

AMENDED IN ASSEMBLY AUGUST 14, 2014

AMENDED IN ASSEMBLY JULY 2, 2014

AMENDED IN SENATE APRIL 21, 2014

SENATE BILL

No. 993

**Introduced by Senator Mitchell
(Coauthors: Senators Beall and Hernandez)**

February 12, 2014

An act to amend Sections 2585, 2586, 2586.4, and 2586.8 of the Business and Professions Code, relating to dietitians.

LEGISLATIVE COUNSEL'S DIGEST

SB 993, as amended, Mitchell. Healing arts: dietitians.

Existing law requires dietetic technicians, registered, to possess prescribed qualifications, including academic requirements, and makes it a misdemeanor for any person not meeting those requirements to use, in connection with his or her name or place of business, the term "dietetic technician, registered" or the letters "DTR."

Existing law authorizes a registered dietitian, upon referral by a health care provider, to provide medical nutrition therapy, which includes, among other things, the development of nutritional and dietary treatments for individuals or groups of patients in specified settings. Existing law allows a dietetic technician, registered to assist the registered dietitian in these circumstances in the implementation or monitoring of medical nutrition therapy. Existing law makes it a misdemeanor for a registered dietitian, or other specified nutritional professionals, to practice in a manner inconsistent with these provisions.

This bill would revise the qualifications required for a person representing himself or herself as a dietetic technician, registered and

would require the dietetic technician, registered to have completed his or her course of study before assisting the registered dietitian. The bill would also make it a misdemeanor for any person not meeting those qualifications to use, in connection with his or her name or place of business, the term “registered dietitian nutritionist” or the letters “RDN.”

This bill would also allow a registered dietitian, under the above-described circumstances, or other nutritional professional who meets specified qualifications, to develop and recommend nutritional and dietary treatments, as provided, and would allow the registered dietitian or other nutritional professional to perform nutritional assessments and to initiate nutritional interventions pursuant to a licensed health care facility’s approved nutrition screening policy and procedure, as provided. The bill would specify that these provisions do not authorize a registered dietitian, or other nutritional professional, to administer central vein or peripheral vein nutrition. This bill would also make technical, nonsubstantive changes.

By both expanding and changing the definition of existing crimes, the bill would impose a state-mandated local program.

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.

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 Public Health
- 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.

1 (B) Satisfactory completion of appropriate academic
2 requirements for the field of dietetics and related disciplines and
3 receipt of a baccalaureate or higher degree from a college or
4 university accredited by the Western Association of Schools and
5 Colleges or other regional accreditation agency.

6 (C) Satisfactory completion of a program of supervised practice
7 for a minimum of 900 hours that is designed to prepare entry level
8 practitioners through instruction and assignments in a clinical
9 setting. Supervisors of the program shall meet minimum
10 qualifications established by public or private agencies or
11 institutions recognized by the State Department of Public Health
12 to establish those qualifications.

13 (D) Satisfactory completion of an examination administered by
14 a public or private agency or institution recognized by the State
15 Department of Public Health as qualified to administer the
16 examinations.

17 (E) Satisfactory completion of continuing education
18 requirements established by a public or private agency or institution
19 recognized by the State Department of Public Health to establish
20 the requirements.

21 (b) Any person representing himself or herself as a dietetic
22 technician, registered shall possess all of the following
23 qualifications:

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

25 (2) Satisfactory completion of either of the following:

26 (A) Appropriate academic requirements for dietetic technicians,
27 registered, receipt of an associate's degree or higher from a college
28 or university accredited by the Western Association of Schools
29 and Colleges or other regional accreditation agency, and at least
30 450 hours of supervised practice experience. Supervisors of practice
31 experiences shall meet the minimum qualifications established by
32 public or private agencies or institutions recognized by the State
33 Department of Public Health to establish the qualifications.

34 (B) Appropriate academic requirements for the field of dietetics
35 and related disciplines and receipt of a baccalaureate or higher
36 degree from a college or university accredited by the Western
37 Association of Schools and Colleges or other regional accreditation
38 agency.

1 (3) Satisfactory completion of an examination administered by
2 a public or private agency or institution recognized by the State
3 Department of Public Health to administer the examination.

4 (4) Satisfactory completion of continuing education requirements
5 established by a public or private agency or institution recognized
6 by the State Department of Public Health to establish the
7 requirements.

