OKLAHOMA ADMINISTRATIVE CODE
TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION
CHAPTER 35. LICENSED DIETITIANS AND PROVISIONAL DIETITIANS

PROPOSED RULE LANGUAGE

Section
435:35-1-2. Definitions [AMENDED]
435:35-1-4. Standards of professional conduct [AMENDED]
435:35-1-5. Academic requirements for examination and licensure [AMENDED]
435:35-1-11. Disciplinary hearings [REVOKED]

435:35-1-2. Definitions
The following words and terms, when used in this Chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Association" means the American Dietetic Association Academy of Nutrition and Dietetics and is the national professional association for registered dietitians which accredits education and pre-professional training programs in dietetics.

"Act" means the Licensed Dietitian Act, 59 O.S. Supp. 1984, Section 1721 et seq.

"ACEND" means the Accreditation Council for Education in Nutrition and Dietetics which accredits educational and pre-professional training programs in dietetics.

"Commission" means the Commission on Dietetic Registration and is the agency which evaluates credentials, administers proficiency examinations and issues certificates of registration to qualifying dietitians and is a member of the National Commission on Health Certifying Agencies.

"Customer" any client, patient, resident, participant, student, consumer, individual/person, group, population, or organization to which the nutrition and dietetics practitioner provides service.

"Diversity" "The Academy values and respects the diverse viewpoints and individual differences of all people. The Academy’s mission and vision are most effectively realized through the promotion of a diverse membership that reflects cultural, ethnic, gender, racial,
religious, sexual orientation, socioeconomic, geographical, political, educational, experiential and philosophical characteristics of the public it services. The Academy actively identifies and offers opportunities to individuals with varied skills, talents, abilities, ideas, disabilities, backgrounds and practice expertise."

"Evidence-based Practice" Evidence-based practice is an approach to health care wherein health practitioners use the best evidence possible, i.e., the most appropriate information available, to make decisions for individuals, groups and populations. Evidence-based practice values, enhances and builds on clinical expertise, knowledge of disease mechanisms, and pathophysiology. It involves complex and conscientious decision-making based not only on the available evidence but also on client characteristics, situations, and preferences. It recognizes that health care is individualized and ever changing and involves uncertainties and probabilities. Evidence-based practice incorporates successful strategies that improve client outcomes and are derived from various sources of evidence including research, national guidelines, policies, consensus statements, systematic analysis of clinical experience, quality improvement data, specialized knowledge and skills of experts.

"Justice" (social justice): supports fair, equitable, and appropriate treatment for individuals and fair allocation of resources.

"LD" means a person duly licensed as a licensed dietitian under the Licensed Dietitian Act.

"Non-Maleficence" is the intent to not inflict harm.

"PLD" means a person duly licensed as a provisional licensed dietitian under the Licensed Dietitian Act.

"RD" means registered dietitian.

"RDN" represents an accepted abbreviation for a registered dietitian according to the Commission.

435:35-1-4. Standards of professional conduct

(a) Purpose. The rules in this section on the profession of dietetics shall be to establish the standards of professional conduct required of a licensee.

(b) Statutory standards. Examples of activities included in the statutory definition of dietetics are as follows:

1. Planning, developing, controlling and evaluation of food service systems.
2. Coordinating and integrating clinical and administrative aspects of dietetics to provide quality nutritional care.
3. Establishing and maintaining standards of food production, service, sanitation, safety and security.
4. Planning, conducting and evaluating educational programs relating to nutritional care.
5. Developing menu patterns and evaluating them for nutritional adequacy.
6. Planning layout designs and determining equipment requirements for food service facilities.
7. Developing specifications for the procurement of food and food service equipment and supplies.
8. Developing and implementing plans of nutritional care for individuals, both enteral and parenteral, based on assessment of nutritional needs.
(9) Counseling and educating individuals, families and groups in nutritional principles, meal patterns and plans, insulin administration, food selection, food and drug interactions, and economics, as appropriate.
(10) Communicating appropriate diet history and nutritional care data through written record systems and electronic record systems.
(11) Participating with physicians and allied health personnel as the provider of nutritional care using tools and procedures such as, but not limited to, diet histories, calipers, BMI tables, finger stick blood sugar measurements, blood pressure and vital sign measurements, and oral cavity assessment, and nutrition-focused physical exam.
(12) Planning, conducting or participating in and interpreting, evaluating and utilizing pertinent current research related to nutritional care.
(13) Providing consultation and nutritional care to community groups and identifying and evaluating needs to establish priorities for community nutrition programs.
(14) Publishing and evaluating technical and lay food and nutrition publications for all age, socioeconomic and ethnic groups.
(15) Planning, conducting and evaluating dietary studies and participating in nutritional epidemiologic studies with a nutritional component.
(c) **Code of Ethics.** The following shall constitute a code of ethics in dietetics:

