

4999

2013-2014 Regular Sessions

I N S E N A T E

May 3, 2013

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to the licensure of dietitians and nutritionists

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Legislative findings and declaration of purpose. The legis-  
2 lature finds that the application of scientific knowledge relating to  
3 nutrition is important in effective care, treatment and prevention of  
4 disease or trauma and in the attainment and maintenance of health, and  
5 acknowledges that the rendering and communication of sound dietetic and  
6 nutrition services in hospitals, nursing homes, extended care and ambu-  
7 latory care settings, school districts, health departments, private  
8 practice and consultation, and in other settings requires trained and  
9 competent professionals. The legislature further finds that it is neces-  
10 sary in the provision of medical nutrition therapy for such profes-  
11 sionals to be licensed under article 157 of the education law to ensure  
12 quality care through a standardized nutrition care process, consisting  
13 of a nutrition assessment, nutrition diagnosis, nutrition intervention  
14 and the monitoring and evaluation of outcomes directly related to the  
15 nutrition care process. Therefore, it is hereby declared to be the  
16 purpose of this act to protect the health, safety, and welfare of the  
17 public by providing for the licensure and regulation of the activities  
18 of persons engaged in the practice of dietetics and nutrition.

19 S 2. Section 8000 of the education law, as added by chapter 635 of the  
20 laws of 1991, is amended to read as follows:

21 S 8000. Introduction. This article applies to the use of the titles  
22 ["certified dietitian" and "certified nutritionist"] "LICENSED  
23 DIETITIAN/NUTRITIONIST" OR "LDN" AND THE PRACTICE OF DIETETICS AND  
24 NUTRITION. The general provision for all professions contained in arti-  
25 cle one hundred thirty of this title shall apply to this article.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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1 S 3. Section 8001 of the education law, as added by chapter 635 of the  
2 laws of 1991, is amended to read as follows:

3 S 8001. [Definitions] DIETETIC AND NUTRITION PRACTICE. [1. Dietetics  
4 and nutrition are herein each defined as the integration and applica-  
5 tion of principles derived from the sciences of nutrition, biochemistry,  
6 physiology, food management and behavioral and social sciences to  
7 achieve and maintain people's health.

8 2. Where the title "certified dietitian" or "certified nutritionist"  
9 is used in this article it shall mean "certified dietitian", "certified  
10 dietician", or "certified nutritionist".

11 3. A certified dietitian or certified nutritionist is one who engages  
12 in the integration and application of principles derived from the  
13 sciences of nutrition, biochemistry, physiology, food management and  
14 behavioral and social sciences to achieve and maintain people's health,  
15 and who is certified as such by the department pursuant to section eight  
16 thousand four of this article. The primary function of a certified  
17 dietitian or certified nutritionist is the provision of nutrition care  
18 services that shall include:

19 (a) Assessing nutrition needs and food patterns;

20 (b) Planning for and directing the provision of food appropriate for  
21 physical and nutrition needs; and

22 (c) Providing nutrition counseling.] DIETETIC AND NUTRITION PRACTICE  
23 IS THE APPLICATION OF MEDICAL NUTRITION THERAPY AND A STANDARDIZED  
24 NUTRITION CARE PROCESS, INCLUDING NUTRITION ASSESSMENT, NUTRITION DIAG-  
25 NOSIS, NUTRITION INTERVENTION, AND NUTRITION EVALUATION AND MONITORING  
26 FOR THE PREVENTION OR TREATMENT OF NUTRITION RELATED ILLNESSES, NOURISH-  
27 MENT, AND EDUCATION OF INDIVIDUALS AND GROUPS THROUGHOUT THE LIFECYCLE.

28 S 4. The education law is amended by adding a new section 8001-a to  
29 read as follows:

30 S 8001-A. DEFINITIONS. FOR PURPOSES OF THIS ARTICLE: 1. "MEDICAL  
31 NUTRITION THERAPY" IS AN EVIDENCE BASED APPLICATION OF THE NUTRITION  
32 CARE PROCESS FOCUSED ON PREVENTION, DELAY OR MANAGEMENT OF DISEASES AND  
33 CONDITIONS, AND INVOLVES AN IN-DEPTH ASSESSMENT, PERIODIC REASSESSMENT  
34 AND INTERVENTION.

