

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0218.01 Thomas Morris x4218

HOUSE BILL 12-1060

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A BILL FOR AN ACT

101 CONCERNING THE REGULATION OF DIETITIANS.

Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill creates the state board of dietitians, consisting of 3 licensed dietitians and 2 members of the public, to oversee the regulation of dietitians. Dietitians must be licensed. To get a license, an applicant must have a baccalaureate or post-baccalaureate degree with a major course of study in human nutrition, nutrition education, public health nutrition, food and nutrition, dietetics, or food systems management or an equivalent major course of study as approved by the board, including a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

practice experience component in dietetics of not less than 1,200 hours, and have successfully completed the examination for dietitians administered by the commission on dietetic registration. A dietitian from a state that has analogous requirements can be licensed by endorsement, and provisional permits, valid for one year and renewable a single time for 6 months, are also available for dietitians from such states.

Standard disciplinary and procedural provisions are included. The regulation of dietitians sunsets in 2019.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1.** In Colorado Revised Statutes, **add** article 35.3 to  
3 title 12 as follows:

4   **ARTICLE 35.3**

5   **Dietitians**

6           **12-35.3-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND  
7 MAY BE CITED AS THE "DIETITIAN LICENSING ACT".

8           **12-35.3-102. Legislative declaration.** THE PURPOSE OF THIS  
9 ARTICLE IS TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE  
10 PUBLIC BY PROVIDING FOR THE LICENSING AND REGULATION OF PERSONS  
11 ENGAGED IN THE PRACTICE OF DIETETICS.

12           **12-35.3-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
13 CONTEXT OTHERWISE REQUIRES:

14           (1) "ACADEMY" MEANS THE ACADEMY OF NUTRITION AND  
15 DIETETICS OR ITS SUCCESSOR ENTITY.

16           (2) "BOARD" MEANS THE STATE BOARD OF DIETITIANS CREATED IN  
17 SECTION 12-35.3-106 (1).

18           (3) "COMMISSION" MEANS THE COMMISSION ON DIETETIC  
19 REGISTRATION THAT IS ACCREDITED BY THE NATIONAL COMMISSION FOR  
20 CERTIFYING AGENCIES AND SERVES AS THE CREDENTIALING BODY FOR THE  
21 ACADEMY, OR ITS SUCCESSOR ENTITY.

1           (4) "DEGREE" MEANS A DEGREE RECEIVED FROM A COLLEGE OR  
2 UNIVERSITY THAT WAS A UNITED STATES REGIONALLY ACCREDITED BODY  
3 RECOGNIZED BY THE COUNCIL FOR HIGHER EDUCATION ACCREDITATION,  
4 OR ITS SUCCESSOR ENTITY, AND THE UNITED STATES DEPARTMENT OF  
5 EDUCATION AT THE TIME THE DEGREE WAS RECEIVED.

6           (5) "DIETETICS" MEANS THE INTEGRATION, APPLICATION, AND  
7 COMMUNICATION OF PRINCIPLES DERIVED FROM FOOD, NUTRITION, SOCIAL,  
8 BUSINESS, AND BASIC SCIENCES, TO ACHIEVE AND MAINTAIN OPTIMAL  
9 NUTRITION STATUS OF INDIVIDUALS THROUGH THE DEVELOPMENT,  
10 PROVISION, AND MANAGEMENT OF EFFECTIVE FOOD AND NUTRITION  
11 SERVICES IN A VARIETY OF SETTINGS.

12           (6) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OF  
13 REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES.

14           (7) "GENERAL NONMEDICAL NUTRITION INFORMATION" MEANS  
15 INFORMATION ON THE FOLLOWING:

- 16           (a) PRINCIPLES OF GOOD NUTRITION AND FOOD PREPARATION;
- 17           (b) FOOD TO BE INCLUDED IN THE NORMAL DAILY DIET;
- 18           (c) THE ESSENTIAL NUTRIENTS NEEDED BY THE BODY;
- 19           (d) RECOMMENDED AMOUNTS OF THE ESSENTIAL NUTRIENTS,  
20 BASED ON STANDARDS ESTABLISHED BY THE NATIONAL ACADEMY OF  
21 SCIENCES;
- 22           (e) THE ACTIONS OF NUTRIENTS ON THE BODY;
- 23           (f) THE EFFECTS OF DEFICIENCIES OR EXCESSES OF NUTRIENTS; OR
- 24           (g) FOOD AND SUPPLEMENTS THAT ARE GOOD SOURCES OF  
25 ESSENTIAL NUTRIENTS.

26           (8) "LICENSED DIETITIAN" MEANS A PERSON LICENSED UNDER THIS  
27 ARTICLE TO PRACTICE DIETETICS.

1           (9) "MEDICALLY PRESCRIBED DIET" MEANS A DIET, PRESCRIBED BY  
2           EITHER A PHYSICIAN LICENSED PURSUANT TO ARTICLE 36 OF THIS TITLE TO  
3           PRACTICE MEDICINE OR AN INDIVIDUAL AUTHORIZED BY HIS OR HER  
4           STATE-ISSUED LICENSE TO PRESCRIBE, WHEN SPECIFIC FOOD OR NUTRIENT  
5           LEVELS NEED TO BE MONITORED, ALTERED, OR BOTH AS A COMPONENT OF  
6           A TREATMENT PROGRAM FOR AN INDIVIDUAL WHOSE HEALTH STATUS IS  
7           IMPAIRED OR AT RISK DUE TO DISEASE, INJURY, OR SURGERY.

8           (10) "MEDICAL NUTRITION THERAPY" MEANS THE USE OF SPECIFIC  
9           NUTRITION SERVICES FOR DISEASE MANAGEMENT AND TO TREAT OR  
10          REHABILITATE AN ILLNESS, INJURY, OR CONDITION. "MEDICAL NUTRITION  
11          THERAPY" INCLUDES:

12          (a) INTERPRETING DIETARY DATA AND RECOMMENDING NUTRIENT  
13          NEEDS RELATIVE TO MEDICALLY PRESCRIBED DIETS, INCLUDING TUBE  
14          FEEDINGS, SPECIALIZED INTRAVENOUS SOLUTIONS, AND SPECIALIZED ORAL  
15          FEEDINGS;

16          (b) ANALYSIS OF FOOD AND PRESCRIPTION DRUG INTERACTIONS;  
17          AND

18          (c) DEVELOPING AND MANAGING FOOD SERVICE OPERATIONS, THE  
19          CHIEF FUNCTION OF WHICH IS NUTRITION CARE AND THE PROVISION OF  
20          MEDICALLY PRESCRIBED DIETS.

21          (11) "NUTRITION ASSESSMENT" MEANS THE SYSTEMATIC PROCESS  
22          OF OBTAINING, VERIFYING, AND INTERPRETING BIOCHEMICAL,  
23          ANTHROPOMETRIC, PHYSICAL, AND DIETARY DATA IN ORDER TO MAKE  
24          DECISIONS ABOUT THE NATURE AND CAUSE OF NUTRITION-RELATED  
25          PROBLEMS. NUTRITION ASSESSMENT IS AN ONGOING, DYNAMIC PROCESS  
26          THAT INVOLVES NOT ONLY INITIAL DATA COLLECTION, BUT ALSO  
27          REASSESSMENT AND ANALYSIS OF CLIENT OR COMMUNITY NEEDS AND

1 PROVIDES THE FOUNDATION FOR NUTRITION DIAGNOSIS AND NUTRITIONAL  
2 RECOMMENDATIONS, INCLUDING ENTERAL AND PARENTERAL NUTRITION.

3 (12) "NUTRITION CARE PROCESS" MEANS THE SYSTEMATIC  
4 PROBLEM-SOLVING METHOD THAT DIETITIANS USE TO CRITICALLY THINK  
5 AND MAKE DECISIONS WHEN PROVIDING MEDICAL NUTRITION THERAPY OR  
6 TO ADDRESS NUTRITION-RELATED PROBLEMS AND PROVIDE SAFE,  
7 EFFECTIVE, HIGH-QUALITY CARE. THE NUTRITION CARE PROCESS CONSISTS  
8 OF FOUR DISTINCT, BUT INTERRELATED STEPS: NUTRITION ASSESSMENT,  
9 NUTRITION DIAGNOSIS, NUTRITION INTERVENTION, AND NUTRITION  
10 MONITORING AND EVALUATION.

