral, enteral, and
18 parenteral routes as part of treatment of a disease or clinical
19 condition to modify, eliminate, decrease, or increase identified
20 micronutrients and macronutrients in the diet, or to provide
21 mechanically altered food when indicated.

22 (p) "Unrestricted practice of medical nutrition therapy" means
23 the application of dietetics and nutrition knowledge and skills by
24 an individual who regulates and is responsible for the individual's
25 own practice or treatment procedures.

26 (2) In addition to the definitions in this part, article 1
27 contains general definitions and principles of construction
28 applicable to all articles in this code and part 161 contains
29 definitions applicable to this part.

1 Sec. 18353. (1) Beginning 18 months after the effective date
2 of the initial rules promulgated under this part, an individual
3 shall not engage in the practice of medical nutrition therapy
4 unless the individual is licensed or otherwise authorized under
5 this article.

6 (2) Subject to subsection (3), beginning 18 months after the
7 effective date of the initial rules promulgated under this part,
8 the following words, titles, or letters or a combination of the
9 following words, titles, or letters, with or without qualifying
10 words or phrases, are restricted in use only to a dietitian
11 nutritionist: "licensed dietitian nutritionist", "dietitian
12 nutritionist", "dietitian", "dietician", "nutritionist", or
13 "l.d.n.".

14 (3) An individual, including a registered dietitian
15 nutritionist, may use any lawfully earned federally trademarked
16 title, and the words, titles, or letters "registered dietitian",
17 "registered dietitian nutritionist", "r.d.", or "r.d.n.".

18 (4) In addition to the exemptions from licensure under section
19 16171, subsection (1) does not prevent any of the following:

20 (a) A physician or other individual licensed under any other
21 part or any other act from performing activities that are
22 considered the practice of medical nutrition therapy if those
23 activities are within the individual's scope of practice and the
24 individual does not use the titles protected under subsection (2).

25 (b) An individual from doing any of the following if the
26 individual, while doing any of the following, does not engage in
27 the practice of medical nutrition therapy and the individual does
28 not use the titles protected under subsection (2):

29 (i) Furnishing general nonmedical nutrition information.

1 (ii) Providing evaluation, guidance, information, and education
2 on the use of food, food materials, or dietary supplements.

3 (iii) Providing explanations to individuals or groups about food
4 or food products, including dietary supplements.

5 (c) An individual from providing medical weight control for
6 prediabetes or obesity to individuals under a program of
7 instruction that is approved in writing by 1 of the following:

8 (i) A dietitian nutritionist.

9 (ii) A health professional licensed under this article whose
10 scope of practice otherwise authorizes the health professional to
11 provide nutrition care services for the treatment or management of
12 the disease or medical condition for which medical weight control
13 is being provided.

14 (d) An individual from providing delegated medical weight
15 control services under a plan of care that is overseen by a health
16 professional licensed under this article whose scope of practice
17 otherwise authorizes the health professional to provide and
18 delegate nutrition care services for the treatment or management of
19 the disease or medical condition for which medical weight control
20 is being provided.

21 (e) Subject to section 16215, an employee or other individual
22 who is assisting a dietitian nutritionist and who is under the
23 dietitian nutritionist's appropriate supervision from performing
24 activities or functions that are delegated by the dietitian
25 nutritionist, that are not discretionary, that do not require the
26 exercise of professional judgment for their performance, and that
27 are within the dietitian nutritionist's authority to perform.

28 (f) An individual from providing general nonmedical nutrition
29 information, guidance, encouragement, individualized nutrition

1 recommendations for wellness or primary prevention of chronic
2 disease, behavior change management, coaching, assessments,
3 services for weight management, or other nutrition care services if
4 the services do not constitute the practice of medical nutrition
5 therapy, the individual does not use the titles protected under
6 subsection (2) or otherwise hold the individual out as a dietitian
7 nutritionist or as a provider who engages in the practice of
8 medical nutrition therapy, and the individual does not otherwise
9 violate this act.

10 (g) Notwithstanding section 16171(a), an individual who is
11 pursuing the educational requirements described in section 18357(1)
12 from engaging in the practice of medical nutrition therapy, but
13 only if all of the following apply:

14 (i) The individual is engaging in the practice of medical
15 nutrition therapy as part of a course of study.

