



HOUSE BILL 2029

By Faison

AN ACT to amend Tennessee Code Annotated, Title 4 and Title 63, relative to dietetics and nutrition.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-29-249(a)(7), is amended by deleting the subdivision and substituting:

(7) Board of dietitian and nutritionist examiners, created by § 63-25-106;

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 25, Part 1, is amended by deleting the part and substituting:

63-25-101. Short title.

This chapter is known and may be cited as the "Dietetics and Nutrition Practice Act."

63-25-102. Legislative findings.

The general assembly finds and declares that:

(1) The application of scientific knowledge relating to food is important in the treatment of illness and disease and the attainment and maintenance of health;

(2) There are currently no clear means for the public to identify the qualifications of a person providing dietetic services and nutritional care for infants, children, pregnant females, elderly persons, poor persons, overweight persons, chronically and terminally ill persons, and fitness enthusiasts;

(3) Consumers and patients are becoming increasingly concerned about their diets and nutrition as well as the effectiveness of the information and services being offered to the public;

(4) In order to protect the public health, safety, and welfare, it is necessary to define the qualifications and requirements for a person practicing as a dietitian or nutritionist and offering dietetic or nutrition services to the public; and

(5) It is the purpose of this chapter to restrict the use of certain titles to a person who is professionally qualified to use such titles, ensuring that the person is licensed to engage in the practice of medical nutrition therapy, and meets minimum standards of proficiency and competency acquired through adequate training and experience.

63-25-103. Chapter definitions.

As used in this chapter:

(1) "Board" means the board of dietitian and nutritionist examiners;

(2) "Complex":

(A) Means a disease state, medical condition, or clinical presentation that requires the provision of medical nutrition therapy by a licensed dietitian due to one (1) or more of the following conditions:

(i) The presence of multiple or interacting high-acuity comorbidities;

(ii) A high risk of complications or rapid clinical deterioration;

(iii) The need for intensive monitoring; or

(iv) The need for advanced nutrition interventions, including therapeutic diets administered via enteral or parenteral routes;

(B) Includes:

- (i) Severe malnutrition;
- (ii) Organ failure;
- (iii) Conditions requiring enteral or parenteral nutrition;
- (iv) Renal disease requiring dialysis;
- (v) Severe metabolic disturbances;
- (vi) Post-bariatric surgery care; and
- (vii) Critical illness;

(3) "Degree" means a credential attainment received from an educational institution that at the time the degree was awarded was accredited by a United States institutional accrediting body for higher education recognized by the Council for Higher Education Accreditation, or its successor organization, the United States department of education, or a foreign equivalent deemed acceptable to the board;

(4) "Department" means the department of health;

(5) "Division" means the division of health-related boards within the department;

(6) "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;
- (E) Actions of nutrients in the human body;

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

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

(7) "Licensed dietitian" means a person duly licensed under this chapter who engages in the practice of dietetics and the practice of nutrition;

(8) "Licensed nutritionist" means a person duly licensed under this chapter who engages in the practice of nutrition;

(9) "Medical nutrition therapy" means the provision of at least one (1) 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; or

(D) Nutrition monitoring and evaluation;

(10) "Medical weight control" means medical nutrition therapy provided for the purpose of reducing, maintaining, or gaining weight;

(11) "Non-complex":

(A) Means a disease state, medical condition, or clinical presentation that is stable and that can be safely addressed through medical nutrition therapy delivered in a low-acuity outpatient setting by a practitioner practicing within the practitioner's demonstrated level of competence; and

(B) Does not include:

- (i) Rapid clinical deterioration;
- (ii) High-acuity care needs;
- (iii) The need for intensive monitoring;
- (iv) Multiple interacting high-acuity comorbidities; or
- (v) The need for advanced interventions, including therapeutic diets delivered via enteral or parenteral nutrition;

(12) "Non-medical weight control":

(A) Means nutrition care services for the purpose of reducing, maintaining, or gaining weight that do not constitute the treatment or management of a disease or medical condition; and

(B) Includes weight control services for healthy population groups to achieve or maintain a healthy weight;

(13) "Nutrition assessment":

(A) 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 and community needs; and

(B) Includes initial data collection and reassessment and analysis of patient or community needs;

(14) "Nutrition care services" means any 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 a person's 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 with disease states, including ordering therapeutic diets and monitoring such diets' effectiveness;

(D) Determining and providing the appropriate nutrition intervention in health and disease, including nutrition counseling on food and prescription drug interactions;

(E) Developing, implementing, and managing nutrition care systems; or

(F) Evaluating, altering, and maintaining appropriate standards of quality in food and nutrition services;

(15) "Nutrition counseling" means a supportive process, characterized by a collaborative counselor-patient relationship with individuals or groups, to establish food and nutrition priorities, goals, and individualized action plans and general physical activity guidance that acknowledges and fosters responsibility for self-care, promotes health and wellness, or treats or manages an existing disease or medical condition;

(16) "Nutrition diagnosis":

(A) Means identifying and labeling nutrition problems managed and treated by a licensed dietitian or licensed nutritionist; and

(B) Does not include a medical diagnosis;

(17) "Nutrition intervention":

(A) Means a planned action, including nutrition counseling, intended to positively change at least one (1) of the following:

(i) A nutrition-related behavior;

(ii) A risk factor;

(iii) An environmental condition; or

(iv) An aspect of the health status of a person and the person's family or caregivers, target groups, or community; and

(B) Includes approving, ordering, and monitoring therapeutic diets and counseling on food and prescription drug interactions;

(18) "Nutrition monitoring and evaluation" means identifying patient outcomes relevant to the nutrition diagnosis, intervention plans, and goals and comparing those outcomes with a previous status, intervention goals, or a reference standard to determine the progress made in achieving desired outcomes of nutrition care and whether planned interventions should be continued or revised;

(19) "Patient" means an individual recipient of a nutrition care service;

(20) "Practice of dietetics":

(A) Means the integration and application of scientific principles derived from the study of food, nutrition, biochemistry, metabolism, nutrigenomics, physiology, pharmacology, food systems, management, and behavioral and social sciences to achieve and maintain optimal nutrition status of individuals and groups across a lifespan; and

(B) Includes:

(i) The provision of nutrition care services, including medical nutrition therapy, delivered in person or via telehealth, in inpatient and outpatient settings to prevent, manage, or treat complex diseases and medical conditions and promote wellness;

(ii) Developing and ordering therapeutic diets via oral, enteral, and parenteral routes; and

(iii) Providing other advanced medical nutrition therapy and related support activities in accordance with the scope and standards of practice of the registered dietitian and consistent with current competencies required of academic and supervised practice programs accredited by the Accreditation Council for Education in Nutrition and Dietetics (ACEND), or its successor organization;

(21) "Practice of nutrition":

(A) Means the integration and application of scientific principles derived from the study of nutrition science, cellular and systemic metabolism, biochemistry, physiology, and behavioral sciences to support and maintain health throughout a lifespan;

(B) Includes the provision of nutrition care services, including medical nutrition therapy, delivered in person or via telehealth, in low acuity outpatient settings to prevent, manage, or treat non-complex diseases and medical conditions and promote wellness;

(C) May include, depending on the level of competency:

(i) Ordering oral therapeutic diets;

(ii) Ordering medical laboratory tests related to nutrition interventions; or

(iii) Recommending a vitamin, mineral, or other dietary supplement; and

(D) Does not include the provision of medical nutrition therapy for complex conditions and the delivery of medical nutrition therapy in an inpatient or a high-acuity outpatient setting;

(22) "Registered dietitian" means a person who is credentialed by the Commission on Dietetic Registration, or its successor organization, as a registered dietitian or a registered dietitian nutritionist and is authorized to use such titles and the corresponding abbreviations "RD" or "RDN";

(23) "Telehealth" means the use of real-time audio, video, or other electronic media and telecommunication technology that enables interaction between a practitioner and a patient in another location to support clinical health care, public health, patient health-related education, and health administration;

(24) "Therapeutic diet":

(A) Means a diet intervention prescribed by a physician or other authorized practitioner, including a licensed nutritionist for oral diets or a licensed dietitian for oral, enteral, or parenteral diets; and

(B) Includes providing food, fluids, or nutrients via oral, enteral, or parenteral routes as part of the treatment of a disease or clinical condition to modify, eliminate, decrease, or increase specific macronutrients in the diet or to provide mechanically altered food when indicated; and

(25) "Unrestricted practice of medical nutrition therapy" means the provision of medical nutrition therapy by a person who is responsible for the person's own practice or treatment procedures.

