



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4665

Introduced 1/21/2022, by Rep. Theresa Mah

SYNOPSIS AS INTRODUCED:

See Index

Amends the Regulatory Sunset Act. Extends the repeal date of the Dietitian Nutritionist Practice Act from January 1, 2023 to January 1, 2028. Amends the Dietitian Nutritionist Practice Act. Provides that all applicants and licensees shall provide a valid address and email address to the Department of Financial and Professional Regulation. Makes changes in provisions concerning definitions; other activities subject to licensure; exemptions; the Dietitian Nutritionist Practice Board; examinations; qualifications; inactive status; use of title; investigation, notice, and hearing; record of hearing; motion for rehearing; orders and certified copies; certification of records and receipt; and the Illinois Administrative Procedure Act. Repeals provisions concerning Social Security Numbers on license application; rosters; and surrender of license. Effective January 1, 2023, except provisions amending the Regulatory Sunset Act take effect immediately.

LRB102 23904 SPS 33102 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Regulatory Sunset Act is amended by
5 changing Sections 4.33 and 4.38 as follows:

6 (5 ILCS 80/4.33)

7 Sec. 4.33. Acts repealed on January 1, 2023. The following
8 Acts are repealed on January 1, 2023:

9 ~~The Dietitian Nutritionist Practice Act.~~

10 The Elevator Safety and Regulation Act.

11 The Fire Equipment Distributor and Employee Regulation Act
12 of 2011.

13 The Funeral Directors and Embalmers Licensing Code.

14 The Naprapathic Practice Act.

15 The Pharmacy Practice Act.

16 The Professional Counselor and Clinical Professional
17 Counselor Licensing and Practice Act.

18 The Wholesale Drug Distribution Licensing Act.

19 (Source: P.A. 101-621, eff. 12-20-19.)

20 (5 ILCS 80/4.38)

21 Sec. 4.38. Acts repealed on January 1, 2028. The following
22 Acts are repealed on January 1, 2028:

1 The Acupuncture Practice Act.
2 The Clinical Social Work and Social Work Practice Act.
3 The Dietitian Nutritionist Practice Act.
4 The Home Medical Equipment and Services Provider License
5 Act.
6 The Illinois Petroleum Education and Marketing Act.
7 The Illinois Speech-Language Pathology and Audiology
8 Practice Act.
9 The Interpreter for the Deaf Licensure Act of 2007.
10 The Nurse Practice Act.
11 The Nursing Home Administrators Licensing and Disciplinary
12 Act.
13 The Physician Assistant Practice Act of 1987.
14 The Podiatric Medical Practice Act of 1987.
15 (Source: P.A. 100-220, eff. 8-18-17; 100-375, eff. 8-25-17;
16 100-398, eff. 8-25-17; 100-414, eff. 8-25-17; 100-453, eff.
17 8-25-17; 100-513, eff. 9-20-17; 100-525, eff. 9-22-17;
18 100-530, eff. 9-22-17; 100-560, eff. 12-8-17.)

19 Section 10. The Dietitian Nutritionist Practice Act is
20 amended by changing Sections 5, 10, 17, 20, 30, 35, 40, 45, 70,
21 75, 80, 105, 110, 125, 140, 165, and 175 and by adding Section
22 12 as follows:

23 (225 ILCS 30/5) (from Ch. 111, par. 8401-5)

24 (Section scheduled to be repealed on January 1, 2023)

1 Sec. 5. Purpose. The practice of dietetics and nutrition
2 services in the State of Illinois is hereby declared to affect
3 the public health, safety, and welfare and to be subject to
4 regulation and control in the public interest. It is further
5 declared that the practice of dietetics and nutrition services
6 plays an important part in the attainment and maintenance of
7 health and that it is in the public's best interest that
8 persons who present themselves as providers of dietetics and
9 nutrition services ~~in these areas~~ meet specific requirements
10 and qualifications. This Act shall be liberally construed to
11 best carry out these objectives and purposes.

12 (Source: P.A. 87-784.)

13 (225 ILCS 30/10) (from Ch. 111, par. 8401-10)

14 (Section scheduled to be repealed on January 1, 2023)

15 Sec. 10. Definitions. As used in this Act:

16 "Address of record" means the designated address recorded
17 by the Department in the applicant's or licensee's application
18 file or license file as maintained by the Department's
19 licensure maintenance unit. ~~It is the duty of the applicant or~~
20 ~~licensee to inform the Department of any change of address and~~
21 ~~those changes must be made either through the Department's~~
22 ~~website or by contacting the Department.~~

23 "Board" means the Dietitian Nutritionist Practice Board
24 appointed by the Secretary.

