



Notice of Intent to Adopt Rules

Revised October 2014

1. General Information

a. Agency/Board Name Administration and Information		
b. Agency/Board Address 2001 Capitol Ave, Room 104	c. City Cheyenne	d. Zip Code 82002
e. Name of Contact Person Emily Cronbaugh		f. Contact Telephone Number (307) 777-6529
g. Contact Email Address emily.cronbaugh@wyo.gov		
h. Date of Public Notice November 18, 2015		i. Comment Period Ends January 4, 2016
j. Program Dietetics Licensing Board		

2. Rule Type and Information: For each chapter listed, indicate if the rule is New, Amended, or Repealed.

a. If "New," provide the Enrolled Act numbers and years enacted: **SEA 47 (2014), HEA 40 (2014)**

b. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed
Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification.

Chapter Number:	Chapter Name:	
0	Appendix A - Academy on Nutrition and Dietetics/Commission on Dietetic Registration Code of Ethics for the Profession of Dietetics	<input type="checkbox"/> New <input type="checkbox"/> Amended <input checked="" type="checkbox"/> Repealed
1	General Provisions	<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
2	Organization and Procedures of the Board	<input type="checkbox"/> New <input type="checkbox"/> Amended <input checked="" type="checkbox"/> Repealed
3	Licensure and Application Procedures	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
4	Application Procedure	<input type="checkbox"/> New <input type="checkbox"/> Amended <input checked="" type="checkbox"/> Repealed
5	Fees	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
6	Renewal	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
7	Professional Responsibility	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
8	Adverse Action	<input type="checkbox"/> New <input type="checkbox"/> Amended <input checked="" type="checkbox"/> Repealed
9	Practice and Procedures for Disciplinary, Application, and Licensure Matters	<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed

c. The Statement of Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

Complete all that apply:

The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):
1 and 9
(Provide chapter numbers)

These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Reasons).
(Provide chapter numbers)

N/A These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

d. N/A In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Section 5 of the Rules on Rules).

e. A copy of the proposed rules* may be obtained:
 By contacting the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: <http://dietetics.wyo.gov/rules-and-regulations>

* If Item "d" above is not checked, the proposed rules shall be in strike and underscore format.

3. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. Yes No

If "Yes:"	Date:	Time:	City:	Location:

b. What is the manner in which interested persons may present their views on the rulemaking action?
 By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: _____

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:
 To the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: _____

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Contact Person listed in Section 1 above.

4. Federal Law Requirements

a. These rules are created/amended/revoked to comply with federal law or regulatory requirements. Yes No

If "Yes:"	Applicable Federal Law or Regulation Citation:

Indicate one (1):
 The proposed rules meet, but do not exceed, minimum federal requirements.
 The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:
 To the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: _____

5. State Statutory Requirements

a. Indicate one (1):
 The proposed rule change *MEETS* minimum substantive statutory requirements.
 The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. Indicate one (1):
 The Agency has complied with the requirements of W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:
 By contacting the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: _____
 Not Applicable.

6. Authorization

a. I certify that the foregoing information is correct.

Printed Name of Authorized Individual	Emily Cronbaugh
Title of Authorized Individual	Executive Director
Date of Authorization	November 18, 2015

Distribution List:

- Attorney General and LSO: Hard copy of Notice of Intent; Statement of Reasons; clean copy of the rules; and strike-through and underline version of rules (if applicable). Electronic copies (PDFs) of all items noted (in addition to hard copies) may be emailed to LSO at Criss.Carlson@wyoleg.gov.
- Secretary of State: Electronic version of Notice of Intent sent to Rules@wyo.gov.

STATEMENT OF PRINCIPAL REASONS

FOR FORMAL ADOPTION OF REGULAR RULES

Pursuant to the legislative mandates contained in 2014 Senate Enrolled Act 47 (administrative rules streamlining) and 2014 House Enrolled Act 40 (general procedures for licensing boards), the Wyoming Dietetics Licensing Board has adopted amendments to Chapters 1 and 9. Specifically, to comply with Senate Enrolled Act 47, the Board adopted the Office of Administrative Hearings' uniform rules for contested case hearings in their entirety and incorporated them by reference into Chapters 1 and 9. To comply with House Enrolled Act 40, the Board added a section to Chapter 1 to establish by resolution a regular meeting of the Board.

Pursuant to the directive from the Governor's Office to reduce and streamline agency rules, the Board is proposing amendments to Chapters 1, 3, 5, 6, 7, and 9 and repealed Chapters 0, 2, 4 and 8. The proposed amendments to the Board's rules will reduce the rules by 40% in number and reduce by 43% in length. Specifically, the Board proposes the following amendments related to each chapter:

Chapter 0: Appendix A – Academy on Nutrition and Dietetics/Commission on Dietetic Registration Code of Ethics for the Profession of Dietetics (Repealed)

- Repealed Chapter and incorporated Code of Ethics by reference in Chapter 7, with a reference to Chapter 7 provided in Chapter 1.

Chapter 1: General Provisions

- Updated language in existing definitions, and added acronyms to reduce citing frequent phrases used in other chapters.
- Added a section to identify the location of the Board Office.
- Added section on Board Meeting and clarified established regular Board meetings would be held by resolution.
- Modified section on References by Incorporation, including the uniform contested case rules from Chapter 9.
- Added a section for Public Records Inspection, to support and explain why this Board has always charged a reasonable copy fee in Chapter 5.
- Added a section for Change of Name that was previously in Chapter 4.
- Added a section for Roster Requests that was previously in Chapter 5.
- Added a section for requesting Duplicate Pocket Cards and Wall Certificates that was previously in Chapter 5.
- Added a section for requesting License Verifications.

Chapter 2: Organization and Procedures of the Board (Repealed)

- Repealed Chapter as information was outlined in the Practice Act.

Chapter 3: Licensure and Application Procedures

- Clarified Application Status requirements and time frame.
- Removed language repetitive to the Practice Act and clarified the application process and requirements for Licensure.
- Removed reciprocal licensure language as process does not differ from initial application method. Condensed methods into one process.

Chapter 4: Application Procedure (Repealed)

- Repealed Chapter and moved application procedure information to Chapter 3, moved license expiration information to Chapter 6, and moved Change of Name to Chapter 1.
- Removed Temporary Permit section, as process for Temporary Permit is the same as

obtaining full Licensure.

Chapter 5: Fees

- Clarified the General Information section.
- Reformatted and grouped fees to mirror Chapter 3 and Chapter 1.
- Clarified and decreased Reinstatement Fee to be one obvious fee amount, instead of the prior requirement to submit \$200 for reinstatement and \$200 for renewal, for a total of \$400. This fee is now simply \$300 for Reinstatement.
- At this time, the Board does not offer regulate licensure by other methods related to reissuance (lapsed license less than 5 years), returned to practice (lapsed license more than 5 years), and relicensure following discipline. The Board proposed these new methods for licensure based on experiences of other Wyoming licensing boards with an attempt to be pro-active. However, these new methods require more administrative staff time to review applications for licensure with additional requirements including continuing education, compliance with previous Board orders, personal statements, etc. Based on the expected increase in staff time, the Board proposes a reasonable tiered fee structure that increases with the anticipated administrative review time.
- Added a reasonable fee associated with roster requests to offset the staff time spent compiling licensee contact information for third parties.

Chapter 6: Renewal

- Added license expiration information from Chapter 4.
- Clarified Renewal and Late Renewal procedures.
- Clarified Reinstatement section.
- Added and clarified Reissuance section as this was a method sought after by licensees, but not clearly outlined in Rule.
- Added and clarified Return to Practice section as, like reissuance, this was a method sought after by licensees, but not clearly outlined in Rule.
- Added and clarified Relicensure Following Discipline section. This has been a process that other licensing Boards have found beneficial to reinstating a disciplined licensee in a manner that would best protect the public.

Chapter 7: Professional Responsibility

- Added and clarified a Scope of Practice section to reflect clarifications to the dietetic scope of practice as written in the Board's Practice Act.
- Clarified language in Ethical Standards section.
- Incorporated by reference the Codes of Ethics for the profession from repealed Chapter 0. This reference by incorporation is also referenced in Chapter 1 under the Reference by Incorporation section.

Chapter 8: Adverse Action (Repealed)

- Repealed Chapter and moved disciplinary information to Chapter 9.

Chapter 9: Practice and Procedures for Disciplinary, Application and Licensure Matters

- Reorganized the Chapter to include all disciplinary, application, and licensure matters into one chapter.
- Added and clarified Grounds for Discipline from Chapter 8.
- Removed the required content of a complaint form as these details can be listed within the complaint form itself.
- Clarified Application Review and Investigation Process.
- Consolidated and clarified several sections into Complaint Review and Disciplinary Investigation Process.

- Added Petition and Notice of Hearing sections.
- Added Lawful Service section.
- Added the Dismissal and Default section.
- Added Burden and Standard of Proof section.
- Incorporated by reference the uniform contested case rules adopted by Office of Administrative Hearings into Contested Case Hearing section.
- Clarified Board Decision and Order.
- Added Judicial Review section.

CHAPTER 1

GENERAL PROVISIONS

Section 1. **Authority.** The Board is authorized under the Act and the WAPA to promulgate rules and regulations related to the licensure and discipline of dietitians and regulation of the practice of dietetics in Wyoming.

Section 2. **Statement of Purpose.** These Board rules are adopted to implement the Board's authority to establish administrative procedures.

Section 3. **Definitions.**

- (a) **“Act”** means the Dietetics Licensure Act, W.S. § 33-47-101 through -110.
- (b) **“AND”** means the Academy of Nutrition and Dietetics which was formerly known as the American Dietetic Association.
- (c) **“ARC”** means Application Review Committee.
- (d) **“Board Rules”** means the administrative rules and regulations promulgated by the Board.
- (e) **“CADE”** means the Commission on Accreditation for Dietetics Education.
- (f) **“CDR”** means the Commission on Dietetic Registration.
- (g) **“CPE”** means continuing professional education.
- (h) **“DC”** means Disciplinary Committee which may be comprised of at least one (1) Board member or the Executive Director.
- (j) **“RD” or “RDN”** means a Registered Dietitian or Registered Dietitian Nutritionist credentialed by the CDR.
- (k) **“WAPA”** means the Wyoming Administrative Procedure Act, W.S. § 16-3-101 through -115.
- (l) **“Weight control services”** consist of providing general non-medical nutrition instruction and guidance.