35 2. "NUTRITION DIAGNOSIS" IN THE CONTEXT OF DIETETICS AND NUTRITION  
36 PRACTICE MEANS THE IDENTIFICATION AND LABELING OF EXISTING NUTRITION  
37 PROBLEMS EXPRESSED IN TERMS OF ETIOLOGY, SIGNS AND SYMPTOMS. NUTRITION  
38 DIAGNOSIS IS DISTINCT FROM A MEDICAL DIAGNOSIS.

39 3. "NUTRITION ASSESSMENT" MEANS THE SYSTEMATIC PROCESS OF OBTAINING,  
40 VERIFYING, AND INTERPRETING BIOCHEMICAL, ANTHROPOMETRIC, PHYSICAL AND  
41 DIETARY DATA IN ORDER TO MAKE DECISIONS ABOUT THE NATURE AND CAUSE OF  
42 NUTRITION RELATED PROBLEMS. NUTRITION ASSESSMENT IS AN ONGOING, DYNAMIC  
43 PROCESS THAT INVOLVES INITIAL DATA COLLECTION, REASSESSMENT AND ANALYSIS  
44 OF CLIENT OR COMMUNITY NEEDS AND PROVIDES THE FOUNDATION FOR NUTRITION  
45 DIAGNOSIS AND NUTRITIONAL RECOMMENDATIONS INCLUDING ENTERAL AND PAREN-  
46 TERAL NUTRITION. THE MERE COLLECTION OF THESE DATA FOR USE IN A NUTRI-  
47 TION ASSESSMENT IS NOT A NUTRITION ASSESSMENT AND DOES NOT REQUIRE A  
48 LICENSE IN DIETETICS AND NUTRITION AS SET FORTH IN THIS ARTICLE.

49 4. "NUTRITION INTERVENTION" IS A PURPOSEFULLY PLANNED ACTION, DESIGNED  
50 TO POSITIVELY CHANGE NUTRITION RELATED BEHAVIOR, RISK FACTOR, ENVIRON-  
51 MENTAL CONDITION OR ASPECTS OF HEALTH STATUS FOR INDIVIDUAL, GROUPS, OR  
52 THE COMMUNITY.

53 S 5. Section 8002 of the education law, as added by chapter 635 of the  
54 laws of 1991, is amended to read as follows:

55 S 8002. [Use] AUTHORIZATION of [titles] TITLE. Only a person [certi-  
56 fied] LICENSED under this article shall be authorized to use the title

1 ["certified dietitian", "certified dietician", or "certified nutrition-  
2 ist"] "LICENSED DIETITIAN/NUTRITIONIST" OR "LDN".

3 S 6. Section 8003 of the education law, as amended by chapter 282 of  
4 the laws of 1992, is amended to read as follows:

5 S 8003. State board for dietetics and nutrition. A state board for  
6 dietetics and nutrition shall be appointed by the board of regents, on  
7 recommendation of the commissioner, for the purpose of assisting the  
8 board of regents and the department on matters of [certification] LICEN-  
9 SURE, PRACTICE and professional conduct in accordance with section  
10 sixty-five hundred eight of this chapter.

11 The board shall consist of not less than [thirteen] NINE members,  
12 [ten] SEVEN of whom shall be [certified dietitians or certified nutri-  
13 tionists, except that the members of the first board need not be certi-  
14 fied but shall be persons who are eligible for certification under the  
15 provisions of this article prior to their appointment to the board]  
16 LICENSED PURSUANT TO THIS ARTICLE. The [first] board, with respect to  
17 members representing the profession, shall consist of [five] FOUR  
18 members [registered] CREDENTIALLED by a national dietetic association  
19 having [registration] CREDENTIALING standards acceptable to the depart-  
20 ment and [five] THREE members who are [members of or registered] CREDEN-  
21 TIALED by a national nutritional association having [membership and/or  
22 registration] CREDENTIALING standards acceptable to the department.  
23 [Thereafter, members of the profession appointed to such board shall be  
24 certified pursuant to this article.] To the extent reasonable, the board  
25 of regents should insure the state board is broadly representative of  
26 various [professional interests] PRACTICE AREAS within the dietetic and  
27 [nutritional] NUTRITION community. [Three members] ONE MEMBER shall be  
28 [representatives] REPRESENTATIVE of the general public AND ONE MEMBER  
29 SHALL BE A PHYSICIAN LICENSED UNDER ARTICLE ONE HUNDRED THIRTY-ONE OF  
30 THIS TITLE. An executive secretary to the board shall be appointed by  
31 the board of regents on the recommendation of the commissioner.

