

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 Dietitian Nutritionist Practice Act is  
5 amended by changing Sections 10 and 95 and by adding Section 17  
6 as follows:

7 (225 ILCS 30/10) (from Ch. 111, par. 8401-10)

8 (Section scheduled to be repealed on January 1, 2023)

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

10 "Address of record" means the designated address recorded  
11 by the Department in the applicant's or licensee's application  
12 file or license file as maintained by the Department's  
13 licensure maintenance unit. It is the duty of the applicant or  
14 licensee to inform the Department of any change of address and  
15 those changes must be made either through the Department's  
16 website or by contacting the Department.

17 "Board" means the Dietitian Nutritionist Practice Board  
18 appointed by the Secretary.

19 "Certified clinical nutritionist" means an individual  
20 certified by the Clinical Nutrition Certification Board.

21 "Certified nutrition specialist" means an individual  
22 certified by the Certification Board for ~~of~~ Nutrition  
23 Specialists.

1 "Department" means the Department of Financial and  
2 Professional Regulation.

3 "Dietetics and nutrition services" means the integration  
4 and application of principles derived from the sciences of food  
5 and nutrition to provide for all aspects of nutrition care for  
6 individuals and groups, including, but not limited to:

7 (1) nutrition counseling; "nutrition counseling" means  
8 advising and assisting individuals or groups on  
9 appropriate nutrition intake by integrating information  
10 from the nutrition assessment;

11 (2) nutrition assessment; "nutrition assessment" means  
12 the evaluation of the nutrition needs of individuals or  
13 groups using appropriate data to determine nutrient needs  
14 or status and make appropriate nutrition recommendations;

15 (3) medically prescribed diet; "medically prescribed  
16 diet" is one form of medical nutrition therapy and means a  
17 diet prescribed when specific food or nutrient levels need  
18 to be monitored, altered, or both as a component of a  
19 treatment program for an individual whose health status is  
20 impaired or at risk due to disease, injury, or surgery and  
21 may only be performed as initiated by or in consultation  
22 with a physician licensed under the Medical Practice Act of  
23 1987 acting within the scope of his or her practice, except  
24 that a medically prescribed diet for a resident of a  
25 nursing home shall only be performed as initiated by or in  
26 consultation with a physician licensed to practice

1 medicine in all of its branches;

2 (4) medical nutrition therapy; "medical nutrition  
3 therapy" means the component of nutrition care that deals  
4 with the systematic use of food and oral supplementation,  
5 based on the nutrition assessment and individual health  
6 status and need to manage health conditions; ~~medical~~  
7 ~~nutrition therapy; "medical nutrition therapy" means the~~  
8 ~~component of nutrition care that deals with:~~

9 ~~(A) interpreting and recommending nutrient needs~~  
10 ~~relative to medically prescribed diets, including, but~~  
11 ~~not limited to, enteral feedings, specialized~~  
12 ~~intravenous solutions, and specialized oral feedings;~~

13 ~~(B) food and prescription drug interactions; and~~

14 ~~(C) developing and managing food service~~  
15 ~~operations whose chief function is nutrition care and~~  
16 ~~provision of medically prescribed diets;~~

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

20 (A) providing nutrition assessments relative to  
21 preventive maintenance or restorative care;

22 (B) providing nutrition education and nutrition  
23 counseling as components of preventive maintenance or  
24 restorative care; and

25 (C) developing and managing systems whose chief  
26 function is nutrition care; nutrition services for

1 individuals and groups does not include medical  
2 nutrition therapy as defined in this Act; and

3 (6) restorative; "restorative" means the component of  
4 nutrition care that deals with oral dietary needs for  
5 individuals and groups; activities shall relate to the  
6 metabolism of food and the requirements for nutrients,  
7 including dietary supplements for growth, development,  
8 maintenance, or attainment of optimal health.

9 "Diplomate of the American Clinical Board of Nutrition"  
10 means an individual certified by the American Clinical Board of  
11 Nutrition.

12 "Licensed dietitian nutritionist" means a person licensed  
13 under this Act to practice dietetics and nutrition services, as  
14 defined in this Section. Activities of a licensed dietitian  
15 nutritionist do not include the medical differential diagnosis  
16 of the health status of an individual.

17 "Practice experience" means a preprofessional, documented,  
18 supervised practice in dietetics or nutrition services that is  
19 acceptable to the Department in compliance with requirements  
20 for licensure, as specified in Section 45. It may be or may  
21 include a documented, supervised practice experience which is a  
22 component of the educational requirements for licensure, as  
23 specified in Section 45.

24 "Registered dietitian" means an individual registered with  
25 the Commission on Dietetic Registration, the accrediting body  
26 of the Academy of Nutrition and Dietetics, formerly known as

1 the American Dietetic Association.

2 "Secretary" means the Secretary of Financial and  
3 Professional Regulation.

