

BILL ANALYSIS

S.B. 2016
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Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the Texas Department of Licensing and Regulation only accepts the registration examination for dietitians offered by the Commission on Dietetic Registration (CDR) for licensure. CDR is the primary national certification organization, and its exam is the current national standard. Effective January 1, 2024, CDR will require applicants to hold at least a graduate-level degree as a prerequisite to take the examination. Texas law, however, allows applicants to obtain a baccalaureate or post-baccalaureate degree. S.B. 2016 would update existing laws to align with national standards, ensuring applicants are not confused about the examination requirements and can ultimately become licensed.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 2016 repeals Occupations Code provisions regarding license examination requirements for dietitians and the qualifications for such an examination and amends the Occupations Code to require instead an applicant for a dietitian license to provide evidence satisfactory to the Texas Department of Licensing and Regulation (TDLR) that the applicant meets the following criteria:

- is a registered dietitian or registered dietitian nutritionist;
- has met the following education and experience requirements:
 - possesses at least a master's degree, accepted by the certifying entity, conferred by a regionally accredited college or university under an accredited program that is recognized by the U.S. Secretary of Education under the federal Higher Education Act of 1965; and
 - has completed an internship, didactic program, or other supervised experience or practice program in dietetics practice that is accepted by the certifying entity and is accredited by a body recognized by the U.S. Secretary of Education under that federal law;
- has passed the examination given by the applicable certifying entity;
- is in compliance with all professional, ethical, and disciplinary standards established by the applicable certifying entity; and
- is not subject to any disciplinary action by the applicable certifying entity.

S.B. 2016 repeals the definition of "Commission on Dietetic Registration" and instead defines the commission as the commission that is accredited by the National Commission for Certifying

Agencies to issue credentials for the professional practice of dietetics. The bill further defines the following terms:

- "certifying entity" means either the Commission on Dietetic Registration or another TDLR-approved entity that has standards equivalent to the Commission on Dietetic Registration's and is accredited by the National Commission for Certifying Agencies to issue credentials for the professional practice of dietetics;
- "registered dietitian" means a person who is credentialed by a certifying entity as a registered dietitian; and
- "registered dietitian nutritionist" means a person who is credentialed by a certifying entity as a registered dietitian nutritionist.

S.B. 2016 clarifies that a registered dietitian nutritionist is prohibited from using that title or representing or implying that the person holds that title unless the person is a registered dietitian nutritionist in the same manner that a registered dietitian is prohibited from using that title or representing or implying that the person holds that title unless the person is a registered dietitian. The bill removes a provisional licensed dietitian as a type of license issued by TDLR under provisions relating to dietitians. The bill repeals a provision requiring TDLR to prepare a registry of licensed dietitians and provisional licensed dietitians and to make the registry available to the public, license holders, and appropriate state agencies.

S.B. 2016 removes the specification that the frequency with which TDLR must develop and administer a jurisprudence examination to determine an applicant's knowledge of the Licensed Dietitian Act, rules of the Texas Commission of Licensing and Regulation (TCLR) under the act, and any other applicable state laws affecting the applicant's dietetics practice is at least twice each calendar year.

S.B. 2016 clarifies that the authority of TCLR or TDLR to refuse to renew the dietitian license of a person who fails to pay an administrative penalty is based on the person's failure to pay an administrative penalty imposed against the person under statutory provisions providing for the general authority of TCLR or the executive director of TDLR to impose an administrative penalty. The bill repeals a provision requiring the State Office of Administrative Hearings to use the schedule of sanctions adopted by TCLR by rule for a sanction imposed as the result of a hearing conducted by the office.

S.B. 2016 applies only to an application for a dietitian license submitted on or after January 1, 2024. The bill authorizes a person who holds a dietitian license on the bill's effective date to continue to renew that license without complying with the bill's license qualifications provisions. The bill also authorizes a person who was credentialed as a registered dietitian or registered dietitian nutritionist, as defined by the bill, before January 1, 2024, and who continues to hold that credential to apply for a dietitian license without complying with the bill's provisions regarding license requirements.

S.B. 2016 repeals the following provisions of the Occupations Code:

- Section 701.002(9);
- Section 701.1511;
- Section 701.251(a);
- Section 701.253;
- Section 701.254;
- Section 701.403; and
- the heading to Subchapter K, Chapter 701.

EFFECTIVE DATE

September 1, 2023.