

## New Jersey's "Dietetics and Nutrition Licensing Act"

### FAQs

#### **1. How will dietetics and nutrition licensure impact practice in New Jersey? Does [the law](#) clearly define a scope of practice? How will licensure impact unlicensed nutrition providers, including those using the title "nutritionist"?**

On January 13, 2021, a license will be required in New Jersey to practice "medical nutrition therapy"<sup>1</sup> or to use any of the specified protected titles,<sup>2</sup> including "nutritionist". The Dietetics and Nutrition Licensing Act (the "act") also sets forth a detailed, more broadly defined scope of practice for licensees, meaning that New Jersey will license individuals to practice dietetics and nutrition broadly (thereby letting citizens know who is qualified), while narrowly tailoring the exclusive scope of practice of MNT only for licensees, limiting the class of providers for services where the risk of harm is the greatest.

Thus, unlicensed individuals such as health coaches or fitness trainers will be largely prohibited from: a) applying nutrition care services to treat or manage a disease or condition; and b) using professional titles including "nutritionist" or "nutrition counselor". The licensure board will establish penalties for violations through the licensure process. However, provision of non-medical, general nutrition advice will not require a license.

#### **2. What is the difference in the act between "licensed dietitian nutritionists" and "licensed nutritionists"?**

The act sets forth two objectively rigorous pathways for licensed nutrition professionals in New Jersey:

1. Licensed dietitian nutritionists, largely mirrors the gold standard qualifications of registered dietitian nutritionists and requires the equivalent of ACEND-accredited education and preprofessional training.
2. Licensed nutritionists, details specific coursework and supervised practice for advanced-degree nutrition professionals that ensures their competency in MNT (as determined by the licensure board).

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<sup>1</sup> "Medical nutrition therapy" means the provision of nutrition care services for the intended purpose of treatment or management of a diagnosed disease or medical condition." [NJ Rev Stat § 45:16B-3 \(2019\)](#)

<sup>2</sup> "No person, business entity or its employees, agents, or representatives shall use the titles, 'dietitian nutritionist,' 'nutritionist,' 'dietitian,' 'dietician,' 'nutrition counselor,' 'nutrition specialist,' 'LDN,' 'LD,' 'LN,' 'nutritional therapy practitioner,' 'nutritional therapy consultant,' 'certified nutrition therapy practitioner,' 'master nutrition therapist,' 'licensed dietitian nutritionist,' 'licensed nutritionist' or any other title, designation, words, letters, abbreviations, or insignia indicating one as a provider of medical nutrition therapy or as licensed under P.L.2019, c.331 (C.45:16B-1 et al.), unless licensed to practice dietetics and nutrition under the provisions of P.L.2019, c.331 (C.45:16B-1 et al.)." [NJ Rev Stat § 45:16B-13 \(2019\)](#)

Both LDNs and LNs are legally permitted to provide MNT in New Jersey. LDNs are eligible to order therapeutic diets, including enteral and parenteral nutrition, simply by virtue of having obtained the LDN license. The act creates a potential pathway for LNs to order therapeutic diets after demonstrating their competence by obtaining additional certifications or training satisfactory to the licensure board.

### **3. What is the implication of the new licensure on Nutrition and dietetic technicians, registered? Does it change the NDTR scope of practice?**

The licensure law does not prohibit a NDTR from providing nutrition services under the supervision of a licensed dietitian or licensed nutritionist. NDTRs can continue to provide any nutrition care services that do not rise to the level of MNT without supervision.

### **4. Who is the governing body and how will it be regulated?**

The New Jersey Board of Dietetics and Nutrition will consist of seven members appointed by the governor who meet specific professional criteria. The board will conduct a regulatory process (with opportunities for public comment) to define fees, continuing education requirements, penalties for violations and other details. It is anticipated that announcements will be made by the board and the affiliate as the board is established.

### **4. When will RDNs be notified about this process and plan? What is the application deadline? Will forms be digital and printable? What is the licensure fee?**

Although the COVID-19 emergency restrictions may have delayed the process, once the board is appointed by the governor, it will issue announcements with final details. The board and the affiliate will jointly disseminate information reaching all RDNs in the state who want to continue practicing MNT.

The deadline to become licensed to practice is January 13, 2021. It is anticipated that the application form will be available for digital data entry as well as on paper, but the licensing board will make this decision. Licensure fees will be established by the board through the regulatory process.

### **5. Will all current RDNs automatically be able to consider themselves licensed—that is, will current RDNs be grandfathered? Can we use either “LD” or “LDN”?**

To become licensed, current RDNs will be required to submit a completed application, fee payment and verify they are credentialed and in good standing with CDR. Alternately, applicants may also submit evidence of completion of the academic, supervised experience and exam requirements. Under the law, use of LD or LDN will require a license; licensees may use either abbreviation. Academy members are encouraged to stay engaged with the New Jersey affiliate as the regulatory process unfolds.

### **6. What are the details of the renewal process? Will CEU hours be required in addition to the 75 hours required every five years by CDR? How will the board provide for retired RDNs who want to maintain their license?**

The licensing board will define requirements for renewal, including fees, as well as provisions for retirees, throughout the regulatory process. Announcements will be issued by the board, with the affiliate's assistance. Licensees will be required to meet continuing education requirements, the details of which will be established through the forthcoming regulatory process.

### **7. What should program directors advise interns?**

The Academy encourages program directors to educate interns about the benefits of licensure for the protection of the public, licensure requirements and scope of practice (including types of practice outside the licensed scope), as well as overall CEU requirements.

### **8. Can an RDN be licensed in more than one state? Will a New Jersey license facilitate licensure in Pennsylvania?**

Yes, RDNs can be licensed in as many states to which they choose to apply, although individual state applications and fees will be required (subject to any available waivers or exemptions to standard licensure requirements). For details, review the Academy's online [licensure map](#). The Academy is also working to develop a licensure compact to facilitate multi-state licensure and cross-border practice. The Academy anticipates that a New Jersey license will be acceptable for licensure by reciprocity in Pennsylvania. The Pennsylvania Board of Nursing (which administers Pennsylvania's dietetics licensure law) will make final determinations.

### **9. Is telehealth a permissible means of service delivery?**

Yes, and the act provides for this type of service. The Academy expects specific telehealth requirements to be established by the board through the regulatory process. Further details about licensure implications for telehealth are available on the Academy's [website](#).

### **10. Will licensed RDNs be able to bill for reimbursement without a physician referral for MNT?**

Yes, subject to insurance company policy and other state and federal laws and regulations. For further details, visit the Academy's [website](#).