AN ACT

RELATING TO THE DIETITIANS PRACTICE ACT; AMENDING SECTION 54-3502, IDAHO CODE, TO DEFINE TERMS; ACCREDITED PROGRAMS AND NUTRITION INTERVENTIONS; ADDING NEW SECTION 54-3502A, IDAHO CODE TO BE KNOWN AND DESIGNATED AS: 54-3502A, IDAHO CODE DIETETIC PRACTICE, CLARIFYING DIETETIC PRACTICE AND SETTINGS, CLINICAL PRIVILEGES, TREATMENT OR SERVICES BASED ON LICENSURE, EDUCATION, TRAINING, EXPERIENCE, JUDGEMENT, DEMONSTRATED AND DOCUMENTED COMPETENCE OR CERTIFICATION, ORDER OF DIETS INCLUDING THERAPEUTIC DIETS, AND THE INCLUSION OF A BOARD CERTIFIED SPECIALIST AS A REGISTERED DIETITIAN OR REGISTERED DIETITIAN NUTRITIONIST CREDENTIALED BY THE CDR OR OTHER CERTIFYING ENTITY WHO HAS MET ESTABLISHED CRITERIA AND SUCCESSFULLY COMPLETED A SPECIALTY CERTIFICATION EXAMINATION; AMENDING SECTION 54-3503, IDAHO CODE STIPULATING THAT IT IS UNLAWFUL FOR ANY PERSON TO PRACTICE DIETETICS, TO OFFER TO PRACTICE DIETETICS, OR TO ASSUME OR USE THE TITLE OR DESIGNATION OF "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; AMENDING 54-3504, IDAHO CODE TO REVISE DIETETIC LICENSURE BOARD MEMBERSHIP AND TO ALLOW RECOMMENDATION TO THE BOARD BY THE IDAHO ACADEMY OF NUTRITION AND DIETETICS; AMENDING 54-3505 TO CLARIFY POWERS AND DUTIES OF THE BOARD; AMENDING 54-3506, IDAHO CODE TO INCLUDE A SUBSTANTIALLY SIMILAR PROGRAM APPROVED BY THE BOARD TO THAT OF AN ACEND ACCREDITED DIDACTIC PROGRAM IN DIETETICS, REQUIRING SUCCESSFUL COMPLETION OF THE REGISTRATION EXAMINATION, AND ALLOWANCE OF BOARD INTERVIEW ON APPLICANT’S QUALIFICATIONS AND PROFESSIONAL CREDENTIALS IF REQUESTED; AMENDING 54-3507, IDAHO CODE TO REMOVE ENTIRE SECTION TO BE REPLACED BY AMENDING 54-5308, IDAHO CODE WAIVING THE EXAMINATION, EDUCATION, OR EXPERIENCE REQUIREMENTS BY GRANTING AN ENDORSMENT OR IF NO DISCIPLINARY ACTION HAS BEEN TAKEN BY ANY LICENSING BOARD, LICENSING AUTHORITY, PROFESSIONAL ASSOCIATION, HOSPITAL, OR ANY INSTITUTION IN ANY STATE OR DISTRICT, AND TO REMOVE THE TERRITORY OF THE UNITED STATES; AMENDING 54-3509, IDAHO CODE TO ADD MAINTENANCE OF REGISTRATION BY THE CDR OR ITS SUCCESSOR ORGANIZATION IS REQUIRED FOR LICENSURE RENEWAL; AMENDING 54-3510, IDAHO CODE TO ADD GROUNDS FOR DISCIPLINE; ADDING NEW SECTION 54-3510A, IDAHO CODE TO BE KNOWN AND DESIGNATED AS 54-3510A, IDAHO CODE STIPULATING BOARD DISCIPLINARY SANCTIONS; AND AMENDING 54-3512 IDAHO CODE TO CLARIFY INAPPLICABILITY OF CHAPTER; AND ADDING NEW SECTION 54-3513, IDAHO CODE TO BE KNOWN AND DESIGNATED AS: 54-3513 SEVERABILITY, DECLARING THAT ANY PROVISION OF THIS ACT OR THE APPLICATION OF SUCH PROVISION TO ANY PERSON OR CIRCUMSTANCE IS DECLARED INVALID FOR ANY REASON, SUCH DECLARATION
SHALL NOT AFFECT THE VALIDITY OF REMAINING PORTIONS OF THIS ACT.

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

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

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

(1) “Academy of Nutrition and Dietetics” means the national organization which credentials dietetics professionals and accredits undergraduate and graduate programs that prepare dietetics professionals.

(2) “Accreditation Council for Education in Nutrition and Dietetics” (ACEND) means the accrediting organization of the Academy of Nutrition and Dietetics which is recognized by the United States Department of Education as the accrediting agency for education programs that prepare dietetics professionals.

