

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 25-0441.01 Josh Schultz x5486

HOUSE BILL 25-1220

HOUSE SPONSORSHIP

McCormick and Hartsook,

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Pelton B. and Mullica,

House Committees

Health & Human Services
Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF MEDICAL NUTRITION THERAPY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates the state board of dietetics and nutrition (board) under the supervision and control of the division of professions and occupations in the department of regulatory agencies. On and after September 1, 2026, an individual is prohibited from engaging in or offering to provide medical nutrition therapy unless the individual is licensed by the board. The board is authorized to license dietitians and nutritionists if they meet the requirements specified by the bill and the rules adopted by the board pursuant to the bill.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

An individual who desires to practice as a dietitian must file with the board:

- An application for a license;
- Proof of completion of educational requirements and supervised practice experience; and
- Proof of compliance with examination requirements or proof of holding a valid current registration with the Commission on Dietetic Registration.

An individual who desires to practice as a nutritionist must file with the board:

- An application for a license;
- Proof of completion of educational requirements and supervised practice experience; and
- Proof of compliance with examination requirements.

On or after September 1, 2026, but before September 1, 2028, the board may waive the examination requirement and may grant a nutritionist license to an applicant who meets specified criteria.

The board may deny or refuse to renew a license, suspend or revoke a license, or impose probationary conditions on a license. The board may also issue warnings or reprimands where the licensee or applicant for licensure has engaged in specified grounds for discipline or unprofessional conduct.

The board may issue a provisional license to practice as a dietitian or a nutritionist upon the filing of an application with the appropriate fees, submission of evidence of successful completion of the educational and supervised practice requirements, and submission of evidence that the individual has applied to take the required licensing examination.

The bill exempts specified individuals from the licensing requirements established by the bill.

An individual who practices or offers or attempts to practice as a dietitian or nutritionist without being licensed pursuant to the bill and who is not exempted from licensure commits a class 2 misdemeanor.

The board shall adopt rules as necessary to implement the bill.

The bill is scheduled for repeal on September 1, 2035. Before the repeal, the functions of the board in regulating dietitians and nutritionists are scheduled for review in accordance with the sunset law.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 223 to
3 title 12 as follows:

4 **ARTICLE 223**

1 **Dietitians and Nutritionists**

2 **12-223-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 223 IS
3 THE "DIETETICS AND NUTRITION PRACTICE ACT".

4 **12-223-102. Legislative declaration.** (1) THE GENERAL
5 ASSEMBLY FINDS AND DECLARES THAT:

6 (a) THE PRACTICE OF MEDICAL NUTRITION THERAPY IS ESSENTIAL
7 TO PROTECTING AND PROMOTING THE HEALTH, SAFETY, AND WELFARE OF
8 THE PEOPLE OF COLORADO. THE ABSENCE OF LICENSURE AND REGULATION
9 FOR INDIVIDUALS ENGAGED IN THIS PRACTICE HAS RESULTED IN
10 SIGNIFICANT RISKS, INCLUDING THE PROVISION OF CARE BY UNQUALIFIED
11 PRACTITIONERS, INEQUITABLE ACCESS TO CRUCIAL NUTRITION SERVICES
12 IN UNDERSERVED COMMUNITIES, AND INEFFICIENT UTILIZATION OF
13 REGISTERED DIETITIANS IN HEALTH-CARE SETTINGS.

14 (b) TO MITIGATE THESE RISKS AND ENSURE THE DELIVERY OF SAFE,
15 HIGH-QUALITY NUTRITION CARE, IT IS NECESSARY TO ESTABLISH A
16 LICENSURE FRAMEWORK THAT FORMALLY RECOGNIZES AND REGULATES
17 THE PRACTICE OF MEDICAL NUTRITION THERAPY. THIS FRAMEWORK WILL
18 PROTECT CONSUMERS FROM HARM, INCREASE ACCESS TO ESSENTIAL CARE,
19 FACILITATE PARTICIPATION IN THE NATIONAL DIETITIAN LICENSURE
20 COMPACT, AND ENABLE COLORADO TO ALIGN WITH NATIONAL
21 STANDARDS, THEREBY EXPANDING THE WORKFORCE OF QUALIFIED
22 PRACTITIONERS AND IMPROVING OUTCOMES FOR PATIENTS ACROSS THE
23 STATE.

24 (c) THIS LICENSURE PROGRAM IS NARROWLY TAILORED TO
25 REGULATE ONLY THE PRACTICE OF MEDICAL NUTRITION THERAPY WHILE
26 EXPLICITLY PRESERVING THE ABILITY OF OTHER PROFESSIONALS AND
27 INDIVIDUALS TO PROVIDE GENERAL NUTRITION GUIDANCE AND WELLNESS

1 SERVICES. THROUGH THIS ACTION, THE GENERAL ASSEMBLY REAFFIRMS
2 ITS COMMITMENT TO ENSURING EQUITABLE AND AFFORDABLE HEALTH
3 CARE AS WELL AS THE SAFETY AND WELL-BEING OF ALL COLORADANS.


4 **12-223-103. Applicability of common provisions.** ARTICLES 1,
5 20, AND 30 OF THIS TITLE 12 APPLY, ACCORDING TO THEIR TERMS, TO THIS
6 ARTICLE 223.

7 **12-223-104. Definitions.** AS USED IN THIS ARTICLE 223, UNLESS
8 THE CONTEXT OTHERWISE REQUIRES:

9 (1) "BOARD" MEANS THE STATE BOARD OF DIETETICS AND
10 NUTRITION CREATED IN SECTION 12-223-105.

11 (2) "DEGREE" MEANS A DEGREE RECEIVED FROM A COLLEGE OR
12 UNIVERSITY ACCREDITED BY THE APPROPRIATE UNITED STATES
13 REGIONALLY ACCREDITED BODY RECOGNIZED BY THE COUNCIL FOR
14 HIGHER EDUCATION ACCREDITATION AND THE UNITED STATES
15 DEPARTMENT OF EDUCATION AT THE TIME THE DEGREE WAS RECEIVED OR
16 A VALIDATED INTERNATIONAL EQUIVALENT.

17 (3) "DIETETICS" MEANS THE INTEGRATION AND APPLICATION OF
18 SCIENTIFIC PRINCIPLES DERIVED FROM THE STUDY OF FOOD, NUTRITION,
19 BIOCHEMISTRY, METABOLISM, NUTRIGENOMICS, PHYSIOLOGY,
20 PHARMACOLOGY, FOOD SYSTEMS, MANAGEMENT, AND BEHAVIORAL AND
21 SOCIAL SCIENCES TO ACHIEVE AND MAINTAIN OPTIMAL NUTRITION
22 STATUSES OF INDIVIDUALS AND GROUPS.

23 
24 (4) "LICENSED DIETITIAN" MEANS AN INDIVIDUAL LICENSED UNDER
25 THIS ARTICLE 223 AS MEETING THE REQUIREMENTS OF SECTION
26 12-223-107 (1) TO PRACTICE DIETETICS AND NUTRITION, INCLUDING THE
27 PROVISION OF MEDICAL NUTRITION THERAPY.

1 (5) "LICENSED NUTRITIONIST" MEANS AN INDIVIDUAL LICENSED
2 UNDER THIS ARTICLE 223 AS MEETING THE REQUIREMENTS OF SECTION
3 12-223-108 (1) OR (5) TO PRACTICE NUTRITION, INCLUDING THE PROVISION
4 OF MEDICAL NUTRITION THERAPY.

5 (6) "MEDICAL NUTRITION THERAPY" MEANS THE PROVISION OF ONE
6 OR MORE OF THE FOLLOWING NUTRITION CARE SERVICES FOR THE PURPOSE
7 OF MANAGEMENT OR TREATMENT OF A DISEASE OR MEDICAL CONDITION:

- 8 (a) NUTRITION ASSESSMENT;
- 9 (b) NUTRITION DIAGNOSIS;
- 10 (c) NUTRITION INTERVENTION; OR
- 11 (d) NUTRITION MONITORING AND EVALUATION.

12 (7) "MEDICAL WEIGHT CONTROL" MEANS MEDICAL NUTRITION
13 THERAPY PROVIDED FOR THE PURPOSE OF REDUCING, MAINTAINING, OR
14 GAINING WEIGHT.

15 (8) (a) "NONMEDICAL WEIGHT CONTROL" MEANS NUTRITION CARE
16 SERVICES FOR THE PURPOSE OF REDUCING, MAINTAINING, OR GAINING
17 WEIGHT THAT DO NOT CONSTITUTE THE TREATMENT OR MANAGEMENT OF
18 A DISEASE OR MEDICAL CONDITION.

19 (b) "NONMEDICAL WEIGHT CONTROL" INCLUDES WEIGHT CONTROL
20 SERVICES FOR HEALTHY POPULATION GROUPS TO ACHIEVE OR MAINTAIN
21 A HEALTHY WEIGHT.

22 (9) "NUTRITION" MEANS THE INTEGRATION AND APPLICATION OF
23 SCIENTIFIC PRINCIPLES DERIVED FROM THE STUDY OF NUTRITION SCIENCE,
24 CELLULAR AND SYSTEMIC METABOLISM, BIOCHEMISTRY, PHYSIOLOGY, AND
25 BEHAVIORAL SCIENCES FOR ACHIEVING AND MAINTAINING HEALTH
26 THROUGHOUT THE LIFESPAN OF AN INDIVIDUAL.

27 (10) (a) "NUTRITION ASSESSMENT" MEANS THE ONGOING,

1 DYNAMIC, AND SYSTEMATIC PROCESS OF ORDERING, OBTAINING,
2 VERIFYING, AND INTERPRETING BIOCHEMICAL, ANTHROPOMETRIC,
3 PHYSICAL, NUTRIGENOMIC, AND DIETARY DATA TO MAKE DECISIONS
4 ABOUT THE NATURE AND CAUSE OF NUTRITION-RELATED PROBLEMS
5 RELATIVE TO PATIENT AND COMMUNITY NEEDS.

6 (b) "NUTRITION ASSESSMENT" INVOLVES NOT ONLY INITIAL DATA
7 COLLECTION BUT ALSO REASSESSMENT AND ANALYSIS OF PATIENT OR
8 COMMUNITY NEEDS AND PROVIDES THE FOUNDATION FOR NUTRITION
9 DIAGNOSIS AND NUTRITIONAL RECOMMENDATIONS AND ORDERS.

10 (c) "NUTRITION ASSESSMENT" MAY REQUIRE ORDERING
11 LABORATORY TESTS TO CHECK AND TRACK NUTRITIONAL STATUSES. THE
12 COLLECTION OF NUTRITION-RELATED DATA DOES NOT, BY ITSELF,
13 CONSTITUTE NUTRITION ASSESSMENT.