Section 4. **Board Office.** The Board Office shall be located at 2001 Capitol Avenue, Cheyenne, Wyoming.

Section 5. **Board Meetings.** The Board shall meet in accordance with a resolution passed by the Board.

Section 6. **Reference by Incorporation.**

- (a) For any rule incorporated by reference in these Board Rules:
 - (i) The Board has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;
 - (ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (b) of this section; and
 - (iii) The incorporated rule is maintained at Board Office and is available for public inspection and copying at cost at the same location.
- (b) Each rule incorporated by reference is further identified as follows:
 - (i) Reference in Chapter 9, Section 10 is Chapter 2 - Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on October 17, 2014, found at: <http://soswy.state.wy.us/Rules/RULES/9644.pdf>.
 - (ii) Reference in Chapter 7, Section 3(a) is Code of Ethics for the Profession of Dietetics, adopted by AND/CDR and effective on June 2, 2009, found at: <http://www.eatrightpro.org/~media/eatrightpro%20files/career/code%20of%20ethics/coe.ashx>.

Section 7. Public Records Inspection.

- (a) If a member of public requests an electronic or hard copy of public records, then that individual shall pay a fee. Such fee shall include cost of administrative time and producing a copy of the public record.
- (b) Public records inspection shall take place under the following conditions:
 - (i) An appointment shall be made to review the records between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding state holidays, at the Board Office,
 - (ii) Records inspection shall take place in the presence of Board staff, and
 - (iii) A member of the public may request copies upon payment of a fee.

Section 8. Change of Name, Address, or Telephone Number. Each applicant and licensee shall notify the Board in writing of any change to their legal name, home address, business address, e-mail address, or telephone number within thirty (30) days of the change.

Section 9. Requests for Rosters. Any person requesting a roster of licensees shall submit a completed request form and payment of a fee.

Section 10. Duplicate Pocket Card and Wall Certificate. Any person requesting a duplicate pocket card and wall certificate shall submit a completed request form and payment of a fee.

Section 11. License Verification. Any person requesting verification of their license shall submit a completed request form and payment of a fee.

CHAPTER 1

GENERAL PROVISIONS

~~Section 1. Rules of the Dietetics Licensing Board hereinafter referred to as the Board.~~

~~Section 2. Statutory Authority.~~ - The Dietetics Licensing Board is authorized under was created by W.S. 33-47-101 through 33-47-110, herein after referred to as the Act and the WAPA to promulgate rules and regulations related to the licensure and discipline of dietitians and regulation of the practice of dietetics in Wyoming.

Section 1.

Statement of

~~Section 3. Severability. If any provisions of these regulations or the application thereof to any person or circumstance is invalid, such invalidity shall not affect other provisions or application of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.~~

~~Section 2.~~ ~~Section 4. Purpose of These Rules.~~ - These Board purpose of these rules are adopted to implement the Board's authority to shall be to develop procedures and establish administrative procedures requirements for:.

Section 3. Definitions.

(a) "Act" means the Dietetics Licensure Act, W.S. § 33-47-101 through -110.

~~(a) Election of officers, establishment of Board organization, and codification of rules and procedures for Board meetings and subcommittee meetings;~~

~~(b) Standards and qualifications requisite in the issuance of licenses and permits;~~

~~(c) Evaluation of qualifications of individuals applying for licensure or temporary permits;~~

~~(d) Issuance of licenses and permits, and renewal of licenses to qualified persons;~~

~~(e) Setting fees necessary for the administration of the Act;~~

~~(f) Establishing criteria for actions against licensees and temporary permit holders, and others including, but not limited, to:~~

~~(i) Investigation and conduct of hearings on complaints of violations of the Act;~~

~~_____ (ii) _____ Proceedings to enjoin, restrain or bring suit against persons violating the Act;~~

~~_____ (iii) _____ Revocation, suspension, reprimand, probation, denial, or refusal to renew licenses; and,~~

~~_____ (g) _____ Codification of a canon of ethics.~~

~~_____ **Section 5. Terms Defined by Statute.** Terms defined in W.S. 33-47-101 through 33-47-110 shall have the same meanings when used in these regulations unless the context or subject matter clearly requires a different interpretation.~~

~~_____ **Section 6. Terms Defined Herein.** As used in these regulations, the following terms shall have the following meanings unless the context or subject matter clearly requires a different interpretation.~~

~~(b) _____ (a) _____ **“AND”** means the **“The Academy of Nutrition and Dietetics”** which was formerly known as the American Dietetic Association ~~(ADA)~~.~~

~~(c) _____ **“ARC”** means Application Review Committee.~~

~~(d) _____ **“Board Rules”** means the administrative rules and regulations promulgated by the Board.~~

~~(e) _____ (b) _____ **“CADE”** means the Commission on Accreditation for Dietetics Education.~~

~~(a) _____~~

~~(f) _____ (e) _____ **“CDR”** means the Commission on Dietetic Registration.~~

~~(g) _____ **“CPE”** means continuing professional education.~~

~~(h) _____ **“DC”** means Disciplinary Committee which may be comprised of at least one (1) Board member or the Executive Director.~~

~~(j) _____ (d) _____ **“RD” or “RDN”** means a Registered Dietitian or Registered Dietitian Nutritionist credentialed by the CDR.~~

~~_____ **“WAPA”** means the Wyoming Administrative Procedure Act, W.S. § 16-3-101 through -115.~~

~~(j) (k) _____~~

~~(l) _____ (e) _____ **“Weight control services”** consist of providing general non-medical nutrition instruction and guidance.~~

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Section 5. Board Meetings. The Board shall meet in accordance with a resolution passed by the Board.

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Section 9. Requests for Rosters. Any person requesting a roster of licensees shall submit a completed request form and payment of a fee.

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Section 11. License Verification. Any person requesting verification of their license shall submit a completed request form and payment of a fee.

CHAPTER 2
ORGANIZATION AND PROCEDURES OF THE BOARD
REPEALED

CHAPTER 2

ORGANIZATION AND PROCEDURES OF THE BOARD

REPEALED

~~**Section 1. Structure of the Board.** The Board shall consist of three (3) persons, all of whom are appointed by the governor: two (2) registered dietitians and one (1) person from the public at large. Board members shall serve three (3) year terms.~~

~~**Section 2. Establishment of Licensure Standards.** The state professional organizations representing the profession may recommend the specific requirements, rules, and procedures appropriate for licensing of persons in the field to the Board and suggest changes to the rules and regulations.~~

~~**Section 3. Officers.** A chairman of the Board shall be elected by a majority vote of the Board annually.~~

~~**Section 4. Meetings of the Board.**~~

~~(a) The Board shall meet at least twice each year at dates, places, and times established by the Chairman with special meetings held as requested by the Chairman or by a majority of the members.~~

~~(b) Meetings shall be open to the public and held in accordance with the Wyoming Administrative Procedures Act. The Board has the right to call executive sessions pursuant to W.S. 16-4-405.~~

~~(c) The Chairman may conduct meetings and Board business via electronic media as a means of conserving funds and expediting appropriate business.~~

~~(d) A quorum shall consist of two (2) members, and a majority vote of those Board members present and voting is required to approve Board actions.~~

~~**Section 5. Establishment of Committees.** Members may also be designated and empowered to conduct complaint investigations, and make recommendations on complaints.~~

CHAPTER 3

LICENSURE AND APPLICATION PROCEDURES

Section 1. **Statement of Purpose.** These Board Rules are adopted to implement the Board's authority to establish the requirements and procedures for licensure.

Section 2. **Application Status.**

(a) The applicant shall meet all requirements during the timeframe identified immediately prior to submitting a completed application.

(b) Applications shall be deemed "complete" when all necessary documentation has been received by the Board office.

(c) Applications shall expire one year after submission. If an application expires, an applicant shall submit a new application, including payment of fee.

Section 3. **Licensure.** An applicant for licensure shall submit:

(a) A completed application and payment of fees;

(b) Evidence of clinical competency by:

(i) Verifying current registration with CDR; or

(ii) Completing the requirements outlined in W.S. § 33-47-106(a). Applicants who have obtained a degree outside of the United States and its territories shall request that the CADE evaluate that degree program to determine its equivalency as defined W.S. § 33-47-106 (a)(i); and

(c) A license verification directly from every jurisdiction, if applicable.

CHAPTER 3

DIETETICS LICENSURE AND APPLICATION PROCEDURES

~~**Section 1.** ——— **Section 1. The Practice of a Dietitian.** The practice of a Dietitian consists of the integration and application of principles derived from the sciences of food, nutrition, management, communication, and biological, physiological, behavioral, and social sciences to achieve and maintain optimal human health. It includes the nutrition care process and medical nutrition therapy, but does not include medical differential diagnosis of the health status of an individual.~~
Statement of Purpose. These Board Rules are adopted to implement the Board’s authority to establish the requirements and procedures for licensure.

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—A license verification directly from every jurisdiction, if applicable.

