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CF 4lr0764

By: **Delegate Hurson (Chairman, Health and Government Operations Committee)**
Introduced and read first time: January 28, 2004
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 24, 2004

CHAPTER_____

AN ACT concerning

State Board of Dietetic Practice - Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Board of Dietetic Practice in accordance with the provisions of the Maryland Program Evaluation Act (Sunset Law) by extending to a certain date the termination of provisions relating to the statutory and regulatory authority of the Board; altering the composition of the Board; altering the nomination process for licensed Board member vacancies; eliminating separate licenses for dietitians and nutritionists; creating a single license for the practice of dietetics; altering certain requirements for licensure; altering certain prohibitions against using certain titles, words, or terms under certain circumstances; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; requiring the Board and the Department of Health and Mental Hygiene to submit a certain report to certain committees on or before a certain date; providing continuity for the remainder of the terms for certain Board members; providing continuity of licensure for certain licensed dietitians and licensed nutritionists; providing for renewal of certain licensed dietitians and licensed nutritionists as licensed dietitian-nutritionists; providing for reinstatement as a licensed dietitian-nutritionist for certain licensed dietitians and licensed nutritionists; defining certain terms; altering certain definitions; and generally relating to the State Board of Dietetic Practice.

BY repealing and reenacting, with amendments,
Article - Health Occupations
Section 5-101, 5-102, 5-202, 5-205, 5-301 through 5-303, 5-309, 5-314, 5-402, 5-501, and 5-502 to be under the amended title "Title 5. Licensed Dietitian-Nutritionists"

Annotated Code of Maryland
(2000 Replacement Volume and 2003 Supplement)

BY repealing and reenacting, without amendments,
Article - Health Occupations
Section 5-103, 5-201, 5-203, 5-204, 5-206, 5-304 through 5-308, 5-310 through 5-313, 5-401, and 5-403
Annotated Code of Maryland
(2000 Replacement Volume and 2003 Supplement)

BY repealing and reenacting, without amendments,
Article - State Government
Section 8-403(a)
Annotated Code of Maryland
(1999 Replacement Volume and 2003 Supplement)

BY repealing and reenacting, with amendments,
Article - State Government
Section 8-403(b)(18)
Annotated Code of Maryland
(1999 Replacement Volume and 2003 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Health Occupations

Title 5. [Dietitians and Licensed Nutritionists] LICENSED DIETITIAN-NUTRITIONISTS.

5-101.

(a) In this subtitle the following words have the meanings indicated.

(b) "Board" means the State Board of Dietetic Practice.

(C) "CERTIFIED NUTRITION SPECIALIST" MEANS AN INDIVIDUAL CERTIFIED BY THE CERTIFICATION BOARD FOR NUTRITION SPECIALISTS, THE ACCREDITING BODY OF THE AMERICAN COLLEGE OF NUTRITION.

[(c)] (D) ["Dietitian"] "DIETITIAN-NUTRITIONIST" means, unless the context requires otherwise, an individual who is licensed by the Board to practice dietetics.

[(d) "Licensed nutritionist" means, unless the context requires otherwise, an individual who is licensed by the Board to practice dietetics.]

(e) "License" means, unless the context requires otherwise, a license issued by the Board to practice dietetics.

(f) (1) "Practice dietetics" means to apply the principles derived from integrating knowledge of food, biochemistry, physiology, management science, behavioral science, and social science to human nutrition.

(2) "Practice dietetics" includes:

(i) Assessing individual and community food practices and nutritional status using anthropometric, biochemical, clinical, dietary, and demographic data, for clinical, research, and program planning purposes;

(ii) Developing, establishing, and evaluating nutritional care plans that establish priorities, goals, and objectives for meeting nutrient needs for individuals or groups;

(iii) Nutrition counseling and education as a part of preventive or restorative health care throughout the life cycle;

(iv) Determining, applying, and evaluating standards for food and nutrition services; and

(v) Applying scientific research to the role of food in the maintenance of health and the treatment of disease.

(G) "REGISTERED DIETITIAN" MEANS AN INDIVIDUAL REGISTERED WITH THE COMMISSION ON DIETETIC REGISTRATION, THE ACCREDITING BODY OF THE AMERICAN DIETETIC ASSOCIATION.

5-102.

The purpose of this title is to protect the lives and health of the people of this State by:

(1) Setting standards for the practice of dietetics; and

(2) Limiting the use of the title "licensed [dietitian" and "licensed nutritionist"] DIETITIAN-NUTRITIONIST" to individuals who meet those standards.