14 (11) "NUTRITION CARE SERVICES" MEANS ALL OR A PART OF THE
15 FOLLOWING SERVICES PROVIDED WITHIN A SYSTEMATIC PROCESS:

16 (a) ASSESSING AND EVALUATING THE NUTRITIONAL NEEDS OF
17 INDIVIDUALS AND GROUPS AND DETERMINING RESOURCES AND
18 CONSTRAINTS IN A PRACTICE SETTING, INCLUDING THE ORDERING OF
19 NUTRITION-RELATED LABORATORY TESTS TO CHECK AND TRACK
20 NUTRITION STATUSES;

21 (b) IDENTIFYING NUTRITION PROBLEMS AND ESTABLISHING
22 PRIORITIES, GOALS, AND OBJECTIVES THAT MEET NUTRITIONAL NEEDS AND
23 ARE CONSISTENT WITH AVAILABLE RESOURCES AND CONSTRAINTS;

24 (c) CREATING INDIVIDUALIZED DIETARY PLANS AND ISSUING AND
25 IMPLEMENTING ORDERS TO MEET THE NUTRITIONAL NEEDS OF HEALTHY
26 INDIVIDUALS AND INDIVIDUALS WITH DISEASE STATES OR MEDICAL
27 CONDITIONS, INCLUDING ORDERING THERAPEUTIC DIETS AND MONITORING

1 THE DIETS' EFFECTIVENESS;

2 (d) DETERMINING AND PROVIDING APPROPRIATE NUTRITION
3 INTERVENTION IN HEALTH AND DISEASE, INCLUDING NUTRITION
4 COUNSELING ON FOOD AND PRESCRIPTION DRUG INTERACTIONS;

5 (e) DEVELOPING, IMPLEMENTING, AND MANAGING NUTRITION CARE
6 SYSTEMS; OR

7 (f) EVALUATING, MAKING CHANGES IN, AND MAINTAINING
8 APPROPRIATE STANDARDS OF QUALITY IN FOOD AND NUTRITION SERVICES.

9 (12) "NUTRITION COUNSELING" MEANS A SUPPORTIVE PROCESS,
10 CHARACTERIZED BY A COLLABORATIVE COUNSELOR-PATIENT
11 RELATIONSHIP WITH INDIVIDUALS OR GROUPS, THAT ESTABLISHES FOOD
12 AND NUTRITION PRIORITIES, GOALS, AND INDIVIDUALIZED ACTION PLANS
13 AND GENERAL PHYSICAL ACTIVITY GUIDANCE, WHICH ACKNOWLEDGES
14 AND FOSTERS RESPONSIBILITY FOR SELF-CARE, PROMOTES HEALTH AND
15 WELLNESS, OR TREATS OR MANAGES AN EXISTING DISEASE OR MEDICAL
16 CONDITION.

17 (13) "NUTRITION DIAGNOSIS" MEANS IDENTIFYING AND LABELING
18 NUTRITION PROBLEMS MANAGED AND TREATED BY A LICENSED DIETITIAN
19 OR A LICENSED NUTRITIONIST BUT DOES NOT INCLUDE A MEDICAL
20 DIAGNOSIS OF THE HEALTH STATUS OF AN INDIVIDUAL.

21 (14) (a) "NUTRITION INTERVENTION" MEANS PURPOSEFULLY
22 PLANNED ACTIONS, INCLUDING NUTRITION COUNSELING, INTENDED TO
23 POSITIVELY CHANGE A NUTRITION-RELATED BEHAVIOR, RISK FACTOR,
24 ENVIRONMENTAL CONDITION, OR ASPECT OF THE HEALTH STATUS OF AN
25 INDIVIDUAL AND THE INDIVIDUAL'S FAMILY OR CAREGIVERS, TARGET
26 GROUPS, OR THE COMMUNITY AT LARGE.

27 (b) "NUTRITION INTERVENTION" INCLUDES APPROVING, ORDERING,

1 AND MONITORING THERAPEUTIC DIETS AND COUNSELING ON FOOD AND
2 PRESCRIPTION DRUG INTERACTIONS.

3 (15) "NUTRITION MONITORING AND EVALUATION" MEANS
4 IDENTIFYING PATIENT OUTCOMES RELEVANT TO A NUTRITION DIAGNOSIS,
5 INTERVENTION PLANS, AND GOALS AND COMPARING THOSE PATIENT
6 OUTCOMES WITH PREVIOUS STATUSES, INTERVENTION GOALS, OR A
7 REFERENCE STANDARD TO DETERMINE THE PROGRESS MADE IN ACHIEVING
8 THE DESIRED OUTCOMES OF NUTRITION CARE AND WHETHER PLANNED
9 INTERVENTIONS SHOULD BE CONTINUED OR REVISED.

10 (16) "PATIENT" MEANS AN INDIVIDUAL RECIPIENT OF NUTRITION
11 CARE SERVICES.

12 (17) "PRACTICE OF DIETETICS":

13 (a) INCLUDES THE PROVISION OF NUTRITION CARE SERVICES,
14 INCLUDING MEDICAL NUTRITION THERAPY, IN PERSON OR VIA TELEHEALTH,
15 TO PREVENT, MANAGE, OR TREAT CHRONIC AND ACUTE DISEASES OR
16 MEDICAL CONDITIONS AND PROMOTE WELLNESS IN INPATIENT AND
17 OUTPATIENT SETTINGS; AND

18 (b) ENCOMPASSES THE DEVELOPMENT AND ORDERING OF
19 THERAPEUTIC DIETS VIA ORAL, ENTERAL, AND PARENTERAL ROUTES AND
20 PROVIDING OTHER ADVANCED MEDICAL NUTRITION THERAPY AND
21 RELATED SUPPORT ACTIVITIES CONSISTENT WITH CURRENT COMPETENCIES
22 REQUIRED OF ACADEMIC AND SUPERVISED PRACTICE PROGRAMS
23 ACCREDITED BY THE ACCREDITATION COUNCIL FOR EDUCATION IN
24 NUTRITION AND DIETETICS AND IN ACCORDANCE WITH THE "SCOPE AND
25 STANDARDS OF PRACTICE FOR THE REGISTERED DIETITIAN NUTRITIONIST"
26 ESTABLISHED BY THE ACADEMY OF NUTRITION AND DIETETICS.

27 (18) "PRACTICE OF NUTRITION":

1 (a) INCLUDES THE PROVISION OF NUTRITION CARE SERVICES,
2 INCLUDING MEDICAL NUTRITION THERAPY, IN PERSON OR VIA TELEHEALTH,
3 TO PREVENT, MANAGE, OR TREAT CHRONIC DISEASES OR MEDICAL
4 CONDITIONS AND PROMOTE WELLNESS IN OUTPATIENT SETTINGS; AND

5 (b) ENCOMPASSES, CONSISTENT WITH A LEVEL OF COMPETENCE:

6 (I) ORDERING ORAL THERAPEUTIC DIETS;

7 (II) ORDERING MEDICAL LABORATORY TESTS RELATED TO
8 NUTRITIONAL THERAPEUTIC TREATMENTS; AND

9 (III) RECOMMENDING VITAMINS, MINERALS, AND OTHER DIETARY
10 SUPPLEMENTS.

11 (19) "QUALIFIED SUPERVISOR" MEANS AN INDIVIDUAL PROVIDING
12 SUPERVISION WHO ASSUMES FULL PROFESSIONAL RESPONSIBILITY FOR THE
13 WORK OF THE SUPERVISED INDIVIDUAL BY VERIFYING, DIRECTING, AND
14 APPROVING THE PROVIDED NUTRITION CARE SERVICES, MEDICAL
15 NUTRITION THERAPY, AND OTHER WORK BEING SUPERVISED AND MEETS
16 THE REQUIREMENTS OF SECTION 12-223-112.

17 (20) "REGISTERED DIETITIAN" MEANS AN INDIVIDUAL WHO IS
18 CREDENTIALLED BY THE COMMISSION ON DIETETIC REGISTRATION, OR ITS
19 SUCCESSOR ORGANIZATION, AS A REGISTERED DIETITIAN OR A REGISTERED
20 DIETITIAN NUTRITIONIST AND IS AUTHORIZED TO USE SUCH TITLE AND THE
21 CORRESPONDING ABBREVIATIONS "RD" OR "RDN".

22 (21) "TELEHEALTH" HAS THE MEANING SET FORTH IN SECTION
23 10-16-123 (4)(e).

24 (22) "UNRESTRICTED PRACTICE OF MEDICAL NUTRITION THERAPY"
25 MEANS THE PROVISION OF MEDICAL NUTRITION THERAPY BY AN
26 INDIVIDUAL WHO IS RESPONSIBLE FOR THE INDIVIDUAL'S OWN PRACTICE OR
27 TREATMENT PROCEDURES.

1 **12-223-105. State board of dietetics and nutrition - created -**

2 **members - repeal.** (1) (a) THERE IS CREATED THE STATE BOARD OF
3 DIETETICS AND NUTRITION, WHICH IS A **TYPE 1** ENTITY, AS DEFINED IN
4 SECTION 24-1-105, AND WHICH EXERCISES ITS POWERS AND PERFORMS ITS
5 DUTIES AND FUNCTIONS UNDER THE DIVISION. THE BOARD CONSISTS OF
6 SEVEN MEMBERS WHO ARE RESIDENTS OF THIS STATE AND ARE APPOINTED
7 BY THE GOVERNOR AS FOLLOWS:

8 (I) EXCEPT AS PROVIDED IN SUBSECTION (1)(b)(I) OF THIS SECTION,
9 THREE MEMBERS MUST BE LICENSED DIETITIANS;

10 (II) EXCEPT AS PROVIDED IN SUBSECTION (1)(b)(I) OF THIS
11 SECTION, TWO MEMBERS MUST BE LICENSED NUTRITIONISTS;

12 (III) ONE MEMBER MUST BE A PHYSICIAN LICENSED TO PRACTICE
13 MEDICINE PURSUANT TO ARTICLE 240 OF THIS TITLE 12; AND

14 (IV) ONE MEMBER MUST NOT BE LICENSED UNDER THIS ARTICLE
15 223 OR ARTICLE 240 OF THIS TITLE 12 AND SHALL REPRESENT THE PUBLIC
16 AT LARGE.

17 (b) (I) LICENSED DIETITIANS AND LICENSED NUTRITIONISTS WHO
18 ARE MEMBERS OF THE BOARD MUST HAVE BEEN ACTIVELY PRACTICING IN
19 THE FIELD OF DIETETICS OR NUTRITION FOR NOT LESS THAN FIVE YEARS.
20 THE DIETITIANS AND NUTRITIONISTS INITIALLY APPOINTED TO THE BOARD
21 MUST BE ELIGIBLE FOR LICENSURE PURSUANT TO THIS ARTICLE 223 AND
22 MUST MAINTAIN LICENSURE, ONCE AVAILABLE, WHILE SERVING ON THE
23 BOARD; THEREAFTER, LICENSED DIETITIANS AND LICENSED NUTRITIONISTS
24 APPOINTED TO THE BOARD MUST BE LICENSED PURSUANT TO THIS ARTICLE
25 223 AND MUST MAINTAIN ACTIVE LICENSURE WHILE SERVING ON THE
26 BOARD.

