

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LICENSING AND REGULATION OF
5 THE NUTRITIONIST PROFESSION; REVISING THE SCOPE OF DIETETIC NUTRITION PRACTICE;
6 REVISING LICENSING REQUIREMENTS; PROVIDING EXEMPTIONS FROM LICENSURE
7 REQUIREMENTS; PROVIDING GUIDELINES FOR REPRESENTATION AS A DIETITIAN NUTRITIONIST OR
8 NUTRITION SPECIALIST; PROVIDING GUIDELINES FOR RECIPROCITY FOR LICENSURE WITH OTHER
9 STATES; ALLOWING FOR TEMPORARY PRACTICE PERMITS; PROVIDING GUIDELINES FOR ACTIVE
10 DUTY MILITARY OR SPOUSE RECIPROCITY; PROVIDING LIMITATIONS OF LICENSURE TITLE;
11 TERMINATING USE OF LICENSURE TITLE; PROVIDING DEFINITIONS; AMENDING SECTIONS 37-25-101,
12 37-25-102, 37-25-201, 37-25-301, 37-25-302, 37-25-304, AND 37-25-305, MCA; AND PROVIDING AN
13 EFFECTIVE DATE."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16
17 **Section 1.** Section 37-25-101, MCA, is amended to read:

18 **"37-25-101. Legislative finding and purpose.** The legislature finds and declares that the practice of
19 dietetics and nutrition assessment and counseling and the provision of medical nutrition therapy affects the
20 public health, safety, and welfare. It is the purpose of this chapter to provide for the licensing and regulation of
21 dietitian nutritionists and nutrition specialists in order to protect the public health, safety, and welfare, to ensure
22 that nutritional services of high quality are available to the people of Montana, and to provide a means of
23 identifying those qualified to practice dietetics and nutrition and provide medical nutrition therapy."

24
25 **Section 2.** Section 37-25-102, MCA, is amended to read:

26 **"37-25-102. Definitions.** In this chapter, unless the context requires otherwise, the following
27 definitions apply:

28 (1) "Accredited" means accredited through the council on postsecondary accreditation and the U.S.

1 department of education.

2 (2) "Board" means the board of medical examiners.

3 (3) "Board for certification of nutrition specialists" means the entity that serves as the credentialing
4 agency for certified nutrition specialists.

5 (4) "Certified nutrition specialist" means an individual certified as a nutrition specialist by the board for
6 certification of nutrition specialists that authorizes the individual to use the title "certified nutrition specialist" and
7 the abbreviation "CNS" to indicate the individual is a certified nutrition specialist.

8 (5) ~~"Commission on dietetic registration"~~"Commission" means the commission on dietetic registration,
9 ~~which is a member of the national commission for health certifying agencies~~ credentialing agency of the
10 academy of nutrition and dietetics.

11 (4)(6) ~~"Dietetic nutrition practice" or "dietetics nutrition" is the integration and application of principles~~
12 ~~derived from the sciences of nutrition, biochemistry, physiology, and food management and from the behavioral~~
13 ~~and social sciences to achieve and maintain health. The primary function of dietetic nutrition practice is to~~
14 ~~provide nutrition assessment and nutrition counseling.~~ "Dietetics" means the integration, application, and
15 communication of practice principles derived from the food, nutrition, social, business, and basic sciences to
16 achieve and maintain the optimal nutrition status for an individual.

17 (7) "Dietitian" or "dietitian nutritionist" means an individual licensed as a licensed dietitian nutritionist
18 pursuant to 37-25-302 who may be referred to or refer to themselves as a nutritionist, dietitian nutritionist, or
19 dietitian.

20 (8) "Evidence-based standard" means the conscientious, explicit, and judicious use of the current
21 best evidence based on the overall systematic review of the research in making decisions about the care of
22 individual patients.

23 (5)(9) ~~"General nonmedical nutritional information" means information on:~~

24 (a) ~~principles of good nutrition~~ human nutrition and food preparation;

25 (b) ~~foods to be included in a daily diet;~~

26 (c)(b) ~~the essential nutrients needed by the human body;~~

27 (d) ~~recommended amounts of these nutrients;~~

28 (e)(c) ~~the action of these nutrients on the body~~ actions of nutrients in the human body;

1 ~~(f)(d)~~ the effects of deficiencies in these nutrients; or effects of deficiencies or excesses of nutrients
2 on the human body;

3 ~~(g)(e)~~ foods and supplements that are good sources of essential nutrients; foods, herbs, and dietary
4 supplements that are sources of essential nutrients for the human body; or

5 (f) principles of self-care and a healthy relationship with food.