63-25-104. Prohibited representations - License required - Construction.

(a) Except as otherwise provided under this chapter:

(1) Only a licensed dietitian may engage in the practice of dietetics and the practice of nutrition to the extent such services constitute medical nutrition therapy;

(2) Only a licensed nutritionist may engage in the practice of nutrition to the extent such services constitute medical nutrition therapy;

(3) A person shall not designate or hold the person's self out as a licensed dietitian or use or assume the titles "licensed dietitian," "dietitian," "dietitian nutritionist," "nutritionist," or another title indicating that the person is a licensed dietitian or append to or use in conjunction with that person's name the letters "LD" unless the person is a licensed dietitian pursuant to this chapter; and

(4) A person shall not designate or hold the person's self out as a licensed nutritionist or use or assume the title "licensed nutritionist," "nutritionist," or another 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 a licensed nutritionist pursuant to this chapter.

(b) A violation of subsection (a) or (b) is a Class A misdemeanor.

(c) This chapter does not apply to a person licensed to practice medicine or osteopathic medicine pursuant to chapter 6 or 9 of this title.

(d) This chapter does not prohibit or restrict:

(1) A person qualified and licensed to practice another health profession from engaging in the practice of medical nutrition therapy when incidental to the practice of the person's profession;

(2) A student or trainee from engaging in the practice of medical nutrition therapy, as long as the student or trainee meets the following conditions:

(A) The student or trainee practices as a part of a course of study or as part of a planned, continuous supervised practice experience to satisfy educational or supervised practice experience requirements pursuant to § 63-25-108;

(B) The student or trainee who is completing supervised practice experience practices no more than five (5) years after completing the education requirements, as described in § 63-25-108;

(C) The student or trainee practices only while supervised by a qualified supervisor, as described in § 63-25-105;

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

(E) The student or trainee uses a title that clearly indicates the student or trainee is a student, intern, trainee, or supervisee while practicing;

(3) A dietitian or nutritionist who is serving in the armed forces or the United States public health service or is employed by the United States veteran's administration from engaging in the practice of medical nutrition therapy or using government-issued titles related to such service or employment;

(4) A person performing an activity and service of a nutrition educator in the employment of a federal, state, county, or municipal agency, an elementary

or secondary school, or accredited degree granting educational institution, insofar as such activity and service are part of a salaried position and the activity or service does not constitute the provision of medical nutrition therapy;

(5) A person who is employed by this state, a county, a municipal agency, or a political subdivision, or a person who contracts with the foregoing, for the purpose of providing nutrition services for the special supplemental nutrition program for women, infants, and children (WIC) from providing nutrition care services utilizing the title of "nutritionist" within the discharge of the person's official duty;

(6) A person who does not represent themselves using a title pursuant to this section who is providing medical weight control for obesity for one (1) of the following:

(A) An instructional program that has been approved in writing by at least one (1) of the following:

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

(ii) A healthcare practitioner licensed or certified in this state whose authorized scope of practice includes medical nutrition therapy; or

(B) A plan of care that is overseen by a healthcare professional licensed in this state whose scope of practice authorizes the healthcare professional to provide and delegate medical nutrition therapy as long as the medical weight control service is not discretionary and does not require the exercise of professional judgment;

(7) A person who disseminates non-individualized, written, general non-medical nutrition information in connection with the marketing and distribution of

dietary supplements, foods, herbs, or food materials including any of the following, as long as such information does not constitute medical nutrition therapy and the person does not use a title protected under this section:

(A) An explanation of federally regulated label claims for dietary supplements, foods, herbs, or food materials;

(B) Any known drug-nutrient interactions regarding dietary supplements, foods, herbs, or food materials;

(C) The role of dietary supplements, foods, herbs, or food materials in various diets; or

(D) Suggestions on how best to use and combine dietary supplements, foods, herbs, or food materials;

(8) A person who identifies as using earned, federally trademarked dietetic or nutrition credentials as long as the person does not represent the person's self using general titles protected under this section and does not offer or provide services that constitute medical nutrition therapy unless the person is also licensed under this chapter or otherwise exempt;

(9) 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 if the following applies:

(A) The service does not constitute medical nutrition therapy;

(B) The person does not represent the person's self using titles protected pursuant to this section; and

(C) The person does not hold the person's self out as licensed or qualified to engage in the practice of medical nutrition therapy; or

(10) An out-of-state dietitian or nutritionist who provides medical nutrition therapy services via telehealth to a patient located in this state if the out-of-state practitioner is a dietitian or nutritionist licensed or certified in good standing in any state or United States territory who provides medical nutrition therapy services via telehealth and meets one (1) of the following conditions:

(A) Works in consultation with a medical nutrition therapy practitioner licensed in this state who has a practitioner-patient relationship with the patient;

(B) Provides services to a patient whom the practitioner has a current practitioner-patient relationship and the patient is temporarily present in this state; or

(C) Provides services pursuant to a current practitioner-patient relationship and such care is limited to either a temporary or short-term follow-up medical nutrition therapy service to ensure continuity of care.

63-25-105. Qualified supervisor.

(a) A person must meet all of the following requirements to be a qualified supervisor for purposes of this chapter:

(1) Verify, direct, and approve the nutrition care services, which includes medical nutrition therapy, provided by a student or trainee;

(2) Develop and implement a program for advancing and optimizing the quality of care provided by a student or trainee;

(3) Oversee, approve, and accept responsibility for the nutrition care services rendered by the student or trainee;

(4) Review on a regular basis the charts, records, and clinical notes of the student or trainee; and

(5) Maintain responsibility for the student's or trainee's clinical record keeping.

(b) If supervising the provision of medical nutrition therapy, then a qualified supervisor must satisfy all requirements listed in subsection (a) and at least one (1) of the following requirements:

(1) Be licensed or certified in the state that the student or trainee is engaging in the practice of medical nutrition therapy as a dietitian, nutritionist, dietitian nutritionist, or healthcare provider whose scope of practice includes medical nutrition therapy;

(2) Meet any other criteria as the board may establish by rule or regulation in a situation in which a state where the supervised practice occurs does not provide for licensure or certification for a dietitian, dietitian nutritionist, or nutritionist; or

(3) Meet the exemption as described in § 63-25-104(d)(3).

(c)

(1) A qualified supervisor shall not supervise a clinical activity or nutrition care service that the qualified supervisor is not authorized to perform.

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

(d) Both a qualified supervisor and the qualified supervisor's student or trainee shall identify and document the following:

(1) Goals for supervised practice experience;

(2) The assignment of clinical tasks as appropriate to the student's or trainee's evolving level of competence;

(3) The student's or trainee's relationship and access to the qualified supervisor; and

(4) A process for evaluating the student's or trainee's performance.

