

AN ACT concerning regulation.

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

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

(5 ILCS 80/4.33)

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 Acts repealed on January 1, 2023. The following Acts are repealed on January 1, 2023:

~~The Dietitian Nutritionist Practice Act.~~

The Elevator Safety and Regulation Act.

The Fire Equipment Distributor and Employee Regulation Act of 2011.

The Funeral Directors and Embalmers Licensing Code.

The Naprapathic Practice Act.

The Pharmacy Practice Act.

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

The Wholesale Drug Distribution Licensing Act.

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

(5 ILCS 80/4.38)

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 Acts repealed on January 1, 2028. The following Acts are repealed on January 1, 2028:

The Acupuncture Practice Act.

The Clinical Social Work and Social Work Practice Act.

The Dietitian Nutritionist Practice Act.

The Home Medical Equipment and Services Provider License Act.

The Illinois Petroleum Education and Marketing Act.

The Illinois Speech-Language Pathology and Audiology Practice Act.

The Interpreter for the Deaf Licensure Act of 2007.

The Nurse Practice Act.

The Nursing Home Administrators Licensing and Disciplinary Act.

The Physician Assistant Practice Act of 1987.

The Podiatric Medical Practice Act of 1987.

(Source: P.A. 100-220, eff. 8-18-17; 100-375, eff. 8-25-17; 100-398, eff. 8-25-17; 100-414, eff. 8-25-17; 100-453, eff. 8-25-17; 100-513, eff. 9-20-17; 100-525, eff. 9-22-17; 100-530, eff. 9-22-17; 100-560, eff. 12-8-17.)

Section 10. The Dietitian Nutritionist Practice Act is amended by changing Sections 5, 10, 15, 15.5, 17, 20, 30, 35, 40, 45, 70, 75, 80, 100, 105, 110, 125, 140, 165, and 175 and by adding Sections 12 and 76 as follows:

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

(Section scheduled to be repealed on January 1, 2023)

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

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

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

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

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

"Accreditation Council for Education in Nutrition and Dietetics" means the autonomous accrediting agency for education programs that prepares students to begin careers as registered dietitian nutritionists or registered nutrition and dietetics technicians.

"Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file as maintained by the Department's licensure maintenance unit. ~~It is the duty of the applicant or~~

~~licensee to inform the Department of any change of address and those changes must be made either through the Department's website or by contacting the Department.~~

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

"Board for Certification of Nutrition Specialists" means the certifying board that credentials certified nutrition specialists.

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

"Certified nutrition specialist" means an individual credentialed ~~certified~~ by the ~~Certification~~ Board for Certification of Nutrition Specialists that authorizes the individual to use the title "certified nutrition specialist" and the abbreviation "C.N.S.".

"Commission on Dietetic Registration" means the credentialing agency for the Academy of Nutrition and Dietetics.

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

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

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

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

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

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

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

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

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

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

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

"Diplomate of the American Clinical Board of Nutrition"
means an individual credentialed ~~certified~~ by the American
Clinical Board of Nutrition who is authorized to use the title
"Diplomate of the American Clinical Board of Nutrition" and
the abbreviation "DACBN".

"Email address of record" means the designated email
address recorded by the Department in the applicant's
application file or the licensee's license file, as maintained

by the Department's licensure maintenance unit.

"General nonmedical nutrition information" includes, but is not limited to, information on any of the following:

(1) principles of good nutrition and food preparation;

(2) essential nutrients needed by the human body;

(3) actions of nutrients in the human body;

(4) nonindividualized effects of deficiencies or excesses of nutrients in the human body;

(5) foods, herbs, and dietary supplements that are good sources of essential nutrients in the human body or otherwise useful to maintain good health; or

(6) principles of self-care and healthy relationships with food.

"Health care professional" means a physician licensed under the Medical Practice Act of 1987, an advanced practice registered nurse licensed under the Nurse Practice Act, or a physician assistant licensed under the Physician Assistant Practice Act of 1987.

"Independent private practice of medical nutrition therapy" means the application of dietetics and nutrition knowledge and skills by an individual who regulates and is responsible for the nutritionist's own practice or treatment procedures.

