



ARIZONA HOUSE OF REPRESENTATIVES

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Senate: HHS DP 7-0-0-0 | 3rd Read 22-6-2-0

SB 1508: vulnerable adult system; study committee

Sponsor: Senator Shamp, LD 29

Committee on Appropriations

Summary of the Strike-Everything Amendment to SB 1508

Overview

Allows the Director of the Department of Health Services (DHS) to create licensing for Licensed Dietitian Nutritionists (LDN) and Nutritionists and implement an Advisory Committee to assist the DHS Director in administrative functions and duties related to LDN and Nutritionists 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 or other qualified nutrition professional, if authorized or granted standing order privileges, in a licensed hospital 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;
 - g) laboratory tests to check and track nutrition status; and
 - h) prescription drug dose adjustments under a medical staff-approved protocol. (Sec. 3)

2. Allows an LDN or other qualified nutrition professional who practices in a licensed nonhospital health care institution and is either an employee or an independent contractor 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. 4)
3. Directs licensed hospitals or nonhospital health care institutions to have written policies and procedures that:
 - a) allow LDN's to issue orders; 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)
4. Requires licensed nonhospital health care institutions to have written policies and procedures that address responses to adverse events, if any, that arises as a result of orders issued by an LDN or qualified nutritional professional. (Sec. 4)
5. Adds LDNs and licensed nutritionists to the lists of health care providers allowed to provide telehealth services. (Sec. 5)

DHS and Advisory Committee

6. Requires the DHS Director to:
 - a) license persons who apply for and possess all qualifications required to be licensed;
 - b) authorize all necessary disbursements; and
 - 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. (Sec. 6)
7. 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. 6)
8. Allows the DHS Director to appoint an Advisory Committee to collaborate with and assist with performing duties prescribed duties. (Sec. 6)
9. Requires the Advisory Committee to consist of the following members:
 - a) DHS Director;
 - b) one licensed physician;
 - c) three LDNs;
 - d) one licensed nutritionist; and
 - e) one public member. (Sec. 6)
10. Enables the Advisory Committee to provide recommendations to the DHS Director in the following areas, on which the DHS Director must act within a reasonable period of time:

- a) license issuance and renewal;
- b) disciplinary procedures;
- c) rules consistent with LDN and licensed nutritionists statutes; and
- d) licensee production of patient records involved in complaints on file with DHS. (Sec. 6)

Fees

- 11. 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. 6)
- 12. Requires DHS to deposit 10% of all monies collected in the state General Fund (GF) and deposit the remaining 90% in the Health Services Licensing Fund, except that monies collected from imposed civil penalties will be deposited in the state GF. (Sec. 6)

Issuance of LDN and Nutritionists Licenses

- 13. Asserts that a LDN and nutritionist license is valid for two years. (Sec. 6)
- 14. Requires a licensee to renew their license every two years and submit a renewal fee. (Sec. 5)
- 15. Allows a 30-day grace period after a licensee's license expires. (Sec. 6)
- 16. Allows the licensee to renew their expired license after paying a late fee in addition of the renewal fee. (Sec. 6)
- 17. Requires a licensee, when renewing a license, to attest to having a completed continuing professional education during the licensing period and provide documentation of completion on DHS's request. (Sec. 6)
- 18. Requires the DHS Director by rule to provide standards for continuing professional education units. (Sec. 6)
- 19. Specifies that educational courses that are accepted by the Commission on Dietetic Registration or the Board for Certification of Nutrition Specialists are deemed to comply with DHS standards. (Sec. 6)
- 20. Permits the DHS Director to refuse to renew a license for any violations. (Sec. 6)
- 21. Requires a person who does not renew a license to reapply for a new license. (Sec. 6)
- 22. Directs the person to provide proof of having completed the continuing education units within the previous 24 months before the date of reapplication. (Sec. 6)
- 23. Requires a person who holds an LDN or nutritionists license to notify the DHS Director in writing of the address of the place or places and any changes where the person engages in the practice of dietetics or nutrition. (Sec. 6)
- 24. Directs the DHS Director to keep a record of the places of practice for LDN and nutritionists.
- 25. Permits any notice the DHS is required to give to an LDN licensee or nutritionists to be given by mail at the last given address. (Sec. 6)

26. Establishes use of title protections for certified nutrition specialists, registered dietitians, registered dietitian nutritionists, licensed nutritionists, licensed dietitians and licensed dietitian nutritionists. (Sec. 6)
27. Constitutes an unlawful practice for use of title violations. (Sec. 6)
28. Allows the Attorney General to investigate and take appropriate action for use of title violations. (Sec. 6)

