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**STATE OF MICHIGAN  
102ND LEGISLATURE  
REGULAR SESSION OF 2024**

**Introduced by Reps. Pohutsky, Paiz, Young, Arbit, Price, Dievendorf, Morse, Rheingans, Snyder,  
Mentzer, Steckloff, Weiss, Breen and Glanville**

# **ENROLLED HOUSE BILL No. 4608**

AN ACT to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending sections 16141 and 16145 (MCL 333.16141 and 333.16145), as amended by 1993 PA 80, and by adding section 16346 and part 183A.

*The People of the State of Michigan enact:*

Sec. 16141. (1) The department shall furnish office services to the committee, the boards, and the task forces; have charge of their offices, records, and money collected; and perform managerial and administrative functions for them.

(2) The department shall appoint administrative and secretarial staff, clerks, and employees necessary to allow the proper exercise of the powers and duties of the committee, a board, or a task force. Salaries and other expenses incurred by the committee, a board, or a task force and staff and expenses for studies and activities authorized under this article must be paid out of funds appropriated by the legislature for those purposes.

(3) The department may promulgate rules to promote the effective and consistent administration of this article. However, except as provided in a specific part of this article, the department shall not promulgate rules that constitute the licensure, registration, or examination of health professionals.

Sec. 16145. (1) A board may adopt and have an official seal.

(2) A board or task force may promulgate rules necessary or appropriate to fulfill its functions under this article.

(3) Except as provided in a specific part of this article, only a board or task force shall promulgate rules to specify requirements for licenses, registrations, renewals, examinations, and required passing scores.

Sec. 16346. Fees for an individual licensed or seeking licensure as a dietitian nutritionist under part 183A are as follows:

(a) Application processing fee.....	\$ 75.00
(b) License fee, per year.....	\$ 55.00
(c) Temporary license fee.....	\$ 55.00

#### PART 183A. DIETETICS AND NUTRITION

Sec. 18351. (1) As used in this part:

(a) "Dietitian nutritionist" means an individual who is licensed or otherwise authorized to engage in the practice of medical nutrition therapy under this article.

(b) "General nonmedical nutrition information" means information on any of the following:

(i) Principles of human nutrition and food preparation.

(ii) Principles of self-care and a healthy relationship with food.

(iii) The essential nutrients needed by the human body.

(iv) The recommended amounts of essential nutrients in the human body.

(v) The actions of nutrients in the human body.

(vi) The effects of deficiencies or excesses of nutrients in the human body.

(vii) Foods, herbs, and dietary supplements that are good sources of essential nutrients in the human body.

(c) "Medical weight control" means the practice of medical nutrition therapy for the purpose of reducing, maintaining, or gaining weight.

(d) "Nutrition assessment" means the ongoing, dynamic, and systematic process of obtaining, verifying, and interpreting biochemical, anthropometric, physical, nutrigenomic, and dietary data to make decisions about the nature and cause of nutrition-related problems and making recommendations, including recommendations on enteral and parenteral nutrition. The collection of data does not, by itself, constitute nutrition assessment.

(e) "Nutrition care services" means any part or all of the following services within a systematic process:

(i) Assessing and evaluating the nutritional needs of individuals and groups and determining resources and constraints in the practice setting, including ordering laboratory tests to check and track nutrition status, creating dietary plans and orders, and monitoring the effectiveness thereof.

(ii) Interpreting anthropometric, biochemical, clinical, and dietary data in acute and chronic disease states and recommending or ordering nutrient needs based on dietary data, including enteral and parenteral nutrition.

(iii) Establishing priorities, goals, and objectives that meet nutritional needs and that are consistent with available resources and constraints.

(iv) Providing nutrition counseling in health and disease, including food and nutrient counseling and counseling on food and prescription drug interactions.

(v) Developing, implementing, and managing nutrition care systems.

(vi) Evaluating, making changes in, and maintaining appropriate standards of quality in food and nutrition services.

(vii) Ordering therapeutic diets.

(f) "Nutrition counseling" means a supportive process, characterized by a collaborative counselor-patient or counselor-client relationship with individuals or groups, to establish food and nutrition priorities, goals, and individualized action plans and general physical activity guidance that acknowledge and foster responsibility for self-care to treat or manage an existing disease or medical condition or to promote health and wellness.

