

KANSAS ADMINISTRATIVE REGULATIONS
RULES AND REGULATIONS FOR LICENSURE OF
KANSAS DIETITIANS

28-59-1. APPLICATION FOR A LICENSE OR TEMPORARY LICENSE.

(a) Each applicant for a license or temporary license shall submit a completed, department-approved application form and any requested supporting documentation to the department, together with the appropriate fee specified in K.A.R. 28-59-7.

(b) Each applicant for a license or temporary license shall provide the department with the applicant's academic transcripts and proof of receipt of a baccalaureate or postbaccalaureate degree. These documents shall be provided directly to the department by the academic institution.

(c) A temporary license may be issued for either of the following purposes:

(1) The applicant's completion of the examination specified in K.A.R. 28-59-4; or

(2) The applicant's accrual of continuing education credits required to reinstate a lapsed license.

(d) Each applicant for renewal of a temporary license shall submit a letter to the secretary requesting the renewal and describing why the applicant has failed to obtain a license in the last six months and what measures are being taken to secure a license, together with the temporary license renewal fee specified in K.A.R. 28-59-7.

(Authorized by K.S.A. 65-5904; implementing K.S.A. 65-5906 and 65-5907; effective Feb. 18, 1991; amended March 16, 2001.)

28-59-2. APPLICATION FOR A PERSON LICENSED IN ANOTHER STATE.

(a) Each applicant who is presently or has been previously licensed in another state shall submit a completed, department-approved application form with the license fee specified in K.A.R. 28-59-7.

(b) Each applicant shall meet current requirements for licensure in Kansas. The requirements of one of the states that issued a license to the applicant shall be at least equal to Kansas licensure requirements at the time the applicant seeks a Kansas license.

(c) Each applicant shall be in good standing with each licensing agency that has issued a license to the applicant.

(d) "Good standing" means both of the following:

(1) The applicant's license is not under any administrative proceeding.

(2) The applicant's license is not under any disciplinary action.

(Authorized by K.S.A. 65-5904; implementing K.S.A. 65-5910; effective Feb. 18, 1991; amended March 16, 2001.)

28-59-3. EDUCATIONAL AND EXPERIENCE REQUIREMENTS.

(a) To determine whether an applicant has complied with the requirement that the person has received a baccalaureate or postbaccalaureate degree pursuant to K.S.A. 65-5906, and amendments thereto, consideration shall be given to whether the course of study is accredited or approved by the American dietetic association or is deemed equivalent by the secretary.

(b) Each applicant who has received a baccalaureate or postbaccalaureate degree outside the United States or its territories and whose transcript is not in English shall submit an officially translated English copy of the applicant's transcript and, if necessary, supporting documents. The transcript shall be translated by a source and in a manner that are acceptable to the secretary. Each applicant shall pay any transcription fee directly to the transcriber.

(c) Each applicant who has received a baccalaureate or postbaccalaureate degree outside the United States or its territories shall obtain an equivalency validation from an agency that is approved by the secretary and that

specialized in educational credential evaluations. Each applicant shall pay the required equivalency validation fee directly to the validation agency.

(d) Each applicant who has received a baccalaureate or postbaccalaureate degree and whose course of study was not from an American dietetic association accredited or approved program shall obtain an equivalency validation from a college or university accredited or approved dietetics program approved by the secretary.

(e) To determine whether an applicant has complied with the requirement that a person complete 900 clock hours of dietetic experience pursuant to K.S.A. 65-5906, and amendments thereto, consideration shall be given to whether or not the supervised experience is acquired through an American dietetic association approved or accredited program for dietitians or is deemed its equivalent by the secretary.

(f) Each applicant who did not receive the supervised experience from an American dietetic association accredited or approved program shall obtain an equivalency validation from a college or university accredited or approved dietetics program approved by the secretary.

(g) Each applicant shall submit the necessary documentation for an equivalency validation to be made. Each equivalency validation evaluation and corresponding documentation shall be sent directly to the department by the agency providing the validation. After consideration of the evaluation and documentation, the applicant shall be notified in writing of the decision of the secretary.

(h) "American dietetic association" means the national professional association that accredits or approves educational programs and supervised experience programs in dietetics.

