STATE OF NEW YORK

9142

IN SENATE

April 30, 2024

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

AN ACT to amend the education law and the social services law, in relation to the licensure of dietitians and nutritionists; and to repeal certain provisions of the education law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative findings and declaration of purpose. The legislature finds that the application of scientific knowledge relating to dietetics and nutrition is important in effective care, treatment and prevention of disease or trauma and in the attainment and maintenance of health, and acknowledges that the rendering and communication of sound dietetic and nutrition services in hospitals, nursing homes, extended care and ambulatory care settings, school districts, health departments, private practice and consultation, and in other settings requires trained and competent professionals. The legislature further finds that it is necessary in the provision of medical nutrition therapy, and therapeutic diets, for such professionals to be licensed under article 157 of the education law to ensure quality nutrition care, consisting of a nutrition assessment, nutrition diagnosis, nutrition intervention and the monitoring and evaluation of outcomes directly related to the nutrition care process. Therefore, it is hereby declared to be the purpose of this act to protect the health, safety, and welfare of the public by providing for the licensure and regulation of the activities of persons engaged in the practice of dietetics and nutrition.

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

§ 8000. Introduction. This article applies to the use of the titles [~~"certified dietitian" and "certified nutritionist"~~] **"licensed nutritionist" or "LN" and "licensed dietitian nutritionist" or "LDN" and the practice of dietetics and nutrition**. The general provision for all professions contained in article 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.

LBD13996-03-4

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

§ 8001. [~~Definitions~~] Dietetic and nutrition practice. [~~1. Dietetics and nutrition are herein each defined as 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 people's health.~~

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

~~3. A certified dietitian or certified nutritionist is one who engages in 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 people's health, and who is certified as such by the department pursuant to section eight thousand four of this article. The primary function of a certified dietitian or certified nutritionist is the provision of nutrition care services that shall include:~~

~~(a) Assessing nutrition needs and food patterns;~~

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

~~(c) Providing nutrition counseling.~~] For the purposes of this article, the following terms shall have the following meanings:

1. "Degree" means a degree received from a college or university accredited by the department and accredited by the appropriate United States regional accreditation 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.

2. "Dietetics" means the integration and application of scientific principles derived from the study of food, nutrition, biochemistry, metabolism, nutrigenomics, physiology, pharmacology, and food systems and management and from behavioral and social sciences for achieving and maintaining health throughout the lifespan. The practice of dietetics is primarily the provision of nutrition care services, including medical nutrition therapy provided via the nutrition care process, in person or via telehealth, to prevent, manage, or treat diseases or medical conditions and promote wellness. Consistent with the level of competence, the practice of dietetics may include:

(a) accepting or transmitting oral, verbal, delegated, or electronically transmitted orders from the referring licensed independent provider consistent with applicable laws and rules in conjunction with protocols established to implement medical nutrition therapy;

(b) ordering patient diets, including therapeutic diets, which includes oral, enteral, and parenteral nutrition therapy;

(c) ordering medical laboratory tests related to nutritional therapeutic treatments consistent with state law;

(d) implementing prescription drug dose adjustments in an inpatient setting for specific disease treatment protocols within the limits of his or her knowledge, skills, judgment, and current evidence-informed clinical practice guidelines as indicated in a facility, medical staff, or medical director approved protocol and as approved and delegated by a licensed prescribing practitioner;

(e) implementing prescription drug dose adjustments in an outpatient setting for specific disease treatment protocols within the limits of his or her knowledge, skills, and judgment and as approved by and under the delegation of a licensed prescribing practitioner;

(f) recommending or ordering vitamin, mineral, and other dietary supplements or discontinuing use of unnecessary vitamin, mineral, and dietary supplements;

(g) practicing dietetics via telehealth so long as:

(i) it is appropriate for the individual or group receiving the services; and

(ii) the level of care provided meets the required level of care for that individual or group;

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

(i) providing advanced clinical nutrition care services and related support activities, in accordance with the commissioner's regulations, consistent with current required competencies of a United States department of education recognized and department approved accrediting body that promulgates education and supervised practice standards for dietetics and nutrition practice.

3. "General non-medical nutrition information" means information on any of the following:

(a) Principles of human nutrition and food preparation;

(b) Principles of self-care and a healthy relationship with food;

(c) Essential nutrients needed by the human body;

(d) General and non-individualized recommended amounts of essential nutrients in the human body based on established standards;

(e) Actions of nutrients in the human body;

(f) Non-individualized effects of deficiencies or excesses of nutrients in the human body;

(g) General education surrounding foods, herbs, and dietary supplements that are good sources of essential nutrients in the human body; and

(h) Evidence based recommendations on nutrition and diet to maintain good health and for the purposes of primary prevention.

4. "Licensed dietitian nutritionist" means a person duly licensed under this article as meeting the requirements of subdivision two of section eight thousand four of this article to practice dietetics and nutrition, including the provision of medical nutrition therapy.

