

1 **SENATE FLOOR VERSION**

2 February 23, 2015

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 615

6 By: Sparks

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

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

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

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

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

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

23 3. "Dietetics" means the ~~professional discipline of applying~~
24 ~~and integrating scientific principles of nutrition pursuant to~~
~~different health, social, cultural, physical, psychological, and~~
~~economic conditions to the proper nourishment, care, and education~~

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

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

1 consistent with cultural background and socioeconomic
2 status,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
8 February 23, 2015 - DO PASS AS AMENDED
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