5-103.

(a) This title does not limit the right of an individual to practice a health occupation that the individual is authorized to practice under this article.

(b) This title does not limit the right of an individual or group to provide services and information related to nonmedical nutrition while:

(1) Employed by or operating a health, weight loss, or fitness program;

(2) Employed by or operating a health food store;

(3) Employed by or operating a business that sells health products including dietary supplements, food, or food materials, or provides nonmedical nutritional information or distributes nutritional literature; or

(4) Conducting classes or disseminating information related to nonmedical nutrition.

(c) This title does not limit the right of an individual to provide services related only to the purchasing, preparation, and service of food to groups of people.

(d) This title does not limit the right of an individual to provide nonmedical nutritional information or to distribute nutritional literature.

5-201.

There is a State Board of Dietetic Practice in the Department.

5-202.

(a) (1) The Board consists of nine members.

(2) Of the nine Board members:

(i) Seven shall be [dietitians or nutritionists] DIETITIAN-NUTRITIONISTS licensed on or after [July 1, 1986] JULY 1, 2004 to practice dietetics in Maryland, including:

1. One member who is engaged primarily in clinical dietetic practice;

2. One member who is engaged primarily in community or public health dietetic practice;

3. One member who is engaged primarily in administrative dietetic practice;

4. One member who is engaged primarily in consulting dietetic practice;

5. One member who is a faculty member in the field of dietetics or nutritional science; and

6. Two members who are [licensed nutritionists] CERTIFIED NUTRITION SPECIALISTS and who may not be registered dietitians; and

(ii) Two shall be consumer members.

(3) [(i)] The Governor shall appoint the [dietitian and licensed nutritionist] LICENSED DIETITIAN-NUTRITIONIST members with the advice of the Secretary and with the advice and consent of the Senate from a list submitted [by the

Maryland Dietetic Association and the Maryland Chapter of the American Nutritionists Association] AS PROVIDED IN SUBSECTION (B) OF THIS SECTION.

[(ii) The list of qualified nominees submitted to the Secretary for appointment under subparagraph (i) of this paragraph shall be at least three times the number of vacancies.

(4) For each dietitian or licensed nutritionist vacancy, the Maryland Dietetic Association and the Maryland Chapter of the American Nutritionists Association shall:

(i) Notify all dietitians and licensed nutritionists in the State of the vacancy to solicit nominations to fill the vacancy; and

(ii) Conduct a balloting process where every dietitian and licensed nutritionist is eligible to vote to select the names of the nominees that will be submitted to the Governor.]

~~(5)~~ (4) The Governor shall appoint the consumer members with the advice of the Secretary and the advice and consent of the Senate. **]**

(B) (1) FOR EACH LICENSED DIETITIAN-NUTRITIONIST VACANCY, THE BOARD SHALL COMPILE A LIST OF NAMES TO BE SUBMITTED TO THE SECRETARY IN ACCORDANCE WITH THIS SUBSECTION, INCLUDING AT LEAST THREE NAMES FOR EACH OF THE VACANCIES.

(2) THE BOARD SHALL NOTIFY ALL LICENSED DIETITIAN-NUTRITIONISTS IN THE STATE OF THE VACANCY TO SOLICIT NOMINATIONS TO FILL THE VACANCY.

(3) THE MARYLAND DIETETIC ASSOCIATION OR THE MARYLAND NUTRITIONISTS ASSOCIATION SHALL NOMINATE QUALIFIED INDIVIDUALS TO FILL THE VACANCY WITHIN 30 DAYS AFTER THE NOTICE REQUIRED IN PARAGRAPH (2) OF THIS SUBSECTION IS GIVEN.

(4) THE MARYLAND DIETETIC ASSOCIATION MAY COMMENT ON AN INDIVIDUAL NOMINATED BY THE MARYLAND NUTRITIONISTS ASSOCIATION UNDER PARAGRAPH (3) OF THIS SUBSECTION WITHIN 30 DAYS AFTER THE NOMINATION AND BEFORE THE LIST IS SUBMITTED TO THE SECRETARY.

(5) THE MARYLAND NUTRITIONISTS ASSOCIATION MAY COMMENT ON AN INDIVIDUAL NOMINATED BY THE MARYLAND DIETETIC ASSOCIATION UNDER PARAGRAPH (3) OF THIS SUBSECTION WITHIN 30 DAYS AFTER THE NOMINATION AND BEFORE THE LIST IS SUBMITTED TO THE SECRETARY.

