

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 45

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO DIETITIANS; AMENDING SECTION 54-3502, IDAHO CODE, TO REVISE
2 DEFINITIONS; AMENDING CHAPTER 35, TITLE 54, IDAHO CODE, BY THE ADDITION
3 OF A NEW SECTION 54-3502A, IDAHO CODE, TO ESTABLISH PROVISIONS REGARD-
4 ING DIETETIC PRACTICE; AMENDING SECTION 54-3503, IDAHO CODE, TO REVISE
5 PROVISIONS REGARDING LICENSURE; AMENDING SECTION 54-3504, IDAHO CODE,
6 TO REVISE PROVISIONS REGARDING THE DIETETIC LICENSURE BOARD; AMENDING
7 SECTION 54-3505, IDAHO CODE, TO REVISE PROVISIONS REGARDING POWERS AND
8 DUTIES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-3506,
9 IDAHO CODE, TO REVISE PROVISIONS REGARDING REQUIREMENTS FOR LICENSURE
10 AS A DIETITIAN; REPEALING SECTION 54-3507, IDAHO CODE, RELATING TO THE
11 EXAMINATION FOR LICENSURE; AMENDING SECTION 54-3508, IDAHO CODE, TO
12 PROVIDE FOR LICENSURE BY ENDORSEMENT; AMENDING SECTION 54-3509, IDAHO
13 CODE, TO REVISE PROVISIONS REGARDING LICENSE EXPIRATION AND RENEWAL;
14 AMENDING SECTION 54-3510, IDAHO CODE, TO REVISE PROVISIONS REGARDING
15 PROFESSIONAL DISCIPLINE; AMENDING CHAPTER 35, TITLE 54, IDAHO CODE, BY
16 THE ADDITION OF A NEW SECTION 54-3510A, IDAHO CODE, TO PROVIDE FOR SANC-
17 TIONS; AMENDING SECTION 54-3511, IDAHO CODE, TO PROVIDE A CORRECT CODE
18 REFERENCE; AMENDING SECTION 54-3512, IDAHO CODE, TO REVISE PROVISIONS
19 REGARDING APPLICABILITY; AND AMENDING CHAPTER 35, TITLE 54, IDAHO CODE,
20 BY THE ADDITION OF A NEW SECTION 54-3513, IDAHO CODE, TO PROVIDE SEVER-
21 ABILITY.
22

23 Be It Enacted by the Legislature of the State of Idaho:

24 SECTION 1. That Section 54-3502, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 54-3502. DEFINITIONS. As used in this chapter:

27 (1) "Academy of nutrition and dietetics" means the national organiza-
28 tion that credentials dietetics professionals and accredits undergraduate
29 and graduate programs that prepare dietetics professionals.

30 (2) "Accreditation council for education in nutrition and dietetics"
31 or "ACEND" means the accrediting organization of the academy of nutrition
32 and dietetics that is recognized by the United States department of educa-
33 tion as the accrediting agency for education programs that prepare dietetics
34 professionals.

35 (3) "Board" means the Idaho state board of medicine.

36 ~~(3) "Licensure board" means the dietetic licensure board established~~
37 ~~by this chapter.~~

38 (4) "Commission on dietetic registration" or "CDR" means the cre-
39 dentialing organization of the academy of nutrition and dietetics that
40 awards and administers credentials to individuals at entry, specialist
41 and advanced levels who have met CDR's specified criteria to practice in
42 the dietetics profession, including successful completion of its national

1 accredited certification examination and recertification by continuing
2 professional education and/or examination.

3 (5) "Dietetics" means the integration, application and communication
4 of principles derived from food, nutrition, social, business and basic
5 sciences to achieve and maintain optimal nutrition status of individuals
6 through the development, provision and management of effective food and nu-
7 trition services in a variety of settings.