4 "Telepractice" means the delivery of services under this  
5 Act by means other than in-person, including, but not limited  
6 to, telephone, email, internet, or other methods of electronic  
7 communication. Telepractice is not prohibited under this Act  
8 provided that the provision of telepractice services is  
9 appropriate for the client and the level of care provided meets  
10 the required level of care for that client. Individuals  
11 providing services regulated by this Act via telepractice shall  
12 comply with and are subject to all licensing and disciplinary  
13 provisions of this Act.

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

15 (225 ILCS 30/17 new)

16 Sec. 17. Other activities subject to licensure under this  
17 Act.

18 (1) Enteral and parenteral nutrition therapy shall consist  
19 of enteral feedings or specialized intravenous solutions and  
20 shall only be performed by an individual licensed under this  
21 Act who:

22 (a) is a registered dietitian registered with the  
23 Commission on Dietetic Registration, the accrediting body  
24 of the Academy of Nutrition and Dietetics, formerly known  
25 as the American Dietetic Association;

1           (b) is a certified nutrition support clinician as  
2           certified by the National Board of Nutrition Support  
3           Certification; or

4           (c) meets the requirements set forth in the rules of  
5           the Department.

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

9           (225 ILCS 30/95) (from Ch. 111, par. 8401-95)

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

11          Sec. 95. Grounds for discipline.

12          (1) The Department may refuse to issue or renew, or may  
13          revoke, suspend, place on probation, reprimand, or take other  
14          disciplinary or non-disciplinary action as the Department may  
15          deem appropriate, including imposing fines not to exceed  
16          \$10,000 for each violation, with regard to any license or  
17          certificate for any one or combination of the following causes:

18                 (a) Material misstatement in furnishing information to  
19                 the Department.

20                 (b) Violations of this Act or of rules adopted under  
21                 this Act.

22                 (c) Conviction by plea of guilty or nolo contendere,  
23                 finding of guilt, jury verdict, or entry of judgment or by  
24                 sentencing of any crime, including, but not limited to,  
25                 convictions, preceding sentences of supervision,

1 conditional discharge, or first offender probation, under  
2 the laws of any jurisdiction of the United States (i) that  
3 is a felony or (ii) that is a misdemeanor, an essential  
4 element of which is dishonesty, or that is directly related  
5 to the practice of the profession.

6 (d) Fraud or any misrepresentation in applying for or  
7 procuring a license under this Act or in connection with  
8 applying for renewal of a license under this Act.

9 (e) Professional incompetence or gross negligence.

10 (f) Malpractice.

11 (g) Aiding or assisting another person in violating any  
12 provision of this Act or its rules.

13 (h) Failing to provide information within 60 days in  
14 response to a written request made by the Department.

15 (i) Engaging in dishonorable, unethical or  
16 unprofessional conduct of a character likely to deceive,  
17 defraud, or harm the public.

18 (j) Habitual or excessive use or abuse of drugs defined  
19 in law as controlled substances, alcohol, or any other  
20 substance that results in the inability to practice with  
21 reasonable judgment, skill, or safety.

22 (k) Discipline by another state, the District of  
23 Columbia, territory, country, or governmental agency if at  
24 least one of the grounds for the discipline is the same or  
25 substantially equivalent to those set forth in this Act.

26 (l) Charging for professional services not rendered,

1 including filing false statements for the collection of  
2 fees for which services are not rendered. Nothing in this  
3 paragraph (1) affects any bona fide independent contractor  
4 or employment arrangements among health care  
5 professionals, health facilities, health care providers,  
6 or other entities, except as otherwise prohibited by law.  
7 Any employment arrangements may include provisions for  
8 compensation, health insurance, pension, or other  
9 employment benefits for the provision of services within  
10 the scope of the licensee's practice under this Act.  
11 Nothing in this paragraph (1) shall be construed to require  
12 an employment arrangement to receive professional fees for  
13 services rendered.

14 (m) A finding by the Department that the licensee,  
15 after having his or her license placed on probationary  
16 status, has violated the terms of probation.

17 (n) Willfully making or filing false records or reports  
18 in his or her practice, including, but not limited to,  
19 false records filed with State agencies or departments.

20 (o) Allowing one's license under this Act to be used by  
21 an unlicensed person in violation of this Act.

22 (p) Practicing under a false or, except as provided by  
23 law, an assumed name.

24 (q) Gross and willful overcharging for professional  
25 services.

26 (r) (Blank).



1 (s) Willfully failing to report an instance of  
2 suspected child abuse or neglect as required by the Abused  
3 and Neglected Child Reporting Act.

4 (t) Cheating on or attempting to subvert a licensing  
5 examination administered under this Act.

6 (u) Mental illness or disability that results in the  
7 inability to practice under this Act with reasonable  
8 judgment, skill, or safety.

9 (v) Physical illness, including, but not limited to,  
10 deterioration through the aging process or loss of motor  
11 skill that results in a licensee's inability to practice  
12 under this Act with reasonable judgment, skill, or safety.

