AN ACT

RELATING TO LICENSING; AMENDING AND ENACTING SECTIONS OF THE
NUTRITION AND DIETETICS PRACTICE ACT TO CLARIFY DIETITIAN
NUTRITIONIST AND NUTRITIONIST LICENSURE REQUIREMENTS; PROVIDING
A SCOPE OF PRACTICE FOR DIETITIAN NUTRITIONISTS AND
NUTRITIONISTS; CHANGING THE COMPOSITION AND DUTIES OF THE
NUTRITION AND DIETETICS PRACTICE BOARD; PROVIDING A BIENNIAL
LICENSURE FEE; PROVIDING EXEMPTIONS FROM FEES FOR ACTIVE DUTY
MILITARY SERVICE PERSONNEL AND SPOUSES; CREATING FINES FOR
NUTRITION AND DIETETICS PRACTICE ACT VIOLATIONS; EXTENDING THE
SUNSET DATE OF THE NUTRITION AND DIETETICS PRACTICE BOARD;
PROVIDING FOR NO ADDITIONAL LICENSURE REQUIREMENTS FOR CURRENT
LICENSED PRACTITIONERS; CREATING TITLE PROTECTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 61-7A-1 NMSA 1978 (being Laws 1989, 219732.1
Chapter 387, Section 1) is amended to read:

"61-7A-1. SHORT TITLE.--[Sections 1 through 15 of this act] Chapter 61, Article 7A NMSA 1978 may be cited as the "Nutrition and Dietetics Practice Act".

SECTION 2. Section 61-7A-2 NMSA 1978 (being Laws 1989, Chapter 387, Section 2) is amended to read:

"61-7A-2. LEGISLATIVE FINDINGS--PURPOSE OF ACT.--

A. The legislature finds that the application of scientific knowledge relating to food and nutrition plays an important part in the treatment of disease and in the attainment and maintenance of health. The legislature further finds that the rendering of dietetics services in institutions and other settings requires trained and competent professionals.

B. The purpose of the Nutrition and Dietetics Practice Act is to safeguard life and health and to promote the public welfare by providing for the licensure and regulation of the persons engaged in the practice of nutrition or dietetics in the state and by providing the consumer a means of identifying those qualified to practice nutrition or dietetics."

SECTION 3. Section 61-7A-3 NMSA 1978 (being Laws 1989, Chapter 387, Section 3) is amended to read:

"61-7A-3. DEFINITIONS.--As used in the Nutrition and Dietetics Practice Act:
[A. "association" means the American dietetic association;]

[B. "board" means the nutrition and dietetics practice board;]

[C. "commission" means the commission on dietetic registration that is a member of the national commission [on health] for certifying agencies [which national commission establishes national standards of competence for individuals participating in the health care delivery system] and the national body that develops standards of excellence for voluntary certification programs;

[D. "degree" means a degree received from a college or university that is a United States regionally accredited body recognized by the council for higher education accreditation and the United States department of education at the time the degree was received, or a validated foreign equivalent;]

[E. "dietetics" means the integration, application and communication of practice principles derived from the food, nutrition, social, business and basic sciences to achieve and maintain the optimal nutrition status of an individual;]

[D-] "dietitian" or "dietitian nutritionist" means a health care professional who engages in [nutrition or dietetics practice] the practice of dietetics and nutrition and uses the title dietitian or dietitian nutritionist and meets...
the qualifications to be licensed as a dietitian nutritionist;

[E. "nutrition or dietetics practice" means the
integration and application of principles derived from the
sciences of nutrition, biochemistry, physiology, food
management and behavioral and social sciences to achieve and
maintain human health through the provision of nutrition care
services;]

F. "evidence-based" or "evidence-based practice"
means an approach to health care wherein health practitioners
use the best evidence possible to make decisions for
individuals, groups and populations;

G. "diplomate of the American clinical board of
nutrition" means a person certified as a diplomate by the
American clinical board of nutrition that authorizes the
individual to use the title "diplomate of the American clinical
board of nutrition" and the abbreviation "D.A.C.B.N."

H. "general nonmedical nutrition information"
means:

(1) principles of good nutrition and food
preparation;

(2) foods that should be included in the
normal daily diet;

(3) essential nutrients needed by the human
body;

(4) recommended amounts of essential nutrients
in the human body;

(5) actions of nutrients in the human body;
(6) effects of deficiencies or excesses of nutrients in the human body;
(7) foods, herbs and dietary supplements that are good sources of essential nutrients in the human body; and
(8) principles of self-care and healthy relationships with food;

I. "general supervision" means a qualified supervisor is on-site and present where nutrition care services are provided or is immediately available to the person being supervised by means of electronic communications and maintains continual involvement in the appropriate aspects of patient care and has primary responsibility for all nutrition care services rendered by a person under supervision;

