House Engrossed Senate Bill

vulnerable adult system; study committee
(now: licensure; dietitian nutritionists)

State of Arizona Senate Fifty-sixth Legislature Second Regular Session 2024

## **SENATE BILL 1508**

## AN ACT

AMENDING SECTIONS 32-1901, 36-414 AND 36-416, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-416.01; AMENDING SECTION 36-3601, ARIZONA REVISED STATUTES; AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 42; RELATING TO HEALTH.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona: 2 Section 1. Section 32-1901, Arizona Revised Statutes, is amended to 3 read: 4 32-1901. Definitions 5 In this chapter, unless the context otherwise requires: 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 9 patient or research subject by a practitioner or by the practitioner's authorized agent or the patient or research subject at the direction of 10 11 the practitioner. 12 2. "Advertisement" means all representations that are disseminated 13 in any manner or by any means other than by labeling for the purpose of inducing, or that are likely to induce, directly or indirectly, the 14 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 19 action, the board believes that continuation of the activities that led to 20 the investigation may result in further board action against the licensee 21 or permittee. 22 (b) The violation is a minor or technical violation that is not of sufficient merit to warrant disciplinary action. 23 24 (c) While the licensee or permittee has demonstrated substantial 25 compliance through rehabilitation, remediation or reeducation that has 26 mitigated the need for disciplinary action, the board believes that 27 repeating the activities that led to the investigation may result in 28 further board action against the licensee or permittee. 29 4. "Antiseptic", if a drug is represented as such on its label, means a representation that it is a germicide, except in the case of a 30 31 drug purporting to be, or represented as, an antiseptic for inhibitory use 32 as a wet dressing, ointment or dusting powder or other use that involves 33 prolonged contact with the body. 5. "Authorized officers of the law" means legally empowered peace 34 officers, compliance officers of the board of pharmacy and agents of the 35 36 division of narcotics enforcement and criminal intelligence of the 37 department of public safety. 6. "Automated prescription-dispensing kiosk" means a mechanical 38 system that is operated as an extension of a pharmacy, that maintains all 39 40 transaction information within the pharmacy operating system, that is 41 separately permitted from the pharmacy and that performs operations that 42 either: 43 (a) Accept a prescription or refill order, store prepackaged or 44 repackaged medications, label and dispense patient-specific prescriptions 45 and provide counseling on new or refilled prescriptions.

1 (b) Dispense or deliver a prescription or refill that has been 2 prepared by or on behalf of the pharmacy that oversees the automated 3 prescription-dispensing kiosk.

4 7. "Board" or "board of pharmacy" means the Arizona state board of 5 pharmacy.

6 8. "Certificate of composition" means a list of a product's 7 ingredients.

8 9. "Certificate of free sale" means a document that authenticates a 9 product that is generally and freely sold in domestic or international 10 channels of trade.

11

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

12 (a) Is any dye, pigment or other substance that is made by a 13 process of synthesis or similar artifice or that is extracted, isolated or 14 otherwise derived, with or without intermediate or final change of 15 identity, from any vegetable, animal, mineral or other source.

16 (b) If added or applied to a drug, or to the human body or any part 17 of the human body, is capable of imparting color, except that color 18 additive does not include any material that has been or may be exempted 19 under the federal act. Color includes black, white and intermediate 20 grays.

21 11. "Compounding" means preparing, mixing, assembling, packaging or 22 labeling a drug by a pharmacist or an intern or pharmacy technician under the pharmacist's supervision, for the purpose of dispensing to a patient 23 24 based on a valid prescription order. Compounding includes preparing drugs 25 in anticipation of prescription orders prepared on routine, regularly 26 observed prescribing patterns and preparing drugs as an incident to research, teaching or chemical analysis or for administration by a medical 27 practitioner to the medical practitioner's patient and not for sale or 28 29 dispensing. Compounding does not include preparing commercially available 30 products from bulk compounds or preparing drugs for sale to pharmacies, 31 practitioners or entities for the purpose of dispensing or distribution.

