

**NEW MEXICO NUTRITION AND DIETETIC  
PRACTICE BOARD**



**NEW MEXICO  
REGULATION AND LICENSING DEPARTMENT  
BOARDS AND COMMISSIONS**

# State of New Mexico Nutrition and Dietetics Board

## Statutes Table of Contents

### ARTICLE 7A

<b>Title</b>	<b>Page#</b>
61-7A-1 Short title.	1
# 61-7A-2 Purpose.	1
61-7A-3 Definitions.	1
61-7A-4 License required; exemptions.	2
61-7A-5 Board created.	2
61-7A-6 Powers and duties of the board and committee.	3
61-7A-7 Dieticians/Nutritionist; requirements for licensure.	3
61-7A-8 Licensure by Credentials.	4
61-7A-9 Provisional Permit.	4
61-7A-10 License Renewal	5
61-7A-11 Fees	5
61-7A-12 Nutrition & Dietetics Fund created; disposition; method of payment	5
61-7A-13 Denial, Suspension, revocation and reinstatement of license	6
61-7A-14 Penalty; enforcement	6
61-7A-15 Termination of agency Life	6

**State of New Mexico  
Board of Nutrition and Dietetics Practice**

**Rules and Regulations  
Table of Contents**

<b><u>Title</u></b>	<b>Page#</b>
16.14.1 General Provisions	7-8
16.14.2 Fees	9
16.14.3 Requirements for Licensure	10-12
16.14.4 Provisional Permits	13-14
16.14.5 Examinations	15-16
16.14.6 License Renewal	17
16.14.7 License Reinstatement	18
16.14.10 Code of Ethics	19-20
16.14.11 Disciplinary Proceedings	21
16.14.12 Licensure for Military Service Members, Spouses and Veterans	22-23

**61-7A-1. Short title. (Repealed effective July 1, 2022.)**

Sections 1 through 15 [[61-7A-1](#) to [61-7A-15](#) NMSA 1978] of this act may be cited as the "Nutrition and Dietetics Practice Act".

**History:** Laws 1989, ch. 387, § 1.

**61-7A-2. Legislative findings; purpose of act. (Repealed effective July 1, 2022.)**

A. The legislature finds that the application of scientific knowledge relating to food plays an important part in the treatment of disease and in the attainment and maintenance of health. The legislature further finds that the rendering of dietetics services in institutions and other settings requires trained and competent professionals.

B. The purpose of the Nutrition and Dietetics Practice Act is to safeguard life and health and to promote the public welfare by providing for the licensure and regulation of the persons engaged in the practice of nutrition and dietetics in the state and by providing the consumer a means of identifying those qualified to practice nutrition or dietetics.

**History:** Laws 1989, ch. 387, § 2.

**61-7A-3. Definitions. (Repealed effective July 1, 2022.)**

As used in the Nutrition and Dietetics Practice Act:

A. "association" means the American dietetic association;

B. "board" means the nutrition and dietetics practice board;

C. "commission" means the commission on dietetic registration that is a member of the national commission on health certifying agencies, which national commission establishes national standards of competence for individuals participating in the health care delivery system;

D. "dietitian" means a health care professional who engages in nutrition or dietetics practice and uses the title dietitian;

E. "nutrition or dietetics practice" means the integration and application of principles derived from the sciences of nutrition, biochemistry, physiology, food management and behavioral and social sciences to achieve and maintain human health through the provision of nutrition care services;

F. "nutrition care services" means:

(1) assessment of the nutritional needs of individuals and groups and determining resources and constraints in the practice setting;

(2) establishment of priorities, goals and objectives that meet nutritional needs in a manner consistent with available resources and constraints;

(3) provision of nutrition counseling in health and disease;

(4) development, implementation and management of nutrition care systems; and

(5) evaluation, adjustment and maintenance of appropriate standards of quality in food and nutrition care;

G. "nutritional assessment" means the evaluation of the nutritional needs of individuals and groups based upon appropriate biochemical, anthropometric, physical and dietary data to determine nutrient needs and recommend appropriate nutritional intake, including enteral and parenteral nutrition;

H. "nutrition counseling" means advising and assisting individuals or groups on appropriate nutritional intake by integrating information from the nutritional assessment with information on

food and other sources of nutrients and meal preparation consistent with cultural background and socioeconomic status;

I. "nutrition associate" means a health care professional who engages in nutrition or dietetics practice under the supervision of a dietitian or nutritionist; and

J. "nutritionist" means a health care professional who engages in nutrition or dietetics practice and uses the title nutritionist.

**History:** Laws 1989, ch. 387, § 3.

#### **61-7A-4. License required; exemptions. (Repealed effective July 1, 2022.)**

A. After April 1, 1990, no person shall engage in nutrition or dietetics practice, or use or include the titles or represent himself to be a dietitian, nutritionist or nutrition associate unless he is licensed under the Nutrition and Dietetics Practice Act.

B. Nothing in the Nutrition and Dietetics Practice Act is intended to:

(1) limit, interfere with or prevent any other licensed health care professional from engaging in nutrition and dietetics practice within the limits of his licensure, except that he shall not hold himself out as a dietitian, nutritionist or nutrition associate;

(2) limit, interfere with or prevent employees of state or federal agencies from using the term "dietitian" or "nutritionist" as defined in state or federal personnel qualifications where these terms are used in their job titles, except that the use of these terms shall be limited to the period and practice of their employment with the state or federal agency establishing those qualifications;

(3) prevent an individual who does not hold himself out as a dietitian, nutritionist or nutrition associate from furnishing oral or written nutritional information on food, food materials or dietary supplements or from engaging in the explanation to customers about foods or food products in connection with the marketing and distribution of those products;

(4) prevent any person from providing weight control services provided the program has been reviewed by, consultation is available from and no program change can be initiated without prior approval by a licensed dietitian or licensed nutritionist, a dietitian or nutritionist licensed in another state which has licensure requirements at least as stringent as the requirements for licensure under the Nutrition and Dietetics Practice Act, or a dietitian registered by the commission;

(5) prevent a dietetic technician registered (DTR) from engaging in nutrition or dietetics practice under the supervision of a licensed dietitian or licensed nutritionist;

(6) apply to or affect students of approved or accredited dietetics or nutrition training or education programs who engage in nutrition or dietetics practice under the supervision of a licensed dietitian or licensed nutritionist as a part of their approved or accredited training or education program for the duration of that program; or

(7) interfere with or prevent persons recognized in their communities as curanderos or medicine men from advising or ministering to people according to traditional practices, as long as they do not hold themselves out to be dietitians, nutritionists or nutrition associates.

**History:** Laws 1989, ch. 387, § 4.

#### **61-7A-5. Board created. (Repealed effective July 1, 2022.)**

A. There is created the "nutrition and dietetics practice board", administratively attached to the regulation and licensing department. The board shall consist of five members who are New Mexico residents and who are appointed by the governor for staggered three-year terms. Three

members shall be licensed dietitians or nutritionists with at least three years of nutrition or dietetics practice in New Mexico and two members shall represent the public. There shall be at least one dietitian and at least one nutritionist on the board at all times. The public members shall not have been licensed as a dietitian or nutritionist or have any financial interest, direct or indirect, in the professions regulated.

B. Each member shall hold office until the expiration of the term for which appointed or until a successor has been appointed. Vacancies shall be filled for the balance of the unexpired term within ninety days of the vacancy by appointment by the governor.

C. No board member shall serve more than two full terms.

D. The board shall elect annually a chairman and such other officers as it deems necessary. The board shall meet as often as necessary for the conduct of business, but no less than twice a year. Meetings shall be called by the chairman or upon the written request of two or more members of the board. Three members, at least two of whom are professional members and at least one of whom is a public member, shall constitute a quorum. Any member failing to attend, after proper notice, three consecutive meetings shall automatically be removed as a board member.