25 "Certified clinical nutritionist" means an individual

1 certified by the Clinical Nutrition Certification Board.

2 "Certified nutrition specialist" means an individual
3 certified by the ~~Certification~~ Board for Certification of
4 Nutrition Specialists.

5 "Department" means the Department of Financial and
6 Professional Regulation.

7 "Dietetics and nutrition services" means the integration,
8 ~~and~~ application, and communication of practice principles
9 derived from the sciences of food, ~~and~~ nutrition, social,
10 business, and basic sciences to achieve and maintain the
11 optimal to achieve and maintain the optimal ~~provide for all~~
12 ~~aspects of~~ nutrition status of ~~care for~~ individuals and
13 groups, including, but not limited to:

14 (1) nutrition counseling; "nutrition counseling" means
15 a supportive process, characterized by a collaborative
16 counselor-patient or counselor-client relationship with
17 individuals or groups, to establish food and nutrition
18 priorities, goals, and individualized action plans and
19 general physical activity guidance that acknowledge and
20 foster responsibility for self-care to treat an existing
21 condition or promote health ~~advising and assisting~~
22 ~~individuals or groups on appropriate nutrition intake by~~
23 ~~integrating information from the nutrition assessment;~~

24 (2) nutrition assessment; "nutrition assessment" means
25 the systematic process of obtaining, verifying, and
26 interpreting biochemical, anthropometric, physical,

1 nutrigenomic, and dietary data in order to make decisions
2 about the nature and cause of nutrition-related problems,
3 including an ongoing, dynamic process that: (i) involves
4 an initial data collection and a reassessment and analysis
5 of client or community needs; and (ii) provides the
6 foundation for nutritional recommendations, including
7 enteral and parenteral nutrition ~~evaluation of the~~
8 ~~nutrition needs of individuals or groups using appropriate~~
9 ~~data to determine nutrient needs or status and make~~
10 ~~appropriate nutrition recommendations;~~

11 (3) medically prescribed diet; "medically prescribed
12 diet" is one form of medical nutrition therapy and means a
13 nutrition intervention prescribed by a physician licensed
14 to practice medicine in all of its branches, an advanced
15 practice registered nurse, or an advanced practice
16 registered nurse granted full practice authority that
17 provides food or nutrients via oral, enteral, and
18 parenteral routes as part of the treatment of disease or
19 clinical conditions to modify, eliminate, decrease, or
20 increase identified micro-nutrients and macro-nutrients in
21 the diet, or to provide mechanically altered food when
22 indicated ~~diet prescribed when specific food or nutrient~~
23 ~~levels need to be monitored, altered, or both as a~~
24 ~~component of a treatment program for an individual whose~~
25 ~~health status is impaired or at risk due to disease,~~
26 ~~injury, or surgery and may only be performed as initiated~~

1 ~~by or in consultation with a physician licensed under the~~
2 ~~Medical Practice Act of 1987 acting within the scope of~~
3 ~~his or her practice, except that a medically prescribed~~
4 ~~diet for a resident of a nursing home shall only be~~
5 ~~performed as initiated by or in consultation with a~~
6 ~~physician licensed to practice medicine in all of its~~
7 ~~branches;~~

8 (4) medical nutrition therapy; "medical nutrition
9 therapy" means nutrition care services provided for the
10 treatment or management of a disease or medical condition,
11 including the provision of any part or all of the
12 following services: ~~the component of nutrition care that~~
13 ~~deals with the systematic use of food and oral~~
14 ~~supplementation, based on the nutrition assessment and~~
15 ~~individual health status and need to manage health~~
16 ~~conditions;~~

17 (A) interpreting anthropometric, biochemical,
18 clinical, and dietary data in acute and chronic
19 disease states and recommending nutrient needs based
20 on the dietary data, including, but not limited to,
21 enteral and parenteral nutrition;

22 (B) food and nutrition counseling;

23 (C) developing and managing food service
24 operations with functions in nutrition care, including
25 operations connected with healthcare facilities;
26 implicated in the ordering, preparation, or serving of

1 therapeutic diets; or otherwise utilized in the
2 management or treatment of disease or medical
3 conditions; and

4 (D) medical weight control;

5 (5) nutrition services for individuals and groups;
6 "nutrition services for individuals and groups" includes,
7 but is not limited to, all of the following:

8 (A) providing nutrition assessments relative to
9 preventive maintenance or restorative care;

10 (B) providing nutrition education and nutrition
11 counseling as components of preventive maintenance or
12 restorative care; and

13 (C) developing and managing systems whose chief
14 function is nutrition care; nutrition services for
15 individuals and groups does not include medical
16 nutrition therapy as defined in this Act; and

17 (6) restorative; "restorative" means the component of
18 nutrition care that deals with oral dietary needs for
19 individuals and groups; activities shall relate to the
20 metabolism of food and the requirements for nutrients,
21 including dietary supplements for growth, development,
22 maintenance, or attainment of optimal health.

