

By: Crownover

H.B. No. 2419

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of the practice of dietetics and nutrition care services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 701.001, Occupations Code, is amended to read as follows:

Sec. 701.001. SHORT TITLE. This chapter may be cited as the Texas Dietetics and Nutrition Practice [~~Licensed Dietitian~~] Act.

SECTION 2. Section 701.002, Occupations Code, is amended by amending Subdivisions (3), (4), (6), and (8) and adding Subdivision (7-a) to read as follows:

(3) "Dietetics and nutrition care services" means the integration and application of [~~professional discipline of applying and integrating~~] scientific principles of food, nutrition, biochemistry, physiology, management, and behavioral and social sciences [~~under different health, social, cultural, physical, psychological, and economic conditions for the proper nourishment, care, and education of an individual or group throughout the life cycle~~] to achieve, [and] maintain, and restore human health[~~. The term includes the development, management, and provision of nutrition services~~].

(4) "Dietitians board" means the Texas [~~State~~] Board of Dietetics and Nutrition [~~Examiners of Dietitians~~].

(6) "Nutrition care systems [~~assessment~~]" means all of

1 the services provided by a licensed dietitian in each area of
2 practice, including assessment, evaluation, counseling,
3 monitoring, consultation, food preparation and delivery, research,
4 nutrition therapy, and education [~~evaluating the nutritional needs~~
5 ~~of an individual or group based on appropriate biochemical,~~
6 ~~anthropometric, physical, and dietary data to determine nutrient~~
7 ~~needs and recommend appropriate nutritional intake, including~~
8 ~~enteral and parenteral nutrition]~~.

9 (7-a) "Nutrition therapy" means the management of a
10 disease or condition through the modification of nutrient or
11 whole-food intake. The term encompasses the assessment of an
12 individual's nutrition status, evaluation of nutritional needs,
13 and intervention or counseling to achieve optimal clinical
14 outcomes, taking into consideration the individual's health care
15 and dietary histories and physical, anthropometric, and laboratory
16 data. The term includes oral, enteral, and parenteral nutrition
17 interventions and takes into consideration the cultural
18 background, socioeconomic status, and food preferences of the
19 individual.

20 (8) "Practice of dietetics and nutrition care
21 ["Nutrition] services" includes [means]:

22 (A) assessing the nutritional needs of an
23 individual or group based on biochemical, anthropometric,
24 physical, and dietary data, [and] determining constraints and
25 resources to meet the nutritional needs of the individual or group,
26 and recommending proper nutrition intervention to satisfy those
27 needs, including oral, enteral, and parenteral nutrition

1 interventions [~~in the practice~~];

2 (B) establishing priorities, objectives, and
3 goals that meet the nutritional needs of the individual or group
4 based on [~~and are consistent with~~] constraints and available
5 resources;

6 (C) providing nutrition education or counseling
7 in health and disease;

8 (D) developing, implementing, and managing a
9 nutrition [~~nutritional~~] care system [~~systems~~]; [~~or~~]

10 (E) evaluating, adjusting [~~changing~~], and
11 maintaining appropriate quality standards in dietetics [~~food~~] and
12 nutrition [~~nutritional~~] care services; and

13 (F) providing nutrition therapy.

14 SECTION 3. Section 701.003, Occupations Code, is amended to
15 read as follows:

16 Sec. 701.003. APPLICATION OF SUNSET ACT. The Texas [~~State~~]
17 Board of Dietetics and Nutrition [~~Examiners of Dietitians~~] is
18 subject to Chapter 325, Government Code (Texas Sunset Act). Unless
19 continued in existence as provided by that chapter, the board is
20 abolished September 1, 2017.

21 SECTION 4. Subchapter A, Chapter 701, Occupations Code, is
22 amended by adding Section 701.004 to read as follows:

23 Sec. 701.004. APPLICATION OF CHAPTER. (a) This chapter
24 does not apply to a person who does not violate Section 701.251(b)
25 or (c) and is:

26 (1) a retailer that furnishes free oral or written
27 general nutrition information to a customer on food, food

1 materials, dietary supplements, and other goods sold at the
2 retailer's establishment in connection with the marketing and
3 distribution of those goods at the retailer's establishment, if the
4 information does not violate Section 101.201;

5 (2) a person that furnishes free oral or written
6 nutrition information on food, food materials, or dietary
7 supplements, if the information does not violate Section 101.201;

8 (3) a person engaged in the practice of the tenets of
9 any religion, sect, or denomination;

10 (4) a person who freely disseminates information,
11 conducts a class or seminar, or gives a speech related to dietetics
12 and nutrition care services, if the person does not violate Section
13 101.201;

14 (5) a licensed health care professional practicing
15 within the authorized scope of the person's license;

16 (6) a student or trainee working under the direct
17 supervision of a licensed dietitian for a limited period as
18 determined by the dietitians board, while fulfilling an experience
19 requirement or pursuing a course of study to meet requirements for a
20 license under this chapter;

21 (7) a person assisting in the practice of dietetics
22 and nutrition care services under the direct supervision of a
23 licensed dietitian and performing only support activities; or

24 (8) a person providing a program of weight control
25 services if the program has been reviewed by, consultation is
26 available from, and no program change can be initiated without
27 prior approval of:

1 (A) a licensed dietitian;

2 (B) a dietitian licensed in another state that
 3 has licensing requirements that are at least as stringent as the
 4 requirements under this chapter;

5 (C) a dietitian registered by the Commission on
 6 Dietetic Registration; or

7 (D) a licensed physician.