11 (13) "NUTRITION DIAGNOSIS" MEANS IDENTIFYING AND LABELING  
12 NUTRITIONAL PROBLEMS THAT A LICENSED DIETITIAN IS RESPONSIBLE FOR  
13 TREATING INDEPENDENTLY.

14 (14) "NUTRITION MONITORING AND EVALUATION" MEANS  
15 IDENTIFYING PATIENT OR CLIENT OUTCOMES RELEVANT TO THE NUTRITION  
16 DIAGNOSIS AND INTERVENTION PLANS AND GOALS AND COMPARING THOSE  
17 OUTCOMES WITH PREVIOUS STATUS, INTERVENTION GOALS, OR A  
18 REFERENCE STANDARD TO DETERMINE THE PROCESS MADE IN ACHIEVING  
19 DESIRED OUTCOMES OF NUTRITION CARE AND WHETHER PLANNED  
20 INTERVENTIONS SHOULD BE CONTINUED OR REVISED.

21 (15) "REGISTERED DIETITIAN" MEANS AN INDIVIDUAL REGISTERED  
22 WITH THE COMMISSION.

23 **12-35.3-104. Scope of practice.** A LICENSED DIETITIAN MAY  
24 ENGAGE IN THE PRACTICE OF DIETETICS, MEDICAL NUTRITION THERAPY,  
25 AND THE NUTRITION CARE PROCESS.

26 **12-35.3-105. Title protection.** ONLY A PERSON LICENSED OR  
27 OTHERWISE AUTHORIZED TO PRACTICE UNDER THIS ARTICLE MAY

1 PRACTICE DIETETICS OR MEDICAL NUTRITION THERAPY OR USE THE TITLE  
2 "DIETITIAN" OR "LICENSED DIETITIAN" OR THE LETTERS "LD".

3 **12-35.3-106. Board - powers - rules.** (1) THE STATE BOARD OF  
4 DIETITIANS IS HEREBY CREATED WITHIN THE DIVISION OF REGISTRATIONS.

5 (2) THE BOARD CONSISTS OF FIVE MEMBERS APPOINTED BY THE  
6 GOVERNOR AS FOLLOWS:

7 (a) (I) THREE LICENSED DIETITIANS WHO ARE COLORADO  
8 RESIDENTS AND WHO HAVE BEEN ACTIVELY PRACTICING IN THE FIELD OF  
9 DIETETICS FOR AT LEAST FIVE YEARS.

10 (II) THE DIETITIANS INITIALLY APPOINTED TO THE BOARD MUST BE  
11 ELIGIBLE FOR LICENSURE PURSUANT TO THIS ARTICLE; THEREAFTER,  
12 DIETITIANS APPOINTED TO THE BOARD MUST BE LICENSED PURSUANT TO  
13 THIS ARTICLE.

14 (b) TWO MEMBERS OF THE PUBLIC WHO ARE NOT LICENSED  
15 DIETITIANS.

16 (3) THE GOVERNOR MAY REMOVE A MEMBER OF THE BOARD FOR  
17 MISCONDUCT, INCOMPETENCE, OR NEGLECT OF DUTY.

18 (4) THE BOARD IS AUTHORIZED TO:

19 (a) LICENSE DIETITIANS IN A MANNER CONSISTENT WITH THIS  
20 ARTICLE;

21 (b) KEEP A RECORD OF ITS PROCEEDINGS, A REGISTER OF ALL  
22 APPLICANTS FOR LICENSURE, AND A REGISTER OF ALL LICENSED  
23 DIETITIANS;

24 (c) PROMULGATE RULES TO GOVERN ITS ACTIONS AND PROVIDE  
25 FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ARTICLE;

26 (d) PROMULGATE THE LICENSURE STANDARDS PRESCRIBED IN THIS  
27 ARTICLE, ANY AMENDMENTS TO THE STANDARDS, AND RULES RELEVANT

1 TO LICENSURE AS THE BOARD DEEMS NECESSARY;

2 (e) ADOPT A CODE OF ETHICS AND STANDARDS OF PRACTICE AND  
3 PROFESSIONAL RESPONSIBILITY FOR LICENSED DIETITIANS;

4 (f) ESTABLISH, COLLECT, AND DISBURSE FEES AS REQUIRED BY THIS  
5 ARTICLE;

6 (g) ESTABLISH APPLICATION FORMS, DETERMINE THE  
7 QUALIFICATIONS AND FITNESS OF APPLICANTS, AND ISSUE, RENEW, AND  
8 REINSTATE LICENSES;

9 (h) ENFORCE CONTINUING PROFESSIONAL COMPETENCY  
10 REQUIREMENTS ESTABLISHED BY THE COMMISSION FOR RENEWAL OF A  
11 LICENSE;

12 (i) RECEIVE AND PROCESS COMPLAINTS AND INVESTIGATE  
13 ALLEGED VIOLATIONS OF THIS ARTICLE. IN MAKING ITS INVESTIGATIONS  
14 THE BOARD MAY ISSUE SUBPOENAS, EXAMINE WITNESSES, AND  
15 ADMINISTER OATHS.

16 (j) SEEK INJUNCTIVE RELIEF TO PROHIBIT ANY PERSON FROM  
17 PROVIDING PROFESSIONAL DIETETIC OR NUTRITION CARE PROCESS  
18 WITHOUT BEING LICENSED PURSUANT TO THIS ARTICLE; AND

19 (k) PROVIDE FOR EXAMINATION OR WAIVER OF EXAMINATION FOR  
20 APPLICANTS.

21 **12-35.3-107. Board operations.** (1) THE BOARD SHALL MEET AT  
22 LEAST QUARTERLY AND AT OTHER TIMES AS DETERMINED BY THE BOARD,  
23 UPON THE CALL OF THE CHAIRPERSON, OR UPON WRITTEN REQUEST TO THE  
24 DIRECTOR OR THE BOARD BY TWO OR MORE MEMBERS OF THE BOARD. THE  
25 CHAIRPERSON SHALL PRESIDE AT ALL BOARD MEETINGS AND PERFORM ALL  
26 DUTIES PRESCRIBED BY LAW OR BOARD RULES. THE VICE-CHAIRPERSON  
27 SHALL PRESIDE IF THE CHAIRPERSON IS ABSENT OR DISABLED OR THE

1 POSITION OF CHAIRPERSON BECOMES VACANT. THE CHAIRPERSON MAY  
2 APPOINT SUCH ADVISORY COMMITTEES OF BOARD MEMBERS AND OTHERS  
3 AS MAY ASSIST THE BOARD IN CARRYING OUT ITS RESPONSIBILITIES.

4 (2) AT THE FIRST MEETING OF EACH YEAR, THE BOARD SHALL  
5 ELECT A CHAIRPERSON AND VICE-CHAIRPERSON FROM AMONG ITS  
6 MEMBERS.

7 (3) A MAJORITY OF THE BOARD CONSTITUTES A QUORUM TO  
8 CONDUCT BUSINESS, AND THE BOARD SHALL TAKE NO FORMAL ACTION  
9 WITHOUT THE CONCURRENCE OF AT LEAST A MAJORITY OF A QUORUM.

10 (4) THE BOARD MEMBERS AND ITS STAFF SHALL NOT DISCRIMINATE  
11 IN ANY MANNER IN THE EMPLOYMENT OF STAFF OR IN THE LICENSURE OF  
12 APPLICANTS.

13 (5) BOARD MEMBERS SHALL REMAIN IMPARTIAL IN ALL MATTERS  
14 THAT COME BEFORE THE BOARD.

