

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013

# A Bill

SENATE BILL 74

4  
5 By: Senator Teague

## For An Act To Be Entitled

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

## Subtitle

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

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

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21 SECTION 1. Arkansas Code § 17-83-103 is amended to read as follows:  
22 17-83-103. Definitions.

23 As used in this chapter:

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

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

27 ~~(3)(2) “Commission on Dietetic Registration” means the~~  
28 Commission on Dietetic Registration that is a national certifying agency for  
29 voluntary professional credentialing in dietetics and a member of the  
30 National Commission for Health Certifying Agencies Institute for  
31 Credentialing Excellence;

32 ~~(4)(3) “Degree” means a degree received from a United States~~  
33 college or university that was regionally accredited at the time the degree  
34 was conferred;

35 ~~(5)(4) “Dietetic technician” means one who has completed a~~  
36 dietetic technician program and has received a two-year associate degree from



1 a regionally accredited college or university;

2 ~~(6)~~(5) “Dietetics practice” means the integration and  
3 application of the principles derived from the sciences of nutrition,  
4 biochemistry, food, physiology, management, and behavioral and social  
5 sciences to achieve and maintain people’s health through the provision of  
6 nutrition care services;

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

8 ~~(9)~~(7) ~~“National Commission for Health Certifying Agencies”~~  
9 “Institute for Credentialing Excellence” means the national organization that  
10 establishes national standards for certifying bodies that attest to the  
11 competence of individuals who participate in the health care delivery system,  
12 grants recognition to certifying bodies that voluntarily apply and meet the  
13 established standards, and monitors the adherence to those standards by the  
14 certifying bodies that it has recognized;

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

17 ~~(10)~~(9) “Nutrition care services” means:

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

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

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

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

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

31 ~~(11)~~(10) “Nutrition counseling” means advising and assisting  
32 individuals or groups concerning appropriate nutritional intake by  
33 integrating information from the nutritional assessment with information on  
34 food and other sources of nutrients and meal preparation consistent with  
35 cultural background and socioeconomic status;

36 ~~(12)~~(11) “Nutritional assessment” means the evaluation of the

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

5 ~~(13)~~(12) "Provisionally licensed dietitian" means a person  
 6 provisionally licensed under this chapter; and

7 ~~(14)~~(13) "Registered dietitian" means a person registered by the  
 8 Commission on Dietetic Registration.

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

11 17-83-104. Exemptions.

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

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

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

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

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

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

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

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

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

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

7 (B) The dietitian:

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

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

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

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

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

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

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

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

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

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

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

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