23 "Diplomate of the American Clinical Board of Nutrition"
24 means an individual credentialed ~~certified~~ by the American
25 Clinical Board of Nutrition.

26 "Email address of record" means the designated email

1 address recorded by the Department in the applicant's
2 application file or the licensee's license file, as maintained
3 by the Department's licensure maintenance unit.

4 "Licensed dietitian nutritionist" means a person licensed
5 under this Act to practice dietetics and nutrition services,
6 as defined in this Section. Activities of a licensed dietitian
7 nutritionist do not include the medical differential diagnosis
8 of the health status of an individual.

9 "Practice experience" means a preprofessional, documented,
10 supervised practice in dietetics or nutrition services that is
11 acceptable to the Department in compliance with requirements
12 for licensure, as specified in Section 45. It may be or may
13 include a documented, supervised practice experience which is
14 a component of the educational requirements for licensure, as
15 specified in Section 45.

16 "Registered dietitian" or "registered dietitian
17 nutritionist" means an individual who is credentialed by
18 ~~registered with~~ the Commission on Dietetic Registration, the
19 accrediting body of the Academy of Nutrition and Dietetics,
20 formerly known as the American Dietetic Association.

21 "Secretary" means the Secretary of Financial and
22 Professional Regulation or a person authorized by the
23 Secretary to act in the Secretary's stead.

24 "Telehealth" or "telepractice" ~~"Telepractice"~~ means the
25 delivery of services under this Act by using electronic
26 communication, information technologies, or other means

1 between an individual licensed under this Act in one location
2 and a patient or client in another location, with or without an
3 intervening healthcare provider. "Telehealth" or
4 "telepractice" includes direct, interactive patient
5 encounters, asynchronous store-and-forward technologies, and
6 remote monitoring by means other than in person, including,
7 but not limited to, telephone, email, Internet, or other
8 methods of electronic communication. Telehealth or
9 telepractice Telepractice is not prohibited under this Act
10 provided that the provision of telehealth or telepractice
11 services is appropriate for the client and the level of care
12 provided meets the required level of care for that client.
13 Individuals providing services regulated by this Act via
14 telepractice shall comply with and are subject to all
15 licensing and disciplinary provisions of this Act.

16 (Source: P.A. 97-1141, eff. 12-28-12; 98-148, eff. 8-2-13.)

17 (225 ILCS 30/12 new)

18 Sec. 12. Address of record; email address of record. All
19 applicants and licensees shall:

20 (1) provide a valid address and email address to the
21 Department, which shall serve as the address of record and
22 email address of record, respectively, at the time of
23 application for licensure or renewal of a license; and

24 (2) inform the Department of any change of address of
25 record or email address of record within 14 days after

1 such change either through the Department's website or by
2 contacting the Department's licensure maintenance unit.

3 (225 ILCS 30/17)

4 Sec. 17. Other activities subject to licensure under this
5 Act.

6 (1) Enteral and parenteral nutrition therapy shall consist
7 of enteral feedings or specialized intravenous solutions and
8 shall only be performed by an individual licensed under this
9 Act who:

10 (a) is a registered dietitian or registered dietitian
11 nutritionist currently registered with the Commission on
12 Dietetic Registration, the accrediting body of the Academy
13 of Nutrition and Dietetics, formerly known as the American
14 Dietetic Association;

15 (b) is a certified nutrition support clinician as
16 credentialed ~~certified~~ by the National Board of Nutrition
17 Support Certification; or

18 (c) meets the requirements set forth in the rules of
19 the Department.

20 (2) Developing and managing food service operations whose
21 chief function is nutrition care shall only be performed by an
22 individual licensed under this Act.

23 (Source: P.A. 98-148, eff. 8-2-13.)

24 (225 ILCS 30/20) (from Ch. 111, par. 8401-20)

1 (Section scheduled to be repealed on January 1, 2023)

2 Sec. 20. Exemptions. This Act does not prohibit or
3 restrict:

4 (a) Any person licensed in this State under any other Act
5 from engaging in the practice for which he or she is licensed.

