

**LAWS AND REGULATIONS RELATING TO
LICENSURE AS A DIETITIAN
CERTIFICATION AS NUTRITIONIST**



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KENTUCKY REVISED STATUTES

310.005 Definitions for chapter.

As used in this chapter, unless the context requires otherwise:

- (1) "Board" means the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists;
- (2) "Practice of dietetics or nutrition" means the integration and application of 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. Methods of practice shall include, but are not limited to, 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;
- (3) "Dietitian" means a health care professional practicing dietetics and licensed pursuant to KRS 310.021;
- (4) "Nutritionist" means a health care professional practicing nutrition and certified pursuant to KRS 310.031;
- (5) "Nutrition care services" means:
 - (a) Assessing the nutrition needs of individuals and groups, and determining resources and constraints in the practice setting;
 - (b) Establishing priorities, goals, and objectives that meet nutrition needs that are consistent with available resources and constraints;
 - (c) Providing nutrition counseling in health and disease;
 - (d) Developing, implementing, managing, and evaluating nutrition care systems; and
 - (e) Developing, evaluating, altering, and maintaining appropriate standards of quality in food and nutrition care services;
- (6) "Nutrition assessment" means the evaluation of the nutrition needs of individuals and groups based upon appropriate biochemical, anthropometric, physical, and dietary data to determine nutrient needs. "Nutrition assessment" includes recommending appropriate nutrition intake, including enteral and parenteral nutrition;
- (7) "Nutrition counseling" means advising and assisting individuals or groups on appropriate nutrition intake as components of preventive, curative, and restorative health care by integrating information about the nutrition assessment with information on food and other sources of nutrients and meal preparation consistent with cultural background and socioeconomic status;
- (8) "Licensing agency" means the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists;
- (9) "License," means a license issued by the board;
- (10) "Certificate" means a certificate issued by the board;
- (11) "Licensed dietitian" means a person licensed by the board and qualified pursuant to the criteria as established in KRS 310.021;
- (12) "Certified nutritionist" means a person certified by the board and qualified pursuant to the criteria as established in KRS 310.031; and
- (13) "Commission on Dietetic Registration" means the commission established by the American Dietetic Association for review and registration for registered dietitians.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 319, sec. 1, effective July 15, 1994.

310.021 Licensure as a dietitian.

- (1) An applicant for licensure as a dietitian shall file a written application on forms provided by the board.
- (2) An applicant for licensure as a dietitian shall meet the standards of professional responsibility and practice consistent with those standards of professional responsibility and practice adopted by the American Dietetic Association.
- (3) An applicant for licensure as a dietitian shall be a graduate of a baccalaureate or post-baccalaureate degree program, approved by the board, from a United States regionally-accredited college or university with a major course of study in human nutrition, food and nutrition, dietetics, food systems management, or an equivalent major course of study.
- (4) An applicant for licensure as a dietitian shall have successfully completed a documented supervised practice experience under the supervision of a registered dietitian who is accredited by the American Dietetic Association.
- (5) An applicant for licensure as a dietitian shall have passed the national examination administered by the Commission on Dietetic Registration.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 319, sec. 2, effective July 15, 1994.

310.031 Certification as a nutritionist.

- (1) An applicant for certification as a nutritionist shall file a written application on forms provided by the board.
- (2) An applicant for certification as a nutritionist shall:
 - (a) Be a graduate of a baccalaureate degree program, approved by the board, from a United States regionally-accredited college or university; and
 - (b) Be a graduate of a master's degree program, approved by the board, in food science, nutrition, or a closely related area to food science or nutrition, and have a minimum of twelve (12) semester hours of graduate credit in human nutrition from a United States regionally-accredited college or university, or
- (3) Be qualified for licensure as a licensed dietitian under the provisions of KRS 310.021 and apply to the board for certification as a certified nutritionist.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 319, sec. 3, effective July 15, 1994.

310.040 Kentucky Board of Licensure and Certification for Dietitians and Nutritionists.

- (1) The Kentucky Board of Licensure and Certification for Dietitians and Nutritionists is hereby created to be comprised of seven (7) members appointed by the Governor. Three (3) members shall be licensed dietitians, three (3) members shall be certified nutritionists and one (1) member shall be a public member who shall have no pecuniary interest in the nutrition field. Of the members from the nutrition field, one (1) shall represent hospitals, one (1) shall represent health care facilities other than hospitals, one (1) shall represent state or local nutritional programs or shall be in private practice and one (1) shall be a dietetic educator. Appointments may be made from a list of nominees submitted to the Governor by the Kentucky Dietetic Association, the

Kentucky Hospital Association, the Kentucky Association of Health Care Facilities, and the Kentucky Medical Association.

- (2) Each member of the board shall serve for a term of four (4) years, except that for initial appointments, one (1) shall be for four (4) years, two (2) shall be for three (3) years, and two (2) shall be for two (2) years and one (1) shall be for one (1) year. No member shall serve more than two (2) consecutive terms and each member on July 15, 1994, shall serve on the board until his successor is appointed. Vacancies shall be filled by appointment of the Governor for the unexpired term.
- (3) The board shall organize annually and elect one (1) of its members as chairman and one (1) of its members as secretary. A quorum of the board shall consist of four (4) members. The board shall meet at least quarterly and upon the call of the chairman, or at the request of two (2) or more members to the secretary of the board.
- (4) Each member of the board shall receive compensation for services in an amount determined by the department, not to exceed (\$100) one hundred dollars (\$100) dollars per meeting. The members shall be reimbursed for all travel expenses for attending the meetings of the board. The compensation of members and employees of the board shall be paid from the revolving fund established in KRS 310.041(7).

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. □24, sec. □1668, effective July 15, 2010. -- Amended 2009 Ky. Acts ch. □12, sec. □50, effective June 25, 2009. -- Amended 1994 Ky. Acts ch. □319, sec. □7, effective July 15, 1994. -- Created 1988 Ky. Acts ch. □246, sec. □4, effective July 15, 1988.