5. "Licensed nutritionist" means a person duly licensed under this article as meeting the requirements of subdivision one of section eight thousand four of this article to practice nutrition, including the provision of medical nutrition therapy.

6. "Medical nutrition therapy" means the provision of the following nutrition care services for the purpose of management or treatment of a disease or medical condition:

(a) nutrition assessment;

(b) nutrition diagnosis;

(c) nutrition intervention; and

(d) nutrition monitoring and evaluation.

7. "Medical weight control" means medical nutrition therapy provided for the purpose of reducing, maintaining, or gaining weight.

8. "Non-medical weight control" means nutrition care services provided for the purpose of reducing, maintaining, or gaining weight that do not constitute the treatment or management of a disease or medical condition. The term includes weight control services for healthy population groups to achieve or maintain a healthy weight.

9. "Nutrition" means the integration and application of scientific principles derived from the study of nutrition science, cellular and systemic metabolism, biochemistry, physiology, and behavioral sciences for achieving and maintaining health throughout the lifespan. The practice of nutrition is primarily the provision of nutrition care services, including medical nutrition therapy, in person or via telehealth, to prevent, manage, or treat diseases or medical conditions and promote wellness. Consistent with the level of competence, the practice of nutrition may include:

(a) accepting or transmitting oral, verbal, or delegated, or electronically transmitted orders from the referring licensed independent provider consistent with applicable laws and rules in conjunction with protocols established to implement medical nutrition therapy;

(b) ordering patient diets, including therapeutic diets. Therapeutic diets consisting of enteral or parenteral nutrition therapy shall only be ordered by a practitioner licensed under this chapter when the practitioner meets one of the following criteria:

(i) The individual is a licensed dietitian nutritionist;

(ii) The individual is certified in nutrition support by an organization acceptable to the commissioner that is established for this purpose; or

(iii) The individual satisfies other requirements established by the examining board by rule that are consistent with the competencies necessary for evaluating, ordering, and administering enteral and parenteral nutrition therapies;

(c) ordering medical laboratory tests related to nutritional therapeutic treatments consistent with state law;

(d) implementing prescription drug dose adjustments in an outpatient setting for specific disease treatment protocols within the limits of his or her knowledge, skills, and judgment and as approved by and under the delegation of a licensed prescribing practitioner;

(e) providing recommendations on vitamin, mineral, and other dietary supplements;

(f) practicing nutrition via telehealth as defined under this chapter so long as:

(i) it is appropriate for the individual or group receiving the services; and

(ii) the level of care provided meets the required level of care for that individual or group.

10. "Nutrition assessment" means the ongoing, dynamic, and systematic process of ordering, obtaining, verifying, and interpreting biochemical, anthropometric, physical, nutrigenomic, and dietary data to make decisions about the nature and cause of nutrition-related problems relative to patient or community needs. It involves not only initial data collection, but also reassessment and analysis of patient or community needs and provides the foundation for nutrition diagnosis and nutritional recommendations and orders. Nutrition assessment may require ordering laboratory tests to check and track nutritional status. The collection of data does not, by itself, constitute nutrition assessment.

11. "Nutrition care process" means the systematic problem-solving method that dietitian nutritionists use to critically think and make decisions when providing medical nutrition therapy or to address nutrition related problems and provide safe and effective care. The nutrition care process consists of four distinct, but interrelated steps including nutrition assessment, nutrition diagnosis, nutrition intervention, and nutrition monitoring and evaluation.

12. "Nutrition care services" means any part or all of the following services provided within a systematic process:

(a) assessing and evaluating the nutritional needs of individuals and groups and determining resources and constraints in a practice setting, including ordering of nutrition-related laboratory tests to check and track nutrition status;

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

(c) creating individualized dietary plans and issuing and implementing orders to meet nutritional needs of healthy individuals and individuals in acute and chronic disease states, including ordering therapeutic diets, and monitoring the effectiveness thereof;

(d) determining and providing appropriate nutrition interventions in health and disease, including nutrition counseling on food and prescription drug interactions;

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

(f) evaluating, making changes in, and maintaining appropriate standards of quality in food and nutrition services.

13. "Nutrition counseling" means a supportive process, characterized by a collaborative counselor-patient relationship with individuals or groups, to establish food and nutrition priorities, goals, individualized action plans and general physical activity guidance, that acknowledge and foster responsibility for self-care, to promote health and wellness or to treat or manage an existing disease or medical condition.

14. "Nutrition diagnosis" in the context of dietetics and nutrition practice means identifying and labeling nutritional problems managed and treated by a licensed dietitian nutritionist but does not include a medical diagnosis of the health status of an individual. Nothing in this article shall authorize a licensed dietitian nutritionist to make a medical diagnosis.

15. "Nutrition intervention" means purposefully planned actions, including nutrition counseling, intended to positively change a nutrition-related behavior, risk factor, environmental condition, or aspect of the health status of an individual, target groups, or community at large. Nutrition intervention includes approving, ordering, and monitoring therapeutic diets, and counseling on food and prescription drug interactions.