6 (b) The practice of dietetics and nutrition services by a
7 person who is employed by the United States or State
8 government or any of its bureaus, divisions, or agencies while
9 in the discharge of the employee's official duties.

10 (c) The distribution of general non-medical nutrition
11 information ~~practice of dietetics and nutrition services~~ by a
12 person employed as a cooperative extension home economist, to
13 the extent the activities are part of his or her employment.

14 (d) The practice of dietetics and nutrition services by a
15 person pursuing a course of study leading to a degree in
16 dietetics, nutrition, or an equivalent major from a regionally
17 accredited school or program, if the activities and services
18 constitute a part of a supervised course of study and if the
19 person is designated by a title that clearly indicates the
20 person's status as a student, ~~or~~ trainee, or supervisee.

21 (e) The practice of dietetics and nutrition services by a
22 person fulfilling the supervised practice experience component
23 of Section 45, if the activities and services constitute a
24 part of the experience necessary to meet the requirements of
25 Section 45.

26 (f) A person, including a licensed acupuncturist, from:

1 (1) providing verbal ~~oral~~ nutrition information as an
2 operator or employee of a health food store or business
3 that sells health products, including dietary supplements,
4 food, herbs, or food materials; or

5 (2) disseminating written nutrition information in
6 connection with the marketing and distribution of those
7 products, or discussing the use of those products, both
8 individually and as components of nutritional programs,
9 including explanations of their federally regulated label
10 claims, any known drug-nutrient interactions, their role
11 in various non-individualized diets, or suggestions as how
12 to best use and combine them.

13 (g) The practice of dietetics and nutrition services by an
14 educator who is in the employ of a nonprofit organization; a
15 federal, state, county, or municipal agency, or other
16 political subdivision; an elementary or secondary school; or a
17 regionally accredited institution of higher education, as long
18 as the activities and services of the educator are part of his
19 or her employment.

20 (h) The practice of dietetics and nutrition services by
21 any person who provides weight control services, provided the
22 nutrition program has been reviewed by, consultation is
23 available from, and no program change can be initiated without
24 prior approval by an individual licensed under this Act, an
25 individual licensed to practice dietetics or nutrition
26 services in another state that has licensure requirements

1 considered by the Department to be substantially equivalent to
2 ~~at least as stringent as~~ the requirements for licensure under
3 this Act, or a registered dietitian.

4 (i) The practice of dietetics and nutrition services by
5 any person with a masters or doctorate degree with a major in
6 nutrition or equivalent from a regionally accredited school
7 recognized by the Department for the purpose of education and
8 research.

9 (j) A person from providing general non-medical nutrition
10 information or encouragement of general healthy eating choices
11 that does not include the development of a customized
12 nutrition regimen for a particular client or individual, or
13 from providing encouragement for compliance with a customized
14 nutrition plan prepared by a licensed dietitian nutritionist
15 or any other licensed professional whose scope of practice
16 includes nutrition assessment and counseling.

17 (k) The practice of dietetics and nutrition services by a
18 graduate of a 2 year associate program or a 4 year
19 baccalaureate program from a school or program accredited at
20 the time of graduation by the appropriate accrediting agency
21 recognized by the Council for ~~on~~ Higher Education
22 Accreditation and the United States Department of Education
23 with a major course of study in human nutrition, food and
24 nutrition or its equivalent, as authorized by the Department,
25 who is directly supervised by an individual licensed under
26 this Act.

1 (1) Providing nutrition information as an employee of a
2 nursing facility operated exclusively by and for those relying
3 upon spiritual means through prayer alone for healing in
4 accordance with the tenets and practices of a recognized
5 church or religious denomination.

6 (m) A dietary technical support person working in a
7 hospital setting or a regulated Department of Public Health,
8 Department of Human Services, or Department on Aging facility
9 or program who has been trained and is supervised while
10 engaged in the practice of dietetics and nutrition by a
11 licensed dietitian nutritionist in accordance with this Act
12 and whose services are retained by that facility or program on
13 a full-time or regular, ongoing consultant basis.

14 The provisions of this Act shall not be construed to
15 prohibit or limit any person from the free dissemination of
16 information, from conducting a class or seminar, or from
17 giving a speech related to nutrition if that person does not
18 hold himself or herself out as a licensed dietitian
19 nutritionist in a manner prohibited by Section 15.

20 (Source: P.A. 97-1141, eff. 12-28-12.)