310.041 Powers and duties of board.

The board shall:

- (1) Promulgate administrative regulations in accordance with KRS Chapter 13A implementing the provisions of KRS 310.005, 310.021, 310.031, 310.040, 310.041, 310.042, 310.050, 310.070, and 310.990;
- (2) Issue initial licenses and certificates and license and certificate renewals;
- (3) Notify in writing any person determined by the board to be in violation of this chapter or the administrative regulations promulgated thereunder. The notification shall state that the person may request a hearing by the board within an amount of time specified by the board. If a hearing is requested, the hearing shall be conducted in accordance with KRS Chapter 13B. If the person fails to request the hearing, or if the board determines from the hearing that the person is in violation of this chapter or the administrative regulations promulgated thereunder, the board may apply to the Circuit Court of the county in which the violation occurred for an injunction or other appropriate restraining order to prohibit the continued violation;
- (4) Publish and make available to the public, upon request and for a fee not to exceed the actual cost of printing and mailing, the administrative regulations of the board and the requirements for licensure and certification;
- (5) Establish fees, subject to maximum limitations prescribed in this chapter, in amounts sufficient to pay the expenses of the board directly attributable to the performance of its duties pursuant to the provisions of this chapter;
- (6) Review and approve or reject the qualifications of all applicants for licensure and certification and issue all approved licenses and certificates;

- (7) Collect or receive all fees, fines, and moneys owed pursuant to the provisions of this chapter and to deposit all fees, fines, and moneys into the State Treasury to the credit of a revolving fund for the use of the board. No part of this revolving fund shall revert to the general funds of this Commonwealth;
- (8) Deny, suspend, or revoke the license or certification of or to otherwise discipline or fine, by administrative penalty not to exceed five hundred dollars (\$500), or reprimand a license or certificate holder found guilty of violating any provisions of this chapter or the administrative regulations promulgated thereunder;
- (9) Promulgate administrative regulations in accordance with KRS Chapter 13A to establish conditions for granting a retired or inactive licensure status; and
- (10) Promulgate administrative regulations in accordance with KRS Chapter 13A to establish procedures to permit a licensee or certificate holder to voluntarily relinquish a license or certificate and conditions to reinstate a voluntarily relinquished license or certificate.

Effective: July 15, 2008

History: Amended 2008 Ky. Acts ch. 51, sec. 1, effective July 15, 2008

310.042 Conduct warranting denial, refusal to renew, or suspension or revocation of license or certificate or disciplinary action -- Administrative hearing.

- (1) The board may deny or refuse to renew a license or certificate, suspend or revoke a license or certificate, or issue orders to cease and desist from certain conduct or to otherwise discipline an applicant, a licensee, a certificate holder, or a person found guilty of violating any provisions of this chapter, if that person has:
 - (a) Attempted to or obtained licensure or certification by fraud or misrepresentation;
 - (b) Engaged in habitual intoxication or unprofessional conduct, including, but not limited to, willful acts of negligence or a pattern of continued and repeated malpractice, negligence, or incompetence in the course of professional practice;
 - (c) Engaged in habitual intoxication or personal misuse of any drug, narcotics, or controlled substances so as to adversely affect his ability to practice;
 - (d) Been convicted of a crime as defined in KRS 335B.010, if in accordance with KRS Chapter 335B; involving moral turpitude;
 - (e) Violated any lawful order or ruling of the board or any administrative regulation promulgated by the board; or
 - (f) Violated any provisions of this chapter.
- (2) All administrative hearings for the disciplinary action against a license or certificate holder shall be conducted in accordance with KRS Chapter 13B.

Effective: June 29, 2017

History: Amended 2017 Ky. Acts ch. 158, sec. 47, effective June 29, 2017. -- Amended 1996 Ky. Acts ch. 318, sec. 251, effective July 15, 1996. -- Created 1994 Ky. Acts ch. 319, sec. 6, effective July 15, 1994.

310.050 Fees -- Annual renewal -- Automatic revocation for nonrenewal -- Reinstatement -- Exceptions.

- (1) The board, by duly-promulgated administrative regulation, shall establish fees for the application, reinstatement, and renewal of a license or certificate and fees for reciprocal and duplicate licensure or certification.
- (2) No fee shall exceed fifty dollars (\$50).
- (3) A license or certificate shall be renewed annually and only upon timely payment of the renewal fee and documented successful completion of continuing education as required by the board.
- (4) A licensee or certificate holder who fails to renew his or her license or certificate within sixty (60) days after renewal becomes due shall have the license or certificate automatically revoked without further notice or hearing. Any person whose license or certificate is automatically revoked as provided in this subsection may have the license or certificate reinstated by the board in its discretion upon payment of all past-due renewal fees and a reinstatement fee.
- (5) Subsections (3) and (4) of this section shall not apply if the board has granted the license or certificate holder a special license or certificate status under KRS 310.041(9) or (10).

Effective: July 15, 2008

History: Amended 2008 Ky. Acts ch. 51, sec. 2, effective July 15, 2008. -- Amended 1994 Ky. Acts ch. 319, sec. 8, effective July 15, 1994. -- Created 1988 Ky. Acts ch. 246, sec. 5, effective July 15, 1988.

310.070 Unlawful practice or use of title -- Exceptions.

- (1) It shall be unlawful for any person to engage in the practice of dietetics or nutrition, to act or to represent himself to be a dietitian or a nutritionist, or to use such titles as "dietitian," "nutritionist," "licensed dietitian," "certified nutritionist," or such letters as "L.D.," "C.N.," or any word, letters, or title indicating or implying that the person is a dietitian or nutritionist, unless that person holds a license or certificate issued by the board.
- (2) Nothing in this chapter shall be construed to prevent or restrict:
 - (a) A person licensed in this state from carrying out any therapy or practice for which he is duly licensed, including but not limited to physicians, osteopaths, podiatrists, chiropractors, dentists, and nurses;
 - (b) A student enrolled in an approved academic program in dietetics, if the practice constitutes a part of a course of study under the supervision of a licensed dietitian or certified nutritionist. The student shall be designated by title clearly indicating his status as a student or trainee;
 - (c) A dietitian serving in the Armed Forces, the Public Health Service of the United States, or employed by the United States Department of Veterans Affairs from engaging in the practice of dietetics, if that practice is related to his service or employment;
 - (d) Persons performing the activities and services of a nutrition educator in the employment of a federal, state, county, or municipal agency or in an elementary or secondary school or accredited degree granting educational institution, if the activities and services are part of a salaried position;
 - (e) Federal, state, county, or municipal employees involved with nutrition related programs, including but not limited to, the cooperative extension services, child nutrition programs, and Project Headstart from engaging in the practice of dietetics or nutrition within the discharge of

their official duties. Any person engaging in the practice of dietetics or nutrition outside the scope of his official duties shall be licensed as provided in this chapter; or

(f) Persons employed in a hospital or nursing home from performing dietary services under the supervision of a licensed dietitian.

- (3) The provisions of this chapter shall not apply to a person who owns a health food store or who manufactures, distributes, or sells health foods, dietary supplements, or vitamins nor shall the provisions of this chapter be construed to affect any other person who provides nutritional or dietary advice or sells nutritional or dietary supplements if the person does not use the title dietitian, licensed dietitian, or certified nutritionist.