(Authorized by K.S.A. 65-5904; implementing K.S.A. 65-5905 and 65-5906; effective Feb. 18, 1991; amended March 16, 2001.)

28-59-4. EXAMINATION REQUIREMENT.

The following shall be the procedures for the examination of applicants:

(a) Each applicant for a license shall pass an examination for dietitians approved by the secretary. The minimum passing score for the examination shall be 25.

(b) Each applicant shall have successfully completed a course of study and supervised experience pursuant to K.S.A. 65-5906, and amendments thereto, before submitting an application to sit for the examination.

(c) Each applicant shall pay the required examination fee directly to the testing agency.

(Authorized by K.S.A. 65-5904; implementing K.S.A. 65-5906; effective Feb. 18, 1991; amended March 16, 2001.)

28-59-5. LICENSE RENEWAL.

This regulation shall not apply to temporary licenses.

(a) Each applicant for renewal of a license shall submit a completed, secretary-approved application form and any requested supporting documentation with the license renewal fee specified in K.A.R. 28-59-7.

(b) Each applicant for renewal of a license shall have completed 15 clock-hours of documented and approved continuing education during each renewal period. Approved continuing education clock-hours completed in excess of the 15-hour requirement shall not be carried over to the subsequent renewal period. "One clock-hour" shall mean at least 50 minutes of direct instruction, exclusive of registration, breaks, and meals.

(c) Each application for renewal of a license shall be filed on or before the last day of February of the calendar year in which the license expires. Licenses shall be renewable biennially, with the day of expiration being the last day of February of the applicable year.

(d) "Sponsorship" means an approved, long-termed sponsoring of programs for the purpose of fulfilling renewal or reinstatement continuing education requirements. Each approved sponsor shall be accountable for upholding the standards in place for the approval of continuing education programs under the authority of the secretary. Each sponsor shall make application and fulfill requirements as prescribed on secretary-approved forms. Failure to comply with sponsorship requirements shall result in one or more of the following actions or additional

requirements by the secretary:

- (1) Supplementary documentation;
- (2) program restrictions; or
- (3) temporary or permanent suspension of long-term sponsorship approval.

(e)(1) Continuing education may be accrued from any of the following:

- (A) Academic courses;
- (B) workshops, seminars, video conferences, internet-based seminars, journal club meetings, or poster sessions, which are also called poster displays;
- (C) self-directed study materials;
- (D) presentations;
- (E) food exhibits;
- (F) publication of a journal article or book; or
- (G) initial certification in any of the following programs:
 - (i) Certified nutrition support dietitian (CNSD) with the American association of diabetes educators/American nurses credentialing center (AADE/ANCC);
 - (ii) certified nutrition support dietitian (CNSD) with the American association of parenteral and enteral nutrition (ASPEN);
 - (iii) certification as a specialist in pediatric nutrition by the commission on dietetic registration (CDR);
 - (iv) certification as a specialist in renal nutrition by the commission on dietetic registration (CDR);
 - (v) certification as a lactation consultant by the international board of lactation consultant examiners (IBLCE);
 - (vi) certified diabetes instructor with the national certification board for diabetes educators (NCBDE); or
 - (vii) certified diabetes educator with the American association of diabetes educators (AADE).

(2) Academic courses shall be from a regionally accredited college or university.

(3) Self-study materials may include audio tapes, study kits, internet-based offerings, journal articles, DVDs, and videotapes. Journal articles shall include articles published in the "journal of the ADA" or "today's dietitian" or by a dietetic practice group. Any applicant may submit a maximum of seven journal articles for continuing education credit for each licensure period.

(f) The content and objective of the continuing education activity shall be primarily related to the practice of dietetics pursuant to K.S.A. 65-5902, and amendments thereto. The purpose of the educational activity shall be the furthering of the applicant's education and shall not be a part of the applicant's job responsibilities. In-service shall be considered to be part of the applicant's job responsibilities.

(g)(1) Approval for a continuing education activity may be obtained by either of the following methods:

(A) The instructor or sponsor of a single-offering continuing education activity submitting information and documentation on forms approved by the secretary before the activity's occurrence; or

(B) the applicant submitting information and documentation on forms approved by the secretary requesting approval for an activity before the program date.