21 (225 ILCS 30/30) (from Ch. 111, par. 8401-30)

22 (Section scheduled to be repealed on January 1, 2023)

23 Sec. 30. Dietitian Nutritionist Practice Board. The
24 Secretary shall appoint a Dietitian Nutritionist Practice
25 Board as follows: 7 individuals who shall be appointed by and

1 shall serve in an advisory capacity to the Secretary. Of these
2 7 individuals, 6 members must be licensed under this Act, 2 of
3 which must be a registered dietitian and 2 of which must be
4 either a certified clinical nutritionist, a certified
5 nutrition specialist, or a diplomate of the American Clinical
6 Board of Nutrition, and one member must be a public member not
7 licensed under this Act.

8 Members shall serve 3-year terms and until their
9 successors are appointed and qualified. No member shall be
10 reappointed to the Board for a term that would cause his or her
11 continuous service on the Board to be longer than 8 years.
12 Appointments to fill vacancies shall be made in the same
13 manner as original appointments, for the unexpired portion of
14 the vacated term.

15 Insofar as possible, the licensed professionals appointed
16 to serve on the Board shall be generally representative of the
17 geographical distribution of licensed professionals within
18 this State. Any time there is a vacancy on the Board, any
19 professional association composed of persons licensed under
20 this Act may recommend licensees to fill the vacancy to the
21 Board for the appointment of licensees.

22 A vacancy in the membership of the Board shall not impair
23 the right of a quorum to exercise all the rights and perform
24 all the duties of the Board.

25 Members of the Board shall have no liability in any action
26 based upon any disciplinary proceeding or other activity

1 performed in good faith as members of the Board.

2 The Secretary shall have the authority to remove or
3 suspend any member of the Board for cause at any time before
4 the expiration of his or her term. The Secretary shall be the
5 sole arbiter of cause.

6 The Secretary may ~~shall~~ consider the recommendation of the
7 Board on questions of standards of professional conduct,
8 discipline, and qualifications of candidates or licensees
9 under this Act.

10 (Source: P.A. 97-1141, eff. 12-28-12.)

11 (225 ILCS 30/35) (from Ch. 111, par. 8401-35)

12 (Section scheduled to be repealed on January 1, 2023)

13 Sec. 35. Applications. Applications for original licensure
14 shall be made to the Department in writing on forms or
15 electronically as prescribed by the Department and shall be
16 accompanied by the appropriate documentation and the required
17 fee, which shall not be returnable. Every application shall
18 require the information that in the judgment of the Department
19 will enable the Department to pass on the qualifications of
20 the applicant for a license. Applicants have 3 years after the
21 date of application to complete the application process. If
22 the process has not been completed in 3 years, then the
23 application shall be denied, the fee shall be forfeited, and
24 the applicant must reapply and meet the requirements in effect
25 at the time of reapplication. All applications shall contain

1 information that, in the judgment of the Department, will
2 enable the Department to pass on the qualifications of the
3 applicant for a license under this Act.

4 (Source: P.A. 87-784.)

5 (225 ILCS 30/40) (from Ch. 111, par. 8401-40)

6 (Section scheduled to be repealed on January 1, 2023)

7 Sec. 40. Examinations. The Department shall authorize
8 examinations of applicants for a license under this Act at the
9 times and places that it may determine. The examination of
10 applicants shall be of a character to give a fair test of the
11 qualifications of the applicant to practice dietetics and
12 nutrition services. The Department or its designated testing
13 service shall provide initial screening to determine
14 eligibility of applicants for examination.

15 Applicants for examination shall be required to pay,
16 either to the Department or the designated testing service, a
17 fee covering the cost of providing the examination. Failure to
18 appear for the examination on the scheduled date, at the time
19 and place specified, after the applicant's application for
20 examination has been received and acknowledged by the
21 Department or the designated testing service, shall result in
22 the forfeiture of the examination fee.

23 Whenever the Secretary is not satisfied that substantial
24 justice has been done in an examination, the Secretary may
25 order a reexamination.

1 If an applicant neglects, fails, or refuses to take an
2 examination or fails to pass an examination for a license
3 under this Act within 3 years after filing an application, the
4 application shall be denied. However, the applicant may
5 thereafter make a new application accompanied by the required
6 fee and shall meet the requirements for licensure in force at
7 the time of making the new application.

8 The Department may employ consultants for the purpose of
9 preparing and conducting examinations.

10 (Source: P.A. 92-642, eff. 10-31-03.)

