

LEGISLATURE OF THE STATE OF IDAHO

Sixty-_____ Legislature

First Regular Session - 20__

IN THE _____

_____ BILL NO. _____

BY HEALTH AND WELFARE COMMITTEE

CHAPTER 35
PRACTICE ACT
DIETITIANS

AN ACT

1 RELATING TO THE DIETITIANS PRACTICE ACT; AMENDING SECTION 54-3502, IDAHO
2 CODE, TO DEFINE TERMS, ACCREDITED PROGRAMS AND NUTRITION INTERVENTIONS;
3 ADDING NEW SECTION 54-3502A, IDAHO CODE TO BE KNOWN AND DESIGNATED AS:
4 54-3502A, IDAHO CODE DIETETIC PRACTICE, CLARIFYING DIETETIC PRACTICE AND
5 SETTINGS, CLINICAL PRIVILEGES, TREATMENT OR SERVICES BASED ON LICENSURE,
6 EDUCATION, TRAINING, EXPERIENCE, JUDGEMENT, DEMONSTRATED AND DOCUMENTED
7 COMPETENCE OR CERTIFICATION, ORDER OF DIETS INCLUDING THERAPEUTIC DIETS,
8 AND THE INCLUSION OF A BOARD CERTIFIED SPECIALIST AS A REGISTERED
9 DIETITIAN OR REGISTERED DIETITIAN NUTRITIONIST CREDENTIALLED BY THE CDR
10 OR OTHER CERTIFYING ENTITY WHO HAS MET ESTABLISHED CRITERIA AND
11 SUCCESSFULLY COMPLETED A SPECIALTY CERTIFICATION EXAMINATION; AMENDING
12 SECTION 54-3503, IDAHO CODE STIPULATING THAT IT IS UNLAWFUL FOR ANY
13 PERSON TO PRACTICE DIETETICS, TO OFFER TO PRACTICE DIETETICS, OR TO
14 ASSUME OR USE THE TITLE OR DESIGNATION OF "DIETITIAN" UNLESS SUCH PERSON
15 HAS BEEN ISSUED A LICENSE PURSUANT TO THIS CHAPTER AND THE LICENSE IS IN
16 GOOD STANDING PURSUANT TO RULES OF THE BOARD; AMENDING 54-3504, IDAHO
17 CODE TO REVISE DIETETIC LICENSURE BOARD MEMBERSHIP AND TO ALLOW
18 RECOMMENDATION TO THE BOARD BY THE IDAHO ACADEMY OF NUTRITION AND
19 DIETETICS; AMENDING 54-3505 TO CLARIFY POWERS AND DUTIES OF THE BOARD;
20 AMENDING 54-3506, IDAHO CODE TO INCLUDE A SUBSTANTIALLY SIMILAR PROGRAM
21 APPROVED BY THE BOARD TO THAT OF AN ACEND ACCREDITED DIDACTIC PROGRAM IN
22 DIETETICS, REQUIRING SUCCESSFUL COMPLETION OF THE REGISTRATION
23 EXAMINATION, AND ALLOWANCE OF BOARD INTERVIEW ON APPLICANT'S
24 QUALIFICATIONS AND PROFESSIONAL CREDENTIALS IF REQUESTED; AMENDING 54-
25 3507, IDAHO CODE TO REMOVE ENTIRE SECTION TO BE REPLACED BY AMENDING 54-
26 5308, IDAHO CODE WAIVING THE EXAMINATION, EDUCATION, OR EXPERIENCE
27 REQUIREMENTS BY GRANTING AN ENDORSMENT OR IF NO DISCIPLINARY ACTION HAS
28 BEEN TAKEN BY ANY LICENSING BOARD, LICENSING AUTHORITY, PROFESSIONAL
29 ASSOCIATION, HOSPITAL, OR ANY INSTITUTION IN ANY STATE OR DISTRICT, AND
30 TO REMOVE THE TERRITORY OF THE UNITED STATES; AMENDING 54-3509, IDAHO
31 CODE TO ADD MAINTENANCE OF REGISTRATION BY THE CDR OR ITS SUCCESSOR
32 ORGANIZATION IS REQUIRED FOR LICENSURE RENEWAL; AMENDING 54-3510, IDAHO
33 CODE TO ADD GROUNDS FOR DISCIPLINE; ADDING NEW SECTION 54-3510A, IDAHO
34 CODE TO BE KNOWN AND DESIGNATED AS 54-3510A, IDAHO CODE STIPULATING
35 BOARD DISCIPLINARY SANCTIONS; AND AMENDING 54-3512 IDAHO CODE TO CLARIFY
36 INAPPLICABILITY OF CHAPTER; AND ADDING NEW SECTION 54-3513, IDAHO CODE
37 TO BE KNOWN AND DESIGNATED AS: 54-3513 SEVERABILITY, DECLARING THAT ANY
38 PROVISION OF THIS ACT OR THE APPLICATION OF SUCH PROVISION TO ANY PERSON
39 OR CIRCUMSTANCE IS DECLARED INVALID FOR ANY REASON, SUCH DECLARATION