6 (10) "General supervision" means the qualified supervisor is onsite and present where nutrition care
7 services are provided or is immediately available to the supervisee providing the services by means of
8 electronic communications, maintains continual involvement in the appropriate aspects of patient care, and has
9 primary responsibility for all nutrition care services rendered by a supervisee.

10 (11) "Licensed dietitian nutritionist" means an individual who is licensed as a licensed dietitian
11 nutritionist pursuant to the provisions of 37-25-302(1).

12 ~~(6)(12)~~ — "Licensed nutritionist" means a nutritionist licensed under this chapter. "Licensed nutrition
13 specialist" means an individual who is licensed as a nutrition specialist pursuant to the provisions of 37-25-
14 302(2).

15 (13) "Licensed nutritionist" means an individual who is licensed as a nutritionist under this chapter prior
16 to [the effective date of this act].

17 (14) "Medical nutrition therapy" means nutrition care services provided for the treatment or
18 management of a disease or medical condition. The term includes the provision of any part or all of the
19 following services:

20 (a) interpreting anthropometric, biochemical, clinical, and dietary data in acute and chronic disease
21 states and recommending or ordering nutrient needs based on the dietary data, including but not limited to tube
22 feedings and parenteral nutrition;

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

24 (c) developing, managing, and maintaining appropriate standards of quality in food service operations
25 with functions in nutrition care, including operations connected with health care facilities as defined in 50-5-101,
26 implicated in the ordering, preparation, or serving of therapeutic diets, or otherwise utilized in the management
27 or treatment of diseases or medical conditions; and

28 (d) medical weight control.

1 (15) "Medical weight control" means medical nutrition therapy for the purpose of reducing, maintaining,
2 or gaining weight.

3 (16) "Nutrition" means the science of food and nutrients, including the action, interaction, and balance
4 of food and nutrients in relation to health and disease and the process by which humans ingest, absorb,
5 transport, utilize, and excrete food substances.

6 ~~(7)(17)~~ "Nutrition assessment" means the evaluation of nutritional needs of individuals and groups
7 based on appropriate biochemical, anthropometric, physical, and dietary data in order to determine nutrient
8 needs and to recommend appropriate nutritional intake, including both enteral and parenteral nutrition means
9 the ongoing, dynamic, and systematic process of obtaining, verifying, and interpreting biochemical,
10 anthropometric, physical, nutrigenomic, and dietary data to make decisions about the nature and cause of
11 nutrition-related problems and make nutrition diagnoses and recommendations, including enteral and
12 parenteral nutrition. The mere collection of data itself does not constitute nutrition assessment.

13 (18) "Nutrition care services" means the provision of any part or all of the following services within a
14 systematic process:

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

18 (b) establishing priorities, goals, and objectives that meet nutritional needs and are consistent with
19 available resources and constraints;

20 (c) providing nutrition counseling in health and disease;

21 (d) developing, implementing, and managing nutrition care systems;

22 (e) evaluating, making changes in, and maintaining appropriate standards of quality in food and
23 nutrition services; and

24 (f) ordering therapeutic diets.

25 ~~(8)(19)~~ "Nutrition counseling" means providing assistance and advice to individuals or groups in the
26 selection of food and other sources of nutrients to achieve appropriate nutritional intake, based on:

27 ~~(a)~~ the nutrition assessment;

28 ~~(b)~~ the composition of food and other sources of nutrients; and

1 ~~(c) meal preparation consistent with cultural background and socioeconomic status, a supportive~~
2 process, characterized by a collaborative counselor-patient relationship with individuals or groups, to establish
3 food and nutrition priorities, goals, and individualized action plans and general physical activity guidance that
4 acknowledge and foster responsibility for self-care to treat an existing condition or promote health.

5 (20) "Nutrition diagnosis" means identifying and labeling nutritional problems managed and treated by
6 a dietitian nutritionist or nutrition specialist. The term does not include the medical differential diagnosis of the
7 health status of an individual.

8 (21) "Nutrition intervention" means purposefully planned actions and nutrition counseling intended to
9 positively change a nutrition-related behavior, risk factor, environmental condition, or aspect of the health status
10 for an individual.