"Licensed dietitian nutritionist" means a person licensed under this Act to practice dietetics and nutrition, including the provision of medical nutrition therapy services, as

defined in this Section. Activities of a licensed dietitian nutritionist do not include performing ~~the~~ medical ~~differential~~ diagnosis of human ailments or conditions ~~the~~ ~~health status~~ of an individual.

"Medical nutrition therapy" means nutrition care services provided for the treatment or management of a disease or medical condition. "Medical nutrition therapy" includes the provision of any part or all of the following services, with notification to the patient's physician and appropriate record retention, or pursuant to the protocols, policies, or procedures of a health care facility, as defined in Section 3 of the Illinois Health Facilities Planning Act:

(1) interpreting anthropometric, biochemical, clinical, and dietary data in acute and chronic disease states and recommending and ordering nutrient needs based on the dietary data, including, but not limited to, enteral and parenteral nutrition;

(2) food and nutrition counseling, including counseling regarding prescription drug interactions;

(3) developing and managing food service operations with functions in nutrition care, including operations connected with healthcare facilities, implicated in the ordering, preparation, or serving of therapeutic diets, or otherwise utilized in the management or treatment of disease or medical conditions; and

(4) medical weight control.

"Medical weight control" means medical nutrition therapy for the purpose of reducing, maintaining, or gaining weight.

"Nonmedical weight control" means nutrition care services for the purpose of reducing, maintaining, or gaining weight that do not constitute the treatment of a disease or medical condition. "Nonmedical weight control" includes weight control services for healthy population groups to achieve or maintain a healthy weight.

"Nutrition assessment" means the systematic process of obtaining, verifying, and interpreting biochemical, anthropometric, physical, nutrigenomic, and dietary data in order to make decisions about the nature and cause of nutrition-related problems, including an ongoing, dynamic process that: (i) involves an initial data collection and a reassessment and analysis of client or community needs; and (ii) provides the foundation for identifying and labeling problems and making nutritional recommendations and ordering nutritional interventions, including enteral and parenteral nutrition.

"Nutrition care services" means any part of the following services provided within a systematic process:

(1) assessing and evaluating the nutritional needs of individuals and groups and determining resources and constraints in the practice setting;

(2) ordering nutrition-related laboratory tests in accordance with State law to check and track nutrition

status and monitor effectiveness of nutrition interventions, dietary plans, and orders;

(3) establishing priorities, goals, and objectives that meet an individual's nutritional needs and are consistent with available resources and constraints;

(4) providing nutrition counseling in health and disease;

(5) developing, implementing, and managing nutrition care systems and food service operations;

(6) evaluating, making changes in, and maintaining appropriate standards of quality in food and nutrition services; and

(7) recommending, ordering, and providing therapeutic diets.

"Nutrition counseling" means a supportive process, characterized by a collaborative counselor-patient or counselor-client relationship with individuals or groups, to establish food and nutrition priorities, goals, and individualized action plans and general physical activity guidance that acknowledge and foster responsibility for self-care to treat an existing condition or to promote health.

"Nutrition intervention" means the purposefully planned actions and counseling intended to positively change a nutrition-related behavior, risk factor, environmental condition, or aspect of the health status for an individual, target groups, or the community at large.

"Nutrition monitoring and evaluation" means identifying patient or client outcomes relevant to the patient's or client's identified and labeled nutritional problems and comparing the outcomes with the patient's or client's previous health status, intervention goals, or reference standards to determine the progress made in achieving desired outcomes of nutrition care and whether planned nutrition interventions should be continued or revised.

"Patient" means an individual recipient of medical nutrition therapy, whether in the outpatient, inpatient, or nonclinical setting.

"Practice experience" means a preprofessional, documented, supervised experience obtained by a supervisee in the practice of ~~in~~ dietetics and ~~or~~ nutrition and the provision of medical nutrition therapy services that is acceptable to the Department as ~~in~~ compliance with requirements for licensure, as specified in Section 45. It includes a planned, continuous, and may be or may include a documented, supervised practice experience obtained under the supervision of a qualified supervisor, as defined in this Section, which is a component of the educational requirements for licensure, as specified in Section 45.

"Qualified supervisor" means:

(1) When supervising the provision of medical nutrition therapy by a supervisee, an individual who is:

(A) a registered dietitian nutritionist or a

certified nutrition specialist;

(B) a licensed dietitian nutritionist licensed pursuant to this Act; or

(C) a health care professional licensed under the laws of the State, including a licensed or certified dietitian nutritionist, who acts under the licensed scope of practice.