16 (ii) The individual does not engage in the unrestricted
17 practice of medical nutrition therapy.

18 (iii) The individual is under the appropriate supervision of a
19 qualified supervisor who assumes full professional responsibility
20 for the work of the individual by verifying, directing, and
21 authorizing the work.

22 (iv) The individual is designated by a title that clearly
23 indicates the individual's status as a student, trainee, or
24 supervisee.

25 (h) An individual from fulfilling supervised practice
26 experience requirements to qualify for licensure as a dietitian
27 nutritionist under this part but only if all of the following
28 apply:

29 (i) The individual does not engage in the unrestricted practice

1 of medical nutrition therapy.

2 (ii) The individual is designated by a title that clearly
3 indicates the individual's status as a student, trainee, or
4 supervisee.

5 (iii) The individual is appropriately supervised by a qualified
6 supervisor who agrees to assume full professional responsibility
7 for the work of the individual by verifying, directing, and
8 authorizing the work.

9 (iv) The individual is engaging in the practice of medical
10 nutrition therapy as part of a planned, continuous supervised
11 practice experience.

12 (i) An individual from doing either of the following:

13 (i) Providing verbal nutrition information as an operator or
14 employee of a health food store or business that sells health
15 products, including, but not limited to, dietary supplements, food,
16 herbs, or food materials.

17 (ii) Disseminating written nutrition information in connection
18 with the marketing and distribution of the products described in
19 subparagraph (i), or discussing the use of the products described in
20 subparagraph (i), including explanations of their federally
21 regulated label claims, any known drug-nutrient interactions, their
22 role in various diets, or suggestions as how to best use and
23 combine them.

24 Sec. 18355. (1) The Michigan board of dietetics and nutrition
25 is created in the department and consists of the following voting
26 members, each of whom must meet the requirements of part 161:

27 (a) Nine dietitian nutritionists.

28 (b) One physician licensed under part 170 or 175.

29 (c) Three public members.

1 (2) The terms of office of individual members of the board
2 created under this part, except those appointed to fill vacancies,
3 expire on June 30 of the year in which the term expires.

4 Sec. 18357. (1) Except as otherwise provided in subsection (4)
5 and subject to section 18359, an individual seeking licensure as a
6 dietitian nutritionist shall meet all of the following
7 requirements:

8 (a) Hold a baccalaureate, master's, or doctoral degree from a
9 college or university located in this state or another state that,
10 at the time of graduation, was accredited in good standing by a
11 United States institutional accrediting body for higher education
12 recognized by the United States Department of Education and is
13 approved by the department, or hold from a foreign educational
14 institution an academic degree that is validated as equivalent by a
15 credential evaluation agency recognized by the United States
16 Department of Education and is approved by the department in
17 consultation with the board.

18 (b) Have successfully completed a didactic program in
19 dietetics accredited by the Accreditation Council for Education in
20 Nutrition and Dietetics.

21 (c) Have successfully completed a planned, documented
22 supervised practice experience in the practice of dietetics and
23 nutrition fulfilling the competency requirements of a program in
24 dietetics that is accredited by the Accreditation Council for
25 Education in Nutrition and Dietetics or its successor organization.
26 Except as otherwise provided in subsection (3), the practice
27 experience described in this subdivision must include at least
28 1,000 hours under the supervision of a dietitian nutritionist or a
29 registered dietitian nutritionist.

1 (d) Have successfully completed the registration examination
2 for dietitian nutritionists administered by the Commission on
3 Dietetic Registration or its successor organization.

4 (e) Is a registered dietitian nutritionist.

5 (2) The department in consultation with the board shall
6 automatically approve an academic program described in subsection
7 (1)(a) or an applicant's supervised practice experience described
8 in subsection (1)(c) that is accredited by the Accreditation
9 Council for Education in Nutrition and Dietetics or its successor
10 organization.

11 (3) Any supervised practice experience described in subsection
12 (1)(c) undertaken after the effective date of the initial rules
13 promulgated under this part must be under the supervision of a
14 qualified supervisor.