11 ~~(9) (22) "Nutritionist" means:~~

12 ~~(a) a person licensed under this chapter; or~~

13 ~~(b) a person who has satisfactorily completed a baccalaureate and master's or a doctoral degree in~~
14 the field of dietetics, food and nutrition, or public health nutrition conferred by an accredited college or
15 university."Nutrition monitoring and evaluation" means identifying patient outcomes relevant to a nutrition
16 diagnosis and comparing the outcomes with the patient's previous health status, intervention goals, or
17 reference standards to determine the progress made in achieving desired outcomes of nutrition care and
18 whether planned interventions should be continued or revised.

19 (23) "Nutritionist" means an individual licensed under this chapter as a licensed dietitian nutritionist,
20 licensed nutritionist, or licensed nutrition specialist.

21 (24) "Onsite supervision" means the qualified supervisor is onsite and present in the department or
22 facility where nutrition care services are provided, is immediately available to the supervisee providing the
23 services, maintains continual involvement in the appropriate aspects of patient care, and has primary
24 responsibility for all nutrition care services rendered by a supervisee.

25 (25) "Patient" means an individual with a disease, illness, injury, or other medical condition for which
26 nutrition interventions are an essential component of standard care.

27 (26) "Practice of dietetics and nutrition" means the integration and application of scientific principles
28 derived from the study of food, nutrition, biochemistry, metabolism, nutrigenomics, physiology, food

1 management, and from behavioral and social sciences in achieving and maintaining health throughout the life
2 span. The primary functions of the practice of dietetics and nutrition include the provision of medical nutrition
3 therapy as disease management or to treat or rehabilitate an illness, injury, or condition and the provision of
4 other nutrition care services to promote health and wellness and as a primary prevention of chronic disease.

5 (27) (a) "Qualified supervisor" means, when supervising the provision of medical nutrition therapy by a
6 supervisee, an individual who is either:

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

8 (ii) a dietitian, dietitian nutritionist, nutritionist, or other qualified nutrition professional licensed or
9 certified under the laws of any other state whose legally prescribed scope of practice includes the provision of
10 medical nutrition therapy, or an individual licensed under this chapter as a dietitian nutritionist, nutritionist, or
11 nutrition specialist; or

12 (iii) a health care provider licensed or otherwise authorized by any U.S. state or territory to provide
13 nutrition care services for the treatment or management of a disease or medical condition.

14 (b) A qualified supervisor must be licensed in this state if supervising an applicant providing medical
15 nutrition therapy to an individual in this state.

16 (c) When supervising the provision of nutrition care services by a supervisee that do not constitute
17 medical nutrition therapy, a qualified supervisor is an individual who either meets the requirements of this
18 subsection (27)(a) or all of the following requirements:

19 (i) has been regularly employed or self-employed in the field of clinical nutrition for at least 3 of the
20 last 5 years immediately preceding commencement of the applicant's supervised practice experience; and

21 (ii) holds a masters or doctoral degree with a major course of study in dietetics, human nutrition, foods
22 and nutrition, community nutrition, public health nutrition, naturopathic medicine, nutrition education, nutrition,
23 nutrition science, clinical nutrition, applied clinical nutrition, nutrition counseling, nutrition and functional
24 medicine, nutritional biochemistry, nutrition and integrative health, or an equivalent course of study as approved
25 by the board conferred by either:

26 (A) a regionally accredited college or university in the United States; or

27 (B) an institution outside of the United States and its territories with the supervisor's doctoral degree
28 validated by the board as equivalent to the doctoral degree conferred by a regionally accredited college or

1 university in the United States.

2 (d) Qualified supervisors may provide supervision only for those clinical activities or nutrition care
3 services for which they are qualified and have been authorized to perform.

4 (28) "Registered dietitian" or "registered dietitian nutritionist" means an individual who is credentialed
5 as a registered dietitian or a registered dietitian nutritionist by the commission on dietetic registration that
6 authorizes the individual to use the title "registered dietitian" or "registered dietitian nutritionist" and the
7 abbreviation "RD" or "RDN".

8 (29) "Telehealth" means the use of electronic information and telecommunications technologies to
9 provide services under this chapter to support clinical health care, patient and professional health-related
10 education, public health, and health administration between a licensee in one location and an individual in
11 another location.

