

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 2052

6 By: Griffin

7 COMMITTEE SUBSTITUTE

8 An Act relating to the Advisory Committee on Dietetic  
9 Registration of the State Board of Medical Examiners;  
10 amending 59 O.S. 2011, Section 1722, which relates to  
11 definitions; deleting certain definition; amending 59  
12 O.S. 2011, Section 1727, which relates to powers and  
13 duties of the Board of Medical Licensure and  
14 Supervision; amending 59 O.S. 2011, Section 1728,  
15 which relates to personnel and facilities; removing  
16 certain duties related to Committee; amending 59 O.S.  
17 2011, Section 1729, which relates to fees; amending  
18 59 O.S. 2011, Section 1730, which relates to  
19 licensure qualifications; amending 59 O.S. 2011,  
20 Section 1735, which relates to waivers of examination  
21 requirements; transferring certain duties to Board;  
22 amending 59 O.S. 2011, Section 1738, which relates to  
23 revocations of licenses; removing certain grounds of  
24 revocation; repealing 59 O.S. 2011, Sections 1723,  
1724, 1725 and 1726, which relate to the Licensed  
Dietitian Act; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 2011, Section 1722, is  
amended to read as follows:

Section 1722. As used in the Licensed Dietitian Act:

1. "Board" means the State Board of Medical Licensure and  
Supervision.

1        2. ~~"Committee" means the Advisory Committee on Dietetic~~  
2 ~~Registration of the State Board of Medical Examiners.~~

3        ~~3.~~ "Dietetics" means the professional discipline of applying  
4 and integrating scientific principles of nutrition pursuant to  
5 different health, social, cultural, physical, psychological, and  
6 economic conditions to the proper nourishment, care, and education  
7 of individuals or groups throughout the life cycle. The term  
8 includes the development, management, and provision of nutritional  
9 services.

10        ~~4.~~ 3. "Licensed dietitian" means a person licensed pursuant to  
11 the provisions of the Licensed Dietitian Act.

12        ~~5.~~ 4. "Provisional licensed dietitian" means a person who has a  
13 limited license pursuant to the provisions of the Licensed Dietitian  
14 Act.

15        ~~6.~~ 5. "Degree" means a degree from an accredited college or  
16 university.

17        SECTION 2.        AMENDATORY        59 O.S. 2011, Section 1727, is  
18 amended to read as follows:

19        Section 1727. A. The Board may adopt rules which may be  
20 necessary for the performance of its duties pursuant to the  
21 provisions of the Licensed Dietitian Act.

22        B. It shall be the duty of the Board, ~~aided by the Committee,~~  
23 to pass upon the qualifications of applicants for licensure, to  
24

1 conduct all examinations and to determine which applicants  
2 successfully pass such examinations.

3 C. The Board shall:

4 1. adopt an official seal;

5 2. establish the qualifications and fitness of applicants for  
6 licenses, renewal of licenses, and reciprocal licenses;

7 3. revoke, suspend, or deny a license, probate a license  
8 suspension, or reprimand a licensee for a violation of the Licensed  
9 Dietitian Act, or the rules of the Board;

10 4. spend funds necessary for the proper administration of its  
11 assigned duties;

12 5. establish reasonable and necessary fees for the  
13 administration and implementation of the Licensed Dietitian Act;

14 6. maintain a record listing the name of every licensed  
15 dietitian in this state, his or her last-known place of business and  
16 last-known place of residence, and the date and number of his or her  
17 license. The Board shall compile a list of dietitians licensed to  
18 practice in this state and such list shall be available to any  
19 person upon application to the Board and the payment of such charge  
20 as may be fixed by the Board for such list;

21 7. comply with the Oklahoma Open Meeting Law.

22 D. The Board shall not adopt rules restricting competitive  
23 bidding or advertising by a person regulated by the Board except to  
24 prohibit false, misleading, or deceptive practices. The Board shall

1 not include in its rules to prohibit false, misleading, or deceptive  
2 practices by a person regulated by the Board a rule that:

3 1. restricts the person's use of any medium for advertising; or

4 2. restricts the person's personal appearance or use of his  
5 personal voice in an advertisement; or

6 3. relates to the size or duration of any advertisement by the  
7 person; or

8 4. restricts the person's advertisement under a trade name.

9 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1728, is  
10 amended to read as follows:

11 Section 1728. ~~A.~~ The basic personnel and necessary facilities  
12 that are required to administer the Licensed Dietitian Act shall be  
13 the personnel and facilities of the Board. The Board personnel  
14 shall act as the agents of the Board. If necessary for the  
15 administration or implementation of the Licensed Dietitian Act, the  
16 Board by agreement may secure and provide for compensation for  
17 services that the Board considers necessary and may employ and  
18 compensate within available appropriations professional consultants,  
19 technical assistants, and employees on a full-time or part-time  
20 basis.