16. "Nutrition monitoring and evaluation" means identifying patient outcomes relevant to a nutrition diagnosis, intervention plans, and goals and comparing those outcomes with a 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.

17. "Patient" means an individual recipient of nutrition care services, whether in the outpatient, inpatient, or nonclinical setting.

18. "Programmatically accredited" means accreditation by an authorizing body recognized by the United States department of education as a reliable authority concerning the quality of dietetics and nutrition education or training offered by institutions of higher education or higher education programs.

19. "Qualified supervisor" means an individual providing supervision who assumes full professional responsibility for the work of the supervisee by verifying, directing, and approving the provided nutrition care services and other work being supervised. To qualify as a qualified

supervisor for purposes of this article, an individual shall meet all of the following requirements:

(a) If supervising a student or trainee who is providing medical nutrition therapy, the qualified supervisor shall be one of the following:

(i) a New York licensed dietitian nutritionist, New York licensed nutritionist, or a health care provider licensed or certified in any state or territory, including licensed or certified dietitians, dietitian nutritionists, or nutritionists, whose scope of practice includes the provision of medical nutrition therapy;

(ii) in the case of the supervisor supervising a student or trainee in a state that does not provide for licensure or certification of dietitians, dietitian nutritionists, or nutritionists, the supervisor meets such other criteria as the board may establish; or

(iii) an employee of the federal government authorized within the discharge of his or her official duties to provide medical nutrition therapy.

(b) A qualified supervisor shall only supervise a clinical activity or nutrition care service for which the qualified supervisor is qualified and is authorized to perform.

(c) Unless exempt under section eight thousand seven of this article, a qualified supervisor shall be licensed in this state if the qualified supervisor is supervising a student or trainee who is providing medical nutrition therapy to an individual located in this state.

(d) A qualified supervisor shall develop and carry out a program for advancing and optimizing the quality of care provided by the student or trainee being supervised. A qualified supervisor and a student or trainee being supervised shall identify and document goals for supervised practice experience, the assignment of clinical tasks as appropriate to the supervisee's evolving level of competence, the supervisee's relationship and access to the qualified supervisor, and a process for evaluating the student or trainee's performance.

(e) A qualified supervisor shall oversee the activities of and approve and accept responsibility for the nutrition care services rendered by the supervisee.

(f) A qualified supervisor shall, at a minimum, be physically on-site and present where the supervisee is providing nutrition care services or be immediately and continuously available to the supervisee by means of two-way real-time audiovisual technology that allows for the direct, contemporaneous interaction by sight and sound between the qualified supervisor and the supervisee. If the qualified supervisor assigns a nutrition care service to a supervisee that is to be provided in a setting where the qualified supervisor is not routinely present, the qualified supervisor shall ensure that the means and methods of supervision are adequate to ensure appropriate patient care, which may include synchronous videoconferencing, or another method of communication and oversight that is appropriate to the care setting and the education and experience of the supervisee.

(g) A qualified supervisor shall review on a regular basis the charts, records, and clinical notes of the persons supervised, and maintain responsibility for the supervisee's clinical record keeping.

(h) A qualified supervisor shall be available to render assistance during the provision of nutrition care services when requested by the patient or shall have arranged for another qualified practitioner, lawfully able to render nutrition care services, to be available in the absence of the qualified supervisor.

(i) A qualified supervisor shall limit the assignment of nutrition care services to those services that are within the training and experience of the supervisee and customary to the practice of the qualified supervisor.

20. "Telehealth" means the use of electronic information and telecommunications technologies to provide services under this article between a practitioner in one location and an individual in another location to support clinical health care, public health, patient health-related education, and health administration.

21. "Therapeutic diet" means a diet intervention prescribed by a physician, or other health professional licensed under this title, that provides food or nutrients via oral, enteral, or parenteral routes as part of treatment of a disease or clinical condition to modify, eliminate, decrease, or increase identified micronutrients and macronutrients in the diet, or to provide mechanically altered food when indicated.

22. "Unrestricted practice of medical nutrition therapy" means the application of dietetics and nutrition knowledge and skills by an individual who regulates and is responsible for his or her own practice or treatment procedures.

§ 4. Section 8002 of the education law, as added by chapter 635 of the laws of 1991, is amended to read as follows:

§ 8002. [~~Use~~] Practice and authorization of titles. 1. Only a person [~~certified under this article shall be authorized to use the title "certified dietitian", "certified dietician", or "certified nutritionist"~~] licensed or otherwise authorized under this article shall practice or offer to provide medical nutrition therapy.

2. Except as otherwise provided in subdivision five of this section, no person may designate or hold himself or herself out as a dietitian nutritionist or use or assume the title "dietitian nutritionist", "licensed dietitian nutritionist", "dietician", or any other title indicating that the person is a licensed dietitian nutritionist or append to or use in conjunction with that person's name the letters "LDN" or "LD" unless the person is licensed as a dietitian nutritionist under this article.

