

**ALABAMA BOARD OF EXAMINERS FOR DIETETICS/NUTRITION PRACTICE
ADMINISTRATIVE CODE**

**CHAPTER 282-X-11
DENIAL, REVOCATION OR SUSPENSION OF LICENSE**

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282-X-11-.01 Denial, Revocation Or Suspension Of License.

The Board may deny a license, refuse to renew a license, suspend a license or revoke a license, or it may reprimand, censure or otherwise discipline a person practicing dietetics/ nutrition or offering to practice dietetics/nutrition in accordance with the provisions of the Dietetics/Nutrition Practice Act upon decision and after due hearing in any one of the following cases:

- (a) Upon proof that such person has willfully or repeatedly violated any of the provisions of the Dietetics/Nutrition Practice Act or these regulations; or willfully or repeatedly acted in a manner inconsistent with the health, welfare and safety of the public;
- (b) Upon proof that such person's conduct is immoral, unprofessional or dishonorable;
- (c) Upon proof that such person is guilty of fraud or deceit in the practice of dietetics/nutrition or in his/her admission to such practice; or
- (d) Upon proof that such person has been convicted in a court of competent jurisdiction, either within or without the state, of a felony or of any misdemeanor involving moral turpitude.

Author: Cherie Colquett

Statutory Authority: Code of Ala. 1975, §§ 34-34A-1, et seq.

History: Filed March 12, 1991.

282-X-11-.02 Hearings.

(1) The Board shall have the jurisdiction to hear all charges brought under the provisions of this section against any person having been issued a license as a dietitian/ nutritionist or

having been issued a temporary license for the practice of dietetics/nutrition; and upon such hearings shall determine the charges upon their merits. If the Board determines that disciplinary measures should be taken, the Board may revoke his/her license, suspend him/her from practice, or reprimand, censure or otherwise discipline such person.

(2) All proceedings under this section shall be heard by the Board with at least two-thirds of its members present, and decisions to discipline any licensee shall require a vote of two-thirds of the membership of the entire Board; provided that the Board may designate two or more of its members to comprise a hearing committee for the purpose of determining whether charges brought justify a hearing by the Board, and with authority to dismiss frivolous or unfounded charges.

(3) At any hearing under the Dietitian/Nutritionist Practice Act, the person charged shall have the right to appear either personally or by counsel and to produce witnesses and evidence in his own behalf and to cross-examine witnesses. The Board or hearing committee shall have the authority to issue subpoenas, compel the attendance of witnesses, administer oaths and take testimony concerning all matters within the jurisdiction of the Board. The circuit court of the county wherein said hearing is to take place shall have authority, on application of the Board, to enforce obedience to said subpoenas and orders of the Board concerning such testimony.

(4) An application for reinstatement may be made to the Board one year from the date of revocation of a license. The Board may at its discretion accept or reject an application to consider such reinstatement.

Author: Cherie Colquett

Statutory Authority: Code of Ala. 1975, §§ 34-34A-1, et seq.

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282-X-11-.03 Criteria For Reinstatement.

Upon application for reinstatement or issuance of a license that has been denied or revoked because of conviction of a crime, the Board, in evaluating the rehabilitation of such person and his eligibility for licensure, will consider the following:

- (a) The nature and severity of the act(s) which resulted in the suspension or revocation of his/her license;
- (b) The extent of time elapsed since the commission of the act(s) which resulted in the suspension or revocation;

(c) Whether he/she has committed any act(s) which if done by a licensee should be grounds for suspension or revocation of a license since the date of suspension or revocation;

(d) Whether he/she has done any act(s) involving dishonesty, fraud or deceit with the intent to substantially benefit himself/herself or another, or substantially injure another since the date of the suspension or revocation;

(e) Whether he/she has complied with any or all conditions of probation or restitution, of any other civil or criminal sanction imposed against him/her as a result of the act(s) including such administrative penalties and conditions of probation as have been imposed on him/her by the Board; and

(f) Such evidence of rehabilitation the person may submit.

Author: Cherie Colquett

Statutory Authority: Code of Ala. 1975, §§ 34-34A-1, et seq.

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