[(b)] (C) (1) Each [dietitian or licensed nutritionist] LICENSED DIETITIAN-NUTRITIONIST member of the Board shall:

(i) Be a citizen of the United States;

(ii) Be a resident of the State; and

(iii) Have practiced dietetics for at least 5 of the last 10 years.

(2) The consumer member of the Board:

(i) Shall be a citizen of the United States;

(ii) Shall be a resident of this State;

(iii) May not be a [dietitian or licensed nutritionist] LICENSED DIETITIAN-NUTRITIONIST or have [any] A household [members] MEMBER who [are dietitians or licensed nutritionists] IS A LICENSED DIETITIAN-NUTRITIONIST;

(iv) May not have a financial interest in the provision of goods or services to [dietitians or licensed nutritionists] LICENSED DIETITIAN-NUTRITIONISTS; and

(v) May not have a financial interest in the provision of dietary goods or services to consumers.

[(c)] (D) (1) The term of a member is 4 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 1985.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) To the extent practicable, the Governor shall fill any vacancy on the Board within [60] 75 days of the date of the vacancy.

(6) A member may not serve more than 2 consecutive full terms.

[(d)] (E) Upon the recommendation of the Secretary, the Governor may remove a member whom the Secretary finds to have been absent from 2 successive Board meetings without adequate reason.

5-203.

(a) From among its members, the Board annually shall elect a chairman, a vice chairman, and a secretary.

(b) The Board shall determine:

(1) The manner of election of officers; and

(2) The duties of each officer.

5-204.

(a) A majority of the full authorized membership of the Board is a quorum.

(b) The Board shall determine the times and places of its meetings.

(c) A member of the Board:

(1) May not receive compensation; but

(2) Is entitled to reimbursement for expenses at a rate determined by the Board.

(d) The Board may employ a staff in accordance with the budget of the Board.

5-205.

(a) In addition to the powers set forth elsewhere in this subtitle, the Board may:

(1) Adopt regulations to carry out the provisions of this subtitle; and

(2) Sue to enforce any provision of this subtitle by injunction.

(b) In addition to the duties set forth elsewhere in this subtitle, the Board shall:

(1) Keep a list of all [dietitians and nutritionists] DIETITIAN-NUTRITIONISTS who are currently licensed;

(2) Keep a record of its proceedings; and

(3) Submit an annual report of its transactions for the previous fiscal year to the Governor by September 30 of each year.

5-206.

(a) There is a State Board of Dietetic Practice Fund.

(b) (1) The Board may set reasonable fees for the issuance and renewal of licenses.

(2) The fees charged shall be set so as to approximate the cost of maintaining the Board.

(3) Funds to cover the expenses of the Board members shall be generated by fees set under this section.

(c) (1) The Board shall pay all funds collected under this title to the Comptroller of the State.

(2) The Comptroller shall distribute the funds to the State Board of Dietetic Practice Fund.

(d) (1) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this article.

(2) The Fund is a continuing nonlapsing fund, not subject to § 7-302 of the State Finance and Procurement Article.

(3) Any unspent portions of the Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Fund to be used for the purposes specified in this article.

(4) No other State money may be used to support the Fund.

(e) (1) A designee of the Board shall administer the Fund.

(2) Moneys in the Fund may be expended only for any lawful purpose authorized under the provisions of this article.

(f) The Legislative Auditor shall audit the accounts and transactions of the Fund as provided in § 2-1220 of the State Government Article.

5-301.

(a) Except as otherwise provided in this subtitle, an individual shall be licensed by the Board before the individual may practice dietetics in the State.

(b) The following individuals may practice dietetics without a license:

(1) A student or trainee, working under the direct or indirect supervision of a licensed [dietitian or a licensed nutritionist] DIETITIAN-NUTRITIONIST while fulfilling an experience requirement or pursuing a course of study to meet requirements for licensure, for a limited period of time as determined by the Board.

(2) An individual employed by the United States government [as a dietitian or nutritionist] TO PRACTICE DIETETICS, while practicing within the scope of that employment.

(3) An individual who aids in the practice of dietetics, if the individual works under the direct or indirect supervision of a licensed [dietitian or licensed nutritionist] DIETITIAN-NUTRITIONIST or licensed physician.

(4) A registered dietitian who has recently become a resident of this State, or is a resident of this State but is not licensed, and who:

(i) Has applied for licensure; and

(ii) Has not had a license application denied in this State.