15 **12-35.3-108. Licensure - application - qualifications - licensure**  
16 **by endorsement - renewals - fees. (1) Application.** (a) A PERSON WHO  
17 WISHES TO PRACTICE DIETETICS IN THIS STATE SHALL APPLY TO THE  
18 BOARD, BY A DATE AND IN A FORM AND MANNER DETERMINED BY THE  
19 BOARD BY RULE, FOR A LICENSE AND SHALL PAY THE FEE DETERMINED BY  
20 THE BOARD. THE APPLICANT SHALL CERTIFY AND FURNISH EVIDENCE  
21 SATISFACTORY TO THE BOARD THAT THE APPLICANT MEETS ALL OF THE  
22 FOLLOWING CONDITIONS:

23 (I) IS AT LEAST TWENTY-ONE YEARS OF AGE;

24 (II) IS OF GOOD MORAL CHARACTER;

25 (III) HAS RECEIVED A BACCALAUREATE OR POST-BACCALAUREATE  
26 DEGREE WITH A MAJOR COURSE OF STUDY IN HUMAN NUTRITION,  
27 NUTRITION EDUCATION, PUBLIC HEALTH NUTRITION, FOOD AND NUTRITION,



1 DIETETICS, OR FOOD SYSTEMS MANAGEMENT OR AN EQUIVALENT MAJOR  
2 COURSE OF STUDY AS APPROVED BY THE BOARD. AN APPLICANT WHO  
3 OBTAINED HIS OR HER EDUCATION OUTSIDE THE UNITED STATES AND ITS  
4 TERRITORIES MUST HAVE THE APPLICANT'S ACADEMIC DEGREE VALIDATED  
5 BY THE COMMISSION AS EQUIVALENT TO THE BACCALAUREATE OR  
6 POST-BACCALAUREATE DEGREE CONFERRED BY A REGIONALLY  
7 ACCREDITED COLLEGE OR UNIVERSITY IN THE UNITED STATES.

8 (IV) HAS COMPLETED A DOCUMENTED, SUPERVISED,  
9 PRE-PROFESSIONAL PRACTICE EXPERIENCE COMPONENT IN DIETETICS OF  
10 NOT LESS THAN ONE THOUSAND TWO HUNDRED HOURS UNDER THE  
11 SUPERVISION OF A REGISTERED DIETITIAN, A LICENSED DIETITIAN, OR AN  
12 INDIVIDUAL WITH A DOCTORAL DEGREE WITH A MAJOR COURSE OF STUDY  
13 IN HUMAN NUTRITION, NUTRITION EDUCATION, FOOD AND NUTRITION,  
14 DIETETICS, OR FOOD SYSTEMS MANAGEMENT. SUPERVISED PRACTICE  
15 EXPERIENCE MUST BE COMPLETED IN THE UNITED STATES OR ITS  
16 TERRITORIES. A SUPERVISOR WHO OBTAINED A DOCTORAL DEGREE  
17 OUTSIDE THE UNITED STATES AND ITS TERRITORIES MUST HAVE THE  
18 DEGREE VALIDATED BY THE COMMISSION AS EQUIVALENT TO THE  
19 DOCTORAL DEGREE CONFERRED BY A UNITED STATES REGIONALLY  
20 ACCREDITED COLLEGE OR UNIVERSITY.

21 (V) HAS SUCCESSFULLY COMPLETED THE EXAMINATION FOR  
22 DIETITIANS ADMINISTERED BY THE COMMISSION.

23 (b) THE BOARD MAY WAIVE THE REQUIREMENTS OF PARAGRAPH (a)  
24 OF THIS SUBSECTION (1) FOR GROUNDS SPECIFIED BY THE COMMISSION BY  
25 RULE.

26 (c) (I) FOR ONE YEAR BEGINNING ON THE EFFECTIVE DATE OF THIS  
27 ARTICLE, THE BOARD SHALL WAIVE THE EXAMINATION REQUIREMENT AND

1 MAY GRANT A LICENSE TO ANY APPLICANT WHO MAKES SATISFACTORY  
2 APPLICATION TO THE BOARD AND:

3 (A) IS REGISTERED WITH THE COMMISSION; OR

4 (B) HAS RECEIVED A BACCALAUREATE OR POST-BACCALAUREATE  
5 DEGREE IN A PROGRAM IN DIETETICS OR AN EQUIVALENT MAJOR COURSE  
6 OF STUDY AS APPROVED BY THE BOARD, COMPLETED AN EXPERIENCE  
7 COMPONENT AS APPROVED BY THE BOARD, AND MET THE EDUCATIONAL  
8 REQUIREMENTS OF THE COMMISSION.

9 (II) THE BOARD SHALL WAIVE ANY ADDITIONAL EDUCATIONAL  
10 REQUIREMENTS THE BOARD CONSIDERS NECESSARY IF THE APPLICANT  
11 PRESENTS SATISFACTORY EVIDENCE OF CURRENT REGISTRATION AS A  
12 REGISTERED DIETITIAN.

13 (III) THE BOARD SHALL WAIVE THE EXAMINATION REQUIREMENTS  
14 IF AN APPLICATION FOR RENEWAL IS MADE WITHIN TWO YEARS AFTER THE  
15 DATE OF LICENSE EXPIRATION.

16 (2) **License.** WHEN AN APPLICANT HAS FULFILLED THE  
17 REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION, THE BOARD SHALL  
18 ISSUE A LICENSE TO THE APPLICANT; EXCEPT THAT THE BOARD MAY DENY  
19 A LICENSE IF THE APPLICANT HAS COMMITTED ANY ACT THAT WOULD BE  
20 GROUNDS FOR DISCIPLINARY ACTION UNDER SECTION 12-35.3-111.

21 (3) **Licensure by endorsement.** (a) AN APPLICANT FOR  
22 LICENSURE BY ENDORSEMENT SHALL FILE AN APPLICATION AND PAY A FEE  
23 AS PRESCRIBED BY THE BOARD AND MUST HOLD A CURRENT, VALID  
24 LICENSE OR REGISTRATION IN A JURISDICTION THAT REQUIRES  
25 QUALIFICATIONS SUBSTANTIALLY EQUIVALENT TO THOSE REQUIRED FOR  
26 LICENSURE BY SUBSECTION (1) OF THIS SECTION.

27 (b) AN APPLICANT FOR LICENSURE BY ENDORSEMENT SHALL

1 SUBMIT WITH THE APPLICATION VERIFICATION THAT THE APPLICANT HAS  
2 ACTIVELY PRACTICED FOR A PERIOD OF TIME DETERMINED BY BOARD  
3 RULES OR OTHERWISE MAINTAINED CONTINUED PROFESSIONAL  
4 COMPETENCY AS DETERMINED BY THE BOARD.

5 (c) UPON RECEIPT OF ALL DOCUMENTS REQUIRED BY PARAGRAPHS  
6 (a) AND (b) OF THIS SUBSECTION (3), THE BOARD SHALL REVIEW THE  
7 APPLICATION AND MAKE A DETERMINATION OF THE APPLICANT'S  
8 QUALIFICATION TO BE LICENSED BY ENDORSEMENT.

9 (d) THE BOARD MAY DENY THE LICENSE IF THE APPLICANT HAS  
10 COMMITTED AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION  
11 UNDER SECTION 12-35.3-111.

12 (4) **License renewal.** (a) A LICENSED DIETITIAN SHALL RENEW  
13 THE LICENSE ISSUED UNDER THIS ARTICLE ACCORDING TO A SCHEDULE OF  
14 RENEWAL DATES ESTABLISHED BY THE DIRECTOR. THE LICENSED  
15 DIETITIAN SHALL SUBMIT AN APPLICATION IN THE FORM AND MANNER  
16 DESIGNATED BY THE DIRECTOR AND SHALL PAY A RENEWAL FEE IN AN  
17 AMOUNT DETERMINED BY THE DIRECTOR.