11 (225 ILCS 30/45) (from Ch. 111, par. 8401-45)

12 (Section scheduled to be repealed on January 1, 2023)

13 Sec. 45. Dietitian nutritionist; qualifications. A person
14 who meets all of the following requirements is ~~shall be~~
15 qualified to receive a license ~~for licensure~~ as a dietitian
16 nutritionist ~~if that person meets all of the following~~
17 ~~requirements:~~

18 (a) Has applied in writing in form and substance
19 acceptable to the Department and possesses a baccalaureate
20 degree or post baccalaureate degree in human nutrition, foods
21 and nutrition, dietetics, food systems management, nutrition
22 education, nutrition, nutrition science, clinical nutrition,
23 applied clinical nutrition, nutrition counseling, nutrition
24 and functional medicine, nutritional biochemistry, nutrition
25 and integrative health, or an equivalent major course of study

1 as recommended by the Board and approved by the Department
2 from a school or program accredited at the time of graduation
3 from the appropriate regional accrediting agency recognized by
4 the Council for ~~on~~ Higher Education Accreditation and the
5 United States Department of Education or a college or
6 university in a foreign country that is substantially
7 equivalent to the educational requirements in this Section, as
8 recommended by the Board and approved by the Department.

9 (b) Has successfully completed an examination authorized
10 by the Department which may be or may include examinations
11 given by each of the American Clinical Board of Nutrition, the
12 Certification Board of Nutrition Specialists, the Clinical
13 Nutrition Certification Board, and the Commission on Dietetic
14 Registration, or another examination approved by the
15 Department.

16 The Department shall establish by rule a waiver of the
17 examination requirement to applicants who, at the time of
18 application, are acknowledged to be certified clinical
19 nutritionists by the Clinical Nutrition Certification Board,
20 certified nutrition specialists by the Certification Board of
21 Nutrition Specialists, diplomates of the American Clinical
22 Board of Nutrition, or registered dietitians by the Commission
23 on Dietetic Registration and who are in compliance with other
24 qualifications as included in the Act.

25 (c) Has completed a dietetic internship or documented,
26 supervised practice experience in dietetics and nutrition

1 services of not less than 900 hours under the supervision of a
2 certified clinical nutritionist, certified nutrition
3 specialist, diplomate of the American Clinical Board of
4 Nutrition, registered dietitian or a licensed dietitian
5 nutritionist, a State licensed healthcare practitioner, or an
6 individual with a doctoral degree conferred by a U.S.
7 regionally accredited college or university with a major
8 course of study in human nutrition, nutrition education, food
9 and nutrition, dietetics, food systems management, nutrition,
10 nutrition science, clinical nutrition, applied clinical
11 nutrition, nutrition counseling, nutrition and functional
12 medicine, or nutrition and integrative health. Supervised
13 practice experience must be completed in the United States or
14 its territories. Supervisors who obtained their doctoral
15 degree outside the United States and its territories must have
16 their degrees validated as equivalent to the doctoral degree
17 conferred by a U.S. regionally accredited college or
18 university.

19 (Source: P.A. 97-1141, eff. 12-28-12.)

20 (225 ILCS 30/70) (from Ch. 111, par. 8401-70)

21 (Section scheduled to be repealed on January 1, 2023)

22 Sec. 70. Inactive status; restoration; military service.

23 (a) Any person who notifies the Department in writing on
24 forms or electronically as prescribed by the Department may
25 elect to place his or her license on an inactive status and

1 shall, subject to rules of the Department, be excused from
2 payment of renewal fees until he or she notifies the
3 Department in writing of the desires to resume active status.

4 (b) A licensee who has permitted his or her license to
5 expire or who has had his or her license on inactive status may
6 have the license restored by making application to the
7 Department by filing proof acceptable to the Department of his
8 or her fitness to have the license restored and by paying the
9 required fees. Proof of fitness may include sworn evidence
10 certifying to active lawful practice in another jurisdiction.
11 If the licensee has not maintained an active practice in
12 another jurisdiction satisfactory to the Department, then the
13 Department shall determine, by an evaluation program
14 established by rule, his or her fitness for restoration of the
15 license and shall establish procedures and requirements for
16 restoration.

17 (c) A licensee whose license expired while he or she was
18 (1) in federal service on active duty with the Armed Forces of
19 the United States or the State Militia called into service or
20 training or (2) in training or education under the supervision
21 of the United States before induction into the military
22 service, may have the license restored without paying any
23 lapsed renewal fees if within 2 years after honorable
24 termination of the service, training, or education he or she
25 furnishes the Department with satisfactory evidence to the
26 effect that he or she has been so engaged and that his or her

1 service, training, or education has been so terminated.

2 (d) Any person requesting restoration from inactive status
3 shall be required to pay the current renewal fee, shall meet
4 continuing education requirements, and shall be required to
5 restore his or her license as provided in Section 65 of this
6 Act.