~~————— **Section 2. General Requirements for License.** It is the sole responsibility of the applicant to ensure that the Board receives all documentation necessary to prove to the Board’s satisfaction that the applicant meets all the requirements for licensure herein. Applicants shall provide evidence satisfactory to the Board that they:~~

~~————— (a) are of majority age; and~~

~~————— (b) have no felony convictions, and no misdemeanor convictions involving moral turpitude, although exceptions to this requirement may be granted by the Board if consistent with the public interest; and~~

~~_____ (c) _____ are legal inhabitants of the United States, and~~

~~_____ (d) _____ have received a baccalaureate or post baccalaureate degree from a CADE accredited college or university with a major course of study in human nutrition, nutrition education, public health nutrition, food and nutrition, dietetics, food systems management or an equivalent major course of study as approved by the board, and~~

~~_____ (i) _____ Applicants who have obtained a degree outside of the United States and its territories must request that the CADE evaluate that degree program to determine if it is equivalent to the same degree conferred by a regionally accredited college or university in the United States.~~

~~_____ (e) _____ have completed a documented supervised pre-professional practice experience component in dietetics of not less than nine hundred (900) hours under the supervision of a registered dietitian, a licensed dietitian or an individual with a doctoral degree conferred by a United States regionally accredited college or university with a major course of study in human nutrition, nutrition education, food and nutrition, dietetics or food systems management; and~~

~~_____ (f) _____ have successfully completed the registration examination for dietitians administered by the CDR or an examination of an equivalent level approved by the Board;~~

~~_____ **Section 3. Licensure by Reciprocity.** An applicant holding a license in good standing to engage in the practice of dietetics under the laws of another state having licensure requirements at least as stringent as those required by the Act may be issued a license. A registered dietitian whose previous state of residence does not require licensure may be issued a license if he or she meets the requirements of W.S. 33-47-106.~~

~~_____ (a) _____ If reciprocity is not granted, the applicant shall have the opportunity to show that they meet the requirements of W.S. 33-47-106.~~

(c) _____

CHAPTER 4
APPLICATION PROCEDURE
REPEALED

CHAPTER 4

APPLICATION PROCEDURE

REPEALED

~~Section 1. Licenses.~~

~~(a) An individual is considered an applicant once he or she has submitted the following:~~

~~(i) A complete official application form with an original signature, accompanied by the application fee and appropriate proof of legal presence in the U.S.;~~

~~(ii) A copy of the applicant's current CDR dietetic registration; and~~

~~(iii) A verification letter from every other jurisdiction in which the applicant has been licensed to practice dietetics.~~

~~(b) The Board shall not review an individual's credentials prior to receiving a complete application.~~

~~(c) All requirements for licensure shall be documented within one (1) year of the date the application was received by the Board, otherwise the application will be deemed incomplete and closed without further notice.~~

~~(d) The Board will not accept faxed or photocopied documents.~~

~~Section 2. Temporary Permits.~~

~~(a) An applicant requesting a temporary permit must submit the following:~~

~~(i) A complete official application form with an original signature, accompanied by the application fee and appropriate proof of legal presence in the U.S.; and~~

~~(ii) Verification of licensure in good standing from jurisdictions where the applicant holds or has held a license as a dietitian, or~~

~~(iii) A copy of the applicant's current CDR dietetic registration.~~

~~(b) Temporary Permits expire six (6) months from date of issue.~~

~~**Section 3. Notification of Applicants and Right of Appeal.** If the applicant's initial application is denied, the reasons for this rejection shall be communicated in writing. The applicant shall have the right to request reconsideration of the application materials, and may further request a hearing before the Board in accordance with the Wyoming Administrative Procedures Act.~~

~~Section 4. Issuance and Expiration of License.~~

~~————(a)———— The Board shall issue a wall certificate to the successful applicant bearing the full name of the holder, title of the license, license serial number, date of issuance, expiration date, and appropriate seal.~~

~~————(b)———— Licenses issued in an even numbered year shall expire on June 30th of the next even numbered year. Thereafter, the renewal period is two (2) years.~~

~~————(c)———— Licenses issued in an odd numbered year shall expire on June 30th of the next odd numbered year. Thereafter, the renewal period is two (2) years.~~

~~————**Section 5. Issuance of Temporary License.** The Board shall issue a pocket identification card to the successful applicant bearing the full name of the holder, title of the license, license serial number, date of issuance, expiration date, and appropriate seal.~~

~~————**Section 6. Change of Name, Address or Telephone Number.**~~

~~————(a)———— Licensees and temporary permit holders shall register with the Board any change in their legal name, shall submit documentation demonstrating the change of name, appropriate fee and shall surrender the old wall certificate and a new wall certificate shall be issued by the Board.~~

~~————(b)———— Each applicant, licensee and temporary permit holders shall file with the Board their current home and professional mailing addresses and telephone numbers and shall report to the Board in writing any change of addresses or telephone numbers, giving both old and new addresses and telephone~~

~~————**Section 7. Correction and Amendment.** Any applicant, licensee or permit holder may clarify erroneous, inaccurate or misleading information in their file by submitting a written statement to the Board which will be placed in their file.~~

CHAPTER 5

FEEES

Section 1. Statement of Purpose. These Board Rules are adopted to implement the Board's authority to determine and collect reasonable fees

Section 2. General Information.

(a) Fees shall be payable in the exact amount by money order, cashier's check, or certified check. Application and renewal fees may be paid by personal check.

(b) All fees collected by the Board are non-refundable.

Section 3. Fees. Services for which the Board charges a fee shall include, but is not limited to, the following fee schedule:

(a)	Application Fee	\$200.00
(b)	Renewal Application Fee	\$200.00
(c)	Late Renewal Application Fee (June 15 to June 30)	\$225.00
(d)	Reinstatement Fee (July 1 to September 30)	\$300.00
(e)	Reissuance Fee (lapsed license less than 5 years)	\$400.00
(f)	Return to Practice Fee (lapsed license more than 5 years)	\$400.00
(g)	Relicensure Following Discipline Fee	\$500.00
(h)	Non-sufficient Funds Fee	\$30.00
(j)	Roster Fee	\$50.00
(k)	Replacement Wall Certificate	\$10.00
(l)	Replacement Pocket ID Cards	\$10.00
(m)	License Verification Fee	\$15.00
(n)	Copy Fee	\$.25 per page

CHAPTER 5

FEES

Section 1. Statement of Purpose. These Board Rules are adopted to implement the Board's authority to determine and collect reasonable fees

Section 2. General Information.

(a) Fees shall be payable in the exact amount by money order, cashier's check, or certified check. Application and renewal fees may be paid by personal check.

(b) All fees collected by the Board are non-refundable.

Section 3. ~~Section 1. Fees. Services for which the Board charges a This fee shall include, but is not limited to, the following fee schedule: schedule is adopted by the Board pursuant to W.S. 33-1-201.~~

~~(a) Application Fees: _____~~

~~(a) (i) Licensure Application Fee (2 year license) \$2000~~

~~(b) (ii) Renewal Application Fee (postmarked by June 15th, or on the next business day in cases when June 15th falls on a weekend) _____
\$200.00~~

~~(c) (iii) Late Renewal Application Fee (postmarked after June 15th and prior to June 30th, or on the next business day in cases when June 30th falls on a weekend) _____
\$225.00~~

~~(d) (iv) Reinstatement Fee (postmarked after June 30th and prior July 1 to September 30th, or on the next business day in cases when September 28th falls on a weekend) _____
\$2300.00~~

~~(e) Reissuance Fee (lapsed license less than 5 years) \$400.00~~

~~(f) Return to Practice Fee (lapsed license more than 5 years) \$400.00~~

~~(g) Relicensure Following Discipline Fee \$500.00~~

~~(v) Temporary Permit Application \$200.00~~

~~(b) Non-sufficient Funds Fee: in accordance with~~

~~(h) W.S. 1-1-115 \$30.00~~

~~(j) Roster Fee \$50.00~~

~~(k) Replacement Wall Certificate \$10.00~~

~~(l) Replacement Pocket ID Cards \$10.00~~

~~License~~

~~(e) Written Verification Fee \$15.00~~

~~(d) Replacement Wall Certificate \$10.00~~

~~(e) Replacement Pocket ID Cards \$5.00 set of 2 cards~~

~~(m)~~

~~(n) (f) Copy Fee: \$0.25 per page~~

~~Section 2. Refunds. All fees collected by the Board are non-refundable.~~

~~Section 3. Applications Unaccompanied by Fees. An application shall not be considered by the Board unless accompanied by the application fee.~~

~~Section 4. Duplicate or Replacement Certificate and Pocket Card. Duplicate or replacement wall certificates and pocket cards may be issued by the Board. All requests for duplicates or replacements shall be in writing and shall be accompanied by the required fee for each duplicate or replacement.~~

~~Section 5. Requests for Roster of Licensees. The roster of current licensees and permit holders shall be updated at least annually and made available electronically at no charge.~~

CHAPTER 6

RENEWAL

Section 1. Statement of Purpose. These Board Rules are adopted to implement the Board's authority to establish the requirements and procedures for license renewal.

Section 2. License Renewal.

(a) License Expiration.

(i) Licenses issued in an even numbered year shall expire on June 30 of the next even numbered year. Thereafter, the renewal period shall be two (2) years.

(ii) Licenses issued in an odd numbered year shall expire on June 30 of the next odd numbered year. Thereafter, the renewal period shall be two (2) years.

(iii) Licensees that fail to timely renew shall forfeit the right to practice.

(iv) Failure to receive a notice for renewal from the Board does not excuse a licensee from the requirement for renewal under the Act and these rules.

(b) Renewal Procedure. Between April 1 and June 15 of the year the license expires, a licensee seeking renewal shall submit:

(i) A completed renewal application and payment of fees;

(ii) Verification of current registration with CDR; and

(iii) Evidence of completion of thirty (30) hours of CPE that complies with Section 3.

(c) Late Renewal Procedure. Between June 16 and June 30 of the year the license expires, a licensee seeking late renewal shall submit:

(i) A completed late renewal application and payment of fees;

(ii) Verification of current registration with CDR; and

(iii) Evidence of completion of thirty (30) hours of CPE that complies with Section 3.

Section 3. Continuing Education Requirements.

(a) Renewal Period. CPE shall be obtained July 1 through June 15 of the renewal period.

(b) Calculation of CPE. CPE shall be calculated as follows:

(i) One (1) semester credit equals fifteen (15) CPE;

- (ii) One (1) quarter credit equals ten (10) CPE; and
 - (iii) One (1) continuing education hour equals one (1) CPE.
- (c) Content. CPE shall be directly related to the scope of practice defined in the Act.
- (i) The Board shall accept CDR approved activities. Other activities may be submitted to the Board for review.
 - (ii) Licensees shall provide proof of attendance that contains the activity title, dates, CPE, sponsor, presenter, qualifications of the presenter, the name of the licensee, and shall be signed by the sponsor or the presenter.
- (d) Waiver. The Board may grant a waiver for continuing education requirements to licensees who have petitioned and demonstrated just cause based on extenuating circumstances.

Section 4. Reinstatement.

