COMMITTEE ON APPROPRIATIONS HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1508 (Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert: "Section 1. Section 32-1901, Arizona Revised Statutes, is amended to 2 read: 3 32-1901. Definitions 4 In this chapter, unless the context otherwise requires: 5 6 1. "Administer" means directly applying a controlled substance, 7 prescription-only drug, dangerous drug or narcotic drug, whether by injection, inhalation, ingestion or any other means, to the body of a 8 patient or research subject by a practitioner or by the practitioner's 9 10 authorized agent or the patient or research subject at the direction of the 11 practitioner. 2. "Advertisement" means all representations that are disseminated 12 in any manner or by any means other than by labeling for the purpose of 13 14 inducing, or that are likely to induce, directly or indirectly, the purchase of drugs, devices, poisons or hazardous substances. 15 16 3. "Advisory letter" means a nondisciplinary letter to notify a 17 licensee or permittee that either: 18 (a) While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to 19 20 the investigation may result in further board action against the licensee 21 or permittee. (b) The violation is a minor or technical violation that is not of 22 23 sufficient merit to warrant disciplinary action.

1 (c) While the licensee or permittee has demonstrated substantial 2 compliance through rehabilitation, remediation or reeducation that has 3 mitigated the need for disciplinary action, the board believes that 4 repeating the activities that led to the investigation may result in 5 further board action against the licensee or permittee.

6 4. "Antiseptic", if a drug is represented as such on its label, 7 means a representation that it is a germicide, except in the case of a drug 8 purporting to be, or represented as, an antiseptic for inhibitory use as a 9 wet dressing, ointment or dusting powder or other use that involves 10 prolonged contact with the body.

5. "Authorized officers of the law" means legally empowered peace officers, compliance officers of the board of pharmacy and agents of the division of narcotics enforcement and criminal intelligence of the department of public safety.

6. "Automated prescription-dispensing kiosk" means a mechanical system that is operated as an extension of a pharmacy, that maintains all transaction information within the pharmacy operating system, that is separately permitted from the pharmacy and that performs operations that either:

(a) Accept a prescription or refill order, store prepackaged or
 repackaged medications, label and dispense patient-specific prescriptions
 and provide counseling on new or refilled prescriptions.

(b) Dispense or deliver a prescription or refill that has been
 prepared by or on behalf of the pharmacy that oversees the automated
 prescription-dispensing kiosk.

7. "Board" or "board of pharmacy" means the Arizona state board of
 pharmacy.

28 8. "Certificate of composition" means a list of a product's
29 ingredients.

9. "Certificate of free sale" means a document that authenticates a
 product that is generally and freely sold in domestic or international
 channels of trade.

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10. "Color additive" means a material that either:

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identity, from any vegetable, animal, mineral or other source. (b) If added or applied to a drug, or to the human body or any part of the human body, is capable of imparting color, except that color additive does not include any material that has been or may be exempted

(a) Is any dye, pigment or other substance that is made by a process

of synthesis or similar artifice or that is extracted, isolated or otherwise derived, with or without intermediate or final change of

under the federal act. Color includes black, white and intermediate grays.

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10 11. "Compounding" means preparing, mixing, assembling, packaging or 11 labeling a drug by a pharmacist or an intern or pharmacy technician under 12 the pharmacist's supervision, for the purpose of dispensing to a patient 13 based on a valid prescription order. Compounding includes preparing drugs in anticipation of prescription orders prepared on routine, regularly 14 15 observed prescribing patterns and preparing drugs as an incident to 16 research, teaching or chemical analysis or for administration by a medical 17 practitioner to the medical practitioner's patient and not for sale or dispensing. Compounding does not include preparing commercially available 18 products from bulk compounds or preparing drugs for sale to pharmacies, 19 practitioners or entities for the purpose of dispensing or distribution. 20

21 12. "Compressed medical gas distributor" means a person that holds a 22 current permit issued by the board to distribute compressed medical gases 23 to compressed medical gas suppliers and other entities that are registered, 24 licensed or permitted to use, administer or distribute compressed medical 25 gases.

26 13. "Compressed medical gases" means gases and liquid oxygen that a
 27 compressed medical gas distributor or manufacturer has labeled in
 28 compliance with federal law.

29 14. "Compressed medical gas order" means an order for compressed
 30 medical gases that is issued by a medical practitioner.

31 15. "Compressed medical gas supplier" means a person that holds a
 32 current permit issued by the board to supply compressed medical gases

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pursuant to a compressed medical gas order and only to the consumer or the patient.

3 16. "Controlled substance" means a drug, substance or immediate
 4 precursor that is identified, defined or listed in title 36, chapter 27,
 5 article 2 or the rules adopted pursuant to title 36, chapter 27, article 2.

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17. "Corrosive" means any substance that when it comes in contact with living tissue will cause destruction of the tissue by chemical action.

8 18. "Counterfeit drug" means a drug that, or the container or 9 labeling of which, without authorization, bears the trademark, trade name 10 or other identifying mark, imprint, number or device, or any likeness of 11 these, of a manufacturer, distributor or dispenser other than the person 12 that in fact manufactured, distributed or dispensed that drug.

13 19. "Dangerous drug" has the same meaning prescribed in section14 13-3401.

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20. "Day" means a business day.

16 21. "Decree of censure" means an official action that is taken by 17 the board and that may include a requirement for restitution of fees to a 18 patient or consumer.

19 22. "Deliver" or "delivery" means the actual, constructive or
20 attempted transfer from one person to another whether or not there is an
21 agency relationship.

22 23. "Deputy director" means a pharmacist who is employed by the
23 board and selected by the executive director to perform duties as
24 prescribed by the executive director.

24. "Device", except as used in paragraph 18 of this section,
section 32-1965, paragraph 4 and section 32-1967, subsection A, paragraph
15 and subsection C, means an instrument, apparatus or contrivance,
including its components, parts and accessories, including all such items
under the federal act, that is intended either:

30 (a) For use in diagnosing, curing, mitigating, treating or
 31 preventing disease in the human body or other animals.

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(b) To affect the structure or any function of the human body or
 other animals.

3 4 25. "Director" means the director of the division of narcotics enforcement and criminal investigation of the department of public safety.

5 26. "Direct supervision of a pharmacist" means that the pharmacist 6 is present. If relating to the sale of certain items, direct supervision 7 of a pharmacist means that a pharmacist determines the legitimacy or 8 advisability of a proposed purchase of those items.

9 27. "Dispense" means to deliver to an ultimate user or research 10 subject by or pursuant to the lawful order of a practitioner, including 11 prescribing, administering, packaging, labeling or compounding as necessary 12 to prepare for that delivery.

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28. "Dispenser" means a practitioner who dispenses.

14 29. "Distribute" means to deliver, other than by administering or15 dispensing.

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30. "Distributor" means a person who distributes.

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31. "Drug" means:

(a) Articles that are recognized, or for which standards or
 specifications are prescribed, in the official compendium.

(b) Articles that are intended for use in the diagnosis, cure,
 mitigation, treatment or prevention of disease in the human body or other
 animals.

(c) Articles other than food that are intended to affect the
 structure or any function of the human body or other animals.

25 (d) Articles that are intended for use as a component of any
26 articles specified in subdivision (a), (b) or (c) of this paragraph but
27 does not include devices or their components, parts or accessories.

32. "Drug enforcement administration" means the drug enforcement
 administration of the United States department of justice or its successor
 agency.

31 33. "Drug or device manufacturing" means producing, preparing,
 32 propagating or processing a drug or device, either directly or indirectly,

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by extraction from substances of natural origin or independently by means of chemical synthesis and includes any packaging or repackaging of substances or labeling or relabeling of its container and promoting and marketing the same. Drug or device manufacturing does not include compounding.

6 34. "Durable medical equipment" means technologically sophisticated 7 medical equipment as prescribed by the board in rule that a patient or 8 consumer may use in a home or residence and that may be a prescription-only 9 device.

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35. "Durable medical equipment distributor":

(a) Means a person that stores or distributes durable medical
 equipment other than to the patient or consumer.

(b) Includes a virtual durable medical equipment distributor as
 prescribed in rule by the board.

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36. "Durable medical equipment supplier":

16 (a) Means a person that sells, leases or supplies durable medical
 17 equipment to the patient or consumer.

(b) Includes a virtual durable medical equipment supplier as
 prescribed in rule by the board.

20 37. "Economic poison" means any substance that alone, in chemical 21 combination with or in formulation with one or more other substances is a 22 pesticide within the meaning of the laws of this state or the federal 23 insecticide, fungicide and rodenticide act and that is used in producing, 24 storing or transporting raw agricultural commodities.

38. "Enteral feeding" means nourishment that is provided by means of
a tube inserted into the stomach or intestine.

27 39. "Established name", with respect to a drug or ingredient of a
28 drug, means any of the following:

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(a) The applicable official name.

30 (b) If there is no such name and the drug or ingredient is an
 31 article recognized in an official compendium, the official title in an
 32 official compendium.

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1 (c) If neither subdivision (a) nor (b) of this paragraph applies, 2 the common or usual name of the drug.

3 40. "Executive director" means the executive director of the board 4 of pharmacy.

5 41. "Federal act" means the federal laws and regulations that 6 pertain to drugs, devices, poisons and hazardous substances and that are 7 official at the time any drug, device, poison or hazardous substance is 8 affected by this chapter.

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42. "Full-service wholesale permittee":

10 (a) Means a permittee who may distribute prescription-only drugs and 11 devices, controlled substances and over-the-counter drugs and devices to 12 pharmacies or other legal outlets from a place devoted in whole or in part 13 to wholesaling these items.

14

(b) Includes a virtual wholesaler as defined in rule by the board.

15 43. "Good manufacturing practice" means a system for ensuring that 16 products are consistently produced and controlled according to quality 17 standards and covering all aspects of design, monitoring and control of manufacturing processes and facilities to ensure that products do not pose 18 19 any risk to the consumer or public.

20 44. "Highly toxic" means any substance that falls within any of the 21 following categories:

22 (a) Produces death within fourteen days in half or more than half of 23 a group of ten or more laboratory white rats each weighing between two hundred and three hundred grams, at a single dose of fifty milligrams or 24 25 less per kilogram of body weight, when orally administered.

26 (b) Produces death within fourteen days in half or more than half of 27 a group of ten or more laboratory white rats each weighing between two 28 hundred and three hundred grams, if inhaled continuously for a period of 29 one hour or less at an atmospheric concentration of two hundred parts per million by volume or less of gas or vapor or two milligrams per liter by 30 31 volume or less of mist or dust, provided the concentration is likely to be

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encountered by humans if the substance is used in any reasonably
 foreseeable manner.