(g) "Nutrition diagnosis" means identifying and labeling nutritional problems managed and treated by a dietitian nutritionist. Nutrition diagnosis does not include the medical differential diagnosis of the health status of an individual.

(h) "Nutrition intervention" means purposefully planned actions and nutrition counseling intended to positively change a nutrition-related behavior, risk factor, environmental condition, or aspect of the health status for an individual.

(i) “Nutrition monitoring and evaluation” means identifying patient outcomes relevant to a nutrition diagnosis and comparing the outcomes with the patient’s previous health status, intervention goals, or reference standards to determine the progress made in achieving desired outcomes of nutrition care and whether nutrition intervention should be continued or revised.

(j) “Patient” means an individual recipient of the practice of medical nutrition therapy, whether in the outpatient, inpatient, or nonclinical setting.

(k) “Practice of dietetics and nutrition” means the integration and application of scientific principles derived from the study of food, nutrition, biochemistry, metabolism, nutrigenomics, physiology, food systems and management, and from behavioral and social sciences in achieving and maintaining health throughout the lifespan and in providing nutrition care services, including the practice of medical nutrition therapy, for the prevention, management, and treatment of diseases or medical conditions. Practice of dietetics and nutrition does not include the medical differential diagnosis of the health status of an individual but does include each of the following:

(i) Nutrition assessment.

(ii) Nutrition diagnosis.

(iii) Nutrition support.

(iv) Dietary and nutrition counseling and education.

(v) Nutrition intervention.

(vi) Nutrition monitoring and evaluation.

(vii) Development and administration of nutrition care standards and systems.

(l) “Practice of medical nutrition therapy” means the provision of nutrition care services for the treatment or management of diseases or medical conditions.

(m) “Qualified supervisor” means an individual meeting the requirements described in section 18360.

(n) “Registered dietitian nutritionist” means an individual who is credentialed by the Commission on Dietetic Registration or its successor organization as a registered dietitian or registered dietitian nutritionist.

(o) “Therapeutic diet” means a diet intervention prescribed by a physician, or another health professional licensed under this article, that provides food or nutrients via oral, enteral, and parenteral routes as part of treatment of a disease or clinical condition to modify, eliminate, decrease, or increase identified micronutrients and macronutrients in the diet, or to provide mechanically altered food when indicated.

(p) “Unrestricted practice of medical nutrition therapy” means the application of dietetics and nutrition knowledge and skills by an individual who regulates and is responsible for the individual’s own practice or treatment procedures.

(2) In addition to the definitions in this part, article 1 contains general definitions and principles of construction applicable to all articles in this code and part 161 contains definitions applicable to this part.

Sec. 18353. (1) Beginning 18 months after the effective date of the initial rules promulgated under this part, an individual shall not engage in the practice of medical nutrition therapy unless the individual is licensed or otherwise authorized under this article.

(2) Subject to subsection (3), beginning 18 months after the effective date of the initial rules promulgated under this part, the following words, titles, or letters or a combination of the following words, titles, or letters, with or without qualifying words or phrases, are restricted in use only to a dietitian nutritionist: “licensed dietitian nutritionist”, “dietitian nutritionist”, “dietitian”, “dietician”, “nutritionist”, or “l.d.n.”.

(3) An individual, including a registered dietitian nutritionist, may use any lawfully earned federally trademarked title, and the words, titles, or letters “registered dietitian”, “registered dietitian nutritionist”, “r.d.”, or “r.d.n.”.

(4) In addition to the exemptions from licensure under section 16171, subsection (1) does not prevent any of the following:

(a) A physician or other individual licensed under any other part or any other act from performing activities that are considered the practice of medical nutrition therapy if those activities are within the individual’s scope of practice and the individual does not use the titles protected under subsection (2).

(b) An individual from doing any of the following if the individual, while doing any of the following, does not engage in the practice of medical nutrition therapy and the individual does not use the titles protected under subsection (2):

(i) Furnishing general nonmedical nutrition information.

(ii) Providing evaluation, guidance, information, and education on the use of food, food materials, or dietary supplements.

(iii) Providing explanations to individuals or groups about food or food products, including dietary supplements.

