

MARYLAND BOARD OF DIETETIC PRACTICE

**Presented by: Marie M. Savage, Director
Maryland Board of Dietetic
Practice**

BOARD'S MISSION

The Mission of the Board of Dietetic Practice is to protect the citizens of Maryland and to promote quality health care in the field of dietetics by:

- Licensing and regulating dietitians and nutritionists
- Receiving and resolving complaints
- Setting standards for the practice of dietetics

PROGRAM DESCRIPTION

The Board:

- Licenses qualified dietitians and nutritionists
- Establishes fees
 - The program is 100% special funded.
 - The fund is supported exclusively by revenues generated by licensing fees.
- Maintains a current roster of all licensees
- Promulgates regulations for the practice of dietetics
- Verifies credentials
- Investigates complaints based on alleged violations of regulations and statutes
- Issues formal and informal disciplining of licensees
- Submits an annual report to the Governor and Secretary.

BOARD STAFF

- The Board's staff is responsible for the day-to-day activities of the Board.
 - Marie Savage, Board Administrator
 - Lenelle Cooper, Administrative Specialist
- In addition, the Board shares its legal, investigative, computer, fiscal, and legislative/regulatory staff with the other Health Occupation Boards.

BOARD COMPOSITION

The Board consists of 9 members:

- 7 Licensed Dietitian-Nutritionists:
 - 5 dietitians
 - Clinical dietetic practice
 - Community or public health dietetic practice
 - Administrative dietetic practice
 - Consulting dietetic practice
 - Faculty member in the field of dietetics or nutritional science
 - 2 Certified Nutrition Specialists
- 2 Consumer Members

MEET THE BOARD

- Chimene Castor, Ed.D, RD, LDN, Board Chair
- Rebecca Snow, CNS, LDN, Vice-Chair
- Laura Davis, RD, LDN, Board Secretary
- Erin Braunscheidel Duru, RD
- Lauren Mirkin, CNS, LDN,
- Linnet Nyce, RD, LDN
- Okechuku Enyia, Consumer
- Linda Paren, RD, LDN
- Malcolm Rubinstein, Ph.D, Consumer

BOARD MEETINGS

- The Board conducts public meetings on the third Thursday of every odd month throughout the year. The dates, times, and place of meetings are published in the Maryland Register.

Board Meetings

- Open Session
 - <http://www.marylandattorneygeneral.gov/Pages/OpenGov/OpenMeetings/training.aspx>
- Closed Session
- Administrative Session

BOARD OF DIETETIC PRACTICE VS. COMMISSION ON DIETETIC REGISTRATION

- The Board of Dietetic Practice is the licensing and regulatory board for dietitian-nutritionists in Maryland.
- The Board of Dietetic Practice has different rules and regulations than the Association, including different limits on continuing education and time frame for completion of CEUS.

NUMBER OF LICENSES

- As of June 30, 2020 (End of Fiscal Year 2020), there were 2,207 Maryland Licensed Dietitian-Nutritionists in Maryland.
- The Board issued 240 new licenses in Fiscal Year 2020.

2020 RENEWALS (FY21)

- Online renewal (September 9, 2020 – October 31, 2020*)
- 879 licensees were eligible to renew
- 867 licensees renewed to date

* A new Executive Order issued June 19, 2020 applies to the extension of licenses. The expiration date is extended "**to the 30th day after the date by which the state of emergency is terminated**". According to the new Executive Order, the state of emergency is still in effect. The Board has no prediction as to when the state of emergency will be lifted.

LICENSURE STATISTICS

- 391 Inactive licenses
 - 30 licensees went inactive during the 2020 Renewal Cycle
- 2,428 Licensed Dietitian-Nutritionists (as of March 4, 2021)

RENEWAL COSTS

- As of July 28, 2008, the license renewal fee is \$250 per renewal, which occurs every two years.
- The Board is required to collect a user fee for the Maryland Health Care Commission. The HCC fee for 2020 renewals was \$26.
- The Board voted to pay the HCC fee for renewals for Fiscal Years 2019 and 2020.

Continuing Education Requirements

- Licensees are required to complete a minimum of 30 CEUS within a 2-year period before renewal. Continuing education is divided into 8 categories.
- Maryland CEU limits are different than ADA limits.

