

1                                    AMENDMENT TO HOUSE BILL 3708

2            AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3708, after Section  
3    5, by inserting the following:

4            "Section 10. The Dietetic and Nutrition Services  
5    Practice Act is amended by changing Sections 10, 20, 30, 45,  
6    and 95 and by adding Section 55 as follows:

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

8            (Section scheduled to be repealed on December 31, 2002)

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

10           "Board" means the Dietetic and Nutrition Services  
11    Practice Board appointed by the Director.

12           "Department" means the Department of Professional  
13    Regulation.

14           "Dietetics" means the integration and application of  
15    principles derived from the sciences of food and nutrition to  
16    provide for all aspects of nutrition care for individuals and  
17    groups, including, but not limited to nutrition services and  
18    medical nutrition therapy care as defined in this Act.

19           "Director" means the Director of the Department of  
20    Professional Regulation.

21           "Licensed dietitian" means a person licensed under  
22    Section 45 of this Act to practice dietetics. Activities of a

1 licensed dietitian do not include the medical differential  
2 diagnoses of the health status of an individual.

3 "Licensed nutrition counselor" means a person licensed  
4 under Section 50 of this Act to provide any aspect of  
5 nutrition services as defined in this Act. Activities of a  
6 licensed nutrition counselor do not include medical nutrition  
7 care as defined in this Act or the medical differential  
8 diagnoses of the health status of an individual.

9 "Medical nutrition therapy care" means the component of  
10 nutrition therapy care that deals with:

11 (a) interpreting and recommending nutrient needs  
12 relative to medically prescribed diets, including, but  
13 not limited to tube feedings, specialized intravenous  
14 solutions, and specialized oral feedings;

15 (b) food and prescription drug interactions; and

16 (c) developing and managing food service operations  
17 whose chief function is nutrition care and provision of  
18 medically prescribed diets.

19 "Medically prescribed diet" means a diet prescribed when  
20 specific food or nutrient levels need to be monitored,  
21 altered, or both as a component of a treatment program for an  
22 individual whose health status is impaired or at risk due to  
23 disease, injury, or surgery and may only be performed as  
24 initiated by or in consultation with a physician licensed to  
25 practice medicine in all of its branches.

26 "Nutrition assessment" means the evaluation of the  
27 nutrition needs of individuals or groups using appropriate  
28 data to determine nutrient needs or status and make  
29 appropriate nutrition recommendations.

30 "Nutrition counseling" means advising and assisting  
31 individuals or groups on appropriate nutrition intake by  
32 integrating information from the nutrition assessment.

33 "Nutrition services for individuals and groups" shall  
34 include, but is not limited to, all of the following;

1 (a) Providing nutrition assessments relative to  
2 preventive maintenance or restorative care.

3 (b) Providing nutrition education and nutrition  
4 counseling as components of preventive maintenance or  
5 restorative care.

6 (c) Developing and managing systems whose chief  
7 function is nutrition care. Nutrition services for  
8 individuals and groups does not include medical nutrition  
9 therapy care as defined in this Act.

10 "Practice experience" means a preprofessional,  
11 documented, supervised practice in dietetics or nutrition  
12 services that is acceptable to the Department in compliance  
13 with requirements for licensure, as specified in Sections 45  
14 and 50. It may be or may include a documented, supervised  
15 practice experience which is a component of the educational  
16 requirements for licensure, as specified in Section 45 or 50.

17 "Registered dietitian" means an individual registered  
18 with the Commission on Dietetic Registration, the accrediting  
19 body of ~~for~~ the American Dietetic Association.

20 "Restorative" means the component of nutrition care that  
21 deals with oral dietary needs for individuals and groups.  
22 Activities shall relate to the metabolism of food and the  
23 requirements for nutrients, including dietary supplements for  
24 growth, development, maintenance, or attainment of optimal  
25 health.

26 (Source: P.A. 87-784; 87-1000.)

