

*****NEW LAW EFFECTIVE 11/01/2016*****

**STATE OF OKLAHOMA
REGISTERED DIETITIAN ACT
TITLE 59 O.S., SECTIONS 1721 – 1741**

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1721. Short title

The provisions of Sections 1 through 19 of this act shall be known and may be cited as the “Licensed Dietitian Act”.

Added by Laws 1984, c. 144, § 1, eff. November 1, 1984.

1722. Definitions

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 integration and application of principles derived from the sciences of nutrition, 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.

Added by Laws 1984, c. 144, § 2, eff. November 1, 1984. Amended by Laws 1987, c. 118, § 48, operative July 1, 1987.

1723. Advisory Committee on Dietetic Registration

A. There is hereby created the Advisory Committee on Dietetic Registration of the State Board of Medical Licensure and Supervision. The Committee shall assist the Board in conducting examinations for applicants and shall advise the Board on all matters pertaining to the licensure of dietitians.

B. The Committee shall be composed of three members, who are licensed dietitians. A fourth member shall be an ex officio member of the Board designated from their membership. A fifth member shall be a health care consumer appointed by the Governor. Committee members shall serve staggered terms of three (3) years with two terms beginning September 1 of each odd-numbered year.

C. The Board shall appoint the Committee members from a list of five persons submitted by the Oklahoma Dietetic Association. All members shall be residents of this state.

D. The Board shall attempt to accomplish a continuing balance of representation among the primary areas of expertise of the professional discipline of dietetics in making the three appointments to the Committee. These areas of expertise are: clinical, educational, management, consultation, and community. On and after November 1, 1988, a licensee eligible for appointment as a Committee member shall have been a licensed dietitian for at least three (3) years prior to appointment to the Committee.

E. Appointments to the Committee shall be made without discrimination based on race, creed, sex, religion, national origin, or geographical distribution of the appointees.

F. A member or employee of the Committee may not be an officer, employee, or paid consultant of a trade association in the field of health care.

G. A person who is required to register as a lobbyist pursuant to the laws of this state in a health-related area shall not serve as a member of the Committee.

H. A majority of the members of the Committee constitutes a quorum.

I. Each member of the Committee shall receive Thirty-five Dollars (\$35.00) for every day actually spent in the performance of their duties and in addition thereto shall be reimbursed for their reasonable and necessary expenses as provided for in the State Travel Reimbursement Act.

Added by Laws 1984, c. 144, § 3, eff. Nov. 1, 1984. Amended by Laws 1987, c. 118, § 49, operative July 1, 1987.

1724. Initial appointments to Committee

A. In making the initial appointments to the Committee, the Board shall designate two (2) members for terms expiring August 31, 1987, one member for a term expiring August 31, 1986.

B. In making the initial appointments to the Committee, the Board shall appoint three persons otherwise qualified pursuant to the provisions of the Licensed Dietitian Act who also have been for sixty (60) months immediately proceeding their appointment and who presently are registered as registered dietitians by the Commission on Dietetic Registration.

Added by Laws 1984, c. 144, § 4, eff. Nov. 1, 1984.

1725. Removal from Committee – Grounds

A. It shall be a ground for removal from the Committee if a member:

1. does not have at the time of appointment the qualifications required for appointment to the Committee;

2. does not maintain during service on the Committee the qualifications required for appointment to the Committee; or

3. violates any provision of the Licensed Dietitian Act.

B. If a ground for removal of a member from the Committee exists, the Committee's actions taken during the existence of the ground for removal are valid.

Added by Laws 1984, c. 144, § 5, eff. Nov. 1, 1984.

1726. Committee – Chairman – Meetings

A. Within thirty (30) days after the members of the Committee are appointed by the Board, the Committee shall meet to elect a chairman who shall hold office according to rules adopted by the Board.

B. The Committee shall hold at least two regular meetings each year. The rules may not be inconsistent with present rules of the Board relating to meetings of the Board.

Added by Laws 1984, c. 144, § 6, eff. Nov. 1, 1984.

1727. Board – Powers and duties

A. The Board may adopt rules which may be necessary for the performance of its duties pursuant to the provisions of the Licensed Dietitian Act.

B. It shall be the duty of the Board, aided by the Committee, to pass upon the qualifications of applicants for licensure, to conduct all examinations and to determine which applicants successfully pass such examinations.

C. The Board shall:

1. adopt an official seal;
2. establish the qualifications and fitness of applicants for licenses, renewal of licenses, and reciprocal licenses;
3. revoke, suspend, or deny a license, probate a license suspension, or reprimand a licensee for a violation of the Licensed Dietitian Act, or the rules of the Board;
4. spend funds necessary for the proper administration of its assigned duties;
5. establish reasonable and necessary fees for the administration and implementation of the Licensed Dietitian Act;
6. maintain a record listing the name of every licensed dietitian in this state, his or her last-known place of business and last-known place of residence, and the date and number of his or her license. The Board shall compile a list of dietitians licensed to practice in this state and such list shall be available to any person upon application to the Board and the payment of such charge as may be fixed by the Board for such list;
7. comply with the Oklahoma Open Meeting Law.