J. "licensed dietitian nutritionist" means a person who is licensed as a dietitian nutritionist;

K. "licensed nutritionist" means a person who is licensed as a nutritionist;

L. "medical nutrition therapy" means nutrition care services provided for the treatment or management of a disease or medical condition and includes:

(1) interpreting anthropometric, biochemical, clinical and dietary data in acute and chronic disease states and recommending or ordering nutrient needs based on dietary
data, including tube feedings and parenteral nutrition;

(2) food and nutrition counseling, including prescription drug interactions;

(3) developing and managing food service operations, including operations for the management or treatment of disease or medical conditions, with the primary function of nutrition care or recommending or ordering therapeutic diets; and

(4) medical weight control;

M. "medical weight control" means medical nutrition therapy for the purpose of reducing, maintaining or gaining weight;

N. "nutrition" means the science of food and nutrients, including the action, interaction and balance of food and nutrients in relation to health and disease and the process by which humans ingest, absorb, transport, utilize and excrete food substances;

O. "nutrition assessment" means the systematic process of obtaining, verifying and interpreting biochemical, anthropometric, physical, nutrigenomic and dietary data to make decisions about the nature and cause of nutrition-related problems. The mere collection of data itself does not constitute nutrition assessment. The term includes an ongoing, dynamic process that:

(1) involves an initial data collection and a
reassessment and analysis of client or community needs; and

(2) provides the foundation for nutrition
diagnosis and nutritional recommendations, including enteral
and parenteral nutrition;

[F. P.] "nutrition care services" means:

(1) assessing and evaluating
the nutritional needs of individuals and groups and
determining a determination of resources and constraints in
the practice setting, including ordering laboratory tests to
check and track nutrition status, creating dietary plans and
orders and monitoring the effectiveness of a dietary plan;

(2) establishing
priorities, goals and objectives that meet nutritional needs in
a manner consistent with available resources and constraints;

(3) providing nutrition
counseling in health and disease;

(4) developing, implementing and
managing nutrition
care systems; [and]

(5) evaluating, adjusting and maintaining
appropriate standards
of quality in food and nutrition care; and

(6) ordering therapeutic diets;

[G.] "nutritional assessment" means the evaluation
of the nutritional needs of individuals and groups based upon
appropriate biochemical, anthropometric, physical and dietary
data to determine nutrient needs and recommend appropriate
nutritional intake, including enteral and parenteral nutrition;

H. "nutrition counseling" means advising and
assisting individuals or groups on appropriate nutritional
intake by integrating information from the nutritional
assessment with information on food and other sources of
nutrients and meal preparation consistent with cultural
background and socioeconomic status;

I. "nutrition associate" means a health care
professional who engages in nutrition or dietetics practice
under the supervision of a dietitian or nutritionist; and a
supportive process, characterized by a collaborative
counselor-patient or client relationship with individuals or
groups, to establish food, nutrition and physical activity
priorities, goals and individualized action plans that foster
responsibility for self-care to treat an existing condition or
promote health;

R. "nutrition diagnosis" means identifying and
labeling nutritional problems managed and treated by a
dietitian nutritionist or nutritionist and does not include the
medical differential diagnosis of the health status of an
individual;

S. "nutrition intervention" means purposefully
planned actions and nutrition counseling intended to positively
change a nutrition-related behavior, risk factor, environmental condition or aspect of health status for an individual;

[J-] T. "nutritionist" means a [health care professional who engages in nutrition or dietetics practice and uses the title nutritionist] licensed dietitian nutritionist, licensed nutritionist, dietitian or dietitian nutritionist;

U. "nutrition monitoring and evaluation" means identifying patient outcomes relevant to a nutrition diagnosis and comparing the outcomes with the patient's previous health status, intervention goals or reference standards to determine the progress made in achieving desired outcomes of nutrition care and whether planned interventions should be continued or revised;

V. "on-site supervision" means that a qualified supervisor is on-site and present in the department or facility or virtual platform where nutrition care services are provided, is immediately available to the individual being supervised and maintains continual involvement in the appropriate aspects of patient care and has primary responsibility for all nutrition care services rendered by that individual;

W. "practice of dietetics and nutrition" means the integration and application of scientific principles derived from the study of food, nutrition, biochemistry, metabolism, nutrigenomics, physiology and food management and from behavioral and social sciences in achieving and maintaining
health throughout the patient's life span and in providing
nutrition care services in person or through telehealth for the
purpose of disease management or to treat or rehabilitate an
illness, injury or condition;

X. "qualified supervisor" means:

(l) when supervising the provision of medical
nutrition therapy, an individual who is either:

(a) a certified nutrition specialist or
a registered dietitian nutritionist;

(b) a licensed nutritionist, a licensed
dietitian nutritionist or a licensed registered dietitian; or

