

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 615 By: Sparks of the Senate
3 and
4 Echols of the House
5
6

7 [Licensed Dietitian Act - definitions - violations -
8 certain costs - codification - effective date]
9

10 AUTHOR: Remove Representative Echols as principal House author and
11 substitute with Representative Thomsen as principal House
12 author

13 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
14 entire bill and insert

15 "[Licensed Dietitian Act - definitions - violations -
16 certain costs - codification - effective date]
17

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

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

21 Section 1722. As used in the Licensed Dietitian Act:

22 1. "Board" means the State Board of Medical Licensure and
23 Supervision-i
24

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

3 3. "Dietetics" or "nutrition practice" means the ~~professional~~
4 ~~discipline of applying and integrating scientific~~ integration and
5 application of principles derived from the sciences of nutrition
6 ~~pursuant to different health, social, cultural, physical,~~
7 ~~psychological, and economic conditions to the proper nourishment,~~
8 ~~care, and education of individuals or groups throughout the life~~
9 ~~eyele. The term includes, biochemistry, food, physiology, and~~
10 behavioral and social sciences to provide nutrition services that
11 include:

- 12 a. nutrition assessment,
- 13 b. the establishment of priorities, goals and objectives
14 that meet nutritional needs,
- 15 c. the provisions of nutrition counseling in health and
16 disease,
- 17 d. the development, implementation and management, ~~and~~
18 ~~provision of nutritional services.~~ of nutrition care
19 plans, and
- 20 e. the evaluation and maintenance of appropriate
21 standards of quality in food and nutrition;

22 4. "Licensed dietitian" means a person licensed pursuant to the
23 provisions of the Licensed Dietitian Act-;

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1 5. "Provisional licensed dietitian" means a person who has a
2 limited license pursuant to the provisions of the Licensed Dietitian
3 Act;i

4 6. "Degree" means a degree from an accredited college or
5 university;i

6 7. "Nutrition assessment" means the evaluation of the
7 nutritional needs of individuals and groups based upon appropriate
8 biochemical, physical and dietary data to determine nutrient needs
9 and recommend appropriate nutrition intake including enteral and
10 parenteral nutrition; and

11 8. "Nutrition counseling" means advising and assisting
12 individuals or groups on appropriate nutrition intake by integrating
13 information from the nutrition assessment.

14 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1738, is
15 amended to read as follows:

16 Section 1738. A. The State Board of Medical Licensure and
17 Supervision shall revoke or suspend a license, probate a license
18 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 Advisory Committee on
22 Dietetic Registration of the State Board of Medical Examiners;

23 3. Failure to refer patients to other health care providers if
24 symptoms indicate conditions for which treatment is outside the

1 standards of practice as specified in the rules and regulations
2 promulgated by the Board pursuant to the provisions of the Licensed
3 Dietitian Act;

4 4. Use of drugs, narcotics, medication or intoxicating liquors
5 to an extent which affects the professional competency of the
6 applicant or licensee;

7 5. Conviction of a felony or a crime involving moral turpitude;

8 6. Obtaining or attempting to obtain a license as a dietitian
9 by fraud or deception;

10 7. Gross negligence in the practice of nutrition;

11 8. A finding of mental incompetence by a court of competent
12 jurisdiction and the licensee has not subsequently been lawfully
13 declared sane;

14 9. Engagement in conduct contrary to the Standards of
15 Professional Conduct established by the Board, whether in the course
16 of his or her professional capacity or otherwise, which conduct
17 would reasonably be found to bring discredit to the profession of
18 dietetics;

19 10. Engagement in any act in conflict with the Code of Ethics
20 established by the Board; or

21 11. A license suspended or revoked in another state.

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.