18 (b) LICENSES ARE RENEWED OR REINSTATED IN ACCORDANCE WITH  
19 THE SCHEDULE ESTABLISHED BY THE DIRECTOR, AND THE DIRECTOR  
20 RENEWS OR REINSTATES LICENSES PURSUANT TO SECTION 24-34-102 (8),  
21 C.R.S. THE DIRECTOR MAY ESTABLISH RENEWAL FEES AND DELINQUENCY  
22 FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A  
23 LICENSED DIETITIAN FAILS TO RENEW HIS OR HER LICENSE PURSUANT TO  
24 THE SCHEDULE ESTABLISHED BY THE DIRECTOR, THE LICENSE EXPIRES. A  
25 PERSON WHOSE LICENSE HAS EXPIRED AND WHO CONTINUES TO PRACTICE  
26 AS A DIETITIAN IS SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE  
27 OR SECTION 24-34-102 (8), C.R.S., FOR REINSTATEMENT.

1 (c) LICENSES MAY BE RENEWED UPON SATISFACTORY COMPLETION  
2 OF THE RENEWAL APPLICATION, PAYMENT OF THE RENEWAL FEE, AND THE  
3 SUCCESSFUL COMPLETION OF CONTINUING PROFESSIONAL COMPETENCY  
4 REQUIREMENTS AS DETERMINED BY THE COMMISSION PURSUANT TO  
5 SECTION 12-35.3-106 (3) (h).

6 (5) **Fees.** ALL FEES COLLECTED UNDER THIS ARTICLE ARE  
7 DETERMINED, COLLECTED, AND APPROPRIATED IN THE MANNER SET FORTH  
8 IN SECTION 24-34-105, C.R.S., AND PERIODICALLY ADJUSTED IN  
9 ACCORDANCE WITH SECTION 24-75-402, C.R.S.

10 **12-35.3-109. Provisional permits - fees.** (1) THE BOARD MAY  
11 ISSUE A PROVISIONAL PERMIT TO PRACTICE AS A DIETITIAN UPON THE  
12 FILING OF AN APPLICATION AND SUBMISSION OF EVIDENCE OF SUCCESSFUL  
13 COMPLETION OF THE EDUCATION REQUIREMENTS OF SECTION 12-35.3-108  
14 (1) (a) (III).

15 (2) A PROVISIONAL PERMIT EXPIRES ONE YEAR AFTER THE DATE OF  
16 ISSUANCE. THE BOARD MAY RENEW A PERMIT ONE TIME FOR A PERIOD NOT  
17 TO EXCEED SIX MONTHS UPON SUBMISSION TO THE BOARD OF A  
18 SATISFACTORY EXPLANATION FOR THE APPLICANT'S FAILURE TO BECOME  
19 LICENSED WITHIN THE ORIGINAL ONE-YEAR PERIOD.

20 (3) A PROVISIONAL PERMIT ALLOWS THE HOLDER TO PRACTICE  
21 ONLY UNDER THE SUPERVISION OF A LICENSED DIETITIAN.

22 (4) THE BOARD SHALL DETERMINE THE FEE BY RULE FOR A  
23 PROVISIONAL PERMIT AND FOR EACH RENEWAL.

24 (5) A DIETITIAN LICENSED OR REGISTERED IN ANOTHER STATE MAY  
25 PRACTICE DIETETICS IN THIS STATE WITHOUT A LICENSE ISSUED PURSUANT  
26 TO THIS ARTICLE FOR UP TO NINETY DAYS IF THE REQUIREMENTS FOR  
27 LICENSURE IN THE OTHER STATE ARE SUBSTANTIALLY EQUAL TO THE

1 REQUIREMENTS FOR LICENSURE CONTAINED IN THIS ARTICLE.

2 **12-35.3-110. Exemptions.** (1) THIS ARTICLE DOES NOT AFFECT OR  
3 PREVENT THE FOLLOWING:

4 (a) ANY PERSON LICENSED, CERTIFIED, OR REGISTERED IN THIS  
5 STATE UNDER ANY OTHER ARTICLE OF THIS TITLE FROM ENGAGING IN THE  
6 PRACTICE OF DIETETICS WHEN IT IS WITHIN HIS OR HER SCOPE OF PRACTICE  
7 AND IS INCIDENTAL TO THE PRACTICE FOR WHICH HE OR SHE IS LICENSED,  
8 CERTIFIED, OR REGISTERED;

9 (b) ANY PERSON LICENSED, CERTIFIED, OR REGISTERED IN THIS  
10 STATE UNDER ANY OTHER ARTICLE OF THIS TITLE FROM ENGAGING IN THE  
11 PRACTICE FOR WHICH HE OR SHE IS LICENSED, CERTIFIED, OR REGISTERED;

12 (c) A STUDENT ENROLLED IN A PROGRAM IN DIETETICS OR  
13 NUTRITION THAT HAS BEEN ACCREDITED BY THE ACCREDITATION COUNCIL  
14 FOR EDUCATION IN NUTRITION AND DIETETICS, OR ITS SUCCESSOR ENTITY,  
15 FROM ENGAGING IN THE PRACTICE OF DIETETICS UNDER THE SUPERVISION  
16 OF A LICENSED DIETITIAN AS PART OF THE PROGRAM;

17 (d) A DIETITIAN WHO IS SERVING IN THE ARMED FORCES OR THE  
18 PUBLIC HEALTH SERVICE OF THE UNITED STATES OR IS EMPLOYED BY THE  
19 VETERANS ADMINISTRATION FROM ENGAGING IN THE PRACTICE OF  
20 DIETETICS IF THE PRACTICE IS RELATED TO HIS OR HER SERVICE OR  
21 EMPLOYMENT;

22 (e) A PERSON OR RETAILER THAT DOES NOT PURPORT TO BE A  
23 LICENSED DIETITIAN FROM FURNISHING ORAL OR WRITTEN GENERAL  
24 NONMEDICAL NUTRITION INFORMATION RELATED TO FOOD, FOOD  
25 MATERIALS, OR DIETARY SUPPLEMENTS OR THE MARKETING OF FOOD,  
26 FOOD MATERIALS, OR DIETARY SUPPLEMENTS, IF THE PERSON IS NOT  
27 ENGAGED IN THE PRACTICE OF DIETETICS, INCLUDING MEDICAL NUTRITION

1 THERAPY AND THE NUTRITION CARE PROCESS;

2 (f) A PERSON EMPLOYED BY A SCHOOL DISTRICT WHO IS  
3 RESPONSIBLE FOR MENU PLANNING, PURCHASING FOOD, MEAL  
4 PREPARATION, OR FOOD SAFETY FROM USING GENERAL NONMEDICAL  
5 NUTRITION INFORMATION IN THE PERFORMANCE OF THE PERSON'S DUTIES  
6 AS LONG AS THE PERSON DOES NOT PURPORT TO BE PRACTICING DIETETICS  
7 AND DOES NOT CLAIM TO BE A LICENSED DIETITIAN;

8 (g) A PERSON WHO IS EMPLOYED AS AN INSTRUCTOR AT A UNITED  
9 STATES REGIONALLY ACCREDITED COLLEGE OR UNIVERSITY WITH A MAJOR  
10 COURSE OF STUDY IN HUMAN NUTRITION, NUTRITION EDUCATION, PUBLIC  
11 HEALTH NUTRITION, FOOD AND NUTRITION, DIETETICS, OR FOOD SYSTEMS  
12 MANAGEMENT OR THE EQUIVALENT MAJOR COURSES OF STUDY APPROVED  
13 BY THE BOARD FROM PROVIDING INSTRUCTION IN THOSE FIELDS; OR

14 (h) A PERSON FROM PROVIDING WEIGHT CONTROL SERVICES  
15 THROUGH A PROGRAM THAT HAS BEEN REVIEWED BY A LICENSED  
16 DIETITIAN, IF CONSULTATION IS AVAILABLE FROM A LICENSED DIETITIAN,  
17 OR BY A DIETITIAN LICENSED IN ANOTHER STATE THAT HAS LICENSURE  
18 REQUIREMENTS AT LEAST AS STRINGENT AS THE REQUIREMENTS FOR  
19 LICENSURE UNDER THIS ARTICLE, A REGISTERED DIETITIAN, OR A  
20 PHYSICIAN LICENSED IN THIS STATE. A PERSON SHALL NOT INITIATE  
21 PROGRAM CHANGES WITHOUT PRIOR APPROVAL BY THE PERSON WHO  
22 REVIEWED THE PROGRAM.