1. **Professional representation and responsibilities.**
   (A) A licensee shall not misrepresent any professional qualifications or credentials.
   (B) A licensee shall not make any false or misleading claims about the efficacy of any services or methods of treatment.
   (C) A licensee shall not permit the use of his/her name for the purpose of certifying that dietetic services have been rendered unless he/she has provided or supervised the provision of those services.
   (D) A licensee shall not promote or endorse products in a manner that is false or misleading.
   (E) A licensee shall maintain knowledge and skills required for continuing professional competence.
   (F) A licensee shall not abuse alcohol or drugs in any manner which detrimentally affects the provision of nutritional services.
   (G) A licensee shall comply with the provisions of the Oklahoma Controlled Substances Act, 63 O.S. 1981, Sections 2-101 et seq.
   (H) A licensee shall have the responsibility of reporting alleged misrepresentations or violations of Board rules to the office of the Board.
   (I) A licensee shall keep his/her Board file updated by notifying the executive secretary of changes in preferred mailing address.
   (J) A licensee shall not make any false, misleading or deceptive claims in any advertisement, announcement, or in competitive bidding.
   (K) A licensee shall not aid or abet, directly or indirectly, the practice of dietetics by any person not duly authorized under the laws of Oklahoma.
   (L) A licensee shall not violate any provision of the Academy’s Code of Ethics for the Profession.
(2) **Professional relationships with clients.**

(A) A licensee shall make known to a prospective client the important aspects of the professional relationship including fees and arrangement for payment which might affect the client's decision to enter into the relationship.

(B) A licensee shall not receive or give a commission or rebate or any other form of remuneration for the referral of clients for professional services.

(C) A licensee shall disclose to clients any interest in commercial enterprises which the licensee promotes for the purpose of personal gain or profit.

(D) A licensee shall take reasonable action to inform a client's physician and any appropriate allied health care provider in cases where a client's nutritional status indicates a change in medical status.

(E) A licensee shall provide nutritional services without discrimination based on race, creed, sex, religion, national origin or age.

(F) A licensee shall not violate any provision of any federal or state statute relating to confidentiality of client communication and/or records.

(3) **Academy's Code of Ethics - Principles and Standards**

(A) **Competence and professional development in practice (Non-maleficence)**

Nutrition and dietetics practitioners shall:

1. Practice using an evidence-based approach within areas of competence, continuously develop and enhance expertise, and recognize limitations.
2. Demonstrate in depth scientific knowledge of food, human nutrition and behavior.
3. Assess the validity and applicability of scientific evidence without personal bias.
4. Interpret, apply, participate in and/or generate research to enhance practice, innovation, and discovery.
5. Make evidence-based practice decisions, taking into account the unique values and circumstances of the patient/client and community, in combination with the practitioner’s expertise and judgment.
6. Recognize and exercise professional judgment within the limits of individual qualifications and collaborate with others, seek counsel, and make referrals as appropriate.
7. Act in a caring and respectful manner, mindful of individual differences, cultural, and ethnic diversity.
8. Practice within the limits of their scope and collaborate with the inter-professional team.

(B) **Integrity in personal and organizational behaviors and practices (Autonomy)**

Nutrition and dietetics practitioners shall:

1. Disclose any conflicts of interest, including any financial interests in products or services that are recommended. Refrain from accepting gifts or services which potentially influence or which may give the appearance of influencing professional judgment.
2. Comply with all applicable laws and regulations, including obtaining/maintaining a state license or certification if engaged in practice governed by nutrition and dietetics statutes.
3. Maintain and appropriately use credentials.
4. Respect intellectual property rights, including citation and recognition of the ideas and work of others, regardless of the medium (e.g. written, oral, electronic).
5. Provide accurate and truthful information in all communications.
6. Report inappropriate behavior or treatment of a patient/client by another nutrition and dietetics practitioner or other professionals.
7. Document, code and bill to most accurately reflect the character and extent of delivered services.
8. Respect patient/client’s autonomy. Safeguard patient/client confidentiality according to current regulations and laws.
9. Implement appropriate measures to protect personal health information using appropriate techniques (e.g., encryption).

(C) Professionalism (Beneficence) - Nutrition and dietetics practitioners shall:
1. Participate in and contribute to decisions that affect the well-being of patients/clients.
2. Respect the values, rights, knowledge, and skills of colleagues and other professionals.
3. Demonstrate respect, constructive dialogue, civility and professionalism in all communications, including social media.
4. Refrain from communicating false, fraudulent, deceptive, misleading, disparaging or unfair statements or claims.
5. Uphold professional boundaries and refrain from romantic relationships with any patients/clients, surrogates, supervisees, or students.
6. Refrain from verbal/physical/emotional/sexual harassment.
7. Provide objective evaluations of performance for employees, coworkers, and students and candidates for employment, professional association memberships, awards, or scholarships, making all reasonable efforts to avoid bias in the professional evaluation of others.
8. Communicate at an appropriate level to promote health literacy.
9. Contribute to the advancement and competence of others, including colleagues, students, and the public.