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

37 13. "Compressed medical gases" means gases and liquid oxygen that a 38 compressed medical gas distributor or manufacturer has labeled in 39 compliance with federal law.

40 14. "Compressed medical gas order" means an order for compressed 41 medical gases that is issued by a medical practitioner.

42 15. "Compressed medical gas supplier" means a person that holds a 43 current permit issued by the board to supply compressed medical gases 44 pursuant to a compressed medical gas order and only to the consumer or the 45 patient. 1 16. "Controlled substance" means a drug, substance or immediate 2 precursor that is identified, defined or listed in title 36, chapter 27, 3 article 2 or the rules adopted pursuant to title 36, chapter 27, 4 article 2.

5 17. "Corrosive" means any substance that when it comes in contact 6 with living tissue will cause destruction of the tissue by chemical 7 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 section 14 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.

25 24. "Device", except as used in paragraph 18 of this section, 26 section 32-1965, paragraph 4 and section 32-1967, subsection A, paragraph 27 15 and subsection C, means an instrument, apparatus or contrivance, 28 including its components, parts and accessories, including all such items 29 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.

32 (b) To affect the structure or any function of the human body or 33 other animals.

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

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

40 27. "Dispense" means to deliver to an ultimate user or research 41 subject by or pursuant to the lawful order of a practitioner, including 42 prescribing, administering, packaging, labeling or compounding as 43 necessary to prepare for that delivery.

1 28. "Dispenser" means a practitioner who dispenses. 2 "Distribute" means to deliver, other than by administering or 29. 3 dispensing. 4 30. "Distributor" means a person who distributes. 5 31. "Drug" means: 6 (a) Articles that are recognized, or for which standards or 7 specifications are prescribed, in the official compendium. 8 (b) Articles that are intended for use in the diagnosis, cure, 9 mitigation, treatment or prevention of disease in the human body or other 10 animals. 11 (c) Articles other than food that are intended to affect the 12 structure or any function of the human body or other animals. 13 (d) Articles that are intended for use as a component of any articles specified in subdivision (a), (b) or (c) of this paragraph but 14 does not include devices or their components, parts or accessories. 15 16 32. "Drug enforcement administration" means the drug enforcement 17 administration of the United States department of justice or its successor 18 agency. 19 "Drug or device manufacturing" means producing, preparing, 33. propagating or processing a drug or device, either directly or indirectly, 20 21 by extraction from substances of natural origin or independently by means 22 of chemical synthesis and includes any packaging or repackaging of substances or labeling or relabeling of its container and promoting and 23 24 marketing the same. Drug or device manufacturing does not include 25 compounding. 26 34. "Durable medical equipment" means technologically sophisticated 27 medical equipment as prescribed by the board in rule that a patient or 28 consumer may use in a home or residence and that may be а 29 prescription-only device. 30 35. "Durable medical equipment distributor": 31 (a) Means a person that stores or distributes durable medical equipment other than to the patient or consumer. 32 33 (b) Includes a virtual durable medical equipment distributor as prescribed in rule by the board. 34 36. "Durable medical equipment supplier": 35 (a) Means a person that sells, leases or supplies durable medical 36 37 equipment to the patient or consumer. 38 (b) Includes a virtual durable medical equipment supplier as 39 prescribed in rule by the board. 40 37. "Economic poison" means any substance that alone, in chemical 41 combination with or in formulation with one or more other substances is a pesticide within the meaning of the laws of this state or the federal 42 43 insecticide, fungicide and rodenticide act and that is used in producing, 44 storing or transporting raw agricultural commodities.

1 38. "Enteral feeding" means nourishment that is provided by means 2 of a tube inserted into the stomach or intestine.

3 39. "Established name", with respect to a drug or ingredient of a 4 drug, means any of the following:

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(a) The applicable official name.

