

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB615 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Todd Thomsen

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 PROPOSED
4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 615

By: Sparks of the Senate
and
Echols of the House

7
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9 PROPOSED COMMITTEE SUBSTITUTE

10 [Licensed Dietitian Act - definitions - violations -
11 certain costs - codification - effective date]

12
13
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

18 1. "Board" means the State Board of Medical Licensure and
19 Supervision~~;~~;

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

22 3. "Dietetics" or "nutrition practice" means the ~~professional~~
23 ~~discipline of applying and integrating scientific~~ integration and
24 application of principles derived from the sciences of nutrition

1 ~~pursuant to different health, social, cultural, physical,~~
2 ~~psychological, and economic conditions to the proper nourishment,~~
3 ~~care, and education of individuals or groups throughout the life~~
4 ~~cycle. The term includes, biochemistry, food, physiology, and~~
5 ~~behavioral and social sciences to provide nutrition services that~~
6 include:

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

17 4. "Licensed dietitian" means a person licensed pursuant to the
18 provisions of the Licensed Dietitian Act~~;~~;

19 5. "Provisional licensed dietitian" means a person who has a
20 limited license pursuant to the provisions of the Licensed Dietitian
21 Act~~;~~;

22 6. "Degree" means a degree from an accredited college or
23 university~~;~~;

24

1 7. "Nutrition assessment" means the evaluation of the
2 nutritional needs of individuals and groups based upon appropriate
3 biochemical, physical and dietary data to determine nutrient needs
4 and recommend appropriate nutrition intake including enteral and
5 parenteral nutrition; and

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

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

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

14 1. Self-care by a patient, or gratuitous care by a friend or
15 family member who does not represent or hold himself or herself out
16 to be a licensed dietitian or nutritionist;

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

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

5 4. A person of other licensed professions, or personnel
6 supervised by licensed professionals in this state, from performing
7 work incidental to the practice of their profession or occupation if
8 that person does not represent himself or herself as a licensed
9 dietitian or nutritionist;

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

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

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

4 A. Any person who holds himself or herself out as a licensed
5 dietician or nutritionist or otherwise violates any provision of the
6 Licensed Dietician Act shall, upon conviction, be guilty of a
7 misdemeanor and shall be punished by a fine of not less than Fifty
8 Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00).
9 Each day a violation of the provisions of the Licensed Dietician Act
10 occurs shall be deemed to be a separate offense.

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

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

23 SECTION 4. AMENDATORY 59 O.S. 2011, Section 1738, is
24 amended to read as follows:

1 Section 1738. A. The State Board of Medical Licensure and
2 Supervision shall revoke or suspend a license, probate a license
3 suspension, or reprimand a licensee on proof of:

4 1. Any violation of the provisions of the Licensed Dietitian
5 Act; ~~or~~

6 2. Any violation of a rule adopted by the Advisory Committee on
7 Dietetic Registration of the State Board of Medical Examiners;

8 3. Failure to refer patients to other health care providers if
9 symptoms indicate conditions for which treatment is outside the
10 standards of practice as specified in the rules and regulations
11 promulgated by the Board pursuant to the provisions of the Licensed
12 Dietitian Act;

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

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

17 6. Obtaining or attempting to obtain a license as a dietitian
18 by fraud or deception;

19 7. Gross negligence in the practice of nutrition;

20 8. A finding of mental incompetence by a court of competent
21 jurisdiction and the licensee has not subsequently been lawfully
22 declared sane;

23 9. Engagement in conduct contrary to the Standards of
24 Professional Conduct established by the Board, whether in the course

1 of his or her professional capacity or otherwise, which conduct
2 would reasonably be found to bring discredit to the profession of
3 dietetics;

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

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

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

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

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

13 SECTION 4. This act shall become effective November 1, 2016.

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