



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
Second Regular Session

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## **HB 2446: dietitian nutritionists; licensure**

**Sponsor: Representative Montenegro, LD 29**

**Committee on Health & Human Services**

### **Overview**

Allows the Director of the Department of Health Services (DHS Director) to create licensing for Licensed Dietitian Nutritionists (LDN) and implement an Advisory Committee to assist the DHS Director in administrative functions and duties related to LDN licensing.

### **History**

[The Department of Health Services](#) (DHS) is responsible for providing a majority of public health programs in the state addressing such topics as: 1) disease prevention and control; 2) health promotion; 3) community public health; 4) environmental health; 5) maternal and child health; 6) emergency preparedness; and 7) regulation of healthcare-related institutions.

[The Academy of Nutrition and Dietetics](#) (Academy) defines *Registered Dietitian Nutritionists* (RDN) as practicing food and nutrition experts with education in an accredited dietetics program who have completed supervised practice and the national exam. [The Commission on Dietetic Registration](#) (Commission) is a credentialing agency for the Academy and is responsible for providing and enforcing credentialing standards, requirements and the national exam for registered dietitians and RDNs.

Current statute allows hospitals to grant registered dietitians or qualified nutrition professionals ordering abilities for diets, enteral feeding, nutritional supplementation or parenteral nutrition if authorized by medical staff ([A.R.S. § 36-416](#)).

### **Provisions**

#### ***Orders***

1. Allows an LDN in either a hospital, if authorized or granted standing ordering privileges by medical staff, or a nonhospital health care institution to order any of the following:
  - a) diets or a change in diet orders;
  - b) enteral feeding;
  - c) durable medical equipment related to nutrition;
  - d) nutritional supplementation;
  - e) parenteral nutrition;
  - f) medical nutrition therapy; and
  - g) laboratory tests to check and track nutrition status. (Sec. 3, 4)
2. Directs hospitals or nonhospital health care institutions to have written policies and procedures that:
  - a) allow LDN's to issue orders or perform medical nutrition therapy; and
  - b) prescribe necessary qualifications for qualified nutrition professionals to issue orders and list any restrictions on their ability to issue orders. (Sec. 3, 4)

3. Requires nonhospital health care institutions to have written policies and procedures to address adverse events, if any, that arise from orders issued by an LDN or unlicensed dietician nutritionist. (Sec. 3)

***Licensing and Advisory Committee***

4. Requires the DHS Director to:
  - a) license persons who apply for and possess all qualifications required for the practice of dietetics and nutrition;
  - b) authorize all necessary disbursements;
  - c) ensure the public's health and safety by adopting and enforcing qualification standards and a scope of practice for licensees and applicants for licensure; and
  - d) adopt a scope of practice for LDNs consistent with that adopted by the Academy. (Sec. 5)
5. Allows the DHS Director to:
  - a) issue and renew licenses;
  - b) deny, suspend, revoke or refuse to renew a license or file a letter of concern, issue a decree of censure, prescribe probation, impose a civil penalty or restrict or limit the practice of a licensee;
  - c) make and publish rules that are consistent with the laws of the state and that are necessary to carry out; and
  - d) require a licensee to produce records of patients involved in complaints on file with DHS. (Sec. 5)
6. Lists the licensure requirements for an LDN as:
  - a) submitting a nonrefundable application fee;
  - b) holding either a current registration as a registered dietitian or registered dietitian nutritionist;
  - c) having a baccalaureate degree, master's degree or doctoral degree from a qualified university with a major in a nutrition and dietetics-related field;
  - d) completing an accredited and approved planned clinical program consisting of at least 1,000 hours of supervised experience;
  - e) passing the examination for registered dietitians from the Commission or another equally accredited exam approved by the DHS Director; and
  - f) having good moral character and not having a license suspended or revoked in the past two years in any state or ineligible for licensure in any state. (Sec. 5)

***Advisory Committee***

7. Permits the DHS Director to appoint an Advisory Committee to collaborate with and assist with performing the prescribed duties. (Sec. 5)
8. Allows the DHS Director to inform the Advisory Committee regarding disciplinary actions. (Sec. 5)
9. Includes the DHS Director, a licensed physician, three LDNs and one public member to be appointed to the Advisory Committee and outlines committee member qualifications. (Sec. 5)
10. Outlines the areas in which the Advisory Committee may provide recommendations to the DHS Director to act upon within a reasonable time period. (Sec. 5)
11. Allows the Advisory Committee to recommend to the DHS Director a waiver of the educational requirements if an applicant submits satisfactory proof that the applicant

received the required professional education in another country equivalent to the education requirements. (Sec. 5)