E. The members of the board shall be reimbursed as provided for nonsalaried public officers in the Per Diem and Mileage Act [[10-8-1](#) through [10-8-8](#) NMSA 1978] and shall receive no other compensation, perquisite or allowance.

**History:** Laws 1989, ch. 387, § 5; 1996, ch. 51, § 1.

#### **61-7A-6. Board; duties. (Repealed effective July 1, 2022.)**

A. The board shall:

- (1) develop and administer an appropriate examination for qualified applicants;
- (2) evaluate the qualifications of applicants for licensure under the Nutrition and Dietetics Practice Act;
- (3) issue licenses to applicants who meet the requirements of the Nutrition and Dietetics Practice Act;
- (4) investigate persons engaging in practices that may violate the provisions of the Nutrition and Dietetics Practice Act;
- (5) revoke, suspend or deny a license in accordance with the provisions of the Uniform Licensing Act [[61-1-1](#) through [61-1-31](#) NMSA 1978];
- (6) adopt an annual budget;
- (7) adopt a code of ethics; and
- (8) adopt in accordance with the Uniform Licensing Act and file in accordance with the State Rules Act [Chapter [14](#), Article [4](#) NMSA 1978] rules and regulations necessary to carry out the provisions of the Nutrition and Dietetics Practice Act; provided, no rule or regulation may be adopted, amended or repealed except by a vote of three-fifths of the board members.

B. The board may contract with the regulation and licensing department for office space and administrative support.

**History:** Laws 1989, ch. 387, § 6; 1996, ch. 51, § 2.

#### **61-7A-7. Licensure; requirements. (Repealed effective July 1, 2022.)**

A. The board shall issue a license as a dietitian to any person who files a completed application, pays all required fees and certifies and furnishes evidence satisfactory to the board

that the applicant has a valid current registration with the commission that gives the applicant the right to use the term "registered dietitian" or "R.D."

B. The board shall issue a license as a nutritionist to any person who files a completed application, pays all required fees and certifies and furnishes evidence satisfactory to the board that the applicant:

(1) has received a master's degree or doctorate in human nutrition, nutrition education, foods and nutrition or public health nutrition from a college or university accredited by a member of the council on post-secondary accreditation; or

(2) maintains membership in one of the following organizations:

(a) the American institute of nutrition;

(b) the American society for clinical nutrition; or

(c) the American board of nutrition; and

(3) has successfully completed any training or educational programs and other requirements set out in the rules and regulations adopted pursuant to the Nutrition and Dietetics Practice Act.

C. Notwithstanding the provisions of Subsections A and B of this section, the board shall issue a license to an applicant who pays all required fees and who successfully passes a state examination, as established in Subsection A of [Section 61-7A-6](#) NMSA 1978.

D. The board shall issue a license as a nutrition associate to any person who files a completed application, pays all required fees and certifies and furnishes evidence satisfactory to the board that the applicant:

(1) has received a baccalaureate or higher degree from a college or university accredited by a member of the council on post-secondary accreditation and fulfilled minimum academic requirements in the field of dietetics and related disciplines as approved by the association; and

(2) works under the supervision of a dietitian or nutritionist. Such supervision shall include a minimum of four hours onsite [on-site] supervision per month plus phone consultation as needed.

E. A valid license issued pursuant to the Nutrition and Dietetics Practice Act shall be displayed at the licensee's place of employment.

F. Licenses, including initial licenses, shall be issued for a period of one year.

**History:** Laws 1989, ch. 387, § 7; 1996, ch. 51, § 3.

### **61-7A-8. Licensure by credentials. (Repealed effective July 1, 2022.)**

The board may license an applicant who is licensed as a dietitian, nutritionist or nutrition associate in another state, provided that in the judgment of the board the standards for licensure in that state are not less stringent than those provided for licensure in the Nutrition and Dietetics Practice Act.

**History:** Laws 1989, ch. 387, § 8.

### **61-7A-9. Provisional permit. (Repealed effective July 1, 2022.)**

A provisional permit to practice as a dietitian or nutritionist may be issued by the board upon the filing of an application and submission of evidence of successful completion of the education requirements. No fee in addition to the application and license fees shall be charged for the issuance of a provisional permit. The permit shall be valid only until the last day of the period for which it is issued or until the provisional permittee's [permittee's] application has been approved and a license issued, whichever is first.

**History:** Laws 1989, ch. 387, § 9.

**61-7A-10. License renewal; continuing education requirements. (Repealed effective July 1, 2022.)**

A. Every person licensed under the Nutrition and Dietetics Practice Act shall renew his license annually on or before the expiration date of the initial or renewal license.

B. The board shall issue a renewal license to the licensee upon receipt of the renewal application, the renewal fee and proof satisfactory to the board of compliance with continuing education requirements.

C. Continuing education requirements for licensees shall be established by the board, provided that:

(1) for dietitians, the requirements shall be those established by the commission; and

(2) for nutritionists and nutrition associates, at least seventy-five clock hours, or the equivalent, during a five-year period shall be required to be obtained in increments of fifteen clock hours annually or as otherwise permitted by the board.

D. Any person who allows his license to lapse by failing to renew his license within thirty days of expiration may be reinstated by the board and issued a renewal license upon submission of a renewal application with proof satisfactory to the board of compliance with the continuing education and other requirements of the Nutrition and Dietetics Practice Act and payment of the annual renewal fee and an additional reinstatement fee.

**History:** Laws 1989, ch. 387, § 10.

**61-7A-11. Fees. (Repealed effective July 1, 2022.)**

A. The board shall establish a schedule of reasonable fees for applications, licenses and renewal of licenses. Fees shall be established based on processing requirements for each category.

B. The initial application fee shall be set in an amount not to exceed fifty dollars (\$50.00).

C. The initial license fee shall be set in an amount not to exceed one hundred fifty dollars (\$150).

D. A license renewal fee shall be established in an amount not to exceed seventy-five dollars (\$75.00) per year.

E. A license reinstatement fee shall be established in an amount not to exceed fifty dollars (\$50.00).

**History:** Laws 1989, ch. 387, § 11.

**61-7A-12. Nutrition and dietetics fund created; disposition; method of payment. (Repealed effective July 1, 2022.)**

A. There is created in the state treasury the "nutrition and dietetics fund", to be administered by the department under the supervision of the board.

B. All funds received or collected by the board or the department under the Nutrition and Dietetics Practice Act shall be deposited with the state treasurer, who shall place the money to the credit of the nutrition and dietetics fund. No balance in the fund at the end of any fiscal year shall revert to the general fund.

C. Money in the nutrition and dietetics fund is appropriated to the board for the purpose of implementing and administering the provisions of the Nutrition and Dietetics Practice Act.



**History:** Laws 1989, ch. 387, § 12.

**61-7A-13. Denial, suspension, revocation and reinstatement of licenses. (Repealed effective July 1, 2022.)**

A. The board may refuse to issue or renew or may deny, suspend or revoke any license held or applied for under the Nutrition and Dietetics Practice Act in accordance with the procedures set forth in the Uniform Licensing Act [[61-1-1](#) through [61-1-31](#) NMSA 1978] upon grounds that the licensee or applicant:

(1) is guilty of fraud or misrepresentation in the procurement of any license under the Nutrition and Dietetics Practice Act;

(2) is subject to the imposition of any disciplinary action by an agency of another state which regulates dietitians, nutritionists or nutrition associates but not to exceed the period or extent of that action;

(3) is convicted of a crime other than a misdemeanor. The record of conviction or a certified copy of it shall be conclusive evidence of the conviction;

(4) is grossly negligent or incompetent in his practice as a dietitian, nutritionist or nutrition associate;

(5) has failed to fulfill continuing education requirements;

(6) has violated or aided or abetted any person to violate any of the provisions of the Nutrition and Dietetics Practice Act or any rules or regulations duly adopted under that act; or

(7) has engaged in unethical or unprofessional conduct as defined in the code of ethics adopted by the board.

