



Sen. Iris Y. Martinez

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LRB098 08150 MGM 44119 a

1 AMENDMENT TO SENATE BILL 1229

2 AMENDMENT NO. _____. Amend Senate Bill 1229, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

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

8 (225 ILCS 30/10) (from Ch. 111, par. 8401-10)

9 (Section scheduled to be repealed on January 1, 2023)

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

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

1 website or by contacting the Department.

2 "Board" means the Dietitian Nutritionist Practice Board
3 appointed by the Secretary.

4 "Certified clinical nutritionist" means an individual
5 certified by the Clinical Nutrition Certification Board.

6 "Certified nutrition specialist" means an individual
7 certified by the Certification Board for ~~of~~ Nutrition
8 Specialists.

9 "Department" means the Department of Financial and
10 Professional Regulation.

11 "Dietetics and nutrition services" means the integration
12 and application of principles derived from the sciences of food
13 and nutrition to provide for all aspects of nutrition care for
14 individuals and groups, including, but not limited to:

15 (1) nutrition counseling; "nutrition counseling" means
16 advising and assisting individuals or groups on
17 appropriate nutrition intake by integrating information
18 from the nutrition assessment;

19 (2) nutrition assessment; "nutrition assessment" means
20 the evaluation of the nutrition needs of individuals or
21 groups using appropriate data to determine nutrient needs
22 or status and make appropriate nutrition recommendations;

23 (3) medically prescribed diet; "medically prescribed
24 diet" is one form of medical nutrition therapy and means a
25 diet prescribed when specific food or nutrient levels need
26 to be monitored, altered, or both as a component of a

1 treatment program for an individual whose health status is
2 impaired or at risk due to disease, injury, or surgery and
3 may only be performed as initiated by or in consultation
4 with a physician licensed under the Medical Practice Act of
5 1987 acting within the scope of his or her practice, except
6 that a medically prescribed diet for a resident of a
7 nursing home shall only be performed as initiated by or in
8 consultation with a physician licensed to practice
9 medicine in all of its branches;

10 (4) medical nutrition therapy; "medical nutrition
11 therapy" means the component of nutrition care that deals
12 with the systematic use of food and oral supplementation,
13 based on the nutrition assessment and individual health
14 status and need to manage health conditions; ~~medical~~
15 nutrition therapy; "medical nutrition therapy" means the
16 component of nutrition care that deals with:

17 ~~(A) interpreting and recommending nutrient needs~~
18 ~~relative to medically prescribed diets, including, but~~
19 ~~not limited to, enteral feedings, specialized~~
20 ~~intravenous solutions, and specialized oral feedings;~~

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

22 ~~(C) developing and managing food service~~
23 ~~operations whose chief function is nutrition care and~~
24 ~~provision of medically prescribed diets;~~

25 (5) nutrition services for individuals and groups;
26 "nutrition services for individuals and groups" includes,

1 but is not limited to, all of the following:

2 (A) providing nutrition assessments relative to
3 preventive maintenance or restorative care;

4 (B) providing nutrition education and nutrition
5 counseling as components of preventive maintenance or
6 restorative care; and

7 (C) developing and managing systems whose chief
8 function is nutrition care; nutrition services for
9 individuals and groups does not include medical
10 nutrition therapy as defined in this Act; and

11 (6) restorative; "restorative" means the component of
12 nutrition care that deals with oral dietary needs for
13 individuals and groups; activities shall relate to the
14 metabolism of food and the requirements for nutrients,
15 including dietary supplements for growth, development,
16 maintenance, or attainment of optimal health.

17 "Diplomate of the American Clinical Board of Nutrition"
18 means an individual certified by the American Clinical Board of
19 Nutrition.

20 "Licensed dietitian nutritionist" means a person licensed
21 under this Act to practice dietetics and nutrition services, as
22 defined in this Section. Activities of a licensed dietitian
23 nutritionist do not include the medical differential diagnosis
24 of the health status of an individual.

25 "Practice experience" means a preprofessional, documented,
26 supervised practice in dietetics or nutrition services that is

1 acceptable to the Department in compliance with requirements
2 for licensure, as specified in Section 45. It may be or may
3 include a documented, supervised practice experience which is a
4 component of the educational requirements for licensure, as
5 specified in Section 45.

6 "Registered dietitian" means an individual registered with
7 the Commission on Dietetic Registration, the accrediting body
8 of the Academy of Nutrition and Dietetics, formerly known as
9 the American Dietetic Association.

10 "Secretary" means the Secretary of Financial and
11 Professional Regulation.

12 "Telepractice" means the delivery of services under this
13 Act by means other than in-person, including, but not limited
14 to, telephone, email, internet, or other methods of electronic
15 communication. Telepractice is not prohibited under this Act
16 provided that the provision of telepractice services is
17 appropriate for the client and the level of care provided meets
18 the required level of care for that client. Individuals
19 providing services regulated by this Act via telepractice shall
20 comply with and are subject to all licensing and disciplinary
21 provisions of this Act.

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

23 (225 ILCS 30/17 new)

24 Sec. 17. Other activities subject to licensure under this
25 Act.

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

5 (a) is a registered dietitian registered with the
6 Commission on Dietetic Registration, the accrediting body
7 of the Academy of Nutrition and Dietetics, formerly known
8 as the American Dietetic Association;

9 (b) is a certified nutrition support clinician as
10 certified by the National Board of Nutrition Support
11 Certification; or

12 (c) meets the requirements set forth in the rules of
13 the Department.