(c) a health care provider licensed or
otherwise authorized by any state or territory to provide
nutrition care services for the purpose of treating or managing
a disease or medical condition; if supervising an applicant
providing medical nutrition therapy to an individual in this
state pursuant to this subparagraph, the health care provider
shall be licensed in this state; and

(2) when supervising the provision of
nutrition care services that do not constitute medical
nutrition therapy:

(a) an individual who meets the
requirements of Paragraph (l) of this subsection;

(b) an individual with at least three
years of clinical nutrition experience who holds a master's or
doctoral degree with a major course of study in dietetics, human nutrition, foods and nutrition, community nutrition, public health nutrition, naturopathic medicine, nutrition education, nutrition, nutrition science, clinical nutrition, applied clinical nutrition, nutrition counseling, nutrition and functional medicine, nutritional biochemistry, nutrition and integrative health or an equivalent course of study as approved by the board; or

(c) an individual holding a doctoral degree obtained outside of the United States and its territories and has that doctoral degree validated by the board as equivalent to the doctoral degree conferred by a United States regionally accredited college or university;

Y. "registered dietitian" or "registered dietitian nutritionist" means an individual who is registered as a dietitian or a dietitian nutritionist with the commission on dietetic registration that authorizes the individual to use the title "registered dietitian nutritionist" or "registered dietitian" and the abbreviation "R.D.N." or "R.D.";

Z. "telehealth" means the use of electronic information and telecommunications technologies to provide services pursuant to the Nutrition and Dietetics Practice Act to support clinical health care, patient and professional health-related education, public health and health administration between a licensee in one location and an

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individual in another location; and

AA. "therapeutic diet" means a nutrition intervention prescribed by a physician or other authorized non-physician practitioner that provides food or nutrients through oral, enteral and parenteral routes as part of treatment of disease or diagnosed clinical conditions to modify, eliminate, decrease or increase identified micronutrients and macronutrients in the diet."

SECTION 4. Section 61-7A-4 NMSA 1978 (being Laws 1989, Chapter 387, Section 4) is amended to read:

"61-7A-4. LICENSE REQUIRED--EXEMPTIONS.--

A. After April 1, 1990, no person shall [engage in nutrition or dietetics practice] provide medical nutrition therapy, represent to the public that the person is qualified to provide medical nutrition therapy, whether compensated or not, or use or include the titles or [represent himself to be] make any representation as being a dietitian or nutritionist [or nutrition associate] unless [he] that person is licensed under the Nutrition and Dietetics Practice Act.

B. Nothing in the Nutrition and Dietetics Practice Act is intended to:

(1) limit, interfere with or prevent any other licensed health care professional from engaging in the practice of dietetics and nutrition [and dietetics practice] within the limits of [his] the licensure, except that [he] the licensed
health care professional shall not [hold himself out as] make any representation as being a dietitian or nutritionist [or nutrition associate];

(2) limit, interfere with or prevent employees of state, [or] federal agencies or an individual serving in the United States armed forces from practicing dietetics and nutrition or using the term "dietitian" or "nutritionist" as defined in state or federal personnel qualifications where these terms are used in their job titles, except that the use of these terms and the ability to practice dietetics and nutrition without limit under this paragraph shall be limited to the period and practice of their employment with the state or federal agency establishing those qualifications;

(3) prevent an individual who does not [hold himself out as] make any representation as being a licensed dietitian nutritionist or [nutrition associate] a licensed nutritionist from furnishing [oral or written nutritional information on food, food materials or dietary supplements or from engaging in the explanation to customers about foods or food products in connection with the marketing and distribution of these products] or explaining general, nonmedical nutrition information regarding the use of food, food materials, herbs or dietary supplements, provided that the individual does not violate the provisions of the Nutrition and Dietetics Practice Act;
(4) prevent [any person] a person from providing medical weight control services [provided the program has been reviewed by, consultation is available from and no program change can be initiated without prior approval by a licensed dietitian or licensed nutritionist, a dietitian or nutritionist licensed in another state which has licensure requirements at least as stringent as the requirements for licensure under the Nutrition and Dietetics Practice Act or a dietitian registered by the commission] for individuals with prediabetes or obesity:

(a) under a program of instruction approved in writing by: 1) a licensed dietitian nutritionist or licensed nutritionist in this state; 2) a dietitian nutritionist or nutritionist certified or licensed in another state that has requirements no less stringent to the licensure requirements for licensed dietitian nutritionists or licensed nutritionists under the Nutrition and Dietetics Practice Act, as determined by the board; 3) a registered dietitian nutritionist; or 4) a certified nutrition specialist; or

(b) as part of a plan of care overseen by a health care practitioner licensed in this state who is acting within the scope of that health care practitioner's licensed profession, consistent with the accepted standards of that profession to provide nutrition care services for the purpose of treatment or management of a disease or medical
condition;

