

AMENDED IN ASSEMBLY MAY 31, 2001

AMENDED IN ASSEMBLY MAY 2, 2001

AMENDED IN ASSEMBLY APRIL 4, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1444

Introduced by Assembly Member Maddox

February 23, 2001

An act to amend Sections 2585 and 2586 of the Business and Professions Code, and to amend Section 10176.25 of the Insurance Code, relating to nutritional advice.

LEGISLATIVE COUNSEL'S DIGEST

AB 1444, as amended, Maddox. Nutritional advice.

Existing law does not prohibit a person from providing nutritional advice. Existing law contains provisions governing the practice of registered dietitians and allows a registered dietitian with a referral by an appropriate health care provider to provide nutritional and dietary counseling, assessments, and treatment.

This bill would subject other nutritional professionals to ~~specified~~ *certain* provisions governing registered dietitians. The bill would also authorize registered dietitians and other nutritional professionals *who are not specified licensed health care providers* to order medical laboratory tests related to nutritional therapeutic treatments and to accept or transmit verbal or electronically transmitted orders or protocols from a health care provider in order to implement therapeutic treatments. The bill would designate the services described above that registered dietitians and other nutritional professionals are authorized

to perform as “medical nutrition therapy.” The bill would authorize a dietetic technician, registered, meeting certain qualifications, to assist a registered dietitian with certain services. The bill would make conforming changes to the Insurance Code.

Existing law provides that it is a misdemeanor for a registered dietitian to practice in violation of certain provisions.

Because this bill would extend this provision to other nutritional professionals, the bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The bill would become operative July 1, 2003.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2585 of the Business and Professions
- 2 Code is amended to read:
- 3 2585. (a) Any person representing himself or herself as a
- 4 registered dietitian shall meet one of the following qualifications:
- 5 (1) Been granted, prior to January 1, 1981, the right to use the
- 6 term “registered dietitian” by a public or private agency or
- 7 institution recognized by the State Department of Health Services
- 8 as qualified to grant the title, provided that person continues to
- 9 meet all requirements and qualifications periodically prescribed
- 10 by the agency or institution for the maintenance of that title.
- 11 (2) Possess all of the following qualifications:
- 12 (A) Be 18 years of age or older.
- 13 (B) Satisfactory completion of appropriate academic
- 14 requirements for the field of dietetics and related disciplines and
- 15 receipt of a baccalaureate or higher degree from a college or
- 16 university accredited by the Western Association of Schools and
- 17 Colleges or other regional accreditation agency.
- 18 (C) Satisfactory completion of a program of supervised clinical
- 19 experience of not less than six months in length that is designed to



1 prepare entry level practitioners through instruction and
2 assignments in a clinical setting. Supervisors of the program shall
3 meet minimum qualifications established by public or private
4 agencies or institutions recognized by the State Department of
5 Health Services to establish those qualifications.

6 (D) Satisfactory completion of an examination administered
7 by a public or private agency or institution recognized by the State
8 Department of Health Services as qualified to administer the
9 examinations.

10 (E) Satisfactory completion of continuing education
11 requirements established by a public or private agency or
12 institution recognized by the State Department of Health Services
13 to establish the requirements.

14 (b) Any person representing himself or herself as a dietetic
15 technician, registered shall possess all of the following
16 qualifications:

17 (1) Be 18 years of age or older.

18 (2) Satisfactory completion of appropriate academic
19 requirements and receipt of an associate's degree or higher from
20 a college or university accredited by the Western Association of
21 Schools and Colleges or other regional accreditation agency.

22 (3) Satisfactory completion of the dietetic technician program
23 requirements by an accredited public or private agency or
24 institution recognized by the State Department of Health Services
25 including not less than 450 hours of supervised clinical
26 experience.

27 (4) Satisfactory completion of an examination administered by
28 a public or private agency or institution recognized by the State
29 Department of Health Services to administer the examination.

30 (5) Satisfactory completion of continuing education
31 requirements established by a public or private agency or
32 institution recognized by the State Department of Health Services
33 to establish the requirements.

34 (c) It is a misdemeanor for any person not meeting the criteria
35 of subdivision (a) or (b) to use, in connection with his or her name
36 or place of business, the words "dietetic technician, registered,"
37 "dietitian," "dietician," "registered dietitian," "registered
38 dietician," or the letters "RD," "DTR," or any other words,
39 letters, abbreviations, or insignia indicating or implying that the
40 person is a dietitian, or dietetic technician, registered or registered



1 dietitian, or to represent, in any way, orally, in writing, in print or
2 by sign, directly or by implication, that he or she is a dietitian or
3 a dietetic technician, registered or a registered dietitian.

4 (d) Any person employed by a licensed health care facility as
5 a registered dietitian on the effective date of this chapter may
6 continue to represent himself or herself as a registered dietitian
7 while employed by a licensed health care facility, if he or she has
8 satisfied the requirements of either paragraph (1) or paragraph (2)
9 of subdivision (a), except that he or she shall not be required to
10 satisfy the examination requirement of subparagraph (B) of
11 paragraph (2) of subdivision (a).