40 SHALL NOT AFFECT THE VALIDITY OF REMAINING PORTIONS OF THIS ACT.

41
42 54-3501. PURPOSE. The legislature finds and declares that the
43 provision of medical and therapeutic nutritional services affects the
44 public health, safety, and welfare. The legislature further finds that it
45 is in the public interest to aid in the provision of medical and
46 therapeutic nutritional services of high quality to the people of Idaho.
47 To aid in fulfilling these purposes, this chapter provides for the
48 licensure and regulation of dietitians within the State of Idaho.

49
50 Be it Enacted by the Legislature of the State of Idaho:

51
52 54-3502. DEFINITIONS. As used in this chapter:

53
54 (1) "Academy of Nutrition and Dietetics" means the national
55 organization which credentials dietetics professionals and
56 accredits undergraduate and graduate programs that prepare dietetics
57 professionals.

58
59 (2) "Accreditation Council for Education in Nutrition and Dietetics"
60 (ACEND) means the accrediting organization of the Academy of Nutrition and
61 Dietetics which is recognized by the United States Department of Education
62 as the accrediting agency for education programs that prepare dietetics
63 professionals.

64
65 ~~(2)~~ (3) "Board" means the Idaho State Board of Medicine.

66
67 (4) "Commission on Dietetic Registration" (CDR) means the
68 credentialing organization of the Academy of Nutrition and Dietetics which
69 awards and administers credentials to individuals at entry, specialist and
70 advanced levels who have met CDR's specified criteria to practice in the
71 dietetics profession, including successful completion of its national
72 accredited certification examination and recertification by continuing
73 professional education and/or examination.

74
75 ~~(2)~~ (5) "Dietitian" or "dietician" are interchangeable terms and
76 means a person licensed under the provisions of this chapter as a licensed
77 dietitian (LD); who

78 (a) is trained in the science of nutrition and dietetics and who has
79 met current minimum academic requirements with successful completion of
80 specified didactic education and supervised practice experiences through
81 programs accredited by the Accreditation Council for Education in
82 Nutrition and Dietetics (ACEND) or similar agency approved by the Board
83 with substantially equivalent educational requirements; and;

84 (b) has successfully completed the registration examination for
85 dietitians administered by the CDR or similar agency approved by the Board
86 with a substantially equivalent examination and has been granted and
87 maintains the title registered dietitian (RD) or registered dietitian
88 nutritionist (RDN).

89
90 ~~(3)~~ (6) "Licensure board" means the dietetic licensure board
91 established by this chapter.

92

93 ~~(4)~~ (7) "Provisionally licensed dietitian" means a person
94 provisionally licensed under the provisions of this chapter.
95

96 (8) "Dietetics" means the integration, application and communication
97 of principles derived from food, nutrition, social, business and basic
98 sciences, to achieve and maintain optimal nutrition status of individuals
99 through the development, provision and management of effective food and
100 nutrition services in a variety of settings.
101
102

103 (9) "Evidence-Based Dietetics Practice" means the process of
104 asking questions, systematically finding research evidence, and assessing
105 its validity, applicability and importance to food and nutrition practice
106 decisions; and includes applying relevant evidence in the context of the
107 practice situation and the values of clients, customers and communities to
108 achieve positive outcomes.
109