(e)

(1) The qualified supervisor shall remain on-site where the student or trainee is providing nutrition care services or be continuously available to the student or trainee by means of a two-way, real-time audiovisual technology that allows for the direct, contemporaneous interaction by sight and sound between the qualified supervisor and the student or trainee.

(2) If the qualified supervisor assigns a nutrition care service to a student or trainee that is to be provided in a setting where the qualified supervisor is not routinely present, then the qualified supervisor must 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 student or trainee.

(3) If a patient requests for a qualified supervisor to be available to render assistance during the provision of nutrition care services by a student or trainee, then the qualified supervisor must be available. However, the qualified supervisor may arrange for another qualified supervisor to be available to assist the student or trainee in the initial qualified supervisor's absence if a patient made such a request.

63-25-106. Board of dietitian or nutritionist examiners.

(a)

(1) There is created the board of dietitian and nutritionist examiners, which consists of nine (9) members appointed by the governor, each of whom must be a resident of this state. Five (5) members must be licensed dietitians, two (2) members must be licensed nutritionists, one (1) member must be a physician licensed under this title, and one (1) member must not be a licensed healthcare professional and must represent the public at large.

(2) Each licensed dietitian or licensed nutritionist appointed to the board must have at least five (5) years of experience in the practice or teaching of dietetics or nutrition. Each licensed dietitian and licensed nutritionist member of the board must represent at least one (1) of the following areas of practice:

- (A) Dietetics management;
- (B) Clinical dietetics or nutrition;
- (C) Dietetics or nutrition education;
- (D) Community nutrition; or
- (E) Consultation and private practice.

(3) Appointments may be made from lists of qualified persons submitted to the governor by an interested dietitian, nutritionist, hospital group, or medical group, including the Academy of Nutrition and Dietetics, the Tennessee Hospital Association, and the Tennessee Medical Association. The governor must consult with such interested persons or groups to determine qualified persons to fill the positions.

(b)

(1)

(A) A person serving as a member on June 30, 2026, is eligible for reappointment to the board created under this section.

(B) The governor is authorized to reappoint members serving on the board as of June 30, 2026.

(2) For the initial appointment of members, three (3) members are appointed for a term of four (4) years, three (3) members are appointed for a term of three (3) years, and three (3) members are appointed for a term of (2) years. All regular appointments thereafter are for terms of three (3) years.

(3) A member shall not be selected to serve on the board for more than two (2) consecutive terms, and each member serves on the board until a successor is appointed.

(4) A vacancy is filled by appointment by the governor for the unexpired term.

(5) In making appointments to the board, the governor shall strive, to the extent practicable, to reflect the geographic, racial, ethnic, gender, and cultural diversity of the state.

(c) The board shall meet annually to select a chair and a secretary. A quorum of the board consists of five (5) members, and the board shall meet as frequently as the board's duties may require. The division shall perform administrative functions for the board.

(d) Each member of the board must receive compensation for services in an amount determined by the department, not to exceed fifty dollars (\$50.00) per diem when actually engaged in the discharge of the board's official duties and must be reimbursed for all travel expenses in accordance with the comprehensive state travel

regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

63-25-107. Powers and duties of board.

(a) In addition to the powers granted in this chapter, the board has the duty to:

(1) Promulgate rules that are reasonably necessary for the performance of the various duties imposed upon the board in the proper administration of this chapter, including adopting a code of ethics, a standard of practice, and establishing continuing education requirements for licensure renewal. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5;

(2) Set fees, after consultation with the department and subject to the maximum limitations prescribed in this chapter, relative to the application, examination, licensing, and license renewal in amounts sufficient to pay all of the expenses of the board directly attributable to the performance of the board's duties pursuant to this chapter;

(3) Develop applications and review, approve, or reject the qualifications of applicants for licensure and to issue, in the board's name, all approved licenses, certificates, and permits;

(4) Collect or receive all fines, fees, and moneys owed pursuant to this chapter and to pay the same into the general fund of the state. For purposes of implementing subdivision (a)(2), the board shall designate any fines, fees, or moneys collected pursuant to the regulation of dietitians and nutritionists;

(5) Deny, suspend, or revoke the license of, to discipline by an administrative penalty not to exceed five hundred dollars (\$500), or to reprimand

a license holder who is guilty of violating this chapter or who is guilty of violating the rules and regulations of the board duly promulgated pursuant to this chapter;

(6) Receive and process complaints and investigate alleged violations of this chapter;

(7) Administer and participate in the Dietitians Licensure Compact, as described in part 2 of this chapter, and recognize and permit the authority to practice dietetics and nutrition as provided for by such compact; and

(8) Conduct national background checks by the submission of fingerprints to the federal bureau of investigation through the Tennessee bureau of investigation.

(b) The board shall not share any background check reports with entities outside of this state.

63-25-108. Applications for licensure.

(a) An applicant for licensure as a dietitian must file a written application on a form provided by the department or via online application showing to the satisfaction of the board that such person is capable and professionally competent to safely engage in the practice of dietetics and the practice of nutrition and meets one (1) of the following criteria:

(1) The applicant must submit proof of completion of the following:

(A) Completion of a master's degree or doctoral degree and a program of study accredited by the Accreditation Council for Education in Nutrition and Dietetics (ACEND), or its successor organization;

(B) Completion of a planned, continuous supervised practice experience in the practice of dietetics and the practice of nutrition approved by the examining board and accredited by ACEND, or its

successor organization, that involves at least one thousand (1,000) hours of supervised practice experience under the supervision of a qualified supervisor, as described in § 63-25-105. An applicant must complete a supervised practice experience under this subdivision (a)(1)(B) within five (5) years of completing the requirements under subdivision (a)(1)(A) unless the examining board, for extraordinary circumstances, grants an extension for a limited time; and

(C) Completion of the registration examination for dietitians administered by the Commission on Dietetic Registration, or its successor organization. If an applicant passed such examination more than five (5) years before applying for licensure, then the applicant must demonstrate that such applicant completed seventy-five (75) hours of continuing education meeting the continuing education criteria of the board per each five-year period post examination; or

(2) The applicant submits proof of holding a valid current registration with the Commission on Dietetic Registration, or its successor organization, that gives the applicant the right to use the term "registered dietitian" or "registered dietitian nutritionist".

(b) An applicant for licensure as a nutritionist must file a written application on a form provided by the department or via online application showing to the satisfaction of the board that such person is capable and professionally competent, as determined by the board, to safely engage in the practice of nutrition and submits proof of completion of the following:

(1) Completion of a master's or doctoral degree with a major in human nutrition, foods and nutrition, community nutrition, public health nutrition, nutrition

education, nutrition, nutrition science, clinical nutrition, applied clinical nutrition, nutrition counseling, nutrition and functional medicine, nutritional biochemistry, nutrition and integrative health, a comparable titled major in a master's program, or a doctoral degree in a field of clinical health care. The applicant must have completed coursework leading to competence in medical nutrition therapy that includes:

(A) Fifteen (15) semester hours of clinical or life sciences, including at least three (3) semester hours on human anatomy and physiology or the equivalent; and

(B) Fifteen (15) semester hours of nutrition and metabolism, including at least six (6) semester hours in biochemistry;

(2) Completion of a planned, continuous supervised practice experience demonstrating competence in the practice of nutrition approved by the examining board following the requirements described in subsection (c); and

(3) Completion of the examination requirements by demonstrating:

(A) Passage of the certified nutrition specialist examination administered by the Board for Certification of Nutrition Specialists or an equivalent examination on all aspects of the practice of nutrition that has been reviewed under a program that requires a master's degree or higher, is accredited by the National Commission for Certifying Agencies, or its successor organization, and is approved by the examining board. If passage of the examination occurred more than five (5) years before application, then the applicant must demonstrate completion of seventy-five (75) hours of continuing education meeting the continuing education criteria of the board per each five-year period post examination; or

(B) The applicant holds a valid current certification with the Board for Certification of Nutrition Specialists, or its successor organization, that gives the applicant the right to use the title "certified nutrition specialist".