(c) An individual from providing medical weight control for prediabetes or obesity to individuals under a program of instruction that is approved in writing by 1 of the following:

(i) A dietitian nutritionist.

(ii) A health professional licensed under this article whose scope of practice otherwise authorizes the health professional to provide nutrition care services for the treatment or management of the disease or medical condition for which medical weight control is being provided.

(d) An individual from providing delegated medical weight control services under a plan of care that is overseen by a health professional licensed under this article whose scope of practice otherwise authorizes the health professional to provide and delegate nutrition care services for the treatment or management of the disease or medical condition for which medical weight control is being provided.

(e) Subject to section 16215, an employee or other individual who is assisting a dietitian nutritionist and who is under the dietitian nutritionist's appropriate supervision from performing activities or functions that are delegated by the dietitian nutritionist, that are not discretionary, that do not require the exercise of professional judgment for their performance, and that are within the dietitian nutritionist's authority to perform.

(f) An individual from providing general nonmedical nutrition information, guidance, encouragement, individualized nutrition recommendations for wellness or primary prevention of chronic disease, behavior change management, coaching, assessments, services for weight management, or other nutrition care services if the services do not constitute the practice of medical nutrition therapy, the individual does not use the titles protected under subsection (2) or otherwise hold the individual out as a dietitian nutritionist or as a provider who engages in the practice of medical nutrition therapy, and the individual does not otherwise violate this act.

(g) Notwithstanding section 16171(a), an individual who is pursuing the educational requirements described in section 18357(1) from engaging in the practice of medical nutrition therapy, but only if all of the following apply:

(i) The individual is engaging in the practice of medical nutrition therapy as part of a course of study.

(ii) The individual does not engage in the unrestricted practice of medical nutrition therapy.

(iii) The individual is under the appropriate supervision of a qualified supervisor who assumes full professional responsibility for the work of the individual by verifying, directing, and authorizing the work.

(iv) The individual is designated by a title that clearly indicates the individual's status as a student, trainee, or supervisee.

(h) An individual from fulfilling supervised practice experience requirements to qualify for licensure as a dietitian nutritionist under this part but only if all of the following apply:

(i) The individual does not engage in the unrestricted practice of medical nutrition therapy.

(ii) The individual is designated by a title that clearly indicates the individual's status as a student, trainee, or supervisee.

(iii) The individual is appropriately supervised by a qualified supervisor who agrees to assume full professional responsibility for the work of the individual by verifying, directing, and authorizing the work.

(iv) The individual is engaging in the practice of medical nutrition therapy as part of a planned, continuous supervised practice experience.

(i) An individual from doing either of the following:

(i) Providing verbal nutrition information as an operator or employee of a health food store or business that sells health products, including, but not limited to, dietary supplements, food, herbs, or food materials.

(ii) Disseminating written nutrition information in connection with the marketing and distribution of the products described in subparagraph (i), or discussing the use of the products described in subparagraph (i), including explanations of their federally regulated label claims, any known drug-nutrient interactions, their role in various diets, or suggestions as how to best use and combine them.

Sec. 18355. (1) The Michigan board of dietetics and nutrition is created in the department and consists of the following voting members, each of whom must meet the requirements of part 161:

(a) Nine dietitian nutritionists.

(b) One physician licensed under part 170 or 175.

(c) Three public members.

(2) The terms of office of individual members of the board created under this part, except those appointed to fill vacancies, expire on June 30 of the year in which the term expires.

Sec. 18357. (1) Except as otherwise provided in subsection (4) and subject to section 18359, an individual seeking licensure as a dietitian nutritionist shall meet all of the following requirements:

(a) Hold a baccalaureate, master's, or doctoral degree from a college or university located in this state or another state that, at the time of graduation, was accredited in good standing by a United States institutional accrediting body for higher education recognized by the United States Department of Education and is approved by the department, or hold from a foreign educational institution an academic degree that is validated as equivalent by a credential evaluation agency recognized by the United States Department of Education and is approved by the department in consultation with the board.

(b) Have successfully completed a didactic program in dietetics accredited by the Accreditation Council for Education in Nutrition and Dietetics.