B. One year from the date of revocation of a license under the Nutrition and Dietetics Practice Act, application may be made to the board for restoration of the license. The board shall provide by regulation for the criteria governing application and examination for restoration of a revoked license.

**History:** Laws 1989, ch. 387, § 13.

**61-7A-14. Penalty; enforcement. (Repealed effective July 1, 2022.)**

A. Violation of any provision of the Nutrition and Dietetics Practice Act is a misdemeanor.

B. The department or the board may bring civil action in any district court to enforce any of the provisions of the Nutrition and Dietetics Practice Act.

**History:** Laws 1989, ch. 387, § 14.

**61-7A-15. Termination of agency life; delayed repeal. (Repealed effective July 1, 2022.)**

The nutrition and dietetics practice board is terminated on July 1, 2021 pursuant to the Sunset Act [[12-9-11](#) through [12-9-21](#) NMSA 1978]. The board shall continue to operate according to the provisions of the Nutrition and Dietetics Practice Act until July 1, 2022. Effective July 1, 2022, the Nutrition and Dietetics Practice Act is repealed.

**History:** Laws 1989, ch. 387, § 15; 1996, ch. 51, § 4; 1997, ch. 46, § 7; 2005, ch. 208, § 5; 2015, ch. 119, § 5.

**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 14 NUTRITION AND DIETETIC PRACTITIONERS**  
**PART 1 GENERAL PROVISIONS**

**16.14.1.1 ISSUING AGENCY:** Nutrition and Dietetic Practice Board, P.O. Box 25101, Santa Fe, NM 87504.

[16.14.1.1 NMAC - Rp, 16 NMAC 14.1.1 NMAC, 08/01/2011]

**16.14.1.2 SCOPE:** The provisions in Part 1 apply to all parts of Chapter 14, and provide relevant information to anyone affected by or interested in the licensing and regulation of dietitians, nutritionists and nutrition associates.

[16.14.1.2 NMAC - Rp, 16 NMAC 14.1.2, 08/01/2011]

**16.14.1.3 STATUTORY AUTHORITY:** Sections 61-7A-1 through 61-7A-15 NMSA 1978 (Laws of 1996 and 1993 Repl. Pamp.), Section 11 of Part 1 is authorized by Section 10-15-1,C (1993 Repl. Pamp.). Sections 12 and 13 of Part 1 are authorized by Sections 14-2-1 through 14-2-16 NMSA 1978 (1993 Repl. Pamp.).

[16.14.1.3 NMAC - Rp, 16 NMAC 14.1.3, 08/01/2011]

**16.14.1.4 DURATION:** Permanent.

[16.14.1.4 NMAC - Rp, 16 NMAC 14.1.4, 08/01/2011]

**16.14.1.5 EFFECTIVE DATE:** 8/01/2011, unless a later date is cited at the end of a section.

[16.14.1.5 NMAC - Rp, 16 NMAC 14.1.5, 08/01/2011]

**16.14.1.6 OBJECTIVE:** To set forth the provisions which apply to all of Chapter 14, and to all persons and entities affected or regulated by Chapter 14 of Title 16.

[16.14.1.6 NMAC - Rp, 16 NMAC 14.1.6, 08/01/2011]

**16.14.1.7 DEFINITIONS:**

- A.** "Act" means the Nutrition and Dietetics Practice Act.
- B.** "CDR" means the commission on dietetic registration.
- C.** "American board of nutrition" referred to in the act is now known as American clinical board of nutrition.
- D.** "American institute of nutrition" referred to in the act is now known as American society for nutrition.

[16.14.1.7 NMAC - Rp, 16 NMAC 14.1.7, 08/01/2011]

**16.14.1.8 LICENSE DISPLAY:** A valid license or permit must be displayed and must be visible to the public in each place of employment or business of the licensee. Licensees who do not have a permanent office must have a valid license/permit available for public inspections during business hours.

[16.14.1.8 NMAC - Rp, 16 NMAC 14.1.8, 08/01/2011]

**16.14.1.9 LICENSEE RESPONSIBILITY:** The board assumes no responsibility for renewal applications or other documents not received by the licensee for any reason. It is the licensees responsibility to make timely request for the renewal form or other required documents.

[16.14.1.9 NMAC - Rp, 16 NMAC 14.1.9, 08/01/2011]

**16.14.1.10 CHANGE OF ADDRESS:** Any licensee or applicant who changes their mailing address must notify the board in writing within 30 days of the change.

[16.14.1.10 NMAC - Rp, 16 NMAC 14.1.10, 08/01/2011]

**16.14.1.11 TELEPHONE CONFERENCES:** If it is difficult or impossible for a member of the board to attend a meeting in person, the member may participate through a conference telephone. Each member participating by conference telephone must be identified when speaking, all participants must be able to hear each other at the same time and members of the public attending the meeting must be able to hear any member of the board who speaks during the meeting.

[16.14.1.11 NMAC - Rp, 16 NMAC 14.1.11, 08/01/2011]

**16.14.1.12 PUBLIC RECORDS:** Except as otherwise provided by law, all applications, pleadings, petitions and motions are matters of public record at the time of filing with the board.  
[16.14.1.12 NMAC - Rp, 16 NMAC 14.1.12, 08/01/2011]

**16.14.1.13 INSPECTION OF PUBLIC RECORDS:** The board operates in compliance with the Inspection of Public Records Act, Sections 14-2-1 through 14-2-16 NMSA 1978. The board administrator is the custodian of the board's records.  
[16.14.1.13 NMAC - Rp, 16 NMAC 14.1.13, 08/01/2011]

**16.14.1.14 CONFIDENTIAL RECORDS:** The following records are considered confidential and are not subject to public inspection:

- A.** letters of reference concerning employment, licensing or permits;
- B.** medical reports or records of chemical dependency, physical or mental examinations or treatment;
- C.** investigative files; and
- D.** letters or memorandum which are matters of opinion in personnel files or students' cumulative files.

[16.14.1.14 NMAC - Rp, 16 NMAC 14.1.14, 08/01/2011; A, 03/31/2015]

**16.14.1.15 SEVERABILITY:** If any part of these rules are held invalid by a court of competent jurisdiction, the remaining provisions of the rules shall remain in force and effect, unless otherwise determined by a court of competent jurisdiction.  
[16.14.1.15 NMAC - Rp, 16 NMAC 14.1.15, 08/01/2011]

**HISTORY OF 16.14.1 NMAC:**

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center:  
N&D Rule 90-1, Definitions, filed 2/28/90.  
N&D Rule 90-2, Licensure Requirements, filed 2/28/90.  
Rule 2, Licensure Requirements, filed 3/8/93.  
N&D Rule 90-3, License Period, filed 2/28/90.  
N&D Rule 91-3, License and License Period, filed 3/18/91.  
Rule 92-3, License and License Period, filed 3/26/92.  
Rule 3, Initial Licenses, License Period and Display, filed 3/8/93.  
N&D Rule 90-4, Annual Registration Displayed, filed 2/28/90.