- (a) Eligibility. An applicant may seek reinstatement if that license has expired within ninety (90) days.
- (b) Reinstatement Application Requirements. The applicant shall submit:
- (i) A completed reinstatement application and payment of fee;
 - (ii) Verification of current registration with CDR; and
 - (iii) Evidence of completion of thirty (30) hours of CPE that complies with Section 3.
- (c) Lapsed License. A license not reinstated within the ninety (90) days after expiration shall lapse. If an applicant allows their license to lapse, the applicant shall apply for reissuance.

Section 5. Reissuance.

- (a) Eligibility. An applicant may seek reissuance if their license has been lapsed less than five (5) years.
- (b) Reissuance Application Requirements. The applicant shall submit:
- (i) A completed reissuance application and payment of fees;
 - (ii) Verification of current registration with CDR; and
 - (iii) Evidence of completion of fifteen (15) hours of CPE that complies with Section 3 for each year the license has expired.

Section 6. Return to Practice.

- (a) Eligibility. An applicant may seek to return to practice if their license has been lapsed more than five (5) years.
- (b) Return to Practice Application Requirements. The applicant shall submit:
 - (i) A completed return to practice application and payment of fees;
 - (ii) Evidence of completion of CDR’s Registration Examination passed within twelve (12) months; and
 - (iii) Verification of current registration with CDR.

Section 7. Relicensure Following Discipline.

- (a) Eligibility. An applicant may seek relicensure of their license that has been revoked, surrendered, suspended, conditioned, or restricted.
- (b) Relicensure Application Requirements. The applicant shall submit:
 - (i) A completed relicensure application and payment of fee;
 - (ii) Verification of current registration with CDR;
 - (iii) Evidence of complying with the requirements of a previous Board order;
 - (iv) Evidence of applicant’s ability to safely and competently practice; and
 - (v) Evidence demonstrating just cause for relicensure.

CHAPTER 6

RENEWAL

Section 1. Statement of Purpose. These Board Rules are adopted to implement the Board's authority to establish the requirements and procedures for license renewal.

Section 2. License Renewal.

(a) License Expiration.

(i) Licenses issued in an even numbered year shall expire on June 30 of the next even numbered year. Thereafter, the renewal period shall be two (2) years.

(ii) Licenses issued in an odd numbered year shall expire on June 30 of the next odd numbered year. Thereafter, the renewal period shall be two (2) years.

(iii) Licensees that fail to timely renew shall forfeit the right to practice.

(iv) Failure to receive a notice for renewal from the Board does not excuse a licensee from the requirement for renewal under the Act and these rules.

(b) Renewal Procedure. Between April 1 and June 15 of the year the license expires, a licensee seeking renewal shall submit:

(i) A completed renewal application and payment of fees;

(ii) Verification of current registration with CDR; and

(iii) Evidence of completion of thirty (30) hours of CPE that complies with Section 3.

(c) Late Renewal Procedure. Between June 16 and June 30 of the year the license expires, a licensee seeking late renewal shall submit:

(i) A completed late renewal application and payment of fees;

(ii) Verification of current registration with CDR; and

(iii) Evidence of completion of thirty (30) hours of CPE that complies with Section 3.

~~Section 1.~~ **Section 3. Continuing Education Requirements** ~~Biennial Renewal.~~

(a) Renewal Period. CPE shall be obtained July 1 through June 15 of the renewal period. Licenses may be renewed every two (2) years by providing the Board with the following no later than fifteen (15) days prior to the license expiration date:

(a)-(b) Calculation of CPE. CPE shall be calculated as follows:

~~(i) — Payment of the renewal fee;~~

~~(ii) — Complete application for renewal; and~~

~~(iii) — Proof of compliance with the continuing professional education (CPE) requirements set out below.~~

~~(b) — Each licensee shall earn a minimum of thirty (30) contact hours of CPE during each two (2) year renewal period.~~

~~(i) — Contact hours for purposes of this section shall be the actual number of hours during which instruction was received. A contact hour shall consist of not less than fifty (50) minutes of actual instruction or presentation. For academic courses, One (1) semester credit equals fifteen (15) CPE contact hours.;~~

~~(ii) — One (1) quarter credit equals ten (10) CPE; and contact hours.~~

~~(+)(iii) One (1) continuing education hour equals one (1) CPE.~~

~~(ii) — Only those hours acquired during the renewal period will be considered.~~

~~(iii) — Content. CPE shall be directly related to the The following standards shall govern acceptability of continuing education activities:~~

~~(A) — These activities shall have significant intellectual or practical content, and the primary objective shall be to increase the licensee's competence in dietetics.~~

~~(B) (c) — The scope of practice defined in the Act for a dietitian shall be used as a basis of what knowledge and skills are acceptable to the Board as continuing education activities.~~

~~(C) — The Board will shall accept CDR approved activities. Other a Activities may not approved by the CDR may be submitted to the Board for review.~~

~~(i) —~~

~~(iv) — Licensees shall provide attest to the number of continuing education hours completed.~~

~~(v) — Licensees shall report their continuing education activities in a manner determined by the Board.~~

~~(A) — Licensees shall maintain copies of any certificates of attendance, letters certifying attendance, transcripts, or any official documents which serve as proof of participation or attendance for at least two (2) years from the date submitted for renewal.~~

(ii) Proof of attendance that shall contain the activity title, dates, CPE contact hours attended, sponsor, presenter, qualifications of the presenter, the name of the licensee, and shall be signed by the sponsor or the presenter.

~~(B)~~ Waiver. The Board may grant a waiver for continuing education requirements to licensees who have petitioned and demonstrated just cause based on extenuating circumstances.

~~(vi)~~ Licensees are responsible for maintaining their own continuing education documentation.

~~(e)~~ Approximately ninety (90) days prior to the renewal date a renewal notice will be mailed to the licensee's last address of record.

~~(d)~~ Renewal applications shall not be accepted more than ninety (90) days prior to the expiration date.

~~(e)~~ Renewal applications received by the Board which are postmarked after June 30th, or after the next business day in cases when June 30th falls on a weekend, will not be accepted by the Board, and the license will become null and void on July 1 for failure to timely and sufficiently secure renewal. Practice is not permitted after the license expiration date.

~~(f)~~ (d) Failure to receive a notice for renewal from the Board does not excuse a licensee from the requirement for renewal under the Act and these rules.

~~Section 2.~~ Exemption From Continuing Education.

~~(a)~~ A licensee may be exempted from a portion of the continuing education required for the renewal of their license if during the last ninety (90) days of the current renewal period the licensee otherwise meets all renewal requirements and experiences a physical disability, illness or other disabling situation.

~~(b)~~ The licensee claiming an exemption shall provide supporting documentation from a third party acceptable to the Board.

~~Section 3.~~ Section 4. Reinstatement.

~~(a)~~ Eligibility. An applicant person who has allowed their license to expire may not practice as a dietitian nor represent themselves to the public as being a dietitian. Persons may seek apply for reinstatement if that license has expired within ninety (90) days, by September 28th of the year the license expired, by submitting:

~~(a)~~ (b) Reinstatement Application Requirements. The applicant shall submit:

~~(i)~~ The A completed reinstatement application and payment of fee; and

~~(i)~~ (ii) Verification of current registration with CDR; and

~~(ii) — Evidence of completion of thirty (30) hours of Proof of compliance with the CPE that complies with Section 3, requirements as set out in this chapter, and~~

~~(iii) — Payment of the renewal fee, and~~

~~(iv) (iii) — Payment of the reinstatement fee.~~

~~(c) — Lapsed License. After September 28th of the year the license not reinstated within the ninety (90) days after expiration shall lapse. If an applicant allows their license to lapse, the applicant shall apply for anyone wishing to be licensed must meet current requirements and either submit an application for a new license as outlined in Chapter 4 Section 1, or an application for reissuance under W.S. 33-47-107(d).~~

Section 5. Reissuance.

~~(a) — Eligibility. An applicant may seek reissuance if their license has been lapsed less than five (5) years.~~

~~(b) — Reissuance Application Requirements. The applicant shall submit:~~

~~(i) — A completed reissuance application and payment of fees;~~

~~(ii) — Verification of current registration with CDR; and~~

~~(iii) — Evidence of completion of fifteen (15) hours of CPE that complies with Section 3 for each year the license has expired.~~

Section 6. Return to Practice.

~~(a) — Eligibility. An applicant may seek to return to practice if their license has been lapsed more than five (5) years.~~

~~(b) — Return to Practice Application Requirements. The applicant shall submit:~~

~~(i) — A completed return to practice application and payment of fees;~~

~~(ii) — Evidence of completion of CDR's Registration Examination passed within twelve (12) months; and~~

~~(iii) — Verification of current registration with CDR.~~

Section 7. Relicensure Following Discipline.

~~(a) — Eligibility. An applicant may seek relicensure of their license that has been revoked, surrendered, suspended, conditioned, or restricted.~~

- (b) Relicensure Application Requirements. The applicant shall submit:
- (i) A completed relicensure application and payment of fee;
 - (ii) Verification of current registration with CDR;
 - (iii) Evidence of complying with the requirements of a previous Board order;
 - (iv) Evidence of applicant's ability to safely and competently practice; and
 - ~~(b)~~ (v) Evidence demonstrating just cause for relicensure.

CHAPTER 7

PROFESSIONAL RESPONSIBILITY

Section 1. Statement of Purpose. These Board Rules are adopted to implement the Board's authority to regulate the practice of dietetics

Section 2. Scope of Practice.

- (a) The practice of dietetics shall occur where the patient is located or receives services.
- (b) Licensees may order patient diets.
- (c) Licensees may order lab tests to check and track nutrition status and monitor effectiveness of dietary plans and orders.

Section 3. Ethical Standards. The protection of the public health, safety and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of licensees.

(a) The Board adopts the "Code of Ethics for the Profession of Dietetics" of the AND/CDR incorporated by reference in Chapter 1.