27 (225 ILCS 30/20) (from Ch. 111, par. 8401-20)

28 (Section scheduled to be repealed on December 31, 2002)

29 Sec. 20. Exemptions. This Act does not prohibit or  
30 restrict:

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

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

5           (c) The practice of nutrition services by a person  
6 employed as a cooperative extension home economist, to the  
7 extent the activities are part of his or her employment.

8           (d) The practice of nutrition services or dietetics by a  
9 person pursuing a course of study leading to a degree in  
10 dietetics, nutrition or an equivalent major, as authorized by  
11 the Department, from a regionally accredited school or  
12 program, if the activities and services constitute a part of  
13 a supervised course of study and if the person is designated  
14 by a title that clearly indicates the person's status as a  
15 student or trainee.

16           (e) The practice of nutrition services or dietetics by a  
17 person fulfilling the supervised practice experience  
18 component of Sections 45 or 50, if the activities and  
19 services constitute a part of the experience necessary to  
20 meet the requirements of Section 45 or 50.

21           (f) A person from providing oral nutrition information  
22 as an operator or employee of a health food store or business  
23 that sells health products, including dietary supplements,  
24 food, or food materials, or disseminating written nutrition  
25 information in connection with the marketing and distribution  
26 of those products.

27           (g) The practice of nutrition services by an educator  
28 who is in the employ of a nonprofit organization, as  
29 authorized by the Department, a federal state, county, or  
30 municipal agency, or other political subdivision; an  
31 elementary or secondary school; or a regionally accredited  
32 institution of higher education, as long as the activities  
33 and services of the educator are part of his or her  
34 employment.

1           (h) The practice of nutrition services by any person who  
2 provides weight control services, provided the nutrition  
3 program has been reviewed by, consultation is available from,  
4 and no program change can be initiated without prior approval  
5 by an individual licensed under this Act, a dietitian or  
6 nutrition counselor licensed in another state that has  
7 licensure requirements considered by the Department to be at  
8 least as stringent as the requirements for licensure under  
9 this Act, or a registered dietitian.

10           (i) The practice of nutrition services or dietetics by  
11 any person with a masters or doctorate degree with a major in  
12 nutrition or equivalent from a regionally accredited school  
13 recognized by the Department for the purpose of education and  
14 research.

15           (j) Any person certified in this State and who is  
16 employed by a facility or program regulated by the State of  
17 Illinois from engaging in the practice for which he or she is  
18 certified and authorized by the Department.

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

28           (l) Providing nutrition information as an employee of a  
29 nursing facility operated exclusively by and for those  
30 relying upon spiritual means through prayer alone for healing  
31 in accordance with the tenets and practices of a recognized  
32 church or religious denomination.

33           The provisions of this Act shall not be construed to  
34 prohibit or limit any person from the free dissemination of

1 information, from conducting a class or seminar, or from  
 2 giving a speech related to nutrition if that person does not  
 3 hold himself or herself out as a licensed nutrition counselor  
 4 or licensed dietitian in a manner prohibited by Section 15.

5 (Source: P.A. 87-784; 87-1000.)

6 (225 ILCS 30/30) (from Ch. 111, par. 8401-30)

7 (Section scheduled to be repealed on December 31, 2002)

8 Sec. 30. Practice Board. The Director shall appoint a  
 9 Dietetic and Nutrition Services Practice Board as follows:

10 Seven individuals who shall be appointed by and shall  
 11 serve in an advisory capacity to the Director. Of these 7  
 12 individuals, 4 members must be licensed under this Act and  
 13 currently engaged in the practice of dietetics or nutrition  
 14 services in the State of Illinois and must have been doing so  
 15 for a minimum of 3 years, 3 2 of whom shall be licensed  
 16 dietitians who are not also licensed as nutrition counselors  
 17 under this Act, and one 2 of whom shall be a licensed  
 18 nutrition counselor ~~eounselers~~ who is are not also a licensed  
 19 dietitian ~~dietitians~~ under this Act; one member must be a  
 20 physician licensed to practice medicine in all of its  
 21 branches; one member must be a licensed professional nurse;  
 22 and one member must be a public member not licensed under  
 23 this Act.