12 (30) "Therapeutic diet" means a diet intervention prescribed by a physician or other authorized
13 nonphysician practitioner that provides food or nutrients through oral, enteral or parenteral routes as part of the
14 treatment of disease or clinical conditions to modify, eliminate, decrease, or increase identified micronutrients
15 and macronutrients in the diet."

16

17 **Section 3.** Section 37-25-201, MCA, is amended to read:

18 **"37-25-201. Powers and duties of board.** In addition to all other powers and duties conferred and
19 imposed on the board by Title 37, chapter 1, and this chapter, the board shall adopt rules that set professional,
20 practice, and ethical standards for ~~licensed nutritionists~~ licensed dietitian nutritionists and licensed nutrition
21 specialists, and other rules as may be necessary for the administration of this chapter."

22

23 **Section 4.** Section 37-25-301, MCA, is amended to read:

24 **"37-25-301. Scope of dietetic-nutrition practice.** ~~Only a nutritionist can provide the following~~
25 ~~services:~~

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

28 ~~(2) establishing priorities and objectives that meet nutritive needs and are consistent with available~~

1 resources and constraints;

2 ~~(3) providing nutrition counseling for any individual;~~

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

4 ~~(5) evaluating, adjusting, and maintaining appropriate standards of quality in food and nutrition~~
5 ~~services.~~ (1) Unless otherwise exempted under this chapter, only a licensed dietitian nutritionist, licensed

6 nutritionist, or licensed nutrition specialist can provide medical nutrition therapy.

7 (2) An individual licensed under this chapter shall provide nutrition care services using evidence-
8 based practice in clinical and community settings.

9 (3) An individual licensed under this chapter may accept or transmit verbal, delegated, or
10 electronically transmitted orders from a referring provider consistent with applicable laws and rules, including
11 any protocols established to implement medical nutrition therapy.

12 (4) An individual licensed under this chapter may order patient or resident diets, including therapeutic
13 diets, in accordance with the provisions of subsections (4)(a) through (4)(c). Oral therapeutic diets may be
14 ordered by an individual licensed under this chapter. Enteral and parenteral therapeutic diets and associated
15 nutrition-related services may only be ordered, initiated, or performed by an individual licensed under this
16 chapter who also meets one of the following criteria:

17 (a) the individual is a registered dietitian nutritionist;

18 (b) the individual is a certified nutrition support clinician credentialed by the national board of nutrition
19 support certification; or

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

22 (5) Nothing in this section may be construed to limit the ability of any other licensed health care
23 provider in this state to order therapeutic diets, provided the ordering of therapeutic diets falls within the scope
24 of the individual's license.

25 (6) An individual licensed under this chapter may order medical laboratory tests related to nutritional
26 therapeutic treatments consistent with state law.

27 (7) An individual licensed under this chapter may implement prescription drug dose adjustments for
28 specific disease treatment protocols within the limits of their knowledge, skills, judgment, and current evidence-

1 based clinical practice guidelines as indicated in a facility approved protocol and as approved and delegated by
 2 the licensed prescriber. This does not allow licensees to prescribe or initiate drug treatment. An individual
 3 licensed under this chapter may be authorized to prescribe vitamin and mineral supplements or discontinue
 4 unnecessary vitamins and minerals."

5

6 **Section 5.** Section 37-25-302, MCA, is amended to read:

7 **"37-25-302. Licensing requirements.** ~~(1) An applicant for licensure as a licensed nutritionist shall file~~
 8 ~~a written application with the board and demonstrate to the board that the person is registered by the~~
 9 ~~commission.~~

10 ~~(2) An applicant shall pay an application fee set by the board.~~ (1) An applicant for licensure as a
 11 dietitian nutritionist shall file a written application on forms prescribed by the board showing the applicant meets
 12 all of the following requirements:

- 13 (a) is of good moral character and at least 18 years of age;
- 14 (b) pays an application fee set by the board; and
- 15 (c) is currently registered in good standing by the commission on dietetic registration as a registered
 16 dietitian nutritionist or registered dietitian.