27 (II) EXCEPT AS PROVIDED IN SUBSECTION (1)(b)(I) OF THIS

1 SECTION:

2 (A) AT LEAST ONE MEMBER OF THE BOARD MUST BE A LICENSED
3 DIETITIAN OR LICENSED NUTRITIONIST WHO IS AN EDUCATOR SPECIALIZING
4 IN THE FIELD OF DIETETICS OR NUTRITION ON THE FACULTY OF A COLLEGE
5 OR UNIVERSITY ACCREDITED AT THE TIME OF GRADUATION BY A UNITED
6 STATES INSTITUTIONAL ACCREDITING BODY FOR HIGHER EDUCATION
7 RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION;

8 (B) AT LEAST ONE MEMBER OF THE BOARD MUST BE A LICENSED
9 DIETITIAN WHOSE PRIMARY PRACTICE IS CLINICAL DIETETICS IN A HOSPITAL
10 OR LONG-TERM CARE INSTITUTION; AND

11 (C) AT LEAST ONE MEMBER OF THE BOARD MUST BE A LICENSED
12 DIETITIAN OR LICENSED NUTRITIONIST WHOSE PRIMARY PRACTICE IS
13 CONSULTING OR THE PRIVATE PRACTICE OF DIETETICS OR NUTRITION.

14 (c) THE MEMBER OF THE BOARD APPOINTED PURSUANT TO
15 SUBSECTION (1)(a)(IV) OF THIS SECTION MUST BE A CITIZEN OR
16 PERMANENT RESIDENT OF THE UNITED STATES AND A RESIDENT OF
17 COLORADO AND MUST NOT BE ANY OF THE FOLLOWING:

18 (I) A DIETITIAN OR A NUTRITIONIST;

19 (II) AN AGENT OR EMPLOYEE OF AN INDIVIDUAL ENGAGED IN THE
20 PROFESSION OF DIETETICS OR NUTRITION;

21 (III) A LICENSED HEALTH-CARE PROFESSIONAL OR AN INDIVIDUAL
22 ENROLLED IN A PROGRAM TO BECOME A LICENSED HEALTH-CARE
23 PROFESSIONAL;

24 (IV) AN AGENT OR EMPLOYEE OF A HEALTH-CARE INSTITUTION, A
25 HEALTH-CARE INSURER, OR A HEALTH-CARE PROFESSIONAL SCHOOL; OR

26 (V) A MEMBER OF AN ALLIED HEALTH PROFESSION OR AN
27 INDIVIDUAL ENROLLED IN A PROGRAM TO BECOME A MEMBER OF AN

1 ALLIED HEALTH PROFESSION.

2 (d) (I) THE GOVERNOR SHALL MAKE THE INITIAL APPOINTMENTS TO
3 THE BOARD ON OR BEFORE SIX MONTHS AFTER THE EFFECTIVE DATE OF
4 THIS ARTICLE 223.

5 (II) THE INITIAL TERM OF APPOINTMENT OF TWO LICENSED
6 DIETITIANS APPOINTED PURSUANT TO SUBSECTION (1)(a)(I) OF THIS
7 SECTION, ONE LICENSED NUTRITIONIST APPOINTED PURSUANT TO
8 SUBSECTION (1)(a)(II) OF THIS SECTION, AND THE MEMBER REPRESENTING
9 THE PUBLIC AT LARGE APPOINTED PURSUANT TO SUBSECTION (1)(a)(IV) OF
10 THIS SECTION IS TWO YEARS, WITH THE INITIAL TERM OF APPOINTMENT FOR
11 THE REMAINING MEMBERS OF THE BOARD BEING THREE YEARS.

12 (III) THIS SUBSECTION (1)(d) IS REPEALED, EFFECTIVE DECEMBER
13 1, 2030.

14 (e) (I) EACH MEMBER OF THE BOARD SERVES AT THE PLEASURE OF
15 THE GOVERNOR. EXCEPT AS PROVIDED IN SUBSECTION (1)(d) OF THIS
16 SECTION, THE TERM OF APPOINTMENT IS THREE YEARS. A MEMBER SHALL
17 NOT SERVE MORE THAN TWO CONSECUTIVE TERMS.

18 (II) EACH MEMBER OF THE BOARD SHALL RECEIVE THE
19 COMPENSATION PROVIDED FOR IN SECTION 12-20-103 (6).

20 (III) THE DIRECTOR OF THE DIVISION SHALL CALL THE FIRST
21 MEETING OF THE BOARD NO LATER THAN THREE MONTHS AFTER THE
22 GOVERNOR MAKES ALL OF THE INITIAL APPOINTMENTS TO THE BOARD.

23 (IV) THE BOARD SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS
24 TO SERVE FOR A TERM NOT TO EXCEED ONE YEAR. A CHAIR SHALL NOT
25 SERVE MORE THAN THREE CONSECUTIVE TERMS.

26 (V) THE BOARD SHALL MEET AT LEAST ONCE EVERY THREE
27 MONTHS, OR MORE FREQUENTLY AS DETERMINED NECESSARY BY THE

1 CHAIR.

2 (2) THE CHAIR IS AN OFFICIAL REPRESENTATIVE OF THE BOARD
3 AND IS RESPONSIBLE FOR THE DAILY ACTIVITIES OF THE BOARD AND ITS
4 STAFF.

5 **12-223-106. Powers and duties of the board - rules.** (1) IN
6 ADDITION TO THE OTHER POWERS AND DUTIES OF THE BOARD AS SET
7 FORTH IN THIS ARTICLE 223 AND ARTICLES 20 AND 30 OF THIS TITLE 12,
8 THE BOARD HAS THE FOLLOWING POWERS AND DUTIES:

9 (a) TO LICENSE DIETITIANS AND NUTRITIONISTS IN A MANNER
10 CONSISTENT WITH THIS ARTICLE 223;

11 (b) TO KEEP A RECORD OF THE BOARD'S PROCEEDINGS, A REGISTER
12 OF ALL APPLICANTS FOR LICENSURE, AND A REGISTER OF ALL LICENSED
13 DIETITIANS AND LICENSED NUTRITIONISTS;

14 (c) TO ADOPT RULES PURSUANT TO SECTION 12-20-204 TO GOVERN
15 THE BOARD'S ACTIONS AND PROVIDE FOR THE ENFORCEMENT OF THIS
16 ARTICLE 223;

17 (d) TO ADOPT THE LICENSURE STANDARDS PRESCRIBED IN THIS
18 ARTICLE 223 AND RULES RELEVANT TO LICENSURE, INCLUDING ADOPTING
19 UPDATED STANDARDS OF ACCREDITING ORGANIZATIONS;

20 (e) TO ADOPT BY RULE A CODE OF ETHICS AND STANDARDS OF
21 PRACTICE AND PROFESSIONAL RESPONSIBILITIES;

22 (f) (I) TO ESTABLISH AND COLLECT THE FEES FOR LICENSURE AND
23 RENEWAL AND REINSTATEMENT OF LICENSURE IN THE MANNER
24 AUTHORIZED BY SECTION 12-20-105; AND

25 (II) TO ESTABLISH AND COLLECT FEES AND MAKE EXPENDITURES
26 AS REQUIRED BY THIS ARTICLE 223;

27 (g) TO ADMINISTER CONTINUING EDUCATION REQUIREMENTS FOR

1 THE RENEWAL OF A LICENSE, AS SET FORTH IN SECTION 12-223-114;

2 (h) TO RECEIVE AND PROCESS COMPLAINTS AND INVESTIGATE
3 ALLEGED VIOLATIONS OF THIS ARTICLE 223;

4 (i) TO CONDUCT ADMINISTRATIVE HEARINGS IN ACCORDANCE WITH
5 SECTION 12-20-403 IN ALL MATTERS RELATING TO THE EXERCISE AND
6 PERFORMANCE OF THE POWERS AND DUTIES VESTED IN THE BOARD;

7 (j) TO OBTAIN A SET OF FINGERPRINTS FROM AN APPLICANT FOR
8 INITIAL LICENSURE PURSUANT TO SECTION 12-223-107 (2) OR 12-223-108
9 (3);

10 (k) TO SEEK AN INJUNCTION IN ACCORDANCE WITH SECTION
11 12-20-406 TO ENJOIN AN ACT OR PRACTICE THAT CONSTITUTES A
12 VIOLATION OF THIS ARTICLE 223;

13 (l) TO PROVIDE FOR EXAMINATION OR WAIVER OF EXAMINATION
14 FOR APPLICANTS PURSUANT TO SECTION 12-223-107 (1)(a)(III) OR
15 12-223-108 (1)(c)(I) OR (5);

16 (m) TO IMPOSE PENALTIES IN ACCORDANCE WITH THIS ARTICLE 223
17 AND WITH SECTIONS 12-20-404 AND 12-20-407; AND

18 (n) TO ADOPT A SEAL OR OTHER METHOD TO AUTHENTICATE
19 DOCUMENTS.

20 (2) BOARD MEMBERS SHALL REMAIN IMPARTIAL IN ALL MATTERS
21 THAT COME BEFORE THE BOARD AND SHALL RECUSE THEMSELVES FROM
22 PARTICIPATION IN ANY MATTER FOR WHICH THEY HAVE A PERSONAL OR
23 FINANCIAL INTEREST TO AVOID A CONFLICT OF INTEREST.