32 S 7. Section 8004 of the education law, as added by chapter 635 of the  
33 laws of 1991, subparagraph 2 of paragraph (a) of subdivision 2 and  
34 subparagraph 2 of paragraph (b) of subdivision 2 and subdivision 3 as  
35 amended by chapter 282 of the laws of 1992, is amended to read as  
36 follows:

37 S 8004. Requirements for [certification] PROFESSIONAL LICENSE. To  
38 qualify for [certification] A LICENSE, an applicant shall fulfill the  
39 following requirements:

40 1. File an application with the department;

41 2. [(a)(1) Have received an education including a bachelor's degree,  
42 or its equivalent as determined by the department, in  
43 dietetics/nutrition or an equivalent major course of study which shall  
44 include appropriate core curriculum courses in dietetics/nutrition from  
45 an accredited college or university as approved by the department, in  
46 accordance with the commissioner's regulations; and

47 (2) Have completed a planned, continuous, experience component, in  
48 accordance with the commissioner's regulations, in dietetic or nutrition  
49 practice under the supervision of a certified dietitian or certified  
50 nutritionist or a dietitian or nutritionist who is registered by or is a  
51 member of a national dietetic association or national nutrition associ-  
52 ation having registration or membership standards acceptable to the  
53 department; such experience shall be satisfactory to the board and in  
54 accordance with the commissioner's regulations; or

55 (b)(1) Have received an education including an associates degree in  
56 dietetics or nutrition acceptable to the department,

1 (2) In the last fifteen years have completed ten years of experience  
2 and education in the field of dietetics or nutrition satisfactory to the  
3 board in accordance with the commissioner's regulations. These ten years  
4 must be the full time equivalent of any combination of post secondary  
5 dietetic or nutrition education and dietetic or nutrition work experi-  
6 ence satisfactory to the board in accordance with the commissioner's  
7 regulations, and

8 (3) Have obtained the endorsement of three dietitians or nutritionists  
9 acceptable to the department] HAVE RECEIVED A BACHELOR'S DEGREE OR HIGH-  
10 ER WHICH INCLUDES APPROPRIATE MAJOR COURSE OF STUDY IN DIETETICS AND  
11 NUTRITION, OR A BACHELOR'S DEGREE OR HIGHER AND POST GRADUATE COMPLETION  
12 OF A MAJOR COURSE OF STUDY IN DIETETICS AND NUTRITION; FROM A PROGRAM  
13 REGISTERED BY THE DEPARTMENT OR DETERMINED BY THE DEPARTMENT TO BE THE  
14 SUBSTANTIAL EQUIVALENT, IN ACCORDANCE WITH THE COMMISSIONER'S REGU-  
15 LATIONS. MAJOR COURSE OF STUDY IN DIETETICS AND NUTRITION SHALL INCLUDE  
16 BUT NOT BE LIMITED TO SUCH AREAS AS HUMAN NUTRITION, NUTRITION EDUCA-  
17 TION, FOOD AND NUTRITION, DIETETIC OR FOOD SYSTEMS AND MANAGEMENT WHICH  
18 ADDRESSES THE PRACTICE OF DIETETICS AND NUTRITION UNDER VARYING CONDI-  
19 TIONS OF HEALTH AND DISEASE, SOCIAL, PHYSICAL, PSYCHOLOGICAL AND ECONOM-  
20 IC STATUS FOR APPROPRIATE NUTRITION CARE;

21 3. DURING THE FIRST TWO YEARS AFTER THE EFFECTIVE DATE OF THIS SUBDI-  
22 VISION, COMPLETE AT A MINIMUM, NINE HUNDRED HOURS IN THE PRACTICE OF  
23 DIETETICS AND NUTRITION IN A PLANNED, CONTINUOUS, ACCREDITED PROGRAM  
24 EXPERIENCE UNDER THE SUPERVISION OF AN INDIVIDUAL LICENSED PURSUANT TO  
25 THIS ARTICLE, IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS; AFTER  
26 WHICH AND THEREAFTER, SUCH EXPERIENCE SHALL INCLUDE AT A MINIMUM TWELVE  
27 HUNDRED HOURS;

28 A. AN ACCREDITED EXPERIENCE PROGRAM SHALL PROVIDE EXPERIENCE IN A  
29 VARIETY OF SETTINGS, WHICH MAY INCLUDE HOSPITALS, CLINICS, CORPORATIONS,  
30 AND PUBLIC HEALTH PROGRAMS AND INCLUDE A FORMAL OUTCOME EVALUATION OF  
31 COMPETENCY IN DIETETICS AND NUTRITION PRACTICE.