17 (2) (a) An applicant for licensure as a nutrition specialist shall file a written application on forms
 18 prescribed by the board showing the applicant meets all of the following requirements:

- 19 (i) is of good moral character and at least 18 years of age;
- 20 (ii) pays an application fee set by the board; and
- 21 (iii) submits proof the applicant has received a master's degree or doctoral degree from a regionally
 22 accredited college or university in the United States or has an academic degree from a college or university in a
 23 foreign country that has been validated as equivalent by the board, with all of the following:

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

1 (B) a course of study leading to competence in medical nutrition therapy, including but not limited to
2 the completion of all the following:

3 (I) 15 semester hours of clinical or life sciences coursework with at least 3 semester hours in human
4 anatomy and physiology or the equivalent as approved by the board; and

5 (II) 15 semester hours of nutrition and metabolism coursework with at least 6 semester hours in
6 biochemistry or an equivalent as approved by the board; and

7 (iv) has completed a board-approved internship or a documented, supervised practice experience
8 demonstrating competency in nutrition care services and the provision of medical nutrition therapy for not less
9 than 1,000 hours involving no less than 200 hours each of:

10 (A) nutrition assessment;

11 (B) nutrition intervention, education, counseling, or management; and

12 (C) nutrition monitoring or evaluation.

13 (b) A minimum of 700 hours of the supervised practice experience is required in professional work
14 settings, and no more than 300 hours can be in alternate supervised experiences, such as observational client
15 and practitioner interactions, simulation, case studies, and role playing. This experience must be under the
16 supervision of a qualified supervisor as defined in 37-25-102(27). Qualified supervisors shall provide onsite
17 supervision of an applicant's supervised practice experience in the provision of medical nutrition therapy and
18 provide general supervision of an applicant's provision of other nutrition care services that do not constitute
19 medical nutrition.

20 (c) The applicant shall meet one or both of the following criteria:

21 (i) The applicant must have successfully passed the certification examination for nutrition specialists
22 administered by the board for certification of nutrition specialists or the diplomate of the American clinical board
23 of nutrition examination administered by the American clinical board of nutrition.

24 (ii) The applicant must hold a valid current certification with the board for certification of nutrition
25 specialists that authorizes the applicant to use the title "certified nutrition specialist" or the abbreviation "CNS"
26 or a valid current certification with the American clinical board of nutrition that authorizes the applicant to use
27 the title "diplomate, American clinical board of nutrition" or the abbreviation "DACBN".

28

1 **Section 6.** Section 37-25-304, MCA, is amended to read:

2 "**37-25-304. Exemptions from licensure requirements.** ~~This chapter does not prevent:~~

3 ~~(1) a student or intern in an approved academic program or a paraprofessional with approved dietetic-~~
4 ~~nutrition training from engaging in the practice of dietetics-nutrition if a licensed nutritionist is available for direct~~
5 ~~supervision and if the student, intern, or paraprofessional does not represent to the public that the individual is a~~
6 ~~nutritionist;~~

7 ~~(2) a licensed physician or nurse from engaging in the practice of dietetics-nutrition when it is~~
8 ~~incidental to the practice of that profession;~~

9 ~~(3) a person licensed under any other law from engaging in the profession or business for which the~~
10 ~~person is licensed if the person does not represent to the public that the person is a nutritionist;~~

11 ~~(4) an educator or adviser employed by a nonprofit agency acceptable to the board or by an~~
12 ~~accredited degree-granting institution or an accredited elementary or secondary school from engaging in an~~
13 ~~activity within the scope of the individual's salaried position;~~

14 ~~(5) a person employed by or under contract with an agency of the state or federal government from~~
15 ~~discharging an official duty if the person does not represent to the public that the person is a nutritionist;~~

16 ~~(6) a person from furnishing general nutritional information, including dissemination of literature, as to~~
17 ~~the use of food, food materials, or dietary supplements or from engaging in the explanation as to the use of~~
18 ~~foods or food products, including dietary supplements, in connection with the marketing and distribution of~~
19 ~~those products if the person does not represent to the public that the person is a nutritionist;~~

20 ~~(7) a person from furnishing general nutrition information or disseminating literature if the person does~~
21 ~~not represent to the public that the person is a dietitian or a nutritionist; or~~

22 ~~(8) a person from fulfilling state or federal regulations governing the delivery or provision of nutritional~~
23 ~~health services to hospitals or long-term care facilities if the person does not represent to the public that the~~
24 ~~person is a nutritionist. (1) Provided an individual does not purport to be licensed to provide medical nutrition~~
25 ~~therapy or refer to themselves as a licensed dietitian nutritionist, licensed nutritionist, or licensed nutrition~~
26 ~~specialist, or otherwise use words or letters in connection with the individual's name in violation of 37-25-305,~~
27 ~~this chapter does not prevent:~~