(2) When supervising the provision of nutrition care services not constituting medical nutrition therapy by a supervisee, an individual who either meets the requirements of paragraph (1) or all of the following requirements:

(A) has been regularly employed or self-employed in the field of clinical nutrition for at least 3 of the last 5 years immediately preceding commencement of the applicant's supervised practice experience; and

(B) holds a doctoral degree with a major course of study in dietetics, human nutrition, foods and nutrition, community nutrition, public health nutrition, nutrition education, nutrition, nutrition science, clinical nutrition, applied clinical nutrition, nutrition counseling, nutrition and functional medicine, nutritional biochemistry, nutrition and integrative health, or an equivalent course of study as recommended by the Board and approved by the Department conferred by either:

(i) a United States regionally accredited college or university accredited at the time of graduation from the appropriate regional accrediting agency recognized by the Council on Higher Education Accreditation and the United States Department of Education; or

(ii) an institution outside the United States and its territories with the supervisor's doctoral degree validated as equivalent to the doctoral degree conferred by a United States regionally accredited college or university as recommended by the Board and approved by the Department.

A "qualified supervisor" under paragraph (1) shall be licensed in the State if supervising a supervisee providing medical nutrition therapy to an individual in the State.

"Registered dietitian" or "registered dietitian nutritionist" means an individual who is credentialed as a registered dietitian or registered dietitian nutritionist by ~~registered with~~ the Commission on Dietetic Registration, the accrediting body of the Academy of Nutrition and Dietetics, or its successor organization, and is authorized to use the titles "registered dietitian nutritionist" and "registered dietitian" and the corresponding abbreviations "RDN" and "RD" ~~, formerly known as the American Dietetic Association.~~

"Secretary" means the Secretary of Financial and Professional Regulation or a person authorized by the

Secretary to act in the Secretary's stead.

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

"Therapeutic diet" means a nutrition intervention prescribed by a health care professional or other authorized practitioner that provides food or nutrients via oral, enteral, and parenteral routes as part of treatment of disease or clinical conditions to modify, eliminate, decrease, or increase identified micronutrients and macronutrients in the diet, or to provide mechanically altered food when indicated.

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

(225 ILCS 30/12 new)

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

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

(2) inform the Department of any change of address of record or email address of record within 14 days after the change either through the Department's website or by contacting the Department's licensure maintenance unit.

(225 ILCS 30/15) (from Ch. 111, par. 8401-15)

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

Sec. 15. License required.

(a) No person may provide, offer to provide, or attempt to provide medical nutrition therapy, whether engage for remuneration, ~~in the practice of dietetics and nutrition services~~ or hold himself or herself out as a licensed dietitian nutritionist or as a qualified provider of nutrition care services, including medical nutrition therapy, unless the person is licensed in accordance with this Act.

(b) This Section does not prohibit the provision of medical nutrition therapy by ~~practice of dietetics and~~

~~nutrition services by the following: a (1) A person who that is licensed to practice dietetics and nutrition under the law of another state, territory of the United States, or country and has applied in writing to the Department in form and substance satisfactory to the Department for a license as a dietitian nutritionist until (i) the expiration of 6 months after filing the written application, (ii) the withdrawal of the application, or (iii) the denial of the application by the Department.~~

~~(2) A person that is licensed to practice dietetics under the law of another state, territory of the United States, or country, or is a certified nutrition specialist, a certified clinical nutritionist, a diplomate of the American Clinical Board of Nutrition, or a registered dietitian, who has applied in writing to the Department in form and substance satisfactory to the Department for a license as a dietitian nutritionist until (i) the expiration of 6 months after the filing the written application, (ii) the withdrawal of the application, or (iii) the denial of the application by the Department.~~

(c) For the purposes of this Section, the "practice of dietetics and nutrition" means the integration and application of scientific principles derived from the study of food, nutrition, biochemistry, metabolism, nutrigenomics, physiology, food management, and behavioral and social

sciences in achieving and maintaining patients' and clients' health throughout their life spans and in providing nutrition care services in person and via telehealth in both clinical and community settings. The primary functions of the "practice of dietetics and nutrition" are medical nutrition therapy provided for the purpose of disease management or to treat or rehabilitate an illness, injury, or condition and other nutrition care services provided for health and wellness and as primary prevention of chronic disease.