8 (26) "Dietitian" or "dietician" are interchangeable terms and means a
9 person licensed under the provisions of this chapter as a licensed dietitian
10 (LD) who:

11 (a) Is trained in the science of nutrition and dietetics and who has
12 met current minimum academic requirements with successful completion
13 of specified didactic education and supervised practice experiences
14 through programs accredited by ACEND or a similar agency approved by the
15 board with substantially equivalent educational requirements; and

16 (b) Has successfully completed the registration examination for dieti-
17 tians administered by the CDR or a similar agency approved by the board
18 with a substantially equivalent examination and has been granted and
19 maintains the title registered dietitian (RD) or registered dietitian
20 nutritionist (RDN).

21 (7) "Evidence-based dietetics practice" means the process of ask-
22 ing questions, systematically finding research evidence and assessing its
23 validity, applicability and importance to food and nutrition practice deci-
24 sions, including the application of relevant evidence in the context of the
25 practice situation and the values of clients, customers and communities to
26 achieve positive outcomes.

27 (38) "Licensure board" means the dietetic licensure board established
28 by this chapter.

29 (9) "Medical nutrition therapy" or "MNT" means an evidence-based
30 application of the nutrition care process. The provision of MNT to a
31 patient/client may include one (1) or more of the following: nutrition as-
32 essment or reassessment, nutrition diagnosis, and nutrition intervention
33 for the prevention, delay or management of diseases or conditions.

34 (10) "Nutrition care process" means a systematic approach to providing
35 high-quality nutrition care that consists of four (4) distinct, interre-
36 lated steps:

37 (a) Nutrition assessment, which means a systematic method for obtain-
38 ing, verifying and interpreting data needed to identify nutrition-re-
39 lated problems, their causes and their significance;

40 (b) Nutrition diagnosis, which means the identification of a specific
41 nutrition problem that a dietitian is responsible for treating indepen-
42 dently;

43 (c) Nutrition intervention, which means a purposefully planned action
44 intended to positively change a nutrition-related behavior, environ-
45 mental condition or aspect of health status for the patient/client and
46 family or caregivers, target group or the community at large; and

47 (d) Nutrition monitoring and evaluation, in which:

48 (i) Nutrition monitoring means the replanned review and
49 measurement of selected nutrition care indicators of the pa-

1 tient/client's status relevant to the defined needs, nutrition
2 diagnosis, nutrition intervention and outcomes; and
3 (ii) Nutrition evaluation means the systematic comparison of cur-
4 rent findings with the previous status, nutrition intervention
5 goals, effectiveness of overall nutrition care or comparison to a
6 reference standard.

7 (411) "Provisionally licensed dietitian" means a person provisionally
8 licensed under the provisions of this chapter.

9 SECTION 2. That Chapter 35, Title 54, Idaho Code, be, and the same is
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
11 ignated as Section 54-3502A, Idaho Code, and to read as follows:

12 54-3502A. DIETETIC PRACTICE. (1) Dietetic practice focuses on food
13 and nutrition and related services developed and provided by dietitians to
14 protect the public, enhance the health and well-being of patients/clients,
15 and deliver quality products, programs and services, and medical nutri-
16 tion therapy. Dietitians practice across varied settings, including
17 health care, business and industry, communities and public health systems,
18 schools, colleges, the military, government, research, food service manage-
19 ment, teaching, consulting, media, writing, public speaking and informatics
20 and private practice.

21 (2) Clinical nutrition and dietetics practice is the utilization of
22 skills, knowledge and applied judgment of the dietitian whose practice
23 involves nutrition care, medical nutrition therapy and related services
24 provided to individuals and groups of all ages to address health promotion
25 and prevention, delay or management of diseases and conditions.

26 (3) Clinical privileges. Authorization for clinical privileges is
27 granted by the appropriate authority or a health care organization to a di-
28 etitian to provide specific care, treatment or services in the organization
29 within well-defined limits based on licensure, education, training, experi-
30 ence, judgment and demonstrated and documented competence or certification.

31 (4) A licensed dietitian, in accordance with established protocols
32 consistent with facility policy or procedure, may:

33 (a) Order patient diets, including therapeutic diets;

34 (b) Implement medical nutrition therapy;

35 (c) Order medical laboratory tests related to nutritional therapeutic
36 treatments;

37 (d) Initiate, implement and adjust pharmacotherapy plans; and

38 (e) Perform nutrition-focused physical assessments to evaluate for nu-
39 tritional risk.