(5) prevent a nutrition and dietetic technician registered (DTR) or (NDTR) from engaging in the practice of dietetics and nutrition [or dietetics practice] under the supervision of a licensed dietitian nutritionist or licensed nutritionist;

(6) apply to or affect students [of approved or accredited dietetics or nutrition training or education programs who engage in nutrition or dietetics practice under the supervision of a licensed dietitian or licensed nutritionist as a part of their approved or accredited training or education program for the duration of that program] or trainees working under the on-site supervision of a qualified supervisor while fulfilling an experience requirement or pursuing a course of study to meet the licensure requirements pursuant to the Nutrition and Dietetics Practice Act, for a time period of no more than five years after the person completes the course requirements for licensure and the person is designated by a title that clearly indicates that person's status as a student or trainee;

(7) interfere with or prevent persons recognized in their communities as curanderos or medicine men from advising or ministering to people according to traditional practices, as long as they do not hold themselves out to be dietitians or nutritionists [or nutrition associates];
(8) prohibit a person from providing medical nutrition therapy if that person works under the direct supervision of a health care provider licensed to provide nutrition care services for the purpose of treatment or management of a disease or medical condition and the individual performs only support activities;

(9) prevent an individual from providing nutrition information, nutrition recommendations, holistic and wellness education, guidance, encouragement, behavior change management, coaching, assessments, weight control services or other nutrition care services that do not constitute medical nutrition therapy pursuant to Subsection L of Section 61-7A-3 NMSA 1978; provided that the individual does not claim to be licensed or qualified to practice dietetics and nutrition or medical nutrition therapy or a licensed dietitian nutritionist or licensed nutritionist or otherwise violate provisions of the Nutrition and Dietetics Practice Act;

(10) prevent a person licensed to practice a profession pursuant to Chapter 61 NMSA 1978 from engaging in the practice or teaching of dietetics and nutrition within the scope of that person's license, or any other person licensed to practice or certified to teach in this state under any other law, from engaging in the practice or teaching for which that person is licensed, regulated or certified; or

(11) prevent a person from providing nutrition...
SECTION 5. A new section of the Nutrition and Dietetics Practice Act is enacted to read:

"[NEW MATERIAL] SCOPE OF PRACTICE.--

A. Unless provided pursuant to the Nutrition and Dietetics Practice Act, only a licensed dietitian nutritionist or licensed nutritionist shall provide medical nutrition therapy, including:

(1) assessing the nutrition needs of individuals and groups and determining resources and constraints in the practice setting;

(2) establishing priorities and objectives that meet nutritive needs and are consistent with available resources and constraints;

(3) providing nutrition counseling;

(4) developing, implementing and managing nutrition care systems; and

(5) evaluating, adjusting and maintaining appropriate standards of quality in food and nutrition services.

B. Licensed dietitian nutritionists and licensed nutritionists shall provide nutrition care services using systematic, evidence-based problem-solving methods of the nutrition care process to address nutrition-related problems and provide safe, effective, quality nutrition services and care services without remuneration to family members."
medical nutrition therapy for patients and clients in both clinical and community settings.

C. A licensed dietitian nutritionist or licensed nutritionist may accept or transmit oral, verbal or delegated or electronically transmitted orders from the referring provider consistent with applicable laws and rules, including any protocols established to implement medical nutrition therapy.

D. A licensed dietitian nutritionist or licensed nutritionist may order patient diets, including therapeutic diets, pursuant to this section. Oral therapeutic diets may be ordered by either a licensed dietitian nutritionist or licensed nutritionist. Therapeutic diets include enteral and parenteral nutrition therapy that consist of specialized enteral or intravenous solutions and shall only be ordered by an individual licensed pursuant to the Nutrition and Dietetics Practice Act who also meets one of the following criteria:

(1) the individual is a registered dietitian nutritionist registered with the commission on dietetic registration;

(2) the individual is a certified nutrition support clinician certified by the national board of nutrition support certification; or

(3) the individual meets other requirements as determined by the board, consistent with competencies necessary.
for evaluating, ordering and administrating enteral and
parenteral nutrition.

E. Nothing in this section shall be construed to
limit the ability of any other licensed health care provider in
this state to order therapeutic diets, so long as the ordering
of therapeutic diets falls within the scope of the license held
by the health care provider.

F. A licensed dietitian nutritionist or licensed
nutritionist may order medical laboratory tests related to
nutritional therapeutic treatments consistent with state law.

G. A licensed dietitian nutritionist or licensed
nutritionist may implement prescription drug dose adjustments
for specific disease treatment protocols within the limits of
their knowledge, skills, judgment and current evidence-informed
clinical practice guidelines as indicated in a facility-
approved protocol and as approved and delegated by a licensed
prescribing physician.

H. Licensed dietitian nutritionists and licensed
nutritionists may advise a patient or client under the care of
that licensed dietitian nutritionist or licensed nutritionist
to consume vitamin, mineral and other nutritional supplements
or discontinue use of unnecessary vitamin and mineral
supplements.