(b) Licensees shall:

(i) Practice in a manner that is in the best interest of the public and does not endanger the public health, safety or welfare;

(ii) Report to the Board known or suspected violations of the laws and regulations governing the practice of licensed or permitted professionals;

(iii) Use only those educational credentials in association with their licensure or permit and practice as a professional that have been earned at an educational institution accredited by one of the regional or national institutional accrediting bodies recognized by the Council for Higher Education Accreditation (CHEA), and that are directly related to their license;

(iv) Use only indicators of current dietetic-related specialty credentials/board certifications which are approved by CDR;

(v) Provide clients with accurate and complete information regarding the extent and nature of services available to them;

(vi) Respect the privacy of clients and hold in confidence all information obtained in the course of professional service;

(vii) Maintain accurate documentation of all professional services rendered to a client in confidential files for each client and ensure that client records are kept in a secure, safe, retrievable

and legible condition in accordance with Health Insurance Portability and Accountability Act and Centers for Medicare & Medicaid Services regulations;

(viii) When advertising their services to the public, ensure that such advertising is neither fraudulent nor misleading and includes the use of the title “licensed dietitian” or the initials “LD” or a statement such as “licensed by the Wyoming Dietetics Licensing Board”;

(ix) Respond to all requests for information and all other correspondence from the Board; and

(x) Not permit or facilitate unlicensed practice or any activity which is a violation of the Act or these Board rules.

CHAPTER 7

PROFESSIONAL RESPONSIBILITY

Section 1. Statement of Purpose. ~~These Board Rules are adopted to implement the Board's authority to regulate the practice of dietetics~~

Section 2. Scope of Practice.

~~(a) The practice of dietetics shall occur where the patient is located or receives services.~~

~~(b) Licensees may order patient diets.~~

~~(c) Licensees may order lab tests to check and track nutrition status and monitor effectiveness of dietary plans and orders.~~

~~**Section 1.**~~ **Section 3. Ethical Standards.** The protection of the public health, safety and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of ~~licensees~~ all persons whose activities are regulated by the Board.

~~(a) The Board adopts the "Code of Ethics for the Profession of Dietetics" of the AND/Academy of Nutrition and Dietetics/Commission on Dietetic Registration (CDR) incorporated by reference in Chapter 1, as Appendix A are adopted and shall be used by the licensee and temporary permit holder and the Board to provide additional guidelines to ethical standards. If the Code of Ethics of the CDR conflict with the Act and/or these rules and regulations, the Act and rules and regulations shall control.~~

~~(b) Licensees~~ Persons licensed by the Board shall:

~~(i) Practice in a manner that is in the best interest of the public and does not endanger the public health, safety or welfare;~~

~~(ii) Report to the Board known or suspected violations of the laws and regulations governing the practice of licensed or permitted professionals;~~

~~(iii) Persons licensed by the Board shall designate themselves as a "Licensed Dietitian" or by use of the initials "LD".~~

~~(iv) (iii)~~ Use only those educational credentials in association with their licensure or permit and practice as a professional that have been earned at an educational institution accredited by one of the regional or national institutional accrediting bodies recognized by the Council for Higher Education Accreditation (CHEA), and that are directly related to their license;

~~(v) (iv)~~ Use only indicators of current dietetic-related specialty credentials/board certifications which are approved by CDR;

~~(vi) (v)~~ Provide clients with accurate and complete information regarding the extent and nature of services available to them;

~~(vii)~~(vi) _____ Respect the privacy of clients and hold in confidence all information obtained in the course of professional service~~;~~.

~~(viii)~~(vii) _____ Maintain accurate documentation of all professional services rendered to a client in confidential files for each client and ensure that client records are kept in a secure, safe, retrievable and legible condition in accordance with Health Insurance Portability and Accountability Act~~HIPPA~~ and Centers for Medicare & Medicaid Services~~CMS~~ regulations~~;~~.

~~(ix)~~(viii) _____ When advertising their services to the public, ensure that such advertising is neither fraudulent nor misleading and includes the use of the title “licensed dietitian” or the initials “LD” or a statement such as “licensed by the Wyoming Dietetics Licensing Board~~”;~~”~~;~~.

~~(x)~~(ix) _____ Respond to all requests for information and all other correspondence from the Board~~;~~ and

~~(xi)~~(x) _____ Not permit or facilitate unlicensed practice or any activity which is a violation of the Act or these Board rules ~~and regulations~~.

CHAPTER 8
ADVERSE ACTION
REPEALED

CHAPTER 8
ADVERSE ACTION

REPEALED

~~Section 1. Board Authorization.~~ The Board is authorized to refuse to renew, or may deny, suspend, revoke or otherwise restrict the license or permit of any person violating provisions of the Act pursuant to W.S. 33-47-107(f).

~~Section 2. Grounds.~~ The Board may take action for unprofessional or unethical conduct.

~~(a) Unprofessional conduct shall include, but is not limited to:~~

~~(i) Willful violation of any provision of these Rules.~~

~~(ii) Suspension, revocation, denial, or other disciplinary action imposed upon a licensee or temporary permit holder in another jurisdiction. A certified copy of the disciplinary order shall be conclusive evidence.~~

~~(iii) Representation of oneself as legally authorized to engage in the practice of dietetics without a license or temporary permit issued by this Board.~~

~~(iv) Conviction of a felony. A certified copy of the conviction shall be conclusive evidence.~~

~~(v) Conviction of a misdemeanor involving moral turpitude. A certified copy of the conviction shall be conclusive evidence.~~

~~(vi) Renting or lending the license or temporary permit issued pursuant to the Act to any person planning to use that license or temporary permit;~~

~~(vii) Soliciting clients by any form of false or misleading communication.~~

~~(viii) Incompetence or malpractice.~~

~~(ix) Mental incompetency.~~

~~(x) Knowingly submitting false information to the Board.~~

~~(xi) Addiction or habitual intemperate use of alcohol, drugs and/or controlled substances to a degree which renders the licensee or temporary permit holder unsafe or unfit to practice.~~

~~(xii) Violation of the Wyoming Controlled Substances Act.~~

~~(xiii) Sexual exploitation of a client, defined as:~~

~~_____ (A) Offering professional services for some form of sexual gratification; or~~

~~_____ (B) Sexual contact with a client.~~

~~_____ (xiv) Willful violation of any provisions of the Act.~~

~~_____ (b) Violation of any provision of the adopted Code of Ethics as set forth in these Rules is unethical conduct.~~

CHAPTER 9
PRACTICE AND PROCEDURES FOR
DISCIPLINARY, APPLICATION AND LICENSURE MATTERS

Section 1. **Statement of Purpose.** These Board Rules are adopted to implement the Board's authority to:

- (a) Conduct investigations, hearings, and proceedings concerning:
 - (i) Actions relating to an application for a licensure including granting or denying; or
 - (ii) Alleged violations of the Act or the Board Rules.
- (b) Determine and administer appropriate disciplinary action against licensee.

Section 2. **Grounds for Discipline.**

- (a) The Board may refuse to issue a license to an applicant or may suspend, revoke, or otherwise discipline any licensee who has been guilty of violations of the Act or the Board Rules.
- (b) Unprofessional conduct includes, but is not limited to:
 - (i) Violation of any provision of the:
 - (A) Act;
 - (B) Board Rules; or
 - (C) Code of Ethics;
 - (ii) Incompetence or malpractice;
 - (iii) Mental incompetency;
 - (iv) Addiction or habitual intemperate use of alcohol, drugs and/or controlled substances to a degree which renders the licensee unsafe or unfit to practice;
 - (v) Sexual exploitation of a client, defined as:
 - (A) Offering professional services for some form of sexual gratification; or
 - (B) Sexual contact with a client;
 - (vi) Client abandonment;
 - (vii) Conviction of a felony;

- (viii) Conviction of a misdemeanor relating to the practice of dietetics;
- (ix) Suspension, revocation, denial, or other disciplinary action imposed upon a licensee in another jurisdiction;
- (x) Soliciting clients by any form of false or misleading communication;
- (xi) Knowingly submitting false information to the Board;
- (xii) Representation of oneself as legally authorized to engage in the practice of dietetics without a license issued by this Board; or
- (xiii) Renting or lending a license to any person.

Section 3. Application Review and Investigation Process.

- (a) Application Review and Investigation.
 - (i) Every application shall be reviewed by the ARC.
 - (ii) An applicant for licensure shall have committed no acts which are grounds for disciplinary action, or if the act was committed, the ARC has found after investigation that sufficient restitution has been made and the applicant no longer presents a threat to the public safety.
 - (iii) If the ARC is unable to ascertain from documents submitted by the applicant that the applicant is eligible for licensure, the ARC may require the applicant to provide additional documentation, information, or meet informally with the ARC.
- (b) Application Review Committee Action. The ARC may recommend:
 - (i) A license be issued, renewed, reinstated, reissued, returned to practice, or relicensed;
 - (ii) A settlement agreement which may include the issuance, renewal, reinstatement, reissuance, return to practice, or relicensure of a license with imposition of restrictions, conditions, reprimand, other discipline, or a combination thereof; or
 - (iii) Denial of the application.
- (c) Notice of Intent to Recommend Denial. The ARC shall notify the applicant of its intent to recommend denial. Such notification shall contain:
 - (i) A brief description of the facts or conduct which warrant the denial of licensure;
 - (ii) A statement of the nature of the actions which warrant the denial or other authorized action, the facts upon which the denial or other action is based, the specific statutory provisions or the specific Board Rules involved; and

(iii) Notice of the right to a hearing if a written request is received in the Board office within thirty (30) days of the date of mailing the letter recommending denial.

(d) Applicant's Request for Hearing. If the ARC recommends denial of an application, the applicant may request a contested case hearing in writing within thirty (30) days of the mailing of the notification.

Section 4. Complaint Review and Disciplinary Investigation Process.

(a) Complaint Review. Every complaint submitted to the Board or initiated on behalf of the Board shall be investigated by a DC.

(b) Voluntary Surrender. A licensee may petition the Board, in writing, to voluntarily surrender their license. The Board shall convene a special meeting to consider the petition. The Board may accept or reject the petition for voluntary surrender and may consider whether the licensee is under investigation.

(c) Disciplinary Committee Action. The DC may recommend:

(i) Dismissal of a complaint;

(ii) Issuance of an advisory letter;

(iii) A settlement agreement which may include voluntary surrender, summary suspension, suspension, imposition of restrictions or conditions, reprimand, or other discipline;

(iv) Disciplinary action against the licensee including revocation, suspension, reprimand, restrictions or conditions, or other discipline; or

(v) Summary suspension.