(c) Have successfully completed a planned, documented supervised practice experience in the practice of dietetics and nutrition fulfilling the competency requirements of a program in dietetics that is accredited by the Accreditation Council for Education in Nutrition and Dietetics or its successor organization. Except as otherwise provided in subsection (3), the practice experience described in this subdivision must include at least 1,000 hours under the supervision of a dietitian nutritionist or a registered dietitian nutritionist.

(d) Have successfully completed the registration examination for dietitian nutritionists administered by the Commission on Dietetic Registration or its successor organization.

(e) Is a registered dietitian nutritionist.

(2) The department in consultation with the board shall automatically approve an academic program described in subsection (1)(a) or an applicant's supervised practice experience described in subsection (1)(c) that is accredited by the Accreditation Council for Education in Nutrition and Dietetics or its successor organization.

(3) Any supervised practice experience described in subsection (1)(c) undertaken after the effective date of the initial rules promulgated under this part must be under the supervision of a qualified supervisor.

(4) An individual who, on the day before the effective date of the amendatory act that added this part, has and continues to be a registered dietitian nutritionist in good standing, is eligible for licensure as a dietitian nutritionist under this part. An individual seeking licensure under this subsection who maintains the credential conferred by the Commission on Dietetic Registration or a successor credential conferred by its successor organization shall first apply for a license on or before the expiration of 2 years after the effective date of the initial rules promulgated under this part. Subject to section 16201 and to the continuing education requirements described in section 18359, an individual who obtains a license under this subsection is eligible for renewal of that license if the individual continues to meet the requirements of this subsection.

Sec. 18358. All of the following apply to a dietitian nutritionist:

(a) The dietitian nutritionist may accept or transmit orders related to the practice of medical nutrition therapy from a referring health professional licensed under this article, as established in rules promulgated by the department in consultation with the board.

(b) The dietitian nutritionist shall provide nutrition care services using systematic, evidence-based problem solving methods of the nutrition care process to critically think and make decisions to address nutrition-related problems and provide safe, effective, quality dietetic and nutrition services for individuals in clinical and community settings.

(c) The dietitian nutritionist may accept or transmit verbal, delegated, or electronically transmitted orders from a referring health professional licensed under this article consistent with applicable laws and rules and any controlling facility or employer protocols established to implement the practice of medical nutrition therapy.

(d) The dietitian nutritionist may order patient diets, including oral therapeutic diets, and enteral and parenteral nutrition therapy of specialized intravenous solutions and associated nutrition-related services, including, but not limited to, placing nasogastric and nasoenteric feeding tubes, as part of a therapeutic diet.

(e) The dietitian nutritionist may conduct swallow screens and order medical laboratory tests related to a nutritional therapeutic treatment as provided by the laws of this state.

(f) The dietitian nutritionist may implement prescription drug dose adjustments for specific disease treatment protocols within the limits of the dietitian nutritionist's knowledge, skills, judgment, and informed clinical practice guidelines as indicated in a facility, medical staff, or medical director approved protocol and as approved by and under the delegation of a prescriber.

(g) In an outpatient setting, the dietitian nutritionist may implement prescription drug dose adjustments for specific disease treatment protocols within the limits of the dietitian nutritionist's knowledge, skills, and judgment and as approved by and under the delegation of a prescriber.

(h) The dietitian nutritionist may recommend or order dietary supplements or the discontinuance of unnecessary dietary supplements, consistent with any existing controlling protocols.

(i) The dietitian nutritionist may develop and manage food service operations for the management or treatment of diseases or medical conditions, including operations with the primary function of nutrition care or recommending, ordering, or providing therapeutic diets.

(j) Except as otherwise provided in this section, the dietitian nutritionist shall not prescribe or initiate drug treatment.

(k) The dietitian nutritionist shall not perform an act, task, or function within the practice of dietetics and nutrition that the dietitian nutritionist is not competent to perform.

(l) The dietitian nutritionist may coordinate nutrition care services between health facilities or agencies as that term is defined in section 20106, including, but not limited to, monitoring, documenting, and deciding how and when to address weight changes and nutrition issues.

(m) The dietitian nutritionist may oversee the nutritional aspects of patient care within a health facility or agency as that term is defined in section 20106.