40 (5) A board-certified specialist is a registered dietitian or regis-
41 tered dietitian nutritionist credentialed by the CDR or other certifying en-
42 tity who has met empirically established criteria, who has successfully com-
43 pleted a specialty certification examination that simulates and tests prac-
44 tice-related knowledge, skills or abilities, and who:

45 (a) Conforms to the scope of practice and standards of practice as de-
46 fined by the specialty certification entity;

47 (b) Carries out functions beyond the basic educational preparation for
48 the registered dietitian or registered dietitian nutritionist; and

1 (c) Maintains specialty certification by meeting the requirements
2 specified by the certifying entity.

3 SECTION 3. That Section 54-3503, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 54-3503. LICENSE REQUIRED. (1) ~~From and after January 1, 1995, i~~It is
6 unlawful for any person to assume or use the title or designation of "dieti-
7 tian," "certified licensed dietitian (LD)," "registered dietitian (RD),"
8 "registered dietitian nutritionist" (RDN), or any other combination of
9 terms that include the title "dietitian," unless such person has been issued
10 a license pursuant to this chapter and the license is in good standing pur-
11 suant to rules of the board. Nothing contained herein shall be construed to
12 prohibit the use of the term "dietetic nutrition" or "diet" as a descriptive
13 term in connection with a person's occupation or employment.

14 (2) No person shall use any other title, designation, words, letters,
15 abbreviations, or sign, card or device which indicates to the public that
16 such person is a dietitian or has been issued a temporary permit pursuant to
17 this chapter unless the person is so licensed or has been issued such permit,
18 and the license or permit is in good standing pursuant to rules of the board.

19 (3) A person who is a registered dietitian, as determined by the commis-
20 sion on dietetic registration of the academy of nutrition and dietetics, or
21 ~~, who is credentialed as a dietitian by any other association which is also~~
22 ~~recognized by the national commission for certifying agencies, its succes-~~
23 ~~or organization may continue to use such credential without being licensed~~
24 ~~pursuant to this chapter as long as the person does not engage in activities~~
25 ~~the practice of dietetics as set forth in section 54-3505(3), Idaho Code this~~
26 ~~chapter.~~

27 (4) Exemptions for licensure. The provisions of this chapter shall not
28 apply to the following:

29 (a) Persons who are not licensed dietitians but are licensed under ti-
30 tle 54, Idaho Code, acting within the scope of their profession and do-
31 ing work of a nature consistent with their training, provided that they
32 do not represent themselves by any title or practice description pro-
33 hibited by subsection (1) of this section; or

34 (b) Persons who are licensed to practice medicine and surgery, osteo-
35 pathic medicine and surgery, or osteopathic medicine under chapter 18,
36 title 54, Idaho Code, provided that they do not represent themselves as
37 licensed dietitians.

38 SECTION 4. That Section 54-3504, Idaho Code, be, and the same is hereby
39 amended to read as follows:

40 54-3504. DIETETIC LICENSURE BOARD CREATED -- APPOINTMENT --
41 TERMS. (1) A dietetic licensure board is hereby created and the members
42 thereof shall be appointed by the Idaho state board of medicine within sixty
43 (60) days following the effective date of this chapter.

44 (2) The dietetic licensure board shall consist of four (4) members,
45 three (3) of whom shall be dietitians and one (1) member shall be a member
46 of the public with an interest in the rights of the consumer of health care
47 services.

1 (3) In making appointments to the dietetic licensure board, the board
2 shall give consideration to recommendations made by the Idaho academy of nu-
3 trition and dietetics, other professional organizations and dietitians and
4 physicians.

5 (4) All members of the dietetic licensure board shall be current resi-
6 dents of the state of Idaho and have been residents of the state of Idaho for a
7 minimum of three (3) years immediately preceding appointment.