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

(225 ILCS 30/15.5)

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

Sec. 15.5. Unlicensed practice; violation; civil penalty.

(a) Any person who provides practices, offers to provide practice, attempts to provide practice, or holds oneself out as being qualified, licensed, or able to provide medical nutrition therapy or holds oneself out as licensed or qualified to practice dietetics and nutrition services without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$10,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department has the authority and power to investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

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

(225 ILCS 30/17)

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

(a) A licensed dietitian nutritionist may order patient or resident diets, including therapeutic diets, in accordance with the following:

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

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

(b) is a certified nutrition support clinician as currently credentialed ~~certified~~ by the National Board

of Nutrition Support Certification; or

(c) meets the requirements set forth in ~~the~~ rules that of the Department may establish as necessary to implement this Section to be consistent with competencies necessary for evaluating, ordering, and administering enteral and parenteral nutrition therapies.

(2) Notification to the patient's physician and appropriate record retention, or pursuant to the protocols, policies, or procedures of a health care facility, as defined in the Illinois Health Facilities Planning Act, in which the services are provided.

(b) ~~(2)~~ Developing and managing food service operations whose chief function is nutrition care or that are otherwise utilized in the management or treatment of diseases or medical conditions shall only be performed by an individual licensed under this Act with competencies in the management of health care food service.

(c) A licensed dietitian nutritionist may order oral therapeutic diets.

(d) A licensed dietitian nutritionist shall provide nutrition care services using systematic, evidence-based problem solving methods of the nutrition care process to critically think and make decisions to address nutrition-related problems and provide safe, effective, and quality nutrition services, including medical nutrition

therapy, for individuals in clinical and community settings.

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

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

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

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

(a) Any person licensed in this State under any other Act from engaging in the practice for which he or she is licensed as long as the person does not hold oneself out as qualified, able, or licensed to provide medical nutrition therapy or use a title in connection with the person's name whose use is restricted to individuals licensed under this Act, as specified in Section 80.

(b) Any person from providing medical nutrition therapy if that ~~The practice of dietetics and nutrition services by a~~ person ~~who~~ is employed by the United States or State government or any of its bureaus, divisions, departments, or agencies while in the discharge of the employee's official duties.

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

(d) The provision of medical nutrition therapy ~~practice of dietetics and nutrition services~~ by a person pursuing a course

of study leading to a degree in dietetics, nutrition, or an equivalent major from a United States regionally accredited school or program, but only if all of the following apply if: (i) ~~if~~ the activities and services constitute a part of a supervised course of study; (ii) the person does not engage in the independent private practice of medical nutrition therapy; (iii) the person is appropriately supervised by a qualified supervisor who agrees to assume full professional responsibility for the work of the individual by verifying, directing, and authorizing the work; and (iv) and ~~if~~ the person is designated by a title that clearly indicates the person's status as a student, ~~or~~ trainee, or supervisee.

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

(e-5) The activities and services of an individual seeking to fulfill post-degree supervised practice experience requirements in order to qualify for licensing as a licensed dietitian nutritionist under this Act, so long as the individual is not engaged in the independent private practice of medical nutrition therapy and is in compliance with all applicable regulations regarding supervision, including, but not limited to, the requirement that the supervised practice experience must be under the order, control, and full

professional responsibility of the individual's supervisor and the individual is designated by a title that clearly indicates the person's status as a student, trainee, or supervisee. The Department may, by rule, adopt further limitations on individuals practicing under this subsection.

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

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

(2) disseminating written general nonmedical nutrition information in connection with the marketing and distribution of those products, or discussing the use of those products, both individually and as components of nutritional programs, including explanations of their federally regulated label claims, any known drug-nutrient interactions, their role in various nonindividualized diets, or suggestions as how to best use and combine them.