3 (c) Produces death within fourteen days in half or more than half of 4 a group of ten or more rabbits tested in a dosage of two hundred milligrams 5 or less per kilogram of body weight, if administered by continuous contact 6 with the bare skin for twenty-four hours or less. If the board finds that 7 available data on human experience with any substance indicate results 8 different from those obtained on animals in the dosages or concentrations 9 prescribed in this paragraph, the human data shall take precedence.

10 45. "Hospital" means any institution for the care and treatment of 11 the sick and injured that is approved and licensed as a hospital by the 12 department of health services.

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46. "Intern" means a pharmacy intern.

14 47. "Internship" means the practical, experiential, hands-on15 training of a pharmacy intern under the supervision of a preceptor.

48. "Irritant" means any substance, other than a corrosive, that on
immediate, prolonged or repeated contact with normal living tissue will
induce a local inflammatory reaction.

19 49. "Jurisprudence examination" means a board-approved pharmacy law 20 examination that is written and administered in cooperation with the 21 national association of boards of pharmacy or another board-approved 22 pharmacy law examination.

50. "Label" means a display of written, printed or graphic matter on the immediate container of any article that, unless easily legible through the outside wrapper or container, also appears on the outside wrapper or container of the article's retail package. For the purposes of this paragraph, the immediate container does not include package liners.

28 51. "Labeling" means all labels and other written, printed or
 29 graphic matter that either:

30 31 (a) Is on any article or any of its containers or wrappers.

(b) Accompanies that article.

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1 52. "Letter of reprimand" means a disciplinary letter that is a 2 public document issued by the board and that informs a licensee or 3 permittee that the licensee's or permittee's conduct violates state or 4 federal law and may require the board to monitor the licensee or permittee.

- 5 53. "Limited service pharmacy" means a pharmacy that is approved by 6 the board to practice a limited segment of pharmacy as indicated by the 7 permit issued by the board.
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54. "Manufacture" or "manufacturer":

9 (a) Means every person who prepares, derives, produces, compounds,
10 processes, packages or repackages or labels any drug in a place, other than
11 a pharmacy, that is devoted to manufacturing the drug.

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(b) Includes a virtual manufacturer as defined in rule by the board.

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55. "Marijuana" has the same meaning prescribed in section 13-3401.

14 56. "Medical practitioner" means any medical doctor, doctor of 15 osteopathic medicine, dentist, podiatrist, veterinarian or other person who 16 is licensed and authorized by law to use and prescribe drugs and devices to 17 treat sick and injured human beings or animals or to diagnose or prevent 18 sickness in human beings or animals in this state or any state, territory 19 or district of the United States.

20 57. "Medication order" means a written or verbal order from a 21 medical practitioner or that person's authorized agent to administer a drug 22 or device.

58. "Narcotic drug" has the same meaning prescribed in section
13-3401.

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59. "New drug" means either:

(a) Any drug of which the composition is such that the drug is not
 generally recognized among experts qualified by scientific training and
 experience to evaluate the safety and effectiveness of drugs as safe and
 effective for use under the conditions prescribed, recommended or suggested
 in the labeling.

(b) Any drug of which the composition is such that the drug, as a
 result of investigations to determine its safety and effectiveness for use

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under such conditions, has become so recognized, but that has not, other
 than in the investigations, been used to a material extent or for a
 material time under those conditions.

60. "Nonprescription drug" or "over-the-counter drug" means any nonnarcotic medicine or drug that may be sold without a prescription and that is prepackaged and labeled for use by the consumer in accordance with the requirements of the laws of this state and federal law. Nonprescription drug does not include:

9 (a) A drug that is primarily advertised and promoted professionally 10 to medical practitioners and pharmacists by manufacturers or primary 11 distributors.

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(b) A controlled substance.

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(d) A drug that is intended for human use by hypodermic injection.

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61. "Nonprescription drug wholesale permittee":

16 (a) Means a permittee who may distribute only over-the-counter drugs
17 and devices to pharmacies or other lawful outlets from a place devoted in
18 whole or in part to wholesaling these items.

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(b) Includes a virtual wholesaler as defined in rule by the board.

(c) A drug that is required to bear a label that states "Rx only".

62. "Notice" means personal service or the mailing of a copy of the notice by certified mail and email addressed either to the person at the person's latest address of record in the board office or to the person and the person's attorney using the most recent information provided to the board in the board's licensing database.

63. "Nutritional supplementation" means vitamins, minerals and
 caloric supplementation. Nutritional supplementation does not include
 medication or drugs.

28 64. "Official compendium" means the latest revision of the United
 29 States pharmacopeia and the national formulary or any current supplement.

30 65. "Other jurisdiction" means one of the other forty-nine states,
31 the District of Columbia, the Commonwealth of Puerto Rico or a territory of
32 the United States of America.

66. "Package" means a receptacle that is defined or described in the
 United States pharmacopeia and the national formulary as adopted by the
 board.

67. "Packaging" means the act or process of placing a drug item or
device in a container for the purpose or intent of dispensing or
distributing the item or device to another.

68. "Parenteral nutrition" means intravenous feeding that provides
an individual with fluids and essential nutrients the individual needs
while the individual is unable to receive adequate fluids or feedings by
mouth or by enteral feeding.

69. "Person" means an individual, partnership, corporation and
 association, and their duly authorized agents.

13 70. "Pharmaceutical care" means the provision of drug therapy and
14 other pharmaceutical patient care services.

15 71. "Pharmacist" means an individual who is currently licensed by
16 the board to practice the profession of pharmacy in this state.

17 72. "Pharmacist in charge" means the pharmacist who is responsible 18 to the board for a licensed establishment's compliance with the laws and 19 administrative rules of this state and of the federal government pertaining 20 to the practice of pharmacy, the manufacturing of drugs and the 21 distribution of drugs and devices.

22 73. "Pharmacist licensure examination" means a board-approved 23 examination that is written and administered in cooperation with the 24 national association of boards of pharmacy or any other board-approved 25 pharmacist licensure examination.

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74. "Pharmacy" means:

27 (a) Any place where drugs, devices, poisons or related hazardous
28 substances are offered for sale at retail or where prescription orders are
29 dispensed by a licensed pharmacist.

30 (b) Any place that displays on or in the place or that displays a
31 sign on the place the words "pharmaceutical chemist", "apothecary",
32 "druggist", "pharmacy", "drugstore", "drugs" or "drug sundries", any

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combination of these words, or any words of similar meaning in any
 language.

3 (c) Any place where the characteristic symbol of pharmacy or the
4 characteristic prescription sign "Rx" is exhibited.

5 (d) Any building or other structure or portion of a building or 6 other structure that is leased, used or controlled by a permittee to 7 conduct the business authorized by the board at the address specified on 8 the permit issued to the permittee.

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(f) A remote hospital-site pharmacy.

(e) A remote dispensing site pharmacy.

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(g) A satellite pharmacy.

12 75. "Pharmacy intern" means a person who has all of the
13 qualifications and experience prescribed in section 32-1923.

14 76. "Pharmacy technician" means a person who is licensed pursuant to15 this chapter.

16 77. "Pharmacy technician trainee" means a person who is licensed
 17 REGISTERED pursuant to this chapter.

18 78. "Poison" or "hazardous substance" includes any of the following
19 if intended and suitable for household use or use by children:

(a) Any substance that, according to standard works on medicine,
 pharmacology, pharmacognosy or toxicology, if applied to, introduced into
 or developed within the body in relatively small quantities by its inherent
 action uniformly produces serious bodily injury, disease or death.

- 24 (b) A toxic substance.
 - (c) A highly toxic substance.
- 26 (d) A corrosive substance.
- 27 (e) An irritant.
- 28 (f) A strong sensitizer.

(g) A mixture of any of the substances described in this paragraph,
 if the substance or mixture of substances may cause substantial personal
 injury or substantial illness during or as a proximate result of any

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customary or reasonably foreseeable handling or use, including reasonably
 foreseeable ingestion by children.

3 (h) A substance that is designated by the board to be a poison or hazardous substance. This subdivision does not apply to radioactive 4 5 substances, economic poisons subject to the federal insecticide, fungicide 6 and rodenticide act or the state pesticide act, foods, drugs and cosmetics subject to state laws or the federal act or substances intended for use as 7 8 fuels when stored in containers and used in the heating, cooking or 9 refrigeration system of a house. This subdivision applies to any substance 10 or article that is not itself an economic poison within the meaning of the 11 federal insecticide, fungicide and rodenticide act or the state pesticide 12 act, but that is a poison or hazardous substance within the meaning of this 13 paragraph by reason of bearing or containing an economic poison or 14 hazardous substance.

15

79. "Practice of pharmacy":

16 (a) Means furnishing the following health care services as a medical17 professional:

18 (i) Interpreting, evaluating and dispensing prescription orders in19 the patient's best interests.

(ii) Compounding drugs pursuant to or in anticipation of a
 prescription order.

(iii) Labeling drugs and devices in compliance with state andfederal requirements.

(iv) Participating in drug selection and drug utilization reviews,
 drug administration, drug or drug-related research and drug therapy
 monitoring or management.

27 (v) Providing patient counseling necessary to provide pharmaceutical28 care.

(vi) Properly and safely storing drugs and devices in anticipation
of dispensing.

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(vii) Maintaining required records of drugs and devices.

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(viii) Offering or performing acts, services, operations or
 transactions that are necessary to conduct, operate, manage and control a
 pharmacy.

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(ix) Providing patient care services pursuant to a collaborative practice agreement with a provider as outlined in section 32–1970.

6 (x) Initiating and administering immunizations or vaccines pursuant 7 to section 32-1974.

8 (b) Does not include initiating a prescription order for any 9 medication, drug or other substance used to induce or cause a medication 10 abortion as defined in section 36-2151.

11 80. "Practitioner" means any physician, dentist, veterinarian, 12 scientific investigator or other person who is licensed, registered or 13 otherwise permitted to distribute, dispense, conduct research with respect 14 to or administer a controlled substance in the course of professional 15 practice or research in this state, or any pharmacy, hospital or other 16 institution that is licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a 17 controlled substance in the course of professional practice or research in 18 19 this state.

81. "Preceptor" means a pharmacist who is serving as the practical
instructor of an intern and who complies with section 32-1923.

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82. "Precursor chemical" means a substance that is:

(a) The principal compound that is commonly used or that is produced
primarily for use and that is an immediate chemical intermediary used or
likely to be used in the manufacture of a controlled substance, the control
of which is necessary to prevent, curtail or limit manufacture.

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(b) Listed in section 13-3401, paragraph 26 or 27.

28 83. "Prescription" means either a prescription order or a
 29 prescription medication.

84. "Prescription medication" means any drug, including label and
 container according to context, that is dispensed pursuant to a
 prescription order.

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"Prescription-only device" includes: 85.

- 2 (a) Any device that is limited by the federal act to use under the 3 supervision of a medical practitioner.
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(b) Any device required by the federal act to bear on its label 5 essentially the legend "Rx only".

