

PROFESSIONAL LICENSURE DIVISION[645]

Notice of Intended Action

**Proposing rule making related to license application procedures
and providing an opportunity for public comment**

The Board of Dietetics hereby proposes to amend Chapter 81, “Licensure of Dietitians,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 147.76.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 152A.2.

Purpose and Summary

This proposed rule making revises the license application procedures to make them consistent with the online licensing process. This rule making eliminates requirements for written verification statements from didactic and internship programs or from the Commission on Dietetic Registration (CDR) to confirm completion of the academic and preprofessional practice requirements. It also adds requirements for telehealth practice.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on September 15, 2020. Comments should be directed to:

Sharon Dozier
Professional Licensure Division
Iowa Department of Public Health
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Email: sharon.dozier@idph.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

September 15, 2020
1 to 1:30 p.m.

Fifth Floor Board Conference Room 526
Lucas State Office Building
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making. In an effort to ensure accuracy in memorializing a person's comments, a person may provide written comments in addition to or in lieu of oral comments at the hearing.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 645—81.4(152A) as follows:

645—81.4(152A) Requirements for licensure. The following criteria shall apply to licensure:

81.4(1) The applicant shall complete a board-approved application ~~packet~~. The applicant may complete the application online at ibplicense.iowa.gov. Application forms may be obtained from the board office or the board's website (www.idph.iowa.gov/licensure) or directly from the board office. ~~All Mailed~~ applications shall be sent to: Board of Dietetics, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075.

81.4(2) The applicant shall complete the application ~~form~~ according to the instructions contained in the application. If the application is not completed according to the instructions, the application will not be reviewed ~~by the board~~.

81.4(3) Each application shall be accompanied by the appropriate fees payable by check or money order to the Board of Dietetics. Online applications shall be paid with a debit card or credit card. The fees are nonrefundable.

81.4(4) No application will be considered by the board until:

a. Official copies of academic transcripts have been sent directly from the school to the board; and
~~*b.* Official verification statements have been sent to the board from the didactic and internship or preprofessional practice programs or from the Commission on Dietetic Registration (CDR) to verify completion of the academic and preprofessional practice requirements; and~~

~~*c.*~~ *b.* The applicant satisfactorily completes the registration examination for dietitians administered by the Commission on Dietetic Registration (CDR). The board will accept the passing score set by CDR. Verification of satisfactory completion may be established by one of the following:

(1) to (3) No change.

81.4(5) and **81.4(6)** No change.

ITEM 2. Amend rule 645—81.7(152A) as follows:

645—81.7(152A) Licensure by endorsement. An applicant who has been a licensed dietitian under the laws of another jurisdiction shall file an application for licensure by endorsement with the board office. The board may receive by endorsement any applicant from the District of Columbia or another state, territory, province or foreign country who:

1. to 4. No change.

5. Provides a ~~notarized~~ copy of the Commission on Dietetic Registration (CDR) registration card or an alternate form of verification of passing the registration examination, as stated in ~~81.4(4)“e”~~ 81.4(4)“b”; and

6. No change.

ITEM 3. Adopt the following new rule 645—81.17(152A,272C):

645—81.17(152A,272C) Telehealth visits. A licensee may provide dietetic services to an individual or a group utilizing a telehealth visit if the dietetic services are provided in accordance with all the requirements of this chapter.

81.17(1) “Telehealth visit” means the provision of dietetic services by a licensee to an individual or a group using technology where the licensee and the individual or group are not at the same physical location for the therapy session.

81.17(2) A licensee engaged in a telehealth visit shall utilize technology that is secure and HIPAA-compliant and that includes, at a minimum, audio and video equipment that allows two-way real-time interactive communication between the licensee and the individual or group. A licensee may use non-real-time technologies to prepare for a session or to communicate with an individual or a group between sessions.

81.17(3) A licensee engaged in a telehealth visit shall be held to the same standard of care as a licensee who provides in-person dietetic services. A licensee shall not utilize a telehealth visit if the standard of care for the particular services cannot be met by using technology.

81.17(4) Any licensee who provides a telehealth visit to an individual or a group located in Iowa shall be licensed in Iowa.

81.17(5) Prior to the first telehealth visit, a licensee shall obtain informed consent from the individual or group specific to the services that will be provided in a telehealth visit. At a minimum, the informed consent shall specifically inform the individual or group of the following:

- a. The risks and limitations of the use of technology to provide dietetics services;
- b. The potential for unauthorized access to protected health information; and
- c. The potential for disruption of technology during a telehealth visit.

81.17(6) A licensee shall identify in the clinical record when dietetic services are provided utilizing a telehealth visit.