3. Except as otherwise provided in subdivision five of this section, no person may use or assume any title indicating that the person is a licensed nutritionist or append to or use in conjunction with that person's name the letters "LN" unless the person is licensed as a nutritionist under this article.

4. Except as otherwise provided in subdivision five of this section, no person may designate or hold himself or herself out as a nutritionist or use or assume the title "nutritionist" unless the person is licensed under this article.

5. A person may use a lawfully earned federally trademarked title, including the following, so long as such person is not practicing in violation of this article and does not imply orally or in writing or indicate in any way that the person is a licensed nutritionist or licensed dietitian nutritionist.

(a) A registered dietitian or registered dietitian nutritionist may use the titles "registered dietitian" or "registered dietitian nutritionist" and use in conjunction with his or her name the letters "RD" or "RDN".

(b) A person who holds a certified nutrition specialist credential from the board for certification of nutrition specialists, or its successor organization, may use the title "certified nutrition specialist".

§ 5. Section 8003 of the education law, as amended by chapter 282 of the laws of 1992, is amended to read as follows:

§ 8003. State board for dietetics and nutrition. A state board for dietetics and nutrition shall be appointed by the board of regents, on recommendation of the commissioner, for the purpose of assisting the board of regents and the department on matters of [~~certification~~] **licensure, practice,** and professional conduct in accordance with section sixty-five hundred eight of this [~~chapter~~] **title**.

[~~The~~] **All members serving terms on the state board for dietetics and nutrition on the effective date of the chapter of the laws of two thousand twenty-four which amended this section shall continue to serve out their respective terms of office until their respective successors are appointed and qualified. Thereafter, the** board shall consist of [~~not less than thirteen~~] **eleven** members, [~~ten~~] **six** of whom shall be [~~certified dietitians or certified nutritionists, except that the members of the first board need not be certified but shall be persons who are eligible for certification under the provisions of this article prior to their appointment to the board. The first board, with respect to members representing the profession, shall consist of five members registered by a national dietetic association having registration standards acceptable to the department and five members who are members of or registered by a national nutritional association having membership and/or registration standards acceptable to the department. Thereafter, members of the profession appointed to such board shall be certified pursuant to this article~~] **licensed dietitian nutritionists and two of whom shall be licensed nutritionists pursuant to this article**. To the extent reasonable, the board of regents should insure the state board is broadly representative of various professional interests within the dietetic and nutritional community. [~~Three~~] **Two** members shall be representatives of the general public **and one member shall be a physician licensed under article one hundred thirty-one of this title**. **Such physician member shall not be a member of or credentialed by a national dietetic or national nutrition association.** An executive secretary to the board shall be appointed by the board of regents on the recommendation of the commissioner.

§ 6. Section 8004 of the education law is REPEALED and a new section 8004 is added to read as follows:

§ 8004. Requirements for professional license. 1. Each applicant for a license as a licensed nutritionist shall: be at least twenty-one years of age; submit a completed application upon a form and in such manner as the board prescribes demonstrating the applicant is capable and professionally competent, as determined by the board, to safely engage in the practice of nutrition; submit any fees as required by the board, and submit proof of all of the following:

(a) Education: Have received a master's or doctoral degree in nutrition or a nutrition-related science leading to competence in medical nutrition therapy, in accordance with the commissioner's regulations;

(b) Experience: Have completed a planned, continuous, supervised practice experience satisfactory to the board and in accordance with the commissioner's regulations, provided that such experience shall require demonstration of competence in medical nutrition therapy and involve at least one thousand hours under a qualified supervisor in the following practice areas, with a minimum of two hundred hours in each practice area: conducting nutrition assessment and nutrition diagnosis; nutrition intervention; and nutrition monitoring and evaluation. The experience shall be determined by the board to have prepared the applicant to

provide nutrition care services for various populations of diverse cultures, genders, and across the life cycle, and to be able to competently formulate actionable medical nutrition therapies and interventions, education, counseling, and ongoing care for the prevention, modulation, and management of a range of acute and chronic medical conditions; and

(c) Examination: Passage of a nutrition examination satisfactory to the board and in accordance with the commissioner's regulations.

2. (a) Each applicant for a license as a licensed dietitian nutritionist shall: be at least twenty-one years of age, submit a completed application upon a form and in such manner as the board prescribes demonstrating the applicant is capable and professionally competent, as determined by the board, to safely engage in the practice of dietetics and nutrition, submit any fees as required by the board, and submit proof of all of the following:

(i) Education: Have received a masters or doctoral degree and completed a programmatically accredited didactic program in dietetics approved by the department in accordance with the commissioner's regulations;

(ii) Experience: Have completed a planned, continuous, supervised practice experience satisfactory to the board and in accordance with the commissioner's regulations, provided that such experience shall require demonstration of competence in medical nutrition therapy and consist of satisfactory completion of a programmatically accredited experience of not less than one thousand hours under the supervision of a qualified supervisor. The experience shall be determined by the board to have prepared the applicant to provide nutrition care services for various populations of diverse cultures, genders, and across the life cycle, and to be able to competently formulate actionable medical nutrition therapies and interventions, education, counseling, and ongoing care for the prevention, modulation, and management of a range of acute and chronic medical conditions; and

(iii) Examination: Passage of a dietitian examination satisfactory to the board and in accordance with the commissioner's regulations.