(d) Summary Suspension. The Board shall convene a special meeting to conduct a hearing if the DC believes that the licensee's continued practice presents a danger to the public health, safety, or welfare and recommends summary suspension.

Section 5. Petition. The DC shall initiate formal proceedings for disciplinary action by serving a Petition to the last known address of the licensee by certified mail or by regular mail at least thirty (30) days prior to the date set for hearing.

Section 6. Notice of Hearing. The Notice of Hearing shall contain:

(a) The name and last known address of the licensee;

(b) A brief statement of the matters asserted relating to:

(i) The recommendation to deny the application, the facts upon which the recommendation to deny is based, the statutory provisions and/or the Board Rules the applicant is alleged to have violated; or

(ii) The nature of the Petition, the facts upon which the Petition is based, the statutory provisions and/or the Board Rules the licensee is alleged to have violated;

(c) The time, place, and nature of the hearing;

(d) The legal authority and jurisdiction; and

(e) A statement indicating:

(i) The applicant's failure to appear at a noticed hearing or pursue proceedings may result in a dismissal; or

(ii) The licensee's failure to answer the allegations contained in the Petition within twenty (20) days of the date of mailing and failure to appear at a noticed hearing may result in a default judgment.

Section 7. Lawful Service. There shall be a presumption of lawful service of a Petition, Notice of Hearing, or any other communication required by these Board Rules if sent to the last known address of the licensee or applicant by certified or regular mail.

Section 8. Dismissal or Default.

(a) Dismissal. The Board may enter an order of dismissal based on the allegations contained in the recommendation to deny in any case where the applicant or the applicant's representative has not appeared at a noticed hearing or pursued proceedings.

(b) Default. The Board may enter an order of default judgment based on the allegations contained in the Petition in any case where the licensee or the licensee's representative has not answered the allegations contained in the Petition and has not appeared at a noticed hearing.

Section 9. Burden and Standard of Proof.

(a) Summary Suspension. The DC shall bear the burden to prove by a preponderance of evidence that the licensee presents a clear and immediate danger to the public health, safety, and welfare if allowed to continue to practice.

(b) Application/Licensure Matters. The applicant shall bear the burden to prove by a preponderance of evidence that they meet the qualifications for licensure. The burden shall shift to the ARC or DC to prove by clear and convincing evidence that applicant should be denied a license. The burden shall shift to the applicant to persuade the Board that the ARC or DC's grounds for denial are insufficient.

(c) Discipline Matters. The DC shall bear the burden to prove by clear and convincing evidence that a licensee violated the Act or the Board's Rules.

Section 10. Contested Case Hearing. The hearing officer shall preside over the formal contested case hearing which shall be conducted pursuant to the WAPA and the Office of

Administrative Hearings rules concerning contested case proceedings incorporated by reference in Chapter 1.

Section 11. Board Decision and Order.

- (a) Board Action. The Board may resolve a complaint by:
 - (i) Approving the recommendations of the DC or ARC; or
 - (ii) Conduct a contested case hearing. Following the hearing and deliberation of all evidence admitted at a contested case hearing, the Board may:
 - (A) Issue, renew, reinstate, reissue, return to practice, or relicense a license;
 - (B) Issue, renew, reinstate, reissue, return to practice, or relicense a license subject to conditions, restrictions, or other disciplinary action;
 - (C) Deny a license, renewal, reinstatement, reissuance, return to practice, or relicensure;
 - (D) Dismiss the complaint or Petition due to lack of clear and convincing evidence;
 - (E) Issue an advisory letter; and/or
 - (F) Impose a reprimand, conditions, restrictions, suspension, revocation, other discipline, or a combination thereof.
- (b) Board Order. The Board shall make and enter a written decision and order. The decision and order shall be sent to the applicant, licensee, or their attorneys by certified or regular mail.

Section 12. Judicial Review.

- (a) Appeals from decisions of the Board are governed by the WAPA and the Wyoming Rules of Appellate Procedure.
- (b) Costs of transcripts and any reasonable costs assessed by the Board regarding the record on appeal shall be borne by the party making the appeal.

CHAPTER 9

PRACTICE AND PROCEDURES FOR
DISCIPLINARY, APPLICATION AND LICENSURE MATTERS REVIEW,
COMPLAINTS
AND HEARING PROCEDURES

Section 1. ~~Authority.~~ These rules are promulgated by authority of W.S. 16-3-102, W.S. 33-47-105 and 33-47-107**Statement of Purpose.** These Board Rules are adopted to implement the Board's authority to:

- (a) Conduct investigations, hearings, and proceedings concerning:
 - (i) Actions relating to an application for a licensure including granting or denying; or
 - (ii) Alleged violations of the Act or the Board Rules.

~~Section 1.~~(b) Determine and administer appropriate disciplinary action against licensee.

Section 2. **Grounds for Discipline.**

~~Section 3.~~(a) The Board may refuse to issue a license to an applicant or may suspend, revoke, or otherwise discipline any licensee who has been guilty of violations of the Act or the Board Rules.

~~Section 4.~~(b) Unprofessional conduct includes, but is not limited to:

- (i) Violation of any provision of the:

~~Section 5.~~(A) Act;

~~(A)~~(B) Board Rules; or

~~(B)~~(C) Code of Ethics;

- (ii) Incompetence or malpractice;

- (iii) Mental incompetency;

~~Section 6.~~(iv) Addiction or habitual intemperate use of alcohol, drugs and/or controlled substances to a degree which renders the licensee unsafe or unfit to practice;

- ~~(v)~~(v) Sexual exploitation of a client, defined as:

~~Section 7.~~(A) Offering professional services for some form of sexual gratification; or

~~(A)~~(B) Sexual contact with a client;

~~(ii)~~(vi) Client abandonment;

~~(iii)~~(vii) Conviction of a felony;

~~(iv)~~(viii) Conviction of a misdemeanor relating to the practice of dietetics;

~~(v)~~(ix) Suspension, revocation, denial, or other disciplinary action imposed upon a licensee in another jurisdiction;

~~(vi)~~(x) Soliciting clients by any form of false or misleading communication;

~~(vii)~~(xi) Knowingly submitting false information to the Board;

~~Section 8.~~(xii) Representation of oneself as legally authorized to engage in the practice of dietetics without a license issued by this Board; or

(xiii) Renting or lending a license to any person.

~~Section 9. — Purpose. The Board establishes these rules to provide a fair and efficient method for investigating complaints and conducting administrative hearings relative to refusal of license, refusal of renewal, suspension or revocation of licenses, and these procedures may be utilized when a formal hearing is necessary for other purposes as well.~~

~~Section 10.~~**Section 3. Application Review and Investigation Process.**

(a) Application Review and Investigation.

(i) Every application shall be reviewed by the ARC.

(ii) An applicant for licensure shall have committed no acts which are grounds for disciplinary action, or if the act was committed, the ARC has found after investigation that sufficient restitution has been made and the applicant no longer presents a threat to the public safety.

(iii) If the ARC is unable to ascertain from documents submitted by the applicant that the applicant is eligible for licensure, the ARC may require the applicant to provide additional documentation, information, or meet informally with the ARC.

(b) Application Review Committee Action. The ARC may recommend:

(i) A license be issued, renewed, reinstated, reissued, returned to practice, or relicensed;

(ii) A settlement agreement which may include the issuance, renewal, reinstatement, reissuance, return to practice, or relicensure of a license with imposition of restrictions, conditions, reprimand, other discipline, or a combination thereof; or

~~(i)-(iii)~~ Denial of the application.

~~(b)-(c)~~ Notice of Intent to Recommend Denial. The ARC shall notify the applicant of its intent to recommend denial. Such notification shall contain:

(i) A brief description of the facts or conduct which warrant the denial of licensure;

(ii) A statement of the nature of the actions which warrant the denial or other authorized action, the facts upon which the denial or other action is based, the specific statutory provisions or the specific Board Rules involved; and

(iii) Notice of the right to a hearing if a written request is received in the Board office within thirty (30) days of the date of mailing the letter recommending denial.

(d) Applicant's Request for Hearing. If the ARC recommends denial of an application, the applicant may request a contested case hearing in writing within thirty (30) days of the mailing of the notification.

~~(e) If denied, the applicant must submit a written request for a hearing within thirty (30) days of the final denial letter.~~

~~(d) Application denial hearings:~~

~~(i) An application denial hearing is a formal contested case hearing conducted pursuant to the Wyoming Administrative Procedure Act.~~

~~(ii) The hearing is to be conducted in the presence of a quorum of the Board with a hearing officer presiding.~~

~~(iii) The applicant has the burden of proving that he/she meets all requirements for the license requested.~~

~~(iv) If an applicant requests an administrative hearing on the denial of their application, the procedure for that hearing will be the same as the formal hearing procedure outlined in this Chapter.~~

Section 11. Section 4. Complaints Review and Disciplinary Investigation Process.

(a) Complaint Review. Every complaint submitted to the Board or initiated on behalf of the Board shall be investigated by a DC.

(b) Voluntary Surrender. A licensee may petition the Board, in writing, to voluntarily surrender their license. The Board shall convene a special meeting to consider the petition. The Board may accept or reject the petition for voluntary surrender and may consider whether the licensee is under investigation.

(c) Disciplinary Committee Action. The DC may recommend:

- (i) Dismissal of a complaint;
- (ii) Issuance of an advisory letter;
- (iii) A settlement agreement which may include voluntary surrender, summary suspension, suspension, imposition of restrictions or conditions, reprimand, or other discipline;
- (iv) Disciplinary action against the licensee including revocation, suspension, reprimand, restrictions or conditions, or other discipline; or

Section 12.(v) Summary suspension.

