

**State of New Hampshire
Board of Licensed Dietitians**

DECLARATORY RULING

On or about July 18, 2018, the Board of Licensed Dietitians (“the Board”) received a communication from Ann Sukany Suls, asking if dietitians may write prescriptive diet orders. The Board interprets Ms. Suls’s question as a request for a declaratory ruling as to whether placing diet orders falls under the scope of practice of a licensed dietitians.

A “dietitian” is defined in RSA 326-H:3, III as “a person who is a food and nutrition professional who meets the minimum academic and professional requirements that have enabled that individual to be credentialed by the Commission on Dietetic Registration as a registered dietitian.” Dietitians are necessarily limited to their scope of practice as defined in RSA 326-H:6, which states: “Licensed dietitians shall be authorized to practice applications from food, nutrition, biochemistry, physiology, management, behavioral, and social sciences used in the treatment of illness, injury and other medical conditions, and the maintenance of human health.”

Both statutes are silent as to whether dietitians may, themselves, place prescriptive diet orders. However, the Board notes that dietitians are “authorized to practice applications from food [and] nutrition...in the treatment of illness, injury, and other medical condition...” RSA 326-H:6. A broad reading of this statute would allow dietitians to place prescriptive diet orders, as these are applications of food and nutrition to treat varying medical conditions.

Federal Regulation by the Centers for Medicare and Medicaid Services (“CMS”) supports this reading of the statute. In 2014, the CMS engaged in rulemaking in order to permit registered dietitians and other clinically qualified nutrition professionals to be privileged to order patient diets under the hospital conditions of participation. Per 42 CFR 428.28(b)(2), all patient diets, including therapeutic diets, can be ordered by a qualified dietitian as authorized by the medical staff and in accordance with state law governing dietitians.

Given the broad language of RSA 326-H:6, and given CMS’s regulation on writing diet orders, the Board determines that writing diet orders is within the scope of practice for a licensed dietitian. However, it is important to note that individual hospitals or long-term care facilities may have policies more stringent than the Board’s and practitioners are cautioned to review this issue with their employer.

BY ORDER OF THE BOARD

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