**History of Repealed Material:**

16 NMAC 14.1, General Provisions, filed 8/19/1996 - Repealed effective 08/01/2011.

**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 14 NUTRITION AND DIETETIC PRACTITIONERS**  
**PART 2 FEES**

**16.14.2.1 ISSUING AGENCY:** Nutrition and Dietetic Practice Board, P.O. Box 25101, Santa Fe, NM 87504.  
[16.14.2.1 NMAC - Rp, 16 NMAC 14.2.1 NMAC, 08/01/2011]

**16.14.2.2 SCOPE:** The provisions of Part 2 apply to all individuals licensed or applying for licensure to practice as a dietitian, nutritionist, or nutrition associate and to anyone who requests a list or labels of licensees.  
[16.14.2.2 NMAC - Rp, 16 NMAC 14.2.2, 08/01/2011]

**16.14.2.3 STATUTORY AUTHORITY:** Section 61-7A-11 NMSA 1978 (1993 Repl. Pamp.).  
[16.14.2.3 NMAC - Rp, 16 NMAC 14.2.3, 08/01/2011]

**16.14.2.4 DURATION:** Permanent.  
[16.14.2.4 NMAC - Rp, 16 NMAC 14.2.4, 08/01/2011]

**16.14.2.5 EFFECTIVE DATE:** 08/01/2011, unless a later date is cited at the end of a section.  
[16.14.2.5 NMAC - Rp, 16 NMAC 14.2.5, 08/01/2011]

**16.14.2.6 OBJECTIVE:** To establish fees to generate revenue adequate to fund the cost of program administration.  
[16.14.2.6 NMAC - Rp, 16 NMAC 14.2.6, 08/01/2011]

**16.14.2.7 DEFINITIONS:** [RESERVED]

**16.14.2.8 FEES:**

- A. All fees are non-refundable.
- B. Initial application fee of fifty dollars (\$50.00).
- C. Initial license fee of one hundred and fifty dollars (\$150.00) for each license must be paid after application approval and before license issuance, pursuant to Paragraph (1) of Subsection A of 16.4.3.11 NMAC.
- D. A license renewal fee of seventy-five dollars (\$75.00).
- E. A reinstatement fee of fifty dollars (\$50.00) must be paid in addition to any other fees due at the time of reinstatement.
- F. A duplicate license fee of twenty dollars (\$20.00).

[16.14.2.8 NMAC - Rp, 16 NMAC 14.2.8, 08/01/2011]

**16.14.2.9 TRANSFER OF LICENSE CATEGORY:** Within the first year of licensure, the licensee may transfer categories for which he is eligible, by submitting an additional application form and application fee of fifty dollars (\$50.00).  
[16.14.2.9 NMAC - Rp, 16 NMAC 14.2.9, 08/01/2011]

**HISTORY OF 16.14.2 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center:

N&D Rule 90-9, Fees, filed 2/28/90.

N&D Rule 90-9, Fees, filed 9/6/90.

Rule 92-9, Fees, filed 3/26/92.

Rule 6, Fees, filed 3/8/93.

**History of Repealed Material:**

16 NMAC 14.2, Fees, filed 8/19/1996 - Repealed effective 08/01/2011.

**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 14 NUTRITION AND DIETETIC PRACTITIONERS**  
**PART 3 REQUIREMENTS FOR LICENSURE**

**16.14.3.1 ISSUING AGENCY:** Nutrition and Dietetic Practice Board, P.O. Box 25101, Santa Fe, NM 87504, (505) 827-7169.  
[8/31/96; 16.14.3.1 NMAC - Rn, 16 NMAC 14.3.1, 11/22/2005]

**16.14.3.2 SCOPE:** The provisions of Part 3 apply to all individuals applying for licensure to practice as a dietitian, nutritionist, or nutrition associate in New Mexico.  
[8/31/96; 16.14.3.2 NMAC - Rn, 16 NMAC 14.3.2, 11/22/2005]

**16.14.3.3 STATUTORY AUTHORITY:** Sections 61-7A-6 through 61-7A-7 NMSA 1978 (Laws of 1996 and 1993 Repl. Pamp.).  
[8/31/96; 16.14.3.3 NMAC - Rn, 16 NMAC 14.3.3, 11/22/2005]

**16.14.3.4 DURATION:** Permanent.  
[8/31/96; 16.14.3.4 NMAC - Rn, 16 NMAC 14.3.4, 11/22/2005]

**16.14.3.5 EFFECTIVE DATE:** 8-31-96  
[8/31/96; 16.14.3.5 NMAC - Rn, 16 NMAC 14.3.5, 11/22/2005]

**16.14.3.6 OBJECTIVE:** To establish the requirements for licensure, as well as the required documentation and licensing process for all applicants.  
[8/31/96; 16.14.3.6 NMAC - Rn, 16 NMAC 14.3.6, 11/22/2005]

**16.14.3.7 DEFINITIONS:** RESERVED  
[8/31/96; 16.14.3.7 NMAC - Rn, 16 NMAC 14.3.7, 11/22/2005; A, 08/01/2011]

**16.14.3.8 REQUIREMENTS FOR DIETITIAN LICENSE:**

- A. Prerequisites:
- (1) valid current registration with CDR which includes successful completion of the CDR examination and gives the applicant the right to use the term “registered dietitian” or “RD” or
  - (2) license in another state which has standards for licensure not less stringent than those in New Mexico.
- B. Documentation: Each applicant for a license to practice as a dietitian must submit the required fees and following documentation:
- (1) a completed and signed application;
  - (2) a copy of CDR card; and
  - (3) applicants who are currently, or have previously been, licensed in another state(s) must provide a copy of each license and a verification of license status directly to the board from the state(s) where licensed.
- [3/30/90...8/31/96; 16.14.3.8 NMAC - Rn, 16 NMAC 14.3.8, 11/22/2005; A, 08/01/2011]

**16.14.3.9 REQUIREMENTS FOR NUTRITIONIST LICENSE:**

- A. Education requirements: Each applicant for a license as a nutritionist must have one of the following:
- (1) master’s degree or doctorate in human nutrition, nutrition education, foods and nutrition, or public health nutrition from a college or university accredited by a member of the council on post-secondary accreditation; or
  - (2) valid current evidence of membership in one of the following organizations: American clinical board of nutrition or American society for nutrition.
- B. Additional requirements:
- (1) pass an examination related to entry level nutrition practice and nutrition care services which has been approved by the board; or
  - (2) be licensed in another state which has standards for licensure not less stringent than those in New Mexico.

C. Documentation: Each applicant for license to practice as a nutritionist must submit the required fees and following documentation:

- (1) completed and signed application;
- (2) official transcript verifying degree required in Paragraph (1) of Subsection A of 16.14.3.9 NMAC, mailed directly from the college or university; or
- (3) proof of membership in the organizations specified in Paragraph (2) of Subsection A of 16.14.3.9 NMAC;
- (4) applicants who are currently, or have previously been, licensed in another state(s) must provide a copy of each license and a verification of license status directly to the board from the state(s) where licensed. [3/30/90...8/31/96; 16.14.3.9 NMAC - Rn, 16 NMAC 14.3.9, 11/22/2005; A, 08/01/2011]

**16.14.3.10 REQUIREMENTS FOR NUTRITION ASSOCIATE LICENSE:**

- A. Education requirements: Each applicant for a license as a nutrition associate must have:
- (1) a baccalaureate or higher degree from a college or university accredited by a member of the council on post-secondary accreditation; and
  - (2) completion of the academic requirements that qualify the applicant for an internship or equivalent program as approved by the commission on dietetic registration; and
- B. Additional requirements:
- (1) pass an examination related to entry level nutrition practice and nutrition care services which has been approved by the board; or
  - (2) be licensed in another state which has standards for licensure not less stringent than those in New Mexico.

