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CHAPTER 20.

 DIETITIANS

**SECTION 40‑20‑5.** Application of Article 1, Chapter 1 of this Title.

Unless otherwise provided for in this chapter, Article 1, Chapter 1 applies to dietitians regulated or administered, or both, by the Department of Labor, Licensing and Regulation. If there is a conflict between this chapter and Article 1, Chapter 1, the provisions of this chapter control.

**SECTION 40‑20‑10.** Citation of chapter.

This chapter may be cited as the “South Carolina Dietetics Licensure Act”.

**SECTION 40‑20‑20.** Definitions.

In addition to the definitions pursuant to Article 1, Chapter 1:

(1) “Dietetics” means the integration and application of dietary principles derived from the science of nutrition, biochemistry, physiology, food, and management and from behavioral and social sciences to achieve and maintain a healthy status. The primary function of dietetic practice is the provision of dietary nutrition care services.

(2) “Licensed dietitian” means an individual licensed in good standing to practice dietetics pursuant to the provisions of this chapter. For purposes of this chapter, “dietitian” is synonymous with “ registered dietitian”.

(3) “Nutrition care services” means any part or all of the following:

(a) assessing the nutritional needs of individuals and groups and determining resources and constraints in the practice setting;

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

(c) providing nutritional counseling in health and disease;

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

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

(f) transcribing a verbal order into patient records for co‑signature by the ordering physician and implementing a physician’s written and verbal orders which pertain to the practice of dietetics, if the practice of dietetics is specifically authorized by the medical director and the health care facility where the care is taking place. In the delivery of dietetic home care, this care must be authorized specifically by the physician sponsor;

(g) implementing nutrition related orders under a protocol approved by the medical staff of a licensed health care facility. “Nutrition care services” does not include the retail sale of food products or vitamins and minerals.

(4) “Panel” means the Panel for Dietetics under the Department of Labor, Licensing and Regulation.

(5) “Registered dietitian” means an individual who is registered by the Commission on Dietetic Registration of the American Dietetic Association as a registered dietitian.

**SECTION 40‑20‑30.** Licensing requirement.

It is unlawful for a person not licensed under this chapter, or whose license has been suspended or revoked by the panel, to hold himself or herself out as a dietitian, licensed dietitian, alone or in combination, or use with the letters “LD” or any facsimile or combination in any words, letters, abbreviations, or insignia. An authorization to practice issued pursuant to this title is valid for up to two years and is renewable on dates as established by the director.

**SECTION 40‑20‑40.** South Carolina Panel for Dietetics created; membership; term.

(A) There is created the South Carolina Panel for Dietetics under the administration of the Department of Labor, Licensing and Regulation composed of the following seven members to be appointed by the Governor with the advice and consent of the Senate:

(1) One member shall represent the public at large and must not be a dietitian, an agent or employee of a person engaged in the profession of dietetics, a licensed health care professional, an agent or employee of a health care institution, a health care insurer, or a health care professional school, a member of any allied health care profession, or the spouse of any of these individuals.

(2) One member must be employed by a hospital and recommended by the South Carolina Hospital Association.

(3) Five members must be dietitians licensed to practice in this State and recommended by the South Carolina Dietetic Association:

(a) one must be a professional whose primary practice is clinical dietetics;

(b) one must be a professional whose primary practice is community or public health dietetics;

(c) one must be a professional whose primary practice is consulting in dietetics;

(d) one must be a professional whose primary practice is in management of nutritional services;

(e) one must be an educator on the faculty of a college or university, specializing in the field of dietetics.

(B) Panel members shall serve for terms of two years and until their successors are appointed and qualify. Vacancies must be filled in the manner of the original appointment for the remainder of the unexpired term, and no member may serve more than two full two‑year terms consecutively. The Governor may remove a member of the panel in accordance with Section 1‑3‑240. Members of the panel shall serve without compensation; however, members may receive mileage, subsistence, and per diem as provided by law for members of state boards, commissions, and committees.

**SECTION 40‑20‑50.** Advice in development of regulations; conducting disciplinary hearings.

(A) The duties of the panel are to advise the department in the development of regulations, statutory revisions, and such other matters as the department may request in regard to the administration of this chapter.

(B) The panel shall also conduct hearings on alleged violations of this chapter and regulations promulgated under this chapter, mediate consumer complaints, where appropriate and possible, and discipline persons licensed under this chapter in any manner provided for in this chapter.

**SECTION 40‑20‑55.** Administration of panel; fees.

(A) The panel must be administered by the department in accordance with Chapter 1 of Title 40. The department shall provide all administrative, fiscal, investigative, inspectional, clerical, secretarial, and license renewal operations and activities.

(B) Fees must be assessed, collected, and adjusted on behalf of the panel by the department in accordance with this chapter and Section 40‑1‑50(D).

**SECTION 40‑20‑60.** Application; contents.

An applicant for licensure as a dietitian shall file an application provided by the department and demonstrate by acceptable evidence that he or she:

(1) has successfully completed the requirements for current registration as a registered dietitian by the Commission on Dietetic Registration; or

(2) has passed an examination as prescribed by the department and has received a baccalaureate degree or a master’s degree in human nutrition, nutrition education, foods and nutrition, public health nutrition, or an equivalent major course of study from a regionally accredited college or university as approved by the department.

