

KANSAS STATUTES ANNOTATED  
Article 59 – DIETITIANS

**65-5901. Citation of act.** This act shall be known and may be cited as the dietitians licensing act. History: L. 1988, ch. 228, § 1; July 1.

**65-5902. Definitions.** For the purposes of this act:

- (a) "Secretary" means the secretary for aging and disability services.
- (b) "Department" means the Kansas department for aging and disability services.
- (c) "Licensed dietitian" means a person licensed under this act.
- (d) "Dietetics practice" means the integration and application of principles derived from the sciences of nutrition, biochemistry, food, physiology, management and behavioral and social sciences to achieve and maintain the health of people through:
  - (1) Assessing the nutritional needs of clients;
  - (2) establishing priorities, goals and objectives that meet nutritional needs of clients; and
  - (3) advising and assisting individuals or groups on appropriate nutritional intake by integrating information from a nutritional assessment with information on food and other sources of nutrients and meal preparation.
- (e) "Nutritional assessment" means the evaluation of the nutritional needs of clients based upon appropriate biochemical, anthropometric, physical and dietary data to determine nutrient needs and recommend appropriate nutritional intake including enteral and parenteral nutrition.
- (f) "Dietitian" means a person engaged in dietetics practice.
- (g) "Sponsor" means entities approved by the secretary for aging and disability services to provide continuing education programs or courses on an ongoing basis under this act and in accordance with any rules and regulations promulgated by the secretary in accordance with this act.

History: L. 1988, ch. 228, § 2; L. 1989, ch. 203, § 1; L. 1997, ch. 31, § 1; L. 2014, ch. 115, § 270; July 1.

**65-5903. Persons authorized to practice dietetics or make certain representations limited; violations misdemeanor; action to enjoin violation authorized.** (a) Beginning one year after the date the rules and regulations first adopted under this act become effective, only a person licensed or otherwise authorized to practice under this act shall practice dietetics. Only a person licensed under this act shall use the title "dietitian" or "licensed dietitian" alone or in combination with other titles or use the letters L.D. or any other words or letters to indicate that the person using the same is a licensed dietitian.

(b) Violation of this section is a class C misdemeanor.

(c) In lieu of or in addition to prosecution under subsection (b), the secretary may bring an action to enjoin an alleged violation of this section.

History: L. 1988, ch. 228, § 3; L. 1989, ch. 203, § 2; July 1.

**65-5904. Rules and regulations for implementation of act.** The secretary may adopt rules and regulations necessary for the implementation of this act including, but not limited to, setting standards for approval of courses of study under this act, setting standards for approval of planned, continuous programs of dietetic experience and establishing procedures for the

examination of applicants. No rule and regulation shall be adopted which would limit the sale of food products or food supplements by health food stores or others.

History: L. 1988, ch. 228, § 4; July 1.

**65-5905. Contracts to obtain information about courses of study authorized.** The secretary may contract with investigative agencies, commissions or consultants to assist the secretary in obtaining information about courses of study to be approved by the secretary under K.S.A. 65-5906.

History: L. 1988, ch. 228, § 5; July 1.

**65-5906. Requirements for licensure; licenses issued for two years.** (a) No person shall be granted a license as a dietitian unless such person has:

- (1) Filed an application and paid the required application fee;
- (2) received a baccalaureate or post-baccalaureate degree with a major course of study in human nutrition, food and nutrition, dietetics or food service management approved by the secretary as meeting the standards for approval of such course of study under this act;
- (3) completed a planned, continuous program of dietetic experience approved by the secretary of not less than 900 clock hours under the supervision of a licensed dietitian; and
- (4) passed an examination approved by the secretary.

(b) Licenses shall be issued for a period of two years.

History: L. 1988, ch. 228, § 6; July 1.

**65-5907. Temporary license; requirements; expiration; renewal.** (a) A temporary license to practice as a dietitian may be issued by the secretary upon the filing of an application, payment of the required application fee and submission of evidence of successful completion of the education requirements for licensure under this act.