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

17 (225 ILCS 30/95) (from Ch. 111, par. 8401-95)

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

19 Sec. 95. Grounds for discipline.

20 (1) The Department may refuse to issue or renew, or may
21 revoke, suspend, place on probation, reprimand, or take other
22 disciplinary or non-disciplinary action as the Department may
23 deem appropriate, including imposing fines not to exceed
24 \$10,000 for each violation, with regard to any license or
25 certificate for any one or combination of the following causes:

1 (a) Material misstatement in furnishing information to
2 the Department.

3 (b) Violations of this Act or of rules adopted under
4 this Act.

5 (c) Conviction by plea of guilty or nolo contendere,
6 finding of guilt, jury verdict, or entry of judgment or by
7 sentencing of any crime, including, but not limited to,
8 convictions, preceding sentences of supervision,
9 conditional discharge, or first offender probation, under
10 the laws of any jurisdiction of the United States (i) that
11 is a felony or (ii) that is a misdemeanor, an essential
12 element of which is dishonesty, or that is directly related
13 to the practice of the profession.

14 (d) Fraud or any misrepresentation in applying for or
15 procuring a license under this Act or in connection with
16 applying for renewal of a license under this Act.

17 (e) Professional incompetence or gross negligence.

18 (f) Malpractice.

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

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

23 (i) Engaging in dishonorable, unethical or
24 unprofessional conduct of a character likely to deceive,
25 defraud, or harm the public.

26 (j) Habitual or excessive use or abuse of drugs defined

1 in law as controlled substances, alcohol, or any other
2 substance that results in the inability to practice with
3 reasonable judgment, skill, or safety.

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

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

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

25 (n) Willfully making or filing false records or reports
26 in his or her practice, including, but not limited to,

1 false records filed with State agencies or departments.

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

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

6 (q) Gross and willful overcharging for professional
7 services.

8 (r) (Blank).

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

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

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

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

21 (w) Advising an individual to discontinue, reduce,
22 increase, or otherwise alter the intake of a drug
23 prescribed by a physician licensed to practice medicine in
24 all its branches or by a prescriber as defined in Section
25 102 of the Illinois Controlled Substance Act.

26 (2) The Department may refuse to issue or may suspend

1 without hearing, as provided for in the Code of Civil
2 Procedure, the license of any person who fails to file a
3 return, or pay the tax, penalty, or interest shown in a filed
4 return, or pay any final assessment of the tax, penalty, or
5 interest as required by any tax Act administered by the
6 Illinois Department of Revenue, until such time as the
7 requirements of any such tax Act are satisfied in accordance
8 with subsection (g) of Section 2105-15 of the Civil
9 Administrative Code of Illinois.

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

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

1 Code of Illinois.

2 (5) The determination by a circuit court that a licensee is
3 subject to involuntary admission or judicial admission, as
4 provided in the Mental Health and Developmental Disabilities
5 Code, operates as an automatic suspension. The suspension shall
6 end only upon a finding by a court that the patient is no
7 longer subject to involuntary admission or judicial admission
8 and the issuance of an order so finding and discharging the
9 patient.

10 (6) In enforcing this Act, the Department, upon a showing
11 of a possible violation, may compel an individual licensed to
12 practice under this Act, or who has applied for licensure under
13 this Act, to submit to a mental or physical examination, or
14 both, as required by and at the expense of the Department. The
15 Department may order the examining physician to present
16 testimony concerning the mental or physical examination of the
17 licensee or applicant. No information shall be excluded by
18 reason of any common law or statutory privilege relating to
19 communications between the licensee or applicant and the
20 examining physician. The examining physicians shall be
21 specifically designated by the Department. The individual to be
22 examined may have, at his or her own expense, another physician
23 of his or her choice present during all aspects of this
24 examination. The examination shall be performed by a physician
25 licensed to practice medicine in all its branches. Failure of
26 an individual to submit to a mental or physical examination,

1 when directed, shall result in an automatic suspension without
2 hearing.

3 A person holding a license under this Act or who has
4 applied for a license under this Act who, because of a physical
5 or mental illness or disability, including, but not limited to,
6 deterioration through the aging process or loss of motor skill,
7 is unable to practice the profession with reasonable judgment,
8 skill, or safety, may be required by the Department to submit
9 to care, counseling, or treatment by physicians approved or
10 designated by the Department as a condition, term, or
11 restriction for continued, reinstated, or renewed licensure to
12 practice. Submission to care, counseling, or treatment as
13 required by the Department shall not be considered discipline
14 of a license. If the licensee refuses to enter into a care,
15 counseling, or treatment agreement or fails to abide by the
16 terms of the agreement, then the Department may file a
17 complaint to revoke, suspend, or otherwise discipline the
18 license of the individual. The Secretary may order the license
19 suspended immediately, pending a hearing by the Department.
20 Fines shall not be assessed in disciplinary actions involving
21 physical or mental illness or impairment.

22 In instances in which the Secretary immediately suspends a
23 person's license under this Section, a hearing on that person's
24 license must be convened by the Department within 15 days after
25 the suspension and completed without appreciable delay. The
26 Department shall have the authority to review the subject

1 individual's record of treatment and counseling regarding the
2 impairment to the extent permitted by applicable federal
3 statutes and regulations safeguarding the confidentiality of
4 medical records.

5 An individual licensed under this Act and affected under
6 this Section shall be afforded an opportunity to demonstrate to
7 the Department that he or she can resume practice in compliance
8 with acceptable and prevailing standards under the provisions
9 of his or her license.

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

11 Section 99. Effective date. This Act takes effect upon
12 becoming law."