6 (b) If there is no such name and the drug or ingredient is an 7 article recognized in an official compendium, the official title in an 8 official compendium.

9 (c) If neither subdivision (a) nor (b) of this paragraph applies, 10 the common or usual name of the drug.

11 40. "Executive director" means the executive director of the board 12 of pharmacy.

13 41. "Federal act" means the federal laws and regulations that 14 pertain to drugs, devices, poisons and hazardous substances and that are 15 official at the time any drug, device, poison or hazardous substance is 16 affected by this chapter.

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42. "Full-service wholesale permittee":

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

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

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

28 44. "Highly toxic" means any substance that falls within any of the 29 following categories:

30 (a) Produces death within fourteen days in half or more than half 31 of a group of ten or more laboratory white rats each weighing between two 32 hundred and three hundred grams, at a single dose of fifty milligrams or 33 less per kilogram of body weight, when orally administered.

(b) Produces death within fourteen days in half or more than half 34 35 of a group of ten or more laboratory white rats each weighing between two 36 hundred and three hundred grams, if inhaled continuously for a period of 37 one hour or less at an atmospheric concentration of two hundred parts per 38 million by volume or less of gas or vapor or two milligrams per liter by 39 volume or less of mist or dust, provided the concentration is likely to be 40 encountered by humans if the substance is used in any reasonably 41 foreseeable manner.

42 (c) Produces death within fourteen days in half or more than half 43 of a group of ten or more rabbits tested in a dosage of two hundred 44 milligrams or less per kilogram of body weight, if administered by 45 continuous contact with the bare skin for twenty-four hours or less. If the board finds that available data on human experience with any substance indicate results different from those obtained on animals in the dosages or concentrations prescribed in this paragraph, the human data shall take precedence.

5 45. "Hospital" means any institution for the care and treatment of 6 the sick and injured that is approved and licensed as a hospital by the 7 department of health services.

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46. "Intern" means a pharmacy intern.

9 47. "Internship" means the practical, experiential, hands-on 10 training of a pharmacy intern under the supervision of a preceptor.

11 48. "Irritant" means any substance, other than a corrosive, that on 12 immediate, prolonged or repeated contact with normal living tissue will 13 induce a local inflammatory reaction.

14 49. "Jurisprudence examination" means a board-approved pharmacy law 15 examination that is written and administered in cooperation with the 16 national association of boards of pharmacy or another board-approved 17 pharmacy law examination.

18 50. "Label" means a display of written, printed or graphic matter 19 on the immediate container of any article that, unless easily legible 20 through the outside wrapper or container, also appears on the outside 21 wrapper or container of the article's retail package. For the purposes of 22 this paragraph, the immediate container does not include package liners.

23 51. "Labeling" means all labels and other written, printed or 24 graphic matter that either:

25 26 (a) Is on any article or any of its containers or wrappers.

(b) Accompanies that article.

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

32 53. "Limited service pharmacy" means a pharmacy that is approved by 33 the board to practice a limited segment of pharmacy as indicated by the 34 permit issued by the board.

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54. "Manufacture" or "manufacturer":

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

39 (b) Includes a virtual manufacturer as defined in rule by the 40 board.

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

56. "Medical practitioner" means any medical doctor, doctor of osteopathic medicine, dentist, podiatrist, veterinarian or other person who is licensed and authorized by law to use and prescribe drugs and devices to treat sick and injured human beings or animals or to diagnose 1 or prevent sickness in human beings or animals in this state or any state, 2 territory or district of the United States.

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

6 58. "Narcotic drug" has the same meaning prescribed in section 7 13-3401.

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59. "New drug" means either:

9 (a) Any drug of which the composition is such that the drug is not 10 generally recognized among experts qualified by scientific training and 11 experience to evaluate the safety and effectiveness of drugs as safe and 12 effective for use under the conditions prescribed, recommended or 13 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 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.