32 B. PRACTICE IN AN ACCREDITED EXPERIENCE PROGRAM SHALL BE UNDER THE  
33 SUPERVISION OF A LICENSED DIETITIAN/NUTRITIONIST, EXCEPT PRIOR TO THE  
34 EFFECTIVE DATE OF THIS SUBDIVISION A SUPERVISOR NEED ONLY BE CERTIFIED  
35 AS A DIETITIAN OR NUTRITIONIST PURSUANT TO THIS ARTICLE PRIOR TO THE  
36 EFFECTIVE DATE OF THIS SUBDIVISION OR SHALL BE CREDENTIALIED BY A  
37 NATIONAL DIETETIC CREDENTIALING ORGANIZATION OR CREDENTIALIED BY A  
38 NATIONAL NUTRITIONAL CREDENTIALING ORGANIZATION. SUCH NATIONAL DIETETIC  
39 CREDENTIALING ORGANIZATION OR NATIONAL NUTRITION CREDENTIALING ORGANIZA-  
40 TION MUST BE ACCREDITED BY THE NATIONAL COMMISSION FOR CERTIFYING AGEN-  
41 CIES AND APPROVED BY THE DEPARTMENT AND HAVE CREDENTIALING STANDARDS  
42 SUBSTANTIALLY EQUIVALENT TO STANDARDS SET FORTH FOR LICENSURE PURSUANT  
43 TO THIS ARTICLE;

44 [3.] 4. Pass an examination satisfactory to the board and in accord-  
45 ance with the commissioner's regulations; provided that such examination  
46 shall test a level of knowledge and experience equivalent to that  
47 obtained by an individual satisfactorily meeting the requirements of  
48 [paragraph (a) of subdivision] SUBDIVISIONS two AND THREE of this  
49 section;

50 [4.] 5. Pay a fee of one hundred seventy-five dollars to the depart-  
51 ment for admission to a department conducted examination and for initial  
52 certification, a fee of eighty-five dollars for each reexamination, a  
53 fee of one hundred fifteen dollars for an initial certification for  
54 persons not requiring admission to a department conducted examination, a  
55 fee of one hundred [fifty-five] SEVENTY-FIVE dollars for each triennial  
56 registration period;

1 [5.] 6. Be at least eighteen years of age;

2 7. BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPARTMENT.

3 S 8. Section 8005 of the education law, as added by chapter 635 of the  
4 laws of 1991, is amended to read as follows:

5 S 8005. Special provisions. 1. Nothing [contained in this article  
6 shall be deemed to alter, modify or impair any conditions of employment  
7 relating to service in the federal government, the state of New York,  
8 its political subdivisions, including school districts, or special  
9 districts and authorities or any facilities or institutions under the  
10 jurisdiction of or subject to the certification of any agency of the  
11 state of New York or its political subdivisions] IN THIS ARTICLE SHALL  
12 PROHIBIT OR LIMIT ANY STATE, COUNTY OR MUNICIPAL EMPLOYEE ENGAGED IN THE  
13 PRACTICE OF DIETETICS AND NUTRITION ON THE DATE THE CHAPTER OF THE LAWS  
14 OF TWO THOUSAND THIRTEEN WHICH AMENDED THIS SECTION TAKES EFFECT FOR THE  
15 PERIOD DURING WHICH THEY MAINTAIN SUCH EMPLOYMENT WITH SUCH GOVERNMENTAL  
16 UNIT WITHIN THE CONTEXT OF SUCH EMPLOYMENT AND SHALL BE LIMITED TO THE  
17 SERVICES PROVIDED UPON SUCH EFFECTIVE DATE, HOWEVER, THIS SECTION SHALL  
18 NOT AUTHORIZE THE USE OF ANY TITLE AUTHORIZED PURSUANT TO THIS ARTICLE.  
19 PROVIDED HOWEVER, THAT EMPLOYEES ENGAGED IN THE PRACTICE OF DIETETICS  
20 AND NUTRITION HIRED TWO YEARS AFTER SUCH EFFECTIVE DATE SHALL BE SUBJECT  
21 TO ALL THE REQUIREMENTS OF THIS ARTICLE.