(c)

(1) An applicant for licensure as a nutritionist shall complete a supervised practice experience, as described in subdivision (b)(2), within five (5) years of completing the requirements under subdivision (b)(1) unless the examining board, for extraordinary circumstances, grants an extension for a limited time.

(2) The supervised practice experience required in subdivision (b)(2) must have at least one thousand (1,000) hours in the following practice areas, with a minimum of two hundred (200) hours in each practice area:

(A) Nutrition assessment;

(B) Nutrition intervention; and

(C) Nutrition monitoring and evaluation.

(3) The board has discretion to determine whether the applicant's experience has prepared the applicant to provide nutrition care services for various populations of diverse cultures and genders, and across a 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 non-complex medical conditions.

(4) A supervised practice experience must be completed under the supervision of a qualified supervisor as described in § 63-25-105.

(d) A person licensed as a dietitian or who has applied for such licensure prior to July 1, 2026, remains licensed, eligible for reactivation as a dietitian, or eligible for licensure as a dietitian under the requirements in place prior to July 1, 2026, as long as

the applicant or licensee remains in good standing and maintains an active license or retired status.

63-25-109. Issuance of licenses - Temporary permits.

(a) The board may waive the examination, education, and experience requirements of this chapter and grant a license as a licensed dietitian or a licensed nutritionist to an applicant who presents proof of current licensure, certification, or registration as a dietitian or nutritionist under the laws of another state, the District of Columbia, or a territory of the United States, if, in the board's opinion, the educational, experiential, and examination qualifications and requirements for the license are substantially equivalent to the licensure process in this state for the specific license for which the applicant is applying.

(b)

(1) The board may issue temporary permits to practice dietetics or nutrition to an applicant upon submission of satisfactory evidence that such person has:

(A) Completed the academic and experiential requirements to be licensed as a dietitian or nutritionist;

(B) Applied for or taken the designated licensing examination required pursuant to this chapter; and

(C) Paid the fee required for a temporary permit.

(2) A temporary permit expires one (1) year from the date of issuance and may be renewed for a period not to exceed six (6) months upon submitting to the board a satisfactory explanation of the applicant's failure to become licensed within the one-year term.

(3)

(A) A temporary dietitian permit allows an applicant, pursuant to § 63-25-108(a), to practice under the supervision of a licensed dietitian.

(B) A temporary nutritionist permit allows an applicant, pursuant to § 63-25-108(b), to practice under the supervision of a licensed dietitian or nutritionist.

63-25-110. Disciplinary action.

(a) The board is empowered to:

- (1) Deny a license;
- (2) Refuse to renew a license;
- (3) Suspend a license;
- (4) Revoke a license or permit;
- (5) Issue orders to cease and desist from certain conduct; or
- (6) Discipline an applicant, licensee, permittee, or another person when

such person meets at least one (1) of the following conditions:

(A) Attempted to obtain or obtained licensure by fraud or misrepresentation;

(B) Engaged in unethical or unprofessional conduct, including willful acts, negligence, or a pattern of continued and repeated healthcare liability, negligence, or incompetence in the course of professional practice;

(C) Engaged in habitual intoxication or personal misuse of any drug, narcotic, or controlled substance or controlled substance analogue so as to adversely affect the person's ability to practice;

(D) Has been convicted in any court of a crime directly related to the duties and responsibilities of a dietitian or nutritionist, was violent or

sexual in nature, or entered into a plea of guilty or nolo contendere to any such crime;

(E) Violated any lawful order or rule or regulation rendered or adopted by the board; or

(F) Violated this chapter.

(b) Administrative proceedings for disciplinary action against a license holder or permittee must be conducted by the board in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(c)

(1) The board is authorized to promulgate rules governing the assessment of costs against a person found by the board to have violated any provision of this chapter. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(2) The costs assessed by the board may include only costs directly related to the prosecution of the charges against the person, including investigatory costs when appropriate. The board shall determine the appropriate amount of costs, if any, to be assessed in a contested case. These costs must be reasonable and proportionate in light of the violation committed by the person.

(d)

(1) An elected officer of the board or duly appointed or elected chair has the authority to administer an oath to a witness. Upon probable cause being established, the board, by a vote of two-thirds (2/3) of the members to which the board is entitled, may issue a subpoena for the attendance of a witness and the production of any documents and records.

(2) The sheriff of the county of residence of a person upon whom the subpoena is served shall serve a subpoena issued by the board.

(3)

(A) The person served by subpoena has thirty (30) days to request in writing a hearing before the board for the sole purpose of making a special appearance to quash or modify the subpoena. The subpoena for attendance of the person or the production of documents and records is stayed until the board votes upon the request to quash or modify the subpoena. A majority vote of the members to which the board is entitled is required to quash or modify a subpoena.

(B) A motion to appeal from a decision by the board regarding a request to quash or modify a subpoena must be made to the chancery court in Davidson County within fifteen (15) days of such decision.

(4) If any witness fails or refuses to obey a subpoena issued by the board, then the board may make application to any court of record in this state within the jurisdiction of which the witness is found or resides, and the court has the power to attach the body of the witness and compel the witness to appear before the board and give testimony or produce documents or records as ordered. The court may issue an order for civil contempt upon any failure to obey the court order.

(5) Each witness who appears before the board by order of the board receives for attendance the compensation provided by law for attendance of a witness in a court of record, which is paid from the funds of the board in the same manner as all other expenses of the board are paid.

(e) An action taken under this section is subject to the Fresh Start Act, compiled in chapter 1, part 1 of this title.

63-25-111. Fees.

The board shall establish fees for applications, examinations, renewals, reciprocity, and other related matters.

63-25-112. Failure to renew license or pay fee - Revocation and reinstatement of license.

(a) If a licensee fails to renew the licensee's license and to pay the biannual renewal fee after renewal becomes due, then the license is automatically revoked without further notice of hearing, unless renewal is made and all fees paid prior to the expiration of sixty (60) days from the date such renewal was due.

(b) A person whose license is automatically revoked as provided in subsection (a) may have the license reinstated by the board in its discretion for good cause being shown, upon payment of all past-due renewal fees, and upon the further payment of a nonrefundable sum as set by the board.

63-25-113. Retirees.

(a) A person licensed to engage in the practice of dietetics or the practice of nutrition in this state who has retired or who may hereafter retire from such practice is not required to register if such person files with the board an affidavit form furnished by the board. The affidavit must have the date on which the person retired from such practice and other facts to verify the retirement as the board deems necessary.

(b) The board shall furnish the affidavit form needed by a person to prove such person has retired from the practice of dietetics or the practice of nutrition, as described in subsection (a).

(c) A person who reengages in the provision of medical nutrition therapy or seeks to utilize a title protected under this chapter following retirement must apply for a license to engage in the practice of dietetics or the practice of nutrition with the board as provided by this chapter and meet any requirements as may be set by the board.

63-25-114. Injunctions.

The board may make application to seek injunctive relief for a temporary or permanent restraining order or injunction enjoining violations of this chapter.

63-25-115. Rules.

The board is authorized to promulgate rules to effectuate this chapter. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 4. For the purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2026, the public welfare requiring it.

Amendment No. 2 to HB2029

Hicks G
Signature of Sponsor

AMEND Senate Bill No. 2579

House Bill No. 2029*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 4-29-249(a)(7), is amended by deleting the subdivision and substituting:

(7) Board of dietitian and nutritionist examiners, created by § 63-25-106;

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 25, Part 1, is amended by deleting the part and substituting:

63-25-101. Short title.