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

(h) (Blank). ~~The practice of dietetics and nutrition~~

~~services by any person who provides weight control services, provided the nutrition program has been reviewed by, consultation is available from, and no program change can be initiated without prior approval by an individual licensed under this Act, an individual licensed to practice dietetics or nutrition services in another state that has licensure requirements considered by the Department to be at least as stringent as the requirements for licensure under this Act, or a registered dietitian.~~

(h-5) An individual providing medical weight control services for individuals with prediabetes or obesity if:

(1) under a program of instruction approved in writing by, consultation is available from, and no program change can be initiated without prior approval by one of the following: a dietitian nutritionist licensed in this State; or a State-licensed health care professional lawfully practicing within the scope of a license granted by the State to provide the scope of the individual's licensed profession and consistent with accepted professional standards for providing nutrition care services to treat or manage the disease or medical condition for which medical weight control is being provided; or

(2) as part of a plan of care overseen and delegated by a State-licensed health care professional lawfully practicing within the scope of a license granted by the

State to provide acting within the scope of the individual's licensed profession and consistent with accepted professional standards for providing nutrition care services to treat or manage the disease or medical condition for which medical weight control is being provided.

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

(j) A person from providing general nonmedical nutrition information, nutrition recommendations for prevention and wellness, health coaching, holistic and wellness education, guidance, motivation, behavior change management, nonmedical weight control, or other nutrition care services provided that any such services do not constitute medical nutrition therapy and as long as the person does not hold oneself out as qualified, able, or licensed to provide medical nutrition therapy or use a title in connection with the individual's name whose use is restricted to individuals licensed under this Act, as specified in Section 80 ~~or encouragement of general healthy eating choices that does not include the development of a customized nutrition regimen for a particular client or individual, or from providing encouragement for compliance with a customized nutrition plan prepared by a~~

~~licensed dietitian nutritionist or any other licensed professional whose scope of practice includes nutrition assessment and counseling.~~

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

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

(m) A dietary technical support person working in a hospital setting or a regulated Department of Public Health, Department of Human Services, or Department on Aging facility or program who has been trained and is supervised while engaged in the practice of dietetics and nutrition by a licensed dietitian nutritionist in accordance with this Act and whose services are retained by that facility or program on

a full-time or regular, ongoing consultant basis.

(n) The provision of nutrition care services without remuneration to family members.

(o) The practice of dietetics and nutrition for a period not exceeding 6 months by a person who is in the State on a temporary basis to assist in a case of public health emergency and who meets the qualifications for a licensed dietitian nutritionist as set forth in Section 45 and is licensed in another state as a provider of medical nutrition therapy.

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

Nothing in this Section shall be construed to permit a student, trainee, or supervisee to offer the student's, trainee's, or supervisee's services as a dietitian or nutritionist to any other person, other than as specifically excepted in this Section, unless the student, trainee, or supervisee is licensed under this Act.

The provisions of this Act shall not be construed to prohibit or limit any physician licensed under the Medical Practice Act of 1987 from practicing or delegating nutrition-related therapies and procedures by consultation, by organization policy, or by contract to an appropriately

trained, qualified, and supervised individual licensed under this Act.

Nothing in this Act shall be construed to limit the ability of any other licensed health care professional in this State to order therapeutic diets if the ordering of therapeutic diets falls within the scope of the licensee's license.

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

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

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

Sec. 30. Dietitian Nutritionist Practice Board. The Secretary shall appoint a Dietitian Nutritionist Practice Board as follows: 7 individuals who shall be appointed by and shall serve in an advisory capacity to the Secretary. Of these 7 individuals, 6 members must be licensed under this Act, ~~4~~ 2 of which must be a registered dietitian and 2 of which must be either a certified clinical nutritionist licensed by the Department prior to the effective date of this amendatory Act of the 102nd General Assembly, a certified nutrition specialist, or a diplomate of the American Clinical Board of Nutrition, and one member must be a public member not licensed under this Act.

Members shall serve 3-year terms and until their successors are appointed and qualified. No member shall be reappointed to the Board for a term that would cause his or her

continuous service on the Board to be longer than 8 years. Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term.

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

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

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

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

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

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

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

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

Sec. 35. Applications. Applications for original licensure shall be made to the Department in writing on forms or electronically as prescribed by the Department and shall be accompanied by the appropriate documentation and the required fee, which shall not be returnable. Every application shall require the information that in the judgment of the Department will enable the Department to pass on the qualifications of the applicant for a license. An applicant has 3 years after the date of application to complete the application process. If the process has not been completed in 3 years, then the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication. All applications shall contain information that, in the judgment of the Department, will enable the Department to assess the qualifications of the applicant for a license under this Act.