8 (c) It is a misdemeanor for any person not meeting the criteria
9 of subdivision (a) or (b) to use, in connection with his or her name
10 or place of business, the words “dietetic technician, registered,”
11 “dietitian,” “dietician,” “registered dietitian,” “registered dietician,”
12 “registered dietitian nutritionist,” or the letters “RD,” “RDN,”
13 “DTR,” or any other words, letters, abbreviations, or insignia
14 indicating or implying that the person is a dietitian, dietetic
15 technician, registered, registered dietitian, or registered dietitian
16 nutritionist or to represent, in any way, orally, in writing, in print
17 or by sign, directly or by implication, that he or she is a dietitian,
18 a dietetic technician, registered, a registered dietitian, or a
19 registered dietitian nutritionist.

20 (d) Any person employed by a licensed health care facility as
21 a registered dietitian on the effective date of this chapter may
22 continue to represent himself or herself as a registered dietitian
23 while employed by a licensed health care facility, if he or she has
24 satisfied the requirements of either paragraph (1) or paragraph (2)
25 of subdivision (a), except that he or she shall not be required to
26 satisfy the examination requirement of subparagraph (B) of
27 paragraph (2) of subdivision (a).

28 (e) Notwithstanding any other law or regulation that limits
29 reimbursement to state licensed health care providers and upon
30 referral by a physician and surgeon, the following persons may be
31 reimbursed for the nutritional advice or advice concerning proper
32 nutrition as set forth in Section 2068, or for the nutritional
33 assessments, counseling, and treatments as set forth in Section
34 2586:

35 (1) Registered dietitians.

36 (2) Other nutritional professionals with a master’s or higher
37 degree in a field covering clinical nutrition sciences, from a college
38 or university accredited by a regional accreditation agency, who
39 are deemed qualified to provide these services by the referring
40 physician and surgeon.

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

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

8 2586. (a) (1) Notwithstanding any other law, a registered
9 dietitian, or other nutritional professional meeting the qualifications
10 set forth in subdivision (e) of Section 2585 may, upon referral by
11 a health care provider authorized to prescribe dietary treatments,
12 provide nutritional and dietary counseling, conduct nutritional and
13 dietary assessments, and develop and recommend nutritional and
14 dietary treatments, including therapeutic diets, for individuals or
15 groups of patients in licensed institutional facilities or in private
16 office settings. The referral for medical nutrition therapy shall be
17 accompanied by a written prescription signed by the health care
18 provider detailing the patient's diagnosis and including either a
19 statement of the desired objective of dietary treatment or a diet
20 order. The registered dietitian, or other nutritional professional
21 meeting the qualifications set forth in subdivision (e) of Section
22 2585, may perform nutritional assessments and initiate nutritional
23 interventions within the parameters of the prescribed diet order
24 pursuant to a licensed health care facility's approved nutrition
25 screening policy and procedure. The registered dietitian, or other
26 nutritional professional meeting the qualifications set forth in
27 subdivision (e) of Section 2585, shall collaborate with a
28 multidisciplinary team, which shall include the treating physician
29 and the registered nurse, in developing the patient's nutrition care
30 plan. Unless otherwise stated in the diet order by a patient's
31 provider, the registered dietitian, or other nutritional professional
32 meeting the qualifications set forth in subdivision (e) of Section
33 2585, may individualize the patient's nutritional or dietary
34 treatment when necessary, by modifying the distribution, type, or
35 quantity of food and nutrients within the parameters of the diet
36 order. Any modification, and the rationale for the modification,
37 shall be documented in the patient's record for review by the
38 ~~physician~~ *practitioner, or other licensed health care professional,*
39 *who is legally authorized to prescribe and is responsible for the*
40 *care of the patient.* Nothing in this subdivision shall be construed

1 to authorize a registered dietitian, or other nutritional professional
2 meeting the qualifications set forth in subdivision (e) of Section
3 2585, to order or administer a central vein or peripheral vein
4 nutrition.

5 (2) The services described in this subdivision may be termed
6 “medical nutrition therapy.”

7 (b) A registered dietitian, or other nutritional professional
8 meeting the qualifications set forth in subdivision (e) of Section
9 2585, may accept or transmit verbal orders or electronically
10 transmitted orders for medical nutrition therapy from the referring
11 physician or the physician responsible for the care of the patient
12 in a licensed health care facility.