6 86. "Prescription-only drug" does not include a controlled substance 7 but does include:

8 (a) Any drug that because of its toxicity or other potentiality for 9 harmful effect, the method of its use, or the collateral measures necessary 10 to its use is not generally recognized among experts, qualified by 11 scientific training and experience to evaluate its safety and efficacy, as 12 safe for use except by or under the supervision of a medical practitioner.

13 (b) Any drug that is limited by an approved new drug application 14 under the federal act or section 32-1962 to use under the supervision of a 15 medical practitioner.

(c) Every potentially harmful drug, the labeling of which does not 16 17 bear or contain full and adequate directions for use by the consumer.

(d) Any drug, other than a controlled substance, that is required by 18 19 the federal act to bear on its label the legend "Rx only".

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87. "Prescription order" means any of the following:

21 (a) An order to a pharmacist for drugs or devices that is issued and 22 signed by a duly licensed medical practitioner in the authorized course of 23 the practitioner's professional practice.

(b) An order that is transmitted to a pharmacist through word of 24 25 mouth, telephone or other means of communication directed by that medical 26 practitioner. Prescription orders received by word of mouth, telephone or 27 other means of communication shall be maintained by the pharmacist pursuant to section 32-1964, and the record so made by the pharmacist constitutes 28 29 the original prescription order to be dispensed by the pharmacist. This paragraph does not alter or affect laws of this state or any federal act 30 31 requiring a written prescription order.

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1 (c) An order that is initiated by a pharmacist pursuant to a 2 collaborative practice agreement with a provider as outlined in section 3 32-1970, or immunizations or vaccines administered by a pharmacist pursuant 4 to section 32-1974.

5 (d) A diet order or An order for enteral feeding, nutritional 6 supplementation or parenteral nutrition that is initiated by a registered 7 LICENSED dietitian NUTRITIONIST or other qualified nutrition professional 8 in a hospital pursuant to section 36-416.

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88. "Professionally incompetent" means:

10 (a) Incompetence based on a variety of factors, including a lack of
 11 sufficient pharmaceutical knowledge or skills or experience to a degree
 12 likely to endanger the health of patients.

(b) When considered with other indications of professional
 incompetence, a pharmacist or pharmacy intern who fails to obtain a passing
 score on a board-approved pharmacist licensure examination or a pharmacy
 technician or pharmacy technician trainee who fails to obtain a passing
 score on a board-approved pharmacy technician licensure examination.

18 89. "Radioactive substance" means a substance that emits ionizing19 radiation.

90. "Remote dispensing site pharmacy" means a pharmacy where a
 pharmacy technician or pharmacy intern prepares, compounds or dispenses
 prescription medications under remote supervision by a pharmacist.

91. "Remote hospital-site pharmacy" means a pharmacy located in a
satellite facility that operates under the license issued by the department
of health services to the hospital of which it is a satellite.

92. "Remote supervision by a pharmacist" means that a pharmacist
directs and controls the actions of pharmacy technicians and pharmacy
interns through the use of audio and visual technology.

93. "Revocation" or "revoke" means the official cancellation of a
license, permit, registration or other approval authorized by the board for
a period of two years unless otherwise specified by the board. A request
or new application for reinstatement may be presented to the board for

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review before the conclusion of the specified revocation period upon review
 of the executive director.

94. "Safely engage in employment duties" means that a permittee or
the permittee's employee is able to safely engage in employment duties
related to the manufacture, sale, distribution or dispensing of drugs,
devices, poisons, hazardous substances, controlled substances or precursor
chemicals.

8 95. "Satellite facility" has the same meaning prescribed in section
9 36-422.

96. "Satellite pharmacy" means a work area located within a hospital or on a hospital campus that is not separated by other commercial property or residential property, that is under the direction of a pharmacist, that is a remote extension of a centrally licensed hospital pharmacy, that is owned by and dependent on the centrally licensed hospital pharmacy for administrative control, staffing and drug procurement and that is not required to be separately permitted.

97. "Symbol" means the characteristic symbols that have historically
identified pharmacy, including show globes and mortar and pestle, and the
sign "Rx".

98. "Third-party logistics provider" means an entity that provides or coordinates warehousing or other logistics services for the following items, but that does not take ownership of the items, and that distributes those items as directed by a manufacturer, wholesaler, dispenser or durable medical equipment supplier that is permitted by the board:

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(a) Narcotic drugs or other controlled substances.

Dangerous drugs as defined in section 13-3401.

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27 (c) Prescription-only drugs and devices.

28 (d) Nonprescription drugs and devices.

29 (e) Precursor chemicals.

(b)

30 (f) Regulated chemicals as defined in section 13-3401.

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1 99. "Toxic substance" means a substance, other than a radioactive 2 substance, that has the capacity to produce injury or illness in humans 3 through ingestion, inhalation or absorption through any body surface.

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100. "Ultimate user" means a person who lawfully possesses a drug or 5 controlled substance for that person's own use, for the use of a member of 6 that person's household or for administering to an animal owned by that 7 person or by a member of that person's household.

8 Sec. 2. Section 36-414, Arizona Revised Statutes, is amended to 9 read:

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36-414. Health services licensing fund; exemption

11 A. The health services licensing fund is established consisting of 12 monies deposited pursuant to sections 30-654, 32-1308, 32-1368, 32-2805, 13 36-405, 36-765.05, 36-766.06, 36-851.01, 36-882, 36-897.01, and 36-1903, 14 36-2063 AND 36-4203. The department of health services shall administer 15 the fund.

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B. Monies in the fund are subject to legislative appropriation.

C. Monies in the fund are exempt from the provisions of section 17 35-190 relating to lapsing of appropriations. 18

Sec. 3. Section 36-416, Arizona Revised Statutes, is amended to 19 20 read:

21 22

36-416. Licensed dietitian nutritionists; gualified nutrition professionals: hospital orders: definitions

A. A hospital that is licensed pursuant to section 36-422 AND THAT 23 HAS POLICIES AND PROCEDURES THAT MEET THE REQUIREMENTS OF SUBSECTION B OF 24 25 THIS SECTION may allow a registered LICENSED dietitian NUTRITIONIST or 26 other qualified nutrition professional to order diets, enteral feeding, 27 nutritional supplementation or parenteral nutrition ANY OF THE FOLLOWING if INITIALLY authorized OR GRANTED STANDING ORDERING PRIVILEGES by medical 28 29 staff pursuant to 42 Code of Federal Regulations section 482.28(b) and if both: 30

31 1. The hospital's written policies and procedures allow registered 32 dietitians or other qualified nutrition professionals to issue such orders.

1 1. DIETS. 2 2. A CHANGE IN DIET ORDERS. 3. ENTERAL FEEDING. 3 4. DURABLE MEDICAL EQUIPMENT RELATED TO NUTRITION. 4 5 5. NUTRITIONAL SUPPLEMENTATION. 6. PARENTERAL NUTRITION. 6 7 7. MEDICAL NUTRITION THERAPY. 8. LABORATORY TESTS TO CHECK AND TRACK NUTRITION STATUS. 8 9 9. PRESCRIPTION DRUG DOSE ADJUSTMENTS UNDER A MEDICAL STAFF-APPROVED PROTOCOL. 10 B. FOR THE PURPOSES OF SUBSECTION A OF THIS SECTION, THE HOSPITAL'S 11 12 WRITTEN POLICIES AND PROCEDURES MUST DO ALL OF THE FOLLOWING: 13 1. ALLOW LICENSED DIETITIAN NUTRITIONISTS TO ISSUE ORDERS DESCRIBED IN SUBSECTION A OF THIS SECTION. 14 2. PRESCRIBE THE QUALIFICATIONS NECESSARY FOR QUALIFIED NUTRITION 15 PROFESSIONALS TO ISSUE ORDERS DESCRIBED IN SUBSECTION A OF THIS SECTION AND 16 LIST ANY ADDITIONAL RESTRICTIONS ON QUALIFIED NUTRITION PROFESSIONALS' 17 ABILITY TO ISSUE THE ORDERS. 18 19 2. 3. The hospital has written policies and procedures that Address 20 the hospital's response to adverse events, if any, that arise as a result 21 of orders issued by a registered LICENSED dietitian NUTRITIONIST or other 22 qualified nutrition professional. 23 B. C. For the purposes of this section: 24 1. "LICENSED DIETITIAN NUTRITIONIST" MEANS A DIETITIAN NUTRITIONIST 25 WHO IS LICENSED PURSUANT TO TITLE 36. CHAPTER 42. 26 2. "MEDICAL NUTRITION THERAPY" HAS THE SAME MEANING PRESCRIBED IN 27 SECTION 36-4201. 1. 3. "Qualified nutrition professional" means a AN UNLICENSED 28 29 nutrition professional who is deemed qualified by \overline{a} THE hospital for which 30 the person works.

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1 "Registered dietitian" means a person who meets the 2. 2 qualifications of the credentialing agency for the American academy of 3 nutrition and dietetics. 4. "STANDING ORDERING PRIVILEGES" MEANS PERMISSION GRANTED TO AN 4 5 INDIVIDUAL WHO IS AUTHORIZED TO ISSUE ORDERS LISTED IN SUBSECTION A OF THIS SECTION FOR ALL OR A SUBSET OF ALL PATIENTS OF THE HOSPITAL. 6 7 Sec. 4. Title 36. chapter 4. article 1. Arizona Revised Statutes. is 8 amended by adding section 36-416.01, to read: 9 36-416.01. Licensed dietitian nutritionists; qualified nutrition professionals; nonhospital orders; 10 11 definitions 12 A. A LICENSED DIETITIAN NUTRITIONIST OR OTHER QUALIFIED NUTRITION 13 PROFESSIONAL WHO PRACTICES IN A NONHOSPITAL HEALTH CARE INSTITUTION THAT IS 14 LICENSED PURSUANT TO SECTION 36-422 AND WHO IS EITHER AN EMPLOYEE OF THE 15 NONHOSPITAL HEALTH CARE INSTITUTION OR AN INDEPENDENT CONTRACTOR MAY ORDER 16 THE FOLLOWING: 17 1. DIETS. 2. A CHANGE IN DIET ORDERS. 18 19 3. ENTERAL FEEDING. 20 4. DURABLE MEDICAL EQUIPMENT RELATED TO NUTRITION. 21 5. NUTRITIONAL SUPPLEMENTATION. 22 6. PARENTERAL NUTRITION. 23 7. MEDICAL NUTRITION THERAPY. 24 8. LABORATORY TESTS TO CHECK AND TRACK NUTRITION STATUS. 25 B. FOR THE PURPOSES OF SUBSECTION A OF THIS SECTION. THE NONHOSPITAL 26 HEALTH CARE INSTITUTION'S WRITTEN POLICIES AND PROCEDURES MUST DO ALL OF 27 THE FOLLOWING: 1. ALLOW LICENSED DIETITIAN NUTRITIONISTS TO ISSUE ORDERS DESCRIBED 28 29 IN SUBSECTION A OF THIS SECTION OR PERFORM MEDICAL NUTRITION THERAPY. 30 2. PRESCRIBE THE QUALIFICATIONS NECESSARY FOR QUALIFIED NUTRITION 31 PROFESSIONALS TO ISSUE ORDERS DESCRIBED IN SUBSECTION A OF THIS SECTION AND

LIST ANY ADDITIONAL RESTRICTIONS ON QUALIFIED NUTRITION PROFESSIONALS'
 ABILITY TO ISSUE THE ORDERS.
 3. ADDRESS THE NONHOSPITAL HEALTH CARE INSTITUTION'S RESPONSE TO
 ADVERSE EVENTS, IF ANY, THAT ARISE AS A RESULT OF ORDERS ISSUED BY A

5 LICENSED DIETITIAN NUTRITIONIST OR OTHER QUALIFIED NUTRITION PROFESSIONAL.

C. FOR THE PURPOSES OF THIS SECTION:

7 1. "LICENSED DIETITIAN NUTRITIONIST" MEANS A DIETITIAN NUTRITIONIST
8 WHO IS LICENSED PURSUANT TO TITLE 36, CHAPTER 42.

