

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  
author

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

14 "[ Licensed Dietitian Act - definitions - violations -  
15 certain costs - codification - effective date ]  
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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;  
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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 dietician 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 dietician 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 Passed the House of Representatives the 12th day of April, 2016.

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4 Presiding Officer of the House of  
5 Representatives

6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2016.

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9 Presiding Officer of the Senate