Effective: June 29, 2017

History: Amended 2017 Ky. Acts ch. 42, sec. 15, effective June 29, 2017. -- Created 1994 Ky. Acts ch. 319, sec. 4, effective July 15, 1994.

310.080 Licensure and certification until July 15, 1995, of applicants certified under prior law.

For a period of one (1) year from July 15, 1994, the board shall issue a license to an applicant who is currently certified as a dietitian and a certificate to an applicant who is currently certified as a nutritionist.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 319, sec. 10, effective July 15, 1994.

310.200 Duty of treating dietitian or nutritionist utilizing telehealth to ensure patient's informed consent and maintain confidentiality -- Board to promulgate administrative regulations -- Definition of "telehealth".

- (1) A treating dietitian or nutritionist who provides or facilitates the use of telehealth shall ensure:
- (a) That the informed consent of the patient, or another appropriate person with authority to make the health care treatment decision for the patient, is obtained before services are provided through telehealth; and
 - (b) That the confidentiality of the patient's medical information is maintained as required by this chapter and other applicable law. At a minimum, confidentiality shall be maintained through appropriate processes, practices, and technology as designated by the board and that conform to applicable federal law.
- (2) The board shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section and as necessary to:
- (a) Prevent abuse and fraud through the use of telehealth services;
 - (b) Prevent fee-splitting through the use of telehealth services; and
 - (c) Utilize telehealth in the provision of dietitian and nutrition services and in the provision of continuing education.
- (3) For purposes of this section, "telehealth" means the use of interactive audio, video, or other electronic media to deliver health care. It includes the use of electronic media for diagnosis, consultation, treatment, transfer of health or medical data, and continuing education.

Effective: July 14, 2000

History: Created 2000 Ky. Acts ch. 376, sec. 10, effective July 14, 2000.

310.990 Penalties.

- (1) Any person who violates the provisions of this chapter or who seeks to be certified or is certified under false pretenses or as a result of fraudulent information, shall be guilty of a Class A misdemeanor.
- (2) In addition, any person who violates the provisions of this chapter, shall be guilty of violating KRS 367.170 of the Consumer Protection Act and shall be subject to injunction and any other penalties provided for in KRS Chapter 367.

Effective: July 15, 1994

History: Amended 1994 Ky. Acts ch. 319, sec. 9, effective July 15, 1994. --
Created 1988 Ky. Acts ch. 246, sec. 7, effective July 15, 1988.

KENTUCKY ADMINISTRATIVE REGULATIONS

201 KAR 33:010. Fees.

RELATES TO: KRS 310.050(1)

STATUTORY AUTHORITY: KRS 310.041(1), (5), (9), 310.050

NECESSITY, FUNCTION, AND CONFORMITY: KRS 310.041(1) and (9) require the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists to promulgate administrative regulations for the licensure and certification of dietitians and nutritionists. KRS 310.041(5) and 310.050 require the board to establish appropriate licensure and certification fees by administrative regulation. The administrative regulation establishes fees for dietitian and nutritionist licensure.

Section 1. Application Fee.

- (1) The application fee for licensure as a dietitian shall be fifty (50) dollars.
- (2) The application fee for certification as a nutritionist shall be fifty (50) dollars.
- (3) The application fee for dual licensure as a dietitian and certification as a nutritionist shall be fifty (50) dollars.
- (4) Application fees shall not be refundable.

Section 2. Renewal Fees and Penalties.

- (1) The annual renewal fee for licensure or certification shall be fifty (50) dollars for each credential;
- (2) The late renewal fee for late renewal during the sixty (60) day grace period shall be twenty-five (25) dollars for each credential; and
- (3) The reinstatement fee for licensure or certification renewal after the end of the sixty (60) day grace period shall be fifty (50) dollars for each credential.
- (4) Renewal and reinstatement fees shall not be refundable.
- (5) In order to be considered for reinstatement, a retired licensee shall pay a reinstatement fee of fifty (50) dollars and all renewal fees from the date of election of that status.

Section 3. Duplicate Registration Fees. The fee for a duplicate license or certificate shall be ten (10) dollars.

Section 4. Inactive and Retired Status.

- (1) A licensee who holds an inactive license shall pay fifteen (15) dollars annually to establish or retain inactive status.
- (2) A licensee who retires a license shall not be required to pay an annual fee licensure. (22 Ky.R. 999; Am. 1304; eff. 1-8-1996; 36 Ky.R. 1307; 1906; eff. 3-5-2010; 41 Ky.R. 560; eff. 11-19-2014.)

201 KAR 33:015. Application; approved programs.

RELATES TO: KRS 310.021, 310.031(1), (2)

STATUTORY AUTHORITY: KRS 310.041(1), (2), (6)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 310.041 requires the Kentucky Board of Licensure for Dietitians and Nutritionists to promulgate administrative regulations and to review and approve or reject the qualifications of all applicants for licensure and certification. This administrative regulation establishes the procedure for submitting an application for licensure or certification and establishes requirements for institutions to be approved by the board.

Section 1. Application.

- (1) An Application for Licensure or Certification shall be submitted to practice dietetics after the requirements established in KRS 310.021 are met.
- (2) An Application for Licensure or Certification shall be submitted to practice nutrition after the requirements established in KRS 310.031 are met.
- (3) Each Application for Licensure or Certification shall be accompanied by the nonrefundable application fee, established in 201 KAR 33:010.
- (4) Each application shall be signed by the applicant.
- (5)(a) Each application to practice dietetics shall include:
 1. A copy of the applicant's current registration card issued by the Commission of Dietetic Registration;
or
 2. A letter indicating successful completion of the registration examination.
- (b) An Academy of Nutrition and Dietetics membership card shall not constitute compliance with paragraph (a)1. of this subsection.
- (6) Each application to practice nutrition shall include a certified copy of the applicant's official master's transcript.
- (7) If the applicant is or was licensed or registered in another jurisdiction, the applicant shall submit a complete Verification of Licensure in Other Jurisdictions form for all jurisdictions where the applicant is currently or has formerly been licensed or registered.

Section 2. Approved Programs.