8 ~~(5) The initial three (3) dietitian members of the dietetic licensure~~
9 ~~board shall be persons registered by the commission on dietetic regis-~~
10 ~~tration, academy of nutrition and dietetics, who are eligible to become~~
11 ~~licensed pursuant to this chapter, and who shall, within such time as may be~~
12 ~~established by the board, become licensed pursuant to this chapter.~~

13 ~~(6) The initial dietetic licensure board shall be appointed for stag-~~
14 ~~gered terms, the longer of which will not exceed four (4) years. After the~~
15 ~~initial appointments, all terms shall be four (4) years, and a member may be~~
16 ~~reappointed one (1) time. In the event of death, resignation, or removal of~~
17 ~~any member before the expiration of the term to which appointed, the vacancy~~
18 ~~shall be filled for the unexpired portion of the term in the same manner as~~
19 ~~the original appointment.~~

20 ~~(7) The board may, upon recommendation of the dietetic licensure~~
21 ~~board, or upon its own motion, remove any member of the dietetic licensure~~
22 ~~board, for cause, prior to the expiration of the member's term.~~

23 ~~(8) The dietetic licensure board shall, within thirty (30) days after~~
24 ~~its appointment, and at least annually thereafter, hold a meeting and elect a~~
25 ~~chairperson. The licensure board may hold additional meetings on the call of~~
26 ~~the chairperson or at the written request of any two (2) members of the licen-~~
27 ~~sure board. The licensure board may appoint such committees as it considers~~
28 ~~necessary to carry out its duties. A majority of the members of the licensure~~
29 ~~board shall constitute a quorum.~~

30 ~~(9) Each member of the licensure board shall be compensated as pro-~~
31 ~~vided in section 59-509(n), Idaho Code.~~

32 SECTION 5. That Section 54-3505, Idaho Code, be, and the same is hereby
33 amended to read as follows:

34 54-3505. BOARD OF MEDICINE AND DIETETIC LICENSURE BOARD -- POWERS AND
35 DUTIES -- FUNDS. (1) The board of medicine shall administer, coordinate,
36 and enforce the provisions of this chapter, and, for that purpose, may hire
37 such employees as may be necessary. The dietetic licensure board shall make
38 recommendations to, and consult with, the board concerning qualification of
39 applicants for licensure, issuance of licenses, ~~revocation~~ discipline of
40 licenses licensees and rules to be promulgated under this chapter.

41 (2) The board of medicine ~~shall~~ may, upon recommendation of the di-
42 etetic licensure board, adopt rules, pursuant to chapter 52, title 67, Idaho
43 Code, necessary to implement the provisions of this chapter including, but
44 not limited to, rules relating to professional licensure, examination, the
45 establishment of ethical standards of practice, disciplinary proceedings,
46 and license suspension, restriction or revocation for persons holding a li-
47 cense to practice dietetics in this state.

48 (3) ~~The board of medicine, in performing its duties pursuant to this~~
49 ~~chapter, shall, for the purpose of providing for the determination of the~~

1 ~~qualifications of applicants for licensure, as it relates to the educa-~~
 2 ~~tional, preprofessional practice programs or dietetic internships, or as it~~
 3 ~~relates to the examination requirements for applicants, the establishment~~
 4 ~~of ethical standards of practice, or the conducting or determining disci-~~
 5 ~~plinary proceedings, consider the following definitions to apply to such~~
 6 ~~applicants and to persons licensed pursuant to this chapter:~~

7 ~~(a) "Dietetic practice," "practice of dietetics," or "practice dietet-~~
 8 ~~ics," means the integration and application of principles derived from~~
 9 ~~the sciences of nutrition, biochemistry, food physiology, management,~~
 10 ~~and behavioral and social sciences to achieve and maintain human health~~
 11 ~~through the provision of medical nutrition services and the development~~
 12 ~~of therapeutic nutrition care plans to assist in the maintenance of~~
 13 ~~health and the prevention and treatment of disorders of body functions,~~
 14 ~~systems or organs.~~

15 ~~(b) "Medical nutrition services" means nutritional assessment, the de-~~
 16 ~~sign and implementation of therapeutic nutrition care plans, and nutri-~~
 17 ~~tion therapy counseling.~~