24 Members shall serve 3 year terms and until their  
 25 successors are appointed and qualified, except the terms of  
 26 the initial appointments. ~~The-initial-appointments-shall-be~~  
 27 ~~served-as-follows:-2-members-shall-be-appointed-to-serve-for~~  
 28 ~~one-year,2-shall-be-appointed-to-serve-for-2-years,7-and--the~~  
 29 ~~remaining-members-shall-be-appointed-to-serve-for-3-years-and~~  
 30 ~~until--their--successors--are--appointed--and--qualified.~~ No  
 31 member shall be reappointed to the Board for a term that  
 32 would cause his or her continuous service on the Board to be  
 33 longer than 8 years. Appointments to fill vacancies shall be

1 made in the same manner as original appointments, for the  
2 unexpired portion of the vacated term. Initial terms shall  
3 begin upon the effective date of this Act and Board members  
4 in office on that date shall be appointed to specific terms  
5 as indicated in this Section.

6 The membership of the Board shall reasonably represent  
7 all the geographic areas in this State. Any time there is a  
8 vacancy on the Board, any professional association composed  
9 of persons licensed under this Act may recommend licensees to  
10 fill the vacancy to the Board for the appointment of  
11 licensees, the organization representing the largest number  
12 of licensed physicians for the appointment of physicians to  
13 the Board, and the organization representing the largest  
14 number of licensed professional nurses for the appointment of  
15 a nurse to the Board.

16 Members of the Board shall have no liability in any  
17 action based upon any disciplinary proceeding or other  
18 activity performed in good faith as members of the Board.

19 The Director shall have the authority to remove any  
20 member of the Board from office for neglect of any duty  
21 required by law or for incompetency or unprofessional or  
22 dishonorable conduct.

23 The Director shall consider the recommendation of the  
24 Board on questions of standards of professional conduct,  
25 discipline, and qualifications of candidates or licensees  
26 under this Act.

27 (Source: P.A. 87-784; 87-1000.)

28 (225 ILCS 30/45) (from Ch. 111, par. 8401-45)

29 (Section scheduled to be repealed on December 31, 2002)

30 Sec. 45. Dietitian; qualifications. A person shall be  
31 qualified for licensure as a dietitian if that person meets  
32 all of the following requirements:

33 (a) Has applied in writing in form and substance

1 acceptable to the Department and possesses a baccalaureate  
2 degree or post baccalaureate degree in human nutrition, foods  
3 and nutrition, dietetics, food systems management, nutrition  
4 education, or an equivalent major course of study as  
5 recommended by the Board and approved by the Department from  
6 a school or program accredited at the time of graduation from  
7 the appropriate accrediting agency recognized by the Council  
8 on Higher Education Post-secondary Accreditation and the  
9 United States Department of Education.

10 (b) Has successfully completed the examination  
11 authorized by the Department which may be or may include an  
12 examination given by the Commission on Dietetic Registration.

13 The Department shall establish by rule a waiver of the  
14 examination requirement to applicants who, at the time of  
15 application, are acknowledged to be registered dietitians by  
16 the Commission on Dietetic Registration and who are in  
17 compliance with other qualifications as included in the Act.

18 (c) Has completed a dietetic internship or documented,  
19 supervised practice experience in dietetics of not less than  
20 900 hours under the supervision of a registered dietitian or  
21 a licensed dietitian, a State licensed healthcare  
22 practitioner, or an individual with a doctoral degree  
23 conferred by a U.S. regionally accredited college or  
24 university with a major course of study in human nutrition,  
25 nutrition education, food and nutrition, dietetics or food  
26 systems management. Supervised practice experience must be  
27 completed in the United States or its territories.  
28 Supervisors who obtained their doctoral degree outside the  
29 United States and its territories must have their degrees  
30 validated as equivalent to the doctoral degree conferred by a  
31 U.S. regionally accredited college or university.