110 (10) "Medical Nutrition Therapy" (MNT) means an evidence-based
111 application of the nutrition care process. The provision of MNT to a
112 patient/client may include one or more of the following: nutrition
113 assessment or re-assessment, nutrition diagnosis, nutrition intervention
114 for the prevention, delay or management of diseases or conditions.
115

116 (11) "Nutrition Care Process" means a systematic approach to
117 providing high quality nutrition care which consists of four (4) distinct,
118 interrelated steps:
119

120 (a) Nutrition Assessment means a systematic method for
121 obtaining, verifying, and interpreting data needed to identify nutrition-
122 related problems, their causes and significance.
123

124 (b) Nutrition Diagnosis means identifying a specific
125 nutrition problem that a dietitian is responsible for treating
126 independently.
127

128 (c) Nutrition Intervention means a purposefully planned action
129 intended to positively change a nutrition-related behavior, environmental
130 condition or aspect of health status for the patient/client and family or
131 caregivers, target group or the community at large.
132

133 (d) Nutrition Monitoring and Evaluation

134 (i) Nutrition monitoring is the preplanned review and
135 measurement of selected nutrition care indicators of the patient/client's
136 status relevant to the defined needs, nutrition diagnosis, nutrition
137 intervention and outcomes.

138 (ii) Nutrition evaluation is the systematic comparison of
139 current findings with the previous status, nutrition intervention goals,
140 effectiveness of overall nutrition care or comparison to a reference
141 standard.
142

143 NEW SECTION

144 54-3502A Dietetic Practice (1) Dietetic practice focuses on food and
145 nutrition and related services developed and provided by dietitians to
146 protect the public, enhance the health and well-being of patients/clients

147 and deliver quality products, programs and services, and medical nutrition
148 therapy. Dietitians practice across varied settings including health care,
149 business and industry, communities and public health systems, schools,
150 colleges, the military, government, research, food service management,
151 teaching, consulting, media, writing, public speaking and informatics and
152 private practice.

153
154 (2) Clinical Nutrition and Dietetics Practice is the utilization of
155 skills, knowledge and applied judgement of the dietitian whose practice
156 involves nutrition care, medical nutrition therapy and related services
157 provided to individuals and groups of all ages to address health promotion
158 and prevention, delay or management of diseases and conditions.

159
160 (3) Clinical Privileges. Authorization for clinical privileges is
161 granted by the appropriate authority or a healthcare organization to a
162 dietitian to provide specific care, treatment or services in the
163 organization within well-defined limits based on licensure, education,
164 training, experience, judgement, and demonstrated and documented
165 competence or certification.

166
167 (4) A licensed dietitian, in accordance with established protocols
168 consistent with facility policy or procedure may:

169 (a) order patient diets, including therapeutic diets;

170 (b) implement medical nutrition therapy;

171 (c) order medical laboratory tests related to nutritional
172 therapeutic treatments;

173 (d) initiate, implement and adjust pharmacotherapy plans. and

174 (e) perform nutrition focused physical assessment to evaluate for
175 nutritional risk.

176
177 (5) Board Certified Specialist is a registered dietitian or
178 registered dietitian nutritionist credentialed by the CDR or other
179 certifying entity who has met empirically established criteria and who has
180 successfully completed a specialty certification examination that
181 simulates and tests practice-related knowledge, skills or abilities and
182 who:

183 (a) conforms to the scope of practice and standards of
184 practice as defined by the specialty certification entity;

185 (b) carries out functions beyond the basic educational
186 preparation for the registered dietitian or registered dietitian
187 nutritionist; and

188 (c) maintains specialty certification by meeting the
189 requirements specified by the certifying entity.

190
191 54-3503. LICENSE REQUIRED. (1) ~~From and after the 1st day of January,~~
192 ~~1995, it~~ It is unlawful for any person to practice dietetics or to offer
193 to practice dietetics or to assume or use the title or designation of
194 "dietitian," "licensed dietitian", (LD) ~~"certified dietitian,"~~ "registered
195 dietitian, (RD)" "registered dietitian nutritionist" (RDN), or any other
196 combination of terms which include the title "dietitian," unless such
197 person has been issued a license pursuant to this chapter and the license
198 is in good standing pursuant to rules of the board. Nothing contained
199 herein shall be construed to prohibit the use of the term "dietetic"
200 "nutrition" or "diet" as a descriptive term in connection with a person's

201 occupation or employment.