***Assessment of Fees and Management of Monies***

12. Permits the DHS Director to prescribe and collect fees for the following:
  - a) an application for a license;
  - b) the issuance of a license or duplicate license;
  - c) the renewal of a license; and
  - d) late fees. (Sec. 5)
13. Requires the DHS Director to deposit 10% of all collected monies, including civil penalties, in to the state General Fund and deposit the remaining 90% in the Health Services Licensing Fund. (Sec. 5)

***Issuance and Maintenance of License***

14. Asserts that an LDN license is valid for two years. (Sec. 5)
15. Requires LDN licensees to renew their license every two years on payment of a renewal fee. (Sec. 5)
16. States that there is a 30-day grace period after a licensee expires when the licensee may renew the license on payment of a late fee in addition to the renewal fee. (Sec. 5)
17. Requires an LDN, when renewing their license, to attest to having completed continuing professional education as required during the licensing period and provide documentation of completion on DHS's request. (Sec. 5)
18. Directs the DHS Director by rule to provide standards for continuing professional education units. (Sec. 5)
19. Specifies that educational courses that are accepted by the Commission on Dietetic registration are deemed to comply with DHS standards. (Sec. 5)
20. Allows the DHS Director to refuse to renew a license for any cause for denial, revocation or suspension. (Sec. 5)
21. Instructs a person who does not renew their license to reapply for a new license pursuant to the licensure requirements. (Sec. 5)
22. Instructs the person to provide proof of having completed the continuing professional education units within the previous 24 months before the date of reapplication. (Sec. 5)
23. Mandates that a LDN licensee notify the DHS Director in writing of their place or places of practice and whether there is any change of address. (Sec. 5)
24. Directs the DHS Director to keep a record of an LDN's places of practice. (Sec. 5)
25. Specifies that any notice the DHS Director is required to give to a person holding an LDN license may be given by mailing it to that person at the address last given by that person to the Director. (Sec. 5)
26. Established title designations and violations for use of title as a *certified nutrition specialist, registered dietitian, registered dietitian nutritionist or licensed dietitian.* (Sec. 5)

27. Asserts that a violation for use of title of the specified professions constitutes as an unlawful practice and permits the Attorney General to investigate and take appropriate action. (Sec. 5)

***Active-Duty Military Licensure Extension***

28. Specifies that licenses for military or national guard members do not expire while on active duty and are extended 180 days after return or release from service. (Sec. 5)

29. Outlines criteria and processes for extensions and renewal of licenses for military or national guard members. (Sec. 5)

30. Makes technical changes. (Sec. 1)

***Licensure Violations and Legal Actions***

31. Allows the DHS Director to deny, revoke or suspend a license if the applicant does any of the following:

- a) is convicted of a felony or misdemeanor involving moral turpitude;
- b) secures a license through fraud or deceit;
- c) engages in unprofessional conduct or incompetence;
- d) uses a false name or alias in the practice of the applicant's or licensee's profession; or
- e) violates any statutes or rules. (Sec. 5)

32. Permits DHS to deny a license without holding a hearing and allows the applicant to request a hearing to review the denial after receiving notification of the denial. (Sec. 5)

33. States that if the DHS Director determines pursuant to a hearing that grounds exist to revoke or suspend a license, the DHS Director may do so permanently or for a fixed period of time and impose conditions as prescribed by rule. (Sec. 5)

34. Requires DHS to conduct a hearing before revoking or suspending a license and imposing a civil penalty. (Sec. 5)

35. Authorizes the DHS Director to file a letter of concern, issue a decree of censure, prescribe a period of probation, restrict or limit the practice of a licensee in place of denying, revoking or suspending a license. (Sec. 5)

36. Requires the DHS Director to notify a licensee's employer if disciplinary action has been initiated against that licensee. (Sec. 5)

37. Permits the DHS Director to enforce these provisions through injunction and prevents a prior or current proceeding from barring an enforcement proceeding. (Sec. 5)

38. Establishes that any violation of these provisions constitutes a class 3 misdemeanor. (Sec. 5)

39. Provides the DHS Director the ability to impose a civil penalty not exceeding \$500 for violations of these provisions in addition to any other penalties. (Sec. 5)

40. Enables the Attorney General or the County Attorney to bring an action in the appropriate Superior Court to enforce the imposed civil penalties. (Sec. 5)

***Miscellaneous***

41. Exempts DHS from rulemaking requirements for one year following the effective date. (Sec. 6)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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- 42. Contains a legislative intent clause. (Sec. 7)
- 43. Modifies terms. (Sec. 1)
- 44. Defines terms. (Sec. 3, 4, 5)
- 45. Makes conforming changes. (Sec. 2, 3)