28 ~~(a) an individual licensed to teach from the teaching of dietetics and nutrition within the scope of the~~

1 individual's license;

2 (b) a student or trainee from working under the onsite supervision of a qualified supervisor while
3 fulfilling an experience requirement or pursuing a course of study to meet the licensure requirements of 37-25-
4 302(1) or 37-25-302(2) for a time period of no more than 5 years after the individual completes the course
5 requirements for licensure, provided the individual is designated by a title that clearly indicates the individual's
6 status as a student or trainee;

7 (c) an individual from practicing dietetics and nutrition within the scope of the individual's official duties
8 when employed by the federal government, serving in the United States armed forces, or employed by any
9 Montana state agency or entity;

10 (d) an individual from furnishing or explaining general nonmedical nutritional information;

11 (e) an individual from providing medical weight control services for individuals with prediabetes or
12 obesity;

13 (i) under a program of instruction approved in writing by one of the following:

14 (A) a licensed dietitian nutritionist, licensed nutritionist, or licensed nutrition specialist licensed under
15 this chapter;

16 (B) a dietitian nutritionist or nutritionist certified or licensed under the laws of another state that has
17 requirements no less stringent to the licensure requirements for licensed dietitian nutritionists or licensed
18 nutrition specialists under this chapter as determined by the board;

19 (C) a registered dietitian nutritionist; or

20 (D) a certified nutrition specialist; or

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

24 (f) a nutrition and dietetic technician from providing nutrition care services under the general
25 supervision of a licensed dietitian nutritionist, licensed nutritionist, or licensed nutrition specialist;

26 (g) an individual from providing nutrition information, nutrition recommendations, health coaching,
27 holistic and wellness education, guidance, motivation, behavior change management, weight control, or other
28 nutrition care services, provided the information does not constitute medical nutrition therapy as defined in 37-

1 25-102 and the individual does not purport to be licensed or qualified to practice dietetics and nutrition or refer
2 to himself as a provider of medical nutrition therapy and does not otherwise violate provisions of this chapter;

3 (h) an individual from providing nutrition services without remuneration to family members;

4 (i) an individual trained, licensed, or certified under any other law of this state from engaging in a
5 practice within the scope of the individual's license or certification; or

6 (j) an individual from aiding the provision of medical nutrition therapy if:

7 (i) the individual works under the supervision of a licensed dietitian nutritionist, licensed nutritionist,
8 licensed nutrition specialist, or other licensed health care practitioner in this state whose licensed scope of
9 practice includes a provision of nutrition care services for the treatment or management of a disease or medical
10 condition; and

11 (ii) the individual performs only support activities.

12 (2) Nothing in section may be construed to authorize the board to regulate practitioners licensed or
13 certified by licensing boards of other professions or occupations."

14

15 **Section 7.** Section 37-25-305, MCA, is amended to read:

16 **"37-25-305. Representation to public as ~~nutritionist~~ dietitian nutritionist, nutritionist, or**
17 **nutrition specialist -- limitation on use of title.** ~~A person may not represent to the public by any title, sign, or~~
18 ~~advertisement or description of services that the person is a nutritionist or a licensed nutritionist unless the~~
19 ~~person has been licensed under this chapter or has met the requirements of 37-25-102(9)(b).~~ (1) An individual
20 may not represent to the public by any title, sign, advertisement, or description of services that the individual is
21 a dietitian nutritionist, nutritionist, or nutrition specialist unless the individual has been licensed under this
22 chapter.

23 (2) (a) Only individuals who have received licenses as licensed dietitian nutritionists or licensed
24 nutrition specialists pursuant to 37-25-302 may use the letters "LDN" or "LNS", respectively, in connection with
25 their names.

26 (b) A dietitian registered by the commission on dietetic registration may use the title "registered
27 dietitian" or "registered dietitian nutritionist" and the letters "RD" or "RDN" in connection with the individual's
28 name.

1 (c) A certified nutrition specialist certified by the board for certification of nutrition specialists may use
2 the title "certified nutrition specialist" and the letters "CNS" in connection with the individual's name. A licensed
3 nutritionist licensed under 37-25-302 prior to [the effective date of this act] may use the letters "LN" or "LDN" in
4 connection with the individual's name consistent with [section 11].