19 60. "Nonprescription drug" or "over-the-counter drug" means any 20 nonnarcotic medicine or drug that may be sold without a prescription and 21 that is prepackaged and labeled for use by the consumer in accordance with 22 the requirements of the laws of this state and federal law. 23 Nonprescription drug does not include:

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

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(b) A controlled substance.

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

29 30 (d) A drug that is intended for human use by hypodermic injection.

61. "Nonprescription drug wholesale permittee":

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

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

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.

40 63. "Nutritional supplementation" means vitamins, minerals and 41 caloric supplementation. Nutritional supplementation does not include 42 medication or drugs.

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

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

4 66. "Package" means a receptacle that is defined or described in 5 the United States pharmacopeia and the national formulary as adopted by 6 the board.

7 67. "Packaging" means the act or process of placing a drug item or 8 device in a container for the purpose or intent of dispensing or 9 distributing the item or device to another.

10 68. "Parenteral nutrition" means intravenous feeding that provides 11 an individual with fluids and essential nutrients the individual needs 12 while the individual is unable to receive adequate fluids or feedings by 13 mouth or by enteral feeding.

14 69. "Person" means an individual, partnership, corporation and 15 association, and their duly authorized agents.

16 70. "Pharmaceutical care" means the provision of drug therapy and 17 other pharmaceutical patient care services.

18 71. "Pharmacist" means an individual who is currently licensed by 19 the board to practice the profession of pharmacy in this state.

20 72. "Pharmacist in charge" means the pharmacist who is responsible 21 to the board for a licensed establishment's compliance with the laws and 22 administrative rules of this state and of the federal government 23 pertaining to the practice of pharmacy, the manufacturing of drugs and the 24 distribution of drugs and devices.

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

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74. "Pharmacy" means:

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

(b) Any place that displays on or in the place or that displays a sign on the place the words "pharmaceutical chemist", "apothecary", "druggist", "pharmacy", "drugstore", "drugs" or "drug sundries", any combination of these words, or any words of similar meaning in any language.

38 (c) Any place where the characteristic symbol of pharmacy or the 39 characteristic prescription sign "Rx" is exhibited.

40 (d) Any building or other structure or portion of a building or 41 other structure that is leased, used or controlled by a permittee to 42 conduct the business authorized by the board at the address specified on 43 the permit issued to the permittee.

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- (e) A remote dispensing site pharmacy.(f) A remote hospital-site pharmacy.
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1 (g) A satellite pharmacy. 2 75. "Pharmacy intern" means a person who has all of the 3 qualifications and experience prescribed in section 32-1923. 4 76. "Pharmacy technician" means a person who is licensed pursuant 5 to this chapter. 77. 6 "Pharmacy technician trainee" means a person who is licensed 7 **REGISTERED** pursuant to this chapter. 8 78. "Poison" or "hazardous substance" includes any of the following 9 if intended and suitable for household use or use by children: (a) Any substance that, according to standard works on medicine, 10 11 pharmacology, pharmacognosy or toxicology, if applied to, introduced into 12 or developed within the body in relatively small quantities by its 13 inherent action uniformly produces serious bodily injury, disease or 14 death. 15 (b) A toxic substance. 16 (c) A highly toxic substance. 17 (d) A corrosive substance.

18 (e) An irritant.

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

25 (h) A substance that is designated by the board to be a poison or 26 hazardous substance. This subdivision does not apply to radioactive substances, economic poisons subject to the federal insecticide, fungicide 27 and rodenticide act or the state pesticide act, foods, drugs and cosmetics 28 29 subject to state laws or the federal act or substances intended for use as fuels when stored in containers and used in the heating, cooking or 30 31 refrigeration system of a house. This subdivision applies to any substance or article that is not itself an economic poison within the 32 meaning of the federal insecticide, fungicide and rodenticide act or the 33 state pesticide act, but that is a poison or hazardous substance within 34 the meaning of this paragraph by reason of bearing or containing an 35 36 economic poison or hazardous substance.