This part is known and may be cited as the "Dietetics and Nutrition Practice Act."

63-25-102. Legislative findings.

The general assembly finds and declares that:

(1) The application of scientific knowledge relating to food is important in the treatment of illness and disease and the attainment and maintenance of health;

(2) There are currently no clear means for the public to identify the qualifications of a person providing dietetic services and nutritional care for infants, children, pregnant females, elderly persons, poor persons, overweight persons, chronically and terminally ill persons, and fitness enthusiasts;

(3) Consumers and patients are becoming increasingly concerned about their diets and nutrition as well as the effectiveness of the information and services being offered to the public;

(4) In order to protect the public health, safety, and welfare, it is necessary to define the qualifications and requirements for a person practicing as a dietitian or nutritionist and offering dietetic or nutrition services to the public; and

(5) It is the purpose of this chapter to restrict the use of certain titles to a person who is professionally qualified to use such titles, ensuring that the person is licensed to engage in the practice of medical nutrition therapy, and meets minimum standards of proficiency and competency acquired through adequate training and experience.

63-25-103. Part definitions.

As used in this part:

(1) "Board" means the board of dietitian and nutritionist examiners;

(2) "Complex":

(A) Means a disease state, medical condition, or clinical presentation that requires the provision of medical nutrition therapy by a licensed dietitian due to one (1) or more of the following conditions:

(i) The presence of multiple or interacting high-acuity comorbidities;

(ii) A high risk of complications or rapid clinical deterioration;

(iii) The need for intensive monitoring; or

(iv) The need for advanced nutrition interventions, including therapeutic diets administered via enteral or parenteral routes; and

(B) Includes:

(i) Severe malnutrition;

(ii) Organ failure;

- (iii) Conditions requiring enteral or parenteral nutrition;
- (iv) Renal disease requiring dialysis;
- (v) Severe metabolic disturbances;
- (vi) Post-bariatric surgery care; and
- (vii) Critical illness;

(3) "Degree" means a credential attainment received from an educational institution that at the time the degree was awarded was accredited by a United States institutional accrediting body for higher education recognized by the Council for Higher Education Accreditation, or its successor organization, the United States department of education, or a foreign equivalent deemed acceptable to the board;

(4) "Department" means the department of health;

(5) "Division" means the division of health related boards within the department;

(6) "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;
- (E) Actions of nutrients in the human body;
- (F) Non-individualized effects of deficiencies or excesses of nutrients in the human body; or
- (G) General education surrounding food, herbs, and dietary supplements that are good sources of essential nutrients in the human body;

(7) "Licensed dietitian" means a person duly licensed under this chapter who engages in the practice of dietetics and the practice of nutrition;

(8) "Licensed nutritionist" means a person duly licensed under this chapter who engages in the practice of nutrition;

(9) "Medical nutrition therapy" means the provision of at least one (1) 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; or
- (D) Nutrition monitoring and evaluation;

(10) "Medical weight control" means medical nutrition therapy provided for the purpose of reducing, maintaining, or gaining weight;

(11) "Non-complex":

(A) Means a disease state, medical condition, or clinical presentation that is stable and that can be safely addressed through medical nutrition therapy delivered in a low-acuity outpatient setting by a practitioner practicing within the practitioner's demonstrated level of competence; and

(B) Does not include:

- (i) Rapid clinical deterioration;
- (ii) High-acuity care needs;
- (iii) The need for intensive monitoring;
- (iv) Multiple interacting high-acuity comorbidities; or
- (v) The need for advanced interventions, including therapeutic diets delivered via enteral or parenteral nutrition;

(12) "Non-medical weight control":

(A) Means nutrition care services for the purpose of reducing, maintaining, or gaining weight that do not constitute the treatment or management of a disease or medical condition; and

(B) Includes weight control services for healthy population groups to achieve or maintain a healthy weight;

(13) "Nutrition assessment":

(A) 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 and community needs; and

(B) Includes initial data collection and reassessment and analysis of patient or community needs;

(14) "Nutrition care services" means any 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 a person's 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 with disease states, including ordering therapeutic diets and monitoring such diets' effectiveness;

(D) Determining and providing the appropriate nutrition intervention in health and disease, including nutrition counseling on food and prescription drug interactions;

(E) Developing, implementing, and managing nutrition care systems; or

(F) Evaluating, altering, and maintaining appropriate standards of quality in food and nutrition services;

(15) "Nutrition counseling" means a supportive process, characterized by a collaborative counselor-patient relationship with individuals or groups, to establish food and nutrition priorities, goals, and individualized action plans and general physical activity guidance that acknowledges and fosters responsibility for self-care, promotes health and wellness, or treats or manages an existing disease or medical condition;

(16) "Nutrition diagnosis":

(A) Means identifying and labeling nutrition problems managed and treated by a licensed dietitian or licensed nutritionist; and

(B) Does not include a medical diagnosis;

(17) "Nutrition intervention":

(A) Means a planned action, including nutrition counseling, intended to positively change at least one (1) of the following:

(i) A nutrition-related behavior;

(ii) A risk factor;

(iii) An environmental condition; or

(iv) An aspect of the health status of a person and the person's family or caregivers, target groups, or community; and

(B) Includes approving, ordering, and monitoring therapeutic diets and counseling on food and prescription drug interactions;

(18) "Nutrition monitoring and evaluation" means identifying patient outcomes relevant to the nutrition diagnosis, intervention plans, and goals and comparing those outcomes with a previous status, intervention goals, or a reference standard to determine the progress made in achieving desired outcomes of nutrition care and whether planned interventions should be continued or revised;

(19) "Patient" means an individual recipient of a nutrition care service;

(20) "Practice of dietetics":

(A) Means the integration and application of scientific principles derived from the study of food, nutrition, biochemistry, metabolism, nutrigenomics, physiology, pharmacology, food systems, management, and behavioral and social sciences to achieve and maintain optimal nutrition status of individuals and groups across a lifespan; and

(B) Includes:

(i) The provision of nutrition care services, including medical nutrition therapy, delivered in person or via telehealth, in inpatient and outpatient settings to prevent, manage, or treat complex diseases and medical conditions and promote wellness;

(ii) Developing and ordering therapeutic diets via oral, enteral, and parenteral routes; and

(iii) Providing other advanced medical nutrition therapy and related support activities in accordance with the scope and standards of practice of the registered dietitian and consistent with current competencies required of academic and supervised practice programs accredited by the Accreditation Council for Education in Nutrition and Dietetics (ACEND), or its successor organization;

(21) "Practice of nutrition":

(A) Means the integration and application of scientific principles derived from the study of nutrition science, cellular and systemic metabolism, biochemistry, physiology, and behavioral sciences to support and maintain health throughout a lifespan;

(B) Includes the provision of nutrition care services, including medical nutrition therapy, delivered in person or via telehealth, in low acuity outpatient settings to prevent, manage, or treat non-complex diseases and medical conditions and promote wellness;

(C) May include, depending on the level of competency:

(i) Ordering oral therapeutic diets;

(ii) Ordering medical laboratory tests related to nutrition interventions; or

(iii) Recommending a vitamin, mineral, or other dietary supplement; and

(D) Does not include the provision of medical nutrition therapy for complex conditions and the delivery of medical nutrition therapy in an inpatient or a high-acuity outpatient setting;

(22) "Registered dietitian" means a person who is credentialed by the Commission on Dietetic Registration, or its successor organization, as a registered dietitian or a registered dietitian nutritionist and is authorized to use such titles and the corresponding abbreviations "RD" or "RDN";

(23) "Telehealth" means the use of real-time audio, video, or other electronic media and telecommunication technology that enables interaction between a practitioner and a patient in another location to support clinical health care, public health, patient health-related education, and health administration;

(24) "Therapeutic diet":

(A) Means a diet intervention prescribed by a physician or other authorized practitioner, including a licensed nutritionist for oral diets or a licensed dietitian for oral, enteral, or parenteral diets; and

(B) Includes providing food, fluids, or nutrients via oral, enteral, or parenteral routes as part of the treatment of a disease or clinical condition to modify, eliminate, decrease, or increase specific macronutrients in the diet or to provide mechanically altered food when indicated; and

(25) "Unrestricted practice of medical nutrition therapy" means the provision of medical nutrition therapy by a person who is responsible for the person's own practice or treatment procedures.