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

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

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

Sec. 40. Examinations. The Department shall authorize examinations of applicants for a license under this Act at the times and places that it may determine. The examination of

applicants shall be of a character to give a fair test of the qualifications of the applicant to practice dietetics and nutrition services. The Department or its designated testing service shall provide initial screening to determine eligibility of applicants for examination.

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

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

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

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

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

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

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

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

(a) has ~~Has~~ applied in writing in form and substance acceptable to the Department and submits proof of completion of all of the following educational, supervised practice experience, and examination requirements;

(a-5) possesses a baccalaureate degree or post baccalaureate degree with a major course of study in human nutrition, foods and nutrition, dietetics, food systems management, nutrition education, nutrition, nutrition science, clinical nutrition, applied clinical nutrition, nutrition counseling, nutrition and functional medicine, nutritional biochemistry, nutrition and integrative health, or an equivalent major course of study as recommended by the Board and approved by the Department from a school or program accredited at the time of graduation from the appropriate regional accrediting agency recognized by the Council for ~~on~~ Higher Education Accreditation and the United States Department of Education or a college or university in a foreign country that is substantially equivalent to the

educational requirements in this Section, as recommended by the Board and approved by the Department. All education programs under this Section shall include education leading to competence in medical nutrition therapy. The Department may adopt rules as necessary to enforce this provision;

(b) has ~~Has~~ successfully completed an examination authorized by the Department which may be or may include examinations given by each of the American Clinical Board of Nutrition, the Certification Board of Nutrition Specialists, ~~the Clinical Nutrition Certification Board,~~ and the Commission on Dietetic Registration, or another examination approved by the Department. Before the effective date of this amendatory Act of the 102nd General Assembly, the Department may include examinations given by the Clinical Nutrition Certification Board.

The Department shall establish by rule a waiver of the examination requirement to applicants who, at the time of application, are acknowledged to be ~~certified clinical nutritionists by the Clinical Nutrition Certification Board,~~ certified nutrition specialists by the Certification Board of Nutrition Specialists, diplomates of the American Clinical Board of Nutrition, or registered dietitians by the Commission on Dietetic Registration and who are in compliance with other qualifications as included in the Act. Prior to the effective date of this amendatory Act of the 102nd General Assembly, the Department may waive of the examination requirement to

applicants who, at the time of application, are acknowledged to be certified clinical nutritionists by the Clinical Nutrition Certification Board; and

(c) has ~~Has~~ completed a dietetic internship or documented, supervised practice experience in dietetics and nutrition services of not less than 900 hours under the supervision of a qualified supervisor ~~certified clinical nutritionist, certified nutrition specialist, diplomate of the American Clinical Board of Nutrition, registered dietitian or a licensed dietitian nutritionist, a State licensed healthcare practitioner, or an individual with a doctoral degree conferred by a U.S. regionally accredited college or university with a major course of study in human nutrition, nutrition education, food and nutrition, dietetics, food systems management, nutrition, nutrition science, clinical nutrition, applied clinical nutrition, nutrition counseling, nutrition and functional medicine, or nutrition and integrative health. Supervised practice experience must be completed in the United States or its territories. Supervisors who obtained their doctoral degree outside the United States and its territories must have their degrees validated as equivalent to the doctoral degree conferred by a U.S. regionally accredited college or university. All supervised practice experience under this Section shall include training leading to competence in medical nutrition therapy. The Department may adopt rules as necessary to enforce this~~

provision. Prior to the effective date of this amendatory Act of the 102nd General Assembly, supervised practice experience in dietetics and nutrition services of not less than 900 hours under the supervision of a certified clinical nutritionist may also be accepted.

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

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

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

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

(a) Any person who notifies the Department in writing on forms or electronically as prescribed by the Department may elect to place his or her license on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of the desires to resume active status.

(b) A licensee who has permitted his or her license to expire or who has had his or her license on inactive status may have the license restored by making application to the Department by filing proof acceptable to the Department of his or her fitness to have the license restored and by paying the required fees. Proof of fitness may include sworn evidence certifying to active lawful practice in another jurisdiction. If the licensee has not maintained an active practice in another jurisdiction satisfactory to the Department, then the Department shall determine, by an evaluation program

established by rule, his or her fitness for restoration of the license and shall establish procedures and requirements for restoration.