~~(a)-(d) Summary Suspension. The Board shall convene a special meeting to conduct a hearing if the DC believes that the licensee's continued practice presents a danger to the public health, safety, or welfare and recommends summary suspension.~~

~~(b) — A disciplinary review is initiated against a licensee by submitting a written complaint to the Board Office. A complaint concerning an alleged violation of the Act or Board Rules may be submitted by any person or entity, a Board member, or a member of the Board staff. The written complaint should provide as much of the following information as may be available and applicable:~~

~~(i) — The name, address, place of employment, and telephone number of the licensee against whom the charges are made;~~

~~(ii) — The name, address and telephone number of complainant;~~

~~(iii) — The specific conduct alleged to constitute the violation;~~

~~(iv) — The names, addresses, and telephone numbers of any other witnesses; and~~

~~(v) — The signature of the complainant.~~

~~(c) — The Board may also initiate and investigate complaints based upon its own knowledge, without a written complaint being filed.~~

~~**Section 13. — Review of Written Complaint.** — Written complaints shall be referred to an Investigative Board Member (IBM) selected by Board staff from a rotating schedule. The IBM shall promptly advise the Board staff of any known potential conflicts of interest. Licensees against whom charges are made will be advised of the investigation, the name of the IBM, and the nature of the complaint.~~

~~(a) — The IBM shall not take part in the consideration of any contested case.~~

~~(b) — The IBM shall not, by this rule, be barred from attending any disciplinary hearing.~~

~~**Section 14. — Investigations and Board Action.**~~

~~(a) — The IBM and Board staff shall investigate those written complaints received which merit further investigation. An independent investigator may be hired if the IBM deems it necessary.~~

~~(b) — Upon completion of the investigation, the IBM shall:~~

~~(i) — Dismiss the complaint if no violation of the Act or Board rules is found; or~~

~~(ii) — Prepare an investigative report which shall include:~~

~~(A) — The findings;~~

~~(B) — A list of statutes and/or Board rules believed to have been violated; and~~

~~(C) — Any relevant additional information.~~

~~(c) — The IBM shall review the investigative report, forward the report and his/her recommendations to the Assistant Attorney General assigned to the Board for prosecution, and consult with the Assistant Attorney General.~~

~~(d) — Following consultation with the Assistant Attorney General, the IBM may:~~

~~(i) — Send the notice required by Section 7;~~

~~(ii) — Prepare and file a formal petition and notice of hearing setting the matter for a contested case hearing before the Board;~~

~~(iii) — Recommend the Board accept an offer of conditional terms for settlement, which may include educational courses;~~

~~(iv) — Recommend the Board dismiss the complaint.~~

~~(e) — The Board may resolve a complaint at any time by:~~

~~(i) — Sending a written letter of advice;~~

~~(ii) — Accepting a voluntary surrender of a license;~~

~~(iii) — Accepting conditional terms for settlement;~~

~~(iv) — Dispensing with it in an informal matter; or~~

Section 5. Dismissal Petition. The DC shall initiate formal proceedings for disciplinary action by serving a Petition to the last known address of the licensee by certified mail or by regular mail at least thirty (30) days prior to the date set for hearing.

Section 6. Notice of Hearing. The Notice of Hearing shall contain:

(a) The name and last known address of the licensee;

(b) A brief statement of the matters asserted relating to:

(i) The recommendation to deny the application, the facts upon which the recommendation to deny is based, the statutory provisions and/or the Board Rules the applicant is alleged to have violated; or

(ii) The nature of the Petition, the facts upon which the Petition is based, the statutory provisions and/or the Board Rules the licensee is alleged to have violated;

(c) The time, place, and nature of the hearing;

(d) The legal authority and jurisdiction; and

(e) A statement indicating:

(i) The applicant's failure to appear at a noticed hearing or pursue proceedings may result in a dismissal; or

(ii) The licensee's failure to answer the allegations contained in the Petition within twenty (20) days of the date of mailing and failure to appear at a noticed hearing may result in a default judgment.

Section 7. Lawful Service. There shall be a presumption of lawful service of a Petition, Notice of Hearing, or any other communication required by these Board Rules if sent to the last known address of the licensee or applicant by certified or regular mail.

Section 8. Dismissal or Default.

(a) Dismissal. The Board may enter an order of dismissal based on the allegations contained in the recommendation to deny in any case where the applicant or the applicant's representative has not appeared at a noticed hearing or pursued proceedings.

(v) — Default. The Board may enter an order of default judgment based on the allegations contained in the Petition in any case where the licensee or the licensee's representative has not answered the allegations contained in the Petition and has not appeared at a noticed hearing.

~~**Section 15. — Notice and Opportunity to Show Compliance.** Prior to commencing formal proceedings or taking disciplinary action, the IBM shall give notice by mail to the licensee of the facts or conduct which warrant the intended action. The notice shall give the licensee an opportunity to show compliance with all lawful requirements for retention of the license within twenty (20) days of the mailing of the notice. Such notice shall be sent to the licensee's last known address by both certified mail with return receipt requested and by first class mail.~~

~~**Section 16. — Formal Hearing Procedures.** Formal proceedings for a hearing before the Board regarding action against a licensee shall be commenced by petition and notice of hearing, served in person, or by both certified mail return receipt requested and first class mail sent to the address last~~

known by the Board at least thirty (30) days prior to the date set for the hearing. The petition and notice shall contain at least:

(a) ~~_____~~ The name and address of the licensee;

(b) ~~_____~~ A statement in ordinary and concise language, of the nature of the complaint filed with the Board, the facts upon which the complaint is based, as well as the specific statute(s) or Board Rules and Regulations alleged to have been violated;

(c) ~~_____~~ The time, place, and nature of the hearing;

(d) ~~_____~~ That the hearing is being held pursuant to the authority provided by W.S. 33-47-107, and

(e) ~~_____~~ That the licensee shall file an Answer or Notice of Appearance, which must be received by the Board at least ten (10) working days prior to the date set for hearing, or the licensee will be in default.

Section 17. — Continuance. For good cause shown, extensions and continuances may be granted or denied at the discretion of the Board or the hearing officer.

Section 18. — Default. The Board may enter an order based on the allegations in a petition in any case where the licensee has not answered in writing ten (10) working days before the hearing, or in any case in which the licensee, or his/her representative, has not appeared at a scheduled hearing for which they had notice.

Section 19. — Hearing Officer. The Board may appoint a hearing officer to take evidence at the hearing, or the chairperson or a Board member may serve as the hearing officer.

Section 20. — Discovery. In all formal proceedings before the Board, discovery shall be afforded in accordance with the Wyoming Administrative Procedure Act.

Section 21. — Subpoenas.

(a) ~~_____~~ A Board member or the hearing officer may issue subpoenas for the attendance of witnesses and for the production of books, records, documents, and other evidence, and shall have the power to administer oaths.

(b) ~~_____~~ Service of a subpoena must be made at the expense of the party applying for it and shall be made in the manner provided by law for service of subpoenas in civil actions.

Section 22. — Witnesses.

(a) ~~_____~~ All persons testifying at any hearing before the Board shall be administered a standard oath or affirmation.

(b) ~~_____~~ No testimony will be received from a witness except under oath or affirmation.

~~(c) — The party calling a witness shall bear the costs associated with his/her appearance.~~

~~(d) — The Board and hearing officer shall have an opportunity to examine any witness.~~

Section 23. — Representation.

~~(a) — A licensee may represent him/herself or be represented by counsel, provided that such counsel is licensed to practice law in the State of Wyoming or is associated at the hearing with one or more attorneys licensed to practice law in the State of Wyoming.~~

~~(b) — In any case before the Board, an appearance in person or the filing of an answer or other pleading shall constitute an appearance of record by an attorney.~~

~~(c) — A request for withdrawal from representation by an attorney shall be submitted to the Board in writing.~~

~~(d) — The Assistant Attorney General assigned to the Board for prosecution shall present all matters in a contested case on behalf of the IBM.~~

Section 24. — Prehearing Conference.

~~(a) — The hearing officer may direct the parties to appear before him/her to consider:~~

~~(i) — The issues;~~

~~(ii) — Amending the pleadings;~~

~~(iii) — The possibility of obtaining admissions of fact and of documents to avoid unnecessary proof;~~

~~(iv) — Formulating procedures to govern the hearing; and~~

~~(v) — Such other matters as may aid in the presentation or disposition of the case.~~

~~(b) — Prehearing conferences shall be conducted informally. An order will be prepared which recites the actions taken at the conference, amendments allowed, agreements of the parties, and the issues to be determined at the hearing.~~

Section 25. — Order of Procedure at Hearing. Hearings may be conducted substantially in the following order:

~~(a) — Opening announcements are made by the hearing officer, including case name and docket number, the issue(s) to be considered, parties and counsel present, and subpoenas issued;~~

~~(b) — Witnesses should be identified and sworn;~~

~~(c) — Opening statements may be made at the discretion of the hearing officer. In cases of license denial, the applicant should go first. In disciplinary cases the IBM should go first;~~

~~(d) Presentation of Evidence. The order above will be followed with each party, the hearing officer, and the Board having the opportunity to cross-examine the witnesses. Rebuttal evidence may be presented;~~

~~(e) Exhibits offered in evidence by the licensee will be marked with the letters of the alphabet. Those offered by the ARM or IBM will be marked numerically;~~

~~(f)(b) Closing arguments may be made at the discretion of the hearing officer. Time may be limited, the order of presentation is as above, and brief rebuttal time may be allowed. The hearing and the evidence are then closed, unless reopened by the hearing officer for good cause shown.~~

~~Section 26.~~**Section 9. Burden and Standard of Proof.**

~~Section 27.(a) Summary Suspension. The DC shall bear the burden to prove by a preponderance of evidence that the licensee presents a clear and immediate danger to the public health, safety, and welfare if allowed to continue to practice.~~

~~(a)(b) Application/Licensure Matters. The applicant shall bear the burden to prove by a preponderance of evidence that they meet the qualifications for licensure. The burden shall shift to the ARC or DC to prove by clear and convincing evidence that applicant should be denied a license. The burden shall shift to the applicant to persuade the Board that the ARC or DC's grounds for denial are insufficient.~~

~~(c) Discipline Matters. The DC shall bear the burden to prove by clear and convincing evidence that a licensee violated the Act or the Board's Rules.~~

~~Section 28.~~**Section 10. Contested Case Hearing.** ~~The hearing officer shall preside over the formal contested case hearing which shall be conducted pursuant to the WAPA and the Office of Administrative Hearings rules concerning contested case proceedings incorporated by reference in Chapter 1.~~

~~Section 29.~~**Section 11. Board Decision and Order.**

(a) Board Action. The Board may resolve a complaint by:

(i) Approving the recommendations of the DC or ARC; or

(ii) Conduct a contested case hearing. Following the hearing and deliberation of all evidence admitted at a contested case hearing, the Board may:

(A) Issue, renew, reinstate, reissue, return to practice, or relicense a license;

(B) Issue, renew, reinstate, reissue, return to practice, or relicense a license subject to conditions, restrictions, or other disciplinary action;

(C) Deny a license, renewal, reinstatement, reissuance, return to practice, or relicensure;

(D) Dismiss the complaint or Petition due to lack of clear and convincing evidence;

(E) Issue an advisory letter; and/or

(F) Impose a reprimand, conditions, restrictions, suspension, revocation, other discipline, or a combination thereof.