13 (w) Advising an individual to discontinue, reduce,  
14 increase, or otherwise alter the intake of a drug  
15 prescribed by a physician licensed to practice medicine in  
16 all its branches or by a prescriber as defined in Section  
17 102 of the Illinois Controlled Substance Act.

18 (2) The Department may refuse to issue or may suspend  
19 without hearing, as provided for in the Code of Civil  
20 Procedure, the license of any person who fails to file a  
21 return, or pay the tax, penalty, or interest shown in a filed  
22 return, or pay any final assessment of the tax, penalty, or  
23 interest as required by any tax Act administered by the  
24 Illinois Department of Revenue, until such time as the  
25 requirements of any such tax Act are satisfied in accordance  
26 with subsection (g) of Section 2105-15 of the Civil

1 Administrative Code of Illinois.

2 (3) The Department shall deny a license or renewal  
3 authorized by this Act to a person who has defaulted on an  
4 educational loan or scholarship provided or guaranteed by the  
5 Illinois Student Assistance Commission or any governmental  
6 agency of this State in accordance with item (5) of subsection  
7 (a) of Section 2105-15 of the Civil Administrative Code of  
8 Illinois.

9 (4) In cases where the Department of Healthcare and Family  
10 Services has previously determined a licensee or a potential  
11 licensee is more than 30 days delinquent in the payment of  
12 child support and has subsequently certified the delinquency to  
13 the Department, the Department may refuse to issue or renew or  
14 may revoke or suspend that person's license or may take other  
15 disciplinary action against that person based solely upon the  
16 certification of delinquency made by the Department of  
17 Healthcare and Family Services in accordance with item (5) of  
18 subsection (a) of Section 1205-15 of the Civil Administrative  
19 Code of Illinois.

20 (5) The determination by a circuit court that a licensee is  
21 subject to involuntary admission or judicial admission, as  
22 provided in the Mental Health and Developmental Disabilities  
23 Code, operates as an automatic suspension. The suspension shall  
24 end only upon a finding by a court that the patient is no  
25 longer subject to involuntary admission or judicial admission  
26 and the issuance of an order so finding and discharging the

1 patient.

2 (6) In enforcing this Act, the Department, upon a showing  
3 of a possible violation, may compel an individual licensed to  
4 practice under this Act, or who has applied for licensure under  
5 this Act, to submit to a mental or physical examination, or  
6 both, as required by and at the expense of the Department. The  
7 Department may order the examining physician to present  
8 testimony concerning the mental or physical examination of the  
9 licensee or applicant. No information shall be excluded by  
10 reason of any common law or statutory privilege relating to  
11 communications between the licensee or applicant and the  
12 examining physician. The examining physicians shall be  
13 specifically designated by the Department. The individual to be  
14 examined may have, at his or her own expense, another physician  
15 of his or her choice present during all aspects of this  
16 examination. The examination shall be performed by a physician  
17 licensed to practice medicine in all its branches. Failure of  
18 an individual to submit to a mental or physical examination,  
19 when directed, shall result in an automatic suspension without  
20 hearing.

21 A person holding a license under this Act or who has  
22 applied for a license under this Act who, because of a physical  
23 or mental illness or disability, including, but not limited to,  
24 deterioration through the aging process or loss of motor skill,  
25 is unable to practice the profession with reasonable judgment,  
26 skill, or safety, may be required by the Department to submit

1 to care, counseling, or treatment by physicians approved or  
2 designated by the Department as a condition, term, or  
3 restriction for continued, reinstated, or renewed licensure to  
4 practice. Submission to care, counseling, or treatment as  
5 required by the Department shall not be considered discipline  
6 of a license. If the licensee refuses to enter into a care,  
7 counseling, or treatment agreement or fails to abide by the  
8 terms of the agreement, then the Department may file a  
9 complaint to revoke, suspend, or otherwise discipline the  
10 license of the individual. The Secretary may order the license  
11 suspended immediately, pending a hearing by the Department.  
12 Fines shall not be assessed in disciplinary actions involving  
13 physical or mental illness or impairment.

14 In instances in which the Secretary immediately suspends a  
15 person's license under this Section, a hearing on that person's  
16 license must be convened by the Department within 15 days after  
17 the suspension and completed without appreciable delay. The  
18 Department shall have the authority to review the subject  
19 individual's record of treatment and counseling regarding the  
20 impairment to the extent permitted by applicable federal  
21 statutes and regulations safeguarding the confidentiality of  
22 medical records.

23 An individual licensed under this Act and affected under  
24 this Section shall be afforded an opportunity to demonstrate to  
25 the Department that he or she can resume practice in compliance  
26 with acceptable and prevailing standards under the provisions

1 of his or her license.

2 (Source: P.A. 96-1482, eff. 11-29-10; 97-1141, eff. 12-28-12.)

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.