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

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

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

(f) Any person violating this Section shall be considered

to be practicing without a license and will be subject to the disciplinary provisions of this Act.

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

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

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

Sec. 75. Endorsement. The Department may, in its discretion, license as a dietitian nutritionist, without examination, on payment of required fee, an applicant who is a dietitian, dietitian nutritionist, or nutritionist, ~~or nutrition counselor~~ licensed or certified under the laws of another state, territory, or country, if the Department determines that the requirements for licensure in the state, territory, or country in which the applicant was licensed were, at the date of his or her licensure, substantially equal to the requirements of this Act.

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

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

(225 ILCS 30/76 new)

Sec. 76. Grandfathering. An individual licensed as a dietitian in the State on the effective date of this

amendatory Act of the 102nd General Assembly shall be eligible to maintain and renew a license as a licensed dietitian nutritionist in the State consistent with this Act if that individual meets the renewal requirements set forth in this Act. An individual licensed as a dietitian nutritionist on the effective date of this amendatory Act of the 102nd General Assembly shall not be required to complete any education, experience, or exam requirements specified in Section 45 beyond those which were required when the individual was originally licensed.

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

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

Sec. 80. Use of title; advertising.

(a) Only a person who is issued a license as a dietitian nutritionist under this Act may use the words "licensed dietitian nutritionist", "dietitian nutritionist", or "dietitian", ~~"licensed nutritionist", or "nutrition counselor"~~ or the letters "L.D.N." or hold oneself out as qualified or licensed to practice under this Act in connection with his or her name.

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

(c) Use of an earned, federally trademarked nutrition credential is not prohibited, but such use does not give an individual the right to practice dietetics or nutrition or provide medical nutrition therapy unless the individual is licensed under this Act.

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

(225 ILCS 30/100) (from Ch. 111, par. 8401-100)

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

Sec. 100. Injunctions; cease and desist orders.

(a) If any person violates a provision of this Act, the Secretary may, in the name of the People of the State of Illinois through the Attorney General of the State of Illinois or the State's Attorney of the county in which the violation is alleged to have occurred, petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the Court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If any person provides, offers to provide, attempts to provide ~~practices as a dietitian nutritionist~~ or holds himself

or herself out as qualified, licensed, or able to provide medical nutrition therapy or holds oneself out as licensed or qualified to practice dietetics and nutrition or holds oneself out as a licensed dietitian nutritionist or uses words or letters in connection with the person's name in violation of Section 80 ~~such~~ without having a valid license under this Act, then any licensee, any interested party, or any person injured thereby may, in addition to the Secretary, petition for relief as provided in subsection (a) of this Section.

(c) Whenever in the opinion of the Department any person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should be entered against him or her. The rule shall clearly set forth the grounds relied upon the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause in order to cease and desist to be issued immediately.

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

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

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

Sec. 105. Investigation; notice and hearing. The Department may investigate the actions or qualifications of any applicant or of any person or persons holding or claiming to hold a license or certificate of registration. The

Department shall, before refusing to issue or renew a license or to discipline a licensee under Section 95, at least 30 days before the date set for the hearing, (i) notify the accused in writing of any charges made and the time and place for a hearing of the charges ~~before the Board~~, (ii) direct him or her to file his or her written answer to the charges ~~with the Board~~ under oath within 20 days after the service of the notice, and (iii) inform the applicant or licensee that failure to file an answer shall result in a default judgment being entered ~~taken~~ against the applicant or licensee. At the time and place fixed in the notice, the Department shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present any pertinent statements, testimony, evidence, and arguments. The Department may continue the hearing from time to time. In case the person, after receiving the notice, fails to file an answer, his or her license, may, in the discretion of the Department, be revoked, suspended, or placed on probationary status or the Department may take whatever disciplinary action considered proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for that action under the Act. The written notice and any notice in the subsequent proceeding may be served by ~~registered or certified~~ mail to the licensee's address of record or by email to the licensee's email address of record.

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

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

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

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

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

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

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

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

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

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

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

Sec. 140. Order; certified copy. An order or a certified

copy of an order, over the seal of the Department and purporting to be signed by the Secretary, shall be prima facie proof:

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

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

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

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

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

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

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

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

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

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

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

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

(225 ILCS 30/37 rep.)

(225 ILCS 30/90 rep.)

(225 ILCS 30/150 rep.)

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

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