(b) The temporary license shall expire six months from the date of issuance. The temporary license may be renewed for one period of not to exceed six months if the secretary determines that the applicant has failed to become licensed within the original period and if the applicant has paid the required renewal fee.

History: L. 1988, ch. 228, § 7; July 1.

**65-5908. Waiver of requirements; when authorized.** For one year beginning on the date the rules and regulations first adopted under this act become effective, the secretary shall waive the examination requirement and grant a license to a person who pays the renewal fee and who:

(a) Meets the educational requirements set forth by this act and has completed a planned, continuous program of dietetic experience approved by the secretary of not less than 900 clock hours on or before July 1, 1989; or

(b) meets the educational requirements and on the effective date of this act has been employed in dietetics practice for at least three of the five years immediately preceding July 1, 1989.

History: L. 1988, ch. 228, § 8; L. 1989, ch. 203, § 3; July 1.

**65-5909. Renewal of license; requirements; procedure; reinstatement of lapsed license.** (a) Licenses may be renewed upon payment of the required renewal fee and successful completion of not more than 15 hours of continuing education during the licensure period as specified by the secretary by rules and regulations.

(b) At least 30 days before the expiration of the license, the secretary shall notify the licensee of the expiration by mail addressed to the licensee's last place of residence as noted upon the office records. If the licensee fails to submit an application and fee by the date of expiration of the license, the licensee shall be given a second notice that the license has expired and the license may only be renewed if the application, renewal fee and late renewal fee are received by the secretary within the thirty-day period following the date of expiration and, if the application and both fees are not received within the thirty-day period, the license shall be considered to have lapsed for failure to renew and shall be reissued only after the applicant has been reinstated under subsection (c).

(c) Any licensee who allows the licensee's license to lapse by failing to renew as herein provided may be reinstated upon payment of the renewal fee and the reinstatement fee and upon submitting evidence of satisfactory completion of any applicable continuing education requirements established by the secretary for reinstatement of persons whose licenses have lapsed for failure to renew. The secretary shall adopt rules and regulations establishing appropriate continuing education requirements for reinstatement of persons whose licenses have lapsed for failure to renew.

History: L. 1988, ch. 228, § 9; L. 1994, ch. 53, § 1; July 1.

**65-5910. Licensure of person licensed in another state.** The secretary may license, without examination, any person who is duly licensed in another state if the standards for licensure in such other state are not less than the standards for licensure under this act.

History: L. 1988, ch. 228, § 10; July 1.

**65-5911. Denial, refusal to renew, suspension or revocation of license; grounds; procedure; reinstatement.** (a) The secretary may deny, refuse to renew, suspend or revoke a license where the licensee or applicant:

- (1) Has obtained, or attempted to obtain, a license by means of fraud, misrepresentation or concealment of material facts;
- (2) has been guilty of unprofessional conduct as defined by rules and regulations adopted by the secretary;
- (3) has been found guilty of a crime found by the secretary to have a direct bearing on whether such person should be entrusted to serve the public in the capacity of a dietitian;
- (4) is mentally ill or physically disabled to an extent that impairs the individual's ability to engage in the practice of dietetics;
- (5) has used any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;
- (6) has violated any lawful order or rule and regulation of the secretary; or
- (7) has violated any provision of this act.

(b) Such denial, refusal to renew, suspension or revocation of a license may be ordered by the secretary after notice and hearing on the matter in accordance with the provisions of the Kansas administrative procedure act.

(c) A person whose license has been revoked may apply to the secretary for reinstatement. The secretary shall have discretion to accept or reject an application for reinstatement and may hold a hearing to consider such reinstatement. An applicant for reinstatement shall submit a reinstatement application and a reinstatement fee established by the secretary and fulfill the requirements established under subsection (c) of K.S.A. 65-5909 and amendments thereto.

History: L. 1988, ch. 228, § 11; L. 1989, ch. 203, § 4; L. 1994, ch. 53, § 2; July 1.

**65-5912. Construction of act; exemptions.** (a) Nothing in this act shall be construed to require any insurer or other entity regulated under chapter 40 of the Kansas Statutes Annotated or any other law of this state to provide coverage for or indemnify for the services provided by a person licensed under this act.

