

An Act

ENROLLED SENATE
BILL NO. 615

By: Sparks of the Senate

and

Thomsen of the House

An Act relating to the Licensed Dietitian Act; amending 59 O.S. 2011, Section 1722, which relates to definitions; providing, expanding and revising certain definitions; amending 59 O.S. 2011, Section 1738, which relates to licensure; expanding grounds for suspension or revocation; prohibiting certain interpretation; clarifying language; providing fines and liability for violations; directing deposit of certain funds; providing for codification; and providing an effective date.

SUBJECT: Licensed Dietitian Act

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

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

Section 1722. As used in the Licensed Dietitian Act:

1. "Board" means the State Board of Medical Licensure and Supervision-;

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

3. ~~"Dietetics" means the professional discipline of applying and integrating scientific~~ integration and application of principles derived from the sciences of nutrition, pursuant to different health, social, cultural, physical, psychological, and economic conditions to the proper nourishment, care, and education of individuals or groups throughout the life cycle. The term includes the development, management, and provision of nutritional services. biochemistry, food, physiology, behavioral and social sciences to provide nutrition services that include:

- a. nutrition assessment,
- b. the establishment of priorities, goals and objectives that meet nutritional needs,
- c. the provisions of nutrition counseling in health and disease,
- d. the development, implementation and management of nutrition care plans, and
- e. the evaluation and maintenance of appropriate standards of quality in food and nutrition;

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

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

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

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

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

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

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

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

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

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

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

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

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

7. Gross negligence in the practice of nutrition;

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

9. Engagement in conduct contrary to the Standards of Professional Conduct established by the Board, whether in the course of his or her professional capacity or otherwise, which conduct

would reasonably be found to bring discredit to the profession of dietetics;

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

11. A license suspended or revoked in another state.

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

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

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

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

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

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

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

SECTION 4. This act shall become effective November 1, 2016.

Passed the Senate the 20th day of May, 2016.

Eddie Finkel
Presiding Officer of the Senate

Passed the House of Representatives the 24th day of May, 2016.

Lee R. Jones
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 24th

day of May, 2016, at 4:10 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 6th

day of June, 2016, at 3:47 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 6th

day of June, 2016, at 4:53 o'clock P M.

By: Christ Benz