21 ~~B. The chairman of the Board shall designate an employee to~~  
22 ~~serve as executive secretary of the Committee. The executive~~  
23 ~~secretary must be an employee of the Board. The executive secretary~~

24

1 ~~shall be the administrator of the dietitian licensing activities for~~  
2 ~~the Board.~~

3 ~~C. In addition to other duties prescribed by law and by the~~  
4 ~~Board, the executive secretary shall:~~

5 ~~1. keep full accurate minutes of the transactions and~~  
6 ~~proceedings of the Committee;~~

7 ~~2. be the custodian of the files and records of the Committee;~~

8 ~~3. prepare and recommend to the Board plans and procedures necessary to~~

9 ~~4. exercise general supervision over persons employed by the~~  
10 ~~Board in the administration of this act;~~

11 ~~5. be responsible for the investigation of complaints and for~~  
12 ~~the presentation of formal complaints;~~

13 ~~6. attend all meetings of the Committee as a nonvoting~~  
14 ~~participant;~~

15 ~~7. handle the correspondence of the Committee and obtain,~~  
16 ~~assemble, or prepare the reports and information that the Board may~~  
17 ~~direct or authorize.~~

18 SECTION 4. AMENDATORY 59 O.S. 2011, Section 1729, is  
19 amended to read as follows:

20 Section 1729. ~~After consultation with the Committee, the~~ The  
21 Board shall set the fees imposed by the provisions of the Licensed  
22 Dietitian Act in amounts that are adequate to collect sufficient  
23 revenue to meet the expenses necessary to perform their duties  
24 without accumulating an unnecessary surplus.

1 SECTION 5. AMENDATORY 59 O.S. 2011, Section 1730, is  
2 amended to read as follows:

3 Section 1730. A. An applicant for a dietitian license shall  
4 submit a sworn application, accompanied by the application fee.

5 B. The ~~Committee~~ Board shall prescribe the form of the  
6 application and may by rule establish dates by which applications  
7 and fees shall be received. These rules shall not be inconsistent  
8 with rules of the Board related to application dates of other  
9 licenses.

10 C. To qualify for the licensing examination the applicant  
11 shall:

12 1. possess a baccalaureate or post baccalaureate degree with a  
13 major course of study in human nutrition, food and nutrition,  
14 dietetics, or food systems management or an equivalent major course  
15 of study approved by the ~~Committee~~ Board; and

16 2. have completed an internship or preplanned professional  
17 experience program approved by the ~~Committee~~ Board.

18 D. Not later than the 45th day after the receipt of a properly  
19 submitted and timely application and not later than the 30th day  
20 before the next examination date, the Board shall notify an  
21 applicant in writing that his or her application and any other  
22 relevant evidence pertaining to applicant qualifications established  
23 by the Board by rule has been received and investigated. The notice  
24 shall state whether the application and other evidence submitted

1 have qualified the applicant for examination. If the applicant has  
2 not qualified for examination, the notice shall state the reasons  
3 for the lack of qualifications.

4 SECTION 6. AMENDATORY 59 O.S. 2011, Section 1735, is  
5 amended to read as follows:

6 Section 1735. On receipt of an application and application fee,  
7 the Board may ~~upon the recommendation of the Committee~~ waive the  
8 examination requirement for an applicant who, at the time of  
9 application:

10 1. is registered by the Commission on Dietetic Registration as  
11 a registered dietitian; or

12 2. holds a valid license or certificate as a licensed or  
13 registered dietitian issued by another state with which this state  
14 has a reciprocity agreement.

15 SECTION 7. AMENDATORY 59 O.S. 2011, Section 1738, is  
16 amended to read as follows:

17 Section 1738. A. The Board shall revoke or suspend a license,  
18 probate a license suspension, or reprimand a licensee on proof of:

19 ~~1.~~ any violation of the provisions of the Licensed Dietitian  
20 Act; ~~or~~

21 ~~2. any violation of a rule adopted by the Committee.~~

22 B. If the Board proposes to suspend or revoke a person's  
23 license, the person is entitled to a hearing before the Board.

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1 C. Proceedings for the suspension or revocation of a license  
2 are governed by rules and regulations of the Board.

3 SECTION 8. REPEALER 59 O.S. 2011, Sections 1723, 1724,  
4 1725, and 1726, are hereby repealed.

5 SECTION 9. This act shall become effective November 1, 2014.

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