STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 615 By: Sparks of the Senate

and

Echols of the House

COMMITTEE SUBSTITUTE

[Licensed Dietitian Act - definitions - violations - certain costs - codification - 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~~.~~;

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

3. "Dietetics" or "nutrition practice" means the ~~professional discipline of applying and integrating scientific~~ integration and

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

a. nutrition assessment,

b. the establishment of priorities, goals and objectives that meet nutritional needs,

c. the provisions of nutrition counseling in health and disease,

d. the development, implementation and management~~, and provision of nutritional services.~~ of nutrition care plans, and

e. the evaluation and maintenance of appropriate standards of quality in food and nutrition;

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

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

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

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

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

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

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

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

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

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

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

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

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

7. Gross negligence in the practice of nutrition;

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

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

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

11. A license suspended or revoked in another state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 5. This act shall become effective November 1, 2016.

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