C. Documentation: Each applicant for a license to practice as a nutrition associate must submit the required fees and following documentation:

- (1) completed and signed application;
- (2) official transcript verifying degree required in Paragraph (1) of Subsection A of 16.14.3.10 NMAC, mailed directly from the college or university; and
- (3) American dietetic association verification statement completed by a program director which verifies eligibility for an internship or equivalent program approved by CDR; and
- (4) applicants who are currently, or have previously been, licensed in another state(s) must provide a copy of each license and a verification of license status directly to the board from the state(s) where licensed; and
- (5) completed employment information form documenting supervision by a New Mexico licensed dietitian or nutritionist; documentation is required for subsequent changes in employment or supervision. [3/30/90...8/31/96; 16.14.3.10 NMAC - Rn, 16 NMAC 14.3.10, 11/22/2005; A, 08/01/2011]

**16.14.3.11 INITIAL LICENSES AND LICENSE PERIOD:**

A. The board shall issue an initial license to an applicant who meets the requirements of the Nutrition and Dietetics Practice Act and has paid the fees required under Part 2. If the applicant fails to pay all required fees within 30 days of notification of board approval, the application shall be deemed withdrawn. The applicant shall then be required to reapply and pay all fees required under Part 2.

- B. All licenses will be valid for one year.
- (1) The issue date for all initial licenses will be the date payment is received following board approval of the request for licensure.
  - (2) Each renewal license shall be valid for a period of one year beginning the day after the date of expiration of the license being renewed.
  - (3) Licenses which lapse and are then reinstated will be valid for one year from the first day of the month following board approval of reinstatement.
  - (4) New licenses which are issued as the result of a change of licensing category will be valid for one year from the date of issuance of the new license. [4/7/93; 16.14.3.11 NMAC - Rn, 16 NMAC 14.3.11, 11/22/2005]

**16.14.3.12 PROVISIONS FOR EMERGENCY LICENSURE:**

A. Nutrition and dietetic practitioners currently licensed and in good standing, or otherwise meeting the requirements for New Mexico licensure in a state in which a federal disaster has been declared, may be licensed in New Mexico during the (4) four months following the declared disaster at no cost upon satisfying the following requirements:

(1) receipt by the nutrition and dietetic practitioners board of a completed application that has been signed and that is accompanied by proof of identity, which may include a copy of a drivers license, passport or other photo identification issued by a governmental entity;

(2) other required verification may be obtained from the commission on dietetic registration;

(3) nothing in this section shall constitute a waiver of qualifications of the requirements for licensure contained in 16.14.3.8, 16.14.3.9, 16.14.3.10 NMAC; and

(4) sworn affidavit that the applicant was personally or professionally affected by the disaster.

B. The board will waive fees.

C. The board may waive the specific forms required under 16.14.3.8, 16.14.3.9, 16.14.3.10 NMAC only if the applicant is unable to obtain documentation from the federal declared disaster area.

D. Emergency provisional license shall expire one (1) year from the date of issue of the emergency issued license. Application for a permanent license shall be made before the one-year expiration date of the emergency license, at which time, license fees will be required.

E. The board reserves the right to request additional documentation, including but not limited to, recommendation forms and work experience verification forms prior to approving the permanent license.

[16.14.3.12 NMAC - N/E, 11/22/2005; A, 08/01/2011]

#### **16.14.3.13 TERMINATION OF EMERGENCY LICENSE**

A. The emergency license shall terminate upon the following circumstances:

(1) the issuance of an initial license under section 16.14.3.11 NMAC; or

(2) proof that the emergency license holder has engaged in fraud, deceit or misrepresentation in procuring or attempting to procure a license under this section.

B. Termination of an emergency license shall not preclude application for permanent licensure.

[16.14.3.13 NMAC - N/E, 11/22/2005]

#### **HISTORY OF 16.14.3 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the state records center: N&D Rule 90-2, Licensure Requirements, filed 2/28/90.

Rule 2, Licensure Requirements, filed 3/8/93.

**History of Repealed Material:** [RESERVED]

#### **Other History:**

Rule 2, Licensure Requirements (filed 3/8/93) was reformatted, renumbered, amended and replaced by 16 NMAC 14.3 NMAC, Requirements for Licensure, effective 8/31/96.

16 NMAC 14.3 NMAC, Requirements for Licensure (filed 8/19/96) reformatted, renumbered, amended and replaced by 16.14.3 NMAC, Requirements for Licensure, effective 11/22/2005.

**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 14 NUTRITION AND DIETETIC PRACTITIONERS**  
**PART 4 PROVISIONAL PERMITS**

**16.14.4.1 ISSUING AGENCY:** Nutrition and Dietetic Practice Board, P.O. Box 25101, Santa Fe, New Mexico 87504.

[16.14.4.1 NMAC - Rp, 16 NMAC 14.4.1 NMAC, 08/01/2011]

**16.14.4.2 SCOPE:** All individuals applying for licensure to practice as a dietitian or nutritionist in New Mexico.

[16.14.4.2 NMAC - Rp, 16 NMAC 14.4.2, 08/01/2011]

**16.14.4.3 STATUTORY AUTHORITY:** Section 61-7A-9 NMSA 1978 (1993 Repl. Pamp.).

[16.14.4.3 NMAC - Rp, 16 NMAC 14.4.3, 08/01/2011]

**16.14.4.4 DURATION:** Permanent.

[16.14.4.4 NMAC - Rp, 16 NMAC 14.4.4, 08/01/2011]

**16.14.4.5 EFFECTIVE DATE:** 08/01/2011, unless a later date is cited at the end of a section.

[16.14.4.5 NMAC - Rp, 16 NMAC 14.4.5, 08/01/2011]

**16.14.4.6 OBJECTIVE:** To establish procedures to issue provisional permits to applicants who have met all relevant education and experience requirements and who are waiting to take the required examination, or applicants who have met all the requirements but are waiting for board approval of the application.

[16.14.4.6 NMAC - Rp, 16 NMAC 14.4.6, 08/01/2011]

**16.14.4.7 DEFINITIONS:** "Provisional permit" means a permit which allows the applicant to work as a dietitian or nutritionist while waiting for board approval of the application or for the applicant to take the examination required for licensure.

[16.14.4.7 NMAC - Rp, 16 NMAC 14.4.7, 08/01/2011]

**16.14.4.8 PROCEDURE FOR ISSUANCE:** A provisional permit to practice as a dietitian or nutritionist may be issued by the board administrator upon receipt of a completed application. A provisional permit may not be issued until the application is complete, except for required examinations, and the initial application fee has been paid.

[16.14.4.8 NMAC - Rp, 16 NMAC 14.4.8, 08/01/2011]

**16.14.4.9 DIETITIANS:** The application must include proof of completion of the education and experience required for registration as a dietitian with CDR.

[16.14.4.9 NMAC - Rp, 16 NMAC 14.4.9, 08/01/2011]

**16.14.4.10 NUTRITIONISTS:** The application must include proof of completion of the education or membership requirements for licensure in Paragraph (1) of Subsection A of 16.14.3.10 NMAC.

[16.14.4.10 NMAC - Rp, 16 NMAC 14.4.10, 08/01/2011]

**16.14.4.11 PERMIT PERIOD:** The provisional permit may be issued for a period not to exceed six months. This period will allow the applicant to take the exam, be notified of the results and the board to act on the request for licensure.

A. If the permit holder passed the exam and is approved for licensure, payment of the initial license fee must be received before the expiration of the permit.

B. If the permit holder fails the third exam taken, the provisional permit is null and void effective the date results are obtained, unless an exception is recognized by CDR.