(b) So long as the following persons do not hold themselves out to the public to be dietitians or licensed dietitians or use these titles in combination with other titles or use the abbreviation L.D., or any combination thereof, nothing in this act shall be construed to apply:

- (1) To any person licensed to practice the healing arts, a licensed dentist, a licensed dental hygienist, a licensed professional nurse, a licensed practical nurse, a licensed psychologist, a licensed masters level psychologist, a licensed pharmacist or an employee thereof, a physician assistant, a licensed professional counselor;
- (2) to any unlicensed employee of a licensed adult care home or a licensed medical care facility as long as such person is working under the general direction of a licensee in the healing arts, nursing or a dietetic services supervisor as defined in regulations adopted by the secretary of health and environment or a consultant licensed under this act;
- (3) to any dietetic technician or dietetic assistant;
- (4) to any student enrolled in an approved academic program in dietetics, home economics, nutrition, education or other like curriculum, while engaged in such academic program;
- (5) to prevent any person, including persons employed in health food stores, from furnishing nutrition information as to the use of food, food materials or dietary supplements, nor to prevent in any way the free dissemination of information or of literature as long as no individual engaged in such practices holds oneself out as being licensed under this act;
- (6) to prohibit any individual from marketing or distributing food products, including dietary supplements, or to prevent any such person from providing information to customers regarding the use of such products;
- (7) to prevent any employee of the state or a political subdivision who is employed in nutrition-related programs from engaging in activities included within the definition of dietetics practice as a part of such person's employment;
- (8) to any person who performs the activities and services of a licensed dietitian or nutrition educator as an employee of the state or a political subdivision, an elementary or secondary school, an educational institution, a licensed institution, or a not-for-profit organization;
- (9) to any person serving in the armed forces, the public health service, the veterans administration or as an employee of the federal government;
- (10) to any person who has a degree in home economics insofar as the activities of such person are within the scope of such person's education and training;
- (11) to any person who counsels or provides weight-control services as a part of a franchised or recognized weight-control program or a weight-control program that operates under the general direction of a person licensed to practice the healing arts, nursing or a person licensed under this act;
- (12) to any person who is acting as a representative of a trade association and who engages in one or more activities included within the practice of dietetics as a representative of such association;

(13) to a licensed physical therapist who makes a dietetic or nutritional assessment or gives dietetic or nutritional advice in the normal practice of such person's profession or as otherwise authorized by law;

(14) to a dietitian licensed, registered or otherwise authorized to practice dietetics in another state who is providing consultation in this state;

(15) to any person conducting a teaching clinical demonstration which is carried out in an educational institution or an affiliated clinical facility or health care agency;

(16) to any person conducting classes or disseminating information relating to nonmedical nutrition; or

(17) to any person permitted to practice under K.S.A. 65-2872a, and amendments thereto.

(c) Nothing in this act shall be construed to interfere with the religious practices or observances of a bona fide religious organization, nor to prevent any person from caring for the sick in accordance with tenets and practices of any church or religious denomination which teaches reliance upon spiritual means through prayer for healing.

History: L. 1988, ch. 228, § 12; L. 1994, ch. 53, § 3; L. 1997, ch. 142, § 6; L. 2003, ch. 128, § 28; L. 2004, ch. 117, § 9; July 1.

**65-5913. Fees.** The secretary shall fix by rules and regulations fees for applications for and renewal of licenses, temporary licenses, examination fees, late renewal fees, reinstatement and sponsorship fees under this act. Such fees shall be fixed in an amount to cover the costs of administering the provisions of this act. No fee shall be more than \$200. The secretary shall remit all moneys received from fees, charges or penalties under this act to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the health occupations credentialing fee fund created by K.S.A. 2020 Supp. 39-979, and amendments thereto.

History: L. 1988, ch. 228, § 13; L. 1994, ch. 53, § 4; L. 1997, ch. 31, § 2; L. 2001, ch. 5, § 265; L. 2018, ch. 32, § 4; July 1.