I. Nothing in this section shall be construed to
licensees practicing pursuant to the Nutrition and Dietetics
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Practice Act to prescribe or initiate drug treatment."

SECTION 6. Section 61-7A-5 NMSA 1978 (being Laws 1989, Chapter 387, Section 5, as amended) is amended to read:

"61-7A-5. BOARD CREATED.--

A. There is created the "nutrition and dietetics practice board", administratively attached to the regulation and licensing department. The board shall consist of five members who are New Mexico residents and who are appointed by the governor for staggered three-year terms. [Three] Two members shall be licensed [dietitians or] dietitian nutritionists [with at least three years of nutrition or dietetics practice] who have been actively engaged in the practice of dietetics and nutrition and the provision of medical nutrition therapy for the past three years in New Mexico, one member shall be a licensed nutritionist who has been actively engaged in the practice of dietetics and nutrition and the provision of medical nutrition therapy for the past three years in New Mexico and two members shall represent the public. There shall be at least one licensed dietitian nutritionist and at least one licensed nutritionist on the board at all times. The public members shall not have been licensed as a dietitian [or] nutritionist or nutritionist, an agent or employee of a person engaged in the profession of dietetics or nutrition, a licensed health care professional or enrolled in a program to become a licensed health care
professional, an agent or employee of a health care institution, a health care insurer, a health care professional school or the spouse or first degree relative, such as a parent, child or sibling, of an individual not eligible to serve as a public member of the board, or have any financial interest, direct or indirect, in the professions regulated.

B. Each member shall hold office until the expiration of the term for which appointed or until a successor has been appointed. [Vacancies] A vacancy shall be filled for the balance of the unexpired term within ninety days of the vacancy by appointment by the governor. Professional members may be appointed from lists submitted to the governor by any generally recognized professional organization.

C. [No] A board member shall not serve more than two full terms.

D. The board shall elect annually a [chairman] chair and such other officers as it deems necessary. The board shall meet as often as necessary for the conduct of business, but no less than twice a year. Meetings shall be called by the [chairman] chair or upon the written request of two or more members of the board. Three members, at least two of whom are professional members and at least one of whom is a public member, shall constitute a quorum. [Any] A member failing to attend, after proper notice, three consecutive meetings shall automatically be removed as a board member.

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E. The members of the board shall be reimbursed as provided for nonsalaried public officers in the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance.

F. In the event of a vacancy on the board for any reason, the secretary of the board shall immediately notify the governor, the superintendent of regulation and licensing, the board members and any generally recognized professional organization of the vacancy, the reason for its occurrence and the action taken by the board to expedite the appointment of a new board member.

G. The minutes of meetings, upon approval of the board, shall constitute the official records of board meetings. The unapproved minutes of meetings shall be recorded and posted publicly to the board website during normal business hours within ten business days of their recordation."

SECTION 7. Section 61-7A-6 NMSA 1978 (being Laws 1989, Chapter 387, Section 6, as amended) is amended to read:

"61-7A-6. BOARD--DUTIES.--

A. The board shall:

(1) develop and administer an appropriate examination for qualified applicants;

(2) evaluate the qualifications of applicants for licensure under the Nutrition and Dietetics Practice Act;

(3) issue licenses to applicants who meet the
requirements of the Nutrition and Dietetics Practice Act;

(4) investigate persons engaging in practices that may violate the provisions of the Nutrition and Dietetics Practice Act;

(5) revoke, suspend or deny a license in accordance with the provisions of the Uniform Licensing Act;

(6) adopt an annual budget;

(7) adopt a code of ethics to include requirements for practice during a public health order; and

(8) adopt [in accordance with the Uniform Licensing Act and], file and publish in accordance with the State Rules Act rules [and regulations] necessary to carry out the provisions of the Nutrition and Dietetics Practice Act; provided that no rule [or regulation] may be adopted, amended or repealed except by a vote of three-fifths of the board members.

B. The board may contract with the regulation and licensing department for office space and administrative support.

C. The regulation and licensing department shall:

(1) evaluate the qualifications of applicants for licensure pursuant to the provisions of the Nutrition and Dietetics Practice Act;

(2) issue licenses to applicants who meet the requirements of the Nutrition and Dietetics Practice Act and
rules promulgated under that act;

(3) investigate persons engaging in practices that may violate the provisions of the Nutrition and Dietetics Practice Act;

(4) approve the selection of primary staff assigned to the board;

(5) perform the administrative tasks of the board and manage the board budget;

(6) maintain records for the board; and

(7) maintain a current register of licenses as a matter of public record."