9 2. "MEDICAL NUTRITION THERAPY" HAS THE SAME MEANING PRESCRIBED IN
10 SECTION 36-4201.

3. "QUALIFIED NUTRITION PROFESSIONAL" MEANS AN UNLICENSED NUTRITION
 PROFESSIONAL WHO IS DEEMED QUALIFIED BY THE NONHOSPITAL HEALTH CARE
 INSTITUTION FOR WHICH THE PERSON WORKS.

14 Sec. 5. Section 36-3601, Arizona Revised Statutes, is amended to 15 read:

16

6

36-3601. Definitions

17 For the purposes of IN this chapter, UNLESS THE CONTEXT OTHERWISE
 18 REQUIRES:

"Health care decision maker" has the same meaning prescribed in
 section 12-2801.

21

2. "Health care provider":

(a) Means a person licensed pursuant to title 32, chapter 7, 8, 13,
14, 15, 15.1, 16, 17, 18, 19, 19.1, 25, 28, 29, 33, 34, 35, 39, 41 or 42,
or chapter 4, article 6 of this title, chapter 6, article 7 of this title
or chapter 17 OR 42 of this title.

26 (b) Includes:

27 (i) A health care institution licensed pursuant to chapter 4 of this28 title.

(ii) A person who holds a training permit pursuant to title 32,chapter 13 or 17.

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1 3. "Health care provider regulatory board or agency" means a board 2 or agency that regulates one or more health care provider professions in 3 this state.

4

4. "Telehealth" means:

5 (a) The interactive use of audio, video or other electronic media, 6 including asynchronous store-and-forward technologies and remote patient 7 monitoring technologies, for the practice of health care, assessment, 8 diagnosis, consultation or treatment and the transfer of medical data.

9 (b) Includes the use of an audio-only telephone encounter between 10 the patient or client and health care provider if an audio-visual 11 telehealth encounter is not reasonably available due to the patient's 12 functional status, the patient's lack of technology or telecommunications 13 infrastructure limits, as determined by the health care provider.

14 (c) Does not include the use of a fax machine, instant messages,15 voice mail or email.

16 Sec. 6. Title 36, Arizona Revised Statutes, is amended by adding 17 chapter 42, to read:

CHAPTER 42

DIETITIAN NUTRITIONISTS AND NUTRITIONISTS ARTICLE 1. GENERAL PROVISIONS

18

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22

36-4201. Definitions

IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "ACCREDITATION COUNCIL FOR EDUCATION IN NUTRITION AND DIETETICS"
 MEANS THE AUTONOMOUS ACCREDITING AGENCY FOR EDUCATION PROGRAMS THAT PREPARE
 STUDENTS TO BEGIN CAREERS AS REGISTERED DIETITIANS OR REGISTERED DIETITIAN
 NUTRITIONISTS.

27 2. "BOARD FOR CERTIFICATION OF NUTRITION SPECIALISTS" MEANS THE
 28 CREDENTIALING AGENCY AND EXAMINING BOARD OF THE AMERICAN NUTRITION
 29 ASSOCIATION THAT CONFERS THE CERTIFIED NUTRITION SPECIALIST CREDENTIAL.

303. "CERTIFIED NUTRITION SPECIALIST" MEANS AN INDIVIDUAL WHO IS31CERTIFIED AS SUCH BY THE BOARD FOR CERTIFICATION OF NUTRITION SPECIALISTS

-22-

THAT GIVES THE INDIVIDUAL THE RIGHT TO USE THE TERM "CERTIFIED NUTRITION
 SPECIALIST" AND THE CORRESPONDING ABBREVIATION "CNS".

4. "COMMISSION ON DIETETIC REGISTRATION" MEANS THE CREDENTIALING
AGENCY FOR THE ACADEMY OF NUTRITION AND DIETETICS.

5

5. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES.

6

6. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.

7 7. "LICENSED DIETITIAN NUTRITIONIST" MEANS A PERSON WHO IS LICENSED
8 PURSUANT TO THIS CHAPTER, WHO MEETS THE REQUIREMENTS OF SECTION 36-4209 AND
9 WHO IS ENGAGED IN THE PRACTICE OF DIETETICS, INCLUDING PROVIDING MEDICAL
10 NUTRITION THERAPY.

8. "LICENSED NUTRITIONIST" MEANS A PERSON WHO IS LICENSED PURSUANT
 TO THIS CHAPTER, WHO MEETS THE REQUIREMENTS OF SECTION 36-4210 AND WHO IS
 ENGAGED IN THE PRACTICE OF NUTRITION, INCLUDING PROVIDING MEDICAL NUTRITION
 THERAPY.

9. "MEDICAL NUTRITION THERAPY" MEANS THE PROVISION OF ANY OF THE
 FOLLOWING NUTRITION CARE SERVICES FOR THE PURPOSE OF MANAGING OR TREATING A
 DISEASE OR MEDICAL CONDITION:

- 18 (a) NUTRITION ASSESSMENT.
- 19 (b) NUTRITION DIAGNOSIS.
- 20 (c) NUTRITION INTERVENTION.

21 (d) NUTRITION MONITORING AND EVALUATION.

22 10. "NUTRITION ASSESSMENT":

(a) MEANS THE ONGOING, DYNAMIC AND SYSTEMATIC PROCESS OF ORDERING,
 OBTAINING, VERIFYING AND INTERPRETING BIOCHEMICAL, ANTHROPOMETRIC,
 PHYSICAL, NUTRIGENOMIC AND DIETARY DATA TO MAKE DECISIONS ABOUT THE NATURE
 AND CAUSE OF NUTRITION-RELATED PROBLEMS RELATIVE TO PATIENT AND COMMUNITY
 NEEDS.

(b) INCLUDES INITIAL NUTRITION-RELATED DATA COLLECTION, REASSESSMENT
 AND ANALYSIS OF PATIENT OR COMMUNITY NEEDS PROVIDING THE FOUNDATION FOR
 NUTRITION DIAGNOSIS AND NUTRITIONAL RECOMMENDATIONS AND ORDERS, INCLUDING
 ORDERING LABORATORY TESTS TO CHECK AND TRACK A PATIENT'S NUTRITIONAL
 STATUS.

1 (c) DOES NOT INCLUDE SOLELY THE COLLECTION OF NUTRITION-RELATED 2 DATA.

3 11. "NUTRITION CARE SERVICES" MEANS PROVIDING ANY PART OR ALL OF THE 4 FOLLOWING SERVICES WITHIN A SYSTEMATIC PROCESS:

5 (a) ASSESSING AND EVALUATING THE NUTRITIONAL NEEDS OF INDIVIDUALS AND GROUPS AND DETERMINING RESOURCES AND CONSTRAINTS IN THE PRACTICE 6 7 SETTING. INCLUDING ORDERING NUTRITION-RELATED LABORATORY TESTS TO CHECK AND 8 TRACK NUTRITION STATUS.

9 (b) IDENTIFYING NUTRITION PROBLEMS AND ESTABLISHING PRIORITIES, 10 GOALS AND OBJECTIVES THAT MEET NUTRITIONAL NEEDS AND THAT ARE CONSISTENT 11 WITH AVAILABLE RESOURCES AND CONSTRAINTS.

12 (c) CREATING INDIVIDUALIZED DIETARY PLANS AND ISSUING AND 13 IMPLEMENTING ORDERS TO MEET THE NUTRITIONAL NEEDS OF HEALTHY INDIVIDUALS 14 AND INDIVIDUALS IN ACUTE AND CHRONIC DISEASE STATES. INCLUDING ORDERING AND 15 MONITORING THE EFFECTIVENESS OF THERAPEUTIC DIETS.

16 (d) DETERMINING AND PROVIDING APPROPRIATE NUTRITION INTERVENTION IN 17 HEALTH AND DISEASE. INCLUDING NUTRITION COUNSELING ON FOOD AND PRESCRIPTION 18 DRUG INTERACTIONS.

19

(e) DEVELOPING, IMPLEMENTING AND MANAGING NUTRITION CARE SYSTEMS.

(f) EVALUATING. MAKING CHANGES IN AND MAINTAINING APPROPRIATE 20 21 STANDARDS OF QUALITY IN FOOD AND NUTRITION SERVICES.

22

(q) ORDERING THERAPEUTIC DIETS.

23 12. "NUTRITION COUNSELING" MEANS A SUPPORTIVE PROCESS, CHARACTERIZED BY A COLLABORATIVE COUNSELOR-PATIENT RELATIONSHIP WITH INDIVIDUALS OR 24 25 GROUPS. TO ESTABLISH FOOD AND NUTRITION PRIORITIES. GOALS AND 26 INDIVIDUALIZED ACTION PLANS AND GENERAL PHYSICAL ACTIVITY GUIDANCE THAT 27 ACKNOWLEDGE AND FOSTER RESPONSIBILITY FOR SELF-CARE TO PROMOTE HEALTH AND 28 WELLNESS OR TO TREAT AN EXISTING DISEASE OR MEDICAL CONDITION.

29

13. "NUTRITION INTERVENTION":

(a) MEANS PURPOSEFULLY PLANNED ACTIONS, INCLUDING NUTRITION 30 31 COUNSELING, THAT ARE INTENDED TO POSITIVELY CHANGE A NUTRITION-RELATED BEHAVIOR. RISK FACTOR. ENVIRONMENTAL CONDITION OR ASPECT OF HEALTH STATUS 32

OF AN INDIVIDUAL AND THE INDIVIDUAL'S FAMILY OR CAREGIVERS, TARGET GROUPS
 OR THE COMMUNITY AT LARGE.