Sec. 18359. (1) Notwithstanding the requirements of part 161, the department, in consultation with the board, shall by rule prescribe continuing education requirements as a condition of license renewal. At a minimum, the board shall accept continuing education approved by and continuing education provided by entities approved by the Commission on Dietetic Registration or its successor organization and any other organization approved by the board. The department, in consultation with the board, may adopt any updates or amendments to the standards described in this subsection by rule.

(2) As required under section 16204, the department, in consultation with the board, shall promulgate rules requiring each applicant for license renewal to complete as part of the continuing education required under subsection (1) an appropriate number of hours or courses in pain and symptom management.

(3) The department, in consultation with the board, may promulgate rules under section 16145 to supplement the requirements for licensure as a dietitian nutritionist under this part, including adopting updated standards of the Commission on Dietetic Registration or the Accreditation Council for Education in Nutrition and Dietetics or standards of any successor organizations of the organizations described in this subsection.

(4) The department in consultation with the board shall do both of the following:

(a) Promulgate rules to establish a code of ethics for licensees.

(b) Promulgate initial rules to implement this part for individuals seeking licensure as a dietitian nutritionist.

Sec. 18360. (1) To qualify as a qualified supervisor for purposes of this part, subject to subsection (3), an individual must be 1 of the following:

(a) A registered dietitian nutritionist.

(b) A dietitian nutritionist.

(c) An individual licensed or certified in another state as a dietitian, dietitian nutritionist, nutritionist, or other qualified nutrition professional who is authorized by that state to engage in the practice of medical nutrition therapy.

(2) A qualified supervisor shall only supervise a clinical activity or nutrition care service for which the qualified supervisor is qualified and is authorized to perform.

(3) A qualified supervisor must be licensed under this article if the qualified supervisor is supervising an applicant who is engaging in the practice of medical nutrition therapy to an individual who is located in this state.

(4) A qualified supervisor shall comply with all of the following:

(a) Develop and carry out a program for advancing and optimizing the quality of care provided by a supervisee. The qualified supervisor and the supervisee shall identify and document goals for the supervised practice experience described in section 18357(1)(c), the assignment of clinical tasks as appropriate to the supervisee's evolving level of competence, the supervisee's relationship and access to the qualified supervisor, and an evaluation process for the supervisee's performance.

(b) Oversee the activities of, and accept responsibility for, the nutrition care services rendered by a supervisee, which includes a review of charts, records, and clinical notes of a supervisee on a regular basis and maintaining responsibility for the supervisee's clinical record keeping.

(c) At a minimum, be physically on-site and present where the supervisee is providing nutrition care services or be immediately and continuously available to the supervisee by means of 2-way real-time audiovisual

technology that allows for the direct, contemporaneous interaction by sight and sound between the qualified supervisor and the supervisee. If the qualified supervisor assigns a nutrition care service to a supervisee that is to be provided in a setting where the qualified supervisor is not routinely present, the qualified supervisor shall 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 supervisee.

(d) Limit the assignment of nutrition care services to those services that meet all of the following requirements:

(i) Are within the training and experience of a supervisee.

(ii) Are customary to the practice of the qualified supervisor.

(iii) Are within the parameters of the laws and rules of this state and any standards of the facility in which the qualified supervisor practices.

(e) Designate an alternate qualified supervisor to oversee a service provided in the event of and during a qualified supervisor's absence.

Sec. 18361. (1) Notwithstanding section 16181, the board may grant a temporary license to an applicant who meets all requirements for licensure under this part except an examination or other evaluation procedure. A temporary license granted under this section is automatically void if the applicant fails the examination or other evaluation procedure.

(2) The holder of a temporary license granted under this section shall practice under the supervision of a licensee who holds a license other than a limited license or temporary license.

(3) The holder of a temporary license issued under this section is subject to this part and the rules promulgated under this part, except for the requirements for licensure. The department may automatically void the temporary license if the applicant violates this subsection.

(4) A temporary license granted under this section is valid for 1 year and is not renewable. An individual may be granted only 1 temporary license under this section.

Sec. 18367. This part does not require new or additional third-party reimbursement or mandated worker's compensation benefits for services rendered by an individual licensed as a dietitian nutritionist under this part.



Clerk of the House of Representatives



Secretary of the Senate

Approved \_\_\_\_\_

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Governor