24 **12-223-107. Licensure of dietitians - qualifications -**
25 **application.** (1) **AN** APPLICANT FOR A LICENSE AS A DIETITIAN SHALL
26 SUBMIT A COMPLETED APPLICATION AS REQUIRED BY THE BOARD
27 DEMONSTRATING THE APPLICANT IS CAPABLE AND PROFESSIONALLY

1 COMPETENT, AS DETERMINED BY THE BOARD, TO SAFELY ENGAGE IN THE
2 PRACTICES OF DIETETICS AND NUTRITION, SUBMIT THE FEES AS REQUIRED
3 BY THE BOARD, SUBMIT FINGERPRINTS PURSUANT TO SUBSECTION (2) OF
4 THIS SECTION, AND SUBMIT PROOF OF ONE OF THE FOLLOWING:

5 (a) PROOF OF COMPLETION OF ALL OF THE FOLLOWING
6 EDUCATIONAL REQUIREMENTS AND SUPERVISED PRACTICE EXPERIENCE
7 AND EXAMINATION REQUIREMENTS:

8 (I) PROOF OF ONE OF THE FOLLOWING EDUCATIONAL
9 REQUIREMENTS:

10 (A) A MASTER'S DEGREE OR DOCTORAL DEGREE WITH A PROGRAM
11 OF STUDY THAT IS ACCREDITED BY THE ACCREDITATION COUNCIL FOR
12 EDUCATION IN NUTRITION AND DIETETICS, OR ITS SUCCESSOR
13 ORGANIZATION; OR

14 (B) AN INTERNATIONAL ACADEMIC DEGREE THAT THE BOARD
15 DETERMINES IS EQUIVALENT TO A DEGREE DESCRIBED IN SUBSECTION
16 (1)(a)(I)(A) OF THIS SECTION WITH A PROGRAM OF STUDY THAT IS
17 ACCREDITED BY THE ACCREDITATION COUNCIL FOR EDUCATION IN
18 NUTRITION AND DIETETICS, OR ITS SUCCESSOR ORGANIZATION;

19 (II) SATISFACTORY COMPLETION OF A PLANNED, DOCUMENTED,
20 AND SUPERVISED EXPERIENCE IN DIETETICS AND NUTRITION PRACTICE
21 APPROVED BY THE BOARD AND ACCREDITED BY THE ACCREDITATION
22 COUNCIL FOR EDUCATION IN NUTRITION AND DIETETICS, OR ITS
23 SUCCESSOR ORGANIZATION, THAT INVOLVES AT LEAST ONE THOUSAND
24 HOURS OF SUPERVISED PRACTICE EXPERIENCE UNDER THE SUPERVISION OF
25 A QUALIFIED SUPERVISOR. AN APPLICANT SHALL COMPLETE A SUPERVISED
26 PRACTICE EXPERIENCE WITHIN FIVE YEARS AFTER COMPLETING THE
27 EDUCATIONAL REQUIREMENTS DESCRIBED IN SUBSECTION (1)(a)(I) OF THIS

1 SECTION UNLESS THE BOARD, FOR EXTRAORDINARY CIRCUMSTANCES,
2 GRANTS AN EXTENSION FOR A LIMITED TIME.

3 (III) SUCCESSFUL COMPLETION OF THE REGISTRATION
4 EXAMINATION FOR DIETITIANS ADMINISTERED BY THE COMMISSION ON
5 DIETETIC REGISTRATION, OR ITS SUCCESSOR ORGANIZATION. IF PASSAGE
6 OF THE EXAMINATION OCCURRED MORE THAN FIVE YEARS BEFORE THE
7 APPLICATION FOR LICENSURE, THE APPLICANT SHALL DEMONSTRATE
8 COMPLETION OF SEVENTY-FIVE HOURS OF CONTINUING EDUCATION
9 MEETING THE CONTINUING EDUCATION CRITERIA OF THE BOARD PER EACH
10 FIVE-YEAR PERIOD POST-EXAMINATION.

11 (b) PROOF OF A VALID REGISTRATION WITH THE COMMISSION ON
12 DIETETIC REGISTRATION, OR ITS SUCCESSOR ORGANIZATION, THAT GIVES
13 THE APPLICANT THE RIGHT TO USE THE TERM "REGISTERED DIETITIAN",
14 "REGISTERED DIETITIAN NUTRITIONIST", "RD", OR "RDN".

15 (2) (a) AN APPLICANT FOR LICENSURE AS A DIETITIAN PURSUANT
16 TO THIS ARTICLE 223 SHALL SUBMIT TO A FINGERPRINT-BASED CRIMINAL
17 HISTORY RECORD CHECK. THE APPLICANT MUST PAY THE COSTS
18 ASSOCIATED WITH THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD
19 CHECK.

20 (b) AFTER SUBMITTING AN APPLICATION FOR A LICENSE, THE
21 APPLICANT SHALL HAVE THE APPLICANT'S FINGERPRINTS TAKEN BY A
22 LOCAL LAW ENFORCEMENT AGENCY OR ANY THIRD PARTY APPROVED BY
23 THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF
24 OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE
25 APPLICANT SHALL AUTHORIZE THE ENTITY TAKING THE APPLICANT'S
26 FINGERPRINTS TO SUBMIT, AND THE ENTITY SHALL SUBMIT, THE COMPLETE
27 SET OF THE APPLICANT'S FINGERPRINTS TO THE COLORADO BUREAU OF

1 INVESTIGATION FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED
2 CRIMINAL HISTORY RECORD CHECK.

3 (c) IF AN APPROVED THIRD PARTY TAKES THE APPLICANT'S
4 FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED
5 USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVSCAN
6 EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT'S
7 INFORMATION FOR MORE THAN THIRTY DAYS.

8 (d) THE COLORADO BUREAU OF INVESTIGATION SHALL USE THE
9 APPLICANT'S FINGERPRINTS TO CONDUCT A CRIMINAL HISTORY RECORD
10 CHECK USING THE BUREAU'S RECORDS. THE COLORADO BUREAU OF
11 INVESTIGATION SHALL ALSO FORWARD THE FINGERPRINTS TO THE FEDERAL
12 BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A
13 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE COLORADO
14 BUREAU OF INVESTIGATION, APPLICANT, BOARD, AND ENTITY TAKING
15 FINGERPRINTS SHALL COMPLY WITH THE FEDERAL BUREAU OF
16 INVESTIGATION'S REQUIREMENTS TO CONDUCT A CRIMINAL HISTORY
17 RECORD CHECK.

18 (e) THE COLORADO BUREAU OF INVESTIGATION SHALL RETURN THE
19 RESULTS OF ITS CRIMINAL HISTORY RECORD CHECK TO THE BOARD, AND
20 THE BOARD IS AUTHORIZED TO RECEIVE THE RESULTS OF THE FEDERAL
21 BUREAU OF INVESTIGATION'S CRIMINAL HISTORY RECORD CHECK. THE
22 BOARD SHALL USE THE INFORMATION RESULTING FROM THE CRIMINAL
23 HISTORY RECORD CHECKS TO INVESTIGATE AND DETERMINE WHETHER AN
24 APPLICANT IS QUALIFIED TO HOLD A LICENSE PURSUANT TO THIS ARTICLE
25 223.

26 (f) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
27 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS

1 SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE
2 BOARD SHALL REQUIRE THE APPLICANT TO SUBMIT TO A NAME-BASED
3 JUDICIAL RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

4 (3) AFTER AN APPLICANT HAS FULFILLED THE REQUIREMENTS OF
5 SUBSECTIONS (1) AND (2) OF THIS SECTION, THE BOARD SHALL ISSUE A
6 LICENSE TO THE APPLICANT; EXCEPT THAT THE BOARD MAY DENY A
7 LICENSE PURSUANT TO SECTIONS 12-20-404 (1)(d)(I) AND 12-223-109.

8 **12-223-108. Licensure of nutritionists - qualifications -**
9 **application - transitional license - rules - repeal.** (1) AN APPLICANT

10 FOR A LICENSE AS A NUTRITIONIST SHALL SUBMIT A COMPLETED
11 APPLICATION AS REQUIRED BY THE BOARD DEMONSTRATING THE
12 APPLICANT IS CAPABLE AND PROFESSIONALLY COMPETENT, AS
13 DETERMINED BY THE BOARD, TO SAFELY ENGAGE IN THE PRACTICE OF
14 NUTRITION, SUBMIT THE FEES AS REQUIRED BY THE BOARD, SUBMIT
15 FINGERPRINTS PURSUANT TO SUBSECTION (3) OF THIS SECTION, AND
16 SUBMIT PROOF OF COMPLETION OF ALL THE FOLLOWING EDUCATIONAL
17 REQUIREMENTS, SUPERVISED PRACTICE EXPERIENCES, AND EXAMINATION
18 REQUIREMENTS:

19 (a) PROOF OF COMPLETION OF A DOCTORAL DEGREE OR VALIDATED
20 INTERNATIONAL EQUIVALENT IN A FIELD OF CLINICAL HEALTH CARE FROM
21 A COLLEGE OR UNIVERSITY ACCREDITED AT THE TIME OF GRADUATION BY
22 A UNITED STATES INSTITUTIONAL ACCREDITING BODY FOR HIGHER
23 EDUCATION RECOGNIZED BY THE UNITED STATES DEPARTMENT OF
24 EDUCATION OR A MASTER'S OR DOCTORAL DEGREE OR VALIDATED
25 INTERNATIONAL EQUIVALENT FROM A COLLEGE OR UNIVERSITY
26 ACCREDITED AT THE TIME OF GRADUATION BY A UNITED STATES
27 INSTITUTIONAL ACCREDITING BODY FOR HIGHER EDUCATION RECOGNIZED

1 BY THE UNITED STATES DEPARTMENT OF EDUCATION WITH A MAJOR IN:

2 (I) HUMAN NUTRITION;

3 (II) FOODS AND NUTRITION;

4 (III) COMMUNITY NUTRITION;

5 (IV) PUBLIC HEALTH NUTRITION;

6 (V) NUTRITION EDUCATION;

7 (VI) NUTRITION;

8 (VII) NUTRITION SCIENCE;

9 (VIII) CLINICAL NUTRITION;

10 (IX) APPLIED CLINICAL NUTRITION;

11 (X) NUTRITION COUNSELING;

12 (XI) NUTRITION AND FUNCTIONAL MEDICINE;

13 (XII) NUTRITIONAL BIOCHEMISTRY;

14 (XIII) NUTRITION AND INTEGRATIVE HEALTH; OR

15 (XIV) A COMPARABLY TITLED MAJOR;

16 (b) SATISFACTORY COMPLETION OF A PLANNED, DOCUMENTED,
17 AND CONTINUOUS SUPERVISED PRACTICE EXPERIENCE THAT
18 DEMONSTRATES COMPETENCE IN PROVIDING NUTRITION CARE SERVICES
19 AND MEDICAL NUTRITION THERAPY THAT IS APPROVED BY THE BOARD AND
20 MEETS THE FOLLOWING REQUIREMENTS REGARDING SUPERVISED PRACTICE
21 EXPERIENCE:

22 (I) COMPLETION WITHIN FIVE YEARS AFTER COMPLETING THE
23 REQUIREMENTS DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION, UNLESS
24 THE BOARD, FOR EXTRAORDINARY CIRCUMSTANCES, GRANTS AN
25 EXTENSION FOR A LIMITED TIME;

26 (II) COMPLETION OF AT LEAST ONE THOUSAND HOURS
27 CUMULATIVELY IN THE FOLLOWING PRACTICE AREAS, WITH A MINIMUM OF

1 TWO HUNDRED HOURS COMPLETED IN EACH PRACTICE AREA:

2 (A) NUTRITION ASSESSMENT;

3 (B) NUTRITION INTERVENTION; AND

4 (C) NUTRITION MONITORING AND EVALUATION;

5 (III) THE BOARD DETERMINES THAT THE SUPERVISED PRACTICE
6 EXPERIENCE HAS PREPARED THE APPLICANT TO PROVIDE NUTRITION CARE
7 SERVICES FOR VARIOUS POPULATIONS OF DIVERSE CULTURES, OF GENDERS,
8 AND ACROSS THE LIFE CYCLE AND TO BE ABLE TO COMPETENTLY
9 FORMULATE ACTIONABLE MEDICAL NUTRITION THERAPIES AND
10 INTERVENTIONS, EDUCATION, COUNSELING, AND ONGOING CARE FOR THE
11 PREVENTION, MODULATION, AND MANAGEMENT OF A RANGE OF CHRONIC
12 MEDICAL CONDITIONS; AND