3 4 (b) INCLUDES APPROVING, ORDERING AND MONITORING THERAPEUTIC DIETS AND COUNSELING ON FOOD AND PRESCRIPTION DRUG INTERACTIONS.

5 14. "NUTRITION MONITORING AND EVALUATION" MEANS IDENTIFYING PATIENT 6 OUTCOMES RELEVANT TO A NUTRITION DIAGNOSIS, INTERVENTION PLANS AND GOALS 7 AND COMPARING THOSE OUTCOMES WITH PREVIOUS STATUS, INTERVENTION GOALS OR A 8 REFERENCE STANDARD TO DETERMINE THE PROGRESS MADE IN ACHIEVING DESIRED 9 OUTCOMES OF NUTRITION CARE AND WHETHER PLANNED INTERVENTIONS SHOULD BE 10 CONTINUED OR REVISED.

11 15. "PATIENT" MEANS AN INDIVIDUAL RECIPIENT OF NUTRITION CARE
 12 SERVICES, WHETHER IN AN OUTPATIENT, INPATIENT OR NONCLINICAL SETTING.

13

16. "PRACTICE OF DIETETICS":

14 (a) MEANS THE APPLICATION OF SCIENTIFIC PRINCIPLES DERIVED FROM THE
 15 STUDY OF NUTRIGENOMICS, PHARMACOLOGY AND FOOD SYSTEMS MANAGEMENT, THE
 16 DEVELOPMENT AND ORDERING OF THERAPEUTIC DIETS VIA ORAL, ENTERAL AND
 17 PARENTERAL ROUTES AND THE PROVISION OF ADVANCED CLINICAL NUTRITION CARE
 18 SERVICES, IN PERSON OR THROUGH TELEHEALTH, CONSISTENT WITH THE CURRENT
 19 SCOPE AND STANDARDS OF PRACTICE FOR DIETITIANS REGISTERED BY THE COMMISSION
 20 ON DIETETIC REGISTRATION.

21

(b) INCLUDES THE PRACTICE OF NUTRITION.

22

17. "PRACTICE OF NUTRITION" MEANS ALL OF THE FOLLOWING:

(a) APPLYING SCIENTIFIC PRINCIPLES DERIVED FROM THE STUDY OF FOOD,
 NUTRITION, BIOCHEMISTRY, METABOLISM, PHYSIOLOGY AND BEHAVIORAL SCIENCES FOR
 ACHIEVING AND MAINTAINING HEALTH THROUGHOUT THE LIFESPAN.

(b) PROVIDING NUTRITION CARE SERVICES, INCLUDING MEDICAL NUTRITION
 THERAPY, IN PERSON OR THROUGH TELEHEALTH, TO PREVENT, MANAGE OR TREAT
 DISEASES OR MEDICAL CONDITIONS AND PROMOTE WELLNESS.

(c) ORDERING PATIENT DIETS, INCLUDING THERAPEUTIC DIETS VIA ORAL
 ROUTES, AND MEDICAL LABORATORY TESTS RELATED TO NUTRITIONAL THERAPEUTIC
 TREATMENTS AND PROVIDING RECOMMENDATIONS ON VITAMIN, MINERAL AND OTHER
 DIETARY SUPPLEMENTS.

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1 18. "QUALIFIED SUPERVISOR" MEANS AN INDIVIDUAL WHO PROVIDES 2 SUPERVISION TO STUDENTS PURSUANT TO SECTION 36-4210, WHO ASSUMES FULL 3 PROFESSIONAL RESPONSIBILITY FOR THE STUDENT'S WORK BY VERIFYING, DIRECTING 4 AND APPROVING THE PROVIDED NUTRITION CARE SERVICES, MEDICAL NUTRITION 5 THERAPY AND OTHER WORK BEING SUPERVISED AND WHO MEETS THE QUALIFICATIONS 6 PRESCRIBED IN SECTION 36-4210.

7 19. "REGISTERED DIETITIAN" OR "REGISTERED DIETITIAN NUTRITIONIST" 8 MEANS AN INDIVIDUAL WHO IS CREDENTIALED AS A REGISTERED DIETITIAN OR A 9 REGISTERED DIETITIAN NUTRITIONIST WITH THE COMMISSION ON DIETETIC 10 REGISTRATION THAT AUTHORIZES THE INDIVIDUAL TO USE THE TITLES "REGISTERED 11 DIETITIAN NUTRITIONIST" AND "REGISTERED DIETITIAN" AND THE ABBREVIATIONS 12 "RDN" AND "RD".

13

20. "TELEHEALTH" HAS THE SAME MEANING PRESCRIBED IN SECTION 36-3601.

14 21. "THERAPEUTIC DIET" MEANS A DIET INTERVENTION PRESCRIBED BY A 15 PHYSICIAN OR OTHER AUTHORIZED NONPHYSICIAN PRACTITIONER THAT PROVIDES FOOD 16 OR NUTRIENTS VIA ORAL, ENTERAL AND PARENTERAL ROUTES AS PART OF TREATING A 17 DISEASE OR CLINICAL CONDITION TO MODIFY, ELIMINATE, DECREASE OR INCREASE 18 IDENTIFIED MICRONUTRIENTS AND MACRONUTRIENTS IN THE DIET OR TO PROVIDE 19 MECHANICALLY ALTERED FOOD WHEN INDICATED.

20 21

22

- 36-4202. <u>Powers and duties of the director: advisory</u> <u>committee; members</u>
- A. THE DIRECTOR SHALL:

LICENSE PERSONS WHO APPLY FOR AND POSSESS ALL QUALIFICATIONS
 REQUIRED TO BE LICENSED UNDER THIS CHAPTER.

25

2. AUTHORIZE ALL DISBURSEMENTS NECESSARY TO CARRY OUT THIS CHAPTER.

26 3. ENSURE THE PUBLIC'S HEALTH AND SAFETY BY ADOPTING AND ENFORCING
27 QUALIFICATION STANDARDS AND A SCOPE OF PRACTICE FOR LICENSEES AND
28 APPLICANTS FOR LICENSURE UNDER THIS CHAPTER.

29

B. THE DIRECTOR MAY:

APPOINT AN ADVISORY COMMITTEE TO COLLABORATE WITH AND ASSIST THE
 DIRECTOR AND TO PERFORM DUTIES AS PRESCRIBED BY THIS CHAPTER. THE DIRECTOR
 MAY INFORM THE ADVISORY COMMITTEE REGARDING DISCIPLINARY ACTIONS.

1

2. ISSUE AND RENEW LICENSES.

3. 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 PURSUANT TO
 THIS CHAPTER.

6 4. MAKE AND PUBLISH RULES THAT ARE CONSISTENT WITH THE LAWS OF THIS
7 STATE AND THAT ARE NECESSARY TO CARRY OUT THIS CHAPTER.

8 5. REQUIRE A LICENSEE TO PRODUCE RECORDS OF PATIENTS INVOLVED IN
9 COMPLAINTS ON FILE WITH THE DEPARTMENT.

10 C. THE ADVISORY COMMITTEE APPOINTED PURSUANT TO THIS SECTION 11 CONSISTS OF THE DIRECTOR, ONE PHYSICIAN WHO IS LICENSED UNDER TITLE 32, 12 CHAPTER 13 OR 17, THREE LICENSED DIETITIAN NUTRITIONISTS, ONE LICENSED 13 NUTRITIONIST AND ONE PUBLIC MEMBER. COMMITTEE MEMBERS WHO ARE LICENSED 14 UNDER THIS CHAPTER SHALL HAVE AT LEAST FIVE YEARS OF EXPERIENCE IN THEIR 15 FIELD OF PRACTICE IN THIS STATE IMMEDIATELY PRECEDING THE APPOINTMENT.

16 D. THE ADVISORY COMMITTEE MAY PROVIDE RECOMMENDATIONS TO THE 17 DIRECTOR IN THE FOLLOWING AREAS, ON WHICH THE DIRECTOR SHALL ACT WITHIN A 18 REASONABLE PERIOD OF TIME:

19 20 1. LICENSE ISSUANCE AND RENEWAL.

2. DISCIPLINARY PROCEDURES.

RULES THAT ARE CONSISTENT WITH THE LAWS OF THIS STATE AND THAT
 ARE NECESSARY TO CARRY OUT THIS CHAPTER.

4. LICENSEE PRODUCTION OF RECORDS OF PATIENTS WHO ARE INVOLVED IN
 COMPLAINTS ON FILE WITH THE DEPARTMENT.

- 27 -

1	36-4203. <u>Deposit of monies</u>
2	THE DIRECTOR SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147,
3	TEN PERCENT OF ALL MONIES COLLECTED PURSUANT TO THIS CHAPTER IN THE STATE
4	GENERAL FUND AND SHALL DEPOSIT THE REMAINING NINETY PERCENT IN THE HEALTH
5	SERVICES LICENSING FUND ESTABLISHED BY SECTION 36-414, EXCEPT THAT MONIES
6	COLLECTED FROM CIVIL PENALTIES IMPOSED PURSUANT TO THIS CHAPTER SHALL BE
7	DEPOSITED IN THE STATE GENERAL FUND.
8	36-4204. Issuance of license; renewal of license; continuing
9	<u>education</u>
10	A. THE DIRECTOR SHALL ISSUE A LICENSE TO EACH APPLICANT WHO MEETS
11	THE REQUIREMENTS OF THIS CHAPTER. A LICENSE IS VALID FOR TWO YEARS.
12	B. A LICENSEE SHALL RENEW THE LICENSE EVERY TWO YEARS ON PAYMENT OF
13	THE RENEWAL FEE PRESCRIBED BY SECTION 36-4208. THERE IS A THIRTY-DAY GRACE
14	PERIOD AFTER A LICENSE EXPIRES WHEN THE LICENSEE MAY RENEW THE LICENSE ON
15	PAYMENT OF A LATE FEE IN ADDITION TO THE RENEWAL FEE.
16	C. WHEN RENEWING A LICENSE, THE LICENSEE SHALL ATTEST TO HAVING
17	COMPLETED CONTINUING PROFESSIONAL EDUCATION AS REQUIRED BY THIS SECTION
18	DURING THE LICENSING PERIOD AND SHALL PROVIDE DOCUMENTATION OF COMPLETION
19	ON THE DEPARTMENT'S REQUEST. THE DIRECTOR BY RULE SHALL PROVIDE STANDARDS
20	FOR CONTINUING PROFESSIONAL EDUCATION UNITS REQUIRED BY THIS SUBSECTION.
21	EDUCATIONAL COURSES THAT ARE ACCEPTED BY THE COMMISSION ON DIETETIC
22	REGISTRATION OR THE BOARD FOR CERTIFICATION OF NUTRITION SPECIALISTS ARE
23	DEEMED TO COMPLY WITH DEPARTMENT STANDARDS.
24	D. THE DIRECTOR MAY REFUSE TO RENEW A LICENSE FOR ANY CAUSE PROVIDED
25	IN SECTION 36-4211.
26	E. A PERSON WHO DOES NOT RENEW A LICENSE AS PRESCRIBED BY THIS
27	SECTION SHALL REAPPLY FOR A NEW LICENSE PURSUANT TO THE REQUIREMENTS OF
28	THIS CHAPTER. THE PERSON MUST PROVIDE PROOF OF HAVING COMPLETED THE
29	CONTINUING PROFESSIONAL EDUCATION UNITS PRESCRIBED BY SUBSECTION C OF THIS

CONTINUING PROFESSIONAL EDUCATION UNITS PRESCRIBED BY SUBSECTION C OF THIS SECTION WITHIN THE PREVIOUS TWENTY-FOUR MONTHS BEFORE THE DATE OF REAPPLICATION.