(D) Social responsibility for local, regional, national, global nutrition and well-being (Justice) - Nutrition and dietetics practitioners shall:
1. Collaborate with others to reduce health disparities and protect human rights.
2. Promote fairness and objectivity with fair and equitable treatment.
3. Contribute time and expertise to activities that promote respect, integrity, and competence of the profession.
4. Promote the unique role of nutrition and dietetics practitioners.
5. Engage in service that benefits the community and to enhance the public’s trust in the profession.
6. Seek leadership opportunities in professional, community, and service organizations to enhance health and nutritional status while protecting the public.

435:35-1-5. Academic requirements for examination and licensure

The purpose of this section is to set out the academic requirements for examination and licensure as a dietitian or provisional licensed dietitian.

(1) The Board shall accept as meeting licensure requirements baccalaureate and post-baccalaureate degrees received from American colleges or universities which held accreditation, at the time the degree was conferred, from accepted regional educational accrediting associations as reported by the American Association of Collegiate Registrars and Admissions Officers.

(2) Degrees and course work received at foreign colleges and universities shall be acceptable only if such course work could be counted as transfer credit from accredited colleges or universities as reported by the American Association of Collegiate Registrars and Admissions Officers.

(3) The relevance to the licensing requirements of academic courses, the titles of which are not self-explanatory, must be substantiated through course descriptions in official school catalogs or bulletins or by other means acceptable to the Board.

(4) The Board shall accept no course which an applicant's transcript indicates was not completed with a passing grade or for credit.

(5) In evaluating transcripts, the Board shall consider a quarter hour of academic credit as 2/3 of a semester hour.

(6) In the event that an academic deficiency is present, an applicant may re-apply by submitting proof that the deficiency has been corrected and payment of appropriate fees.

(7) Persons applying for licensure must possess a baccalaureate or post-baccalaureate degree including a minimum of 24 semester hours from the fields of human nutrition, food and nutrition, dietetics, or food systems management, or an equivalent major course of study as may be approved by the Board. A substantial equivalent major course of study shall be defined as either:

(A) a baccalaureate or post-baccalaureate degree including a minimum of 30 semester hours specifically designated to train a person to apply and integrate scientific principles of human nutrition under different health, social, cultural, physical, psychological and economic conditions to the proper nourishment, care and education of individuals or groups through the life cycle. Of these 30 semester hours, a minimum of 18 semester hours must be from human nutrition, food and nutrition, dietetics, or food systems management; or
(B) and have completed a didactic program in dietetics (DPD) accredited by ACEND and earned a verification statement

(B) or have a bachelor's or post-baccalaureate degree in another field of study and also have completed a didactic program in dietetics (DPD) accredited by ACEND and earned a verification statement.
(B) a baccalaureate or post-baccalaureate degree including a major course of study meeting the minimum academic requirements to qualify for examination by the Commission.

(8) (7) Persons applying for licensure must be registered or registry eligible with the Commission on Dietetic Registration by having satisfactorily completed a supervised practice program an internship or pre-planned professional experience program (e.g. Coordinated Program, AP4, Didactic Program in Dietetics) approved by the American Dietetic Association accredited by ACEND.

435:35-1-11. Disciplinary hearings

Investigatory hearings may be conducted by the Advisory Committee on Dietetic Registration to ascertain facts, make conclusions and recommendations to the Board.

(1) All notices or other papers requiring service in an individual proceeding shall be served in the manner set forth in 435:1-1-4 (e).
(2) The time set for a hearing shall not be less than thirty days after the date the notice is completed.
(3) All parties to said hearing are authorized to use discovery techniques available to parties in a civil action in the state courts of Oklahoma.
(4) The hearing shall be conducted in an orderly manner by the Chairman of the Advisory Committee. The order of procedure will follow that which applies in civil proceedings of law.
(5) All hearings shall be conducted in accordance with and be governed by the provisions of the Oklahoma Administrative Procedures Act, 75 O.S. 1981, Sections 301 through 327, as now or hereinafter may be amended.
(6) The hearing will be tape recorded and a record preserved at the Board office. If the respondent desires a certified court reporter to be present, that party shall be responsible for securing the attendance of the same. Neither the Advisory Committee nor the Board shall be responsible for the cost for the attendance of the reporter or a transcript of the hearing.
(7) If a transcript of the hearing is desired, the requesting party must deposit sufficient funds to cover the transcription cost. The fees previously adopted by this Board for such transcription shall be applicable.
(8) Requests for continuances received prior to the hearing date may be granted by the Chairman of the Advisory Committee for good cause shown.
(9) The Advisory Committee shall conduct the hearing, receive all evidence and shall thereafter make its recommendations to the Board for an appropriate order. Such recommendations shall be made within 15 days after the hearing. An aggrieved party may appeal such finding to the Board within thirty (30) days of the issuance of the Advisory Committee's Recommendations.
(10) Appeals to the Board must be made by written request of the appellee. Parties will be afforded an opportunity to make oral arguments to the Board.