32 (Source: P.A. 87-784; 87-1000.)

33 (225 ILCS 30/50) (from Ch. 111, par. 8401-50)



1 (Section scheduled to be repealed on December 31, 2002)

2 Sec. 50. Nutrition counselor; requirements for  
3 licensure. A person shall be qualified for licensure as a  
4 nutrition counselor if that person meets all of the following  
5 requirements:

6 (a) Has applied in writing in form and substance  
7 acceptable to the Department and possesses a baccalaureate  
8 degree or post baccalaureate degree in human nutrition, food  
9 sciences, home economics, biochemistry, physiology, public  
10 health, or an equivalent major course of study as recommended  
11 by the Board and approved by the Department from a school or  
12 program accredited at the time of graduation from the  
13 appropriate accrediting agency recognized by the Council on  
14 Higher Education Postsecondary Accreditation and the United  
15 States Department of Education.

16 (b) Has successfully completed the examination  
17 authorized by the Department.

18 (c) Has completed documented practice experience of not  
19 less than 900 hours which is supervised by a licensed health  
20 care practitioner and authorized by the Department. This may  
21 be or may include an equivalent, supervised practice  
22 experience in nutrition services that is a component of the  
23 baccalaureate or postbaccalaureate program specified for  
24 licensure under this Act, as recommended by the Board and  
25 authorized by the Department.

26 (Source: P.A. 87-784; 87-1000.)

27 (225 ILCS 30/55 new)

28 (Section scheduled to be repealed on December 31, 2002)

29 Sec. 55. Issuance of licenses. Any person applying for  
30 licensure as a nutrition counselor must submit his or her  
31 application to the Department, no later than July 1, 2004, in  
32 accordance with the provisions of this Act.

33 Beginning January 1, 2005, the Department shall not issue

1 any additional licenses for nutrition counselors. Any person  
2 holding a valid license as a nutrition counselor on January  
3 1, 2005 may retain his or her license and shall be subject to  
4 continued regulation by the Department under this Act.

5 Any nutrition counselor license that lapses on or after  
6 January 1, 2005 shall not be renewed or restored.

7 (225 ILCS 30/95) (from Ch. 111, par. 8401-95)

8 (Section scheduled to be repealed on December 31, 2002)

9 Sec. 95. Grounds for discipline. The Department may  
10 refuse to issue or renew, or may revoke, suspend, place on  
11 probation, reprimand, or take other disciplinary action as  
12 the Department may deem proper, including fines not to exceed  
13 \$1000 for each violation, with regard to any license or  
14 certificate for any one or combination of the following  
15 causes:

16 (a) Material misstatement in furnishing information  
17 to the Department.

18 (b) Violations of this Act or its rules.

19 (c) Conviction of any crime under the laws of the  
20 United States or any state or territory thereof that is  
21 (i) a felony; (ii) a misdemeanor, an essential element of  
22 which is dishonesty; or (iii) a crime that is directly  
23 related to the practice of the profession.

24 (d) Making any misrepresentation for the purpose of  
25 obtaining licensure or violating any provision of this  
26 Act.

27 (e) Professional incompetence or gross negligence.

28 (f) Malpractice.

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

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

33 (i) Engaging in dishonorable, unethical or

1 unprofessional conduct of a character likely to deceive,  
2 defraud, or harm the public.

3 (j) Habitual or excessive use or addiction to  
4 alcohol, narcotics, stimulants, or any other chemical  
5 agent or drug that results in the inability to practice  
6 with reasonable judgment, skill, or safety.

7 (k) Discipline by another state, territory, or  
8 country if at least one of the grounds for the discipline  
9 is the same or substantially equivalent to those set  
10 forth in this Act.

11 (l) Directly or indirectly giving to or receiving  
12 from any person, firm, corporation, partnership, or  
13 association any fee, commission, rebate, or other form of  
14 compensation for any professional services not actually  
15 or personally rendered.