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

208
209 (3) A person who is a registered dietitian as determined by the e
210 Commission on ~~d~~Dietetic ~~r~~Registration of the American Dietetic
211 Association, Academy of Nutrition and Dietetics, or its successor
212 organization ~~7 who is credentialed as a dietitian by any other~~
213 ~~association which is also recognized by the national commission for health~~
214 ~~certifying agencies,~~ may continue to use such credential without being
215 licensed pursuant to this chapter as long as the person does not engage in
216 the practice of dietetics activities as set forth in section 54-3505(3),
217 Idaho Code. this chapter.

218
219 (4) Exemptions for Licensure. The provision of this act shall not
220 apply to the following:

221
222 (a) Any person who is not a licensed dietitian but is licensed
223 under title 54, Idaho Code, acting within the scope of his profession and
224 doing work of a nature consistent with his training, provided that he does
225 not represent himself by any title or practice description prohibited by
226 section 54-3503(1).

227
228 (b) Any person who holds a license to practice medicine and
229 surgery, osteopathic medicine and surgery, or osteopathic medicine under
230 chapter 18, title 54, Idaho Code, provided that he does not represent
231 himself as a licensed dietitian.

232
233 54-3504. DIETETIC LICENSURE BOARD CREATED -- APPOINTMENT -- TERMS.

234 (1) A dietetic licensure board is hereby created and the members
235 thereof shall be appointed by the Idaho State Board of Medicine within
236 sixty (60) days following the effective date of this chapter.

237
238 (2) The dietetic licensure board shall consist of four (4) members,
239 three (3) of whom shall be dietitians and one (1) member shall be a member
240 of the public with an interest in the rights of the consumer of health
241 care services.

242
243 (3) In making appointments to the dietetic licensure board, the
244 board shall give consideration to recommendations made by the ~~Idaho~~
245 Dietetic Association Idaho Academy of Nutrition and Dietetics, other
246 professional organizations and dietitians and physicians.

247
248 (4) All members of the dietetic licensure board shall be current
249 residents of the state of Idaho and have been residents of the state of
250 Idaho for a minimum of three (3) years immediately preceding appointment.

251
252 ~~(5) The initial three (3) dietitian members of the dietetic~~
253 ~~licensure board shall be persons registered by the commission on dietetic~~
254 ~~registration, American Dietetic Association academy of nutrition and~~

255 ~~dietetics, who are eligible to become licensed pursuant to this chapter,~~
256 ~~and who shall, within such item, as may be established by the board,~~
257 ~~become licensed pursuant to this chapter.~~

258
259 (6) The initial dietetic licensure board shall be appointed for
260 staggered terms, the longer of which will not exceed four (4) years.
261 After the initial appointments, all terms shall be four (4) years, and a
262 member may be reappointed one time. In the event of death, resignation,
263 or removal of any member before the expiration of the term to which
264 removal of any member before the expiration of the term to which
265 appointed, the vacancy shall be filled for the unexpired portion of the
266 term in the same manner as the original appointment.

267
268 (7) The board may, upon recommendation of the dietetic licensure
269 board, or upon its own motions, remove any member of the dietetic
270 licensure board, for cause, prior to the expiration of the member's term.

271
272 (8) The dietetic licensure board shall, within thirty (30) days
273 after its appointment, and at least annually thereafter, hold a meeting
274 and elect a chairperson or at the written request of any two (2) members
275 of the licensure board. The licensure board may appoint such committees
276 as it considers necessary to carry out its duties. A majority of the
277 members of the licensure board shall constitute a quorum.

278
279 (9) Each member of the licensure board shall be compensated as
280 provided in section 59-509(h), Idaho Code.

281
282 54-3505. BOARD OF MEDICINE AND DIETETIC LICENSURE BOARD -- POWERS
283 AND DUTIES -- FUNDS. (1)~~†~~The board of medicine shall administer,
284 coordinate, and enforce the provisions of this chapter, and , for that
285 purpose, may hire such employees as may be necessary. The dietetic
286 licensure board shall make recommendations to, and consult with, the board
287 concerning qualification of applicants for licensure, issuance of
288 licenses, ~~revocation~~ discipline of ~~licenses~~ licensees and rules to be
289 promulgated under this chapter.