(c) Subject to regulations adopted by the Board, an individual may practice dietetics without a license if the individual:

(1) Has met the academic and experience requirements to be a licensed [dietitian or licensed nutritionist] DIETITIAN-NUTRITIONIST;

(2) Has applied for or taken the licensing examination; and

(3) Is awaiting notification of the examination results.

5-302.

(a) To qualify for a license, an applicant shall be an individual who meets the requirements of this section.

(b) The applicant must be of good moral character.

(c) The applicant must be at least 18 years old.

(d) The applicant for licensure as a [dietitian] DIETITIAN-NUTRITIONIST shall:

(1) (i) Have satisfactorily completed academic requirements for the field of dietetics as approved by the Board;

(ii) Have received a baccalaureate degree or a higher degree from a college or university approved by the Board; and

(iii) Have satisfactorily completed a program of supervised clinical experience approved by the Commission on Dietetic Registration of the American Dietetic Association, or a comparable experience approved by the Board;

[(2) Submit to the Board proof of registration through the Commission on Dietetic Registration of the American Dietetic Association; or

(3) Meet the requirements of subsection (e)(2) or (3) of this section.

(e) The applicant for licensure as a licensed nutritionist shall:

(1) Meet the requirements of subsection (d)(1) or (2) of this section;]

(2) (i) Have received a master's or doctoral degree from a college or university accredited by a regional accrediting body recognized by the Council on Post-Secondary Accreditation in nutritional sciences (with emphasis in human nutrition), food and nutrition, dietetics, human nutrition, community nutrition, public health nutrition, or equivalent training approved by the Board; and

(ii) Have satisfactorily completed a Board approved experience component in dietetic or nutritionist practice which:

1. Consists of not less than 900 hours; and

2. Includes the human clinical experience gained while completing a master's or doctoral degree; [or]

(3) SUBMIT TO THE BOARD PROOF OF REGISTRATION THROUGH THE COMMISSION ON DIETETIC REGISTRATION OF THE AMERICAN DIETETIC ASSOCIATION; OR

[(3)] (4) Have satisfactorily completed the academic and experience requirements of the Certification Board for Nutrition Specialists and submit to the Board proof of certification by the Certification Board for Nutrition Specialists.

[(f)] (E) Except as otherwise provided in this subtitle, the applicant must pass an examination approved by the Board under this subtitle.

[(g)] (F) The applicant shall meet any other qualifications or requirements that the Board establishes for license applicants.

5-303.

(a) An applicant for a license shall:

(1) Submit an application to the Board on the form that the Board requires;

(2) Pay the application fee set by the Board; and

(3) Provide proof of passing an examination approved by the Board.

(b) In addition to any other requirements of this section, an applicant who is or has been licensed TO PRACTICE DIETETICS in another state or country shall submit proof of good standing [as a licensed dietitian or licensed nutritionist] in that state or country or proof of eligibility for a license in good standing in that state or country.

5-304.

The Board shall determine the passing score for the examination approved.

5-305.

(a) Subject to the provisions of this section, the Board may waive an examination requirement of this title for an individual who:

(1) Is licensed to practice dietetics in another state or country; or

(2) Is registered to practice dietetics by the Commission on Dietetic Registration of the American Dietetic Association.

(b) The Board may grant a waiver under this section only if the applicant:

(1) Pays the application fee set by the Board under § 5-206 of this title; and

(2) Provides adequate evidence that the applicant:

(i) Meets the qualifications otherwise required by this subtitle; and

(ii) 1. Became licensed in the other state or country after passing, in that state or country, an examination that the Board determines to be comparable to the examination for which the applicant is seeking the waiver; or

2. Became registered by the Commission on Dietetic Registration of the American Dietetic Association after meeting the examination waiver requirements of that Commission or its predecessor.

5-306.

(a) If an applicant qualifies for a license under this subtitle, the Board shall send the applicant a notice that specifies that:

(1) The applicant has qualified for a license; and

(2) On receipt of the license fee set by the Board, the Board will issue a license to the applicant.

(b) On payment of the license fee, the Board shall issue a license to any applicant who meets the requirements of this subtitle.

(c) The Board shall include on each license that the Board issues:

(1) The full name of the licensee;

(2) A serial number assigned by the Board to the licensee; and

(3) The signature of the chairman of the Board, under seal of the Board.

5-307.