23 (2) A PERSON WHO HAS SATISFIED THE REQUIREMENTS OF SECTION  
24 12-35.3-108 (1) (a) (I) TO (1) (a) (IV) BUT HAS NOT YET PASSED THE  
25 EXAMINATION COMPONENT REQUIRED BY SECTION 12-35.3-108 (1) (a) (V)  
26 MAY PRACTICE UNDER THE SUPERVISION OF A LICENSED DIETITIAN FOR  
27 ONE YEAR AFTER COMPLETION OF HIS OR HER EDUCATIONAL AND

1 EXPERIENTIAL PRACTICE.

2 **12-35.3-111. Grounds for discipline - disciplinary proceedings**

3 **- judicial review.** (1) THE BOARD MAY TAKE DISCIPLINARY ACTION  
4 AGAINST A LICENSED DIETITIAN IF THE BOARD FINDS THAT THE LICENSED  
5 DIETITIAN HAS REPRESENTED HIMSELF OR HERSELF AS A LICENSED  
6 DIETITIAN AFTER THE EXPIRATION, SUSPENSION, OR REVOCATION OF HIS OR  
7 HER LICENSE.

8 (2) THE BOARD MAY REVOKE, SUSPEND, DENY, OR REFUSE TO  
9 RENEW A LICENSE OR ISSUE A CEASE-AND-DESIST ORDER TO A LICENSED  
10 DIETITIAN IN ACCORDANCE WITH THIS SECTION UPON PROOF THAT THE  
11 LICENSED DIETITIAN:

12 (a) HAS ENGAGED IN A SEXUAL ACT WITH A PERSON RECEIVING  
13 SERVICES WHILE A THERAPEUTIC RELATIONSHIP EXISTED OR WITHIN SIX  
14 MONTHS IMMEDIATELY FOLLOWING TERMINATION OF THE THERAPEUTIC  
15 RELATIONSHIP. FOR THE PURPOSES OF THIS PARAGRAPH (a):

16 (I) "SEXUAL ACT" MEANS SEXUAL CONTACT, SEXUAL INTRUSION,  
17 OR SEXUAL PENETRATION, AS DEFINED IN SECTION 18-3-401, C.R.S.

18 (II) "THERAPEUTIC RELATIONSHIP" MEANS THE PERIOD BEGINNING  
19 WITH THE INITIAL EVALUATION AND ENDING UPON THE WRITTEN  
20 TERMINATION OF TREATMENT.

21 (b) HAS FALSIFIED INFORMATION IN AN APPLICATION OR HAS  
22 ATTEMPTED TO OBTAIN OR HAS OBTAINED A LICENSE BY FRAUD,  
23 DECEPTION, OR MISREPRESENTATION;

24 (c) EXCESSIVELY OR HABITUALLY USES OR ABUSES ALCOHOL OR  
25 HABIT-FORMING DRUGS OR HABITUALLY USES A CONTROLLED SUBSTANCE,  
26 AS DEFINED IN SECTION 18-18-102, C.R.S., OR OTHER DRUGS HAVING  
27 SIMILAR EFFECTS; EXCEPT THAT THE BOARD HAS THE DISCRETION NOT TO

1 DISCIPLINE THE LICENSED DIETITIAN IF HE OR SHE IS PARTICIPATING IN  
2 GOOD FAITH IN A BOARD-APPROVED PROGRAM TO END THE USE OR ABUSE;

3 (d) FAILS TO:

4 (I) NOTIFY THE BOARD OF A PHYSICAL OR MENTAL ILLNESS OR  
5 CONDITION THAT AFFECTS THE LICENSED DIETITIAN'S ABILITY TO TREAT  
6 CLIENTS WITH REASONABLE SKILL AND SAFETY OR THAT MAY ENDANGER  
7 THE HEALTH OR SAFETY OF PERSONS UNDER HIS OR HER CARE;

8 (II) ACT WITHIN THE LIMITATIONS CREATED BY A PHYSICAL OR  
9 MENTAL ILLNESS OR CONDITION THAT RENDERS THE PERSON UNABLE TO  
10 PRACTICE WITH REASONABLE SKILL AND SAFETY OR THAT MAY ENDANGER  
11 THE HEALTH OR SAFETY OF PERSONS UNDER HIS OR HER CARE; OR

12 (III) COMPLY WITH THE LIMITATIONS AGREED TO UNDER A  
13 CONFIDENTIAL AGREEMENT ENTERED PURSUANT TO SECTION 12-35.3-113;

14 (e) HAS VIOLATED THIS ARTICLE OR AIDED OR ABETTED OR  
15 KNOWINGLY PERMITTED ANY PERSON TO VIOLATE THIS ARTICLE, A RULE  
16 ADOPTED UNDER THIS ARTICLE, OR ANY LAWFUL ORDER OF THE BOARD;

17 (f) HAS HAD A LICENSE, CERTIFICATE, OR REGISTRATION  
18 SUSPENDED OR REVOKED FOR ACTIONS THAT ARE A VIOLATION OF THIS  
19 ARTICLE;

20 (g) HAS BEEN CONVICTED OF OR PLED GUILTY OR NOLO  
21 CONTENDERE TO A FELONY OR COMMITTED AN ACT SPECIFIED IN SECTION  
22 12-35.3-113. A CERTIFIED COPY OF THE JUDGMENT OF A COURT OF  
23 COMPETENT JURISDICTION OF THE CONVICTION OR PLEA IS CONCLUSIVE  
24 EVIDENCE OF THE CONVICTION OR PLEA. IN CONSIDERING THE  
25 DISCIPLINARY ACTION, THE BOARD IS GOVERNED BY SECTION 24-5-101,  
26 C.R.S.

27 (h) HAS FRAUDULENTLY OBTAINED, FURNISHED, OR SOLD ANY



1 DIETITIAN DIPLOMA, CERTIFICATE, REGISTRATION, LICENSE, RENEWAL OF  
2 LICENSE, OR RECORD OR AIDED OR ABETTED SUCH ACT;

3 (i) HAS FAILED TO NOTIFY THE BOARD OF THE SUSPENSION OR  
4 REVOCATION OF THE PERSON'S PAST OR CURRENTLY HELD LICENSE,  
5 CERTIFICATE, OR REGISTRATION REQUIRED TO PRACTICE DIETETICS IN THIS  
6 OR ANY OTHER JURISDICTION; OR

7 (j) HAS REFUSED TO SUBMIT TO A PHYSICAL OR MENTAL  
8 EXAMINATION WHEN ORDERED BY THE BOARD PURSUANT TO SECTION  
9 12-35.3-112.

10 (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS  
11 SECTION, THE BOARD NEED NOT FIND THAT THE ACTIONS THAT ARE  
12 GROUNDS FOR DISCIPLINE WERE WILLFUL BUT MAY CONSIDER WHETHER  
13 THE ACTIONS WERE WILLFUL WHEN DETERMINING THE NATURE OF  
14 DISCIPLINARY SANCTIONS IT MAY IMPOSE.

15 (4) (a) THE BOARD MAY COMMENCE A PROCEEDING TO DISCIPLINE  
16 A LICENSED DIETITIAN WHEN THE BOARD HAS REASONABLE GROUNDS TO  
17 BELIEVE THAT THE LICENSED DIETITIAN HAS COMMITTED AN ACT  
18 ENUMERATED IN THIS SECTION OR HAS VIOLATED A LAWFUL ORDER OR  
19 RULE OF THE BOARD.