63-25-104. Prohibited representations - License required - Construction.

(a) Except as otherwise provided under this chapter:

(1) Only a licensed dietitian may engage in the practice of dietetics and the practice of nutrition to the extent such services constitute medical nutrition therapy;

(2) Only a licensed nutritionist may engage in the practice of nutrition to the extent such services constitute medical nutrition therapy;

(3) A person shall not designate or hold the person's self out as a licensed dietitian or use or assume the titles "licensed dietitian," "dietitian," "dietitian nutritionist," "nutritionist," or another title indicating that the person is a licensed dietitian or append to or use in conjunction with that person's name the letters "LD" unless the person is a licensed dietitian pursuant to this chapter; and

(4) A person shall not designate or hold the person's self out as a licensed nutritionist or use or assume the title "licensed nutritionist," "nutritionist," or another 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 a licensed nutritionist pursuant to this chapter.

(b) A violation of subsection (a) or (b) is a Class A misdemeanor.

(c) This chapter does not apply to a person licensed to practice medicine or osteopathic medicine pursuant to chapter 6 or 9 of this title.

(d) This chapter does not prohibit or restrict:

(1) A person qualified and licensed to practice another health profession from engaging in the practice of medical nutrition therapy when incidental to the practice of the person's profession;

(2) A student or trainee from engaging in the practice of medical nutrition therapy, as long as the student or trainee meets the following conditions:

(A) The student or trainee practices as a part of a course of study or as part of a planned, continuous supervised practice experience to satisfy educational or supervised practice experience requirements pursuant to § 63-25-108;

(B) The student or trainee who is completing supervised practice experience practices no more than five (5) years after completing the education requirements, as described in § 63-25-108;

(C) The student or trainee practices only while supervised by a qualified supervisor, as described in § 63-25-105;

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

(E) The student or trainee uses a title that clearly indicates the student or trainee is a student, intern, trainee, or supervisee while practicing;

(3) A dietitian or nutritionist who is serving in the armed forces or the United States public health service or is employed by the United States veteran's administration from engaging in the practice of medical nutrition therapy or using government-issued titles related to such service or employment;

(4) A person performing an activity and service of a nutrition educator in the employment of a federal, state, county, or municipal agency, an elementary or secondary school, or accredited degree granting educational institution, insofar as such activity and service are part of a salaried position and the activity or service does not constitute the provision of medical nutrition therapy;

(5) A person who is employed by this state, a county, a municipal agency, or a political subdivision, or a person who contracts with the foregoing, for the purpose of providing nutrition services for the special supplemental nutrition program for women, infants, and children (WIC) from providing nutrition care services utilizing the title of "nutritionist" within the discharge of the person's official duty;

(6) A person who does not represent themselves using a title pursuant to this section who is providing medical weight control for obesity for one (1) of the following:

(A) An instructional program that has been approved in writing by at least one (1) of the following:

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

(ii) A healthcare practitioner licensed or certified in this state whose authorized scope of practice includes medical nutrition therapy; or

(B) A plan of care that is overseen by a healthcare professional licensed in this state whose scope of practice authorizes the healthcare professional to provide and delegate medical nutrition therapy as long as the medical weight control service is not discretionary and does not require the exercise of professional judgment;

(7) A person who disseminates non-individualized, written, general non-medical nutrition information in connection with the marketing and distribution of

dietary supplements, foods, herbs, or food materials including any of the following, as long as such information does not constitute medical nutrition therapy and the person does not use a title protected under this section:

(A) An explanation of federally regulated label claims for dietary supplements, foods, herbs, or food materials;

(B) Any known drug-nutrient interactions regarding dietary supplements, foods, herbs, or food materials;

(C) The role of dietary supplements, foods, herbs, or food materials in various diets; or

(D) Suggestions on how best to use and combine dietary supplements, foods, herbs, or food materials;

(8) A person who identifies as using earned, federally trademarked dietetic or nutrition credentials as long as the person does not represent the person's self using general titles protected under this section and does not offer or provide services that constitute medical nutrition therapy unless the person is also licensed under this chapter or otherwise exempt;

(9) 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 if the following applies:

(A) The service does not constitute medical nutrition therapy;

(B) The person does not represent the person's self using titles protected pursuant to this section; and

(C) The person does not hold the person's self out as licensed or qualified to engage in the practice of medical nutrition therapy;

(10) An out-of-state dietitian or nutritionist who provides medical nutrition therapy services via telehealth to a patient located in this state if the out-of-state practitioner is a dietitian or nutritionist licensed or certified in good standing in any state or United States territory who provides medical nutrition therapy services via telehealth and meets one (1) of the following conditions:

(A) Works in consultation with a medical nutrition therapy practitioner licensed in this state who has a practitioner-patient relationship with the patient;

(B) Provides services to a patient whom the practitioner has a current practitioner-patient relationship and the patient is temporarily present in this state; or

(C) Provides services pursuant to a current practitioner-patient relationship and such care is limited to either a temporary or short-term follow-up medical nutrition therapy service to ensure continuity of care; or

(11) The dissemination of general non-medical nutrition information, dietary education, or public health information provided orally, in writing, digitally, or through electronic media when such information does not constitute individualized medical nutrition therapy.

63-25-105. Qualified supervisor.

(a) A person must meet all of the following requirements to be a qualified supervisor for purposes of this chapter:

(1) Verify, direct, and approve the nutrition care services, which includes medical nutrition therapy, provided by a student or trainee;

(2) Develop and implement a program for advancing and optimizing the quality of care provided by a student or trainee;

(3) Oversee, approve, and accept responsibility for the nutrition care services rendered by the student or trainee;

(4) Review on a regular basis the charts, records, and clinical notes of the student or trainee; and

(5) Maintain responsibility for the student's or trainee's clinical record keeping.

(b) If supervising the provision of medical nutrition therapy, then a qualified supervisor must satisfy all requirements listed in subsection (a) and at least one (1) of the following requirements:

(1) Be licensed or certified in the state that the student or trainee is engaging in the practice of medical nutrition therapy as a dietitian, nutritionist, dietitian nutritionist, or healthcare provider whose scope of practice includes medical nutrition therapy;

(2) Meet any other criteria as the board may establish by rule or regulation in a situation in which a state where the supervised practice occurs does not provide for licensure or certification for a dietitian, dietitian nutritionist, or nutritionist; or

(3) Meet the exemption as described in § 63-25-104(d)(3).

(c)

(1) A qualified supervisor shall not supervise a clinical activity or nutrition care service that the qualified supervisor is not authorized to perform.

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

(d) Both a qualified supervisor and the qualified supervisor's student or trainee shall identify and document the following:

(1) Goals for supervised practice experience;

(2) The assignment of clinical tasks as appropriate to the student's or trainee's evolving level of competence;

(3) The student's or trainee's relationship and access to the qualified supervisor; and

(4) A process for evaluating the student's or trainee's performance.