- (1) A baccalaureate degree from a college or university approved by the board pursuant to KRS 310.021(3) or 310.031(2)(a) shall be a degree program that is listed as accredited by the Accreditation Council for Education in Nutrition and Dietetics.
- (2) If an applicant's baccalaureate degree is not listed as accredited by the Accreditation Council for Education in Nutrition and Dietetics, then the applicant shall demonstrate at least forty-five (45) semester hours or sixty-eight (68) quarter hours, as evidenced by a certified copy of an academic transcript, of coursework at the baccalaureate or graduate level in addition to the hours required by KRS 310.031(2)(b). The coursework shall include content specific to each of the following areas:
 - (a) Communication;
 - (b) Counseling;
 - (c) Physical and biological sciences;
 - (d) Social sciences;
 - (e) Research;
 - (f) Food composition;
 - (g) Nutrient metabolism;
 - (h) Food systems management;
 - (i) Nutrition therapy;
 - (j) Lifecycle nutrition; and
 - (k) Healthcare systems.
- (3) The twelve (12) semester hours of graduate credit required by KRS 310.031(2)(b) shall include only didactic hours of graduate credit specifically related to human nutrition. Examples include:
 - (a) Food sources of nutrients;
 - (b) Physiological and chemical processes of digestion, absorption, and metabolism;
 - (c) Nutrient needs throughout the life cycle;
 - (d) Nutrition assessment processes;
 - (e) Pathophysiology of disease states;
 - (f) Medical nutrition therapy;
 - (g) Nutrient needs in exercise and fitness; and
 - (h) Nutrition in health and wellness.

- (4) The twelve (12) semester hours of graduate credit required by KRS 310.031(2)(b) shall not include practicums, courses that are primarily obtained from work experiences, independent study, thesis, or dissertation credit hours.

Section 3. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) "Application for Licensure or Certification", July 2015; and
 - (b) "Verification of Licensure in Other Jurisdictions", July 2015.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leewood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.
(27 Ky.R. 3391; Am. 28 Ky.R. 1360; eff. 12-19-2001; 36 Ky.R. 1308; 1906; eff. 3-5-2010; 39 Ky.R. 1284; 1680; eff. 3-8-2013; 40 Ky.R. 2201; 2402; eff. 6-6-2014; 42 Ky.R. 1296; eff. 3-4-2016.)

201 KAR 33:020. Renewals.

RELATES TO: KRS 310.041

STATUTORY AUTHORITY: KRS 310.041, 310.050

NECESSITY, FUNCTION, AND CONFORMITY: KRS 310.050(1) requires the board to promulgate administrative regulations establishing procedures for annual renewal of licenses and certificates. This administrative regulation establishes procedures for annual renewal of licenses and certificates.

Section 1. Regular Renewal.

- (1) A licensed dietitian or certified nutritionist shall annually, before November 1, submit a completed Renewal Application and pay to the board the renewal fee established by 201 KAR 33:010, Section 2, for the renewal of the license or certificate.
- (2) Except as provided under Section 2 of this administrative regulation, if a license or certificate is not renewed before November 1 of each year, it shall expire.
- (3) Compliance with continuing education requirements shall be documented as provided by 201 KAR 33:030.

Section 2. Late Renewal and the Grace Period.

- (1) A sixty (60) day grace period shall be allowed beginning November 1, during which a licensee or certificate holder may renew his or her license or certificate upon payment of the renewal fee plus the late renewal fee established by 201 KAR 33:010, Section 2.
- (2) (a) A licensee or certificate holder may continue to practice during the sixty (60) day grace period.
(b) Upon request of the employer, a licensee or certificate holder practicing in accordance with paragraph (a) of this subsection shall present evidence of a valid pre-existing license or certificate.
- (3) A person requesting renewal of a certification or licensure during the sixty (60) day grace period shall comply with the continuing education requirements as required by KRS 310.050(3) and as specified by 201 KAR 33:030.

Section 3. Automatic Revocation. Upon revocation as set forth by KRS 310.050(4), a licensee or certificate holder shall no longer be eligible to practice in the Commonwealth.

Section 4. Licensure and Certification Reinstatement. After the sixty (60) day grace period, a license or certificate, which has been automatically revoked due to failure to renew, shall be reinstated if the licensee or certificate holder has:

- (1) Submitted a complete Reinstatement Application;
- (2) Paid the renewal fee plus a reinstatement fee as set forth by 201 KAR 33:010; and

- (3) Documented that he or she has complied with the continuing education requirements established by 201 KAR 33:030.

Section 5. Address and Contact Information Changes.

- (1) A licensee or certificate holder shall submit a current address to the board office by letter within thirty (30) days of an address change.
- (2) The letter shall include the licensee's or certificate holder's name, new address, phone number, and license or certificate number.
- (3) Changes to other contact information such as the licensee's or certificate holder's name, email address, or phone number shall require the licensee or certificate holder to submit the current contact information to the board office by letter within thirty (30) days of the changed contact information. The letter shall include the updated contact information and the license or certificate number.

Section 6. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) "Renewal Application", November 2015; and
 - (b) "Reinstatement Application", November 2015.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.
(22 Ky.R. 999; Am. 1304; eff. 1-8-1996; 34 Ky.R. 2211; 2529; eff. 7-7-2008; 35 Ky.R. 1869; 2006; eff. 3-11-2009; 35 Ky.R. 1310; 1907; eff. 3-5-2010; 42 Ky.R. 1298; 2323; eff. 3-4-2016.)

201 KAR 33:030. Continuing education requirements for licensees and certificate holders.

RELATES TO: KRS 310.050(3)

STATUTORY AUTHORITY: KRS 310.041(1), (9)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 310.041(1) requires the board to promulgate administrative regulations establishing continuing education requirements. This administrative regulation establishes continuing education requirements for dietitians and nutritionists.

Section 1.

- (1) (a) The annual continuing education compliance period shall extend from November 1 of each year to October 31 of the next year.
 - (b) Prior to renewal of a license or certificate for the next licensure or certification period, a licensee or certificate holder shall have earned fifteen (15) hours of approved continuing education during the compliance period.
 - (c) A person who is either licensed as a dietitian or certified as a nutritionist, or who is both a licensed dietitian and certified nutritionist, shall have earned a total of fifteen (15) hours of approved continuing education during the compliance period, prior to renewal of a license or certificate for the next licensure period.
- (2) An initial licensee or certificate holder shall be exempt from the continuing education requirements for the first license or certification renewal.
- (3) No more than fifteen (15) hours of continuing education may be carried over into the next continuing education period.
- (4) It shall be the responsibility of each licensee or certificate holder to finance the costs of continuing education.
- (5) For purposes of the audit set forth in subsection (8) of this section, every licensee or certificate holder shall maintain a record of all continuing education courses attended for two (2) years after the continuing education period. Appropriate documentation to be kept shall include:

- (a) Certificates of attendance for the prior-approved continuing education;
 - (b) Transcripts for academic coursework;
 - (c) Reprints of journal articles published; or
 - (d) Proof of attendance, description of activity, and professional qualifications of the presenter for continuing education activities.
- (6) Each licensee or certificate holder shall sign a statement on the Renewal Application form, as incorporated by reference in 201 KAR 33:020, indicating compliance with the continuing education requirements. A license or certificate shall not be renewed without this sworn statement.
- (7) A certified nutritionist shall submit a completed Continuing Education Submission Form for Certified Nutritionists Only.
- (8)(a) The board shall audit at least fifteen (15) percent of licensees' or certificate holders' continuing education records each year.
- (b) Licensees or certificate holders who are audited shall be chosen in a random manner or at the discretion of the board. The board's determination shall be based on:
- 1. Disciplinary action against the licensee or certificate holder; or
 - 2. Question of the validity of the continuing education credit.
- (c) Falsifying reports, records, or other documentation relating to continuing education requirements shall result in formal disciplinary action.
- (9)(a) A document that reflects a continuing valid registration with the Commission on Dietetic Registration shall constitute proof of compliance with the continuing education requirement by a person licensed as a dietitian or certified as a nutritionist.
- (b) A membership card shall not constitute compliance with paragraph (a) of this subsection.