20 (b) IN ANY PROCEEDING UNDER THIS SECTION, THE BOARD MAY  
21 ACCEPT AS EVIDENCE OF GROUNDS FOR DISCIPLINARY ACTION ANY  
22 DISCIPLINARY ACTION TAKEN AGAINST A LICENSED DIETITIAN IN ANOTHER  
23 JURISDICTION IF THE VIOLATION THAT PROMPTED THE DISCIPLINARY  
24 ACTION IN THE OTHER JURISDICTION WOULD BE GROUNDS FOR  
25 DISCIPLINARY ACTION UNDER THIS ARTICLE.

26 (5) THE BOARD SHALL CONDUCT DISCIPLINARY PROCEEDINGS IN  
27 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., AND THE BOARD OR AN

1 ADMINISTRATIVE LAW JUDGE APPOINTED AT THE BOARD'S DISCRETION  
2 SHALL CONDUCT THE HEARING AND OPPORTUNITY FOR REVIEW PURSUANT  
3 TO THAT ARTICLE. THE BOARD MAY EXERCISE ALL POWERS AND DUTIES  
4 CONFERRED BY THIS ARTICLE DURING THE DISCIPLINARY PROCEEDINGS.

5 (6) (a) NO LATER THAN THIRTY DAYS FOLLOWING THE DATE OF THE  
6 BOARD'S ACTION, THE BOARD SHALL NOTIFY A LICENSED DIETITIAN  
7 DISCIPLINED UNDER THIS SECTION, BY A CERTIFIED LETTER TO THE MOST  
8 RECENT ADDRESS PROVIDED TO THE BOARD BY THE LICENSED DIETITIAN,  
9 OF THE ACTION TAKEN, THE SPECIFIC CHARGES GIVING RISE TO THE  
10 ACTION, AND THE LICENSED DIETITIAN'S RIGHT TO REQUEST A HEARING ON  
11 THE ACTION TAKEN.

12 (b) WITHIN THIRTY DAYS AFTER THE BOARD SENDS THE  
13 NOTIFICATION, THE LICENSED DIETITIAN MAY FILE A WRITTEN REQUEST  
14 WITH THE BOARD FOR A HEARING ON THE ACTION TAKEN. UPON RECEIPT  
15 OF THE REQUEST THE BOARD SHALL GRANT A HEARING TO THE LICENSED  
16 DIETITIAN. IF THE LICENSED DIETITIAN FAILS TO FILE A WRITTEN REQUEST  
17 FOR A HEARING WITHIN THIRTY DAYS, THE ACTION OF THE BOARD  
18 BECOMES FINAL ON THAT DATE.

19 (c) IF THE LICENSED DIETITIAN FAILS TO APPEAR AT THE HEARING  
20 WITHOUT GOOD CAUSE, THE REQUEST FOR A HEARING IS WITHDRAWN, AND  
21 THE BOARD'S ACTION BECOMES FINAL ON THAT DATE. IF THE BOARD FAILS,  
22 WITHOUT GOOD CAUSE, TO APPEAR AT THE HEARING, THE PROCEEDING IS  
23 DISMISSED.

24 (7) (a) THE BOARD MAY REQUEST THE ATTORNEY GENERAL TO  
25 SEEK AN INJUNCTION, IN ANY COURT OF COMPETENT JURISDICTION, TO  
26 ENJOIN A PERSON FROM COMMITTING AN ACT PROHIBITED BY THIS  
27 ARTICLE. WHEN SEEKING AN INJUNCTION UNDER THIS PARAGRAPH (a), THE

1 ATTORNEY GENERAL IS NOT REQUIRED TO ALLEGE OR PROVE THE  
2 INADEQUACY OF ANY REMEDY AT LAW OR THAT SUBSTANTIAL OR  
3 IRREPARABLE DAMAGE IS LIKELY TO RESULT FROM A CONTINUED  
4 VIOLATION OF THIS ARTICLE.

5 (b) (I) IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., AND  
6 THIS ARTICLE, THE BOARD MAY INVESTIGATE, HOLD HEARINGS, AND  
7 GATHER EVIDENCE IN ALL MATTERS RELATED TO THE EXERCISE AND  
8 PERFORMANCE OF THE BOARD'S POWERS AND DUTIES.

9 (II) IN ORDER TO AID THE BOARD IN ANY HEARING OR  
10 INVESTIGATION INSTITUTED PURSUANT TO THIS SECTION, THE BOARD OR  
11 AN ADMINISTRATIVE LAW JUDGE APPOINTED PURSUANT TO PARAGRAPH (c)  
12 OF THIS SUBSECTION (7) MAY ADMINISTER OATHS, TAKE AFFIRMATIONS OF  
13 WITNESSES, AND ISSUE SUBPOENAS COMPELLING THE ATTENDANCE OF  
14 WITNESSES AND THE PRODUCTION OF ALL RELEVANT RECORDS, PAPERS,  
15 BOOKS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING,  
16 INVESTIGATION, ACCUSATION, OR OTHER MATTER BEFORE THE BOARD OR  
17 AN ADMINISTRATIVE LAW JUDGE.

18 (III) UPON FAILURE OF ANY WITNESS OR LICENSED DIETITIAN TO  
19 COMPLY WITH A SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE  
20 COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSED DIETITIAN  
21 RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD WITH  
22 NOTICE TO THE SUBPOENAED PERSON OR LICENSED DIETITIAN, MAY ISSUE  
23 TO THE PERSON OR LICENSED DIETITIAN AN ORDER REQUIRING THE PERSON  
24 OR LICENSED DIETITIAN TO APPEAR BEFORE THE BOARD; TO PRODUCE THE  
25 RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR  
26 MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER  
27 UNDER INVESTIGATION OR IN QUESTION. IF THE PERSON OR LICENSED

1 DIETITIAN FAILS TO OBEY THE ORDER OF THE COURT, THE COURT MAY  
2 HOLD THE PERSON OR LICENSED DIETITIAN IN CONTEMPT OF COURT.

3 (c) THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE  
4 PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO CONDUCT  
5 HEARINGS, TAKE EVIDENCE, MAKE FINDINGS, AND REPORT SUCH FINDINGS  
6 TO THE BOARD.

7 (8) (a) THE BOARD, THE BOARD'S STAFF, ANY PERSON ACTING AS  
8 A WITNESS OR CONSULTANT TO THE BOARD, ANY WITNESS TESTIFYING IN  
9 A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO  
10 LODGES A COMPLAINT PURSUANT TO THIS ARTICLE IS IMMUNE FROM  
11 LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS  
12 OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD MEMBER,  
13 STAFF, CONSULTANT, WITNESS, OR COMPLAINANT, RESPECTIVELY, IF THE  
14 INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER  
15 RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE  
16 FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE  
17 REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS  
18 WARRANTED BY THE FACTS.

19 (b) A PERSON PARTICIPATING IN GOOD FAITH IN MAKING A  
20 COMPLAINT OR REPORT OR IN AN INVESTIGATIVE OR ADMINISTRATIVE  
21 PROCEEDING PURSUANT TO THIS SECTION IS IMMUNE FROM ANY CIVIL OR  
22 CRIMINAL LIABILITY THAT OTHERWISE MIGHT RESULT BY REASON OF THE  
23 PARTICIPATION.

24 (9) A FINAL ACTION OF THE BOARD IS SUBJECT TO JUDICIAL REVIEW  
25 BY THE COURT OF APPEALS PURSUANT TO SECTION 24-4-106 (11), C.R.S.

26 (10) AN EMPLOYER OF A LICENSED DIETITIAN SHALL REPORT TO  
27 THE BOARD ANY DISCIPLINARY ACTION TAKEN AGAINST THE LICENSED

1 DIETITIAN OR THE RESIGNATION OF THE LICENSED DIETITIAN IN LIEU OF  
2 DISCIPLINARY ACTION FOR CONDUCT THAT VIOLATES THIS ARTICLE.

3 (11) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN  
4 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD,  
5 WARRANTS FORMAL ACTION, THE BOARD SHALL NOT RESOLVE THE  
6 COMPLAINT BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR  
7 PROSECUTION.