13 (IV) SUPERVISION BY A QUALIFIED SUPERVISOR, AS DETERMINED
14 PURSUANT TO SECTION 12-223-112; AND

15 (c) COMPLETION OF EXAMINATION REQUIREMENTS BY
16 DEMONSTRATING EITHER OF THE FOLLOWING:

17 (I) PASSAGE OF THE CERTIFIED NUTRITION SPECIALIST
18 EXAMINATION ADMINISTERED BY THE BOARD FOR CERTIFICATION OF
19 NUTRITION SPECIALISTS, OR ITS SUCCESSOR ORGANIZATION, OR AN
20 EQUIVALENT EXAMINATION ON ALL ASPECTS OF THE PRACTICE OF
21 NUTRITION THAT HAS BEEN REVIEWED UNDER A PROGRAM THAT REQUIRES
22 A MASTER'S DEGREE OR HIGHER, IS ACCREDITED BY THE NATIONAL
23 COMMISSION FOR CERTIFYING AGENCIES OR ITS SUCCESSOR
24 ORGANIZATION, AND IS APPROVED BY THE BOARD. IF PASSAGE OF THE
25 EXAMINATION OCCURRED MORE THAN FIVE YEARS BEFORE THE
26 APPLICATION FOR LICENSURE, THE APPLICANT SHALL DEMONSTRATE
27 COMPLETION OF SEVENTY-FIVE HOURS OF CONTINUING EDUCATION

1 MEETING THE CONTINUING EDUCATION CRITERIA OF THE BOARD PER EACH
2 FIVE-YEAR PERIOD POST-EXAMINATION.

3 (II) THE APPLICANT HOLDS A VALID CERTIFICATION WITH THE
4 BOARD FOR CERTIFICATION OF NUTRITION SPECIALISTS, OR ITS
5 SUCCESSOR ORGANIZATION, THAT GIVES THE APPLICANT THE RIGHT TO USE
6 THE TITLE "CERTIFIED NUTRITION SPECIALIST".

7 (2) TO COMPLY WITH THE EDUCATIONAL REQUIREMENTS SET
8 FORTH IN SUBSECTION (1)(a) OF THIS SECTION AND REGARDLESS OF THE
9 COURSE OF STUDY, THE APPLICANT SHALL HAVE COMPLETED COURSEWORK
10 LEADING TO COMPETENCE IN MEDICAL NUTRITION THERAPY, INCLUDING
11 BOTH OF THE FOLLOWING:

12 (a) FIFTEEN SEMESTER HOURS OF CLINICAL OR LIFE SCIENCES, SUCH
13 AS COURSES IN CHEMISTRY, ORGANIC CHEMISTRY, BIOLOGY, MOLECULAR
14 BIOLOGY, BIOTECHNOLOGY, BOTANY, GENETICS, GENOMICS,
15 NEUROSCIENCE, EXPERIMENTAL SCIENCE, IMMUNOTHERAPY, PATHOLOGY,
16 PHARMACOLOGY, TOXICOLOGY, RESEARCH METHODS, APPLIED STATISTICS,
17 BIostatISTICS, EPIDEMIOLOGY, ENERGY PRODUCTION, MOLECULAR
18 PATHWAYS, HORMONE AND TRANSMITTER REGULATIONS AND IMBALANCE,
19 AND PATHOPHYSIOLOGIC BASIS OF DISEASE. THREE SEMESTER HOURS
20 MUST BE IN HUMAN ANATOMY AND PHYSIOLOGY OR THE EQUIVALENT.

21 (b) FIFTEEN SEMESTER HOURS OF NUTRITION AND METABOLISM,
22 SUCH AS COURSES IN NUTRITION ASSESSMENT, DEVELOPMENTAL
23 NUTRITION, NUTRITIONAL ASPECTS OF DISEASE, HUMAN NUTRITION,
24 MACRONUTRIENTS, MICRONUTRIENTS, VITAMINS AND MINERALS,
25 FUNCTIONAL MEDICINE NUTRITION, MOLECULAR METABOLISM, CLINICAL
26 NUTRITION, MEDICAL NUTRITION THERAPY, NUTRITIONAL BIOCHEMISTRY,
27 NUTRITION AND DIGESTIVE HEALTH, AND PUBLIC HEALTH NUTRITION. AT

1 LEAST SIX SEMESTER HOURS MUST BE IN BIOCHEMISTRY.

2 (3) (a) AN APPLICANT FOR LICENSURE AS A NUTRITIONIST
3 PURSUANT TO THIS ARTICLE 223 SHALL SUBMIT TO A FINGERPRINT-BASED
4 CRIMINAL HISTORY RECORD CHECK. THE APPLICANT MUST PAY THE COSTS
5 ASSOCIATED WITH THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD
6 CHECK.

7 (b) AFTER SUBMITTING AN APPLICATION FOR A LICENSE, THE
8 APPLICANT SHALL HAVE THE APPLICANT'S FINGERPRINTS TAKEN BY A
9 LOCAL LAW ENFORCEMENT AGENCY OR ANY THIRD PARTY APPROVED BY
10 THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF
11 OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE
12 APPLICANT SHALL AUTHORIZE THE ENTITY TAKING THE APPLICANT'S
13 FINGERPRINTS TO SUBMIT, AND THE ENTITY SHALL SUBMIT, THE COMPLETE
14 SET OF THE APPLICANT'S FINGERPRINTS TO THE COLORADO BUREAU OF
15 INVESTIGATION FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED
16 CRIMINAL HISTORY RECORD CHECK.

17 (c) IF AN APPROVED THIRD PARTY TAKES THE APPLICANT'S
18 FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED
19 USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVESCAN
20 EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT'S
21 INFORMATION FOR MORE THAN THIRTY DAYS.

22 (d) THE COLORADO BUREAU OF INVESTIGATION SHALL USE THE
23 APPLICANT'S FINGERPRINTS TO CONDUCT A CRIMINAL HISTORY RECORD
24 CHECK USING THE BUREAU'S RECORDS. THE COLORADO BUREAU OF
25 INVESTIGATION SHALL ALSO FORWARD THE FINGERPRINTS TO THE FEDERAL
26 BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A
27 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE COLORADO

1 BUREAU OF INVESTIGATION, APPLICANT, BOARD, AND ENTITY TAKING
2 FINGERPRINTS SHALL COMPLY WITH THE FEDERAL BUREAU OF
3 INVESTIGATION'S REQUIREMENTS TO CONDUCT A CRIMINAL HISTORY
4 RECORD CHECK.

5 (e) THE COLORADO BUREAU OF INVESTIGATION SHALL RETURN THE
6 RESULTS OF ITS CRIMINAL HISTORY RECORD CHECK TO THE BOARD, AND
7 THE BOARD IS AUTHORIZED TO RECEIVE THE RESULTS OF THE FEDERAL
8 BUREAU OF INVESTIGATION'S CRIMINAL HISTORY RECORD CHECK. THE
9 BOARD SHALL USE THE INFORMATION RESULTING FROM THE CRIMINAL
10 HISTORY RECORD CHECKS TO INVESTIGATE AND DETERMINE WHETHER AN
11 APPLICANT IS QUALIFIED TO HOLD A LICENSE PURSUANT TO THIS ARTICLE
12 223.

13 (f) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
14 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS
15 SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE
16 BOARD SHALL REQUIRE THE APPLICANT TO SUBMIT TO A NAME-BASED
17 JUDICIAL RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

18 (4) AFTER AN APPLICANT HAS FULFILLED THE REQUIREMENTS OF
19 SUBSECTIONS (1) AND (3) OF THIS SECTION, THE BOARD SHALL ISSUE A
20 LICENSE TO THE APPLICANT; EXCEPT THAT THE BOARD MAY DENY A
21 LICENSE PURSUANT TO SECTIONS 12-20-404 (1)(d)(I) AND 12-223-109.

22 (5) (a) THE BOARD MAY WAIVE THE EXAMINATION REQUIREMENT
23 OF SUBSECTION (1)(c)(I) OF THIS SECTION AND MAY GRANT A
24 NUTRITIONIST LICENSE TO AN APPLICANT WHO APPLIES TO THE BOARD AND
25 DEMONSTRATES COMPLIANCE WITH THE FOLLOWING:

26 (I) RECEIPT OF A BACCALAUREATE OR HIGHER ACADEMIC DEGREE
27 FROM A UNITED STATES REGIONALLY ACCREDITED INSTITUTION OF

1 HIGHER EDUCATION RECOGNIZED BY THE COUNCIL FOR HIGHER
2 EDUCATION ACCREDITATION, OR SUCCESSOR ORGANIZATION, WITH AT
3 LEAST THIRTY CREDIT HOURS OR A MAJOR COURSE OF STUDY IN:

- 4 (A) HUMAN NUTRITION;
- 5 (B) FOODS AND NUTRITION;
- 6 (C) FOOD SYSTEMS MANAGEMENT;
- 7 (D) NUTRITIONAL SCIENCE;
- 8 (E) NUTRITIONAL EDUCATION;
- 9 (F) COMMUNITY NUTRITION;
- 10 (G) PUBLIC HEALTH NUTRITION;
- 11 (H) NUTRITION EDUCATION;
- 12 (I) NUTRITION;
- 13 (J) NUTRITION SCIENCE;
- 14 (K) CLINICAL NUTRITION;
- 15 (L) APPLIED CLINICAL NUTRITION;
- 16 (M) NUTRITION COUNSELING;
- 17 (N) NUTRITION AND FUNCTIONAL MEDICINE;
- 18 (O) NUTRITIONAL BIOCHEMISTRY;
- 19 (P) NUTRITION AND INTEGRATIVE HEALTH; OR
- 20 (Q) AN EQUIVALENT COURSE OF STUDY LEADING TO COMPETENCE
21 IN MEDICAL NUTRITION THERAPY;
- 22 (II) EMPLOYMENT, INCLUDING SELF-EMPLOYMENT, AT LEAST ON
23 A HALF-TIME BASIS, TO PROVIDE NUTRITION CARE SERVICES FOR THE
24 TREATMENT OR MANAGEMENT OF A DIAGNOSED DISEASE OR MEDICAL
25 CONDITION FOR THREE OF THE FIVE YEARS IMMEDIATELY PRECEDING
26 SEPTEMBER 1, 2026;
- 27 (III) PROVISION OF MEDICAL NUTRITION THERAPY TO RESIDENTS

1 OF COLORADO WITHOUT SUPERVISION FOR AT LEAST SIX MONTHS
2 IMMEDIATELY PRECEDING SEPTEMBER 1, 2026; AND

3 (IV) THE APPLICANT IS NOT A REGISTERED DIETITIAN.

4 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE SEPTEMBER 1,
5 2028.