290
291 (2) The board of medicine may, upon recommendation of the dietetic
292 licensure board, adopt rules, pursuant to chapter 52, title 67, Idaho
293 Code, necessary to implement the provisions of this chapter including, but
294 not limited to, rules relating to professional licensure examination, the
295 establishment of ethical standards of practice, disciplinary proceedings,
296 and license suspension, revocation or restriction for persons holding a
297 license to practice dietetics in this state.

298
299 ~~(3) The board of medicine, in performing its duties pursuant to~~
300 ~~this chapter, shall, for the purpose of providing for the determination of~~
301 ~~the qualifications of applicants for licensure, as it relates to the~~
302 ~~educational, preprofessional practice programs or dietetic internships, or~~
303 ~~as it relates to the examination requirements for applicants, the~~
304 ~~establishment of ethical standards of practice, or the conducting or~~
305 ~~determining disciplinary proceedings, consider the following definitions~~
306 ~~to apply to such applicants and to persons licensed pursuant to this~~
307 ~~chapter:~~

308 ~~(a) "Dietetic practice," "practice of dietetics," or "practice~~

309 ~~dietetics," means the integration and application of principles~~
310 ~~derived from the sciences of nutrition, biochemistry, food~~
311 ~~physiology, management, and behavioral and social sciences to~~
312 ~~achieve and maintain human health through the provision of medical~~
313 ~~nutrition services and the development of therapeutic nutrition care~~
314 ~~plans to assist in the maintenance of health and the prevention and~~
315 ~~treatment of disorders of body functions, system or organs.~~

316 ~~(b) "Medical nutrition services" means nutritional assessment, the~~
317 ~~design and implementation of therapeutic nutrition care plans, and~~
318 ~~nutrition therapy counseling.~~

319 ~~(c) "Nutritional assessment" means the evaluation of nutritional~~
320 ~~needs of individuals and groups based upon appropriate biochemical,~~
321 ~~anthropometric, physical, and dietary data which is necessary to~~
322 ~~determine nutrient needs and to recommend appropriate enteral or~~
323 ~~parenteral nutritional intake.~~

324 ~~(d) "Therapeutic nutrition care plan" means:~~

325 ~~(i) Design and implementation of nutrition goals and~~
326 ~~objectives for individuals and groups for the maintenance of~~
327 ~~health and prevention of disease;~~

328 ~~(ii) Design and implementation of therapeutic nutrition~~
329 ~~regimens, including enteral and parenteral nutrition for the~~
330 ~~treatment of disorders of body functions, systems or organs;~~

331 ~~(iii) Establishing priorities, goals, and objectives that meet~~
332 ~~nutritional needs and are consistent with available resources~~
333 ~~and constraints;~~

334 ~~(iv) Developing, implementing, and managing nutrition care~~
335 ~~systems; or~~

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

339 ~~(e) "Nutrition therapy counseling" means advising or assisting~~
340 ~~individuals or groups on appropriate nutrient intake by integrating~~
341 ~~information from the nutritional assessment and therapeutic~~
342 ~~nutrition care plan with information on food and other sources of~~
343 ~~nutrients and meal preparation consistent with health needs, disease~~
344 ~~state, psychosocial status, cultural background, and available~~
345 ~~resources.~~

346
347 (4) The dietetic licensure board shall hold meetings, conduct
348 hearings and keep records and minutes as are necessary to carry out its
349 functions.

350
351 (5) All fees received under the provision of this chapter shall be
352 deposited in the state treasury to the credit of the state board of
353 medicine fund created in section 54-1809, Idaho Code, and all costs and
354 expenses incurred by the board and dietetic licensure board under the
355 provisions of this chapter shall be a charge against and paid from said
356 fund for such purposes, and the funds collected hereunder shall be
357 immediately available for the administration of this chapter. In no
358 instance shall the state board of medicine fund be obligated to pay any
359 claims which, in aggregate with claims already allowed, exceed the income
360 to the state board of medicine fund which has been derived from the
361 application of this chapter. Money paid into the state board of medicine
362 fund pursuant to this chapter is hereby continuously appropriated to the

363 board for expenditure in the manner prescribed herein to defray the
364 expenses of the board and dietetic licensure board in carrying out and
365 enforcing the provisions of this chapter.