5 (d) It is unlawful for an individual who is not licensed as a dietitian nutritionist, nutritionist, or nutrition
6 specialist pursuant to this chapter to use or allow a business entity or a business entity's employees, agents, or
7 representatives to use any of the following titles or abbreviations: "dietitian nutritionist", "nutritionist", "dietitian",
8 "dietician", "nutrition counselor", "nutrition specialist", "LDN", "LD", "LNS", "nutritional therapy practitioner",
9 "master nutrition therapist", "licensed dietitian nutritionist", "licensed nutrition specialist", or any other title,
10 designation, words, letters, abbreviations, or insignia referring to oneself as or indicating oneself as a provider
11 of medical nutrition therapy or as licensed to practice dietetics and nutrition under this chapter.

12 (3) Nothing in this section may be construed to prohibit an individual from using an earned title
13 trademarked by the United States patent and trademark office.

14
15 **NEW SECTION. Section 8. Licensure of out-of-state applicants -- reciprocity.** (1) The board may
16 issue a license as a dietitian nutritionist, without examination, on payment of a required fee, to an applicant who
17 is a dietitian, dietitian nutritionist, or nutritionist licensed or certified under the laws of another state, territory, or
18 country, if the board determines the requirements for licensure were, at the date of licensure, considered at
19 least as stringent as the requirements for licensure as a dietitian nutritionist under this chapter and the board
20 determines the applicant otherwise meets the requirements of 37-1-304.

21 (2) The board may issue a license as a nutrition specialist, without examination, on payment of a
22 required fee, to an applicant who is a dietitian, dietitian nutritionist, or nutritionist licensed or certified under the
23 laws of another state, territory, or country, if the board determines the requirements for licensure or certification
24 were, at the date of licensure, considered at least as stringent as the requirements for licensure as a nutrition
25 specialist under this chapter and the board determines the applicant otherwise meets the requirements of 37-1-
26 304.

27
28 **NEW SECTION. Section 9. Temporary practice permits.** (1) The board may issue a temporary

1 practice permit consistent with 37-1-305.

2 (2) Temporary practice permit holders shall work under the routine supervision of a licensed dietitian
3 nutritionist, licensed nutritionist, or licensed nutrition specialist.

4
5 **NEW SECTION. Section 10. Active duty and military spouses.** (1) An active duty member of the
6 United States armed forces or the servicemember's spouse who is certified or licensed as a dietitian nutritionist,
7 nutritionist, or nutrition specialist by another state with certification or licensure requirements no less stringent
8 than the licensure requirements under this chapter may be licensed as a dietitian nutritionist or a licensed
9 nutrition specialist in this state by providing proof of licensure in good standing in the other state in accordance
10 with regulations promulgated by the board.

11 (2) An active duty member of the United States armed forces or the servicemember's spouse who
12 qualifies for licensure as a dietitian nutritionist or a nutrition specialist under this subsection is exempt from
13 paying the initial licensure application fee. If a servicemember or the servicemember's spouse does not qualify
14 for licensure as a dietitian nutritionist or a nutrition specialist under this subsection, the servicemember or the
15 servicemember's spouse may apply for licensure as otherwise specified in 37-25-302 and is exempt from
16 paying the initial licensure application fee.

17
18 **NEW SECTION. Section 11. Limited lifetime of license and title as licensed nutritionist.**
19 Individuals licensed before [the effective date of this act] as licensed nutritionists may continue to use the title
20 licensed nutritionist until the next license renewal.

21
22 **NEW SECTION. Section 12. Termination clause.** For a period of 2 years after [the effective date of
23 this act], an individual who is practicing in this state as a licensed nutritionist shall, on their next license renewal,
24 be issued a license by the board as a licensed dietitian nutritionist and shall subsequently use that title. The
25 board shall cease issuance of nutritionist licenses within 1 year of [the effective date of this act].

26
27 **NEW SECTION. Section 13. Codification instruction.** [Sections 8 through 11] are intended to be
28 codified as an integral part of Title 37, chapter 25, and the provisions of Title 37, chapter 25, apply to [sections

1 8 through 11].

2

3 NEW SECTION. Section 14. Saving clause. [This act] does not affect rights and duties that
4 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

5

6 NEW SECTION. Section 15. Effective date. [This act] is effective July 1, 2021.

7

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