D. The Board shall not adopt rules restricting competitive bidding or advertising by a person regulated by the Board except to prohibit false, misleading, or deceptive practices. The Board shall not include in its rules to prohibit false, misleading, or deceptive practices by a person regulated by the Board a rule that:

1. restricts the person's use of any medium for advertising; or
2. restricts the person's personal appearance or use of his personal voice in an advertisement; or
3. relates to the size or duration of any advertisement by the person; or
4. restricts the person's advertisement under a trade name.

Added by Laws 1984, c. 144, § 7, eff. Nov. 1, 1984.

1728. Personnel and facilities – Executive secretary

A. The basic personnel and necessary facilities that are required to administer the Licensed Dietitian Act shall be the personnel and facilities of the Board. The Board personnel shall act as the agents of the Board. If necessary for the administration or implementation of the Licensed Dietitian Act, the Board by agreement may secure and provide for compensation for services that the Board considers necessary and may employ and compensate within available appropriations professional consultants, technical assistants, and employees on a full-time or part-time basis.

B. The chairman of the Board shall designate an employee to serve as executive secretary of the Committee. The executive secretary must be an employee of the Board.

The executive secretary shall be the administrator of the dietitian licensing activities for the Board.

C. In addition to other duties prescribed by the law and by the Board, the executive secretary shall:

1. keep full accurate minutes of the transactions and proceedings of the Committee;
2. be the custodian of the files and records of the Committee;
3. prepare and recommend to the Board plans and procedures necessary to implement the purposes and objectives of this act, including rules and proposals on administrative procedures consistent with this act;
4. exercise general supervision over persons employed by the Board in the administration of this act;
5. be responsible for the investigation of complaints and for the presentation of formal complaints;
6. attend all meetings of the Committee as a nonvoting participant;
7. handle the correspondence of the Committee and obtain, assemble, or prepare the reports and information that the Board may direct or authorize.

Added by Laws 1984, c. 144, § 8, eff. Nov. 1, 1984.

1729. Fees

After consultation with the Committee, the Board shall set the fees imposed by the provisions of the Licensed Dietitian Act in amounts that are adequate to collect sufficient revenue to meet the expenses necessary to perform their duties without accumulating an unnecessary surplus.

Added by Laws 1984, c. 144, § 9, eff. Nov. 1, 1984.

1730. Application for license – Fee – Form – Filing date – Qualifications for licensing examination – Notice of receipt

A. An applicant for a dietitian license shall submit a sworn application, accompanied by the application fee.

B. The Committee shall prescribe the form of the application and may by rule establish dates by which applications and fees shall be received. These rules shall not be inconsistent with rules of the Board related to application dates of other licenses.

C. To qualify for the licensing examination the applicant shall:

1. possess a baccalaureate or post baccalaureate degree with a major course of study in human nutrition, food and nutrition, dietetics, or food systems management or an equivalent major course of study approved by Committee; and

2. have completed an internship or preplanned professional experience program approved by the Committee.

D. Not later than the 45th day after the receipt of a properly submitted and timely application and not later than the 30th day before the next examination date, the Board shall notify an applicant in writing that his or her application and any other relevant evidence pertaining to applicant qualifications established by the Board by rules has been received and investigated. The notice shall state whether the application and other evidence submitted have qualified the applicant for examination. If the applicant has not qualified for examination, the notice shall state the reasons for the lack of qualifications.

Added by Laws 1984, c. 144, § 10, eff. Nov. 1, 1984.

1731. Examinations

A. To qualify for a license, an applicant shall pass a competency examination. Examinations shall be prepared or approved by the Board and administered to qualified applicants at least once each calendar year.

B. An examination prescribed by the Board may be or may include an examination given by the Commission on Dietetic Registration of the American Dietetic Association or by a national or state testing service in lieu of examination prepared by the Board.

C. If requested in writing by a person who fails the licensing examination, the Board shall furnish the person with an analysis of the person's performance on the examination.

D. If an applicant fails the examination three times, the applicant shall furnish evidence to the Board of completed course work taken for credit with a passing grade in the areas of weakness before the applicant may again apply for examination.

Added by Laws 1984, c. 144, § 11, eff. Nov. 1, 1984.

1732. Issuance of license - Duties of licensee – Surrender of license

A. A person who meets the licensing qualifications is entitled to receive a license certificate as a licensed dietitian.

B. The licensee shall:

1. display the license certificate in an appropriate and public manner; and
2. keep the Board informed of his or her current address.