22 2. THIS ARTICLE SHALL NOT PROHIBIT DIETETIC AND NUTRITION PRACTICE BY  
23 A CORPORATION, PROVIDED THAT SUCH PRACTICE IS CARRIED ON BY A LICENSED  
24 DIETITIAN/NUTRITIONIST OR A PERSON EXEMPT UNDER THIS ARTICLE. A  
25 VIOLATION OF THIS SUBDIVISION SHALL BE A CLASS A MISDEMEANOR.

26 S 9. Section 8006 of the education law, as added by chapter 635 of the  
27 laws of 1991 and subdivision 2 as amended by chapter 282 of the laws of  
28 1992, is amended to read as follows:

29 S 8006. Special conditions. [A person shall be certified without  
30 examination provided that, within three years of the effective date of  
31 this article, the individual:

32 1. files an application and pays the appropriate fees to the depart-  
33 ment; and

34 2. (a) is registered as a dietitian or nutritionist by a national  
35 dietetic or national nutrition association having registration standards  
36 acceptable to the department;

37 (b) meets the requirements of subparagraph one of paragraph (a) of  
38 subdivision two and subdivision five of section eight thousand four of  
39 this article and has been actively engaged in the provision of nutrition  
40 care services for a minimum of three years during the five years imme-  
41 diately preceding the effective date of this article; or

42 (c) meets all the requirements of paragraph (b) of subdivision two and  
43 subdivision five of section eight thousand four of this article.] ANY  
44 PERSON WHO IS LICENSED AS A CERTIFIED DIETITIAN OR A CERTIFIED NUTRI-  
45 TIONIST (CDN) ON THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO  
46 THOUSAND THIRTEEN WHICH AMENDED THIS SECTION SHALL BE LICENSED AS A  
47 LICENSED DIETITIAN/NUTRITIONIST WITHOUT MEETING ANY ADDITIONAL REQUIRE-  
48 MENTS.

49 S 10. The education law is amended by adding two new sections 8007 and  
50 8008 to read as follows:

51 S 8007. EXEMPTIONS. THIS ARTICLE SHALL NOT BE CONSTRUED TO AFFECT OR  
52 PREVENT:

53 1. A LICENSED PHYSICIAN FROM PRACTICING HIS OR HER PROFESSION AS  
54 DEFINED UNDER ARTICLES ONE HUNDRED THIRTY-ONE AND ONE HUNDRED  
55 THIRTY-ONE-B OF THIS TITLE; A REGISTERED PROFESSIONAL NURSE OR A CERTI-  
56 FIED NURSE PRACTITIONER PRACTICING HIS OR HER PROFESSION AS DEFINED

1 UNDER ARTICLE ONE HUNDRED THIRTY-NINE OF THIS TITLE; OR QUALIFIED  
2 MEMBERS OF OTHER PROFESSIONS LICENSED UNDER THIS TITLE FROM PERFORMING  
3 WORK INCIDENTAL TO THE PRACTICE OF THEIR PROFESSIONS, EXCEPT THAT SUCH  
4 PERSONS MAY NOT HOLD THEMSELVES OUT UNDER THE TITLE AUTHORIZED BY THIS  
5 ARTICLE;

6 2. AN INDIVIDUAL FROM ENGAGING IN THE PRACTICE OF DIETETICS OR NUTRI-  
7 TION WHILE PARTICIPATING IN THE EDUCATION OR EXPERIENCE REQUIREMENTS  
8 DEFINED IN SUBDIVISIONS TWO AND THREE OF SECTION EIGHT THOUSAND FOUR OF  
9 THIS ARTICLE;