**SECTION 40‑20‑70.** Applicants educated outside of United States

An applicant for licensure who has obtained his or her education outside of the United States and its territories must meet the requirements for current registration as a registered dietitian by the Commission on Dietetic Registration.

**SECTION 40‑20‑80.** Renewal of license; late fees; inactive status; reinstatement and expiration.

(A) The panel may recommend additional requirements for license renewal to obtain evidence of a dietitian’s continued competency. The department may provide for the late renewal of a license upon payment of a late fee.

(B) A license automatically reverts to inactive status if the licensee fails to timely comply with this subsection and only may be reinstated upon application and payment of any fees and after having met any additional requirements which the department may establish in regulation including, but not limited to, continuing competency requirements.

(C) A license which has been inactive for more than four years automatically expires if the person has not made application for renewal of the license. An expired license is null and void without any further action by the department.

**SECTION 40‑20‑100.** Revocation or suspension of license; grounds; hearing.

(A) In addition to the provisions pursuant to Section 40‑1‑110, the panel may revoke or suspend a dietitian’s license or impose any other reasonable limitation on a dietitian’s practice if the dietitian engages in any of the following conduct and this conduct is likely to endanger the health, welfare, or safety of the public:

(1) using a false, fraudulent, or forged statement or engaging in a fraudulent, deceitful, or dishonest act in connection with any licensure requirement;

(2) having an addiction to alcohol or drugs to such an extent as to render the licensee unfit to practice dietetics;

(3) having been convicted for the illegal or unauthorized practice of dietetics;

(4) knowingly performing any act which in any way assists an unlicensed person to practice dietetics;

(5) having a physical or mental disability that renders further practice by the licensee dangerous to the public;

(6) violating the code of ethics for the profession of dietetics;

(7) engaging in any dishonorable, unethical, or unprofessional conduct that is likely to deceive or harm the public;

(8) using a false or fraudulent statement in any document connected with the practice of dietetics;

(9) intentionally violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision of this chapter;

(10) committing an act, during the course of practice conducted pursuant to a license issued under this chapter, that constitutes fraud, dishonest dealing, illegality, incompetence, or gross negligence;

(11) engaging in any activity that is beyond the scope of practice of dietetics as set forth in this chapter.

(B) The suspension or revocation of a dietitian’s license or the imposition of probationary conditions upon a dietitian may be recommended by the panel after a hearing is conducted.

**SECTION 40‑20‑110.** Applicability of chapter.

This chapter does not apply to:

(1) a student enrolled in an approved academic program in dietetics who is engaging in the practice of dietetics, if the practice constitutes a part of a supervised course of study, and if the student is designated by a title which clearly indicates his status as a student or trainee;

(2) a dietitian who is serving in the Armed Forces or who is employed by any other federal agency and who is engaging in the practice of dietetics if this practice is related to the individual’s military service or federal employment;

(3)(a) a person in a licensed healthcare profession providing diet, food, or nutrition information within the scope of his or her practice, except that the person may not represent himself or herself as a “dietitian”;

(b) an employee of a physician or osteopath who works in the private office of and under the direction and supervision of a physician or osteopath, if that employee does not engage in the practice of dietetics or use the title “dietitian”;

(4) a person who performs the activities and services of a nutrition educator in the employment of a federal, state, county, or municipal agency, or another political subdivision, or a chartered elementary or secondary school, or an accredited degree‑granting educational institution if these activities and services are part of a salaried position;

(5) an employee of a state agency who is engaging in the practice of dietetics within the discharge of his or her official duties who is authorized to use the title “dietitian” and who is not registry‑eligible or registered currently with the Commission on Dietetic Registration as of July 1, 2006;

(6) a nonresident registered dietitian practicing dietetics in this State for five days without a license or up to thirty days a year with licensure from another state if the requirements for licensure in the other state are substantially equal to the licensure requirements contained in this chapter;

(7) a person marketing or distributing food, food materials, or food supplements or a person who is engaging in an explanation of the use or preparation of these products or a person who is furnishing general nutrition information related to these products in connection with the marketing or distribution of these products, or is providing nutritional counseling in health, if that person does not represent himself or herself as a dietitian;

(8) a person providing weight control services through a program that does not allow program change to be initiated without prior approval by a licensed dietitian and the program has been reviewed by, and consultation is available from, a dietitian licensed in another state, which has licensure requirements at least as stringent as the requirements for licensure under this chapter, or a dietitian registered by the Commission on Dietetic Registration of the American Dietetic Association;

(9) any faith‑based promotional health programs; or

(10) any act that can cause the prosecution, restriction, prevention, or control of any activity, service, or person except in violation of Section 40‑20‑130.

**SECTION 40‑20‑120.** Direct third‑party reimbursement.

Nothing in this chapter may be construed to require direct third‑party reimbursement to persons licensed under this chapter.

**SECTION 40‑20‑130.** Practice without a license; penalty.

(A) It is unlawful for a person not licensed under this chapter, or whose license has been suspended or revoked by the panel, to hold himself or herself out as a dietitian, licensed dietitian, alone or in combination, or use with the letters “LD” or any facsimile or combination in any words, letters, abbreviations, or insignia.

(B) A person who violates subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined not more than three hundred dollars or imprisoned for not more than ninety days, or both.