(b) An application for a dietitian nutritionist license submitted by individuals, who prior to January first, two thousand twenty-four held registration as a dietitian by a national dietetic commission that has registration standards acceptable to the department, and currently holds such registration, is governed by the provisions of law in effect immediately before the effective date of this section, and the former law is continued in effect for that purpose.

3. All applicants for licensure as a licensed nutritionist or licensed dietitian nutritionist shall pay a fee for an initial license, and a fee for each triennial registration period.

§ 7. Section 8005 of the education law is REPEALED.

§ 8. Section 8006 of the education law is REPEALED and a new section 8006 is added to read as follows:

§ 8006. Special conditions. 1. Any person who is licensed as a certified dietitian or a certified nutritionist on the effective date of the chapter of the laws of two thousand twenty-four which amended this section, shall be licensed as a licensed dietitian nutritionist without meeting any additional requirements so long as they hold registration as a dietitian by a national dietetic commission that has registration standards acceptable to the department or have completed:

(a) a bachelor's or higher degree from a programmatically accredited didactic program approved by the department in accordance with the commissioner's regulations;

(b) a supervised practice experience acceptable to the board and in accordance with the commissioner's regulations, provided that such experience consisted of satisfactory completion of a programmatically accredited experience approved by the department of not less than nine hundred hours; and

(c) passage of an examination satisfactory to the board and in accordance with the commissioner's regulations.

2. Any person who is licensed as a certified dietitian or a certified nutritionist and does not meet the requirements provided under subdivision one of this section on the effective date of the chapter of the laws of two thousand twenty-four which amend this section, shall be licensed as a licensed nutritionist without meeting any additional requirements.

3. Any non-exempt person practicing the professions to be licensed pursuant to this article shall apply for a license within one year of the effective date of this section.

§ 9. The education law is amended by adding two new sections 8007 and 8008 to read as follows:

§ 8007. Exemptions. This article shall not be construed to affect or prevent:

1. A licensed physician from practicing his or her profession as defined under articles one hundred thirty-one and one hundred thirty-one-B of this title; a registered professional nurse or a certified nurse practitioner practicing his or her profession as defined under article one hundred thirty-nine of this title; a licensed physician assistant from his or her profession as defined under article one hundred thirty-one-B of this title; or qualified members of other professions licensed under this title from performing work incidental to the practice of their professions, except that such persons may not hold themselves out under the title authorized by this article.

2. A student, intern or resident from engaging in the practice of dietetics or nutrition while participating in the education or experience requirements under section eight thousand four of this article, if any of the following apply:

(a) The student or trainee who is completing their supervised practice experience required under section eight thousand four of this article practices under this subdivision not more than five years after completing education requirements under section eight thousand four of this article;

(b) The student or trainee practices under this subdivision only while supervised by a qualified supervisor as defined in section eight thousand one of this article;

(c) The student or trainee does not engage in the unrestricted practice of medical nutrition therapy; and

(d) While practicing under this subdivision, the student or trainee uses a title that clearly indicates his or her status as a student, intern, trainee, or supervisee.

3. A dietitian nutritionist or nutritionist who is serving in the armed forces of the United States or any other federal agency from engaging in the practice of medical nutrition therapy, or using government issued titles, provided that such practice or title use is related to service or employment, provided that such practice is related to service or employment.

4. A person who provides individualized nutrition recommendations for the wellness and primary prevention of chronic disease, health coaching, holistic and wellness education, guidance, motivation, behavior change management, services for non-medical weight control, or other nutrition care services so long as all of the following apply:

(a) The services do not constitute medical nutrition therapy;

(b) The person does not represent himself or herself using titles authorized under this article; and

(c) The person does not hold himself or herself out as licensed or qualified to engage in the practice of medical nutrition therapy.

5. A person who disseminates non-individualized, written, general nutrition information in connection with the marketing and distribution of dietary supplements, food, herbs, or food materials, including explanations of their federally regulated label claims, any known drug-nutrient interactions, their role in various diets, or suggestions as how to best use and combine them so long as such information does not constitute medical nutrition therapy and the person does not use titles authorized under this article or hold himself or herself out as qualified to engage in the practice of medical nutrition therapy.

6. A person who provides medical weight control for persons with obesity as part of any of the following:

(a) An instructional program that has been approved in writing by one of the following:

(i) a dietitian nutritionist or nutritionist licensed in this state; or

(ii) a health care practitioner licensed or certified in this state whose scope of practice includes medical nutrition therapy; or

(b) a plan of care that is overseen by a health professional licensed in this state whose scope of practice otherwise authorizes the health professional to provide and delegate medical nutrition therapy, so long as the medical weight control services are not discretionary and do not require the exercise of professional judgment.

