

**PROPOSED REGULATION OF THE
STATE BOARD OF HEALTH**

LCB FILE NO. R095-22I

**The following document is the initial draft regulation proposed
by the agency submitted on 06/10/2022**

PROPOSED REGULATIONS OF THE STATE BOARD OF HEALTH
AMENDMENTS TO NEVADA ADMINISTRATIVE CODE CHAPTER 640E
DIETETICS

Authority: Assembly Bill 73 and Assembly Bill 330 of the 81st (2021) Legislative Session and NRS 640E.110.

~~[Red italic bracketed language]~~ is language being proposed to be omitted from Nevada Administrative Code Chapter 640E.

Blue, bold italic language is new language being proposed to be added to Nevada Administrative Code Chapter 640E.

Section 1. Nevada Administrative Code Chapter 640E is hereby amended by adding thereto the provision set forth as section 2, inclusive, of this regulation.

Sec. 2. *A person who wishes to receive equivalent credit pursuant to section 1 of Assembly Bill No. 330, chapter 360, Statutes of Nevada 2021, at page 2156 (NRS 622.087), towards the satisfaction of requirements for the issuance of a license pursuant to this chapter or chapter 640E of NRS for a training program for occupational, vocational, career, trade or technical education approved by the State Board of Education must submit, as part of the application for the license:*

- 1. Transcripts or other documents substantiating the courses completed as part of the training program; and*
- 2. A copy of the certificate issued for the completion of the training program.*

Sec. 3.

NAC 640E.060 is hereby amended to read as follows:

1. The following nonrefundable fees must be paid by a licensee or an applicant for a license to engage in the practice of dietetics, as applicable:

- | | |
|---|---------------|
| (a) For the issuance of a license..... | \$100 |
| (b) For the issuance of a provisional license..... | 100 |
| (c) For the issuance of a temporary license..... | 25 |
| (d) For the renewal of a license..... | 100 |
| [(e) For the late renewal of a license or the issuance of a duplicate license..... | 5] |
| (f) For the reinstatement of a license..... | 100 |
| (g) For changing the name on a license..... | 20 |

2. The amount of the fees charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for the handling of the fingerprint cards and issuance of the reports of criminal histories must be paid by the applicant.

Sec. 4.

NAC 640E.100 is hereby amended to read as follows:

1. A provisional license may be issued pursuant to NRS 640E.180 ~~[to allow a person time to complete all licensure requirements during the period of the provisional license].~~
2. The Executive Officer shall not issue more than one provisional license to any person.
3. For the purpose of NRS 640E.180, the Board will interpret the term “under the supervision of a licensed dietitian” as used in subsection 3 of NRS 640E.180 to mean the performance of a task or activity under the direction of a licensed dietitian where the licensed dietitian ensures the accomplishment of the task or activity, including initial direction and periodic inspection of the actual accomplishment of the task or activity.

Sec. 5.

NAC 640E.110 is hereby amended to read as follows:

1. Any temporary license issued pursuant to NRS 640E.190 must be limited to the providing of medical nutrition therapy in this State.
2. An application for a temporary license must include the following information:
 - (a) The applicant’s name, the jurisdiction in which the applicant holds a corresponding license, ~~and~~ the number of that license, *and the applicant’s Commission on Dietetic Registration registered dietitian credential number*;
 - (b) A declaration that the license is in good standing in the jurisdiction in which it was issued;
 - (c) The name of the entity for which the licensee will be providing services; and
 - (d) The address at which the licensee will be providing services.

Sec. 6.