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- 36-4205. Licensure: extension: renewal: military members
 - -28-

1 A. A LICENSE ISSUED PURSUANT TO THIS CHAPTER TO ANY MEMBER OF THE 2 NATIONAL GUARD OR THE UNITED STATES ARMED FORCES RESERVES DOES NOT EXPIRE 3 WHILE THE MEMBER IS SERVING ON FEDERAL ACTIVE DUTY AND IS EXTENDED ONE 4 HUNDRED EIGHTY DAYS AFTER THE MEMBER RETURNS FROM FEDERAL ACTIVE DUTY IF 5 THE MEMBER. OR THE LEGAL REPRESENTATIVE OF THE MEMBER. NOTIFIES THE DIRECTOR OF THE MEMBER'S FEDERAL ACTIVE DUTY STATUS. A LICENSE ISSUED 6 7 PURSUANT TO THIS CHAPTER TO ANY MEMBER SERVING IN THE REGULAR COMPONENT OF THE UNITED STATES ARMED FORCES IS EXTENDED ONE HUNDRED EIGHTY DAYS AFTER 8 9 THE DATE OF EXPIRATION IF THE MEMBER, OR THE LEGAL REPRESENTATIVE OF THE 10 MEMBER. NOTIFIES THE DIRECTOR OF THE MEMBER'S FEDERAL ACTIVE DUTY STATUS.

B. A LICENSE THAT IS ISSUED PURSUANT TO THIS CHAPTER TO ANY MEMBER
 OF THE NATIONAL GUARD, THE UNITED STATES ARMED FORCES RESERVES OR THE
 REGULAR COMPONENT OF THE UNITED STATES ARMED FORCES DOES NOT EXPIRE AND IS
 EXTENDED ONE HUNDRED EIGHTY DAYS AFTER THE DATE THE MILITARY MEMBER IS ABLE
 TO PERFORM ACTIVITIES NECESSARY UNDER THE LICENSE IF THE MEMBER BOTH:

16

1. IS RELEASED FROM ACTIVE DUTY SERVICE.

SUFFERS AN INJURY AS A RESULT OF ACTIVE DUTY SERVICE THAT
 TEMPORARILY PREVENTS THE MEMBER FROM BEING ABLE TO PERFORM ACTIVITIES
 NECESSARY UNDER THE LICENSE.

C. IF THE LICENSE IS RENEWED DURING THE APPLICABLE EXTENDED TIME
 PERIOD AFTER THE MEMBER RETURNS FROM FEDERAL ACTIVE DUTY, THE MEMBER IS
 RESPONSIBLE ONLY FOR NORMAL FEES AND ACTIVITIES RELATING TO RENEWAL OF THE
 LICENSE AND MAY NOT BE CHARGED ANY ADDITIONAL COSTS SUCH AS LATE FEES OR
 DELINQUENCY FEES.

D. A MILITARY MEMBER, OR THE LEGAL REPRESENTATIVE OF THE MEMBER,
SHALL PRESENT TO THE DIRECTOR A COPY OF THE MEMBER'S OFFICIAL MILITARY
ORDERS, A REDACTED MILITARY IDENTIFICATION CARD OR A WRITTEN VERIFICATION
FROM THE MEMBER'S COMMANDING OFFICER BEFORE THE END OF THE APPLICABLE
EXTENDED TIME PERIOD IN ORDER TO QUALIFY FOR THE EXTENSION PRESCRIBED IN
THIS SECTION.

31 36-4206. <u>Place of business; change of address; notice to</u>
 32 <u>director</u>

-29-

A. A PERSON WHO HOLDS A LICENSE UNDER THIS CHAPTER SHALL NOTIFY THE
 DIRECTOR IN WRITING OF THE ADDRESS OF THE PLACE OR PLACES WHERE THE PERSON
 ENGAGES IN THE PRACTICE OF DIETETICS OR THE PRACTICE OF NUTRITION AND OF
 ANY CHANGE OF ADDRESS.

5 B. THE DIRECTOR SHALL KEEP A RECORD OF THE PLACES OF PRACTICE OF 6 PERSONS WHO HOLD LICENSES UNDER THIS CHAPTER. ANY NOTICE THE DIRECTOR IS 7 REQUIRED TO GIVE TO A PERSON WHO HOLDS A LICENSE MAY BE GIVEN BY MAILING IT 8 TO THAT PERSON AT THE ADDRESS LAST GIVEN BY THAT PERSON TO THE DIRECTOR.

9

10

36-4207. <u>Title designation; violation</u>

A. A PERSON MAY USE THE TITLE:

1. "CERTIFIED NUTRITION SPECIALIST" OR ANY ALTERNATIVE SPELLING OR 12 ABBREVIATION OF THE TITLE IN AN ADVERTISEMENT OR PUBLICATION OR ORALLY OR 13 IN WRITING TO ANY MEMBER OF THE PUBLIC ONLY IF THE PERSON HOLDS A VALID 14 CURRENT CERTIFICATION WITH THE BOARD FOR CERTIFICATION OF NUTRITION 15 SPECIALISTS THAT AUTHORIZES THE PERSON TO USE THE TITLE "CERTIFIED 16 NUTRITION SPECIALIST" OR THE ABBREVIATION "CNS".

2. "DIETITIAN", "REGISTERED DIETITIAN" OR "REGISTERED DIETITIAN
 NUTRITIONIST", OR ANY ALTERNATIVE SPELLING OF THOSE TITLES, OR THE
 ABBREVIATION "RD" OR "RDN" ONLY IF THE PERSON IS CURRENTLY CREDENTIALED AS
 A REGISTERED DIETITIAN OR REGISTERED DIETITIAN NUTRITIONIST BY THE
 COMMISSION ON DIETETIC REGISTRATION.

3. "LICENSED DIETITIAN" OR "LICENSED DIETITIAN NUTRITIONIST" OR ANY
ALTERNATIVE SPELLING OR ABBREVIATION OF THOSE TITLES IN ANY ADVERTISEMENT
OR PUBLICATION OR ORALLY OR IN WRITING TO ANY MEMBER OF THE PUBLIC ONLY IF
THAT PERSON IS LICENSED AS A DIETITIAN NUTRITIONIST UNDER THIS CHAPTER.

4. "LICENSED NUTRITIONIST" OR ANY ALTERNATIVE SPELLING OR
ABBREVIATION OF THAT TITLE IN ANY ADVERTISEMENT OR PUBLICATION OR ORALLY OR
IN WRITING TO ANY MEMBER OF THE PUBLIC ONLY IF THAT PERSON IS LICENSED AS A
NUTRITIONIST UNDER THIS CHAPTER.

B. A VIOLATION OF THIS SECTION CONSTITUTES AN UNLAWFUL PRACTICE
 UNDER SECTION 44-1522. THE ATTORNEY GENERAL MAY INVESTIGATE AND TAKE
 APPROPRIATE ACTION AS PRESCRIBED BY TITLE 44, CHAPTER 10, ARTICLE 7.

1 36-4208. Fees 2 THE DIRECTOR SHALL PRESCRIBE AND COLLECT FEES IN AN AMOUNT DETERMINED 3 BY THE DIRECTOR FROM PERSONS WHO ARE REGULATED UNDER THIS CHAPTER FOR THE 4 FOLLOWING: 5 1. AN APPLICATION FOR A LICENSE. 6 2. THE ISSUANCE OF A LICENSE. THE RENEWAL OF A LICENSE. 7 3. 8 4. THE ISSUANCE OF A DUPLICATE LICENSE. 9 5. A LATE FEE. 36-4209. Licensed dietitian nutritionists; licensure 10 11 requirements 12 AN APPLICANT FOR AN INITIAL DIETITIAN NUTRITIONIST LICENSE SHALL: 13 1. SUBMIT A NONREFUNDABLE APPLICATION FEE AS PRESCRIBED PURSUANT TO SECTION 36-4208. 14 15 2. SUBMIT EVIDENCE SATISFACTORY TO THE DIRECTOR THAT THE APPLICANT EITHER HOLDS A CURRENT AND VALID REGISTRATION AS A REGISTERED DIETITIAN OR 16 17 REGISTERED DIETITIAN NUTRITIONIST WITH THE COMMISSION ON DIETETIC REGISTRATION OR MEETS ALL OF THE FOLLOWING EDUCATIONAL, SUPERVISED PRACTICE 18 EXPERIENCE AND EXAMINATION REQUIREMENTS: 19 20 (a) HAS COMPLETED EITHER OF THE FOLLOWING EDUCATION REQUIREMENTS: 21 (i) EARNED A MASTER'S DEGREE OR DOCTORAL DEGREE FROM A COLLEGE OR 22 UNIVERSITY ACCREDITED AT THE TIME OF THE APPLICANT'S GRADUATION BY THE 23 APPROPRIATE REGIONAL ACCREDITING AGENCY RECOGNIZED BY THE COUNCIL ON HIGHER 24 EDUCATION ACCREDITATION AND THE UNITED STATES DEPARTMENT OF EDUCATION AND A 25 PROGRAM OF STUDY ACCREDITED BY THE ACCREDITATION COUNCIL FOR EDUCATION IN 26 NUTRITION AND DIETETICS. OR ITS SUCCESSOR ORGANIZATION. 27 (ii) EARNED A FOREIGN ACADEMIC DEGREE THAT THE DIRECTOR DETERMINES 28 IS EQUIVALENT TO A DEGREE DESCRIBED IN ITEM (i) OF THIS SUBDIVISION AND 29 THAT IS ACCREDITED BY THE ACCREDITATION COUNCIL FOR EDUCATION IN NUTRITION 30 AND DIETETICS. OR ITS SUCCESSOR ORGANIZATION.