Section 2. Approved Continuing Education Activities.

- (1) Hours of continuing education credit may be obtained by attending and participating in a continuing education activity, interactive workshop, seminar, or lecture that has been approved by the board.
- (2) Criteria for subject matter.
- (a) Subject matter for continuing education hours shall reflect the educational needs of the licensed dietitian or certified nutritionist and the nutritional health needs of the consumer.
 - (b) Subject matter shall be limited to offerings that are scientifically founded and offered at a level beyond entry-level dietetics for professional growth.
 - (c) The following areas shall be appropriate subject matter for continuing education credit if they are directly related to the practice of dietetics or nutrition:
 - 1. Sciences on which dietetic practice, dietetic education, or dietetic research is based including nutrition, biochemistry, physiology, food management, and behavioral and social sciences to achieve and maintain people's nutritional health;
 - 2. Nutrition therapy related to assessment, counseling, teaching, or care of clients in any setting; or
 - 3. Management or quality assurance of food and nutritional care delivery systems.
- (3) Standards for approval of continuing education programs and activities. A continuing education activity shall be approved if it:
- (a) Constitutes an organized program of learning, including a workshop or symposium, which contributes directly to the professional competency of the licensee or certificate holder;
 - (b) Pertains to subject matters that relate integrally to the practice of dietetics or nutrition; and
 - (c) Is conducted by individuals who have education, training, and experience in the subject matter of the program.
- (4) Academic coursework.
- (a) Coursework shall be eligible for credit if it:
 - 1. Has been completed at a U.S. regionally accredited college or university; and
 - 2. Is beyond entry-level dietetics.
 - (b) One (1) academic semester credit shall equal fifteen (15) continuing education hours.
 - (c) One (1) academic quarter credit shall equal ten (10) continuing education hours.

- (d) An audited class shall equal eight (8) continuing education hours for a semester or five (5) continuing education hours for a quarter.
- (5) Scholarly publications.
 - (a) A publication shall be approved if it:
 - 1. Is published in a recognized professional journal or other publication; and
 - 2. Relates to nutrition and dietetic practice, nutrition and dietetic education, or nutrition and dietetic research.
 - (b) Continuing education credit hours for authorship of a scholarly publication shall be reported using the requirements established in this paragraph.
 - 1. Authorship.
 - a. A single author shall be reported if the author is the sole author listed.
 - b. A senior author shall be reported if the author is the first of two (2) or more authors listed.
 - c. A co-author shall be reported if the author is the second of two (2) authors listed.
 - d. A contributing author shall be reported for all but the senior of three (3) or more authors.
 - 2. For the publication of a research paper, a licensee or a certificate holder shall receive continuing education credit of:
 - a. Ten (10) hours if he or she is the single author;
 - b. Eight (8) hours if he or she is the senior author;
 - c. Five (5) hours if he or she is a co-author; or
 - d. Three (3) hours if he or she is a contributing author.
 - 3. For the publication of a technical article, a licensee or a certificate holder shall receive continuing education of:
 - a. Five (5) hours if he or she is the single author;
 - b. Four (4) hours if he or she is the senior author;
 - c. Three (3) hours if he or she is a co-author; or
 - d. Two (2) hours if he or she is a contributing author.
 - 4. For the publication of an information-sharing article, a licensee or a certificate holder shall receive one (1) hour of continuing education credit.
 - 5. For the publication of an abstract, a licensee or a certificate holder shall receive continuing education of:
 - a. Two (2) hours if he or she is the single author or the senior author; or
 - b. One (1) hour if he or she is a co-author.
- (6) Poster sessions.
 - (a) Continuing education credit shall be approved for attending juried poster sessions that meet the criteria for appropriate subject matter established in subsection (3) of this section upon submission of the documentation required in paragraph (c) of this subsection.
 - (b) One (1) hour of continuing education credit shall be allowed for each hour of posters reviewed not to exceed three (3) hours in a continuing education year.
 - (c) The following documentation shall be submitted for approval of continuing education credit for attending juried poster sessions:
 - 1. Certificate of attendance or completion indicating:
 - a. The date of the session;
 - b. The number of hours requested;
 - c. The objectives of the session; and
 - d. The session provider;
 - 2. An agenda or outline of the session;
 - 3. A program, flyer, or brochure describing the poster session; or
 - 4. Handouts from the poster session.
- (7) Continuing education hours for presenters.

- (a) Credit shall not be given for presentations to the lay public.
 - (b) Credit shall be allowed only once for the same presentation.
 - (c) The presenter shall receive twice the number of hours approved for the activity.
 - (d) Two (2) hours per topic shall be allowed for presenters of juried poster sessions that meet the criteria for appropriate subject matter established in subsection (3) of this section.
 - (e) A copy of the presentation or poster, abstract or manuscript, and documentation of the peer review process shall be included in the licensee's or certificate holder's documentation list.
- (8) Exhibits.
- (a) Continuing education credits may be obtained for attending exhibits that meet the criteria for appropriate subject matter established in subsection (3) of this section upon submission of the documentation required in paragraph (c) of this subsection.
 - (b) One (1) hour of continuing education credit shall be allowed for each hour of exhibits reviewed not to exceed three (3) hours in a continuing education year.
 - (c) Documentation of attendance or completion of review of exhibits shall be submitted showing:
 - 1. Date;
 - 2. Provider;
 - 3. Timeline; and
 - 4. Content of the exhibits.
- (9) Residency and fellowship programs.
- (a) Fifteen (15) hours of continuing education credit shall be granted for completion of a residency or fellowship program, if the program is:
 - 1. At the postbaccalaureate level;
 - 2. Dietetics-related;
 - 3. Formalized or structured experiences; and
 - 4. Sponsored by a U.S. regionally accredited college or university of an institution accredited or approved by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) or the National Committee for Quality Assurance (NCQA).
 - (b) Documentation of compliance with paragraph (a) of this subsection shall be submitted and shall include:
 - 1. Certificate of completion; and
 - 2. Name, address, phone number, e-mail address, and fax number of the provider.
- (10) Certification program.
- (a) Fifteen (15) hours of continuing education credit shall be granted for completion of a certification approved by the board that:
 - 1. Is dietetics-related;
 - 2. Requires that candidates meet eligibility requirements; and
 - 3. Requires that a candidate or certificate holder pass an examination to become certified initially, and to be recertified.
 - (b) Up to fifteen (15) hours of continuing education credit, for the exam only, may be carried over to the following year.
 - (c) Documentation. A document verifying the date of issue; duration of certification; and name, address, phone number, e-mail address, and fax number of the provider shall be submitted.
- (11) Self study courses.
- (a) Fifteen (15) hours of continuing education credit shall be granted for completion of a Commission on Dietetic Registration preapproved self-study program that meets the following criteria:
 - 1. The program shall address a single specific subject in depth;
 - 2. Test items shall accompany the program and be based on its content; and
 - 3. The program may be audio-based; computer based; printed; video-, DVD-, or CD-based; or Web-based.
 - (b) The following documentation shall be submitted:
 - 1. A certificate of attendance or completion;

