By:  Zaffirini S.B. No. 2016

(In the Senate - Filed March 9, 2023; March 21, 2023, read first time and referred to Committee on Business & Commerce; April 27, 2023, reported adversely, with favorable Committee Substitute by the following vote: Yeas 10, Nays 1; April 27, 2023, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Schwertner           X

King                 X

Birdwell             X

Campbell             X

Creighton            X

Johnson              X

Kolkhorst            X

Menéndez             X

Middleton                X

Nichols              X

Zaffirini            X

COMMITTEE SUBSTITUTE FOR S.B. No. 2016 By:  Zaffirini

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of dietitians.

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

SECTION 1.  Section 701.002, Occupations Code, is amended by amending Subdivision (1-a) and adding Subdivisions (1-b), (1-c), (10), and (11) to read as follows:

(1-a)  "Certifying entity" means:

(A)  the Commission on Dietetic Registration; or

(B)  another entity that has standards equivalent to the standards of the entity described by Paragraph (A), is accredited by the National Commission for Certifying Agencies to issue credentials for the professional practice of dietetics, and is approved by the department.

(1-b)  "Commission" means the Texas Commission of Licensing and Regulation.

(1-c)  "Commission on Dietetic Registration" means the commission that is accredited by the National Commission for Certifying Agencies to issue credentials for the professional practice of dietetics.

(10)  "Registered dietitian" means a person who is credentialed by a certifying entity as a registered dietitian.

(11)  "Registered dietitian nutritionist" means a person who is credentialed by a certifying entity as a registered dietitian nutritionist.

SECTION 2.  Sections 701.251(b) and (c), Occupations Code, are amended to read as follows:

(b)  Unless the person holds an appropriate license issued under this chapter, a person may not:

(1)  use the title or represent or imply that the person has the title "licensed dietitian" [~~or "provisional licensed dietitian"~~] or use the letters "LD" [~~or "PLD"~~]; or

(2)  use a facsimile of that title [~~those titles~~] to indicate or imply that the person is a licensed dietitian [~~or provisional licensed dietitian~~].

(c)  Unless the person is a [~~dietitian~~] registered dietitian or registered dietitian nutritionist [~~by the Commission on Dietetic Registration~~], a person may not, as applicable:

(1)  use the title or represent or imply that the person has the title "registered dietitian" or "registered dietitian nutritionist" or use the letters "RD" or "RDN"; or

(2)  use a facsimile of those titles [~~that title~~] to indicate or imply that the person is a [~~dietitian~~] registered dietitian or registered dietitian nutritionist [~~by the Commission on Dietetic Registration~~].

SECTION 3.  Subchapter F, Chapter 701, Occupations Code, is amended by adding Section 701.2525 to read as follows:

Sec. 701.2525.  LICENSE QUALIFICATIONS. An applicant for a dietitian license must provide evidence satisfactory to the department that the applicant:

(1)  is a registered dietitian or registered dietitian nutritionist;

(2)  has met the following education and experience requirements:

(A)  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 United States Secretary of Education under the Higher Education Act of 1965 (20 U.S.C. Section 1001 et seq.); and

(B)  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 United States Secretary of Education under the Higher Education Act of 1965 (20 U.S.C. Section 1001 et seq.);

(3)  has passed the examination given by the applicable certifying entity;

(4)  is in compliance with all professional, ethical, and disciplinary standards established by the applicable certifying entity; and

(5)  is not subject to any disciplinary action by the applicable certifying entity.

SECTION 4.  Sections 701.2575(a) and (b), Occupations Code, are amended to read as follows:

(a)  The department shall develop and administer [~~at least twice each calendar year~~] a jurisprudence examination to determine an applicant's knowledge of this chapter, commission rules under this chapter, and any other applicable laws of this state affecting the applicant's dietetics practice.

(b)  In addition to the [~~license~~] examination required by Section 701.2525 [~~701.253~~], an applicant must pass a jurisprudence examination to qualify for a license under this chapter.

SECTION 5.  Section 701.304, Occupations Code, is amended to read as follows:

Sec. 701.304.  GROUNDS FOR REFUSING RENEWAL. The commission or department may refuse to renew the license of a person who fails to pay an administrative penalty imposed against the person under Subchapter F, Chapter 51 [~~K~~], unless enforcement of the penalty is stayed or a court has ordered that the administrative penalty is not owed.

SECTION 6.  The following provisions of the Occupations Code are repealed:

(1)  Section 701.002(9);

(2)  Section 701.1511;

(3)  Section 701.251(a);

(4)  Section 701.253;

(5)  Section 701.254;

(6)  Section 701.403; and

(7)  the heading to Subchapter K, Chapter 701.

SECTION 7.  (a) The changes in law made by this Act to Subchapter F, Chapter 701, Occupations Code, apply only to an application for a dietitian license submitted on or after January 1, 2024. An application for a dietitian license submitted before January 1, 2024, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

(b)  A person who holds a dietitian license under Chapter 701, Occupations Code, on the effective date of this Act may continue to renew that license without complying with Section 701.2525, Occupations Code, as added by this Act.

(c)  Notwithstanding Section 701.2525, Occupations Code, as added by this Act, a person who was credentialed as a registered dietitian or registered dietitian nutritionist as defined by Section 701.002, Occupations Code, as amended by this Act, before January 1, 2024, and who continues to hold that credential may apply for a dietitian license without complying with Subchapter F, Chapter 701, Occupations Code, as amended by this Act. An application for a dietitian license submitted by a person described by this subsection is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 8.  This Act takes effect September 1, 2023.

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