

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature First Regular Session - 2017

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 129

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO DIETITIANS; AMENDING SECTION 54-3502, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING CHAPTER 35, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-3502A, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING DIETETIC PRACTICE; AMENDING SECTION 54-3503, IDAHO CODE, TO REVISE PROVISIONS REGARDING LICENSURE; AMENDING SECTION 54-3504, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DIETETIC LICENSURE BOARD; AMENDING SECTION 54-3505, IDAHO CODE, TO REVISE PROVISIONS REGARDING POWERS AND DUTIES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-3506, IDAHO CODE, TO REVISE PROVISIONS REGARDING REQUIREMENTS FOR LICENSURE AS A DIETITIAN; REPEALING SECTION 54-3507, IDAHO CODE, RELATING TO THE EXAMINATION FOR LICENSURE; AMENDING SECTION 54-3508, IDAHO CODE, TO PROVIDE FOR LICENSURE BY ENDORSEMENT; AMENDING SECTION 54-3509, IDAHO CODE, TO REVISE PROVISIONS REGARDING LICENSE EXPIRATION AND RENEWAL; AMENDING SECTION 54-3510, IDAHO CODE, TO REVISE PROVISIONS REGARDING PROFESSIONAL DISCIPLINE; AMENDING CHAPTER 35, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-3510A, IDAHO CODE, TO PROVIDE FOR SANCTIONS; AMENDING SECTION 54-3511, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 54-3512, IDAHO CODE, TO REVISE PROVISIONS REGARDING APPLICABILITY; AND AMENDING CHAPTER 35, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-3513, IDAHO CODE, TO PROVIDE SEVERABILITY.

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

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

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

(1) "Academy of nutrition and dietetics" means the national organization that credentials dietetics professionals and accredits undergraduate and graduate programs that prepare dietetics professionals.

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

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

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

(4) "Commission on dietetic registration" or "CDR" means the credentialing organization of the academy of nutrition and dietetics that awards and administers credentials to individuals at entry, specialist and advanced levels who have met CDR's specified criteria to practice in 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 preplanned review and
 49 measurement of selected nutrition care indicators of the pa-

tient/client's status relevant to the defined needs, nutrition diagnosis, nutrition intervention and outcomes; and
 (ii) Nutrition evaluation means the systematic comparison of current findings with the previous status, nutrition intervention goals, effectiveness of overall nutrition care or comparison to a reference standard.

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

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

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

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

(3) Clinical privileges. Authorization for clinical privileges is granted by the appropriate authority or a health care organization to a dietitian to provide specific care, treatment or services in the organization within well-defined limits based on licensure, education, training, experience, judgment and demonstrated and documented competence or certification.

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

- (a) Order patient diets, including therapeutic diets;
- (b) Implement medical nutrition therapy;
- (c) Order medical laboratory tests related to nutritional therapeutic treatments;
- (d) Initiate, implement and adjust pharmacotherapy plans; and
- (e) Perform nutrition-focused physical assessments to evaluate for nutritional risk.

(5) A board-certified specialist is a registered dietitian or registered dietitian nutritionist credentialed by the CDR or other certifying entity who has met empirically established criteria, who has successfully completed a specialty certification examination that simulates and tests practice-related knowledge, skills or abilities, and who:

- (a) Conforms to the scope of practice and standards of practice as defined by the specialty certification entity;
- (b) Carries out functions beyond the basic educational preparation for the registered dietitian or registered dietitian nutritionist; and

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

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

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

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

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

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

(a) Persons who are not licensed dietitians but are licensed under title 54, Idaho Code, acting within the scope of their profession and doing work of a nature consistent with their training, provided that they do not represent themselves by any title or practice description prohibited by subsection (1) of this section; or

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

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

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

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

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

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

54-3506. REQUIREMENTS FOR LICENSURE AS A DIETITIAN. A person applying for a license shall file a written application provided by the board showing to the satisfaction of the board that such person meets the following requirements:

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

(a) A minimum of a baccalaureate degree granted by a United States regionally accredited college or university or a foreign equivalent;

(b) An ACEND-accredited didactic program in dietetics or a substantially similar program approved by the board;

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

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

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

The board may require an applicant to be personally interviewed by the board or by a designated committee of the board. Such an interview shall be limited to a review of the applicant's qualifications and professional credentials.

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

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

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

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

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

(3) The licensure board may waive the examination, education, or experience requirements and grant a license by endorsement to any applicant who shall:

(1) Presents proof of current registration by the commission on dietetic registration;

(2) Presents proof of current licensure to engage in the practice of dietetics in another state, or the District of Columbia, or territory of the United States which that requires standards for licensure considered by the board to be equivalent to the requirements for licensure pursuant to this chapter; and

(3) Does not have any disciplinary action, whether past, pending, public or confidential, by any licensing board, licensing authority, professional association, hospital or institution in any state or district.

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

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

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

(a) Initial license and examination fee;

(b) Renewal of license fee;

(c) Inactive license fee;

(d) Limited permit fee;

(e) Late renewal fees.

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

(4) Maintenance of registration by the CDR or its successor organization is required for license renewal.

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

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

(1) Has been convicted of a felonious act, felony or crime involving moral turpitude or has entered a plea of guilty to, or been found guilty of, 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, nutrition therapy counseling, weight control services,
12 or from providing nutrition information in connection with the marketing and
13 distribution of a food product, dietary supplement, or wellness/exercise
14 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.