SECTION 8. Section 61-7A-7 NMSA 1978 (being Laws 1989, Chapter 387, Section 7, as amended) is amended to read:

"61-7A-7. LICENSURE--REQUIREMENTS.--

[A. The board shall issue a license as a dietitian to any person who files a completed application, pays all required fees and certifies and furnishes evidence satisfactory to the board that the applicant has a valid current registration with the commission that gives the applicant the right to use the term "registered dietitian" or "R.D.".

B. The board shall issue a license as a nutritionist to any person who files a completed application, pays all required fees and certifies and furnishes evidence satisfactory to the board that the applicant:

(1) has received a master's degree or
doctrate in human nutrition, nutrition education, foods and
nutrition or public health nutrition from a college or
university accredited by a member of the council on post-
secondary accreditation; or

(2) maintains membership in one of the
following organizations:

(a) the American Institute of Nutrition;

(b) the American Society for Clinical
nutrition; or

(c) the American Board of Nutrition; and

(3) has successfully completed any training or
educational programs and other requirements set out in the
rules and regulations adopted pursuant to the Nutrition and
Dietetics Practice Act.

C. Notwithstanding the provisions of Subsections A
and B of this section, the board shall issue a license to an
applicant who pays all required fees and who successfully
passes a state examination, as established in Subsection A of
Section 61-7A-6 NMSA 1978.

D. The board shall issue a license as a nutrition
associate to any person who files a completed application, pays
all required fees and certifies and furnishes evidence
satisfactory to the board that the applicant:

(1) has received a baccalaureate or higher
degree from a college or university accredited by a member of

the council on post-secondary accreditation and fulfilled minimum academic requirements in the field of dietetics and related disciplines as approved by the association; and

(2) works under the supervision of a dietitian or nutritionist. Such supervision shall include a minimum of four hours on-site supervision per month plus phone consultation as needed.

A. To be eligible for licensure as a dietitian nutritionist, an applicant shall:

(1) be at least eighteen years of age;

(2) submit a completed application, as required by the Nutrition and Dietetics Practice Act and rules promulgated pursuant to that act;

(3) pay any fees as required by the board; and

(4) provide evidence of current and valid registration as a registered dietitian or registered dietitian nutritionist with the commission on dietetic registration; or

(5) submit proof of completion of:

(a) a baccalaureate degree, master's degree or doctoral degree with a major course of study in human nutrition, foods and nutrition, dietetics, food systems management, nutrition education, nutrition, nutrition science, clinical nutrition, applied clinical nutrition, nutrition counseling, nutrition and functional medicine, nutritional biochemistry, nutrition and integrative health or an equivalent .219732.1
course of study, from a regionally accredited college or university or an academic degree from a college or university in a foreign country validated as an equivalent by the board as meeting the competency requirements of a program accredited by the accreditation council for education in nutrition and dietetics; and

(b) a planned clinical program in the practice of dietetics and nutrition that meets the competency requirements of a supervised practice accredited by the accreditation council for education in nutrition and dietetics as approved by the board, with no less than one thousand hours under the supervision of: 1) a dietitian nutritionist licensed by this state; 2) a dietitian nutritionist registered, certified or licensed by another state with requirements no less stringent than the licensure requirements under the Nutrition and Dietetics Practice Act as approved by the board; or 3) a dietitian nutritionist registered with the commission on dietetic registration.

B. To be eligible for licensure as a nutritionist, an applicant shall:

(1) be at least eighteen years of age;

(2) submit a completed application as required by the board;

(3) pay any fees as required by the board;

(4) submit proof that the applicant has
received a master's degree or doctoral degree from a regionally accredited college or university or has an academic degree from a college or university in a foreign country that has been validated as equivalent by the board, with:

(a) a major course of study in human nutrition, food and nutrition, community nutrition, public health nutrition, nutrition education, nutrition, nutrition science, clinical nutrition, applied clinical nutrition, nutrition counseling, nutrition and functional medicine, nutritional biochemistry, nutrition and integrative health or a comparable major course of study in a field of clinical health care as determined by the board, or doctoral degree or validated foreign equivalent in the field of clinical health care; and

(b) a course of study leading to competence in medical nutrition therapy, including the completion of: 1) fifteen semester hours of clinical or life sciences course work with at least three semester hours in human anatomy and physiology or the equivalent subjects, as approved by the board; and 2) fifteen semester hours of nutrition and metabolism coursework with at least six semester hours in biochemistry or equivalent as approved by the board; 

(5) complete a board-approved internship or a documented, supervised practice experience demonstrating competency in nutrition care services and the provision of
medical nutrition therapy for not less than one thousand hours
involving no less than two hundred hours of:

(a) nutrition assessment;

(b) nutrition intervention, education, counseling or management;

(c) nutrition monitoring or evaluation;

and

(d) a minimum of seven hundred hours of
the supervised practice experience in a professional work setting and no more than three hundred hours in alternate supervised experiences including observational client and practitioner interactions, simulation, case studies and role playing, under the supervision of a qualified supervisor pursuant to Subsection X of Section 61-7A-3 NMSA 1978.