366
367 54-3506. REQUIREMENTS FOR LICENSURE AS A DIETITIAN. A person
368 applying for a license shall file a written application provided by the
369 board showing to the satisfaction of the board that such person meets the
370 following requirements:

371
372 (1) Has successfully completed the following academic and
373 supervised practice requirements:

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

376 (b) an ACEND accredited didactic program in dietetics or a
377 substantially similar program approved by the Board; and

378 (c) an ACEND accredited supervised practice program in the
379 United States or its territories or substantially similar program approved
380 the Board.

381 of an education program in dietetics and approved by the
382 licensure board; and

383
384 ~~(2) Has successfully completed a dietetic internship or~~
385 ~~preprofessional practice program, coordinated program, or such other~~
386 ~~equivalent experience as may be approved by the licensure board.~~

387
388 ~~(3) (2) Has successfully completed the registration passed an~~
389 ~~examination for registered dietitians as ~~provided~~ administered by the~~
390 ~~Commission on Dietetic Registration or its successor organization as~~
391 ~~recognized by the licensure board. in section 54-3507, Idaho Code.~~

392
393 (3) The board may require an applicant to be personally interviewed
394 by the board or a designated committee of the board. Such an interview
395 shall be limited to a review of the applicant's qualifications and
396 professional credentials.

397
398 ~~54-3507. EXAMINATION FOR LICENSURE. (1) Each applicant for licensure~~
399 ~~shall be examined in such manner as the licensure board may require to~~
400 ~~determine the applicant's fitness to practice dietetics.~~

401 ~~(2) Applicants for licensure shall be examined at a time and place~~
402 ~~and under such supervision as the licensure board may require.~~
403 ~~Examinations shall be given at least twice each year at such places as the~~
404 ~~board may determine.~~

405
406 54-5308. ~~WAIVER OF REQUIREMENTS. Licensure by Endorsement (1) The~~
407 ~~licensure board shall grant a license to any person who, on the effective~~
408 ~~date of this chapter, is registered as a dietitian by and with the~~
409 ~~commission on dietetic registration for the American Dietetic Association,~~
410 ~~a member of the National Commission for Health Certifying Agencies.~~

411 ~~(2) The licensure board may waive the examination, education, or~~
412 ~~experience requirements and grant a license to any person registered by~~
413 ~~the commission after the effective date of this chapter if the board~~
414 ~~determines the requirements for such registration to be equivalent to the~~
415 ~~requirements for licensure set forth in this chapter.~~

416 ~~(3) (1) The licensure board may waive the examination, education,~~

417 or experience requirements and grant a license by endorsement to any
418 applicant who:

419 (a) shall present proof of current registration by the Commission
420 on Dietetic Registration; and

421 (b) proof of current licensure to engage in the practice of
422 dietetics in another state, or the District of Columbia, ~~or territory of~~
423 ~~the United States~~ which requires standards for licensure considered by the
424 board to be equivalent to the requirements for licensure pursuant to this
425 chapter; and

426 (c) does not have any disciplinary action, whether past, pending,
427 public or confidential, by any licensing board, licensing authority,
428 professional association, hospital, or institution in any state, or
429 district.

430
431

432 54-3509. LICENSE EXPIRATION AND RENEWAL. (1) A license issued
433 under the provisions of this chapter shall be subject to annual or
434 biennial renewal and shall expire unless renewed in the manner prescribed
435 by the rules of the licensure board, upon payment of a renewal fee.

436
437

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

- 441 (a) Initial license and examination fee;
- 442 (b) Renewal of license fee;
- 443 (c) Inactive license fee;
- 444 (d) Limited permit fee
- 445 (e) Late renewal fees.