C. Applications will be maintained for one year following the date of receipt by the board office.

[16.14.4.11 NMAC - Rp, 16 NMAC 14.4.11, 08/01/2011]

**16.14.4.12 RE-ISSUANCE OF PERMITS:** Individuals who do not pass the CDR examination after three attempts may not be issued an additional provisional permit. Individuals who are unable to take or complete the



examination and have been excused by the board in accordance with 16.14.5.12 NMAC will be issued one additional provisional permit.  
[16.14.4.12 NMAC - Rp, 16 NMAC 14.4.12, 08/01/2011]

**HISTORY OF 16.14.4 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center:

N&D Rule 90-6, Provisional Permit, filed 2/28/90.

Rule 92-6, Provisional Permit, filed 3/26/92.

Rule 4, Provisional Permit, filed 3/8/93.

**History of Repealed Material:**

16 NMAC 14.4, Provisional Permits, filed 8/19/1996 - Repealed effective 08/01/2011.

**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 14 NUTRITION AND DIETETIC PRACTITIONERS**  
**PART 5 EXAMINATIONS**

**16.14.5.1 ISSUING AGENCY:** Nutrition and Dietetic Practice Board, P.O. Box 25101, Santa Fe, New Mexico 87504.

[16.14.5.1 NMAC - Rp, 16 NMAC 14.5.1 NMAC, 08/01/2011]

**16.14.5.2 SCOPE:** All individuals applying for licensure to practice as a dietitian, nutritionist or nutrition associate in New Mexico.

[16.14.5.2 NMAC - Rp, 16 NMAC 14.5.2, 08/01/2011]

**16.14.5.3 STATUTORY AUTHORITY:** Sections 61-7A-1 through 61-7A-15 NMSA 1978 (Laws of 1996).

[16.14.5.3 NMAC - Rp, 16 NMAC 14.5.3, 08/01/2011]

**16.14.5.4 DURATION:** Permanent.

[16.14.5.4 NMAC - Rp, 16 NMAC 14.5.4, 08/01/2011]

**16.14.5.5 EFFECTIVE DATE:** 08/01/2011, unless a later date is cited at the end of a section.

[16.14.5.5 NMAC - Rp, 16 NMAC 14.5.5, 08/01/2011]

**16.14.5.6 OBJECTIVE:** To establish the regulations regarding examination policies and procedures for licensure. The categories of licensed nutritionist and licensed dietitian share a basic scope of practice and therefore will be tested on the same material.

[16.14.5.6 NMAC - Rp, 16 NMAC 14.5.6, 08/01/2011]

**16.14.5.7 DEFINITIONS:** [RESERVED]

[16.14.5.7 NMAC - Rp, 16 NMAC 14.5.7, 08/01/2011]

**16.14.5.8 REQUIRED EXAMINATION:**

A. For dietitians, the entry-level examination for registration as a dietitian developed and administered by CDR is required for licensure in New Mexico.

B. For nutritionists, the entry-level examination for registration as a dietitian developed and administered by CDR is required for licensure in New Mexico.

C. For nutrition associates, the examination for registration as a dietetic technician developed and administered by CDR is required for licensure in New Mexico.

[16.14.5.8 NMAC - Rp, 16 NMAC 14.5.8, 08/01/2011]

**16.14.5.9 TEST ADMINISTRATION:** Examinations are offered by CDR in a computerized format on dates and locations determined by the applicant. Individuals applying for licensure as a nutritionist or nutrition associate must make application through the board to be eligible to take the CDR exam. Dietitians who require a provisional permit to practice in New Mexico prior to passing the CDR exam must apply for the exam through the board. The names of applicants who are deemed eligible by the board to take the examination will be forwarded to CDR and their testing agency, ACT. The application to take the examination will then be sent directly to the applicant. Payment for the examination is sent directly to ACT in accordance with the procedures outlined in the candidate handbook.

[16.14.5.9 NMAC - Rp, 16 NMAC 14.5.9, 08/01/2011]

**16.14.5.10 PASSING SCORE:** The passing score will be established by CDR based on the cut-score for the examination. A certified copy of the exam results submitted by the applicant will be accepted as proof of a passing score.

[16.14.5.10 NMAC - Rp, 16 NMAC 14.5.10, 08/01/2011]

**16.14.5.11 RE-EXAMINATION POLICY:** Individuals who do not obtain a passing score on the examination may re-take the exam within the guidelines provided by CDR. However, applicants may not practice in New Mexico as a dietitian, nutritionist, or nutrition associate if they have failed the exam more than three times.  
[16.14.5.11 NMAC - Rp, 16 NMAC 14.5.11, 08/01/2011]

**16.14.5.12 MISSED EXAMINATION:** The board may excuse candidates who for circumstances beyond their control are unable to take or complete the exam within the provisional permit period.  
[16.14.5.12 NMAC - Rp, 16 NMAC 14.5.12, 08/01/2011]

**HISTORY OF 16.14.5 NMAC:**

**History of Repealed Material:**

16 NMAC 14.5, Examinations, filed 8/19/1996 - Repealed effective 08/01/2011.

**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 14 NUTRITION AND DIETETIC PRACTITIONERS**  
**PART 6 LICENSE RENEWAL**

**16.14.6.1 ISSUING AGENCY:** Nutrition and Dietetic Practice Board, P.O. Box 25101, Santa Fe, New Mexico 87504.  
[16.14.6.1 NMAC - Rp, 16 NMAC 14.6.1 NMAC, 08/01/2011]

**16.14.6.2 SCOPE:** All individuals licensed to practice as a dietitian, nutritionist or nutrition associate in the state of New Mexico.  
[16.14.6.2 NMAC - Rp, 16 NMAC 14.6.2, 08/01/2011]

**16.14.6.3 STATUTORY AUTHORITY:** Section 61-7A-10 NMSA 1978 (1993 Repl. Pamp.).  
[16.14.6.3 NMAC - Rp, 16 NMAC 14.6.3, 08/01/2011]

**16.14.6.4 DURATION:** Permanent.  
[16.14.6.4 NMAC - Rp, 16 NMAC 14.6.4, 08/01/2011]

**16.14.6.5 EFFECTIVE DATE:** 08/01/2011, unless a later date is cited at the end of a section.  
[16.14.6.5 NMAC - Rp, 16 NMAC 14.6.5, 08/01/2011]

**16.14.6.6 OBJECTIVE:** To establish the policies, procedures and requirements for license renewal.  
[16.14.6.6 NMAC - Rp, 16 NMAC 14.6.6, 08/01/2011]

**16.14.6.7 DEFINITIONS:** [RESERVED]

**16.14.6.8 ANNUAL RENEWAL REQUIRED:** Every person licensed under the Nutrition and Dietetics Practice Act shall renew his license annually on or before the expiration date by submitting a renewal application, the renewal fee, proof of compliance with continuing education requirements and any other documentation required by the board.  
[16.14.6.8 NMAC - Rp, 16 NMAC 14.6.8, 08/01/2011]

**16.14.6.9 RENEWAL DEADLINE:** Failure to submit a renewal application, renewal fee and proof of compliance with continuing education requirements within thirty (30) days of license expiration date shall result in a lapsed license. If the license is allowed to lapse the license holder shall no longer practice as a dietitian, nutritionist or nutrition associate until the license has been reinstated in accordance with 16.14.7 NMAC.  
[16.14.6.9 NMAC - Rp, 16 NMAC 14.6.9, 08/01/2011]

**16.14.6.10 CONTINUING EDUCATION REQUIREMENTS:**  
A. Dietitians must verify current registration with CDR as set in CDR guidelines. These guidelines are available from CDR website.  
B. Nutritionists and nutrition associates must provide proof of completion of at least fifteen (15) clock hours or verify current registration with CDR. Excess hours, up to a total of fifteen (15) hours, may be carried over to the next licensing period.  
[16.14.6.10 NMAC - Rp, 16 NMAC 14.6.10, 08/01/2011]

**HISTORY OF 16.14.6 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center:

N&D Rule 90-7, License Renewal, filed 2/28/90.