15 (4) An individual who, on the day before the effective date of
16 the amendatory act that added this part, has and continues to be a
17 registered dietitian nutritionist in good standing, is eligible for
18 licensure as a dietitian nutritionist under this part. An
19 individual seeking licensure under this subsection who maintains
20 the credential conferred by the Commission on Dietetic Registration
21 or a successor credential conferred by its successor organization
22 shall first apply for a license on or before the expiration of 2
23 years after the effective date of the initial rules promulgated
24 under this part. Subject to section 16201 and to the continuing
25 education requirements described in section 18359, an individual
26 who obtains a license under this subsection is eligible for renewal
27 of that license if the individual continues to meet the
28 requirements of this subsection.

29 Sec. 18358. All of the following apply to a dietitian

1 nutritionist:

2 (a) The dietitian nutritionist may accept or transmit orders
3 related to the practice of medical nutrition therapy from a
4 referring health professional licensed under this article, as
5 established in rules promulgated by the department in consultation
6 with the board.

7 (b) The dietitian nutritionist shall provide nutrition care
8 services using systematic, evidence-based problem solving methods
9 of the nutrition care process to critically think and make
10 decisions to address nutrition-related problems and provide safe,
11 effective, quality dietetic and nutrition services for individuals
12 in clinical and community settings.

13 (c) The dietitian nutritionist may accept or transmit verbal,
14 delegated, or electronically transmitted orders from a referring
15 health professional licensed under this article consistent with
16 applicable laws and rules and any controlling facility or employer
17 protocols established to implement the practice of medical
18 nutrition therapy.

19 (d) The dietitian nutritionist may order patient diets,
20 including oral therapeutic diets, and enteral and parenteral
21 nutrition therapy of specialized intravenous solutions and
22 associated nutrition-related services, including, but not limited
23 to, placing nasogastric and nasoenteric feeding tubes, as part of a
24 therapeutic diet.

25 (e) The dietitian nutritionist may conduct swallow screens and
26 order medical laboratory tests related to a nutritional therapeutic
27 treatment as provided by the laws of this state.

28 (f) The dietitian nutritionist may implement prescription drug
29 dose adjustments for specific disease treatment protocols within

1 the limits of the dietitian nutritionist's knowledge, skills,
2 judgment, and informed clinical practice guidelines as indicated in
3 a facility, medical staff, or medical director approved protocol
4 and as approved by and under the delegation of a prescriber.

5 (g) In an outpatient setting, the dietitian nutritionist may
6 implement prescription drug dose adjustments for specific disease
7 treatment protocols within the limits of the dietitian
8 nutritionist's knowledge, skills, and judgment and as approved by
9 and under the delegation of a prescriber.

10 (h) The dietitian nutritionist may recommend or order dietary
11 supplements or the discontinuance of unnecessary dietary
12 supplements, consistent with any existing controlling protocols.

13 (i) The dietitian nutritionist may develop and manage food
14 service operations for the management or treatment of diseases or
15 medical conditions, including operations with the primary function
16 of nutrition care or recommending, ordering, or providing
17 therapeutic diets.

18 (j) Except as otherwise provided in this section, the
19 dietitian nutritionist shall not prescribe or initiate drug
20 treatment.

21 (k) The dietitian nutritionist shall not perform an act, task,
22 or function within the practice of dietetics and nutrition that the
23 dietitian nutritionist is not competent to perform.

24 (l) The dietitian nutritionist may coordinate nutrition care
25 services between health facilities or agencies as that term is
26 defined in section 20106, including, but not limited to,
27 monitoring, documenting, and deciding how and when to address
28 weight changes and nutrition issues.

29 (m) The dietitian nutritionist may oversee the nutritional

1 aspects of patient care within a health facility or agency as that
2 term is defined in section 20106.

3 Sec. 18359. (1) Notwithstanding the requirements of part 161,
4 the department, in consultation with the board, shall by rule
5 prescribe continuing education requirements as a condition of
6 license renewal. At a minimum, the board shall accept continuing
7 education approved by and continuing education provided by entities
8 approved by the Commission on Dietetic Registration or its
9 successor organization and any other organization approved by the
10 board. The department, in consultation with the board, may adopt
11 any updates or amendments to the standards described in this
12 subsection by rule.

13 (2) As required under section 16204, the department, in
14 consultation with the board, shall promulgate rules requiring each
15 applicant for license renewal to complete as part of the continuing
16 education required under subsection (1) an appropriate number of
17 hours or courses in pain and symptom management.