13 (c) A registered dietitian, or other nutritional professional
14 meeting the qualifications set forth in subdivision (e) of Section
15 2585, may order medical laboratory tests related to medical
16 nutrition therapy services when approved by the referring physician
17 or the physician responsible for the care of the patient and when,
18 in the absence of the referring physician or physician responsible
19 for the care of the patient at a patient visit, in a clinic where there
20 is a registered nurse on duty, a registered nurse is notified that a
21 medical laboratory test is being ordered and is afforded an
22 opportunity to assess the patient.

23 (d) (1) Notwithstanding any other law, a dietetic technician,
24 registered meeting the qualifications set forth in Section 2585 may,
25 under the direct supervision of a registered dietitian, assist in the
26 implementation or monitoring of services specified in subdivision
27 (a), but shall not develop nutritional or dietary therapy or treatments
28 or accept or transmit verbal orders.

29 (2) (A) For purposes of this subdivision, “direct supervision”
30 means the supervising registered dietitian shall be physically
31 available to the dietetic technician, registered for consultation
32 whenever consultation is required. However, in the case of a small
33 or rural hospital, as defined in Section 124840 of the Health and
34 Safety Code, the registered dietitian may be available for
35 consultation by telephone or other electronic means, provided that
36 the registered dietitian is physically on the facility site a sufficient
37 amount of time to provide adequate supervision over and review
38 of the work of the dietetic technician, registered.

39 (B) For purposes of this subdivision, “physically available”
40 means physical onsite presence during regular business hours, and

1 includes telephonic or electronic availability at all times and the
2 ability to respond to the facility within a reasonable period of time
3 when required. The registered dietitian shall review any activities
4 performed by the dietetic technician, registered during any period
5 when the registered dietitian was not physically onsite.

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

9 (e) It is a misdemeanor for a person specified in subdivision (e)
10 of Section 2585 to practice in a manner inconsistent with the
11 requirements set forth in this section.

12 (f) Nothing in this section shall preclude a person specified in
13 subdivision (b) or (e) of Section 2585 from providing information
14 as permitted by Section 2068.

15 (g) For purposes of this section, “health care provider” means
16 any person licensed or certified pursuant to this division, or
17 licensed pursuant to the Osteopathic Initiative Act or the
18 Chiropractic Initiative Act.

19 (h) The requirement of a written prescription shall be deemed
20 to be satisfied by an entry in the patient records of a patient who
21 is undergoing treatment at a licensed health care facility if the
22 contents of the patient records reflect the information required by
23 this section.

24 (i) Nothing in this section or Section 2585 shall be interpreted
25 to establish educational criteria or practice restrictions or limitations
26 for other health care providers licensed under Division 2
27 (commencing with Section 500) or the Osteopathic Initiative Act
28 or the Chiropractic Initiative Act.

29 SEC. 3. Section 2586.4 of the Business and Professions Code
30 is amended to read:

31 2586.4. A person may engage in the activities set forth in
32 subdivision (d) of Section 2586 if the person meets both of the
33 following requirements:

34 (a) The person is engaged in the activities as part of a supervised
35 practice program for a dietetic technician, registered pursuant to
36 subparagraph (A) of paragraph (2) of subdivision (b) of Section
37 2585.

38 (b) The person has completed a course of study to fulfill the
39 educational requirements for a dietetic technician, registered in

1 subparagraph (A) or (B) of paragraph (2) of subdivision (b) of
2 Section 2585.

3 SEC. 4. Section 2586.8 of the Business and Professions Code
4 is amended to read:

5 2586.8. A person may engage in the activities set forth in
6 subdivision (d) of Section 2586 for six months from the date he
7 or she completed the academic requirements for dietetic technicians
8 specified in subparagraph (A) or (B) of paragraph (2) of subdivision
9 (b) of Section 2585, or until the person receives notice that he or
10 she has failed the examination specified in subdivision (c),
11 whichever occurs first, if all of the following conditions apply:

12 (a) The person performs under the direct and immediate
13 supervision of a registered dietitian.

14 (b) The person has written verification, including the program
15 director’s original signature, that the person has completed the
16 educational program and possesses an associate’s degree or higher.

17 (c) The person has applied to take the dietetic technician,
18 registered examination specified in paragraph (3) of subdivision
19 (b) of Section 2585 and is waiting for an examination date.

20 SEC. 5. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.

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31 **CORRECTIONS:**

32 **Text—Page 4.**

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