Pursuant to this subparagraph, qualified supervisors shall provide on-site supervision of an applicant's practice experience of medical nutrition therapy and provide general supervision of an applicant's provision of other nutrition care services that do not constitute medical nutrition therapy; and

(6) successfully pass an examination administered by the board for certification of nutrition specialists or the diplomate of the American clinical board of nutrition examination administered by the American clinical board of nutrition or hold a valid current certification with the board for certification of nutrition specialists that
authorizes the applicant to use the title "certified nutrition
specialist" or the abbreviation "C.N.S." or a valid current
certification with the American clinical board of nutrition
that authorizes the applicant to use the title "diplomate,
American clinical board of nutrition" or the abbreviation
"D.A.C.B.N."

C. Upon successful completion of the requirements
listed pursuant to Subsection A or B of this section, an
applicant shall be issued a license attesting to the date and
fact of licensure.

D. A valid license issued pursuant to the
Nutrition and Dietetics Practice Act shall be displayed at the
licensee's place of employment.

E. Licenses, including initial licenses, shall
be issued for a period of [one year] two years."

SECTION 9. Section 61-7A-8 NMSA 1978 (being Laws 1989,
Chapter 387, Section 8) is amended to read:

"61-7A-8. LICENSURE BY CREDENTIALS.--The board may
license an applicant who is licensed as a dietitian
nutritionist [or nutrition associate] or a nutritionist in
another state, provided that in the judgment of the board the
standards for licensure in that state are not less stringent
than those provided for licensure in the Nutrition and
Dietetics Practice Act."

SECTION 10. Section 61-7A-9 NMSA 1978 (being Laws 1989,
Chapter 387, Section 9) is amended to read:

"61-7A-9. PROVISIONAL PERMIT.--A provisional permit to practice as a dietitian nutritionist or nutritionist may be issued by the board upon the filing of an application and submission of evidence of successful completion of the education and supervised experience requirements. No fee in addition to the application and license fees shall be charged for the issuance of a provisional permit. The permit shall be valid only until the last day of the period for which it is issued or until the provisional permittee's application has been approved and a license issued, whichever is first."

SECTION 11. Section 61-7A-10 NMSA 1978 (being Laws 1989, Chapter 387, Section 10) is amended to read:

"61-7A-10. LICENSE RENEWAL--CONTINUING EDUCATION REQUIREMENTS.--

A. Every person licensed under the Nutrition and Dietetics Practice Act shall renew his license annually on or before the expiration date of the initial or renewal license.

B. The board shall issue a renewal license to the licensee upon receipt of the renewal application, the renewal fee and proof satisfactory to the board of compliance with continuing education requirements.

C. Continuing education requirements for licensees
shall be established by the board; provided that

[(1) for dietitians, the requirements shall be those established by the commission; and

(2) for nutritionists and nutrition associates, at least seventy-five clock hours, or the equivalent, during a five-year period shall be required to be obtained in increments of fifteen clock hours annually or as otherwise permitted by the board] the board shall at a minimum accept as valid any continuing education approved by the American clinical board of nutrition, the board for certification of nutrition specialists and the commission on dietetic registration.

D. [Any] A person who allows [his] the person's license to lapse by failing to renew [his] the license within thirty days of expiration may be reinstated by the board and issued a renewal license upon submission of a renewal application with proof satisfactory to the board of compliance with the continuing education and other requirements of the Nutrition and Dietetics Practice Act and payment of the [annual] biennial renewal fee and an additional reinstatement fee."

SECTION 12. Section 61-7A-11 NMSA 1978 (being Laws 1989, Chapter 387, Section 11, as amended) is amended to read:

"61-7A-11. FEES.--

A. Except as provided in Section 61-1-34 NMSA 1978,
the board shall establish a schedule of reasonable fees for applications, licenses and renewal of licenses. Fees shall be established based on processing requirements for each category.

B. The initial application fee shall be set in an amount not to exceed fifty dollars ($50.00).

C. The initial license fee shall be set in an amount not to exceed one hundred fifty dollars ($150).

D. A biennial license renewal fee shall be established in an amount not to exceed [seventy-five dollars ($75.00) per year] one hundred fifty dollars ($150).

E. A license reinstatement fee shall be established in an amount not to exceed fifty dollars ($50.00)."

SECTION 13. A new section of the Nutrition and Dietetics Practice Act is enacted to read:

"[NEW MATERIAL] ACTIVE DUTY MILITARY AND SPOUSES.--

A. An active duty member of the United States armed forces or a spouse of an active duty member of the United States armed forces who is certified or licensed as a dietitian nutritionist or nutritionist by another state with certification or licensure requirements no less stringent than the licensure requirements under the Nutrition and Dietetics Practice Act may be licensed as a dietitian nutritionist or a licensed nutritionist in this state by providing a proof of licensure in good standing in another state in accordance with regulations promulgated by the board.
B. An active duty member of the United States armed forces or a spouse of an active duty member of the United States armed forces who qualifies for licensure as a dietitian nutritionist or nutritionist under this section of the Nutrition and Dietetics Practice Act shall be exempt from paying the initial licensure application fee.