7. An individual employed by a WIC program as a "competent professional authority" as defined in 7 C.F.R § 246.2 (1895) from providing nutrition services within such WIC program. For the purpose of this subdivision the term "WIC program" shall mean a program authorized by 42 U.S.C. § 1786; and

8. A person who does not utilize titles authorized under this article and assists the provision of medical nutrition therapy if the person performs only support activities that are not discretionary and that do not require the exercise of professional judgment for their performance, and the person is directly supervised by a nutritionist or dietitian nutritionist licensed under this title.

§ 8008. Limited permit. 1. The department may issue a limited permit to practice as a provisionally licensed nutritionist or provisionally licensed dietitian nutritionist to an applicant for licensure who has met the education and experience requirements for a licensed nutritionist or licensed dietitian nutritionist provided under section eight thousand four of this article.

2. The duration of a limited permit shall not exceed one year from the time of its first issue and the department may for good cause renew a limited permit for an additional one year provided that no individual shall practice under any limited permit for more than a total of two years.

3. All practice under a limited permit shall be under the supervision of individuals licensed pursuant to this article.

4. The fee for a limited permit or the renewal thereof shall be seventy-five dollars.

§ 10. Subparagraph (i) of paragraph a of subdivision 1 of section 6503-a of the education law, as amended by chapter 554 of the laws of 2013, is amended to read as follows:

(i) services provided under article one hundred fifty-four, **one hundred fifty-seven,** one hundred sixty-three or one hundred sixty-seven of this title for which licensure would be required, or

§ 11. Section 6505-b of the education law, as amended by chapter 10 of the laws of 2018, is amended to read as follows:

§ 6505-b. Course work or training in infection control practices. Every dentist, registered nurse, licensed practical nurse, podiatrist, optometrist [~~and~~], dental hygienist**, licensed nutritionist, and licensed dietitian nutritionist** practicing in the state shall, on or before July first, nineteen hundred ninety-four and every four years thereafter, complete course work or training appropriate to the professional's practice approved by the department regarding infection control, which shall include sepsis, and barrier precautions, including engineering and work practice controls, in accordance with regulatory standards promulgated by the department, in consultation with the department of health, which shall be consistent, as far as appropriate, with such standards adopted by the department of health pursuant to section two hundred thirty-nine of the public health law to prevent the transmission of HIV, HBV, HCV and infections that could lead to sepsis in the course of professional practice. Each such professional shall document to the department at the time of registration commencing with the first registration after July first, nineteen hundred ninety-four that the professional has completed course work or training in accordance with this section, provided, however that a professional subject to the provisions of paragraph (f) of subdivision one of section twenty-eight hundred five-k of the public health law shall not be required to so document. The department shall provide an exemption from this requirement to anyone who requests such an exemption and who (i) clearly demonstrates to the department's satisfaction that there would be no need for him or her to complete such course work or training because of the nature of his or her practice or (ii) that he or she has completed course work or training deemed by the department to be equivalent to the course work or training approved by the department pursuant to this section. The department shall consult with organizations representative of professions, institutions and those with expertise in infection control and HIV, HBV, HCV and infections that could lead to sepsis with respect to the regulatory standards promulgated pursuant to this section.

§ 11-a. Section 6505-b of the education law, as amended by chapter 733 of the laws of 2023, is amended to read as follows:

§ 6505-b. Course work or training in infection control practices. Every dentist, registered nurse, licensed practical nurse, podiatrist, optometrist, athletic trainer, [~~and~~] dental hygienist**, and licensed nutritionist, and licensed dietitian nutritionist** practicing in the state shall, on or before July first, nineteen hundred ninety-four and every four years thereafter, complete course work or training appropriate to the professional's practice approved by the department regarding infection control, which shall include sepsis, and barrier precautions, including engineering and work practice controls, in accordance with regulatory standards promulgated by the department, in consultation with the department of health, which shall be consistent, as far as appropriate, with such standards adopted by the department of health pursuant to

section two hundred thirty-nine of the public health law to prevent the transmission of HIV, HBV, HCV and infections that could lead to sepsis in the course of professional practice. Each such professional shall document to the department at the time of registration commencing with the first registration after July first, nineteen hundred ninety-four that the professional has completed course work or training in accordance with this section, provided, however that a professional subject to the provisions of paragraph (f) of subdivision one of section twenty-eight hundred five-k of the public health law shall not be required to so document. The department shall provide an exemption from this requirement to anyone who requests such an exemption and who (i) clearly demonstrates to the department's satisfaction that there would be no need for him or her to complete such course work or training because of the nature of his or her practice or (ii) that he or she has completed course work or training deemed by the department to be equivalent to the course work or training approved by the department pursuant to this section. The department shall consult with organizations representative of professions, institutions and those with expertise in infection control and HIV, HBV, HCV and infections that could lead to sepsis with respect to the regulatory standards promulgated pursuant to this section.