18 (3) The department, in consultation with the board, may
19 promulgate rules under section 16145 to supplement the requirements
20 for licensure as a dietitian nutritionist under this part,
21 including adopting updated standards of the Commission on Dietetic
22 Registration or the Accreditation Council for Education in
23 Nutrition and Dietetics or standards of any successor organizations
24 of the organizations described in this subsection.

25 (4) The department in consultation with the board shall do
26 both of the following:

27 (a) Promulgate rules to establish a code of ethics for
28 licensees.

29 (b) Promulgate initial rules to implement this part for

1 individuals seeking licensure as a dietitian nutritionist.

2 Sec. 18360. (1) To qualify as a qualified supervisor for
3 purposes of this part, subject to subsection (3), an individual
4 must be 1 of the following:

5 (a) A registered dietitian nutritionist.

6 (b) A dietitian nutritionist.

7 (c) An individual licensed or certified in another state as a
8 dietitian, dietitian nutritionist, nutritionist, or other qualified
9 nutrition professional who is authorized by that state to engage in
10 the practice of medical nutrition therapy.

11 (2) A qualified supervisor shall only supervise a clinical
12 activity or nutrition care service for which the qualified
13 supervisor is qualified and is authorized to perform.

14 (3) A qualified supervisor must be licensed under this article
15 if the qualified supervisor is supervising an applicant who is
16 engaging in the practice of medical nutrition therapy to an
17 individual who is located in this state.

18 (4) A qualified supervisor shall comply with all of the
19 following:

20 (a) Develop and carry out a program for advancing and
21 optimizing the quality of care provided by a supervisee. The
22 qualified supervisor and the supervisee shall identify and document
23 goals for the supervised practice experience described in section
24 18357(1)(c), the assignment of clinical tasks as appropriate to the
25 supervisee's evolving level of competence, the supervisee's
26 relationship and access to the qualified supervisor, and an
27 evaluation process for the supervisee's performance.

28 (b) Oversee the activities of, and accept responsibility for,
29 the nutrition care services rendered by a supervisee, which

1 includes a review of charts, records, and clinical notes of a
2 supervisee on a regular basis and maintaining responsibility for
3 the supervisee's clinical record keeping.

4 (c) At a minimum, be physically on-site and present where the
5 supervisee is providing nutrition care services or be immediately
6 and continuously available to the supervisee by means of 2-way
7 real-time audiovisual technology that allows for the direct,
8 contemporaneous interaction by sight and sound between the
9 qualified supervisor and the supervisee. If the qualified
10 supervisor assigns a nutrition care service to a supervisee that is
11 to be provided in a setting where the qualified supervisor is not
12 routinely present, the qualified supervisor shall ensure that the
13 means and methods of supervision are adequate to ensure appropriate
14 patient care, which may include synchronous videoconferencing, or
15 another method of communication and oversight that is appropriate
16 to the care setting and the education and experience of the
17 supervisee.

18 (d) Limit the assignment of nutrition care services to those
19 services that meet all of the following requirements:

20 (i) Are within the training and experience of a supervisee.

21 (ii) Are customary to the practice of the qualified supervisor.

22 (iii) Are within the parameters of the laws and rules of this
23 state and any standards of the facility in which the qualified
24 supervisor practices.

25 (e) Designate an alternate qualified supervisor to oversee a
26 service provided in the event of and during a qualified
27 supervisor's absence.

28 Sec. 18361. (1) Notwithstanding section 16181, the board may
29 grant a temporary license to an applicant who meets all

1 requirements for licensure under this part except an examination or
2 other evaluation procedure. A temporary license granted under this
3 section is automatically void if the applicant fails the
4 examination or other evaluation procedure.

5 (2) The holder of a temporary license granted under this
6 section shall practice under the supervision of a licensee who
7 holds a license other than a limited license or temporary license.

8 (3) The holder of a temporary license issued under this
9 section is subject to this part and the rules promulgated under
10 this part, except for the requirements for licensure. The
11 department may automatically void the temporary license if the
12 applicant violates this subsection.

13 (4) A temporary license granted under this section is valid
14 for 1 year and is not renewable. An individual may be granted only
15 1 temporary license under this section.

16 Sec. 18367. This part does not require new or additional
17 third-party reimbursement or mandated worker's compensation
18 benefits for services rendered by an individual licensed as a
19 dietitian nutritionist under this part.