

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

SENATE BILL 74

By: Senator Teague

For An Act To Be Entitled

AN ACT TO MODERNIZE REFERENCES TO THE NATIONAL AND STATE ACADEMY OF NUTRITION AND DIETETICS; AND FOR OTHER PURPOSES.

Subtitle

AN ACT TO MODERNIZE REFERENCES TO THE NATIONAL AND STATE ACADEMY OF NUTRITION AND DIETETICS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 17-83-103 is amended to read as follows:
17-83-103. Definitions.

As used in this chapter:

(1) ~~“Association” means the American Dietetic Association~~
“Academy” means the Academy of Nutrition and Dietetics;

~~(2) “Board” means the Arkansas Dietetics Licensing Board;~~

~~(3)(2) “Commission on Dietetic Registration” means the Commission on Dietetic Registration that is a national certifying agency for voluntary professional credentialing in dietetics and a member of the National Commission for Health Certifying Agencies Institute for Credentialing Excellence;~~

~~(4)(3) “Degree” means a degree received from a United States college or university that was regionally accredited at the time the degree was conferred;~~

~~(5)(4) “Dietetic technician” means one who has completed a dietetic technician program and has received a two-year associate degree from~~



a regionally accredited college or university;

~~(6)~~(5) “Dietetics practice” means the integration and application of the principles derived from the sciences of nutrition, biochemistry, food, physiology, management, and behavioral and social sciences to achieve and maintain people’s health through the provision of nutrition care services;

~~(7)~~(6) “Dietitian” means one engaged in dietetics practice;

~~(9)~~(7) ~~“National Commission for Health Certifying Agencies”~~ “Institute for Credentialing Excellence” means the national organization that establishes national standards for certifying bodies that attest to the competence of individuals who participate in the health care delivery system, grants recognition to certifying bodies that voluntarily apply and meet the established standards, and monitors the adherence to those standards by the certifying bodies that it has recognized;

(8) “Licensed dietitian” means a person licensed under this chapter;

~~(10)~~(9) “Nutrition care services” means:

(A) Assessing the nutritional needs of individuals and groups of humans and determining resources and constraints in the practice setting;

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

(C) Providing nutrition counseling to humans in health and disease;

(D) Developing, implementing, and managing nutrition care of, and food service systems for, humans; and

(E) Evaluating, making changes in, and maintaining appropriate standards of quality in food and nutrition care services for humans;

~~(11)~~(10) “Nutrition counseling” means advising and assisting individuals or groups concerning appropriate nutritional intake by integrating information from the nutritional assessment with information on food and other sources of nutrients and meal preparation consistent with cultural background and socioeconomic status;

~~(12)~~(11) “Nutritional assessment” means the evaluation of the

nutritional needs of individuals and groups, based upon appropriate biochemical, anthropometric, physical, and dietary data, to determine nutrient needs and recommend appropriate nutritional intervention, including enteral and parenteral nutrition;

~~(13)~~(12) "Provisionally licensed dietitian" means a person provisionally licensed under this chapter; and

~~(14)~~(13) "Registered dietitian" means a person registered by the Commission on Dietetic Registration.

SECTION 2. Arkansas Code § 17-83-104 is amended to read as follows:
17-83-104. Exemptions.

This chapter ~~shall not be construed to~~ does not affect or prevent:

(1) Dietetics students who engage in clinical practice under the supervision of a dietitian as part of a dietetic education program approved or accredited by the ~~American Dietetic Association~~ Academy of Nutrition and Dietetics and approved by the Arkansas Dietetics Licensing Board;

(2) A dietitian who is serving in the armed forces or the United States Public Health Service or is employed by the United States Department of Veterans Affairs from engaging in the practice of dietetics, provided that the practice is related to that service or employment;

(3) A cooperative extension home economist from performing nutrition tasks incidental to the practice of his or her profession, ~~provided that~~ if the person does not hold himself or herself out under the title of dietitian or licensed dietitian;

(4) A ~~duly~~ licensed physician, pharmacist, or nurse from engaging in the practice of dietetics ~~when~~ if incidental to the practice of his or her profession, ~~provided that~~ and if the person does not hold himself or herself out under the title of dietitian or licensed dietitian;

(5) ~~Any~~ A person employed by, supervised by, under the guidance of, or in consultation with a licensed dietitian, such as a dietetic technician, home economist, dietary manager, or food service supervisor, from performing nutrition tasks in the practice of his or her profession, ~~provided that~~ if the person does not hold himself or herself out under the title of dietitian or licensed dietitian;

(6) ~~Any~~ A person who has received a doctoral degree from a regionally accredited United States college or university in or with a

concentration in human nutrition, food and nutrition, dietetics, public health nutrition, or food systems management;

(7) A nonresident dietitian practicing dietetics in this state, if:

(A) The dietetics are performed for no more than one hundred eighty (180) consecutive working days; and

(B) The dietitian:

(i) Is licensed under the laws of another state ~~which~~ that has licensure requirements at least as stringent as the requirements of this chapter, as determined by the board; or

(ii) Has met qualifications as specified in this chapter for the practice of dietetics;

(8) ~~Any~~ A person who offers weight control programs prepared under the supervision of or approved by a registered dietitian or a licensed dietitian who is licensed under the laws of this state or another state ~~which~~ that has licensure requirements at least as stringent as the requirements of this chapter, as determined by the board, ~~provided that~~ if the person does not hold himself or herself out under the title of dietitian or licensed dietitian;

(9) ~~Any~~ A person employed by a hospital or long-term care facility licensed by the Department of Health or the Department of Human Services and operating under the rules ~~and regulations~~ of the ~~agencies~~ Department of Health or the Department of Human Services ~~shall be exempt from this chapter, provided that~~ if the person's practice of dietetics is related to the employment;

(10) ~~Any~~ A person employed by a facility ~~which is conducted~~ that is operated by and for those who rely exclusively upon treatment by prayer alone for healing in accordance with the tenets or practices of any recognized religious denomination, ~~provided that~~ if the person's practice of dietetics is related to the employment;

(11) ~~Any~~ A person who has received a doctoral degree from a regionally accredited United States college or university in or with a concentration in animal nutrition and whose practice is related to the degree;

(12) ~~Any~~ A health care professional or nutritionist from engaging in dietetics practice without a license under this chapter; ~~or~~

(13) The sale of vitamins, over-the-counter health care products, or food supplements by persons who are not licensed under this chapter, ~~or nor shall this chapter prevent nutritionists~~

(14) Nutritionists from advising customers in regard to ~~those products~~ vitamins, over-the-counter health care products, or food supplements.

SECTION 3. Arkansas Code § 17-83-201(d)(1), concerning the membership of the Arkansas Dietetics Licensing Board, is amended to read as follows:

(d)(1) The four (4) board members who are representative of the dietetics profession shall be selected from a list of ten (10) names submitted to the Governor by the Board of Directors of the Arkansas ~~Dietetic Association~~ Academy of Nutrition and Dietetics.