A license authorizes the licensee to practice dietetics while the license is effective.

5-308.

(a) (1) Unless the license is renewed for an additional term as provided in this section, a license expires on the date set by the Board.

(2) A license may not be renewed for a term longer than 2 years.

(b) At least 1 month before the license expires, the Board shall send to the licensee, by first class mail to the last known address of the licensee, a renewal notice that states:

(1) The date on which the current license expires;

(2) The date by which the Board must receive the renewal application for the renewal to be issued and mailed before the license expires; and

(3) The amount of the renewal fee.

(c) Before the license expires, the licensee periodically may renew it for an additional 2-year term, if the licensee:

(1) Otherwise is entitled to be licensed;

(2) Pays to the Board a renewal fee set by the Board; and

(3) Submits to the Board:

(i) A renewal application on the form that the Board requires; and

(ii) Satisfactory evidence of compliance with the continuing education requirements for license renewal set by the Board under this section.

(d) In addition to any other qualifications and requirements established by the Board, the Board shall establish continuing education requirements as a condition to the renewal of licenses under this section.

(e) The Board shall renew the license of each licensee who meets the requirements of this section.

5-309.

The Board, in accordance with its regulations, shall reinstate the license of a [dietitian or nutritionist] DIETITIAN-NUTRITIONIST who has failed to renew the license for any reason if the [dietitian or nutritionist] DIETITIAN-NUTRITIONIST:

(1) Meets the renewal requirements of § 5-308 of this subtitle;

(2) Pays to the Board the reinstatement fee set by the Board; and

(3) Submits to the Board satisfactory evidence of compliance with the qualifications and requirements established under this subtitle for license reinstatements.

5-310.

(a) Each licensee shall produce a valid license when requested to do so by an existing or potential employer or client.

(b) Each licensee shall give the Board written notice of any change of address.

5-311.

Subject to the hearing provisions of § 5-312 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any

applicant, reprimand any licensee, or suspend or revoke a license if the applicant or licensee:

(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 provision of this title or any regulations adopted under this title;

(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 under this article has been suspended;

(9) Intentionally 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;

(10) Commits any act of unprofessional conduct, as defined by the rules and regulations of the Board, or violates the code of ethics adopted by the Board;

(11) Provides professional services while:

(i) Under the influence of alcohol; or

(ii) Using any narcotic or controlled dangerous substance, as defined in § 5-101 of the Criminal Law Article, 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 under this section;

(13) Practices dietetics with an unauthorized person or supervises or aids an unauthorized person in the practice of dietetics;

(14) Willfully fails to file or record any report or record as required by law in the practice of dietetics, willfully 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; or

(17) Promotes the sale of devices, appliances, or goods to a patient so as to exploit the patient for financial gain.

5-312.

(a) Except as otherwise provided in § 10-226 of the State Government Article, before the Board takes any action under § 5-311 of this subtitle, it shall give the individual against whom the action is contemplated an opportunity for a hearing before the Board.

(b) The Board shall give notice and hold the hearing in accordance with Title 10, Subtitle 2 of the State Government Article.

(c) The Board may administer oaths in connection with any proceeding under this section.

(d) The hearing notice to be given to the individual shall be sent by certified mail to the last known address of the individual at least 14 days before the hearing.

(e) The individual may be represented at the hearing by counsel.

(f) (1) The Board may issue subpoenas in connection with any proceeding under this section.

(2) If a person fails to comply with a subpoena issued under this subsection, on petition of the Board, the circuit court may compel obedience to the subpoena.

5-313.

(a) Except as otherwise provided in this section for an action under § 5-311 of this title, any person aggrieved by a final decision of the Board in a contested case, as defined in the Administrative Procedure Act, may:

(1) Appeal that decision to the Board of Review; and

(2) Then take any further appeal allowed by the Administrative Procedure Act.

(b) (1) Any person aggrieved by a final decision of the Board under § 5-311 of this title may not appeal to the Secretary or the Board of Review but may take a direct judicial appeal.

(2) The appeal shall be made pursuant to the provisions on judicial review of final decisions in Title 10, Subtitle 2 of the State Government Article.

5-314.

(a) In this section, "dietetic rehabilitation committee" means a committee that:

(1) Is defined in subsection (b) of this section; and

(2) Performs any of the functions listed in subsection (d) of this section.