8 (12) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE  
9 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT  
10 A LICENSED DIETITIAN IS ACTING IN A MANNER THAT IS AN IMMINENT  
11 THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS  
12 ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE, THE BOARD MAY  
13 ISSUE AN ORDER TO CEASE AND DESIST THE ACTIVITY. THE BOARD SHALL  
14 INCLUDE IN THE ORDER THE STATUTES AND RULES ALLEGED TO HAVE BEEN  
15 VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION,  
16 AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNLICENSED  
17 PRACTICES IMMEDIATELY CEASE.

18 (b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND  
19 DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (12), THE  
20 RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER  
21 ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE HAVE OCCURRED. THE  
22 BOARD SHALL CONDUCT THE HEARING PURSUANT TO SECTIONS 24-4-104  
23 AND 24-4-105, C.R.S.

24 (13) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE  
25 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT  
26 A PERSON HAS VIOLATED ANY OTHER PROVISION OF THIS ARTICLE, IN  
27 ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS ARTICLE,

1 THE BOARD MAY ISSUE TO THE PERSON AN ORDER TO SHOW CAUSE AS TO  
2 WHY THE BOARD SHOULD NOT ISSUE A FINAL ORDER DIRECTING THE  
3 PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNLICENSED  
4 PRACTICE.

5 (b) THE BOARD SHALL PROMPTLY NOTIFY A PERSON AGAINST  
6 WHOM THE BOARD HAS ISSUED AN ORDER TO SHOW CAUSE PURSUANT TO  
7 PARAGRAPH (a) OF THIS SUBSECTION (13) OF THE ISSUANCE OF THE ORDER,  
8 ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR  
9 THE ORDER, AND THE DATE SET BY THE BOARD FOR A HEARING ON THE  
10 ORDER. THE NOTICE MAY BE SERVED ON THE PERSON AGAINST WHOM THE  
11 ORDER HAS BEEN ISSUED BY PERSONAL SERVICE, BY FIRST-CLASS, POSTAGE  
12 PREPAID UNITED STATES MAIL, OR IN ANOTHER MANNER AS MAY BE  
13 PRACTICABLE. PERSONAL SERVICE OR MAILING OF AN ORDER OR  
14 DOCUMENT PURSUANT TO THIS PARAGRAPH (b) CONSTITUTES NOTICE OF  
15 THE ORDER TO THE PERSON.

16 (c) (I) THE BOARD SHALL HOLD A HEARING ON AN ORDER TO SHOW  
17 CAUSE NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR  
18 DAYS AFTER THE DATE THE BOARD TRANSMITS OR SERVES THE  
19 NOTIFICATION AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (13).  
20 THE BOARD MAY CONTINUE THE HEARING UPON AGREEMENT OF ALL  
21 PARTIES BASED ON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES  
22 TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO  
23 EVENT MAY THE BOARD HOLD THE HEARING LATER THAN SIXTY CALENDAR  
24 DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE  
25 NOTIFICATION.

26 (II) IF A PERSON AGAINST WHOM THE BOARD HAS ISSUED AN ORDER  
27 TO SHOW CAUSE PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (13)

1 DOES NOT APPEAR AT THE HEARING, THE BOARD MAY PRESENT EVIDENCE  
2 THAT THE BOARD PROPERLY SENT OR SERVED NOTIFICATION ON THE  
3 PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (13) AND MAY  
4 PRESENT SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE BOARD  
5 DEEMS APPROPRIATE. THE BOARD SHALL ISSUE THE ORDER WITHIN TEN  
6 DAYS AFTER THE BOARD'S DETERMINATION RELATED TO REASONABLE  
7 ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER BECOMES FINAL  
8 AS TO THAT PERSON BY OPERATION OF LAW. THE BOARD SHALL CONDUCT  
9 THE HEARING PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

10 (III) IF THE BOARD REASONABLY FINDS THAT THE PERSON AGAINST  
11 WHOM IT ISSUED THE ORDER TO SHOW CAUSE IS ACTING OR HAS ACTED  
12 WITHOUT THE REQUIRED LICENSE, OR HAS OR IS ABOUT TO ENGAGE IN ACTS  
13 OR PRACTICES CONSTITUTING A VIOLATION OF THIS ARTICLE, THE BOARD  
14 MAY ISSUE A FINAL CEASE-AND-DESIST ORDER, DIRECTING THE PERSON TO  
15 CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNLICENSED  
16 PRACTICES.

17 (IV) THE BOARD SHALL PROVIDE NOTICE, IN THE MANNER SET  
18 FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (13), OF THE FINAL  
19 CEASE-AND-DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE  
20 HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON  
21 AGAINST WHOM IT HAS ISSUED THE FINAL ORDER. THE FINAL ORDER  
22 ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) IS  
23 EFFECTIVE WHEN ISSUED AND IS A FINAL ORDER FOR PURPOSES OF JUDICIAL  
24 REVIEW.

25 (14) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE  
26 EVIDENCE PRESENTED TO THE BOARD, THAT A PERSON HAS ENGAGED OR  
27 IS ABOUT TO ENGAGE IN AN UNLICENSED ACT OR PRACTICE; AN ACT OR

1 PRACTICE CONSTITUTING A VIOLATION OF THIS ARTICLE, A RULE  
2 PROMULGATED PURSUANT TO THIS ARTICLE, OR AN ORDER ISSUED  
3 PURSUANT TO THIS ARTICLE; OR AN ACT OR PRACTICE CONSTITUTING  
4 GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE,  
5 THE BOARD MAY ENTER INTO A STIPULATION WITH THE PERSON.

6 (15) IF ANY PERSON FAILS TO COMPLY WITH A FINAL  
7 CEASE-AND-DESIST ORDER OR A STIPULATION, THE BOARD MAY REQUEST  
8 THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL  
9 DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO  
10 REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A TEMPORARY  
11 RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY  
12 FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

13 (16) A PERSON AGGRIEVED BY THE FINAL CEASE-AND-DESIST  
14 ORDER MAY SEEK JUDICIAL REVIEW OF THE BOARD'S DETERMINATION OR  
15 OF THE BOARD'S FINAL ORDER AS PROVIDED IN SUBSECTION (9) OF THIS  
16 SECTION.

17 **12-35.3-112. Mental and physical examination of licensed**  
18 **dietitians.** (1) IF THE BOARD HAS REASONABLE CAUSE TO BELIEVE THAT  
19 A LICENSED DIETITIAN IS UNABLE TO PRACTICE WITH REASONABLE SKILL  
20 AND SAFETY, THE BOARD MAY ORDER THE LICENSED DIETITIAN TO TAKE  
21 A MENTAL OR PHYSICAL EXAMINATION ADMINISTERED BY A PHYSICIAN OR  
22 OTHER LICENSED HEALTH CARE PROFESSIONAL DESIGNATED BY THE  
23 BOARD. EXCEPT WHERE DUE TO CIRCUMSTANCES BEYOND THE LICENSED  
24 DIETITIAN'S CONTROL, IF THE LICENSED DIETITIAN FAILS OR REFUSES TO  
25 UNDERGO A MENTAL OR PHYSICAL EXAMINATION, THE BOARD MAY  
26 SUSPEND THE LICENSED DIETITIAN'S LICENSE UNTIL THE BOARD HAS MADE  
27 A DETERMINATION OF THE LICENSED DIETITIAN'S FITNESS TO PRACTICE.



1 THE BOARD SHALL PROCEED WITH AN ORDER FOR EXAMINATION AND  
2 SHALL MAKE ITS DETERMINATION IN A TIMELY MANNER.

3 (2) THE BOARD SHALL INCLUDE IN AN ORDER REQUIRING A  
4 LICENSED DIETITIAN TO UNDERGO A MENTAL OR PHYSICAL EXAMINATION  
5 THE BASIS OF THE BOARD'S REASONABLE CAUSE TO BELIEVE THAT THE  
6 LICENSED DIETITIAN IS UNABLE TO PRACTICE WITH REASONABLE SKILL AND  
7 SAFETY. FOR PURPOSES OF A DISCIPLINARY PROCEEDING AUTHORIZED  
8 UNDER THIS ARTICLE, THE LICENSED DIETITIAN WAIVES ALL OBJECTIONS  
9 TO THE ADMISSIBILITY OF THE EXAMINING PHYSICIAN'S OR LICENSED  
10 HEALTH CARE PROFESSIONAL'S TESTIMONY OR EXAMINATION REPORTS ON  
11 THE GROUNDS THAT THEY ARE PRIVILEGED COMMUNICATION.