8 (b) This chapter does not apply to a dietitian or
 9 nutritionist serving in the United States armed forces or the
 10 United States Public Health Service or employed by the Department
 11 of Veterans Affairs when performing duties associated with that
 12 service or employment.

13 (c) This chapter does not apply to a dietitian or
 14 nutritionist employed by the state or a political subdivision of
 15 this state, including a school district, who is acting solely
 16 within the scope of the person's employment.

17 (d) This chapter does not authorize a person to make a
 18 medical diagnosis or otherwise engage in the practice of medicine
 19 in violation of Subtitle B.

20 SECTION 5. The heading to Subchapter B, Chapter 701,
 21 Occupations Code, is amended to read as follows:

22 SUBCHAPTER B. TEXAS [~~STATE~~] BOARD OF DIETETICS AND NUTRITION

23 [~~EXAMINERS OF DIETITIANS~~]

24 SECTION 6. The heading to Section 701.051, Occupations
 25 Code, is amended to read as follows:

26 Sec. 701.051. [~~DIETITIANS~~] BOARD MEMBERSHIP.

27 SECTION 7. Section 701.051(a), Occupations Code, is amended

1 to read as follows:

2 (a) The Texas [~~State~~] Board of Dietetics and Nutrition
3 [~~Examiners of Dietitians~~] consists of nine members appointed by the
4 governor with the advice and consent of the senate as follows:

5 (1) six licensed dietitian members, each of whom has
6 been licensed under this chapter for not less than three years
7 before the member's date of appointment; and

8 (2) three members who represent the public.

9 SECTION 8. Section 701.251(b), Occupations Code, is amended
10 to read as follows:

11 (b) Unless the person holds a license [~~an appropriate~~]
12 issued under this chapter, a person may not:

13 (1) use the title or represent or imply that the person
14 has the title "dietitian," "licensed dietitian," "licensed
15 dietitian and nutritionist," "nutritionist," "nutrition
16 therapist," or "licensed nutritionist" or [~~"provisional licensed~~
17 ~~dietitian" or~~] use the letters "LD," "LDN," "LNT," or "LN" [~~or~~
18 "PLD"]; [~~or~~]

19 (2) use a facsimile of those titles to indicate or
20 imply that the person is a dietitian, licensed dietitian, licensed
21 dietitian and nutritionist, nutritionist, nutrition therapist, or
22 licensed nutritionist [~~or provisional licensed dietitian~~]; or

23 (3) engage in the practice of dietetics and nutrition
24 care services for compensation.

25 SECTION 9. Section 701.252(a), Occupations Code, is amended
26 to read as follows:

27 (a) Each applicant for a [~~dietitian~~] license under this

1 chapter must submit a sworn application accompanied by the
2 application fee.

3 SECTION 10. Section 701.253(f), Occupations Code, is
4 amended to read as follows:

5 (f) The dietitians board shall waive the examination
6 requirement for an applicant who, at the time of application, is a
7 dietitian registered by the Commission on Dietetic Registration.
8 An applicant under this section is entitled to obtain a license if
9 the applicant:

10 (1) submits an application under Section 701.252;

11 (2) passes the jurisprudence examination required by
12 Section 701.2575; and

13 (3) pays the required examination and license fees.

14 SECTION 11. Section 701.254, Occupations Code, is amended
15 to read as follows:

16 Sec. 701.254. QUALIFICATIONS FOR EXAMINATION. To qualify
17 for the licensing examination under this chapter, an applicant
18 must:

19 (1) possess a baccalaureate or postbaccalaureate
20 degree, conferred by a college or university regionally accredited
21 at the time of conferral, with:

22 (A) a major course of study in human nutrition,
23 food and nutrition, nutrition education, dietetics, nutrition
24 science, or food systems management accredited by the Commission on
25 Accreditation for Dietetics Education; or

26 (B) an equivalent major course of study approved
27 by the dietitians board; and

1 (2) have completed an internship or supervised
2 practice accredited by the Commission on Accreditation for
3 Dietetics Education or a preplanned, documented, professional
4 experience program in dietetics practice of not less than 900 hours
5 under the supervision of a licensed dietitian or a registered
6 dietitian approved by the board.

7 SECTION 12. Section 701.258, Occupations Code, is amended
8 to read as follows:

9 Sec. 701.258. QUALIFIED PERSON ENTITLED TO LICENSE. (a)
10 The dietitians board shall issue a license certificate as a
11 licensed dietitian to a person qualified for a license under this
12 chapter.

13 (b) A person holding a license certificate issued under this
14 chapter may use any title or letters described in Section
15 701.251(b)(1).

16 SECTION 13. Subchapter H, Chapter 701, Occupations Code, is
17 amended by adding Section 701.354 to read as follows:

18 Sec. 701.354. REIMBURSEMENT NOT MANDATED; SERVICES
19 AUTHORIZED. (a) This chapter does not require new or additional
20 third-party reimbursement or mandated workers' compensation
21 benefits for services provided by a license holder under this
22 chapter.

23 (b) A license holder under this chapter is qualified to
24 provide medical nutrition therapy in accordance with 42 U.S.C.
25 Section 1395x(vv).

26 SECTION 14. Section 701.259, Occupations Code, is repealed.

27 SECTION 15. The change in law made by this Act by the

1 enactment of Section 701.251(b)(3), Occupations Code, applies only
2 to the practice of dietetics and nutrition care services on or after
3 September 1, 2008. The practice of dietetics and nutrition care
4 services before that date is governed by the law in effect on the
5 date the practice occurred, and the former law is continued in
6 effect for that purpose.

7 SECTION 16. This Act takes effect September 1, 2007.