(b) For purposes of this section, a dietetic rehabilitation committee is a committee of the Board or a committee:

(1) Composed equally of members of:

(i) The Maryland Dietetic Association; and

(ii) The American Nutritionists Association;

(2) Recognized by the Board; and

(3) That includes but is not limited to [dietitians and nutritionists] DIETITIAN-NUTRITIONISTS.

(c) A rehabilitation committee of the Board or recognized by the Board may function:

(1) Solely for the Board; or

(2) Jointly with a rehabilitation committee representing another board or boards.

(d) For purposes of this section, a dietetic rehabilitation committee evaluates and provides assistance to any [dietitian, nutritionist,] DIETITIAN-NUTRITIONIST and any other individual regulated by the Board in need of treatment and rehabilitation for alcoholism, drug abuse, chemical dependency, or other physical, emotional, or mental condition.

(e) (1) Except as otherwise provided in this subsection, the proceedings, records, and files of the dietetic rehabilitation committee are not discoverable and are not admissible in evidence in any civil action arising out of matters that are being or have been reviewed and evaluated by the dietetic rehabilitation committee.

(2) Paragraph (1) of this subsection does not apply to any record or document that is considered by the dietetic rehabilitation committee and that otherwise would be subject to discovery or introduction into evidence in a civil action.

(3) For purposes of this subsection, civil action does not include a proceeding before the Board or judicial review of a proceeding before the Board.

(f) A person who acts in good faith and within the scope of jurisdiction of a dietetic rehabilitation committee is not civilly liable for any action as a member of the dietetic rehabilitation committee or for giving information to, participating in, or contributing to the function of the dietetic rehabilitation committee.

5-401.

Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice dietetics in the State unless licensed by the Board.

5-402.

(a) Except as otherwise provided under this title, a person may not represent or imply to the public by use of the title ["licensed dietitian", or "licensed nutritionist"] "LICENSED DIETITIAN-NUTRITIONIST", by other title, by description of services, methods, or procedures that the person is authorized to practice dietetics in the State.

(b) Unless authorized to practice dietetics under this title, a person may not use the words or terms "DIETITIAN-NUTRITIONIST", "LICENSED DIETITIAN-NUTRITIONIST", "LDN", "dietitian", "licensed dietitian", "D", "LD", "NUTRITIONIST", "licensed nutritionist", or "LN".

5-403.

A person who violates § 5-401 or § 5-402 of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000 or imprisonment not exceeding 1 year or both.

5-501.

This title may be cited as the "Maryland [Dietitians and Licensed Nutritionists] LICENSED DIETITIAN-NUTRITIONISTS Act".

5-502.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, this title and all regulations adopted under this title shall terminate and be of no effect after July 1, [2005] 2015.

Article - State Government

8-403.

(a) On or before December 15 of the 2nd year before the evaluation date of a governmental activity or unit, the Legislative Policy Committee, based on a preliminary evaluation, may waive as unnecessary the evaluation required under this section.

(b) Except as otherwise provided in subsection (a) of this section, on or before the evaluation date for the following governmental activities or units, an evaluation shall be made of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units:

(18) Dietetic Practice, State Board of (§ 5-201 of the Health Occupations Article: July 1, [2004] 2014);

SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of Dietetic Practice and the Department of Health and Mental Hygiene shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee on or before October 1, 2004, in accordance with § 2-1246 of the State Government Article, on the implementation of the recommendations of the Department of Legislative Services contained in the sunset evaluation report dated October 2003.

SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding Section 1 of this Act, a member of the State Board of Dietetic Practice whose term as of June 30, 2004 was to terminate after July 1, 2004, shall continue to serve the remainder of the term, or until the member's successor is appointed.

SECTION 4. AND BE IT FURTHER ENACTED, That an individual licensed as a dietitian or nutritionist by the State Board of Dietetic Practice on June 30, 2004, in all respects, shall be considered licensed by the State Board of Dietetic Practice and, subject to the provisions of this Act, for the remainder of the term of the individual's license. On expiration of the individual's license, the individual may qualify for renewal of a license under § 5-308 of the Health Occupations Article as if the individual had been licensed as a dietitian-nutritionist by the State Board of Dietetic Practice.

SECTION 5. AND BE IT FURTHER ENACTED, That if an individual licensed as a dietitian or nutritionist by the State Board of Dietetic Practice on June 30, 2004 fails to timely renew the license, the individual may qualify for reinstatement of the license under § 5-309 of the Health Occupations Article as if the individual had been licensed as a dietitian-nutritionist by the State Board of Dietetic Practice.

SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2004.