18 ~~(c) "Nutritional assessment" means the evaluation of nutritional needs~~
 19 ~~of individuals and groups based upon appropriate biochemical, anthro-~~
 20 ~~pometric, physical, and dietary data which is necessary to determine~~
 21 ~~nutrient needs and to recommend appropriate enteral or parenteral nu-~~
 22 ~~tritional intake.~~

23 ~~d) "Therapeutic nutrition care plan" means:~~

24 ~~(i) Design and implementation of nutrition goals and objectives~~
 25 ~~for individuals and groups for the maintenance of health and pre-~~
 26 ~~vention of disease;~~

27 ~~(ii) Design and implementation of therapeutic nutrition regi-~~
 28 ~~mens, including enteral and parenteral nutrition for the treat-~~
 29 ~~ment of disorders of body functions, systems or organs;~~

30 ~~(iii) Establishing priorities, goals, and objectives that meet~~
 31 ~~nutritional needs and are consistent with available resources and~~
 32 ~~constraints;~~

33 ~~(iv) Developing, implementing, and managing nutrition care sys-~~
 34 ~~tems; or~~

35 ~~(v) Evaluating, making changes in, and maintaining appropriate~~
 36 ~~standards of quality in food and nutrition care services.~~

37 ~~(e) "Nutrition therapy counseling" means advising or assisting indi-~~
 38 ~~viduals or groups on appropriate nutrient intake by integrating infor-~~
 39 ~~mation from the nutritional assessment and therapeutic nutrition care~~
 40 ~~plan with information on food and other sources of nutrients and meal~~
 41 ~~preparation consistent with health needs, disease state, psychosocial~~
 42 ~~status, cultural background, and available resources.~~

43 ~~(4) The dietetic licensure board shall hold meetings, conduct hearings~~
 44 ~~and keep records and minutes as are necessary to carry out its functions.~~

45 ~~(54) All fees received under the provisions of this chapter shall be~~
 46 ~~deposited in the state treasury to the credit of the state board of medicine~~
 47 ~~fund created in section 54-1809, Idaho Code, and all costs and expenses~~
 48 ~~incurred by the board and dietetic licensure board under the provisions of~~
 49 ~~this chapter shall be a charge against and paid from said fund for such pur-~~
 50 ~~poses, and the funds collected hereunder shall be immediately available for~~

1 the administration of this chapter. In no instance shall the state board of
 2 medicine fund be obligated to pay any claims ~~which~~ that, in aggregate with
 3 claims already allowed, exceed the income to the state board of medicine fund
 4 ~~which has been~~ derived from the application of this chapter. Money paid into
 5 the state board of medicine fund pursuant to this chapter is hereby contin-
 6 uously appropriated to the board for expenditure in the manner prescribed
 7 herein to defray the expenses of the board and dietetic licensure board in
 8 carrying out and enforcing the provisions of this chapter.

9 SECTION 6. That Section 54-3506, Idaho Code, be, and the same is hereby
 10 amended to read as follows:

11 54-3506. REQUIREMENTS FOR LICENSURE AS A DIETITIAN. A person applying
 12 for a license shall file a written application provided by the board show-
 13 ing to the satisfaction of the board that such person meets the following re-
 14 quirements:

15 (1) Has successfully completed the following academic and supervised
 16 practice requirements of an education program in dietetics approved by the
 17 licensure board; and:

18 (a) A minimum of a baccalaureate degree granted by a United States re-
 19 gionally accredited college or university or a foreign equivalent;

20 (b) An ACEND-accredited didactic program in dietetics or a substan-
 21 tially similar program approved by the board;

22 (c) An ACEND-accredited supervised practice program in the United
 23 States or its territories or a substantially similar program approved
 24 by the board; and

25 (2) ~~Has successfully completed a dietetic internship or preprofes-~~
 26 ~~sional practice program, coordinated program, or such other equivalent~~
 27 ~~experience as may be approved by the licensure board.~~

28 (3) ~~Has passed an~~ successfully completed the registration examina-
 29 tion for registered dietitians as provided in section 54-3507, Idaho Code
 30 administered by the commission on dietetic registration or its successor
 31 organization as recognized by the licensure board.