7 (e) A person licensed under this Act whose license is on
8 inactive status or in a non-renewed status shall not engage in
9 the practice of dietetics or nutrition services in the State
10 of Illinois or use the title or advertise that he or she
11 performs the services of a licensed dietitian nutritionist.

12 (f) Any person violating this Section shall be considered
13 to be practicing without a license and will be subject to the
14 disciplinary provisions of this Act.

15 (Source: P.A. 97-1141, eff. 12-28-12.)

16 (225 ILCS 30/75) (from Ch. 111, par. 8401-75)

17 (Section scheduled to be repealed on January 1, 2023)

18 Sec. 75. Endorsement. The Department may, in its
19 discretion, license as a dietitian nutritionist, without
20 examination, on payment of required fee, an applicant who is a
21 dietitian, dietitian nutritionist, nutritionist, or nutrition
22 counselor licensed under the laws of another state, territory,
23 or country, if the requirements for licensure in the state,
24 territory, or country in which the applicant was licensed
25 were, at the date of his or her licensure, substantially equal

1 to the requirements of this Act.

2 Applicants have 3 years from the date of application to
3 complete the application process. If the process has not been
4 completed within the 3 years, the application shall be denied,
5 the fee forfeited, and the applicant must reapply and meet the
6 requirements in effect at the time of reapplication.

7 (Source: P.A. 92-642, eff. 10-31-03.)

8 (225 ILCS 30/80) (from Ch. 111, par. 8401-80)

9 (Section scheduled to be repealed on January 1, 2023)

10 Sec. 80. Use of title; advertising. Only a person who is
11 issued a license as a dietitian nutritionist under this Act
12 may use the words "licensed dietitian nutritionist",
13 "dietitian nutritionist", "dietitian", "licensed
14 nutritionist", or "nutrition counselor" or the letters
15 "L.D.N." in connection with his or her name.

16 A licensee shall include in every advertisement for
17 services regulated under this Act his or her title as it
18 appears on the license or the initials authorized under this
19 Act. Advertisements shall not include false, fraudulent,
20 deceptive, or misleading material or guarantees of success.

21 (Source: P.A. 97-1141, eff. 12-28-12.)

22 (225 ILCS 30/105) (from Ch. 111, par. 8401-105)

23 (Section scheduled to be repealed on January 1, 2023)

24 Sec. 105. Investigation; notice and hearing. The

1 Department may investigate the actions or qualifications of
2 any applicant or of any person or persons holding or claiming
3 to hold a license or certificate of registration. The
4 Department shall, before refusing to issue or renew a license
5 or to discipline a licensee under Section 95, at least 30 days
6 before the date set for the hearing, (i) notify the accused in
7 writing of any charges made and the time and place for a
8 hearing of the charges ~~before the Board~~, (ii) direct him or her
9 to file his or her written answer to the charges ~~with the Board~~
10 under oath within 20 days after the service of the notice, and
11 (iii) inform the applicant or licensee that failure to file an
12 answer shall result in a default judgment being entered ~~taken~~
13 against the applicant or licensee. At the time and place fixed
14 in the notice, the Department shall proceed to hear the
15 charges and the parties or their counsel shall be accorded
16 ample opportunity to present any pertinent statements,
17 testimony, evidence, and arguments. The Department may
18 continue the hearing from time to time. In case the person,
19 after receiving the notice, fails to file an answer, his or her
20 license, may, in the discretion of the Department, be revoked,
21 suspended, or placed on probationary status or the Department
22 may take whatever disciplinary action considered proper,
23 including limiting the scope, nature, or extent of the
24 person's practice or the imposition of a fine, without a
25 hearing, if the act or acts charged constitute sufficient
26 grounds for that action under the Act. The written notice and

1 any notice in the subsequent proceeding may be served by
2 ~~registered or certified~~ mail to the licensee's address of
3 record or by email to the licensee's email address of record.

4 (Source: P.A. 97-1141, eff. 12-28-12.)

