

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8 (Section scheduled to be repealed on January 1, 2023)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