32 The board may require an applicant to be personally interviewed by the
 33 board or by a designated committee of the board. Such an interview shall be
 34 limited to a review of the applicant's qualifications and professional cre-
 35 dentials.

36 SECTION 7. That Section 54-3507, Idaho Code, be, and the same is hereby
 37 repealed.

38 SECTION 8. That Section 54-3508, Idaho Code, be, and the same is hereby
 39 amended to read as follows:

40 54-3508. WAIVER OF REQUIREMENTS LICENSURE BY ENDORSEMENT. (1) ~~The li-~~
 41 ~~cence board shall grant a license to any person who, on the effective date~~
 42 ~~of this chapter, is registered as a dietitian by and with the commission on~~
 43 ~~dietetic registration for the academy of nutrition and dietetics, a member~~
 44 ~~of the national commission for certifying agencies.~~

45 (2) ~~The licensure board may waive the examination, education, or expe-~~
 46 ~~rience requirements and grant a license to any person registered by the com-~~

1 ~~mission after the effective date of this chapter if the board determines the~~
 2 ~~requirements for such registration to be equivalent to the requirements for~~
 3 ~~licensure set forth in this chapter.~~

4 ~~(3) The licensure board may waive the examination, education, or expe-~~
 5 ~~rience requirements and grant a license by endorsement to any applicant who~~
 6 ~~shall:~~

7 ~~(1) Presents proof of current registration by the commission on di-~~
 8 ~~etetic registration;~~

9 ~~(2) Presents proof of current licensure to engage in the practice of di-~~
 10 ~~etetics in another state, or the District of Columbia, or territory of the~~
 11 ~~United States which that requires standards for licensure considered by the~~
 12 ~~board to be equivalent to the requirements for licensure pursuant to this~~
 13 ~~chapter; and~~

14 ~~(3) Does not have any disciplinary action, whether past, pending, pub-~~
 15 ~~lic or confidential, by any licensing board, licensing authority, profes-~~
 16 ~~sional association, hospital or institution in any state or district.~~

17 SECTION 9. That Section 54-3509, Idaho Code, be, and the same is hereby
 18 amended to read as follows:

19 54-3509. LICENSE EXPIRATION AND RENEWAL. (1) A license issued under
 20 the provisions of this chapter shall be subject to annual or biennial renewal
 21 and shall expire unless renewed in the manner prescribed by the rules of the
 22 licensure board, upon payment of a renewal fee.

23 (2) The board shall establish the following fees relating to licensing,
 24 which fees shall be established in an amount ~~which is~~ sufficient to defray
 25 all costs necessary for the administration of this chapter:

26 (a) Initial license and examination fee;

27 (b) Renewal of license fee;

28 (c) Inactive license fee;

29 (d) Limited permit fee;

30 (e) Late renewal fees.

31 (3) No license ~~which that~~ has been expired for more than twenty-four
 32 (24) months, may be renewed. The applicant shall comply with the require-
 33 ments of section 54-3506, Idaho Code, for obtaining an initial license.

34 (4) Maintenance of registration by the CDR or its successor organiza-
 35 tion is required for license renewal.

36 SECTION 10. That Section 54-3510, Idaho Code, be, and the same is hereby
 37 amended to read as follows:

38 54-3510. ~~SUSPENSION AND REVOCATION OF LICENSE~~ GROUNDS FOR DISCI-
 39 PLINE. The board, in accordance with the requirements of chapter 52, title
 40 67, Idaho Code, may, upon recommendation of the licensure board, refuse to
 41 issue a license or permit, refuse to renew a license or permit, or may sus-
 42 pend, restrict or revoke a license or permit, under such conditions as the
 43 board may determine, if the licensee, permittee or applicant for license:

44 (1) Has been convicted of a felonious act, felony or crime involving
 45 moral turpitude or has entered a plea of guilty to, or been found guilty of,
 46 the commission of a felony or a crime involving moral turpitude;

1 (2) Obtained a license or permit pursuant to this chapter by means of
2 fraud, misrepresentation or concealment of material facts;

3 (3) Practiced dietetics under a false or an assumed name in this or any
4 other state;

5 (4) Knowingly aided or abetted the unlicensed practice of dietetics;