6 **12-223-109. Disciplinary action - grounds for discipline.**

7 (1) PURSUANT TO PART 4 OF ARTICLE 20 OF THIS TITLE 12, THE BOARD
8 MAY DENY OR REFUSE TO RENEW A LICENSE, SUSPEND OR REVOKE A
9 LICENSE, IMPOSE PROBATIONARY CONDITIONS ON A LICENSE, ISSUE A
10 CEASE-AND-DESIST LETTER, OR SEEK INJUNCTIVE RELIEF AGAINST A
11 LICENSEE OR AN APPLICANT FOR LICENSURE WHO HAS ENGAGED IN ONE OR
12 MORE OF THE FOLLOWING GROUNDS FOR DISCIPLINE OR UNPROFESSIONAL
13 CONDUCT:

14 (a) ENGAGING IN CONDUCT INVOLVING FRAUD, DECEIT,
15 MISREPRESENTATION, OR CONCEALMENT OF MATERIAL FACTS IN
16 OBTAINING OR ATTEMPTING TO OBTAIN A LICENSE OR THE RENEWAL OF A
17 LICENSE;

18 (b) COMMITTING AN ACT OF MALPRACTICE, GROSS NEGLIGENCE, OR
19 INCOMPETENCE IN THE PRACTICE OF DIETETICS OR NUTRITION;

20 (c) EXCEPT AS OTHERWISE PROVIDED IN SECTION 12-223-113,
21 PRACTICING MEDICAL NUTRITION THERAPY WITHOUT A VALID LICENSE
22 ISSUED UNDER THIS ARTICLE 223, THE PENALTY FOR WHICH IS SET FORTH
23 IN SECTION 12-223-115;

24 (d) ENGAGING IN CONDUCT THAT COULD RESULT IN HARM OR
25 INJURY TO THE PUBLIC;

26 (e) ADJUDICATION OF INCOMPETENCY UNTIL PROOF OF RECOVERY
27 FROM THE CONDITION CAN BE ESTABLISHED; AND

1 (f) BEING CONVICTED IN A COURT OF, OR HAVING ENTERED A PLEA
2 OF GUILTY OR NOLO CONTENDERE TO, A CRIME DIRECTLY RELATED TO THE
3 DUTIES AND RESPONSIBILITIES OF A DIETITIAN OR NUTRITIONIST OR A
4 CRIME THAT WAS VIOLENT OR SEXUAL IN NATURE.

5 **12-223-110. Provisional and limited permits.** (1) THE BOARD
6 MAY ISSUE AN INDIVIDUAL A PROVISIONAL LICENSE TO PRACTICE AS A
7 DIETITIAN OR A NUTRITIONIST UPON THE FILING OF AN APPLICATION WITH
8 PAYMENT OF AN APPROPRIATE FEE, THE SUBMISSION OF EVIDENCE OF
9 SUCCESSFUL COMPLETION OF THE EDUCATIONAL AND SUPERVISED
10 PRACTICE REQUIREMENTS, AND THE SUBMISSION OF EVIDENCE THAT THE
11 INDIVIDUAL HAS APPLIED TO TAKE AN EXAMINATION DESCRIBED IN
12 SECTION 12-223-107 (1)(a)(III) OR 12-223-108 (1)(c)(I).

13 (2) A PROVISIONAL LICENSE EXPIRES ONE YEAR AFTER THE DATE
14 OF ISSUANCE AND IS NOT ELIGIBLE FOR RENEWAL.

15 (3) A DIETITIAN PROVISIONAL LICENSE AUTHORIZES THE LICENSEE
16 TO PRACTICE ONLY UNDER THE SUPERVISION OF A LICENSED DIETITIAN.

17 (4) A NUTRITIONIST PROVISIONAL LICENSE AUTHORIZES THE
18 LICENSEE TO PRACTICE ONLY UNDER THE SUPERVISION OF A LICENSED
19 DIETITIAN OR A LICENSED NUTRITIONIST.

20 (5) THE BOARD SHALL DETERMINE THE FEE FOR ISSUANCE OF A
21 PROVISIONAL LICENSE IN THE MANNER AUTHORIZED BY SECTION
22 12-20-105.

23 **12-223-111. License required - title protection.** (1) EXCEPT AS
24 OTHERWISE PROVIDED IN SECTION 12-223-113, ON AND AFTER SEPTEMBER
25 1, 2026, AN INDIVIDUAL SHALL NOT ENGAGE IN OR OFFER TO PROVIDE
26 MEDICAL NUTRITION THERAPY UNLESS THE INDIVIDUAL IS LICENSED
27 UNDER THIS ARTICLE 223.

1 (2) (a) AN INDIVIDUAL SHALL NOT DESIGNATE THEMSELF OR HOLD
2 THEMSELF OUT AS A LICENSED DIETITIAN UNLESS THE INDIVIDUAL IS
3 LICENSED AS A DIETITIAN UNDER THIS ARTICLE 223. AN INDIVIDUAL SHALL
4 NOT USE OR ASSUME THE TITLE "DIETITIAN", "DIETITIAN NUTRITIONIST",
5 OR "DIETICIAN" UNLESS THE INDIVIDUAL HOLDS THE REGISTERED
6 DIETITIAN CREDENTIAL FROM THE COMMISSION ON DIETETIC
7 REGISTRATION OR IS LICENSED AS A DIETITIAN UNDER THIS ARTICLE 223.

8 (b) AN INDIVIDUAL SHALL NOT APPEND TO, OR USE IN
9 CONJUNCTION WITH, THE INDIVIDUAL'S NAME THE LETTERS "LD" OR
10 "LDN" UNLESS THE INDIVIDUAL IS LICENSED AS A DIETITIAN UNDER THIS
11 ARTICLE 223.

12 (3) (a) AN INDIVIDUAL SHALL NOT USE OR ASSUME A TITLE
13 INDICATING THAT THE INDIVIDUAL IS A LICENSED NUTRITIONIST OR APPEND
14 TO, OR USE IN CONJUNCTION WITH, THE INDIVIDUAL'S NAME THE LETTERS
15 "LN" UNLESS THE INDIVIDUAL IS LICENSED AS A NUTRITIONIST UNDER THIS
16 ARTICLE 223.

17 (b) AN INDIVIDUAL SHALL NOT DESIGNATE THEMSELF OR HOLD
18 THEMSELF OUT AS A NUTRITIONIST OR USE OR ASSUME THE TITLE
19 "NUTRITIONIST" UNLESS THE INDIVIDUAL IS LICENSED UNDER THIS ARTICLE
20 223.

21 (4) AN INDIVIDUAL IS NOT PROHIBITED BY THIS ARTICLE 223 FROM
22 IDENTIFYING THEMSELF USING AN EARNED, FEDERALLY TRADEMARKED
23 NUTRITION CREDENTIAL, BUT SUCH PERMITTED USE DOES NOT GIVE THE
24 INDIVIDUAL THE RIGHT TO PRACTICE MEDICAL NUTRITION THERAPY
25 UNLESS THE INDIVIDUAL IS ALSO LICENSED UNDER THIS ARTICLE 223.

26 **12-223-112. Qualified supervisors - duties.** (1) (a) TO QUALIFY
27 AS A QUALIFIED SUPERVISOR FOR PURPOSES OF THIS ARTICLE 223, AN

1 INDIVIDUAL MUST MEET THE FOLLOWING REQUIREMENTS:

2 (I) IF SUPERVISING A STUDENT OR TRAINEE WHO IS PROVIDING
3 MEDICAL NUTRITION THERAPY IN A STATE THAT PROVIDES FOR LICENSURE
4 OR CERTIFICATION OF DIETITIANS, DIETITIAN NUTRITIONISTS, OR
5 NUTRITIONISTS, THE INDIVIDUAL MUST BE ONE OF THE FOLLOWING:

6 (A) A LICENSED DIETITIAN, A LICENSED NUTRITIONIST, OR A
7 HEALTH-CARE PROVIDER LICENSED OR CERTIFIED IN A STATE OR
8 TERRITORY IN THE UNITED STATES, INCLUDING LICENSED OR CERTIFIED
9 DIETITIANS, DIETITIAN NUTRITIONISTS, OR NUTRITIONISTS, WHOSE SCOPE
10 OF PRACTICE INCLUDES THE PROVISION OF MEDICAL NUTRITION THERAPY;
11 OR

12 (B) AN EMPLOYEE OF THE FEDERAL GOVERNMENT AUTHORIZED
13 WITHIN THE DISCHARGE OF THE INDIVIDUAL'S OFFICIAL DUTIES TO PROVIDE
14 MEDICAL NUTRITION THERAPY;

15 (II) IF SUPERVISING A STUDENT OR TRAINEE IN A STATE THAT DOES
16 NOT PROVIDE FOR LICENSURE OR CERTIFICATION OF DIETITIANS, DIETITIAN
17 NUTRITIONISTS, OR NUTRITIONISTS, THE INDIVIDUAL MEETS OTHER
18 CRITERIA AS THE BOARD MAY ESTABLISH, INCLUDING BEING A REGISTERED
19 DIETITIAN OR A LICENSED HEALTH-CARE PROVIDER WHOSE SCOPE OF
20 PRACTICE INCLUDES THE PROVISION OF MEDICAL NUTRITION THERAPY;
21 AND

22 (III) UNLESS THE INDIVIDUAL IS AN EMPLOYEE OF THE FEDERAL
23 GOVERNMENT AUTHORIZED WITHIN THE DISCHARGE OF THE INDIVIDUAL'S
24 OFFICIAL DUTIES TO PROVIDE MEDICAL NUTRITION THERAPY, THE
25 INDIVIDUAL MUST BE LICENSED IN THIS STATE IF SUPERVISING A STUDENT
26 OR TRAINEE WHO IS PROVIDING MEDICAL NUTRITION THERAPY TO AN
27 INDIVIDUAL LOCATED IN THIS STATE.

1 (b) A QUALIFIED SUPERVISOR SHALL ONLY SUPERVISE A CLINICAL
2 ACTIVITY OR NUTRITION CARE SERVICE FOR WHICH THE QUALIFIED
3 SUPERVISOR IS QUALIFIED AND IS AUTHORIZED TO PERFORM.

4 (c) A QUALIFIED SUPERVISOR SHALL DEVELOP AND CARRY OUT A
5 PROGRAM FOR ADVANCING AND OPTIMIZING THE QUALITY OF CARE
6 PROVIDED BY A STUDENT OR TRAINEE BEING SUPERVISED. THE QUALIFIED
7 SUPERVISOR AND THE STUDENT OR TRAINEE BEING SUPERVISED SHALL
8 IDENTIFY AND DOCUMENT GOALS FOR SUPERVISED PRACTICE EXPERIENCE,
9 THE ASSIGNMENT OF CLINICAL TASKS AS APPROPRIATE TO THE SUPERVISED
10 INDIVIDUAL'S EVOLVING LEVEL OF COMPETENCE, THE SUPERVISED
11 INDIVIDUAL'S RELATIONSHIP AND ACCESS TO THE QUALIFIED SUPERVISOR,
12 AND A PROCESS FOR EVALUATING THE STUDENT OR TRAINEE'S
13 PERFORMANCE.