(2) An organization, institution, agency, or individual shall be qualified for approval as a long-term sponsor of continuing education activities if, after review of the application, the secretary determines that the applicant agrees to perform all of the following:

(A) Present organized programs of learning;

(B) present subject matter that integrally relates to the practice of dietetics;

(C) approve and present program activities that contribute to the professional competency of the licensee; and

(D) sponsor program presenters who are individuals with education, training, or experience qualifying them to present the subject matter of the programs.

(h) All continuing education sponsors that received approval as specified in paragraph (g)(2) shall provide a certificate of attendance to each licensee who attends a continuing education activity. This certificate shall state the following:

(1) The sponsor's name and approval number;

(2) the date of the program;

(3) the name of the participant;

(4) the total number of clock-hours of the approved activity attended, excluding introductions, registration, breaks, and meals;

(5) the activity title and its presenter;

(6) the location; and

(7) an indication of whether or not the activity has been approved for dietetics continuing education.

(i) Assignment of clock-hours to approved continuing education activities shall be determined by the following criteria:

(1) One academic-semester credit hour course shall be equivalent to 15 clock-hours of continuing education. One academic-trimester credit hour course shall be equivalent to 14 clock-hours of continuing education. One academic-quarter credit hour course shall be equivalent to 10 clock-hours of continuing education.

(2) One academic-semester credit hour course audited shall be equivalent to eight clock-hours of continuing education. One academic-trimester credit hour course audited shall be equivalent to seven clock-hours of continuing education. One academic-quarter credit hour course audited shall be equivalent to five clock-hours of continuing education.

(3) One clock-hour of contact between a presentation instructor and the applicant shall be equivalent to one clock-hour of continuing education for the applicant.

(A) Contact time shall be rounded down to the nearest one-half hour.

(B) The presenting instructor may be given two clock-hours of continuing education for every one clock-hour of contact between the instructor and the attendees for each first-time preparation and presentation of a new workshop, seminar, or poster session.

(C) If the presentation was presented by more than one instructor, the continuing education clock-hours shall be prorated among the instructors.

(4) One clock-hour of time required to complete the self-directed study material, as specified by the sponsor of the material, shall be equivalent to one clock-hour of continuing education. The criteria for approving self-directed study shall include the following:

(A) Contact time shall be rounded down to the nearest one-half hour.

(B) Each applicant shall provide validation of actual completion of the material.

(C) A maximum of 10 clock-hours shall be awarded for self-directed study material for each licensure period.

(5) One clock-hour shall be awarded for attendance at food exhibits upon verification of six poster sessions or six vendors at each exhibit. The licensee shall provide documentation of at least six vendor contacts for each food exhibit. A maximum of two clock-hours for attendance at food exhibits shall be awarded for each licensure period.

(6) Five clock-hours shall be awarded for the initial publication of an article in a peer-reviewed journal or a chapter of a book. Ten clock-hours shall be awarded for the initial publication of a book. Documentation of publication shall include a copy of any of the following:

(A) Each article published in a peer-reviewed journal;

(B) each chapter published in a book; or

(C) the title page, the page containing the copyright and copyright date, and the table of contents for each book.

(7) Fifteen clock-hours shall be awarded upon attainment of certification in each program as specified in paragraph (e)(1)(G).

(j) Each applicant shall maintain individual records of information and documentation on approved continuing education hours. If the licensee's application is selected for an audit, the licensee shall submit verification of these records to the secretary as part of the license renewal application.

(k) Each licensee whose initial licensure period is less than 24 months shall be required to obtain at least one-half hour of continuing education for each month in the initial licensure period.

(Authorized by and implementing K.S.A. 65-5904 and K.S.A. 65-5909; effective Feb. 18, 1991; amended Sept. 26, 1994; amended March 16, 2001; amended April 25, 2008.)

28-59-5a. REINSTATEMENT OF LICENSE.

Each applicant for reinstatement of a license shall meet the following criteria:

(a) Submit an application on department-approved forms accompanied by the appropriate fee specified in K.A.R. 28-59-7; and

(b) document and verify the accumulation of not less than 15 hours of approved continuing education as specified in K.A.R. 28-59-5 for the previous complete or partial licensure period. The required hours of approved continuing education shall have been accumulated within the past two calendar years before the date of application for reinstatement.