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

19 (n) Conviction by any court of competent  
20 jurisdiction, either within or outside this State, of any  
21 violation of any law governing the practice of dietetics  
22 or nutrition counseling, if the Department determines,  
23 after investigation, that the person has not been  
24 sufficiently rehabilitated to warrant the public trust.

25 (o) A finding that licensure has been applied for  
26 or obtained by fraudulent means.

27 (p) Practicing or attempting to practice under a  
28 name other than the full name as shown on the license or  
29 any other legally authorized name.

30 (q) Gross and willful overcharging for professional  
31 services including filing statements for collection of  
32 fees or monies for which services are not rendered.

33 (r) Failure to (i) file a return, (ii) pay the tax,  
34 penalty or interest shown in a filed return, or (iii) pay

1 any final assessment of tax, penalty or interest, as  
2 required by any tax Act administered by the Illinois  
3 Department of Revenue, until the requirements of any such  
4 tax Act are satisfied.

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

8 In enforcing this Section, the Board, upon a showing of a  
9 possible violation, may compel a licensee or applicant to  
10 submit to a mental or physical examination, or both, as  
11 required by and at the expense of the Department. The  
12 examining physician or clinical psychologist shall be  
13 specifically designated by the Board. The Board or the  
14 Department may order (i) the examining physician to present  
15 testimony concerning the mental or physical examination of a  
16 licensee or applicant or (ii) the examining clinical  
17 psychologist to present testimony concerning the mental  
18 examination of a licensee or applicant. No information may  
19 be excluded by reason of any common law or statutory  
20 privilege relating to communications between a licensee or  
21 applicant and the examining physician or clinical  
22 psychologist. An individual to be examined may have, at his  
23 or her own expense, another physician of his or her choice  
24 present during all aspects of the examination. Failure of an  
25 individual to submit to a mental or physical examination,  
26 when directed, is grounds for suspension of his or her  
27 license. The license must remain suspended until the time  
28 that the individual submits to the examination or the Board  
29 finds, after notice and a hearing, that the refusal to submit  
30 to the examination was reasonable.

31 If the Board finds that an individual is unable to  
32 practice because of the reasons set forth in this Section,  
33 the Board must require the individual to submit to care,  
34 counseling, or treatment by a physician or clinical

1 psychologist approved by the Board, as a condition, term, or  
2 restriction for continued, reinstated, or renewed licensure  
3 to practice. In lieu of care, counseling, or treatment, the  
4 Board may recommend that the Department file a complaint to  
5 immediately suspend or revoke the license of the individual  
6 or otherwise discipline him or her. Any individual whose  
7 license was granted, continued, reinstated, or renewed  
8 subject to conditions, terms, or restrictions, as provided  
9 for in this Section, and any individual who was disciplined  
10 or placed on supervision pursuant to this Section must be  
11 referred to the Director for a determination as to whether  
12 the individual shall have his or her license suspended  
13 immediately pending a hearing by the Board.

14       The Department shall deny any license or renewal under  
15 this Act to any person who has defaulted on an educational  
16 loan guaranteed by the Illinois Student Assistance  
17 Commission; however, the Department may issue a license or  
18 renewal if the person in default has established a  
19 satisfactory repayment record as determined by the Illinois  
20 Student Assistance Commission.

21       The determination by a circuit court that a registrant is  
22 subject to involuntary admission or judicial admission as  
23 provided in the Mental Health and Developmental Disabilities  
24 Code operates as an automatic suspension. This suspension  
25 will end only upon a finding by a court that the patient is  
26 no longer subject to involuntary admission or judicial  
27 admission, the issuance of an order so finding and  
28 discharging the patient, and the recommendation of the Board  
29 to the Director that the registrant be allowed to resume  
30 practice.

31 (Source: P.A. 87-784; 87-1000.)

32 (225 ILCS 30/60 rep.)

33 Section 15. The Dietetic and Nutrition Services Practice

1 Act is amended by repealing Section 60."