

ETHICS AND UNLICENSED INDIVIDUALS

The Maryland Board of Dietetic Practice (“Board”) has recently issued disciplinary orders involving practicing dietetics with or supervising an unlicensed individual. All Board Disciplinary Orders may be found on the Board’s website: www.health.maryland.gov/dietetic.

Pursuant to the Maryland Dietetic Practice Act (“Act”). Md. Code Ann. Health Occ. (“HO”) §5-301(a), unless an individual meets the criteria for an exception to licensure, an individual must be licensed by the Board before the individual may practice dietetics in Maryland.

The exceptions to the licensure requirement are found in HO §5–301(b) and are, as follows:

- (1) A student or trainee, working under the supervision of a licensed 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 to practice dietetics, while practicing within the scope of that employment; and
- (3) An individual who aids in the practice of dietetics, if the individual works under the supervision of a licensed dietitian-nutritionist or licensed physician.¹

An individual is prohibited from practicing dietetics, at any time before the individual is licensed by the Board, including pending passage of the CDR or BCNS examinations unless one of the above exceptions to licensure applies.

¹ “Aids in the practice of dietetics in defined in Code of Maryland Regulations (COMAR) 10.56.01.02(2-1):

(a) "Aids in the practice of dietetics" means an individual directly or indirectly supervised by a licensed dietitian, licensed nutritionist, or licensed physician who assists in the practice of dietetics by following instructions in:

(i) Gathering and recording information for the purposes of assessing individual and community food practices and for assessing nutritional status using anthropometric, biochemical, clinical, dietary, and demographic data;

(ii) Providing nutrition information as part of preventive or restorative health care if the nutrition care plan, priorities, goals, and objectives for meeting nutrient needs were developed by a licensed practitioner; and

(iii) Applying standards for quality control in the areas of menu planning and procurement, food selection, production, assembly, distribution, and food safety and sanitation to ensure high quality nutritional care.

(b) "Aids in the practice of dietetics" **does not include:**

(i) Evaluation of nutritional status;

(ii) Formulation of nutrition standards;

(iii) Development or modification of diet instructions;

(iv) Evaluation of patient progress;

(v) Development of menu patterns for therapeutic diets; or

(vi) Establishing therapeutic diet production policies and procedures.

The State of Maryland does not recognize Registered Dietitian-Eligible as a category of licensure or as an exception to the licensure requirements in Maryland.

HO §5-401. Unlicensed individuals are also prohibited from representing that they are authorized to practice dietetics in the state and from using the words or terms “dietitian-nutritionist”, “licensed dietitian-nutritionist”, “LDN”, “dietitian”, “licensed dietitian”, “D”, “LD”, “nutritionist”, “licensed nutritionist”, or “LN”. HO §5-402. An unlicensed individual may be subject to criminal penalties or a civil fine assessed by the Board not to exceed \$50,000. HO §5-403.

All licensees should be aware of the ramifications of practicing dietetics with or supervising an unlicensed individual. Pursuant to HO §5-311(13), the Board may sanction a licensee if the licensee “Practices dietetics with an unauthorized person or supervises or aids an unauthorized person in the practice of dietetics.” The Board recommends that all licensees verify that the individuals they are working with and/or supervising are licensed by the Board. On-line verification of licensure is free and available 24/7 on the Board’s website at www.health.maryland.gov/dietetic.

If you have any questions regarding the licensure requirement in Maryland, please contact Marie M. Savage, Director, Maryland Board of Dietetic Practice at 410-764-4741 or marie.savage@maryland.gov.