10 3. ANY PERSON WHO DOES NOT HOLD HIMSELF OR HERSELF OUT TO BE LICENSED  
11 PURSUANT TO THIS ARTICLE FROM FURNISHING GENERAL NON-MEDICAL NUTRITION  
12 INFORMATION ON FOOD OR DIETARY SUPPLEMENTS; ENGAGING IN THE EXPLANATION  
13 TO CUSTOMERS ABOUT FOOD OR FOOD PRODUCTS IN CONNECTION WITH THE MARKET-  
14 ING AND DISTRIBUTION OF THOSE PRODUCTS; PROVIDED THAT NOTHING IN THIS  
15 SUBDIVISION SHALL BE DEEMED TO AUTHORIZE THE PROVISION OF MEDICAL NUTRI-  
16 TION THERAPY. FOR PURPOSES OF THIS SUBDIVISION,

17 "GENERAL NON-MEDICAL NUTRITION INFORMATION" MEANS INFORMATION ON THE  
18 FOLLOWING: (A) "PRINCIPLES OF GOOD NUTRITION AND FOOD PREPARATION; (B)  
19 FOOD TO BE INCLUDED IN THE NORMAL DAILY DIET; (C) THE ESSENTIAL NUTRI-  
20 ENTS NEEDED BY THE BODY; (D) RECOMMENDED AMOUNTS OF THE ESSENTIAL NUTRI-  
21 ENTS, BASED ON ESTABLISHED STANDARDS; (E) THE ACTIONS OF NUTRIENTS ON  
22 THE BODY; (F) THE EFFECTS OF DEFICIENCIES OR EXCESSES OF NUTRIENTS; OR  
23 (G) FOOD AND SUPPLEMENTS THAT ARE GOOD SOURCES OF ESSENTIAL NUTRIENTS;  
24 AND

25 4. A PERSON FROM PRESENTING A GENERAL PROGRAM OF INSTRUCTION FOR  
26 WEIGHT CONTROL PROVIDED THE GENERAL PROGRAM IS APPROVED IN WRITING BY A  
27 LICENSED DIETITIAN, A DIETITIAN REGISTERED BY THE COMMISSION OF DIETETIC  
28 REGISTRATION OF THE AMERICAN DIETETIC ASSOCIATION OR A LICENSED PHYSI-  
29 CIAN.

30 PROVIDED THAT, NO TITLE, SIGN, CARD OR DEVICE SHALL BE USED IN SUCH  
31 MANNER AS TO TEND TO CONVEY THE IMPRESSION THAT THE PERSON RENDERING  
32 SUCH SERVICE IS LICENSED PURSUANT TO THIS ARTICLE.

33 5. AN INDIVIDUAL EMPLOYED BY A WIC PROGRAM AS A "COMPETENT PROFES-  
34 SIONAL AUTHORITY" AS DEFINED IN 7 C.F.R S 246.2 (1895) FROM PROVIDING  
35 NUTRITION SERVICES WITHIN SUCH WIC PROGRAM. FOR THE PURPOSE OF THE  
36 SUBDIVISION THE TERM "WIC PROGRAM" SHALL MEAN A PROGRAM AUTHORIZED BY 42  
37 U.S.C. S 1786.

38 S 8008. LIMITED PERMIT. THE DEPARTMENT SHALL ISSUE A LIMITED PERMIT TO  
39 AN APPLICANT FOR LICENSURE WHO HAS MET ALL THE REQUIREMENTS OF SECTION  
40 EIGHT THOUSAND FOUR OF THIS ARTICLE, BUT HAS NOT YET PASSED THE EXAMINA-  
41 TION. 1. THE DURATION OF A LIMITED PERMIT SHALL NOT EXCEED ONE YEAR FROM  
42 THE TIME OF ITS FIRST ISSUE AND THE DEPARTMENT MAY FOR GOOD CAUSE RENEW  
43 A LIMITED PERMIT PROVIDED THAT NO APPLICANT SHALL PRACTICE UNDER ANY  
44 LIMITED PERMIT FOR MORE THAN A TOTAL OF TWO YEARS.

45 2. ALL PRACTICE UNDER A LIMITED PERMIT SHALL BE UNDER THE SUPERVISION  
46 OF AN INDIVIDUAL LICENSED PURSUANT TO THIS ARTICLE.

47 3. THE FEE FOR EACH LIMITED PERMIT SHALL BE SEVENTY-FIVE DOLLARS.

48 S 11. This act shall take effect one year after it shall have become a  
49 law; provided however, that effective immediately, the addition, amend-  
50 ment and/or repeal of any rule or regulation necessary for the implemen-  
51 tation of this act on its effective date is authorized and directed to  
52 be made and completed by the department of education on or before such  
53 effective date.