(b) Board Order. The Board shall make and enter a written decision and order. The decision and order shall be sent to the applicant, licensee, or their attorneys by certified or regular mail.

~~Section 30.~~ **Section 12. Judicial Review.**

(a) Appeals from decisions of the Board are governed by the WAPA and the Wyoming Rules of Appellate Procedure.

(b) Costs of transcripts and any reasonable costs assessed by the Board regarding the record on appeal shall be borne by the party making the appeal.

~~(b)~~ **Proposed Decisions:**

~~(i) At the discretion and direction of the Board, the parties may file proposed findings of fact, conclusions of law, and order after the hearing and before the deadline announced in the hearing's closing announcements.~~

~~(ii) At the discretion and direction of the Board, the hearing officer shall prepare proposed findings of fact, conclusions of law, and order.~~

~~(iii) Final Decisions. Proposed decisions will be given consideration but are not binding upon the Board. All final decisions will be issued by the Board and shall be based exclusively upon the evidence in the record and matters officially noticed. All final decisions issued by the Board shall be served to all parties by first class mail sent to their last known address.~~

~~Section 31. Appeals. A Petition for Judicial Review of the Board decision may be filed in the appropriate district court in accordance with the Wyoming Rules of Appellate Procedure~~

APPENDIX A

**ACADEMY ON NUTRITION AND DIETETICS/ COMMISSION ON DIETETIC
REGISTRATION CODE OF ETHICS FOR THE PROFESSION OF DIETETICS**

REPEALED

APPENDIXAppendix A

**ACADEMY ON NUTRITION AND DIETETICS/ COMMISSION ON DIETETIC
REGISTRATION CODE OF ETHICS FOR THE PROFESSION OF
DIETETICSAcademy on Nutrition and Dietetics/**

Commission on Dietetic Registration

Code of Ethics for the Profession of Dietetics

REPEALED

Effective January 1, 2010

PREAMBLE ~~The American Dietetic Association (ADA) and its credentialing agency, the Commission on Dietetic Registration (CDR), believe it is in the best interest of the profession and the public it serves to have a Code of Ethics in place that provides guidance to dietetics practitioners in their professional practice and conduct. Dietetics practitioners have voluntarily adopted this Code of Ethics to reflect the values (Figure) and ethical principles guiding the dietetics profession and to set forth commitments and obligations of the dietetics practitioner to the public, clients, the profession, colleagues, and other professionals. The current Code of Ethics was approved on June 2, 2009, by the ADA Board of Directors, House of Delegates, and the Commission on Dietetic Registration.~~

PRINCIPLES

Fundamental Principles

- ~~1. The dietetics practitioner conducts himself/herself with honesty, integrity, and fairness.~~
- ~~2. The dietetics practitioner supports and promotes high standards of professional practice. The dietetics practitioner accepts the obligation to protect clients, the public, and the profession by upholding the Code of Ethics for the Profession of Dietetics and by reporting perceived violations of the Code through the processes established by ADA and its credentialing agency, CDR.~~

Responsibilities to the Public

- ~~3. The dietetics practitioner considers the health, safety, and welfare of the public at all times. The dietetics practitioner will report inappropriate behavior or treatment of a client by another dietetics practitioner or other professionals.~~
- ~~4. The dietetics practitioner complies with all laws and regulations applicable or related to the profession or to the practitioner's ethical obligations as described in this Code.
 - ~~a. The dietetics practitioner must not be convicted of a crime under the laws of the United States, whether a felony or a misdemeanor, an essential element of which is dishonesty.~~
 - ~~b. The dietetics practitioner must not be disciplined by a state for conduct that would~~~~

~~violate one or more of these principles.~~

~~_____c. The dietetics practitioner must not commit an act of misfeasance or malfeasance that is directly related to the practice of the profession as determined by a court of competent jurisdiction, a licensing board, or an agency of a governmental body.~~

~~_____5. The dietetics practitioner provides professional services with objectivity and with respect for the unique needs and values of individuals.~~

~~_____a. The dietetics practitioner does not, in professional practice, discriminate against others on the basis of race, ethnicity, creed, religion, disability, gender, age, gender identity, sexual orientation, national origin, economic status, or any other legally protected category.~~

~~_____b. The dietetics practitioner provides services in a manner that is sensitive to cultural differences.~~

~~_____c. The dietetics practitioner does not engage in sexual harassment in connection with professional practice.~~

~~_____6. The dietetics practitioner does not engage in false or misleading practices or communications.~~

~~_____a. The dietetics practitioner does not engage in false or deceptive advertising of his or her services.~~

~~_____b. The dietetics practitioner promotes or endorses specific goods or products only in a manner that is not false and misleading.~~

~~_____c. The dietetics practitioner provides accurate and truthful information in communicating with the public.~~

~~_____7. The dietetics practitioner withdraws from professional practice when unable to fulfill his or her professional duties and responsibilities to clients and others.~~

~~_____a. The dietetics practitioner withdraws from practice when he/she has engaged in abuse of a substance such that it could affect his or her practice.~~

~~_____b. The dietetics practitioner ceases practice when he or she has been adjudged by a court to be mentally incompetent.~~

~~_____c. The dietetics practitioner will not engage in practice when he or she has a condition that substantially impairs his or her ability to provide effective service to others.~~

Responsibilities to Clients

~~_____8. The dietetics practitioner recognizes and exercises professional judgment within the limits of his or her qualifications and collaborates with others, seeks counsel, or makes referrals as appropriate.~~

~~9. The dietetics practitioner treats clients and patients with respect and consideration.~~

~~a. The dietetics practitioner provides sufficient information to enable clients and others to make their own informed decisions.~~

~~b. The dietetics practitioner respects the client's right to make decisions regarding the recommended plan of care, including consent, modification, or refusal.~~

~~10. The dietetics practitioner protects confidential information and makes full disclosure about any limitations on his or her ability to guarantee full confidentiality.~~

~~11. The dietetics practitioner, in dealing with and providing services to clients and others, complies with the same principles set forth above in "Responsibilities to the Public" (Principles #3-7)~~

Responsibilities to the Profession

~~12. The dietetics practitioner practices dietetics based on evidence-based principles and current information.~~

~~13. The dietetics practitioner presents reliable and substantiated information and interprets controversial information without personal bias, recognizing that legitimate differences of opinion exist.~~

~~14. The dietetics practitioner assumes a life-long responsibility and accountability for personal competence in practice, consistent with accepted professional standards, continually striving to increase professional knowledge and skills and to apply them in practice.~~

~~15. The dietetics practitioner is alert to the occurrence of a real or potential conflict of interest and takes appropriate action whenever a conflict arises.~~

~~a. The dietetics practitioner makes full disclosure of any real or perceived conflict of interest.~~

~~b. When a conflict of interest cannot be resolved by disclosure, the dietetics practitioner takes such other action as may be necessary to eliminate the conflict, including recusal from an office, position, or practice situation.~~

~~16. The dietetics practitioner permits the use of his or her name for the purpose of certifying that dietetics services have been rendered only if he or she has provided or supervised the provision of those services.~~

~~17. The dietetics practitioner accurately presents professional qualifications and credentials.~~

~~a. The dietetics practitioner, in seeking, maintaining, and using credentials provided by CDR, provides accurate information and complies with all requirements imposed by CDR. The dietetics practitioner uses CDR-awarded credentials ("RD" or "Registered Dietitian"; "DTR" or~~

~~“Dietetic Technician, Registered”; “CS” or “Certified Specialist”; and “FADA” or “Fellow of the American Dietetic Association”) only when the credential is current and authorized by CDR.~~

~~_____ b. The dietetics practitioner does not aid any other person in violating any CDR requirements, or in representing himself or herself as CDR credentialed when he or she is not.~~

~~_____ 18. The dietetics practitioner does not invite, accept, or offer gifts, monetary incentives, or other considerations that affect or reasonably give an appearance of affecting his/her professional judgment.~~

~~_____ *Clarification of Principle:*~~

~~_____ a. Whether a gift, incentive, or other item of consideration shall be viewed to affect, or give the appearance of affecting, a dietetics practitioner’s professional judgment is dependent on all factors relating to the transaction, including the amount or value of the consideration, the likelihood that the practitioner’s judgment will or is intended to be affected, the position held by the practitioner, and whether the consideration is offered or generally available to persons other than the practitioner.~~

~~_____ b. It shall not be a violation of this principle for a dietetics practitioner to accept compensation as a consultant or employee or as part of a research grant or corporate sponsorship program, provided the relationship is openly disclosed and the practitioner acts with integrity in performing the services or responsibilities.~~

~~_____ c. This principle shall not preclude a dietetics practitioner from accepting gifts of nominal value, attendance at educational programs, meals in connection with educational exchanges of information, free samples of products, or similar items, as long as such items are not offered in exchange for or with the expectation of, and do not result in, conduct or services that are contrary to the practitioner’s professional judgment.~~

~~_____ d. The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the dietetics practitioner’s ability to carry out professional responsibilities with integrity, impartiality, and competence is impaired.~~

Responsibilities to Colleagues and Other Professionals

~~_____ 19. The dietetics practitioner demonstrates respect for the values, rights, knowledge, and skills of colleagues and other professionals.~~

~~_____ a. The dietetics practitioner does not engage in dishonest, misleading, or inappropriate business practices that demonstrate a disregard for the rights or interests of others.~~

~~_____ b. The dietetics practitioner provides objective evaluations of performance for employees and coworkers, candidates for employment, students, professional association memberships, awards, or scholarships, making all reasonable efforts to avoid bias in the professional evaluation of others.~~