12 (e) Notwithstanding any other provision of law or regulation
13 that limits reimbursement to state licensed health care providers
14 and upon referral by a physician and surgeon the following persons
15 may be reimbursed for the nutritional advice or advice concerning
16 proper nutrition as set forth in Section 2068, or for the nutritional
17 assessments, counseling, and treatments as set forth in Section
18 2586:

19 (1) Registered dietitians.

20 (2) Other nutritional professionals with a master's or higher
21 degree in a field covering clinical nutrition sciences, from a
22 college or university accredited by a regional accreditation agency,
23 who are deemed qualified to provide these services by the referring
24 physician and surgeon.

25 (f): Nothing in this section shall be construed to mandate direct
26 reimbursement of registered dietitians, or other nutrition
27 professionals described in subdivision (e), as a separate provider
28 type under the Medi-Cal program, nor to mandate reimbursement
29 where expressly prohibited by federal law or regulation.

30 SEC. 2. Section 2586 of the Business and Professions Code
31 is amended to read:

32 2586. (a) Notwithstanding any other provision of law, a
33 registered dietitian, or other nutritional professional meeting the
34 qualifications set forth in subdivision (e) of Section 2585 may,
35 upon referral by a health care provider authorized to prescribe
36 dietary treatments, provide nutritional and dietary counseling,
37 conduct nutritional and dietary assessments, develop nutritional
38 and dietary treatments, including therapeutic diets, order medical
39 laboratory tests related to nutritional therapeutic treatments, and
40 accept or transmit verbal or electronically transmitted orders or



1 standards of protocol from the health care provider to implement
2 therapeutic treatments, for individuals or groups of patients in
3 licensed institutional facilities or in private office settings. The
4 referral shall be accompanied by a written prescription signed by
5 the health care provider detailing the patient’s diagnosis and
6 including a statement of the desired objective of dietary treatment.
7 The services described in this subdivision may be termed
8 “medical nutrition therapy.”

9 (b) (1) Notwithstanding any other provision of law, a dietetic
10 technician, registered meeting the qualifications set forth in
11 Section 2585 may, under the direct supervision of a registered
12 dietitian, assist in the implementation or monitoring of services
13 specified in subdivision (a), but may not develop nutritional or
14 dietary therapy or treatments.

15 (2) For purposes of this subdivision, “direct supervision”
16 means the supervising registered dietitian shall be physically
17 available to the dietetic technician, registered for consultation
18 whenever consultation is required.

19 (3) For purposes of this subdivision, a registered dietitian shall
20 not supervise more than two dietetic technicians, registered at one
21 time.

22 (c) It is a misdemeanor for a person specified in subdivision (e)
23 of Section 2585 to practice in a manner inconsistent with the
24 requirements set forth in this section.

25 (d) Nothing in this section shall preclude a person specified in
26 subdivision (e) of Section 2585 from providing information as
27 permitted by Section 2068.

28 (e) For purposes of this section, “health care provider” means
29 any person licensed or certified pursuant to this division, or
30 licensed pursuant to the Osteopathic Initiative Act.

31 (f) The requirement of a written prescription shall be deemed
32 to be satisfied by an entry in the patient records of a patient who
33 is undergoing treatment at a licensed health care facility if the
34 contents of the patient records reflect the information required by
35 this section.

36 (g) *Nothing in the amendments to this section by Assembly Bill*
37 *1444 of the 2001–02 Regular Session shall be interpreted to*
38 *establish educational criteria or practice restrictions or*
39 *limitations for other health care providers licensed under Division*
40 *2 (commencing with Section 500).*



1 SEC. 3. Section 10176.25 of the Insurance Code is amended
2 to read:
3 10176.25. (a) As an alternative to an exclusion permitted by
4 Section 10176, a disability insurance policy may provide that
5 services of a registered dietitian or other nutrition professional
6 meeting the qualifications prescribed by subdivision (a) or (e) of
7 Section 2585 of the Business and Professions Code will be paid
8 only if rendered pursuant to a method of treatment prescribed by
9 a person holding a physician's and surgeon's certificate issued by
10 the Medical Board of California.
11 (b) Nothing in this section requires disability insurers to
12 automatically pay for services provided by a registered dietitian or
13 other nutrition professional.
14 SEC. 4. This act shall become operative on July 1, 2003.
15 SEC. 5. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 the only costs that may be incurred by a local agency or school
18 district will be incurred because this act creates a new crime or
19 infraction, eliminates a crime or infraction, or changes the penalty
20 for a crime or infraction, within the meaning of Section 17556 of
21 the Government Code, or changes the definition of a crime within
22 the meaning of Section 6 of Article XIII B of the California
23 Constitution.