N&D Rule 91-7, License Renewal, filed 3/18/91.

Rule 92-7, License Renewal, filed 3/26/92.

Rule 5, License Renewal Requirements, filed 3/8/93.

N&D Rule 90-8, Continuing Education Requirements, filed 2/28/90.

Rule 992-8, Continuing Education Requirements, filed 3/26/92.

**History of Repealed Material:** 16 NMAC 14.6, License Renewal, filed 8/19/1996 - Repealed effective 08/01/2011.

**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 14 NUTRITION AND DIETETIC PRACTITIONERS**  
**PART 7 LICENSE REINSTATEMENT**

**16.14.7.1 ISSUING AGENCY:** Nutrition and Dietetic Practice Board, P.O. Box 25101, Santa Fe, New Mexico 87504.  
[16.14.7.1 NMAC - Rp, 16 NMAC 14.7.1 NMAC, 08/01/2011]

**16.14.7.2 SCOPE:** All individuals licensed to practice as a dietitian, nutritionist or nutrition associate in New Mexico.  
[16.14.7.2 NMAC - Rp, 16 NMAC 14.7.2, 08/01/2011]

**16.14.7.3 STATUTORY AUTHORITY:** Section 61-7A-10 NMSA 1978 (1993 Repl. Pamp.).  
[16.14.7.3 NMAC - Rp, 16 NMAC 14.7.3, 08/01/2011]

**16.14.7.4 DURATION:** Permanent.  
[16.14.7.4 NMAC - Rp, 16 NMAC 14.7.4, 08/01/2011]

**16.14.7.5 EFFECTIVE DATE:** 08/01/2011, unless a later date is cited at the end of a section.  
[16.14.7.5 NMAC - Rp, 16 NMAC 14.7.5, 08/01/2011]

**16.14.7.6 OBJECTIVE:** To establish policies and procedures for individuals who allow their license to lapse through non-renewal.  
[16.14.7.6 NMAC - Rp, 16 NMAC 14.7.6, 08/01/2011]

**16.14.7.7 DEFINITIONS:** [RESERVED]

**16.14.7.8 REINSTATEMENT OF A LAPSED LICENSE:** Any person who allows his license to lapse by failing to renew his license within thirty days of expiration may be reinstated by the board and issued a renewal license upon submission of a renewal application with proof satisfactory to the board of compliance with the continuing education and other requirements of 16.14.3 NMAC and payment of the annual renewal fee and the reinstatement fee. A license which has been allowed to lapse for more than three years must reapply as a new applicant, pay all initial licensing fees and meet all the requirements of 16.14.3 NMAC.  
[16.14.7.8 NMAC - Rp, 16 NMAC 14.7.8, 08/01/2011]

**16.14.7.9 REINSTATEMENT OF A REVOKED LICENSE:** A person whose license has been revoked by the board may apply for restoration of the license no earlier than one year after revocation. In addition to the required completed application and fees, the applicant may be required to provide additional documentation at the discretion of the board prior to issuing a license. Required documentation may include, but is not limited to, additional continuing education, re-examination, proof of rehabilitation, mandatory participation in a monitored treatment program or other type of alcohol or drug rehabilitation, or supervised practice.  
[16.14.7.9 NMAC - Rp, 16 NMAC 14.7.9, 08/01/2011]

**HISTORY OF 16.14.7 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center:

N&D Rule 90-10, Restoration of Revoked License, filed 2/28/90.  
N&D Rule 90-11, Reinstatement of Lapsed License, filed 2/28/90.  
Rule 7, Restoration and Reinstatement of License, filed 3/8/93.

**History of Repealed Material:**

16 NMAC 14.7, License Reinstatement, filed 8/19/1996 - Repealed effective 08/01/2011.

**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 14 NUTRITION AND DIETETIC PRACTITIONERS**  
**PART 10 CODE OF ETHICS**

**16.14.10.1 ISSUING AGENCY:** Nutrition and Dietetic Practice Board, P.O. Box 25101, Santa Fe, New Mexico 87504.

[16.14.10.1 NMAC - Rp, 16 NMAC 14.10.1 NMAC, 08/01/2011]

**16.14.10.2 SCOPE:** The provisions in Part 10 of Chapter 14 apply to any individual licensed to practice as a dietitian, nutritionist or nutrition associate in the state of New Mexico.

[16.14.10.2 NMAC - Rp, 16 NMAC 14.10.2, 08/01/2011]

**16.14.10.3 STATUTORY AUTHORITY:** Nutrition and Dietetic Practice Act, Section 61-7A-6A(6) NMSA 1978 (1993 Repl. Pamp.).

[16.14.10.3 NMAC - Rp, 16 NMAC 14.10.3, 08/01/2011]

**16.14.10.4 DURATION:** Permanent.

[16.14.10.4 NMAC - Rp, 16 NMAC 14.10.4, 08/01/2011]

**16.14.10.5 EFFECTIVE DATE:** 08/01/2011, unless a later date is cited at the end of a section.

[16.14.10.5 NMAC - Rp, 16 NMAC 14.10.5, 08/01/2011 ]

**16.14.10.6 OBJECTIVE:** To establish a standard of ethical and professional practice for licensed dietitians, nutritionists, and nutrition associates.

[16.14.10.6 NMAC - Rp, 16 NMAC 14.10.6, 08/01/2011]

**16.14.10.7 DEFINITIONS:** [RESERVED]

**16.14.10.8 STANDARDS OF PRACTICE:**

A. Non-discrimination: The licensee shall provide nutrition care service with objectivity and with respect for the unique needs and values of an individual.

(1) The licensee shall avoid discrimination on the basis of factors that are irrelevant to the provision of nutrition care services, including, but not limited to race, ethnicity, sexual orientation, religion, gender, age, physical disabilities.

(2) The licensee shall provide sufficient information to enable a client to make an informed decision.

B. Credentials:

(1) The licensee shall accurately represent his or her professional qualifications and credentials.

(2) The licensee shall permit use of that licensee's name for the purpose of certifying that nutrition care services have been rendered only if the licensee has provided or supervised those services.

C. Product promotion: The licensee shall promote or endorse products only in a manner that is true and not misleading.

D. Competence: The licensee shall assume responsibility and accountability for personal competence in practice.

(1) The licensee shall generate, interpret, and use research to enhance nutrition and dietetic practice.

(2) The licensee shall identify, monitor, analyze and justify the use of resources.

(3) The licensee shall maintain knowledge and skills required for continued professional competence.

The licensee shall engage in life-long self-development to improve knowledge and skills.

(4) The licensee shall recognize the limits of that licensee's qualifications and seek counsel or make referrals as appropriate. The licensee shall utilize unique knowledge of nutrition, collaborate with other professionals, personnel and consumers, in integrating, interpreting and communicating nutrition care principles.

(5) The licensee shall adhere to acceptable standards for the licensee's area of practice.

(6) When providing supervision of another, a licensee shall assume responsibility for the supervision in a manner which protects the public.

(7) When a licensee approves a general program of weight control, the licensee assumes responsibility for the general program of weight control including the diet and the guidelines for instruction of customers.

E. Compliance with law: The licensee shall comply with all laws and regulations concerning the profession.

F. Professional conduct:

(1) The licensee shall present substantiated information and interpret controversial information without personal bias, recognizing that a legitimate difference of opinion may exist.

(2) The licensee shall maintain the confidentiality of information consistent with legal obligations.

(3) The licensee shall conduct all practices with honesty, integrity, and fairness.

(4) The licensee shall inform the public and colleagues of services by use of factual information. The licensee shall not advertise in a misleading manner.