NAC 640E.200 is hereby amended to read as follows:

1. Upon receipt of a complaint that a person is engaging in the practice of dietetics without a license, the Executive Officer shall ~~[send a certified letter to the person about whom the complaint was made which]~~ *investigate such a complaint.*
2. *A person being investigated pursuant to subsection 1, shall cooperate fully with the Executive Officer in its investigation, including but not limited to, participating in any requested interviews, allowing onsite inspection of any locations in which the alleged unlicensed practice is occurring, providing any requested documentation, including but not limited to, documentation providing satisfactory evidence that the person is not engaged in the practice of dietetics, if applicable.*
3. *If the Executive Officer determines the person is engaging in the practice of dietetics without a license, the Executive Officer shall:*
 - (a) Direct~~[s]~~ the person immediately to cease and desist from the practice of dietetics; and

(b) Require~~[s]~~ the person to submit to the Executive Officer within 10 days an application for a license to engage in the practice of dietetics. ~~[or satisfactory evidence that the person is not engaged in the practice of dietetics.]~~

4. A person who submits an application pursuant to subsection 3 (b) shall not engage in the practice of dietetics, as defined in NRS 640E.070, until the person becomes a licensed dietitian, as defined in NRS 640E.040.

~~[2.]~~ 5. If the person fails to submit the application ~~[or evidence required]~~ pursuant to subsection ~~4~~ 3 ~~[timely]~~ *within two weeks of the Executive Officer determining the person is engaging in the practice of dietetics without a license pursuant to subsection 3 or fails to cooperate with the unlicensed investigation pursuant to subsection 2:*

(a) The matter must be referred to the Office of the Attorney General and the district attorney of the county in which the alleged violation occurred for investigation and possible prosecution pursuant to NRS 640E.370; and

(b) A civil penalty may be imposed in accordance with the requirements and limitations of NRS 640E.370.

6. A person whose application, submitted pursuant to subsection 3 (b), is denied shall not be allowed to apply for licensure as a dietitian, pursuant to NRS and NAC Chapter 640E, for 2 years from the date of the denial of the application.

Sec. 7.

NAC 640E.210 is hereby amended to read as follows:

1. The Executive Officer shall receive a complaint against a licensee or an applicant for a license to engage in the practice of dietetics from any person.

2. *Except as otherwise provided in NRS 640E.290, [T]the Executive Officer shall forward each complaint to the Commission on Dietetic Registration of the Academy of Nutrition and Dietetics or its successor organization for investigation of the complaint. If the Commission on Dietetic Registration of the Academy of Nutrition and Dietetics or its successor organization refuses to investigate the complaint, the Executive Officer may conduct an investigation of a complaint received pursuant to subsection 1. If the complaint is substantiated, the Executive Officer may forward the complaint, information collected as part of the investigation, and the investigative result to the Commission on Dietetic Registration.*

3. If, after reviewing the findings of an investigation conducted pursuant to subsection 2, the Executive Officer finds grounds for taking disciplinary action, the Executive Officer shall, after notice and hearing, issue a decision in the matter.

4. The failure of a licensee to cooperate with an investigation conducted pursuant to subsection 2 constitutes grounds for disciplinary action against the licensee.

Drafting Note to LCB:

Please change all reference to the Commission on Dietetic Registration of the Academy of Nutrition and Dietetics in NAC Chapter 640E to the Commission on Dietetic Registration.

OMITTED SECTIONS

NAC 640E.120 and NAC 640E.130 are hereby omitted.

~~[NAC 640E.120 Waiver of examination requirement. (NRS 640E)~~

~~1.—The Executive Officer may waive the requirement of an examination set forth in paragraph (e) of subsection 1 of NRS 640E.150 if the Executive Officer is satisfied that the experience and qualifications of the applicant for a license to engage in the practice of dietetics justify granting the license without examination.~~

~~2.—The Executive Officer may seek guidance from the Dietitian Advisory Group established pursuant to NAC 640E.300 concerning any request for such a waiver.]~~

~~[NAC 640E.130 Registration with certain organizations deemed to satisfy certain requirements for licensure. (NRS 640E.110) A dietitian who is registered by the Commission on Dietetic Registration of the Academy of Nutrition and Dietetics or its successor organization shall be deemed to have satisfied the requirements for licensure set forth in paragraphs (c), (d) and (e) of subsection 1 of NRS 640E.150.]~~