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

(4) "Commission on Dietetic Registration” (CDR) means the credentialing organization of the Academy of Nutrition and Dietetics which 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 accredited certification examination and recertification by continuing professional education and/or examination.

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

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

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

(2)(6) "Licensure board" means the dietetic licensure board established by this chapter.
(7) "Provisionally licensed dietitian" means a person provisionally licensed under the provisions of this chapter.

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

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

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

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

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

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

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

(d) Nutrition Monitoring and Evaluation

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

(ii) Nutrition evaluation is the systematic comparison of current findings with the previous status, nutrition intervention goals, effectiveness of overall nutrition care or comparison to a reference standard.
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 healthcare organization to a dietitian to provide specific care, treatment or services in the organization within well-defined limits based on licensure, education, training, experience, judgement, 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 assessment to evaluate for nutritional risk.

(5) 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 and 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.

54-3503. LICENSE REQUIRED. (1) It is unlawful for any person to practice dietetics or to offer to practice dietetics or to assume or use the title or designation of "dietitian," "licensed dietitian," (LD) "certified dietitian," "registered dietitian, (RD)" "registered dietitian nutritionist" (RDN), or any other combination of terms which 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 American Dietetic Association, Academy of Nutrition and Dietetics, or its successor organization, who is credentialed as a dietitian by any other association which is also recognized by the national commission for health certifying agencies, may continue to use such credential without being licensed pursuant to this chapter as long as the person does not engage in the practice of dietetics activities as set forth in section 54-3505(3), Idaho Code. This chapter.

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

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

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

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.

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

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

(5) The initial three (3) dietitian members of the dietetic licensure board shall be persons registered by the commission on dietetic registration, American Dietetic Association academy of nutrition and
dietetics, who are eligible to become licensed pursuant to this chapter, and who shall, within such item, as may be established by the board, become licensed pursuant to this chapter.

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

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

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

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

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

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

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

(a) "Dietetic practice," "practice of dietetics," or "practice
dietetics," means the integration and application of principles derived from the sciences of nutrition, biochemistry, food physiology, management, and behavioral and social sciences to achieve and maintain human health through the provision of medical nutrition services and the development of therapeutic nutrition care plans to assist in the maintenance of health and the prevention and treatment of disorders of body functions, system or organs.

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

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

(d) "Therapeutic nutrition care plan" means:

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

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

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

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

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

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

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

(5) All fees received under the provision of this chapter shall be deposited in the state treasury to the credit of the state board of medicine fund created in section 54-1809, Idaho Code, and all costs and expenses incurred by the board and dietetic licensure board under the provisions of this chapter shall be a charge against and paid from said fund for such purposes, 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, 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.

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:
   (a) a minimum of a baccalaureate degree granted by a United
       States regionally accredited college/university or foreign equivalent;
   (b) an ACEND accredited didactic program in dietetics or a
       substantially similar program approved by the Board; and
   (c) an ACEND accredited supervised practice program in the
       United States or its territories or substantially similar program approved
       of an education program in dietetics and approved by the
       licensure 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 successfully completed the registration passed an
       examination for registered dietitians as provided administered by the
       Commission on Dietetic Registration or its successor organization as
       recognized by the licensure board in section 54-3507, Idaho Code.
   (3) The board may require an applicant to be personally interviewed
       by the board or a designated committee of the board. Such an interview
       shall be limited to a review of the applicant's qualifications and
       professional credentials.

54-3507. EXAMINATION FOR LICENSURE. (1) Each applicant for licensure
shall be examined in such manner as the licensure board may require to
determine the applicant's fitness to practice dietetics.
   (2) Applicants for licensure shall be examined at a time and place
   and under such supervision as the licensure board may require.
   Examinations shall be given at least twice each year at such places as the
   board may determine.

54-5308. 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 American Dietetic Association,
a member of the National Commission for Health Certifying Agencies.
   (2) The licensure board may waive the examination, education, or
   experience requirements and grant a license to any person registered by
   the commission 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:

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

(b) 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 requires standards for licensure considered by the board to be equivalent to the requirements for licensure pursuant to this chapter; and

(c) 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.

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 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.

54-3510. 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 restrict, suspend 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 felony, or crime involving moral turpitude or entered a plea of guilty or the finding of guilt by a jury or court of commission of a felony or a crime involving moral turpitude;

(2) Obtained a license or permit pursuant to this chapter by means of fraud, misrepresentation or concealment of material facts;
(3) Practiced dietetics under a false or assumed name in this or any other state.

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

(5) Engaged in the practice of dietetics in a manner which does not meet the generally accepted standards for the practice of dietetics within the state of Idaho;

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

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

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

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

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

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

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

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

(14) Failed to comply with a board order.

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

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

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

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

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

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

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

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

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

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

NEW SECTION

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