2. An agenda or outline of the program; and
3. Description of the objectives, date, timeline, and provider of the program.

Section 3. Procedures for Prior Approval of Continuing Education Activities.

- (1) A person seeking prior approval of a course, program, or other continuing education activity shall apply to the board for approval at least sixty (60) days in advance of the commencement of the activity.
- (2) The application shall state the:
 - (a) Dates;
 - (b) Subjects offered;
 - (c) Objectives for the activity;
 - (d) Total hours of instruction; and
 - (e) Names and qualifications of speakers.
- (3) The board shall approve or deny timely and complete applications before the commencement of the activity.
- (4) Review of programs.
 - (a) The board may monitor and review any continuing education program already approved by the board.
 - (b) Upon evidence of significant variation in the program presented from the program approved, the board may disapprove all or any part of the approved hours granted the program.
- (5) Programs pertaining to the following subject areas shall require preapproval by the board:
 - (a) Experiential skill development, which shall be limited to fifteen (15) hours;
 - (b) Independent learning programs that are sponsored and related to nutrition and dietetic practice, nutrition and dietetic education, or nutrition and dietetic research, which shall be limited to ten (10) hours;
 - (c) Study groups involving nutrition and dietetic practice, nutrition and dietetic education, or nutrition and dietetic research, which shall be limited to ten (10) hours; and
 - (d) Professional reading of journal articles related to nutrition and dietetic practice, nutrition and dietetic education, or nutrition and dietetic research, which shall be limited to three (3) hours.

Section 4. Subsequent Approval of Continuing Education Activities.

- (1)(a) Individual or group educational activities for which program providers or sponsors have not requested continuing education hour approval prior to the date of the activity may be approved by the board for continuing education credit.
 - (b) An activity that has received prior approval shall not be submitted on a subsequent approval basis.
- (2) The person seeking subsequent approval of continuing education activities shall submit the following information regarding the program attended:
 - (a) Dates;
 - (b) Subjects offered;
 - (c) Learner educational objectives for the activity and anticipated outcomes;
 - (d) Total hours of instruction;
 - (e) Names and qualifications of speakers;
 - (f) A timing outline, including time spent for registration, introductions, welcomes, and coffee and meal breaks; and
 - (g) The number of continuing education hours requested.
- (3) A request for approval of a continuing education program based on:
 - (a) A program that does not require preapproval shall be submitted within sixty (60) days of completion;
 - (b) Authorship of a publication shall be submitted within six (6) months of the date of publication; and
 - (c) Academic coursework shall be submitted within the licensure or certification year of the course completion date.

- (4) Documentation of attendance at a workshop, seminar, or lecture related to nutrition and dietetic practice, nutrition and dietetic education, or nutrition and dietetic research that has not been approved by the Commission on Dietetic Registration shall be submitted within sixty (60) days of attendance.
- (5) An activity that has not received prior approval may be submitted by individuals on a subsequent approval basis with rationale demonstrating continuing education value.

Section 5. Provider Preapproval.

- (1) A provider of a continuing education program seeking to obtain prior approval from the board for continuing education certification shall provide the following documentation to the board not less than sixty (60) days prior to the event:
 - (a) Dates;
 - (b) Subjects offered;
 - (c) Objectives for the activity;
 - (d) Total hours of instruction; and
 - (e) Names and qualifications of speakers.
- (2) The board shall approve or deny timely and complete applications before the commencement of the activity.
- (3) Review of programs.
 - (a) The board may monitor and review any continuing education program already approved by the board.
 - (b) Upon evidence of significant variation in the program presented from the program approved, the board may disapprove all or any part of the approved hours granted the program.

Section 6. Appeals Procedure.

- (1) A licensee or certificate holder may appeal decisions regarding continuing education by filing a written appeal.
- (2) An appeal shall be sent to the board within thirty (30) calendar days after notification of denial and shall be considered by the board at its next scheduled meeting.

Section 7. Waiver of Continuing Education.

- (1) A licensee or certificate holder who is medically disabled or ill based upon the verification document signed by a licensed physician shall be granted:
 - (a) A waiver of the continuing education requirements; or
 - (b) An extension of time within which to complete continuing education requirements or make required reports.
- (2) A written request for waiver or extension of time shall be:
 - (a) Submitted by the licensee or certificate holder; and
 - (b) Accompanied by a verifying document signed by a licensed physician.
- (3) A waiver of the minimum continuing education requirements or extensions of time to complete them shall not be granted for more than one (1) calendar year.
- (4) If the medical disability or illness upon which a waiver or extension has been granted continues beyond the period of the waiver or extension, the licensee or certificate holder shall reapply for further waiver or extension.

Section 8. Continuing Education Requirements for Retired or Inactive Licensees or Certificate Holders.

- (1)(a) A licensee or certificate holder who holds an inactive license or certificate shall not be required to obtain continuing education.
- (b) Upon application to return to active status, the licensee or certificate holder shall present evidence that the licensee or certificate holder has fulfilled the continuing education requirements for the two (2) year period immediately prior to the application for reinstatement.
- (2)(a) A retired licensee or certificate holder shall not be required to obtain continuing education.

(b) Upon application to return to active status, the licensee or certificate holder shall present evidence that the licensee or certificate holder has fulfilled all past-due continuing education requirements from the date of retirement.

Section 9. Incorporation by Reference.