C. An active duty member of the United States armed forces or a spouse of an active duty member of the United States armed forces not qualifying for licensure as a dietitian nutritionist or a nutritionist under this section of the Nutrition and Dietetics Practice Act shall apply for licensure as otherwise specified pursuant to that act and shall be exempt from paying the initial licensure application fee."

SECTION 14. Section 61-7A-13 NMSA 1978 (being Laws 1989, Chapter 387, Section 13) is amended to read:

"61-7A-13. DENIAL, SUSPENSION, REVOCATION AND REINSTATEMENT OF LICENSES.--

A. The board may impose a fine or probationary condition on a license holder, refuse to issue or renew or may deny, suspend or revoke [any] a license held or applied for under the Nutrition and Dietetics Practice Act in accordance with the procedures set forth in the Uniform Licensing Act upon grounds that the licensee or applicant:

(1) is guilty of fraud or misrepresentation or concealment of material facts in the procurement of [any] a
license under the Nutrition and Dietetics Practice Act;

(2) is subject to the imposition of [any]
disciplinary action by an agency of another state which
regulates [dietitians] dietitian nutritionists or [nutrition
associates] nutritionists, but not to exceed the period or
extent of that action;

(3) is convicted of a crime other than a
misdemeanor. The record of conviction or a certified copy of
it shall be conclusive evidence of the conviction;

(4) is grossly negligent or incompetent
in [his] practice as a dietitian nutritionist or [nutrition
associate] nutritionist;

(5) has failed to fulfill continuing
education requirements;

(6) has violated or aided or abetted
[any] a person to violate [any of] the provisions of the
Nutrition and Dietetics Practice Act or [any] rules [or
regulations] duly adopted under that act; or

(7) has engaged in unethical or
unprofessional conduct as defined in the code of ethics adopted
by the board.

B. One year from the date of revocation of a
license under the Nutrition and Dietetics Practice Act,
application may be made to the board for restoration of the
license. The board shall provide by [regulation] rule for the
criteria governing application and examination for restoration of a revoked license."

SECTION 15. Section 61-7A-15 NMSA 1978 (being Laws 1989, Chapter 387, Section 15, as amended) is amended to read:

"61-7A-15. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.-- The nutrition and dietetics practice board is terminated on July 1, [2021] 2027 pursuant to the Sunset Act. The board shall continue to operate according to the provisions of the Nutrition and Dietetics Practice Act until July 1, [2022] 2028. Effective July 1, [2022] 2028, the Nutrition and Dietetics Practice Act is repealed."

SECTION 16. A new section of the Nutrition and Dietetics Practice Act is enacted to read:

"[NEW MATERIAL] GRANDFATHERING.--An individual currently licensed as a licensed dietitian or licensed nutritionist in the state as of the effective date of this 2021 act shall be eligible to maintain and renew a license as a licensed dietitian nutritionist or nutritionist in the state consistent with the Nutrition and Dietetics Practice Act without meeting any additional requirements."

SECTION 17. A new section of the Nutrition and Dietetics Practice Act is enacted to read:

"[NEW MATERIAL] TITLE PROTECTION.--

A. A person shall not use the abbreviation "L.D.N." or "L.N." in connection with that person's name unless the
person is licensed as a dietitian nutritionist or nutritionist.

B. A person shall not use the title "registered dietitian" or "registered dietitian nutritionist" and the letters "R.D." or "R.D.N." in connection with the person's name unless that person is a dietitian registered by the commission on dietetic registration.

C. A person shall not use the title "certified nutrition specialist" or the abbreviation "C.N.S." in connection with the person's name unless that person is a nutritionist certified by the board for certification of nutrition specialists.

D. A person who is not licensed as a dietitian nutritionist or nutritionist pursuant to the Nutrition and Dietetics Practice Act shall not:

   (1) provide medical nutrition therapy with or without compensation; or

   (2) allow a business entity or a business entity's employees, agents or representatives to use any other title, designation, words, letters, abbreviations or insignia indicating that the person is a provider of medical nutrition therapy or licensed under the Nutrition and Dietetics Practice Act.

E. Nothing in this section shall be construed to prohibit an individual from using a title trademarked by the United States patent and trademark office."
SECTION 18. A new section of the Nutrition and Dietetics Practice Act is enacted to read:

"[NEW MATERIAL] CRIMINAL RECORDS.--The provisions of the Criminal Offender Employment Act shall govern considerations of criminal records required or permitted by the Nutrition and Dietetics Practice Act."

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