

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 COMMITTEE SUBSTITUTE

4 FOR

5 SENATE BILL NO. 615

By: Sparks

6  
7 COMMITTEE SUBSTITUTE

8 An Act relating to the Licensed Dietitian Act;  
9 amending 59 O.S. 2011, Section 1722, which relates to  
10 definitions; broadening certain definition; providing  
11 certain construction; providing penalties for  
12 violations; permitting State Board of Medical  
13 Licensure and Supervision to assess and collect  
14 certain costs; providing for codification; and  
15 providing an effective date.

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

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

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

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

22 2. "Committee" means the Advisory Committee on Dietetic  
23 Registration of the State Board of Medical Examiners.

24 3. "Dietetics" means the ~~professional discipline of applying  
and integrating scientific principles of nutrition pursuant to  
different health, social, cultural, physical, psychological, and~~

1 ~~economic conditions to the proper nourishment, care, and education~~  
2 ~~of individuals or groups throughout the life cycle. The term~~  
3 ~~includes the development, management, and provision of nutritional~~  
4 ~~services~~ integration and application of principles derived from the  
5 sciences of nutrition, biochemistry, food, physiology, management,  
6 behavioral, and social sciences to achieve and maintain client  
7 health through the provision of nutrition care services, which shall  
8 include:

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

1                   consistent with cultural background and socioeconomic  
2                   status,

3           e. developing, implementing, and managing nutrition care  
4           systems,

5           f. evaluating, amending, and maintaining standards of  
6           quality in food and nutrition care services,

7           g. planning menus to meet nutritional needs of patients  
8           to the extent medically possible, in accordance with  
9           Dietary Reference Intakes (DRIs) of the Food and  
10           Nutrition Board of the Institute of Medicine, National  
11           Academy of Sciences, and

12           h. prescribing diets to meet the medical needs of  
13           patients based on assessment, in accordance with  
14           federal regulatory guidelines.

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

17           5. "Provisional licensed dietitian" means a person who has a  
18 limited license pursuant to the provisions of the Licensed Dietitian  
19 Act.

20           6. "Degree" means a degree from an accredited college or  
21 university.

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

1           Nothing in the Licensed Dietitian Act shall be construed as to  
2 affect or prevent:

3           1. A student enrolled in an approved academic program in  
4 dietetics or nutrition from engaging in the practice of  
5 dietetics/nutrition, if such practice constitutes a part of a  
6 supervised course of study, and if the student is designated by a  
7 title which clearly indicates his or her status as a student or  
8 trainee, or from engaging in the practice of dietetics or nutrition  
9 under the supervision of a licensed dietitian/nutritionist;

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

14           3. Persons licensed to practice the professions of dentistry,  
15 medicine, osteopathy, chiropractic, nursing or pharmacy from  
16 engaging in the practice of dietetics or nutrition when incidental  
17 to the practice of their profession, except that such persons may  
18 not use the titles "dietitian", "dietician", or "nutritionist";

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

1           5. A person from providing weight control services through a  
2 program which has been reviewed by, consultation is available from,  
3 and no program change can be initiated without prior approval by a  
4 licensed dietitian or nutritionist, a dietitian or nutritionist  
5 licensed in another state which has licensure requirements at least  
6 as stringent as the requirements for licensure specified herein or a  
7 dietitian registered by the Commission on Dietetic Registration of  
8 the Academy of Nutrition and Dietetics.

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

12           A. Any person who violates any provision of the Licensed  
13 Dietitian Act shall, upon conviction thereof, be guilty of a  
14 misdemeanor and shall be punished by a fine of not less than Fifty  
15 Dollars (\$50.00) and not to exceed Five Hundred Dollars (\$500.00) or  
16 imprisonment for a period not exceeding six (6) months or both.

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

23           C. In addition to any other fine or penalty that may be imposed  
24 against any person found to have violated any provision of the

1 Licensed Dietitian Act, the Oklahoma Board of Medical Licensure and  
2 Supervision may assess and collect all costs incurred in connection  
3 with disciplinary actions including, but not limited to,  
4 investigator fees, stenographer fees, attorney fees, and hearing  
5 costs.

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

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