



1 (1) Promulgate rules in accordance with the provisions of  
2 chapter twenty-nine-a of this code to implement and effectuate the  
3 provisions of this article, including, but not limited to,  
4 legislative rules establishing the following:

5 (A) A code of professional ethics;

6 (B) Continuing education requirements and standards;

7 (C) Examination, licensure and renewal requirements of duly  
8 qualified applicants; ~~and~~

9 (D) A fee schedule; and

10 ~~(D)~~ (E) Procedures and guidelines for the suspension or  
11 revocation of a license.

12 (2) Adopt procedural and interpretive rules in accordance with  
13 the provisions of chapter twenty-nine-a of this code;

14 (3) Adopt an official seal;

15 (4) Conduct license examinations of duly qualified applicants;

16 (5) Issue and renew licenses and issue interim permits to duly  
17 qualified applicants;

18 (6) Impose and collect fees for the issuance and renewal of  
19 permits or licenses;

20 (7) Suspend, revoke and reinstate licenses;

21 (8) Conduct hearings on licensing issues and any other matter  
22 properly within the jurisdiction of the board;

23 (9) Maintain a record of all proceedings of the board; and

24 (10) Submit a biennial report to the Governor describing the

1 activities of the board.

2 (b) The Legislature finds and declares that this board is  
3 intended to be fully self supported through the fee structure  
4 provided ~~for~~ in this article and that the board shall not require  
5 any legislative appropriation beyond the revenues the board  
6 receives in fees. Accordingly, in the event the board has  
7 insufficient moneys to perform its duties under this article, the  
8 board shall prioritize its duties under this article so at all  
9 times to remain within the money available to it through the fees  
10 established in this article. The board created in this article has  
11 only discretionary duties.

12 **§30-35-5. Fees; special revenue account; expenditures and**  
13 **transfers.**

14 (a) All fees and other moneys collected by the board pursuant  
15 to the provisions of this article shall be deposited in an  
16 appropriated special revenue account designated the "board of  
17 examiners for licensed dietitians," which is ~~hereby created~~  
18 continued in the State Treasury.

19 (b) All expenses incurred by the board shall be paid from the  
20 special fund provided in subsection (a) ~~herein.~~ of this section.  
21 No compensation or expense incurred pursuant to the provisions of  
22 this article may be charged against the **general revenue funds** of  
23 this state. Expenditures ~~shall be~~ may be made only in accordance  
24 with appropriation by the Legislature pursuant to the provisions of

1 article three, chapter twelve of this code and upon the fulfillment  
2 of the provisions of article two, chapter five-a of this code.  
3 Expenditures from the special fund ~~shall be~~ are for the purposes  
4 set forth in this article and are not authorized from collections.  
5 ~~Provided, That for the fiscal year ending June 30, 1996,~~  
6 ~~expenditures are authorized from collections rather than pursuant~~  
7 ~~to an appropriation by the Legislature.~~

8 (c) Amounts collected which are found from time to time to  
9 exceed the funds needed to effectuate the purposes set forth in  
10 this section may be transferred to other accounts or funds and  
11 redesignated for other purposes upon appropriation by the  
12 Legislature.

13 **§30-35-6. Provisional permits; renewals; fees.**

14 (a) The board may issue a provisional permit to engage in  
15 practice as a licensed dietitian to ~~any~~ a person who has not met  
16 the experience requirements set forth in this article upon the  
17 filing of an application and submission of evidence of successful  
18 completion of the education requirements of this article. A  
19 provisional permit expires one year from the date of issuance.  
20 Renewals may be issued for a period not to exceed three years upon  
21 request by the applicant and submission of a satisfactory  
22 explanation for the applicant's failure to become licensed.

23 (b) The fee, as established by legislative rule, for a  
24 provisional permit or renewal ~~is fifty dollars,~~ which shall be

1 submitted with the application. All fees collected shall be  
2 deposited to the credit of the fund provided in section five of  
3 this article.

4 **§30-35-7. Qualifications; licensure; examinations; waivers and**  
5 **fees.**

6 (a) An applicant for a license to engage in practice as a  
7 licensed dietitian shall submit to the board written evidence,  
8 verified by oath, that he or she:

9 (1) Complies with the code of ethics adopted by the board;

10 (2) Has completed a major course of study in human nutrition,  
11 dietetics, food systems management or ~~the equivalent thereof~~ its  
12 equivalent and possesses a baccalaureate or post-baccalaureate  
13 degree; and

14 (3) Has completed a planned continuous professional experience  
15 component in dietetic practice of not less than nine hundred hours  
16 under the supervision of a registered or licensed dietitian.