446
447

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

451
452

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

454
455

456 54-3510. GROUNDS FOR DISCIPLINE. The board, in accordance with
457 the requirements of chapter 52, title 67, Idaho Code, may, upon
458 recommendation of the licensure board, refuse to issue a license or
459 permit, refuse to renew a license or permit, or may restrict, suspend or
460 revoke a license or permit, under such conditions as the board may
461 determine, if the licensee, permittee or applicant for license:

462
463

464 (1) Has been convicted of a ~~felonious act~~ felony, or crime
465 involving moral turpitude or entered a plea of guilty or the finding of
466 guilt by a jury or court of commission of a felony or a crime involving
467 moral turpitude;

467
468

469 (2) Obtained a license or permit pursuant to this chapter by
470 means

of fraud, misrepresentation or concealment of material facts;

471
472 (3) Practiced dietetics under a false or assumed name in this or
473 any other state.

474
475 (4) Knowingly aided or abetted the unlicensed practice of
476 dietetics.

477
478 ~~(3)~~ (5) Engaged in the practice of dietetics in a manner which does
479 not meet the generally accepted standards for the practice of dietetics
480 within the state of Idaho;

481
482 (6) Divided fees or gifts or agreed to split or divide fees or
483 gifts received for professional services with any person, institution or
484 corporation in exchange for a referral;

485
486 (7) Has failed to maintain the confidentiality of medical records
487 or other medical information pertaining to identifiable patients, except
488 as required or authorized by law;

489
490 (8) Engaged in any conduct which constitutes an abuse or
491 exploitation of a patient arising out of the trust and confidence placed
492 in the dietitian by the patient.

493
494 (9) Failed to supervise the activities of a provisionally licensed
495 dietitian.

496
497 (10) Continued to practice as a dietitian when a license pursuant
498 to this chapter is suspended, revoked or inactive.

499
500 (11) Practiced as a dietitian in violation of a voluntary
501 restriction or terms of probation pursuant to this chapter.

502
503 (12) Continued to practice as a dietitian when registration by
504 the CDR or its successor organization has not been renewed or has been
505 suspended or revoked.

506
507 (13) Has been convicted of or pled guilty to driving under the
508 influence of alcohol , drugs or other intoxicating substances or being
509 convicted or pleading guilty to other drug or alcohol related criminal
510 charges.

511
512 (14) Failed to comply with a board order.

513
514 NEW SECTION

515 54-3510A. Disciplinary Sanctions. If grounds for discipline are found to
516 exist, the board of medicine, upon the recommendation of the dietetic
517 licensure board, may issue its order:

518
519 (1) Revoking the dietitian's license to practice dietetics;

520
521 (2) Suspending or restricting the dietitian's license to practice
522 dietetics;

523
524 (3) Imposing conditions or probation upon the dietitian's license

525 to practice dietetics;

526

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

529

530 (5) Assessing costs and attorney's fees against the dietitian for
531 any investigation and/or administrative proceeding.

532

533 54-3511. PENALTIES. (1) A person who violates any provision of
534 this chapter shall, upon conviction, be guilty of a misdemeanor.

535

536 (2) The representation to another person that a person is licensed
537 pursuant to this chapter, when such representation is untrue, constitutes
538 the using of a method, act, or practice which is declared to be unlawful
539 under the provisions of chapter 66, title 48, Idaho Code.

539

540 54-3512. INAPPLICABILITY OF CHAPTER. (1) This chapter shall not
541 be construed to prevent any person ~~from engaging in activities set forth~~
542 ~~in section 54-3505(3), Idaho Code, or from rendering advice, guidance or~~
543 ~~counsel regarding medical nutrition service, therapeutic nutrition care,~~
544 ~~nutritional assessments analysis, nutrition therapy counseling, weight~~
545 ~~control services, or from providing nutrition information in connection~~
546 ~~with the marketing and distribution of a food product, dietary supplement,~~
547 ~~or wellness/exercise program.~~

548

549 (2) This chapter shall not be construed to prevent any person
550 licensed or registered in this state, pursuant to any other law of the
551 state, from engaging in the profession or occupation for which such person
552 is licensed or registered.

553

554 NEW SECTION

555 54-3513. Severability. The provisions of this act are hereby declared to
556 be severable and if any provision of this act or the application of such
557 provision to any person or circumstance is declared invalid for any
558 reason, such declaration shall not affect the validity of remaining
559 portions of this act.