Military Members

29. Asserts that a license issued to any member of the National Guard or U.S. Armed Forces Reserves does not expire while the member is serving on federal active duty and is extended 180 days after the member returns if the member or their legal representative notifies the DHS Director of the member's federal active-duty status. (Sec. 6)
30. Declares a license issued to any member serving in the regular component of the United States Armed Forces is extended 180 days after the date of expiration if the member or their legal representative notifies the DHS Director of their federal active-duty status. (Sec. 6)
31. Declares a license issued to any member of the National Guard, U.S. Armed Forces Reserves or the regular component of the U.S. Armed Forces not expired and extended for 180 days after the date the military member is able to perform activities necessary under the license if the member:
 - a) is released from active-duty service; and
 - b) suffers an injury as a result of active-duty service that temporarily prevents the member from being able to perform necessary activity under the license. (Sec. 6)
32. States that the military member is responsible only for normal fees and activities relating to the license renewal and may not be charged any additional costs if the license is renewed during the applicable extended timeframe after the member returns from federal active duty. (Sec. 6)
33. Requires a military member or their legal representative to present to the DHS Director the following before the end of the applicable extended time period to qualify for the extension:
 - a) a copy of the member's official military orders; and
 - b) a redacted military identification card or written verification from the member's commanding officer. (Sec. 6)

LDN Licensure Requirements

34. Lists the licensure requirements for an LDN as:
 - a) submitting a nonrefundable application fee;
 - b) submitting evidence to DHS Director that the applicant either holds a current and valid registration as a registered dietitian or registered dietitian nutritionist or meets all prescribed education, supervised practice experience and examination requirements; and
 - c) not have had a license, registration or certificate revoked or suspended by a state within the past two years and not be presently ineligible for licensure in any state because of a prior revocation or suspension. (Sec. 6)

Nutritionists Licensure Requirements

35. Lists the licensure requirements for a Licensed Nutritionist as:

- a) submitting a nonrefundable application fee;
 - b) submitting evidence to DHS Director that the applicant has completed all prescribed requirements;
 - c) not have had a license, registration or certificate revoked or suspended by a state within the past two years and not be presently ineligible for licensure in any state because of a prior revocation or suspension; and
 - d) have met all of the education requirements, as outlined. (Sec. 6)
36. Outlines examination requirements for licensed nutritionists. (Sec. 6)
37. Requires an applicant to demonstrate completion of 75 hours of continuing education that meets the DHS Director continuing education criteria for each five-year period after examination if passage of the examination occurred more than five years before application. (Sec. 6)
38. Requires the applicant, regardless of the course of study, to have completed coursework leading to competence in medical nutrition therapy, including:
- a) at least 15 semester hours of clinical or life sciences, which may include certain courses, as prescribed; and
 - b) at least 15 semester hours of nutrition and metabolism which may include specified courses, as prescribed. (Sec. 6)
39. Specifies that the 15 semester hours of clinical or life sciences must include 3 semester hours in human anatomy and physiology or the equivalent. (Sec. 6)
40. Specifies that the 15 semester hours of nutrition and metabolism must include 6 semester hours of biochemistry. (Sec. 6)
41. Requires the applicant to complete a planned, documented and continuous supervised practice experience demonstrating competence in providing nutrition care services and medical nutrition therapy approved by the DHS Director. (Sec. 6)
42. Requires an applicant to complete a supervised practice experience within five years after completing the education requirements unless the DHS Director grants an extension for a limited time for extraordinary circumstances. (Sec. 6)
43. Instructs that a supervised practice experience must included at least 1,000 hours in the following areas, with a minimum of 200 hours in each practice area:
- a) nutrition assessment;
 - b) nutrition intervention; and
 - c) nutrition monitoring and evaluation. (Sec. 6)
44. Asserts that the supervised experience is determined by the DHS Director to have prepared the applicant to provide nutrition care services for various populations of diverse cultures and genders across the life cycle and be able to competently formulate:
- a) actionable medical nutrition therapies and interventions;
 - b) education;
 - c) counseling; and
 - d) ongoing care for the prevention, modulation and management of a range of acute and chronic medical conditions. (Sec. 6)
45. Requires supervised practice experiences to be under the supervision of a qualified supervisor. (Sec. 6)

46. Sets criteria that a qualified supervisor must meet in order for an applicant's supervised practice experience to count towards licensure. (Sec. 6)

Licensure Violations and Legal Actions

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

- a) secures a license through fraud or deceit;
- b) engages in unprofessional conduct or incompetence is convicted of or entered into a plea of nolo contendere to any crime that is directly related to the licensee's duties and responsibilities or was violent or sexual in nature;
- c) uses a false name or alias in the practice of the applicant's or licensee's profession; or
- d) violates any statutes or rules. (Sec. 6)

48. 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. 6)

49. 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. 6)

50. Requires DHS to conduct a hearing before revoking or suspending a license and imposing a civil penalty. (Sec. 6)

51. Requires all proceedings to be conducted in accordance with uniform administrative hearing procedures. (Sec. 6)

52. 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. 6)

53. Requires the DHS Director to promptly notify a licensee's employer if disciplinary action has been initiated against that licensee. (Sec. 6)

54. Permits the DHS Director to enforce these provisions through injunction and prevents a prior or current proceeding from barring an enforcement proceeding. (Sec. 6)

Miscellaneous

55. Exempts DHS from rulemaking requirements for one year for purposes of licensing LDN and nutritionists. (Sec. 7)

56. Declares the Legislature intends that the total fees for acquiring an initial license as a dietitian nutritionist does not exceed \$200. (Sec. 8)

57. Defines and modifies terms. (Sec. 1, 3, 4, 6)

58. Makes technical and conforming changes. (Sec. 2, 3, 5)

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