§ 12. Paragraph a of subdivision 3 of section 6507 of the education law, as amended by chapter 479 of the laws of 2022, is amended to read as follows:

a. Establish standards for preprofessional and professional education, experience and licensing examinations as required to implement the article for each profession. Notwithstanding any other provision of law, the commissioner shall establish standards requiring that all persons applying, on or after January first, nineteen hundred ninety-one, initially, or for the renewal of, a license, registration or limited permit to be a physician, chiropractor, dentist, registered nurse, podiatrist, optometrist, psychiatrist, psychologist, licensed master social worker, licensed clinical social worker, licensed creative arts therapist, licensed marriage and family therapist, licensed mental health counselor, licensed psychoanalyst, dental hygienist, licensed behavior analyst, [~~or~~] certified behavior analyst assistant**, licensed nutritionist or licensed dietitian nutritionist** shall, in addition to all the other licensure, certification or permit requirements, have completed two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment. The coursework or training shall be obtained from an institution or provider which has been approved by the department to provide such coursework or training. The coursework or training shall include information regarding the physical and behavioral indicators of child abuse and maltreatment and the statutory reporting requirements set out in sections four hundred thirteen through four hundred twenty of the social services law, including but not limited to, when and how a report must be made, what other actions the reporter is mandated or authorized to take, the legal protections afforded reporters, and the consequences for failing to report. Such coursework or training may also include information regarding the physical and behavioral indicators of the abuse of individuals with developmental disabilities and voluntary reporting of abused or neglected adults to the office for people with developmental disabilities or the local adult protective services unit. Each applicant shall provide the department with documentation showing that he or she has completed the required training. The department shall provide an exemption from the

child abuse and maltreatment training requirements to any applicant who requests such an exemption and who shows, to the department's satisfaction, that there would be no need because of the nature of his or her practice for him or her to complete such training;

§ 12-a. Paragraph a of subdivision 3 of section 6507 of the education law, as amended by chapter 733 of the laws of 2023, is amended to read as follows:

a. Establish standards for preprofessional and professional education, experience and licensing examinations as required to implement the article for each profession. Notwithstanding any other provision of law, the commissioner shall establish standards requiring that all persons applying, on or after January first, nineteen hundred ninety-one, initially, or for the renewal of, a license, registration or limited permit to be a physician, chiropractor, dentist, registered nurse, podiatrist, optometrist, psychiatrist, psychologist, licensed master social worker, licensed clinical social worker, licensed creative arts therapist, licensed marriage and family therapist, licensed mental health counselor, licensed psychoanalyst, dental hygienist, licensed behavior analyst, certified behavior analyst assistant, **licensed nutritionist, licensed dietitian nutritionist,** or athletic trainer shall, in addition to all the other licensure, certification or permit requirements, have completed two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment. The coursework or training shall be obtained from an institution or provider which has been approved by the department to provide such coursework or training. The coursework or training shall include information regarding the physical and behavioral indicators of child abuse and maltreatment and the statutory reporting requirements set out in sections four hundred thirteen through four hundred twenty of the social services law, including but not limited to, when and how a report must be made, what other actions the reporter is mandated or authorized to take, the legal protections afforded reporters, and the consequences for failing to report. Such coursework or training may also include information regarding the physical and behavioral indicators of the abuse of individuals with developmental disabilities and voluntary reporting of abused or neglected adults to the office for people with developmental disabilities or the local adult protective services unit. Each applicant shall provide the department with documentation showing that he or she has completed the required training. The department shall provide an exemption from the child abuse and maltreatment training requirements to any applicant who requests such an exemption and who shows, to the department's satisfaction, that there would be no need because of the nature of his or her practice for him or her to complete such training;

§ 13. Paragraph (a) of subdivision 1 of section 413 of the social services law, as amended by section 7 of part C of chapter 57 of the laws of 2018, is amended to read as follows:

(a) The following persons and officials are required to report or cause a report to be made in accordance with this title when they have reasonable cause to suspect that a child coming before them in their professional or official capacity is an abused or maltreated child, or when they have reasonable cause to suspect that a child is an abused or maltreated child where the parent, guardian, custodian or other person legally responsible for such child comes before them in their professional or official capacity and states from personal knowledge facts, conditions or circumstances which, if correct, would render the child an abused or maltreated child: any physician; registered physician assist-