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

3 D. Conviction in a criminal proceeding is not a condition
4 precedent to the imposition of discipline.

5 SECTION 3. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1740 of Title 59, unless there
7 is created a duplication in numbering, reads as follows:

8 Nothing in the Licensed Dietitian Act shall be construed to
9 prevent or restrict the practice, services or activities of:

10 1. Self-care by a patient, or gratuitous care by a friend or
11 family member who does not represent or hold himself or herself out
12 to be a licensed dietician or nutritionist;

13 2. A student enrolled in an approved academic program in
14 dietetics or nutrition from engaging in the practice of dietetics or
15 nutrition, if such practice constitutes a part of a supervised
16 course of study, and if the student is designated by a title which
17 clearly indicates his or her status as a student or trainee, or from
18 engaging in the practice of dietetics or nutrition under the
19 supervision of a licensed dietitian or nutritionist;

20 3. A dietitian or nutritionist who is serving in the Armed
21 Forces of the United States or any other federal agency from
22 engaging in the practice of dietetics or nutrition, provided such
23 practice is related to service or employment;

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1 4. A person of other licensed professions, or personnel
2 supervised by licensed professionals in this state, from performing
3 work incidental to the practice of his or her profession or
4 occupation if that person does not represent himself or herself as a
5 licensed dietitian or nutritionist;

6 5. A person from furnishing general nutrition information or
7 from marketing or distributing food, food materials or food
8 supplements or a person from engaging in an explanation of the use
9 or preparation of these products or from furnishing general
10 nutrition information related to such products in connection with
11 the marketing or distribution of such products, if that person does
12 not represent himself or herself as a licensed dietitian or
13 nutritionist; or

14 6. A person from providing weight-control services through a
15 program that has been reviewed by, consultation is available from,
16 and a program change cannot be initiated without prior approval by a
17 licensed dietitian or nutritionist, if the person providing the
18 weight-control service does not represent himself or herself as a
19 licensed dietitian or nutritionist.

20 SECTION 4. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1741 of Title 59, unless there
22 is created a duplication in numbering, reads as follows:

23 A. Any person who holds himself or herself out as a licensed
24 dietitian or nutritionist or otherwise violates any provision of the

1 Licensed Dietician Act shall, upon conviction, be guilty of a
2 misdemeanor and shall be punished by a fine of not less than Fifty
3 Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00).
4 Each day a violation of the provisions of the Licensed Dietician Act
5 occurs shall be deemed to be a separate offense.

6 B. In addition to any fine or penalty that may be imposed
7 against any person who has been determined by the State Board of
8 Medical Licensure and Supervision to have violated any provision of
9 the Licensed Dietician Act or any rule or any order issued pursuant
10 to the provisions of the Licensed Dietician Act, such person may be
11 liable for the costs incurred by the Board to implement disciplinary
12 actions or prosecute the case. This includes but is not limited to
13 investigator fees, stenographer fees, attorney fees and hearing
14 costs.

15 C. All monies collected in association with these costs shall
16 be deposited with the State Treasurer of Oklahoma and placed in the
17 State Board of Medical Licensure and Supervision Fund.

18 SECTION 5. This act shall become effective November 1, 2016."
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1 ENGROSSED SENATE
2 BILL NO. 615

By: Sparks of the Senate
and
Echols of the House

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6 [Licensed Dietitian Act - definitions - violations -
7 certain costs - codification - effective date]
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9 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

12 Section 1722. As used in the Licensed Dietitian Act:

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

15 2. "Committee" means the Advisory Committee on Dietetic
16 Registration of the State Board of Medical Examiners.

17 3. "Dietetics" means the ~~professional discipline of applying~~
18 ~~and integrating scientific principles of nutrition pursuant to~~
19 ~~different health, social, cultural, physical, psychological, and~~
20 ~~economic conditions to the proper nourishment, care, and education~~
21 ~~of individuals or groups throughout the life cycle. The term~~
22 ~~includes the development, management, and provision of nutritional~~
23 ~~services~~ integration and application of principles derived from the
24 sciences of nutrition, biochemistry, food, physiology, management,

1 behavioral, and social sciences to achieve and maintain client
2 health through the provision of nutrition care services, which shall
3 include:

- 4 a. assessing the nutritional needs of individuals and
5 groups based upon appropriate biochemical,
6 anthropometric, physical, and dietary data to
7 determine nutrient needs and recommend to the primary
8 health care provider appropriate nutritional intake
9 including enteral and parenteral nutrition,
- 10 b. establishing priorities, goals, and objectives that
11 meet nutritional needs and are consistent with
12 available resources,
- 13 c. providing nutrition care and interventions based on
14 assessment,
- 15 d. providing nutrition counseling by advising and
16 assisting individuals or groups on appropriate
17 nutritional intake by integrating information from the
18 nutritional assessment with information on food and
19 other sources of nutrients and meal preparation
20 consistent with cultural background and socioeconomic
21 status,
- 22 e. developing, implementing, and managing nutrition care
23 systems,