31 (b) SUCCESSFULLY COMPLETED A PLANNED CLINICAL PROGRAM IN THE
 32 PRACTICE OF DIETETICS AND NUTRITION THAT IS ACCREDITED BY THE ACCREDITATION

1 COUNCIL FOR EDUCATION IN NUTRITION AND DIETETICS AS APPROVED BY THE 2 DIRECTOR. A PLANNED CLINICAL PROGRAM SHALL INCLUDE AT LEAST ONE THOUSAND 3 HOURS UNDER THE SUPERVISION OF A DIETITIAN NUTRITIONIST WHO IS EITHER 4 REGISTERED WITH THE COMMISSION ON DIETETIC REGISTRATION, LICENSED IN THIS 5 STATE OR REGISTERED, CERTIFIED OR LICENSED IN ANY OTHER STATE WITH 6 REQUIREMENTS THAT ARE EQUIVALENT TO THE LICENSURE REQUIREMENTS UNDER THIS 7 CHAPTER AS APPROVED BY THE DIRECTOR.

8 (c) PASSED THE EXAMINATION FOR REGISTERED DIETITIANS ADMINISTERED BY 9 THE COMMISSION ON DIETETIC REGISTRATION. IF PASSAGE OF THE EXAMINATION 10 OCCURRED MORE THAN FIVE YEARS BEFORE APPLICATION UNDER THIS CHAPTER, THE 11 APPLICANT MUST DEMONSTRATE COMPLETION OF SEVENTY-FIVE HOURS OF CONTINUING 12 EDUCATION MEETING THE DIRECTOR'S CONTINUING EDUCATION CRITERIA FOR EACH 13 FIVE-YEAR PERIOD AFTER THE EXAMINATION.

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.

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36-4210. <u>Nutritionists; licensure; supervised practice</u> <u>experience; qualified supervisors</u>

A. AN APPLICANT FOR AN INITIAL NUTRITIONIST LICENSE SHALL:

SUBMIT A NONREFUNDABLE APPLICATION FEE AS PRESCRIBED PURSUANT TO
 SECTION 36-4208.

23 2. SUBMIT EVIDENCE SATISFACTORY TO THE DIRECTOR THAT THE APPLICANT
 24 HAS COMPLETED ALL OF THE REQUIREMENTS PRESCRIBED IN THIS SECTION.

3. NOT HAVE HAD A LICENSE, REGISTRATION OR CERTIFICATE REVOKED OR
SUSPENDED BY A STATE WITHIN TWO YEARS BEFORE APPLICATION AND NOT BE
PRESENTLY INELIGIBLE FOR LICENSURE IN ANY STATE BECAUSE OF A PRIOR
REVOCATION OR SUSPENSION.

4. HAVE COMPLETED A MASTER'S OR DOCTORAL NUTRITION DEGREE OR
 VALIDATED FOREIGN EQUIVALENT FROM A COLLEGE OR UNIVERSITY ACCREDITED AT THE
 TIME OF THE APPLICANT'S GRADUATION FROM THE APPROPRIATE REGIONAL
 ACCREDITING AGENCY RECOGNIZED BY THE COUNCIL ON HIGHER EDUCATION

1 ACCREDITATION AND THE UNITED STATES DEPARTMENT OF EDUCATION WITH A MAJOR IN 2 HUMAN NUTRITION, FOODS AND NUTRITION, COMMUNITY NUTRITION, PUBLIC HEALTH 3 NUTRITION, NUTRITION EDUCATION, NUTRITION, NUTRITION SCIENCE, CLINICAL 4 NUTRITION, APPLIED CLINICAL NUTRITION, NUTRITION COUNSELING, NUTRITION AND 5 FUNCTIONAL MEDICINE. NUTRITIONAL BIOCHEMISTRY OR NUTRITION AND INTEGRATIVE HEALTH, OR A COMPARABLE TITLED MAJOR, OR A DOCTORAL DEGREE OR VALIDATED 6 7 FOREIGN EQUIVALENT IN A FIELD OF CLINICAL HEALTH CARE FROM A COLLEGE OR UNIVERSITY ACCREDITED AT THE TIME OF THE APPLICANT'S GRADUATION FROM THE 8 9 APPROPRIATE REGIONAL ACCREDITING AGENCY RECOGNIZED BY THE COUNCIL ON HIGHER EDUCATION ACCREDITATION AND THE UNITED STATES DEPARTMENT OF EDUCATION. 10 11 REGARDLESS OF THE COURSE OF STUDY, THE APPLICANT SHALL HAVE COMPLETED 12 COURSEWORK LEADING TO COMPETENCE IN MEDICAL NUTRITION THERAPY. INCLUDING:

13 (a) AT LEAST FIFTEEN SEMESTER HOURS OF CLINICAL OR LIFE SCIENCES. 14 WHICH MAY INCLUDE SUCH COURSES AS CHEMISTRY, ORGANIC CHEMISTRY, BIOLOGY, 15 MOLECULAR BIOLOGY. BIOTECHNOLOGY. BOTANY. GENETICS. GENOMICS. NEUROSCIENCE. 16 EXPERIMENTAL SCIENCE, IMMUNOTHERAPY, PATHOLOGY, PHARMACOLOGY, TOXICOLOGY, 17 RESEARCH METHODS. APPLIED STATISTICS. BIOSTATISTICS. EPIDEMIOLOGY. ENERGY 18 PRODUCTION, MOLECULAR PATHWAYS, HORMONE AND TRANSMITTER REGULATIONS AND 19 IMBALANCE AND PATHOPHYSIOLOGIC BASIS OF DISEASE. AT LEAST THREE SEMESTER 20 HOURS MUST BE IN HUMAN ANATOMY AND PHYSIOLOGY OR THE EQUIVALENT.

(b) AT LEAST FIFTEEN SEMESTER HOURS OF NUTRITION AND METABOLISM,
WHICH MAY INCLUDE SUCH COURSES AS NUTRITION ASSESSMENT, DEVELOPMENTAL
NUTRITION, NUTRITIONAL ASPECTS OF DISEASE, HUMAN NUTRITION, MACRONUTRIENTS,
MICRONUTRIENTS, VITAMINS AND MINERALS, FUNCTIONAL MEDICINE NUTRITION,
MOLECULAR METABOLISM, CLINICAL NUTRITION, MEDICAL NUTRITION THERAPY,
NUTRITIONAL BIOCHEMISTRY, NUTRITION AND DIGESTIVE HEALTH AND PUBLIC HEALTH
NUTRITION. AT LEAST SIX SEMESTER HOURS MUST BE IN BIOCHEMISTRY.

B. THE APPLICANT SHALL COMPLETE A PLANNED, DOCUMENTED AND CONTINUOUS
 SUPERVISED PRACTICE EXPERIENCE DEMONSTRATING COMPETENCE IN PROVIDING
 NUTRITION CARE SERVICES AND MEDICAL NUTRITION THERAPY APPROVED BY THE
 DIRECTOR. THE SUPERVISED PRACTICE EXPERIENCE MUST MEET ALL THE FOLLOWING
 REQUIREMENTS:

-33-

AN APPLICANT SHALL COMPLETE A SUPERVISED PRACTICE EXPERIENCE
 UNDER THIS SUBSECTION WITHIN FIVE YEARS AFTER COMPLETING THE REQUIREMENTS
 UNDER SUBSECTION A, PARAGRAPH 4 OF THIS SECTION UNLESS THE DIRECTOR, FOR
 EXTRAORDINARY CIRCUMSTANCES, GRANTS AN EXTENSION FOR A LIMITED TIME.

- 5 2. A SUPERVISED PRACTICE EXPERIENCE COMPLETED UNDER THIS SUBSECTION
 6 SHALL INCLUDE AT LEAST ONE THOUSAND HOURS IN THE FOLLOWING PRACTICE AREAS,
 7 WITH A MINIMUM OF TWO HUNDRED HOURS IN EACH PRACTICE AREA:
- 8
- (a) NUTRITION ASSESSMENT.
- 9

(b) NUTRITION INTERVENTION.

10

(c) NUTRITION MONITORING AND EVALUATION.

THE SUPERVISED PRACTICE EXPERIENCE IS DETERMINED BY THE DIRECTOR
 TO HAVE PREPARED THE APPLICANT TO PROVIDE NUTRITION CARE SERVICES FOR
 VARIOUS POPULATIONS OF DIVERSE CULTURES AND GENDERS AND ACROSS THE LIFE
 CYCLE AND TO BE ABLE TO COMPETENTLY FORMULATE ACTIONABLE MEDICAL NUTRITION
 THERAPIES AND INTERVENTIONS, EDUCATION, COUNSELING AND ONGOING CARE FOR THE
 PREVENTION, MODULATION AND MANAGEMENT OF A RANGE OF ACUTE AND CHRONIC
 MEDICAL CONDITIONS.

A SUPERVISED PRACTICE EXPERIENCE COMPLETED UNDER THIS SUBSECTION
 SHALL BE UNDER THE SUPERVISION OF A QUALIFIED SUPERVISOR AS PRESCRIBED IN
 SUBSECTION D OF THIS SECTION.

C. AN APPLICANT SHALL COMPLETE THE EXAMINATION REQUIREMENTS BY
 DEMONSTRATING THAT THE APPLICANT EITHER:

23 1. PASSED THE CERTIFIED NUTRITION SPECIALIST EXAMINATION 24 ADMINISTERED BY THE BOARD FOR CERTIFICATION OF NUTRITION SPECIALISTS. OR 25 ITS SUCCESSOR ORGANIZATION. OR AN EQUIVALENT EXAMINATION ON ALL ASPECTS OF 26 THE PRACTICE OF NUTRITION THAT IS ACCREDITED BY THE NATIONAL COMMISSION FOR 27 CERTIFYING AGENCIES. OR ITS SUCCESSOR ORGANIZATION. AND THAT IS APPROVED BY THE BOARD FOR CERTIFICATION OF NUTRITION SPECIALISTS. IF PASSAGE OF THE 28 29 EXAMINATION OCCURRED MORE THAN FIVE YEARS BEFORE APPLICATION. THE APPLICANT MUST DEMONSTRATE COMPLETION OF SEVENTY-FIVE HOURS OF CONTINUING EDUCATION 30 THAT MEETS THE DIRECTOR'S CONTINUING EDUCATION CRITERIA FOR EACH FIVE-YEAR 31 32 PERIOD AFTER THE EXAMINATION.

1 2. HOLDS A VALID CURRENT CERTIFICATION WITH THE BOARD FOR 2 CERTIFICATION OF NUTRITION SPECIALISTS, OR ITS SUCCESSOR ORGANIZATION, THAT 3 GIVES THE APPLICANT THE RIGHT TO USE THE TITLE "CERTIFIED NUTRITION 4 SPECIALIST".