ant; surgeon; medical examiner; coroner; dentist; dental hygienist; osteopath; optometrist; chiropractor; podiatrist; resident; intern; psychologist; registered nurse; social worker; emergency medical technician; licensed creative arts therapist; licensed marriage and family therapist; licensed mental health counselor; licensed psychoanalyst; licensed behavior analyst; certified behavior analyst assistant; **licensed nutritionist; licensed dietitian nutritionist;** hospital personnel engaged in the admission, examination, care or treatment of persons; a Christian Science practitioner; school official, which includes but is not limited to school teacher, school guidance counselor, school psychologist, school social worker, school nurse, school administrator or other school personnel required to hold a teaching or administrative license or certificate; full or part-time compensated school employee required to hold a temporary coaching license or professional coaching certificate; social services worker; employee of a publicly-funded emergency shelter for families with children; director of a children's overnight camp, summer day camp or traveling summer day camp, as such camps are defined in section thirteen hundred ninety-two of the public health law; day care center worker; school-age child care worker; provider of family or group family day care; employee or volunteer in a residential care facility for children that is licensed, certified or operated by the office of children and family services; or any other child care or foster care worker; mental health professional; substance abuse counselor; alcoholism counselor; all persons credentialed by the office of alcoholism and substance abuse services; employees, who are expected to have regular and substantial contact with children, of a health home or health home care management agency contracting with a health home as designated by the department of health and authorized under section three hundred sixty-five-l of this chapter or such employees who provide home and community based services under a demonstration program pursuant to section eleven hundred fifteen of the federal social security act who are expected to have regular and substantial contact with children; peace officer; police officer; district attorney or assistant district attorney; investigator employed in the office of a district attorney; or other law enforcement official.

§ 13-a. Paragraph (a) of subdivision 1 of section 413 of the social services law, as amended by chapter 733 of the laws of 2023, is amended to read as follows:

(a) The following persons and officials are required to report or cause a report to be made in accordance with this title when they have reasonable cause to suspect that a child coming before them in their professional or official capacity is an abused or maltreated child, or when they have reasonable cause to suspect that a child is an abused or maltreated child where the parent, guardian, custodian or other person legally responsible for such child comes before them in their professional or official capacity and states from personal knowledge facts, conditions or circumstances which, if correct, would render the child an abused or maltreated child: any physician; registered physician assistant; surgeon; medical examiner; coroner; dentist; dental hygienist; osteopath; optometrist; chiropractor; podiatrist; resident; intern; athletic trainer; psychologist; registered nurse; social worker; emergency medical technician; licensed creative arts therapist; licensed marriage and family therapist; licensed mental health counselor; licensed psychoanalyst; licensed behavior analyst; certified behavior analyst assistant; **licensed nutritionist; licensed dietitian nutritionist;** hospital personnel engaged in the admission, examination, care or

treatment of persons; a Christian Science practitioner; school official, which includes but is not limited to school teacher, school guidance counselor, school psychologist, school social worker, school nurse, school administrator or other school personnel required to hold a teaching or administrative license or certificate; full or part-time compensated school employee required to hold a temporary coaching license or professional coaching certificate; social services worker; employee of a publicly-funded emergency shelter for families with children; director of a children's overnight camp, summer day camp or traveling summer day camp, as such camps are defined in section thirteen hundred ninety-two of the public health law; day care center worker; school-age child care worker; provider of family or group family day care; employee or volunteer in a residential care facility for children that is licensed, certified or operated by the office of children and family services; or any other child care or foster care worker; mental health professional; substance abuse counselor; alcoholism counselor; all persons credentialed by the office of [~~alcoholism and substance abuse services~~] **addiction services and supports**; employees, who are expected to have regular and substantial contact with children, of a health home or health home care management agency contracting with a health home as designated by the department of health and authorized under section three hundred sixty-five-l of this chapter or such employees who provide home and community based services under a demonstration program pursuant to section eleven hundred fifteen of the federal social security act who are expected to have regular and substantial contact with children; peace officer; police officer; district attorney or assistant district attorney; investigator employed in the office of a district attorney; or other law enforcement official.

§ 14. Subdivision 5-a of section 488 of the social services law, as amended by chapter 205 of the laws of 2014, is amended to read as follows:

5-a. "Human services professional" shall mean any: physician; registered physician assistant; surgeon; medical examiner; coroner; dentist; dental hygienist; osteopath; optometrist; chiropractor; podiatrist; resident; intern; psychologist; registered nurse; licensed practical nurse; nurse practitioner; social worker; emergency medical technician; licensed creative arts therapist; licensed marriage and family therapist; licensed mental health counselor; licensed psychoanalyst; licensed behavior analyst; certified behavior analyst assistant; licensed speech/language pathologist or audiologist; licensed physical therapist; licensed occupational therapist; **licensed nutritionist; licensed dietitian nutritionist;** hospital personnel engaged in the admission, examination, care or treatment of persons; Christian Science practitioner; school official, which includes but is not limited to school teacher, school guidance counselor, school psychologist, school social worker, school nurse, school administrator or other school personnel required to hold a teaching or administrative license or certificate; full or part-time compensated school employee required to hold a temporary coaching license or professional coaching certificate; social services worker; any other child care or foster care worker; mental health professional; person credentialed by the office of alcoholism and substance abuse services; peace officer; police officer; district attorney or assistant district attorney; investigator employed in the office of a district attorney; or other law enforcement official.

§ 15. This act shall take effect eighteen months after it shall have become a law; provided, however, that the provisions of sections

eleven-a, twelve-a and thirteen-a of this act shall take effect on the same date and in the same manner as chapter 733 of the laws of 2023 takes effect. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.