- (1) "Continuing Education Submission Form for Certified Nutritionists Only", July 2015, is incorporated by reference.
 - (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.
- (22 Ky.R. 1001; Am. 1455; eff. 2-12-1996; 33 Ky.R. 879; 1292; eff. 11-15-2006; 36 Ky.R. 1311; 1907; eff. 3-5-2010; 42 Ky.R. 1299; 2324; eff. 3-4-2016.)

201 KAR 33:040. Compensation of board members.

RELATES TO: KRS 310.040(5)

STATUTORY AUTHORITY: KRS 310.040(5), 310.041(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 310.040(5) requires the board to establish the compensation for board members by administrative regulation. This administrative regulation establishes the compensation of board members.

Section 1. Members of the board shall:

- (1) Receive compensation in the amount of \$100 per day for each day of actual board service; and
- (2) Travel expenses as provided by 200 KAR 2:006.

(22 Ky.R. 1003; Am. 1305; eff. 1-8-96.)

201 KAR 33:050. Complaint procedure.

RELATES TO: KRS 310.041(3), (8), 310.042(2), 310.070(1), 310.990

STATUTORY AUTHORITY: KRS 310.041(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 310.041(1) requires the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists to promulgate administrative regulations. This administrative regulation establishes procedures for the filing, evaluation, and disposition of administrative complaints.

Section 1. Definitions.

- (1) "Chairperson" means the chairperson or secretary of the board.
- (2) "Charge" means a specific allegation contained in a formal complaint, as established in subsection (4) of this section, issued by the board alleging a violation of a specified provision of KRS Chapter 310 or 201 KAR Chapter 33.
- (3) "Complaint" means a written allegation of misconduct by a credentialed dietitian or nutritionist that may constitute a violation of KRS Chapter 310 or 201 KAR Chapter 33.
- (4) "Formal complaint" means a formal administrative pleading authorized by the board that sets forth charges against a licensed dietitian or nutritionist and commences a formal disciplinary proceeding pursuant to KRS Chapter 13B or requests the court to take criminal or civil action.
- (5) "Informal proceedings" means the proceedings instituted at any stage of the disciplinary process with the intent of reaching a dispensation of any matter without further recourse to formal disciplinary procedures under KRS Chapter 13B.
- (6) "Investigator" means an individual designated by the board to assist the board in the investigation of a complaint or an investigator employed by the Attorney General or the board.

Section 2. Receipt of Complaints.

- (1) A complaint:
 - (a) May be submitted by an:
 1. Individual;
 2. Organization; or
 3. Entity;
 - (b) Shall be:
 1. In writing; and
 2. Signed by the person offering the complaint; and
 - (c) May be filed by the board based upon information in its possession.
- (2) Upon receipt of a complaint:
 - (a)
 1. A copy of the complaint shall be sent to the individual named in the complaint along with a request for that individual's response to the complaint.
 2. The individual shall be allowed a period of twenty (20) days from the date of receipt to submit a written response.
 - (b)
 1. Upon receipt of the written response of the individual named in the complaint, a copy of that response shall be sent to the complainant.
 2. The complainant shall have seven (7) days from the date of receipt to submit a written reply to the response.

Section 3. Initial Review.

- (1) The board shall establish a complaint committee composed of two (2) board members the purpose of which shall be to review complaints and information and make recommendations to the board about prospective action related to those complaints.
- (2) After the receipt of a complaint and the expiration of the period for the individual's response, the complaint committee shall consider the individual's response, complainant's reply to the response, and any other relevant material available. The complaint committee shall determine whether there is enough evidence to warrant a formal investigation of the complaint. After making this determination, the complaint committee shall recommend further action or disposition to the board.
- (3) If the board determines before formal investigation that a complaint is without merit, it shall:
 - (a) Dismiss the complaint; and
 - (b) Notify the complainant and respondent of the board's decision.
- (4) If the board determines that a complaint warrants a formal investigation, it shall:
 - (a) Authorize an investigation into the matter; and
 - (b) Order a written report to be made to the complaint committee.

Section 4. Results of Formal Investigation; Board Decision on Hearing.

- (1) Upon completion of the formal investigation, the investigator shall submit a verbal report to the complaint committee of the facts regarding the complaint.
 - (a) The complaint committee shall determine if there has been a prima facie violation of KRS Chapter 310 or 201 KAR Chapter 33 and if a complaint should be filed.
 - (b) After making this determination, the complaint committee shall recommend further action or disposition to the board.
- (2) If the board determines that a letter of complaint does not warrant issuance of a formal complaint, it shall:
 - (a) Dismiss the complaint; and
 - (b) Notify the complainant and respondent of the board's decision.
- (3) If the board determines that a violation has occurred but is not serious, the board shall issue a written admonishment to the licensee. A copy of the written admonishment shall be placed in the permanent file of the licensee.

- (a) The licensee shall have the right to file a response to the admonishment, in writing, within thirty (30) days of its receipt and may have it placed in the permanent file.
- (b) 1. Alternatively, the licensee may file a request for a hearing with the board within thirty (30) days of the admonishment.
2. Upon receipt of the request, the board shall set aside the written admonishment and set the matter for hearing pursuant to the provisions of KRS Chapter 13B.
- (4) If the board determines that a letter of complaint warrants the issuance of a formal complaint against a respondent, the board shall prepare a formal complaint that states clearly the charge or charges to be considered at the hearing. The formal complaint shall be reviewed by the board and, if approved, signed by the chairperson and served upon the individual as required by KRS Chapter 13B.
- (5) If the board determines that a person may be in violation of KRS 310.070(1), it shall:
 - (a) Order the individual to cease and desist from further violations of KRS 310.070(1);
 - (b) Forward information to the county attorney of the county of residence of the person allegedly violating KRS 310.070(1) with a request that appropriate action be taken under KRS 310.990; or
 - (c) Initiate action in Franklin Circuit Court for injunctive relief to stop the violation of KRS 310.070(1).

Section 5. Settlement by Informal Proceedings.

- (1) The board through counsel may, at any time during this process, enter into informal proceedings with the individual who is the subject of the complaint for the purpose of appropriately dispensing with the matter.
- (2) An agreed order or settlement reached through this process shall be approved by the board and signed by the individual who is the subject of the complaint and the chairperson.
- (3) The board may employ mediation as a method of resolving the matter informally.

Section 6. Notice and Service of Process. A notice required by KRS Chapter 310 or this administrative regulation shall be issued pursuant to KRS Chapter 13B.

Section 7. Notification. The board shall make public:

- (1) Its final order in a disciplinary action under KRS 310.042 with the exception of a written admonishment issued pursuant to Section 4(3) of this administrative regulation; and
- (1) An action to restrain or enjoin a violation of KRS 310.070(1).
(27 Ky.R. 3392; eff. 12-19-2001; Am. 36 Ky.R. 1314; 1910; eff. 3-5-2010.)