14 (d) A QUALIFIED SUPERVISOR SHALL OVERSEE THE ACTIVITIES OF,
15 AND APPROVE AND ACCEPT RESPONSIBILITY FOR THE NUTRITION CARE
16 SERVICES RENDERED BY, THE STUDENT OR TRAINEE.

17 (e) A QUALIFIED SUPERVISOR SHALL BE PHYSICALLY ON SITE AND
18 PRESENT WHERE THE SUPERVISED INDIVIDUAL IS PROVIDING NUTRITION
19 CARE SERVICES OR BE IMMEDIATELY AND CONTINUOUSLY AVAILABLE TO
20 THE SUPERVISED INDIVIDUAL BY MEANS OF TWO-WAY, REAL-TIME
21 AUDIOVISUAL TECHNOLOGY THAT ALLOWS FOR DIRECT,
22 CONTEMPORANEOUS INTERACTION BY SIGHT AND SOUND BETWEEN THE
23 QUALIFIED SUPERVISOR AND THE SUPERVISED INDIVIDUAL. IF THE
24 QUALIFIED SUPERVISOR ASSIGNS A NUTRITION CARE SERVICE TO A
25 SUPERVISED INDIVIDUAL THAT IS TO BE PROVIDED IN A SETTING WHERE
26 THE QUALIFIED SUPERVISOR IS NOT ROUTINELY PRESENT, THE QUALIFIED
27 SUPERVISOR SHALL ENSURE THAT THE MEANS AND METHODS OF

1 SUPERVISION ARE ADEQUATE TO ENSURE APPROPRIATE PATIENT CARE,
2 WHICH MAY INCLUDE SYNCHRONOUS VIDEOCONFERENCING OR ANOTHER
3 METHOD OF COMMUNICATION AND OVERSIGHT THAT IS APPROPRIATE TO
4 THE CARE SETTING AND THE EDUCATION AND EXPERIENCE OF THE
5 SUPERVISED INDIVIDUAL.

6 (f) A QUALIFIED SUPERVISOR SHALL REVIEW ON A REGULAR BASIS
7 THE CHARTS, RECORDS, AND CLINICAL NOTES OF THE SUPERVISED
8 INDIVIDUALS AND MAINTAIN RESPONSIBILITY FOR THE SUPERVISED
9 INDIVIDUALS' CLINICAL RECORD KEEPING.

10 (g) A QUALIFIED SUPERVISOR SHALL BE AVAILABLE TO RENDER
11 ASSISTANCE DURING THE PROVISION OF NUTRITION CARE SERVICES WHEN
12 REQUESTED BY A PATIENT OR SHALL HAVE ARRANGED FOR ANOTHER
13 QUALIFIED PRACTITIONER LAWFULLY ABLE TO RENDER NUTRITION CARE
14 SERVICES TO BE AVAILABLE IN THE ABSENCE OF THE QUALIFIED
15 SUPERVISOR.

16 (h) A QUALIFIED SUPERVISOR SHALL LIMIT THE ASSIGNMENT OF
17 NUTRITION CARE SERVICES TO THOSE SERVICES THAT ARE WITHIN THE
18 TRAINING AND EXPERIENCE OF THE SUPERVISED INDIVIDUAL AND
19 CUSTOMARY TO THE PRACTICE OF THE QUALIFIED SUPERVISOR.

20 **12-223-113. Exemptions.** (1) THIS ARTICLE 223 DOES NOT
21 AFFECT OR PREVENT:

22 (a) A HEALTH-CARE PROFESSIONAL LICENSED UNDER THIS TITLE 12
23 AND PRACTICING IN THIS STATE FROM ENGAGING IN THE PRACTICE OF
24 MEDICAL NUTRITION THERAPY WHEN MEDICAL NUTRITION THERAPY IS
25 WITHIN THE INDIVIDUAL'S LICENSED SCOPE OF PRACTICE AND IS
26 INCIDENTAL TO THE PRACTICE FOR WHICH THEY ARE LICENSED; EXCEPT
27 THAT SUCH INDIVIDUAL SHALL NOT REPRESENT THEMSELF USING TITLES

1 PROTECTED UNDER SECTION 12-223-111;

2 (b) A STUDENT OR TRAINEE FROM ENGAGING IN THE PRACTICE OF
3 MEDICAL NUTRITION THERAPY, IF:

4 (I) THE STUDENT OR TRAINEE PRACTICES UNDER THIS SUBSECTION
5 (1)(b) AS PART OF A COURSE OF STUDY OR AS PART OF A PLANNED,
6 CONTINUOUS SUPERVISED PRACTICE EXPERIENCE TO SATISFY
7 EDUCATIONAL OR SUPERVISED PRACTICE EXPERIENCE REQUIREMENTS
8 DESCRIBED IN SECTION 12-223-107 (1)(a) OR 12-223-108 (1)(b);

9 (II) THE STUDENT OR TRAINEE WHO IS COMPLETING THE
10 SUPERVISED PRACTICE EXPERIENCE REQUIRED UNDER SECTION 12-223-107
11 (1)(a)(II) OR 12-223-108 (1)(b) PRACTICES UNDER THIS SUBSECTION (1)(b)
12 NOT MORE THAN FIVE YEARS AFTER COMPLETING THE EDUCATIONAL
13 REQUIREMENTS UNDER SECTION 12-223-107 (1)(a)(I) OR 12-223-108
14 (1)(a);

15 (III) THE STUDENT OR TRAINEE PRACTICES UNDER THIS
16 SUBSECTION (1)(b) ONLY WHILE SUPERVISED BY A QUALIFIED SUPERVISOR;

17 (IV) THE STUDENT OR TRAINEE DOES NOT ENGAGE IN THE
18 UNRESTRICTED PRACTICE OF MEDICAL NUTRITION THERAPY; AND

19 (V) WHILE PRACTICING UNDER THIS SUBSECTION (1)(b), THE
20 STUDENT OR TRAINEE USES A TITLE THAT CLEARLY INDICATES THEIR
21 STATUS AS A STUDENT, INTERN, TRAINEE, OR SUPERVISED INDIVIDUAL;

22 (c) A DIETITIAN OR NUTRITIONIST WHO IS SERVING IN THE ARMED
23 FORCES OR THE UNITED STATES PUBLIC HEALTH SERVICE OR IS EMPLOYED
24 BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS FROM
25 ENGAGING IN THE PRACTICE OF MEDICAL NUTRITION THERAPY OR USING
26 GOVERNMENT-ISSUED TITLES, PROVIDED THE PRACTICE OR TITLE USE IS
27 RELATED TO SUCH SERVICE OR EMPLOYMENT;

1 (d) AN INDIVIDUAL WHO IS EMPLOYED BY, OR WHO CONTRACTS
2 WITH, THE STATE, A COUNTY, A MUNICIPAL AGENCY, OR ANOTHER
3 POLITICAL SUBDIVISION, FOR THE PURPOSES OF PROVIDING NUTRITION
4 CARE SERVICES FOR THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM
5 FOR WOMEN, INFANTS, AND CHILDREN, CREATED PURSUANT TO 42 U.S.C.
6 SEC. 1786, AND WHO IS AUTHORIZED WITHIN THE DISCHARGE OF THEIR
7 OFFICIAL DUTIES TO USE THE TITLE "NUTRITIONIST" FROM PROVIDING
8 NUTRITION CARE SERVICES WITHIN THE DISCHARGE OF THEIR OFFICIAL
9 DUTIES;

10 (e) AN INDIVIDUAL WHO DOES NOT REPRESENT THEMSELF USING
11 TITLES PROTECTED UNDER SECTION 12-223-111 FROM PROVIDING MEDICAL
12 WEIGHT CONTROL FOR OBESITY AS PART OF THE FOLLOWING:

13 (I) AN INSTRUCTIONAL PROGRAM THAT HAS BEEN APPROVED IN
14 WRITING BY AT LEAST ONE OF THE FOLLOWING INDIVIDUALS:

15 (A) A DIETITIAN OR NUTRITIONIST LICENSED IN THIS STATE; OR

16 (B) A HEALTH-CARE PROFESSIONAL LICENSED OR CERTIFIED IN
17 THIS STATE WHOSE AUTHORIZED SCOPE OF PRACTICE INCLUDES MEDICAL
18 NUTRITION THERAPY; OR

19 (II) A PLAN OF CARE THAT IS OVERSEEN BY A HEALTH-CARE
20 PROFESSIONAL LICENSED IN THIS STATE WHOSE SCOPE OF PRACTICE
21 OTHERWISE AUTHORIZES THE HEALTH-CARE PROFESSIONAL TO PROVIDE
22 AND DELEGATE MEDICAL NUTRITION THERAPY, IF THE MEDICAL WEIGHT
23 CONTROL SERVICES ARE NOT DISCRETIONARY AND DO NOT REQUIRE THE
24 EXERCISE OF PROFESSIONAL JUDGMENT;

25 (f) AN INDIVIDUAL WHO DOES NOT REPRESENT THEMSELF USING
26 TITLES PROTECTED UNDER SECTION 12-223-111 FROM ASSISTING WITH THE
27 PROVISION OF MEDICAL NUTRITION THERAPY IF THE INDIVIDUAL PERFORMS

1 ONLY SUPPORT ACTIVITIES THAT ARE NOT DISCRETIONARY AND THAT DO
2 NOT REQUIRE THE EXERCISE OF PROFESSIONAL JUDGMENT TO PERFORM,
3 AND THE INDIVIDUAL IS DIRECTLY SUPERVISED BY ONE OF THE FOLLOWING
4 LICENSED PRACTITIONERS ACTING WITHIN THE SCOPE OF THE
5 PRACTITIONER'S LICENSE:

6 (I) A LICENSED DIETITIAN;

7 (II) A LICENSED NUTRITIONIST; OR

8 (III) A HEALTH-CARE PROFESSIONAL LICENSED IN THIS STATE;

9 (g) AN INDIVIDUAL FROM DISSEMINATING NONINDIVIDUALIZED,
10 WRITTEN, GENERAL NONMEDICAL NUTRITION INFORMATION IN
11 CONNECTION WITH THE MARKETING AND DISTRIBUTION OF DIETARY
12 SUPPLEMENTS, FOOD, HERBS, OR FOOD MATERIALS, INCLUDING
13 EXPLANATIONS OF THEIR FEDERALLY REGULATED LABEL CLAIMS, THEIR
14 KNOWN DRUG-NUTRIENT INTERACTIONS, THEIR ROLE IN VARIOUS DIETS, OR
15 SUGGESTIONS AS HOW TO BEST USE AND COMBINE THEM, SO LONG AS SUCH
16 INFORMATION DOES NOT CONSTITUTE MEDICAL NUTRITION THERAPY AND
17 THE INDIVIDUAL DOES NOT REPRESENT THEMSELF USING TITLES
18 PROTECTED UNDER SECTION 12-223-111;