[16.14.10.8 NMAC - Rp, 16 NMAC 14.10.8, 08/01/2011]

**HISTORY OF 16.14.10 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center:

N&D Rule 90-15, Standards for Professional Responsibility and Practice (Code of Ethics), filed 2/28/90.

Rule 9, Standard for Professional Responsibility and Practice (Code of Ethics), filed 3/8/93.

**History of Repealed Material:**

16 NMAC 14.10, Code of Ethics, filed 08/19/1996 - Repealed effective 08/01/2011.

**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 14 NUTRITION AND DIETETIC PRACTITIONERS**  
**PART 11 DISCIPLINARY PROCEEDINGS**

**16.14.11.1 ISSUING AGENCY:** Nutrition and Dietetic Practice Board, P.O. Box 25101, Santa Fe, New Mexico.

[16.14.11.1 NMAC - Rp, 16 NMAC 14.11.1 NMAC, 08/01/2011]

**16.14.11.2 SCOPE:** All individuals licensed or applying for licensure to practice as a dietitian, nutritionist or nutrition associate in the state of New Mexico, as well as members of the public who wish to submit a complaint to the board.

[16.14.11.2 NMAC - Rp, 16 NMAC 14.11.2, 08/01/2011]

**16.14.11.3 STATUTORY AUTHORITY:** Section 61-7A-12 NMSA 1978 (Laws of 1996 and 1993 Repl. Pamp.).

[16.14.11.3 NMAC - Rp, 16 NMAC 14.11.3, 08/01/2011]

**16.14.11.4 DURATION:** Permanent.

[16.14.11.4 NMAC - Rp, 16 NMAC 14.11.4, 08/01/2011]

**16.14.11.5 EFFECTIVE DATE:** 08/01/2011 unless a later date is cited at the end of a section.

[16.14.11.5 NMAC - Rp, 16 NMAC 14.11.5, 08/01/2011]

**16.14.11.6 OBJECTIVE:** To establish procedures and guidelines for handling complaints consistent with the Uniform Licensing Act.

[16.14.11.6 NMAC - Rp, 16 NMAC 14.11.6, 08/01/2011]

**16.14.11.7 DEFINITIONS:** [RESERVED]

[16.14.11.7 NMAC - Rp, 16 NMAC 14.11.7, 08/01/2011]

**16.14.11.8 COMPLAINT PROCEDURE:**

A. Disciplinary proceedings may be instituted by the board upon the receipt of a sworn complaint of any person, including any member of the board.

B. After determining jurisdiction, the board shall cause an investigation to be made.

C. In accordance with the provisions of the Uniform Licensing Act, the board may refuse to issue, suspend, or revoke any license upon finding, after a hearing, that the licensee or applicant for licensure has violated the provisions set forth in the Nutrition and Dietetics Practice Act or board rules and regulations.

[16.14.11.8 NMAC - Rp, 16 NMAC 14.11.8, 08/01/2011]

**16.14.11.9 DELEGATION OF AUTHORITY:** The authority of the New Mexico nutrition and dietetic practice board to refer any licensee/registrant or applicant for licensure/registration whose name appears on the certified list issued by the New Mexico department of human services, as provided in the Parental Responsibility Act, NMSA 1978, Sections 40-5A-1 to 40-5A-13, for administrative prosecution is delegated to the administrator of the board. This section shall not be construed to deprive the board of its authority and power to issue a notice of contemplated action for any apparent violation of the Parental Responsibility Act and to refer any such case for administrative prosecution.

[16.14.11.9 NMAC - N, 08/01/2011]

**16.14.11.10 SAVINGS CLAUSE:** Neither the action or inaction of the board on any complaint shall preclude the initiation of any private cause of action by the complainant.

[16.14.11.10 NMAC - Rp, 16 NMAC 14.11.10, 08/01/2011]

**HISTORY OF 16.14.11 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center:

Rule 8, Disciplinary Proceedings, filed 3/8/93. **History of Repealed Material:** 16 NMAC 14.11, Disciplinary Proceedings, filed 08/19/1996 - Repealed effective 08/01/2011.



**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 14 NUTRITION AND DIETETIC PRACTITIONERS**  
**PART 12 LICENSURE FOR MILITARY SERVICE MEMBERS, SPOUSES AND VETERANS**

**16.14.12.1 ISSUING AGENCY:** Nutrition and Dietetic Practice Board, P.O. Box 25101, Santa Fe, New Mexico.

[16.14.12.1 NMAC - N, 03/31/2015]

**16.14.12.2 SCOPE:** This part sets forth application procedures to expedite licensure for military service members, spouses and veterans.

[16.14.12.2 NMAC - N, 03/31/2015]

**16.14.12.3 STATUTORY AUTHORITY:** These rules are promulgated pursuant to Section 61-1-34 of the Uniform Licensing Act, NMSA 1978, Section 61-1-1 to -34 (1957, as amended through 2013) and the Nutrition and Dietetics Practice Act, NMSA 1978, Sections 61-7A-1 to -15.

[16.14.12.3 NMAC - N, 03/31/2015]

**16.14.12.4 DURATION:** Permanent.

[16.14.12.4 NMAC - N, 03/31/2015]

**16.14.12.5 EFFECTIVE DATE:** March 31, 2015 unless a later date is cited at the end of a section.

[16.14.12.5 NMAC - N, 03/31/2015]

**16.14.12.6 OBJECTIVE:** The purpose of this part is to expedite licensure for military service members, spouses and veterans pursuant to NMSA 1978, Section 61-1-34.

[16.14.12.6 NMAC - N, 03/31/2015]

**16.14.12.7 DEFINITIONS:**

**A.** "Military service member" means a person who is serving in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard.

**B.** "Recent veteran" means a person who has received an honorable discharge or separation from military service within the two (2) years immediately preceding the date the person applied for an occupational or professional license pursuant to this section.

**C.** "Spouse" means any partner of a "military service member" or "recent veteran" whose marriage to the "military service member" or "recent veteran" has been legally recognized by any state or country.

[16.14.12.7 NMAC – N, 03/31/2015]

**16.14.12.8 APPLICATION REQUIREMENTS:**

**A.** Applications for registration shall be completed on a form provided by the department.

**B.** Completed application shall include:

(1) application fee; and

(2) satisfactory evidence that the applicant holds a license that is current and in good standing, issued by another jurisdiction, including a branch of armed forces of the United States, that has met the minimal licensing requirements that are substantially equivalent to the licensing requirements for the occupational or professional license the applicant applies for pursuant to Chapter 61, Articles 7A NMSA 1978.

**C.** Electronic signatures will be acceptable for applications submitted pursuant to section 14-16-1 through section 14-16-19 NMSA 1978.

[16.14.12.8 NMAC - 03/31/2015]

**16.14.12.9 FEES:** An applicant seeking licensure under 16.14.12 NMAC shall refer to part 2 of Chapter 14 for applicable fees.

[16.14.12.9 NMAC - N, 03/31/2015]

**16.14.12.10 RENEWAL REQUIREMENTS:**

**A.** A license or certificate issued pursuant to this section shall not be renewed unless the license or certificate holder satisfies the requirements for the issuance and for the renewal of a license or certificate pursuant to Chapter 61, Articles 7A NMSA 1978.

**B.** The licensee or certificate holder issued under 16.14.12 NMAC shall submit the documentation required under the following part: refer to 16.14.3 NMAC requirements for licensure.

**C.** All licenses and certificates issued under 16.14.12 NMAC shall be valid for a period not to exceed one (1) year.

**D.** Prior to the expiration of the license, all licensees or certificate holders shall apply for registration renewal and shall pay the renewal fee as set forth in 16.14.2 NMAC.

[16.14.12.10 NMAC - N, 03/31/2015]

**HISTORY OF 16.14.12 NMAC:** [RESERVED]