17 (b) Each applicant is required to pass a written examination  
18 demonstrating competence in the discipline of dietetics and  
19 nutrition. Each written examination may be supplemented by an oral  
20 examination. The board shall determine the times and places for  
21 examinations.

22 (c) When an applicant successfully passes an examination or  
23 examinations, the board shall issue to the applicant a license to  
24 engage in practice as a licensed dietitian. In the event an

1 applicant has failed to pass examinations on three occasions, the  
2 applicant shall, in addition to the other requirements of this  
3 section, present to the board other evidence of his or her  
4 qualifications that the board prescribes.

5 (d) Upon application and submission of the applicable fee, the  
6 board may waive the examination requirements of this section and  
7 issue a license to practice as a licensed dietitian to an applicant  
8 who is registered by the commission on dietetic registration or who  
9 has been duly licensed as a nutritionist or dietitian under the  
10 laws of another state if the standards for licensing in that state  
11 are no less stringent than those required under the provisions of  
12 this article.

13 (e) ~~Any~~ A person applying for a dietitian license shall submit  
14 a ~~fee of fifty dollars or a reasonable~~ fee established by  
15 legislative rule pursuant to section six, article one of this  
16 chapter with the application to the board. ~~which~~ The fee shall be  
17 deposited to the credit of the fund provided in section five of  
18 this article.

19 **§30-35-8. Renewal of licenses; reinstatement; fees; penalties;**  
20 **inactive lists.**

21 (a) The license of every person licensed under the provisions  
22 of this article shall be annually renewed except as otherwise  
23 provided by this section. At such times as the board, in its  
24 discretion, may determine, the board shall mail a renewal

1 application to every person whose license was initially granted or  
2 renewed during the previous calendar year. All persons seeking  
3 renewal shall submit a completed application and ~~a fifty dollar~~ an  
4 annual renewal fee ~~or a reasonable renewal fee~~ established by  
5 legislative rule pursuant to section six, article one of this  
6 chapter. Upon receipt of the application and fee, the board shall  
7 verify the accuracy of the application and, if it is accurate,  
8 issue to the applicant a certificate of renewal of the license for  
9 the current year. The certificate of renewal entitles its holder  
10 to practice dietetics for the period stated on the certificate of  
11 renewal.

12 (b) ~~Any~~ A licensee who allows his or her license to lapse by  
13 failing to renew for a period not exceeding three years may be  
14 reinstated by the board upon receipt of a satisfactory explanation  
15 for the failure to renew his or her license and payment of the  
16 annual renewal fee plus a reinstatement fee ~~of twenty-five dollars~~  
17 ~~or a reasonable reinstatement fee~~ as established by legislative  
18 rule pursuant to section six, article one of this chapter.

19 (c) ~~Any~~ A person allowing his or her license to lapse for a  
20 period exceeding three years is required ~~to be reinstated as a~~  
21 ~~licensed dietitian,~~ to pass a written examination established by  
22 the board to be reinstated and to pay to the board a licensing fee  
23 ~~of fifty dollars or a reasonable licensing fee~~ as established by  
24 legislative rule pursuant to section six, article one of this

1 chapter.

2 (d) ~~Any~~ A person engaged in the practice of licensed dietetics  
3 during the time his or her license has lapsed is in violation of  
4 the provisions of this article and is subject to the penalties  
5 provided in section fourteen of this article.

6 (e) ~~Any~~ A licensed dietitian who desires to retire from  
7 practice temporarily shall submit a written notice of the  
8 retirement to the board. Upon receipt of the notice the board  
9 shall place the name of that person upon the inactive list. ~~Any~~ A  
10 person remaining on the inactive list may not engage in the  
11 practice of licensed dietetics in this state and is not subject to  
12 the payment of ~~any~~ renewal fees. Upon submission of an application  
13 for renewal of license and payment of the renewal fee for the  
14 current year, a licensed dietitian may resume active practice.

NOTE: The purpose of this bill is to remove statutory fees and permit the Board of Dietitians to set the fees legislative rule.

Strike-throughs indicate language that would be stricken from the present law underscoring indicated language that would be added.