(e)

(1) The qualified supervisor shall remain on-site where the student or trainee is providing nutrition care services or be continuously available to the student or trainee by means of a two-way, real-time audiovisual technology that allows for the direct, contemporaneous interaction by sight and sound between the qualified supervisor and the student or trainee.

(2) If the qualified supervisor assigns a nutrition care service to a student or trainee that is to be provided in a setting where the qualified supervisor is not routinely present, then the qualified supervisor must 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 student or trainee.

(3) If a patient requests for a qualified supervisor to be available to render assistance during the provision of nutrition care services by a student or trainee, then the qualified supervisor must be available. However, the qualified supervisor may arrange for another qualified supervisor to be available to assist the student or trainee in the initial qualified supervisor's absence if a patient made such a request.

63-25-106. Board of dietitian and nutritionist examiners.

(a)

(1) There is created the board of dietitian and nutritionist examiners, which consists of nine (9) members appointed by the governor, each of whom must be a resident of this state. Five (5) members must be licensed dietitians,

two (2) members must be licensed nutritionists, one (1) member must be a physician licensed under this title, and one (1) member must not be a licensed healthcare professional and must represent the public at large.

(2) Each licensed dietitian or licensed nutritionist appointed to the board must have at least five (5) years of experience in the practice or teaching of dietetics or nutrition. Each licensed dietitian and licensed nutritionist member of the board must represent at least one (1) of the following areas of practice:

- (A) Dietetics management;
- (B) Clinical dietetics or nutrition;
- (C) Dietetics or nutrition education;
- (D) Community nutrition; or
- (E) Consultation and private practice.

(3) Appointments may be made from lists of qualified persons submitted to the governor by an interested dietitian, nutritionist, hospital group, or medical group, including the Academy of Nutrition and Dietetics, the Tennessee Hospital Association, and the Tennessee Medical Association. The governor must consult with such interested persons or groups to determine qualified persons to fill the positions.

(b)

(1)

(A) Each member of the board of dietitian/nutritionist examiners as of December 31, 2027, shall serve the remainder of the member's term as a member of the board.

(B) A member of the board of dietitian/nutritionist examiners as of December 31, 2027, who is eligible for reappointment may be reappointed by the governor to the board as long as the member meets the requirements as described in subdivision (a)(2).

(2) All appointments, including reappointments as described in subdivision (b)(1)(B), are for terms of three (3) years.

(3) A member shall not be selected to serve on the board for more than two (2) consecutive terms, and each member serves on the board until a successor is appointed.

(4) A vacancy is filled by appointment by the governor for the unexpired term.

(5) In making appointments to the board, the governor shall strive, to the extent practicable, to reflect the geographic, racial, ethnic, gender, and cultural diversity of the state.

(c) The board shall meet annually to select a chair and a secretary. A quorum of the board consists of five (5) members, and the board shall meet as frequently as the board's duties may require. The division shall perform administrative functions for the board.

(d) Each member of the board must receive compensation for services in an amount determined by the department, not to exceed fifty dollars (\$50.00) per diem when actually engaged in the discharge of the board's official duties and must be reimbursed for all travel expenses in accordance with the comprehensive state travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

63-25-107. Powers and duties of board.

In addition to the powers granted in this chapter, the board shall:

(1) Promulgate rules that are reasonably necessary for the performance of the various duties imposed upon the board in the proper administration of this chapter, including adopting a code of ethics, a standard of practice, and establishing continuing education requirements for licensure renewal. The rules

must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5;

(2) Set fees, after consultation with the department and subject to the maximum limitations prescribed in this chapter, relative to the application, examination, licensing, and license renewal in amounts sufficient to pay all of the expenses of the board directly attributable to the performance of the board's duties pursuant to this chapter;

(3) Develop applications and review, approve, or reject the qualifications of applicants for licensure and to issue, in the board's name, all approved licenses, certificates, and permits;

(4) Collect or receive all fines, fees, and moneys owed pursuant to this chapter and to pay the same into the general fund of the state. For purposes of implementing subdivision (a)(2), the board shall designate any fines, fees, or moneys collected pursuant to the regulation of dietitians and nutritionists;

(5) Deny, suspend, or revoke the license of, to discipline by an administrative penalty not to exceed five hundred dollars (\$500), or to reprimand a license holder who is guilty of violating this chapter or who is guilty of violating the rules and regulations of the board duly promulgated pursuant to this chapter;

(6) Receive and process complaints and investigate alleged violations of this chapter; and

(7) Administer and participate in the Dietitians Licensure Compact, as described in part 2 of this chapter, to authorize a person who is licensed as a dietitian in another state to practice in this state in accordance with such compact.

63-25-108. Applications for licensure.

(a) An applicant for licensure as a dietitian must file a written application on a form provided by the department or via online application showing to the satisfaction of

the board that such person is capable and professionally competent to safely engage in the practice of dietetics and the practice of nutrition and meets one (1) of the following criteria:

(1) The applicant must submit proof of completion of the following:

(A) Completion of a master's degree or doctoral degree and a program of study accredited by the Accreditation Council for Education in Nutrition and Dietetics (ACEND), or its successor organization;

(B) Completion of a planned, continuous supervised practice experience in the practice of dietetics and the practice of nutrition approved by the examining board and accredited by ACEND, or its successor organization, that involves at least one thousand (1,000) hours of supervised practice experience under the supervision of a qualified supervisor, as described in § 63-25-105. An applicant must complete a supervised practice experience under this subdivision (a)(1)(B) within five (5) years of completing the requirements under subdivision (a)(1)(A) unless the examining board, for extraordinary circumstances, grants an extension for a limited time; and

(C) Completion of the registration examination for dietitians administered by the Commission on Dietetic Registration, or its successor organization. If an applicant passed such examination more than five (5) years before applying for licensure, then the applicant must demonstrate that such applicant completed seventy-five (75) hours of continuing education meeting the continuing education criteria of the board per each five-year period post examination; or

(2) The applicant submits proof of holding a valid current registration with the Commission on Dietetic Registration, or its successor organization, that gives

the applicant the right to use the term "registered dietitian" or "registered dietitian nutritionist".

(b) An applicant for licensure as a nutritionist must file a written application on a form provided by the department or via online application showing to the satisfaction of the board that such person is capable and professionally competent, as determined by the board, to safely engage in the practice of nutrition and submits proof of completion of the following:

(1) Completion of a master's or doctoral degree with a major in human nutrition, foods and nutrition, community nutrition, public health nutrition, nutrition education, nutrition, nutrition science, clinical nutrition, applied clinical nutrition, nutrition counseling, nutrition and functional medicine, nutritional biochemistry, nutrition and integrative health, a comparable titled major in a master's program, or a doctoral degree in a field of clinical health care. The applicant must have completed coursework leading to competence in medical nutrition therapy that includes:

(A) Fifteen (15) semester hours of clinical or life sciences, including at least three (3) semester hours on human anatomy and physiology or the equivalent; and

(B) Fifteen (15) semester hours of nutrition and metabolism, including at least six (6) semester hours in biochemistry;

(2) Completion of a planned, continuous supervised practice experience demonstrating competence in the practice of nutrition approved by the examining board following the requirements described in subsection (c); and

(3) Completion of the examination requirements by demonstrating:

(A) Passage of the certified nutrition specialist examination administered by the Board for Certification of Nutrition Specialists or an equivalent examination on all aspects of the practice of nutrition that has

been reviewed under a program that requires a master's degree or higher, is accredited by the National Commission for Certifying Agencies, or its successor organization, and is approved by the examining board. If passage of the examination occurred more than five (5) years before application, then the applicant must demonstrate completion of seventy-five (75) hours of continuing education meeting the continuing education criteria of the board per each five-year period post examination; or

(B) The applicant holds a valid current certification with the Board for Certification of Nutrition Specialists, or its successor organization, that gives the applicant the right to use the title "certified nutrition specialist".