D. THE SUPERVISED PRACTICE EXPERIENCE REQUIRED BY SUBSECTION B OF
THIS SECTION MUST BE UNDER A QUALIFIED SUPERVISOR WHO MEETS ALL OF THE
FOLLOWING REQUIREMENTS:

8 1. IF SUPERVISING A STUDENT WHO IS PROVIDING MEDICAL NUTRITION
9 THERAPY, THE QUALIFIED SUPERVISOR IS ONE OF THE FOLLOWING:

10 (a) A LICENSED DIETITIAN NUTRITIONIST, A LICENSED NUTRITIONIST OR A
 11 HEALTH CARE PROVIDER LICENSED OR CERTIFIED IN ANY STATE OR TERRITORY,
 12 INCLUDING LICENSED OR CERTIFIED DIETITIANS, DIETITIAN NUTRITIONISTS OR
 13 NUTRITIONISTS, WHOSE SCOPE OF PRACTICE INCLUDES THE PROVISION OF MEDICAL
 14 NUTRITION THERAPY.

(b) IF THE QUALIFIED SUPERVISOR IS SUPERVISING A STUDENT IN A STATE
THAT DOES NOT PROVIDE FOR LICENSURE OR CERTIFICATION OF DIETITIANS,
DIETITIAN NUTRITIONISTS OR NUTRITIONISTS, THE QUALIFIED SUPERVISOR MEETS
OTHER CRITERIA AS THE DIRECTOR MAY ESTABLISH, INCLUDING BEING A REGISTERED
DIETITIAN, A CERTIFIED NUTRITION SPECIALIST OR A LICENSED HEALTH CARE
PROVIDER WHOSE SCOPE OF PRACTICE INCLUDES THE PROVISION OF MEDICAL
NUTRITION THERAPY.

(c) AN EMPLOYEE OF THE FEDERAL GOVERNMENT AUTHORIZED WITHIN THE
 DISCHARGE OF THE EMPLOYEE'S OFFICIAL DUTIES TO PROVIDE MEDICAL NUTRITION
 THERAPY.

2. EXCEPT WHEN AN EMPLOYEE OF THE FEDERAL GOVERNMENT IS AUTHORIZED
WITHIN THE DISCHARGE OF THE EMPLOYEE'S OFFICIAL DUTIES TO PROVIDE MEDICAL
NUTRITION THERAPY, THE QUALIFIED SUPERVISOR IS LICENSED IN THIS STATE IF
THE QUALIFIED SUPERVISOR IS SUPERVISING A STUDENT WHO IS PROVIDING MEDICAL
NUTRITION THERAPY TO AN INDIVIDUAL LOCATED IN THIS STATE.

30

3. THE QUALIFIED SUPERVISOR MEETS ALL OF THE FOLLOWING:

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(a) ONLY SUPERVISES A CLINICAL ACTIVITY OR NUTRITION CARE SERVICE
 FOR WHICH THE QUALIFIED SUPERVISOR IS QUALIFIED AND IS AUTHORIZED TO
 PERFORM.

4 (b) DEVELOPS AND CARRIES OUT A PROGRAM FOR ADVANCING AND OPTIMIZING 5 THE QUALITY OF CARE PROVIDED BY THE STUDENT BEING SUPERVISED. THE 6 QUALIFIED SUPERVISOR AND STUDENT BEING SUPERVISED SHALL IDENTIFY AND 7 DOCUMENT GOALS FOR THE SUPERVISED PRACTICE EXPERIENCE, THE ASSIGNMENT OF 8 CLINICAL TASKS AS APPROPRIATE TO THE STUDENT'S EVOLVING LEVEL OF 9 COMPETENCE, THE STUDENT'S RELATIONSHIP AND ACCESS TO THE QUALIFIED 10 SUPERVISOR AND A PROCESS FOR EVALUATING THE STUDENT'S PERFORMANCE.

(c) OVERSEES THE ACTIVITIES OF AND APPROVES AND ACCEPTS
 RESPONSIBILITY FOR THE NUTRITION CARE SERVICES RENDERED BY THE STUDENT.

13 (d) AT A MINIMUM, IS PHYSICALLY ON-SITE AND PRESENT WHERE THE 14 STUDENT IS PROVIDING NUTRITION CARE SERVICES OR IS IMMEDIATELY AND 15 CONTINUOUSLY AVAILABLE TO THE STUDENT BY MEANS OF TWO-WAY REAL-TIME AUDIOVISUAL TECHNOLOGY THAT ALLOWS FOR THE DIRECT, CONTEMPORANEOUS 16 INTERACTION BY SIGHT AND SOUND BETWEEN THE QUALIFIED SUPERVISOR AND THE 17 STUDENT. IF THE QUALIFIED SUPERVISOR ASSIGNS A NUTRITION CARE SERVICE TO A 18 19 STUDENT THAT IS TO BE PROVIDED IN A SETTING WHERE THE QUALIFIED SUPERVISOR IS NOT ROUTINELY PRESENT. THE QUALIFIED SUPERVISOR SHALL ENSURE THAT THE 20 21 MEANS AND METHODS OF SUPERVISION ARE ADEQUATE TO ENSURE APPROPRIATE PATIENT 22 CARE. WHICH MAY INCLUDE SYNCHRONOUS VIDEOCONFERENCING OR ANOTHER METHOD OF 23 COMMUNICATION AND OVERSIGHT THAT IS APPROPRIATE TO THE CARE SETTING AND THE 24 EDUCATION AND EXPERIENCE OF THE STUDENT.

(e) REVIEWS ON A REGULAR BASIS THE CHARTS, RECORDS AND CLINICAL
 NOTES OF THE SUPERVISED STUDENT AND MAINTAINS RESPONSIBILITY FOR THE
 STUDENT'S CLINICAL RECORDKEEPING.

(f) IS AVAILABLE TO RENDER ASSISTANCE DURING THE PROVISION OF
 NUTRITION CARE SERVICES WHEN REQUESTED BY THE PATIENT OR ARRANGES FOR
 ANOTHER QUALIFIED PRACTITIONER LAWFULLY ABLE TO RENDER NUTRITION CARE
 SERVICES TO BE AVAILABLE IN THE ABSENCE OF THE QUALIFIED SUPERVISOR.

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(g) LIMITS THE ASSIGNMENT OF NUTRITION CARE SERVICES TO THOSE
 SERVICES THAT ARE WITHIN THE TRAINING AND EXPERIENCE OF THE STUDENT AND
 CUSTOMARY TO THE PRACTICE OF THE QUALIFIED SUPERVISOR.

- 4
- 5

36-4211. <u>Denial, revocation or suspension of license;</u> <u>hearings; alternative sanctions; notice</u>

6 7 A. THE DIRECTOR MAY DENY, REVOKE OR SUSPEND A LICENSE ISSUED UNDER THIS CHAPTER IF THE APPLICANT OR LICENSEE DOES ANY OF THE FOLLOWING:

8 1. HAS BEEN CONVICTED OF OR ENTERED INTO A PLEA OF NOLO CONTENDERE 9 TO ANY CRIME THAT IS DIRECTLY RELATED TO THE DUTIES AND RESPONSIBILITIES OF 10 A DIETITIAN NUTRITIONIST OR NUTRITIONIST OR THAT WAS VIOLENT OR SEXUAL IN 11 NATURE. THE RECORD OF THE CONVICTION OR A CERTIFIED COPY FROM THE CLERK OF 12 THE COURT WHERE THE CONVICTION OCCURRED OR FROM THE JUDGE OF THAT COURT IS 13 SUFFICIENT EVIDENCE OF CONVICTION.

14

2. SECURES A LICENSE UNDER THIS CHAPTER THROUGH FRAUD OR DECEIT.

S. ENGAGES IN UNPROFESSIONAL CONDUCT OR INCOMPETENCE IN THE CONDUCT
 OF PRACTICE.

17 4. USES A FALSE NAME OR ALIAS IN THE PRACTICE OF THE APPLICANT'S OR18 LICENSEE'S PROFESSION.

19

5. VIOLATES THIS ARTICLE.

B. THE DEPARTMENT MAY DENY A LICENSE WITHOUT HOLDING A HEARING.
AFTER RECEIVING NOTIFICATION OF THE DENIAL, THE APPLICANT MAY REQUEST A
HEARING TO REVIEW THE DENIAL.

C. IF THE DIRECTOR DETERMINES PURSUANT TO A HEARING THAT GROUNDS
 EXIST TO REVOKE OR SUSPEND A LICENSE, THE DIRECTOR MAY DO SO PERMANENTLY OR
 FOR A FIXED PERIOD OF TIME AND MAY IMPOSE CONDITIONS AS PRESCRIBED BY RULE.

26D. THE DEPARTMENT SHALL CONDUCT A HEARING BEFORE REVOKING OR27SUSPENDING A LICENSE OR IMPOSING A CIVIL PENALTY UNDER SECTION 36-4214.

E. ALL PROCEEDINGS PURSUANT TO SUBSECTIONS B, C AND D OF THIS
 SECTION SHALL BE CONDUCTED IN ACCORDANCE WITH TITLE 41, CHAPTER 6,
 ARTICLE 10.

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F. INSTEAD OF DENYING, REVOKING OR SUSPENDING A LICENSE, THE
 DIRECTOR MAY FILE A LETTER OF CONCERN, ISSUE A DECREE OF CENSURE, PRESCRIBE
 A PERIOD OF PROBATION OR RESTRICT OR LIMIT THE PRACTICE OF A LICENSEE.

4 5 G. THE DIRECTOR SHALL PROMPTLY NOTIFY A LICENSEE'S EMPLOYER IF THE DIRECTOR INITIATES A DISCIPLINARY ACTION AGAINST THE LICENSEE.

6

36-4212. Injunctive relief

THE DIRECTOR MAY ENFORCE THIS CHAPTER BY INJUNCTION OR BY ANY OTHER
 APPROPRIATE PROCEEDING. AN ENFORCEMENT PROCEEDING MAY NOT BE BARRED BY ANY
 PRIOR COMPLETED PROCEEDING OR PENDING PROCEEDING PURSUANT TO THIS CHAPTER
 OR BY THE IMPOSITION OF ANY FINE OR CIVIL PENALTY OR TERM OF IMPRISONMENT
 RESULTING FROM A PRIOR COMPLETED PROCEEDING OR PENDING PROCEEDING.

12 Sec. 7. <u>Exemption from rulemaking</u>

13 Notwithstanding any other law, for the purposes of this act, the 14 department of health services is exempt from the rulemaking requirements of 15 title 41, chapter 6, Arizona Revised Statutes, for one year after the 16 effective date of this act.

17 Sec. 8. Legislative intent

18 The legislature intends that the total fees for acquiring an initial 19 license as a dietitian nutritionist not exceed \$200."

20 Amend title to conform

And, as so amended, it do pass

DAVID LIVINGSTON CHAIRMAN

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