5 (225 ILCS 30/110) (from Ch. 111, par. 8401-110)

6 (Section scheduled to be repealed on January 1, 2023)

7 Sec. 110. Record of hearing. The Department, at its
8 expense, shall provide a certified shorthand reporter to take
9 down the testimony and preserve a record of all proceedings at
10 the hearing of any case in which a licensee may be revoked,
11 suspended, placed on probationary status, reprimanded, fined,
12 or subjected to other disciplinary action with reference to
13 the license when a disciplinary action is authorized under
14 this Act and rules. The notice of hearing, complaint, and all
15 other documents in the nature of pleadings and written
16 portions filed in the proceedings, the transcript of the
17 testimony, the report of the hearing officer, and the orders
18 of the Department shall be the records of the proceedings. The
19 record may be made available to any person interested in the
20 hearing upon payment of the fee required by Section 2105-115
21 of the Department of Professional Regulation Law of the Civil
22 Administrative Code of Illinois ~~preserve a record of all~~
23 ~~proceedings at the formal hearing of any case. The notice of~~
24 ~~hearing, complaint, and other documents in the nature of~~
25 ~~pleadings and written motions filed in the proceedings, the~~

1 ~~transcript of testimony, the report of the Board, and orders~~
2 ~~of the Department shall be in the record of the proceedings.~~

3 (Source: P.A. 97-1141, eff. 12-28-12.)

4 (225 ILCS 30/125) (from Ch. 111, par. 8401-125)

5 (Section scheduled to be repealed on January 1, 2023)

6 Sec. 125. Motion for rehearing. In any case hearing
7 involving the refusal to issue or renew or the discipline of a
8 licensee, a copy of the Board's report shall be served upon the
9 respondent by the Department, either personally or as provided
10 in this Act for the service of the notice of hearing. Within 20
11 calendar days after the service, the respondent may present to
12 the Department a motion in writing for a rehearing which shall
13 specify the particular grounds for rehearing. If no motion for
14 rehearing is filed, then upon the expiration of the time
15 specified for filing a motion, or if motion for rehearing is
16 denied, then upon denial, the Secretary may enter an order in
17 accordance with recommendations of the Board, except as
18 provided for in Section 120. If the respondent orders a
19 transcript of the record from the reporting service and pays
20 for it within the time for filing a motion for rehearing, the
21 20 calendar day period within which a motion for rehearing may
22 be filed shall commence upon the delivery of the transcript to
23 the respondent.

24 (Source: P.A. 97-1141, eff. 12-28-12.)

1 (225 ILCS 30/140) (from Ch. 111, par. 8401-140)

2 (Section scheduled to be repealed on January 1, 2023)

3 Sec. 140. Order; certified copy. An order or a certified
4 copy of an order, over the seal of the Department and
5 purporting to be signed by the Secretary, shall be prima facie
6 proof:

7 (a) that the signature is the genuine signature of the
8 Secretary; ~~and~~

9 (b) that the Secretary is duly appointed and
10 qualified; ~~and-~~

11 (c) that the Board and the members of the Board are
12 qualified to act.

13 (Source: P.A. 97-1141, eff. 12-28-12.)

14 (225 ILCS 30/165) (from Ch. 111, par. 8401-165)

15 (Section scheduled to be repealed on January 1, 2023)

16 Sec. 165. Certification of record; receipt. The Department
17 shall not be required to certify any record to the Court or
18 file any answer in court or otherwise appear in any court in a
19 judicial review proceeding, unless and until the Department
20 has received from the plaintiff payment of the costs of
21 furnishing and certifying the record, which costs shall be
22 determined by the Department. ~~Exhibits shall be certified~~
23 ~~without cost.~~ Failure on the part of the plaintiff to file a
24 receipt in Court is grounds for dismissal of the action.

25 (Source: P.A. 97-1141, eff. 12-28-12.)

1 (225 ILCS 30/175) (from Ch. 111, par. 8401-175)

2 (Section scheduled to be repealed on January 1, 2023)

3 Sec. 175. Illinois Administrative Procedure Act. The
4 Illinois Administrative Procedure Act is expressly adopted and
5 incorporated as if all of the provisions of that Act were
6 included in this Act, except that the provision of paragraph
7 (d) of Section 10-65 of the Illinois Administrative Procedure
8 Act, which provides that at hearings the licensee or person
9 holding a license has the right to show compliance with all
10 lawful requirements for retention or continuation of the
11 license, is specifically excluded. For the purpose of this
12 Act, the notice required under Section 10-25 of the Illinois
13 Administrative Procedure Act is deemed sufficient when mailed
14 to the last known address of record of a party or when emailed
15 to the last known email address of record of a party.

16 (Source: P.A. 97-1141, eff. 12-28-12.)

17 (225 ILCS 30/37 rep.)

18 (225 ILCS 30/90 rep.)

19 (225 ILCS 30/150 rep.)

20 Section 15. The Dietitian Nutritionist Practice Act is
21 amended by repealing Sections 37, 90, and 150.

22 Section 99. Effective date. This Act takes effect January
23 1, 2023, except that this Section and Section 5 take effect
24 upon becoming law.

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5 ILCS 80/4.33

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