- 1 f. evaluating, amending, and maintaining standards of
2 quality in food and nutrition care services,
3 g. planning menus to meet nutritional needs of patients
4 to the extent medically possible, in accordance with
5 Dietary Reference Intakes (DRIs) of the Food and
6 Nutrition Board of the Institute of Medicine, National
7 Academy of Sciences, and
8 h. prescribing diets to meet the medical needs of
9 patients based on assessment, in accordance with
10 federal regulatory guidelines.

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

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

16 6. "Degree" means a degree from an accredited college or
17 university.

18 SECTION 2. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1740 of Title 59, unless there
20 is created a duplication in numbering, reads as follows:

21 Nothing in the Licensed Dietitian Act shall be construed as to
22 affect or prevent:

23 1. A student enrolled in an approved academic program in
24 dietetics or nutrition from engaging in the practice of

1 dietetics/nutrition, if such practice constitutes a part of a
2 supervised course of study, and if the student is designated by a
3 title which clearly indicates his or her status as a student or
4 trainee, or from engaging in the practice of dietetics or nutrition
5 under the supervision of a licensed dietitian/nutritionist;

6 2. A dietitian or nutritionist who is serving in the Armed
7 Forces or any other federal agency from engaging in the practice of
8 dietetics or nutrition, provided such practice is related to service
9 or employment;

10 3. Persons licensed to practice the professions of dentistry,
11 medicine, osteopathy, chiropractic, nursing, naturopathic medicine,
12 nurse midwifery, physical therapy, athletic training or pharmacy
13 from engaging in the practice of dietetics or nutrition when
14 incidental to the practice of their profession, except that such
15 persons may not use the titles "dietitian", "dietician", or
16 "nutritionist";

17 4. A person from marketing or distributing food, food materials
18 or food supplements or a person from engaging in an explanation of
19 the use or preparation of these products or from furnishing general
20 nutrition information related to such products in connection with
21 the marketing or distribution of such products, if that person does
22 not represent himself or herself as a dietitian or nutritionist; or

23 5. A person from providing weight control services through a
24 program which has been reviewed by, consultation is available from,

1 and no program change can be initiated without prior approval by a
2 licensed dietitian or nutritionist, a dietitian or nutritionist
3 licensed in another state which has licensure requirements at least
4 as stringent as the requirements for licensure specified herein or a
5 dietitian registered by the Commission on Dietetic Registration of
6 the Academy of Nutrition and Dietetics.

7 SECTION 3. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1741 of Title 59, unless there
9 is created a duplication in numbering, reads as follows:

10 A. Any person who violates any provision of the Licensed
11 Dietitian Act shall, upon conviction thereof, be guilty of a
12 misdemeanor and shall be punished by a fine of not less than Fifty
13 Dollars (\$50.00) and not to exceed Five Hundred Dollars (\$500.00).

14 B. In addition to any other penalty or remedy pursuant to the
15 Licensed Dietitian Act or administrative rule adopted hereunder, any
16 violation of this act or regulation adopted hereunder shall be
17 punishable by a fine not less than Fifty Dollars (\$50.00) and not to
18 exceed Two Hundred Fifty Dollars (\$250.00). Each day of violation
19 shall constitute a separate offense.

20 C. In addition to any other fine or penalty that may be imposed
21 against any person found to have violated any provision of the
22 Licensed Dietitian Act, the Oklahoma Board of Medical Licensure and
23 Supervision may assess and collect all costs incurred in connection
24 with disciplinary actions including, but not limited to,

1 investigator fees, stenographer fees, attorney fees, and hearing
2 costs.

3 SECTION 4. This act shall become effective November 1, 2015.

4 Passed the Senate the 11th day of March, 2015.

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Presiding Officer of the Senate

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8 Passed the House of Representatives the ____ day of _____,

9 2015.

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Presiding Officer of the House
of Representatives

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