(Authorized by and implementing K.S.A. 65-5904 and K.S.A. 1999 Supp. 65-5909; effective Sept. 26, 1994; amended March 16, 2001.)

28-59-6. UNPROFESSIONAL CONDUCT.

Any of the following acts shall be evidence of unprofessional conduct of a licensee, temporary licensee, or applicant:

(a) Misrepresenting any professional qualifications or credentials;

(b) promoting or endorsing products in a manner that is misleading or false;

(c) making false or misleading claims about the efficacy of any dietetic services;

(d) permitting the use of one's name or credentials for the purpose of certifying that dietetic services have been rendered when the licensee or applicant has not provided or supervised the provision of the services;

(e) failing to maintain the knowledge and skills required for continuing professional competence;

- (f) failing to exercise appropriate supervision over persons if there is a supervisory relationship;
- (g) impersonating another person who is licensed;
- (h) knowingly allowing another person to use one's license;
- (i) assisting another person to obtain a license under false pretense;
- (j) failing to report to the department alleged violations of K.S.A. 65-5901, et seq., and amendments thereto, and article 59 of these regulations;
- (k) failing to notify the department of any disciplinary action or limitation, restriction, or revocation of an individual's license, or of termination or suspension of employment in a dietetic practice for some form of misfeasance, malfeasance, or nonfeasance,
- (l) refusing to cooperate in a timely manner with the department's investigation of complaints lodged against a licensee, temporary licensee, or applicant;
- (m) acquiring or providing a commission or rebate or any other form of remuneration for referral to any other service or for the use of any services;
- (n) failing to disclose to a client any interest in commercial enterprises that the licensee, temporary licensee, or applicant promotes for the purpose of personal gain or profit;
- (o) using undue influence on a client, including the promotion of the sales of services and products in a manner that exploits the client for financial gain or personal gratification;
- (p) failing to provide prospective clients with information, including obligation for fee payment and financial arrangements, that might affect the client's decision to enter into the relationship;
- (q) misrepresenting professional competency by performing or offering to perform services that are clearly unwarranted on the basis of education, training, or experience; or
- (r) failing to conform to generally accepted principles and standards of dietetic practice, which shall be those generally recognized by the profession as appropriate for the situation presented, including those promulgated or interpreted by professional or governmental bodies.

(Authorized by and implementing K.S.A. 1999 Supp. 65-5900(a)(2); effective Feb. 18, 1991; amended March 16, 2001.)

28-59-7. FEES.

- (a) The license application fee shall be \$140.00. The license application fee for an initial licensure period of less than 24 months shall be prorated at \$5.50 per month for any full or partial month, until the last day of February of the calendar year that is not less than 12 months and not more than 24 months from the date of application.
- (b) The license renewal fee shall be \$135.00.
- (c) The license renewal late fee shall be \$50.00.
- (d) The temporary license application fee shall be \$70.00.
- (e) The temporary license renewal fee shall be \$70.00.
- (f) The application fee for reinstatement of a lapsed or revoked license shall be \$100.00 in addition to the license renewal fee established in subsection (b) of this regulation.
- (g) The wall or wallet card license replacement fee shall be \$10.00.
- (h) The sponsorship application fee shall be \$150.00.

(Authorized by and implementing K.S.A. 1999 Supp. 65-5913; effective Feb. 18, 1991; amended Dec. 7, 1992;

amended Sept. 26, 1994; amended March 16, 2001.)

28-59-8. CHANGE OF NAME OR ADDRESS.

(a) Each licensee shall notify the department of any changes in name or mailing address within 15 days of these changes.

(b) Notification of address changes shall be made directly to the department and shall include the name, old mailing address, new mailing address, and zip code.

(c) Within 90 days of the notification of name change, the following shall be received by the department:

(1) A copy of a marriage certificate, the court decree evidencing the change, or a social security card reflecting the new name; and

(2) payment of the applicable fee specified in K.A.R. 28-59-7 if a new wallet card is requested. In addition, the previously issued identification card shall be returned to the department.

(Authorized by and implementing K.S.A. 65-5904; effective Feb. 18, 1991; amended March 16, 2001.)