C. A license certificate issued by the Board is the property of the Board and must be surrendered on demand.

Added by Laws 1984, c. 144, § 12, eff. Nov. 1, 1984.

1733. Term of license – Renewal

A. Licenses shall be renewal annually by paying the required renewal fee to the State Board of Medical Licensure and Supervision on or before the renewal date specified by the Board. The Board shall promulgate rules setting forth fees for initial licensure and license renewal and may adopt a renewal system requiring all renewals to occur in a specified month of the year regardless of the date of initial licensure.

B. If a person's license has been expired for not more than ninety (90) days, the person may renew the license by paying to the Board the required renewal fee and a penalty fee that is one-half (1/2) the renewal fee.

C. If a license has been expired for more than ninety (90) days but less than one (1) year, the person may renew the license by paying to the Board all unpaid renewal fees and a penalty fee that is equal to the renewal fee.

D. If a license has been expired one (1) year or more, the license may not be renewed. A new license may be obtained by submitting to reexamination and complying with the current requirements and procedures for obtaining a license.

Added by Laws 1984, c. 144, § 13, eff. Nov. 1, 1984; Amended by Laws 1999, c. 103, § 1, eff. April 19, 1999

1734. Provisional license

A. A license to use the title of provisional licensed dietitian may be issued by the Board on the filing of an application, payment of an application fee, and the submission of evidence of the successful completion of the educational requirement pursuant to the provisions of Section 10 of the Licensed Dietitian Act. The initial application shall be signed by the supervising licensed dietitian.

B. A provisional licensed dietitian shall be subject to the personal and direct supervision of a licensed dietitian.

C. A person qualified for a provisional license is entitled to receive a license certificate as a provisional licensed dietitian. A provisional licensed dietitian shall comply with the provisions of subsections B and C of Section 12 of the Licensed Dietitian Act.

D. A provisional license is valid for one (1) year from the date it is issued and may be renewed annually not to exceed two (2) additional years by the same procedures established for renewal pursuant to the provisions of Section 13 of the Licensed Dietitian Act if the application for renewal is signed by the supervising licensed dietitian.

Added by Laws 1984, c. 144, § 14, eff. Nov. 1, 1984.

1735. Waiver of examination requirement

On receipt of an application and application fee, the Board may upon the recommendation of the Committee waive the examination requirement for an applicant who, at the time of application:

1. is registered by the Commission on Dietetic Registration as a registered dietitian; or
2. holds a valid license or certificate as a licensed or registered dietitian issued by another state with which this state has a reciprocity agreement.

Added by Laws 1984, c. 144, § 15, eff. Nov. 1, 1984.

1736. Titles and abbreviations

A. A person may not use the title or represent or imply that he or she has the title of licensed dietitian or provisional licensed dietitian or use the letters LD or PLD and may not use any facsimile of those titles in any manner to indicate or imply that the person is a licensed dietitian or provisional licensed dietitian, unless that person holds an appropriate license.

B. A person shall not use the title or represent or imply that he has the title of registered dietitian or the letters RD and shall not use any facsimile of the title in any manner to indicate or imply that the person is registered as a registered dietitian by the Commission on Dietetic Registration, unless the person is registered as a registered dietitian by the Commission on Dietetic Registration.

C. Any person convicted of knowingly or intentionally violating the provisions of subsection A or B of this section shall be guilty of a misdemeanor.

Added by Laws 1984, c. 144, § 16, eff. Nov. 1, 1984.

1737. Complaints – Information file – Notice of status

A. The Board shall keep an information file about each complaint filed with the Board related to a licensee.

B. If a written complaint is filed with the Board relating to a licensee, the Board, at least as frequently as quarterly, shall notify the parties to the complaint of the status of the complaint until final disposition of the complaint.

Added by Laws 1984, c. 144, § 17, eff. Nov. 1, 1984.

1738. Probation, reprimand, suspension or revocation of License

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 violation of the provisions of the Licensed Dietitian Act; or
2. 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 licensees;
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.

Added by Laws 1984, c. 144, § 18, eff. Nov. 1, 1984.

1739. Currently registered dietitians exempted from examination requirement

For one (1) year beginning on November 1, 1984, the Board shall waive the examination requirement and grant a license to any person who is registered by the Commission on Dietetic Registration as a registered dietitian on November 1, 1984, or who becomes so registered before November 1, 1985.

Added by Laws 1984, c. 144, § 19, eff. Nov. 1, 1984.

1740. **Due to a legislative scrivener's error, there is no § 1740**

1741. NEW LAW to be codified as Title 59 Okla. Stat. § 1741

A. Any person who holds himself or herself out as a licensed dietitian, or any licensed dietitian who violates any provision of the Licensed Dietitian 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 Dietitian 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 Dietitian Act or any rule or any order issued pursuant to the provisions of the Licensed Dietitian 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.