12 (3) THE LICENSED DIETITIAN MAY SUBMIT TO THE BOARD  
13 TESTIMONY OR EXAMINATION REPORTS FROM A PHYSICIAN CHOSEN BY THE  
14 LICENSED DIETITIAN AND PERTAINING TO ANY CONDITION THAT THE  
15 BOARD HAS ALLEGED MAY PRECLUDE THE LICENSED DIETITIAN FROM  
16 PRACTICING WITH REASONABLE SKILL AND SAFETY. THE BOARD MAY  
17 CONSIDER THE TESTIMONY AND REPORTS SUBMITTED BY THE LICENSED  
18 DIETITIAN IN CONJUNCTION WITH, BUT NOT IN LIEU OF, TESTIMONY AND  
19 EXAMINATION REPORTS OF THE PHYSICIAN DESIGNATED BY THE BOARD.

20 (4) THE RESULTS OF A MENTAL OR PHYSICAL EXAMINATION  
21 ORDERED BY THE BOARD CANNOT BE USED AS EVIDENCE IN ANY  
22 PROCEEDING OTHER THAN ONE BEFORE THE BOARD AND ARE NOT A PUBLIC  
23 RECORD OR SHALL NOT BE MADE AVAILABLE TO THE PUBLIC.

24 **12-35.3-113. Confidential agreement to limit practice -**  
25 **violation - grounds for discipline.** (1) IF A LICENSED DIETITIAN HAS A  
26 PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT RENDERS THE PERSON  
27 UNABLE TO PRACTICE WITH REASONABLE SKILL AND SAFETY TO CLIENTS,

1 THE LICENSED DIETITIAN SHALL NOTIFY THE BOARD OF THE ILLNESS OR  
2 CONDITION IN A MANNER AND WITHIN A PERIOD DETERMINED BY THE  
3 BOARD. THE BOARD MAY REQUIRE THE LICENSED DIETITIAN TO SUBMIT TO  
4 AN EXAMINATION TO EVALUATE THE EXTENT OF THE ILLNESS OR  
5 CONDITION AND ITS IMPACT ON THE LICENSED DIETITIAN'S ABILITY TO  
6 PRACTICE WITH REASONABLE SKILL AND SAFETY TO CLIENTS.

7 (2) (a) UPON DETERMINING THAT A LICENSED DIETITIAN WITH A  
8 PHYSICAL OR MENTAL ILLNESS OR CONDITION IS ABLE TO RENDER LIMITED  
9 SERVICES WITH REASONABLE SKILL AND SAFETY TO CLIENTS, THE BOARD  
10 MAY ENTER INTO A CONFIDENTIAL AGREEMENT WITH THE LICENSED  
11 DIETITIAN IN WHICH THE LICENSED DIETITIAN AGREES TO LIMIT HIS OR HER  
12 PRACTICE BASED ON THE RESTRICTIONS IMPOSED BY THE ILLNESS OR  
13 CONDITION, AS DETERMINED BY THE BOARD.

14 (b) AS PART OF THE AGREEMENT, THE LICENSED DIETITIAN IS  
15 SUBJECT TO PERIODIC REEVALUATIONS OR MONITORING AS DETERMINED  
16 APPROPRIATE BY THE BOARD.

17 (c) THE PARTIES MAY MODIFY OR DISSOLVE THE AGREEMENT AS  
18 NECESSARY BASED ON THE RESULTS OF A REEVALUATION OR MONITORING.

19 (3) BY ENTERING INTO AN AGREEMENT WITH THE BOARD  
20 PURSUANT TO THIS SECTION TO LIMIT HIS OR HER PRACTICE, A LICENSED  
21 DIETITIAN IS NOT ENGAGING IN ACTIVITIES PROHIBITED PURSUANT TO  
22 SECTION 12-35.3-111. THE AGREEMENT DOES NOT CONSTITUTE A  
23 RESTRICTION OR DISCIPLINE BY THE BOARD. HOWEVER, IF THE LICENSED  
24 DIETITIAN FAILS TO COMPLY WITH THE TERMS OF AN AGREEMENT ENTERED  
25 INTO PURSUANT TO THIS SECTION, THE FAILURE CONSTITUTES A  
26 PROHIBITED ACTIVITY PURSUANT TO SECTION 12-35.3-111, AND THE  
27 LICENSED DIETITIAN IS SUBJECT TO DISCIPLINE IN ACCORDANCE WITH THAT

1 SECTION.

2 (4) THIS SECTION DOES NOT APPLY TO A LICENSED DIETITIAN  
3 SUBJECT TO DISCIPLINE FOR PROHIBITED ACTIVITIES AS DESCRIBED IN  
4 SECTION 12-35.3-111.

5 **12-35.3-114. Penalties.** (1) A PERSON WHO VIOLATES THIS  
6 ARTICLE BY PRACTICING DIETETICS WITHOUT COMPLYING WITH THIS  
7 ARTICLE IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF,  
8 SHALL BE PUNISHED BY A FINE OF NOT MORE THAN FIVE HUNDRED  
9 DOLLARS OR IMPRISONMENT FOR A PERIOD NOT EXCEEDING SIX MONTHS,  
10 OR BOTH.

11 (2) EACH DAY OF VIOLATION CONSTITUTES A SEPARATE OFFENSE.

12 (3) IN ADDITION TO ANY OTHER FINE OR PENALTY THAT MAY BE  
13 IMPOSED AGAINST ANY PERSON FOUND TO HAVE VIOLATED THIS ARTICLE,  
14 THE BOARD MAY ASSESS AND COLLECT ALL COSTS INCURRED IN  
15 CONNECTION WITH DISCIPLINARY ACTIONS, INCLUDING INVESTIGATOR  
16 FEES, STENOGRAPHER FEES, ATTORNEY FEES, AND HEARING COSTS. THE  
17 BOARD SHALL TRANSMIT ALL REVENUES COLLECTED PURSUANT TO THIS  
18 SUBSECTION (3) TO THE STATE TREASURER, WHO SHALL CREDIT THEM TO  
19 THE DIVISION OF REGISTRATIONS CASH FUND CREATED IN SECTION  
20 24-34-105 (2) (b) (I), C.R.S.

21 (4) THE BOARD SHALL TRANSMIT ALL FINES COLLECTED PURSUANT  
22 TO THIS SECTION TO THE STATE TREASURER, WHO SHALL CREDIT THEM TO  
23 THE GENERAL FUND.

24 **12-35.3-115. Repeal of article.** THIS ARTICLE IS REPEALED,  
25 EFFECTIVE SEPTEMBER 1, 2019. PRIOR TO ITS REPEAL, THE DEPARTMENT  
26 OF REGULATORY AGENCIES SHALL REVIEW THE FUNCTIONS OF THE BOARD  
27 AND THE REGULATION OF LICENSED DIETITIANS AS PROVIDED IN SECTION

1 24-34-104, C.R.S.

2 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **amend**  
3 (50.5) introductory portion; and **add** (50.5) (e) as follows:

4 **24-34-104. General assembly review of regulatory agencies**  
5 **and functions for termination, continuation, or reestablishment.**

6 (50.5) The following agencies, functions, or both, ~~shall~~ terminate on  
7 September 1, 2019:

8 (e) THE STATE BOARD OF DIETITIANS CREATED BY ARTICLE 35.3 OF  
9 TITLE 12, C.R.S., AND THE REGULATION OF LICENSED DIETITIANS  
10 PURSUANT TO THAT ARTICLE.

11 **SECTION 3. Safety clause.** The general assembly hereby finds,  
12 determines, and declares that this act is necessary for the immediate  
13 preservation of the public peace, health, and safety.