Inactive Status

- The fee for inactive status is \$75. Inactive status allows an individual to reactivate a license by demonstrating 15 CEU for each year the license has lapsed. The reactivation fee after inactive status is \$150.
- There are currently 366 licensees on Inactive Status in Maryland.

REINSTATEMENTS

- A dietitian or nutritionist who fails to apply for reinstatement of a license within 5 years after the expiration of the license may become licensed by meeting the requirements for obtaining an initial license.
- The fee for reinstatement is \$576 (\$276 renewal fee and \$300 reinstatement fee).

GROUNDS FOR DISCIPLINE

18 Grounds for Discipline

- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another
- (2) Fraudulently or deceptively uses a license
- (3) Violates any Board statute or any regulation
- (4) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional service for which the licensee is licensed and qualified to render because the individual is HIV positive
- (5) Commits fraud or deceit in the practice of dietetics
- (6) Is convicted of or pleads nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside
- (7) Obtains or attempts to obtain a fee through fraud or misrepresentation
- (8) Employs any person to practice dietetics whose license or certificate to practice a health occupation has been suspended
- (9) Uses or promotes or causes the use of any misleading, deceiving, or untruthful advertising matter, or promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or other representation

GROUNDS FOR DISCIPLINE (continued)

- (10) Commits any act of unprofessional conduct, as defined by the Board, or violates the Board's code of ethics
- (11) Provides professional services while:
 - (i) Under the influence of alcohol
 - (ii) Using any narcotic or controlled dangerous substance, or other drug that is in excess of therapeutic amounts or without valid medical indication
- (12) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any other state or country for an act that would be grounds for disciplinary action
- (13) Practices dietetics with an unauthorized person or supervises or aids an unauthorized person in the practice of dietetics
- (14) Fails to file or record any report or record as required by law in the practice of dietetics, impedes or obstructs the filing or recording of the report or record, or induces another to fail to file or record the report or record
- (15) Submits a false statement to collect a fee
- (16) Is professionally, physically, or mentally incompetent
- (17) Promotes the sale of devices, appliances, or goods to a patient so as to exploit the patient for financial gain
- (18) Fails to cooperate with a lawful investigation conducted by the Board.

FY20 DISCIPLINARY ACTIONS

- The Board received 10 complaints
 - 6 complaints against non-licensees for potential practicing without a license
 - 2 complaint regarding standards of practice
 - 2 application with “yes” answer
- The Board took the following actions:
 - 5 closed case
 - 2 letters regarding the law to unlicensed individual
 - 3 were pending as of June 30, 2020.

PRACTICING WITHOUT A LICENSE

- The Maryland Dietetic Practice Act (the “Act”), Md. Health Occ. Code Ann. (“HO”) §5-311(13) provides, “Practices dietetics with an unauthorized person or supervises or aids an unauthorized person in the practice of dietetics.”
- Note that this infraction occurs even if the licensee does not know that the person is unlicensed and had no participation in the hiring of the unlicensed individual. Just by the fact that you are working with the unlicensed individual you become liable to disciplinary action. It is a good practice to ensure that all individuals you are practicing with are indeed licensed.

PRACTICING WITHOUT A LICENSE (Continued)

- There are two procedures that should be standard practice.
 - First, as noted on the license, it should be displayed upon receipt. While the Board does not have the resources to check that the license is displayed by the practitioner, it is a good policy for a facility to require that the license be conspicuously displayed as a protection for the various coworkers at an institution.
 - Second, verify that individuals are licensed by the Board. On-line verification is free and available 24/7. Please visit the Board's website at www.health.maryland.gov/dietetic to verify a license.

SUNSET EXTENSION AND PROGRAM EVALUATION

- House Bill 206 and Senate Bill 237 – Health Occupations – Sunset Extension and Program Evaluation
- Extends the termination date of the Board to July 1, 2025.
- Requires the Board to submit a report to the Senate Education, Health, and Environmental Affairs Committee and the House Health Government Operations Committee that recommends any legislative changes to clarify the practice of dietetics and any additional authority the Board needs to address complaints alleging the unauthorized practice of dietetics.

QUESTIONS?