201 KAR 33:060. Supervision requirements.

RELATES TO: KRS 310.070(2)(f)

STATUTORY AUTHORITY: KRS 310.041(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 310.070(2)(f) establishes that persons employed in a hospital or nursing home may perform dietary services under the supervision of a licensed dietitian or certified nutritionist. This administrative regulation establishes the specific requirements to be met by supervisors of those persons.

Section 1. Definitions.

- (1) "Dietary services" means the data collection, observation, and implementation of nutrition care protocols as established by the supervisor.
- (2) "Supervisee" means a person performing dietary services pursuant to KRS 310.070(2)(f).
- (3) "Supervision" means the process of utilizing a partnership between a supervisor and a supervisee aimed at overseeing and insuring the overall quality of care for the client or patient.

- (4) "Supervisor" means a licensed dietitian or certified nutritionist who is supervising a person performing dietary services pursuant to KRS 310.070(2)(f).

Section 2.

- (1) A supervisor shall be responsible for the actions of the supervisee.
- (2) A supervisor shall maintain individual records for each supervisee which shall include the following information:
 - (a) Name of supervisee;
 - (b) Name and license number of the supervisor;
 - (c) The name of the hospital or nursing home where the dietary services are performed; and
 - (d) A statement that the supervisor shall provide adequate direct supervision to the supervisee to insure the provision of quality dietary services by the supervisee.
(27 Ky.R. 3393; Am. 28 Ky.R. 1360; eff. 12-19-2001.)

201 KAR 33:070. Telehealth and telepractice.

RELATES TO: KRS 310.070, 310.200

STATUTORY AUTHORITY: KRS 310.200(1), (2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 310.200 requires the Board of Licensure and Certification for Dietitians and Nutritionists to adopt administrative regulations to further the objectives stated therein. This administrative regulation establishes procedures necessary to prevent abuse and fraud through the use of telehealth, prevent fee-splitting through the use of telehealth, and utilize telehealth in the provision of dietitian and nutrition services, and in the provision of continuing education.

Section 1. Definitions.

- (1) "Client" means the person receiving the services of the dietitian or nutritionist.
- (2) "Educator" means a presenter speaking to a group of individuals on a topic generally without a focus on the specific needs of any particular individual.
- (3) "Licensed healthcare professional" means a medical doctor, registered nurse, practical nurse, nurse practitioner, advanced practice registered nurse, physician's assistant, chiropractor, certified diabetes educator, pharmacist, speech-language pathologist, registered dietitian, certified nutritionist, podiatrist, audiologist, or psychologist licensed in the jurisdiction where he or she is physically located.
- (4) "Practitioner" means a licensed dietitian or certified nutritionist.
- (5) "Telehealth" is defined by KRS 310.200(3).
- (6) "Telepractice" means the practice of dietetics or nutrition as defined by KRS 310.005(2) and provided by using communication technology that is two (2) way, interactive, simultaneous audio and video.

Section 2. Client Requirements. A licensed health care professional may represent the practitioner at the initial meeting. A practitioner who uses telehealth to deliver dietetics or nutrition services shall, at the initial meeting with the client:

- (1) Make attempts to verify the identity of the client;
- (2) Obtain alternative means of contacting the client other than electronically such as by the use of a telephone number or mailing address;
- (3) Provide to the client alternative means of contacting the licensee other than electronically such as by the use of a telephone number or mailing address;

- (4) Provide contact methods of alternative communication the practitioner shall use for emergency purposes such as an emergency on call telephone number;
- (5) Document if the client has the necessary knowledge and skills to benefit from the type of telepractice provided by the licensee; and
- (6) Inform the client in writing and document acknowledgement of the risk and limitations of:
 - (a) The use of technology in the provision of telepractice;
 - (b) The potential breach of confidentiality of information, or inadvertent access of protected health information, due to technology in the provision of telepractice;
 - (c) The potential disruption of technology in the use of telepractice;
 - (d) When and how the practitioner will respond to routine electronic messages;
 - (e) In what circumstances the practitioner will use alternative communications for emergency purposes;
 - (f) Who else may have access to client communications with the practitioner;
 - (g) How communications shall be directed to a specific licensee;
 - (h) How the practitioner stores electronic communications from the client; and
 - (i) That the practitioner may elect to discontinue the provision of services through telehealth.

Section 3. Competence, Limits on Practice, Maintenance, and Retention of Records. A practitioner using telehealth to deliver services or who telepractices shall:

- (1) Limit the telepractice to the area of competence in which proficiency has been gained through education, training, and experience;
- (2) Maintain current competency in telepractice through continuing education, consultation, or other procedures, in conformance with current standards of scientific and professional knowledge;
- (3) Document the client's presenting problem, purpose, or diagnosis, and include which services were provided by telepractice;
- (4) Use secure communications with each client, including encrypted text messages, via email or secure Web sites, and not use personal identifying information in non-secure communications; and
- (5) Ensure that confidential communications obtained and stored electronically shall not be recovered and accessed by unauthorized persons when the licensee disposes of electronic equipment and data.

Section 4. Compliance with Federal, State, and Local Law.

(1) A practitioner using telehealth to deliver dietetics or nutrition services shall comply with Section 508 of the Rehabilitation Act, 29 U.S.C. 794(d), to make technology accessible to a client with a disability.

(2) A person providing dietetic or nutrition services for which an exception to licensure does not apply or who represents himself or herself as a dietitian, licensed dietitian, or certified nutritionist pursuant to KRS 310.070 shall be licensed by the board if: (a) Services are offered via telehealth; and (b) These services are provided or the representation is made to a person when he or she is physically located in Kentucky.

(3) A person providing dietetic or nutrition services for which an exception to licensure does not apply or who represents himself or herself as a dietitian, licensed dietitian, or certified nutritionist pursuant to KRS 310.070 shall be licensed by the board if:

(a) Services are offered via telehealth; and

(b) These services are provided or the representation is made from a physical location in Kentucky.

This person may be subject to licensure requirements in other states where the services are received by the client.

(4) No provision of this administrative regulation shall restrict the ability of educators to present on topics related to dietetics and nutrition pursuant to KRS 310.070(2)(d). Section 5. Representation of Services and Code of Conduct. A licensee using telehealth to deliver services or who telepractices shall not: (1) Engage in false, misleading, or deceptive advertising of telepractice; or (2) Split fees. (Amd 40 Ky.R. 2228; Am. 2423; eff. 6-6-2014 --Amd 44 Ky.R. 2087; eff. 6-1- 2018.)