6 (35) Engaged in the practice of dietetics in a manner ~~which~~ that does
7 not meet the generally accepted standards for the practice of dietetics
8 within the state of Idaho;

9 (6) Divided fees or gifts or agreed to split or divide fees or gifts re-
10 ceived for professional services with any person, institution or corpora-
11 tion in exchange for a referral;

12 (47) ~~Has f~~Failed to maintain the confidentiality of medical records or
13 other medical information pertaining to identifiable patients, except as
14 required or authorized by law;

15 (58) Engaged in any conduct ~~which~~ that constitutes an abuse or ex-
16 ploitation of a patient arising out of the trust and confidence placed in the
17 dietitian by the patient;

18 (9) Failed to supervise the activities of a provisionally licensed di-
19 etitian;

20 (10) Continued to practice as a dietitian when a license pursuant to
21 this chapter was suspended, revoked or inactive;

22 (11) Practiced as a dietitian in violation of a voluntary restriction or
23 terms of probation pursuant to this chapter;

24 (12) Continued to practice as a dietitian when registration by the CDR
25 or its successor organization was not renewed or was suspended or revoked;

26 (13) Has been convicted of or pled guilty to driving under the influence
27 of alcohol, drugs or other intoxicating substances, or has been convicted of
28 or pled guilty to other drug- or alcohol-related criminal charges; or

29 (14) Failed to comply with a board order.

30 SECTION 11. That Chapter 35, Title 54, Idaho Code, be, and the same is
31 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
32 ignated as Section 54-3510A, Idaho Code, and to read as follows:

33 54-3510A. DISCIPLINARY SANCTIONS. If grounds for discipline are found
34 to exist, the board of medicine, upon the recommendation of the licensure
35 board, may issue an order to:

36 (1) Revoke the dietitian's license to practice dietetics;

37 (2) Suspend or restrict the dietitian's license to practice dietetics;

38 (3) Impose conditions or probation upon the dietitian's license to
39 practice dietetics;

40 (4) Impose an administrative fine not to exceed one thousand dollars
41 (\$1,000) for each count or offense; and/or

42 (5) Assess costs and attorney's fees against the dietitian for any in-
43 vestigation and/or administrative proceeding.

44 SECTION 12. That Section 54-3511, Idaho Code, be, and the same is hereby
45 amended to read as follows:

46 54-3511. PENALTIES. (1) A person who violates any provision of this
47 chapter shall, upon conviction, be guilty of a misdemeanor.

1 (2) The representation to another person that a person is licensed pur-
2 suant to this chapter, when such representation is untrue, constitutes the
3 using of a method, act, or practice which is declared to be unlawful under the
4 provisions of chapter 66, title 48, Idaho Code.

5 SECTION 13. That Section 54-3512, Idaho Code, be, and the same is hereby
6 amended to read as follows:

7 54-3512. INAPPLICABILITY OF CHAPTER. (1) This chapter shall not be
8 construed to prevent any person from ~~engaging in activities set forth in sec-~~
9 ~~tion 54-3505(3), Idaho Code, or from~~ rendering advice, guidance or counsel
10 regarding ~~medical nutrition service, therapeutic nutrition care,~~ nutri-
11 tional ~~assessments~~ analysis, nutrition ~~therapy~~ counseling, weight control
12 services, or from providing nutrition information in connection with the
13 marketing and distribution of a food product, dietary supplement, or well-
14 ness/exercise program.

15 (2) This chapter shall not be construed to prevent any person licensed
16 or registered in this state, pursuant to any other law of the state, from en-
17 gaging in the profession or occupation for which such person is licensed or
18 registered.

19 SECTION 14. That Chapter 35, Title 54, Idaho Code, be, and the same is
20 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
21 ignated as Section 54-3513, Idaho Code, and to read as follows:

22 54-3513. SEVERABILITY. The provisions of this chapter are hereby de-
23 clared to be severable, and if any provision of this chapter or the applica-
24 tion of such provision to any person or circumstance is declared invalid for
25 any reason, such declaration shall not affect the validity of remaining por-
26 tions of this chapter.