(c)

(1) An applicant for licensure as a nutritionist shall complete a supervised practice experience, as described in subdivision (b)(2), within five (5) years of completing the requirements under subdivision (b)(1) unless the examining board, for extraordinary circumstances, grants an extension for a limited time.

(2) The supervised practice experience required in subdivision (b)(2) must have at least one thousand (1,000) hours in the following practice areas, with a minimum of two hundred (200) hours in each practice area:

(A) Nutrition assessment;

(B) Nutrition intervention; and

(C) Nutrition monitoring and evaluation.

(3) The board has discretion to determine whether the applicant's experience has prepared the applicant to provide nutrition care services for various populations of diverse cultures and genders, and across a 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 non-complex medical conditions.

(4) A supervised practice experience must be completed under the supervision of a qualified supervisor as described in § 63-25-105.

(d)

(1) Upon renewal, the license of a person licensed as a dietitian/nutritionist on January 1, 2028, must be converted to a dietitian license as long as the licensee remains in good standing and maintains active or retired status.

(2) A person who has applied for licensure as a dietitian/nutritionist prior to January 1, 2028, is eligible for licensure as a dietitian under the requirements in place prior to January 1, 2028. The person must comply with this chapter for purposes of renewing such license on or after January 1, 2028,

63-25-109. Issuance of licenses - Temporary permits.

(a) The board may waive the examination, education, and experience requirements of this chapter and grant a license as a licensed dietitian or a licensed nutritionist to an applicant who presents proof of current licensure, certification, or registration as a dietitian or nutritionist under the laws of another state, the District of Columbia, or a territory of the United States, if, in the board's opinion, the educational, experiential, and examination qualifications and requirements for the license are substantially equivalent to the licensure process in this state for the specific license for which the applicant is applying.

(b)

(1) The board may issue temporary permits to practice dietetics or nutrition to an applicant upon submission of satisfactory evidence that such person has:

(A) Completed the academic and experiential requirements to be licensed as a dietitian or nutritionist;

(B) Applied for or taken the designated licensing examination required pursuant to this chapter; and

(C) Paid the fee required for a temporary permit.

(2) A temporary permit expires one (1) year from the date of issuance and may be renewed for a period not to exceed six (6) months upon submitting to the board a satisfactory explanation of the applicant's failure to become licensed within the one-year term.

(3)

(A) A temporary dietitian permit allows an applicant, pursuant to § 63-25-108(a), to practice under the supervision of a licensed dietitian.

(B) A temporary nutritionist permit allows an applicant, pursuant to § 63-25-108(b), to practice under the supervision of a licensed dietitian or nutritionist.

63-25-110. Disciplinary action.

(a) The board is empowered to:

(1) Deny a license;

(2) Refuse to renew a license;

(3) Suspend a license;

(4) Revoke a license or permit;

(5) Issue orders to cease and desist from certain conduct; or

(6) Discipline an applicant, licensee, permittee, or another person when

such person meets at least one (1) of the following conditions:

(A) Attempted to obtain or obtained licensure by fraud or misrepresentation;

(B) Engaged in unethical or unprofessional conduct, including willful acts, negligence, or a pattern of continued and repeated healthcare

liability, negligence, or incompetence in the course of professional practice;

(C) Engaged in habitual intoxication or personal misuse of any drug, narcotic, or controlled substance or controlled substance analogue so as to adversely affect the person's ability to practice;

(D) Has been convicted in any court of a crime directly related to the duties and responsibilities of a dietitian or nutritionist, was violent or sexual in nature, or entered into a plea of guilty or nolo contendere to any such crime;

(E) Violated any lawful order or rule or regulation rendered or adopted by the board; or

(F) Violated this chapter.

(b) Administrative proceedings for disciplinary action against a license holder or permittee must be conducted by the board in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(c)

(1) The board is authorized to promulgate rules governing the assessment of costs against a person found by the board to have violated any provision of this chapter. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(2) The costs assessed by the board may include only costs directly related to the prosecution of the charges against the person, including investigatory costs when appropriate. The board shall determine the appropriate amount of costs, if any, to be assessed in a contested case. These costs must be reasonable and proportionate in light of the violation committed by the person.

(d)

(1) An elected officer of the board or duly appointed or elected chair has the authority to administer an oath to a witness. Upon probable cause being established, the board, by a vote of two-thirds (2/3) of the members to which the board is entitled, may issue a subpoena for the attendance of a witness and the production of any documents and records.

(2) The sheriff of the county of residence of a person upon whom the subpoena is served shall serve a subpoena issued by the board.

(3)

(A) The person served by subpoena has thirty (30) days to request in writing a hearing before the board for the sole purpose of making a special appearance to quash or modify the subpoena. The subpoena for attendance of the person or the production of documents and records is stayed until the board votes upon the request to quash or modify the subpoena. A majority vote of the members to which the board is entitled is required to quash or modify a subpoena.

(B) A motion to appeal from a decision by the board regarding a request to quash or modify a subpoena must be made to the chancery court in Davidson County within fifteen (15) days of such decision.

(4) If any witness fails or refuses to obey a subpoena issued by the board, then the board may make application to any court of record in this state within the jurisdiction of which the witness is found or resides, and the court has the power to attach the body of the witness and compel the witness to appear before the board and give testimony or produce documents or records as ordered. The court may issue an order for civil contempt upon any failure to obey the court order.

(5) Each witness who appears before the board by order of the board receives for attendance the compensation provided by law for attendance of a

witness in a court of record, which is paid from the funds of the board in the same manner as all other expenses of the board are paid.

(e) An action taken under this section is subject to the Fresh Start Act, compiled in chapter 1, part 1 of this title.

63-25-111. Fees.

The board shall establish fees for applications, examinations, renewals, reciprocity, and other related matters.

63-25-112. Failure to renew license or pay fee - Revocation and reinstatement of license.

(a) If a licensee fails to renew the licensee's license and to pay the biannual renewal fee after renewal becomes due, then the license is automatically revoked without further notice of hearing, unless renewal is made and all fees paid prior to the expiration of sixty (60) days from the date such renewal was due.

(b) A person whose license is automatically revoked as provided in subsection (a) may have the license reinstated by the board in its discretion for good cause being shown, upon payment of all past-due renewal fees, and upon the further payment of a nonrefundable sum as set by the board.

63-25-113. Retirees.

(a) A person licensed to engage in the practice of dietetics or the practice of nutrition in this state who has retired or who may hereafter retire from such practice is not required to register if such person files with the board an affidavit form furnished by the board. The affidavit must have the date on which the person retired from such practice and other facts to verify the retirement as the board deems necessary.

(b) The board shall furnish the affidavit form needed by a person to prove such person has retired from the practice of dietetics or the practice of nutrition, as described in subsection (a).

(c) A person who reengages in the provision of medical nutrition therapy or seeks to utilize a title protected under this chapter following retirement must apply for a license to engage in the practice of dietetics or the practice of nutrition with the board as provided by this chapter and meet any requirements as may be set by the board.

63-25-114. Injunctions.

The board may make application to seek injunctive relief for a temporary or permanent restraining order or injunction enjoining violations of this chapter.

63-25-115. Rules.

(a) The rules of the board of dietitian/nutritionist examiners that are in effect prior to the effective date of this act remain in effect until amended or new rules are promulgated for the board.

(b) The board may promulgate rules to effectuate this chapter. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 4. For the purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2028, the public welfare requiring it.