19 (h) AN INDIVIDUAL FROM PROVIDING INDIVIDUALIZED NUTRITION
20 RECOMMENDATIONS FOR WELLNESS AND PRIMARY PREVENTION OF
21 CHRONIC DISEASE, HEALTH COACHING, HOLISTIC AND WELLNESS
22 EDUCATION, GUIDANCE, MOTIVATION, BEHAVIOR CHANGE MANAGEMENT,
23 SERVICES FOR NONMEDICAL WEIGHT CONTROL, OR OTHER NUTRITION CARE
24 SERVICES SO LONG AS ALL THE FOLLOWING APPLY:

25 (I) THE SERVICES DO NOT CONSTITUTE MEDICAL NUTRITION
26 THERAPY;

27 (II) THE INDIVIDUAL DOES NOT REPRESENT THEMSELF USING

1 TITLES PROTECTED UNDER SECTION 12-223-111; AND

2 (III) THE INDIVIDUAL DOES NOT HOLD THEMSELF OUT AS LICENSED
3 OR QUALIFIED TO ENGAGE IN THE PRACTICE OF MEDICAL NUTRITION
4 THERAPY; AND

5 (i) AN OUT-OF-STATE LICENSED PRACTITIONER FROM PROVIDING
6 MEDICAL NUTRITION THERAPY SERVICES VIA TELEHEALTH TO A PATIENT
7 LOCATED IN THIS STATE IF THE OUT-OF-STATE LICENSED PRACTITIONER:

8 (I) IS LICENSED IN THIS STATE AS A LICENSED DIETITIAN OR
9 LICENSED NUTRITIONIST OR HAS OBTAINED A DIETITIAN LICENSURE
10 COMPACT PRIVILEGE; OR

11 (II) IS A HEALTH-CARE PROFESSIONAL LICENSED OR CERTIFIED IN
12 GOOD STANDING IN A STATE OR TERRITORY, WITH A LICENSED OR
13 CERTIFIED SCOPE OF PRACTICE THAT INCLUDES THE PROVISION OF MEDICAL
14 NUTRITION THERAPY AND MEDICAL NUTRITION THERAPY SERVICES VIA
15 TELEHEALTH:

16 (A) IN CONSULTATION WITH A MEDICAL NUTRITION THERAPY
17 PRACTITIONER LICENSED IN THIS STATE WHO HAS A
18 PRACTITIONER-PATIENT RELATIONSHIP WITH THE PATIENT;

19 (B) FOR A PATIENT WITH WHOM THE LICENSED PRACTITIONER HAS
20 A CURRENT PRACTITIONER-PATIENT RELATIONSHIP, AND THE PATIENT IS
21 TEMPORARILY PRESENT IN THIS STATE; OR

22 (C) PURSUANT TO A CURRENT PRACTITIONER-PATIENT
23 RELATIONSHIP, AND SUCH CARE IS LIMITED TO TEMPORARY OR
24 SHORT-TERM FOLLOW-UP MEDICAL NUTRITION THERAPY SERVICES TO
25 ENSURE CONTINUITY OF CARE.

26 (2) BY ENGAGING IN TELEHEALTH WITH A PATIENT LOCATED IN
27 THIS STATE, A LICENSED PRACTITIONER EXEMPTED FROM COLORADO

1 LICENSURE UNDER SUBSECTION (1)(i)(II) OF THIS SECTION CONSENTS TO
2 THE APPLICABLE COLORADO LAWS, RULES, AND REGULATIONS GOVERNING
3 THE LICENSED PRACTITIONER'S PROFESSION; THE JURISDICTION OF
4 COLORADO; AND THE JURISDICTION OF THE APPLICABLE LICENSING BOARD
5 REGULATING THE LICENSED PRACTITIONER'S PROFESSION, INCLUDING THE
6 LICENSING BOARD'S COMPLAINT, INVESTIGATION, AND HEARING PROCESS
7 AND ABILITY TO SEEK INJUNCTIONS AND IMPOSE CIVIL PENALTIES AND
8 FINES.

9 **12-223-114. License expiration - license renewal - continuing**
10 **education - rules.** (1) THE BOARD MAY RENEW LICENSES UPON
11 SATISFACTORY COMPLETION OF THE RENEWAL APPLICATION, PAYMENT OF
12 THE RENEWAL FEE, AND THE SUCCESSFUL COMPLETION OF CONTINUING
13 EDUCATION REQUIREMENTS, INCLUDING AT LEAST SEVENTY-FIVE HOURS
14 OF CONTINUING EDUCATION EVERY FIVE YEARS, AS DETERMINED BY THE
15 BOARD.

16 (2) THE BOARD SHALL ADOPT RULES ESTABLISHING CONTINUING
17 EDUCATION REQUIREMENTS FOR RENEWING LICENSES.

18 **12-223-115. Penalties.** (1) AN INDIVIDUAL WHO PRACTICES OR
19 OFFERS OR ATTEMPTS TO PRACTICE IN VIOLATION OF SECTION 12-223-111
20 COMMITS A CLASS 2 MISDEMEANOR PURSUANT TO SECTION 12-20-407
21 (1)(a)(V)(Y).

22 (2) IN ADDITION TO OTHER PENALTIES OR REMEDIES PURSUANT TO,
23 OR RULES ADOPTED UNDER, THIS ARTICLE 223, THE BOARD MAY IMPOSE AN
24 ADMINISTRATIVE FINE IN ACCORDANCE WITH SECTION 12-20-404 (1)(c)
25 AGAINST AN INDIVIDUAL WHO VIOLATES A PROVISION OF THIS ARTICLE
26 223.

27 (3) IN ADDITION TO OTHER PENALTIES OR REMEDIES PURSUANT TO,

1 OR RULES ADOPTED UNDER, THIS ARTICLE 223, THE BOARD MAY ASSESS
2 AND COLLECT ALL COSTS INCURRED IN CONNECTION WITH DISCIPLINARY
3 ACTIONS, INCLUDING INVESTIGATOR FEES, STENOGRAPHER FEES,
4 ATTORNEY FEES, AND HEARING COSTS.

5 **12-223-116. Repeal of article - review of functions.** THIS
6 ARTICLE 223 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2035. BEFORE THE
7 REPEAL, THIS ARTICLE 223 IS SCHEDULED FOR REVIEW IN ACCORDANCE
8 WITH SECTION 24-34-104.

9 **SECTION 2.** In Colorado Revised Statutes, 12-20-202, **amend**
10 (3)(e)(X) and (3)(e)(XI); and **add** (3)(e)(XII) as follows:

11 **12-20-202. Licenses, certifications, and registrations - renewal**
12 **- reinstatement - fees - occupational credential portability program**
13 **- exceptions for military personnel, spouses, gold star military**
14 **spouses, and dependents - rules - consideration of criminal**
15 **convictions or driver's history - executive director authority -**
16 **definitions. (3) Occupational credential portability program -**
17 **definitions. (e) Subsections (3)(a) to (3)(d) of this section do not apply**
18 **to the following professions or occupations:**

19 (X) Direct-entry midwives, regulated pursuant to article 225 of
20 this title 12; ~~or~~

21 (XI) Surgical assistants and surgical technologists, regulated
22 pursuant to article 310 of this title 12; OR

23 (XII) DIETITIANS AND NUTRITIONISTS, REGULATED PURSUANT TO
24 ARTICLE 223 OF THIS TITLE 12.

25 **SECTION 3.** In Colorado Revised Statutes, 12-20-407, **add**
26 (1)(a)(V)(Y) as follows:

27 **12-20-407. Unauthorized practice of profession or occupation**

1 **- penalties - exclusions.** (1) (a) A person commits a class 2 misdemeanor
2 and shall be punished as provided in section 18-1.3-501 if the person:

3 (V) Practices or offers or attempts to practice any of the following
4 professions or occupations without an active license, certification, or
5 registration issued under the part or article of this title 12 governing the
6 particular profession or occupation:

7 (Y) MEDICAL NUTRITION THERAPY, AS REGULATED UNDER
8 ARTICLE 223 OF THIS TITLE 12.

9 **SECTION 4.** In Colorado Revised Statutes, 6-1-724, **amend**
10 (6)(s) and (6)(t); and **add** (6)(u) as follows:

11 **6-1-724. Unlicensed alternative health-care practitioners -**
12 **deceptive trade practices - short title - legislative declaration -**

13 **definitions.** (6) A complementary and alternative health-care practitioner
14 providing complementary and alternative health-care services under this
15 section who is not licensed, certified, or registered by the state shall not:

16 (s) Recommend the discontinuation of a course of care, including
17 a prescription drug, that was recommended or prescribed by a health-care
18 professional; ~~or~~

19 (t) Hold ~~oneself~~ THEMSELF out as OR state, indicate, advertise, or
20 imply to a client or prospective client that ~~he or she~~ THE HEALTH-CARE
21 PRACTITIONER is a physician, surgeon, or both, or that ~~he or she is~~ THEY
22 ARE a health-care professional who is licensed, certified, or registered by
23 the state; OR

24 (u) PROVIDE MEDICAL NUTRITION THERAPY, AS REGULATED UNDER
25 ARTICLE 223 OF TITLE 12, UNLESS EXEMPT FROM REGULATION PURSUANT
26 TO SECTION 12-223-113.

27 **SECTION 5.** In Colorado Revised Statutes, **repeal** 6-1-707

1 (1)(b).

2 **SECTION 6.** In Colorado Revised Statutes, 24-34-104, **add**
3 (36)(a)(VII) as follows:

4 **24-34-104. General assembly review of regulatory agencies**
5 **and functions for repeal, continuation, or reestablishment - legislative**
6 **declaration - repeal.** (36) (a) The following agencies, functions, or both
7 are scheduled for repeal on September 1, 2035:

8 (VII) THE REGULATION OF DIETITIANS AND NUTRITIONISTS IN
9 ACCORDANCE WITH ARTICLE 223 OF TITLE 12.

10 **SECTION 7.** In Colorado Revised Statutes, 24-1-122, **add**
11 (3)(oo) as follows:

12 **24-1-122. Department of regulatory agencies - creation.** (3) The
13 following boards and agencies in the department of regulatory agencies are
14 allocated to the division of professions and occupations and are **type 1**
15 entities, as defined in section 24-1-105:

16 (oo) THE STATE BOARD OF DIETETICS AND NUTRITION, CREATED IN
17 ARTICLE 223 OF TITLE 12.

18 **SECTION 8. Act subject to petition - effective date -**
19 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
20 the expiration of the ninety-day period after final adjournment of the
21 general assembly; except that, if a referendum petition is filed pursuant to
22 section 1 (3) of article V of the state constitution against this act or an
23 item, section, or part of this act within such period, then the act, item,
24 section, or part will not take effect unless approved by the people at the
25 general election to be held in November 2026 and, in such case, will take
26 effect on the date of the official declaration of the vote thereon by the
27 governor.

1 (2) This act applies to offenses committed on or after the
2 applicable effective date of this act.