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79. "Practice of pharmacy":

38 (a) Means furnishing the following health care services as a 39 medical professional:

40 (i) Interpreting, evaluating and dispensing prescription orders in 41 the patient's best interests.

42 (ii) Compounding drugs pursuant to or in anticipation of a 43 prescription order. 1

2 federal requirements. 3 (iv) Participating in drug selection and drug utilization reviews, 4 administration, drug or drug-related research and drug therapy drug 5 monitoring or management. 6 (v) Providing patient counseling necessary to provide 7 pharmaceutical care. 8 (vi) Properly and safely storing drugs and devices in anticipation 9 of dispensing. (vii) Maintaining required records of drugs and devices. 10 11 (viii) Offering or performing acts, services, operations or transactions that are necessary to conduct, operate, manage and control a 12 13 pharmacy. (ix) Providing patient care services pursuant to a collaborative 14

(iii) Labeling drugs and devices in compliance with state and

14 (ix) Providing patient care services pursuant to a collaborative 15 practice agreement with a provider as outlined in section 32-1970.

16 (x) Initiating and administering immunizations or vaccines pursuant 17 to section 32-1974.

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

21 80. "Practitioner" means any physician, dentist, veterinarian, 22 scientific investigator or other person who is licensed, registered or 23 otherwise permitted to distribute, dispense, conduct research with respect 24 to or administer a controlled substance in the course of professional practice or research in this state, or any pharmacy, hospital or other 25 26 institution that is licensed, registered or otherwise permitted to 27 distribute, dispense, conduct research with respect to or administer a 28 controlled substance in the course of professional practice or research in 29 this state.

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

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

33 (a) The principal compound that is commonly used or that is 34 produced primarily for use and that is an immediate chemical intermediary 35 used or likely to be used in the manufacture of a controlled substance, 36 the control of which is necessary to prevent, curtail or limit 37 manufacture.

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

39 83. "Prescription" means either a prescription order or a 40 prescription medication.

41 84. "Prescription medication" means any drug, including label and 42 container according to context, that is dispensed pursuant to a 43 prescription order. 1

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85. "Prescription-only device" includes:

2 (a) Any device that is limited by the federal act to use under the 3 supervision of a medical practitioner.

4 (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 7 substance 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 10 necessary to its use is not generally recognized among experts, qualified 11 by scientific training and experience to evaluate its safety and efficacy, 12 as safe for use except by or under the supervision of a medical 13 practitioner.

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

17 (c) Every potentially harmful drug, the labeling of which does not18 bear or contain full and adequate directions for use by the consumer.

19 (d) Any drug, other than a controlled substance, that is required 20 by the federal act to bear on its label the legend "Rx only".

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

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

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

33 (c) An order that is initiated by a pharmacist pursuant to a 34 collaborative practice agreement with a provider as outlined in section 35 32-1970, or immunizations or vaccines administered by a pharmacist 36 pursuant to section 32-1974.

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

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88. "Professionally incompetent" means:

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

1 (b) When considered with other indications of professional 2 incompetence, a pharmacist or pharmacy intern who fails to obtain a 3 passing score on a board-approved pharmacist licensure examination or a 4 pharmacy technician or pharmacy technician trainee who fails to obtain a 5 board-approved pharmacy technician licensure passing score on а 6 examination.

7 89. "Radioactive substance" means a substance that emits ionizing 8 radiation.

9 90. "Remote dispensing site pharmacy" means a pharmacy where a 10 pharmacy technician or pharmacy intern prepares, compounds or dispenses 11 prescription medications under remote supervision by a pharmacist.

12 91. "Remote hospital-site pharmacy" means a pharmacy located in a 13 satellite facility that operates under the license issued by the 14 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 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.

29 95. "Satellite facility" has the same meaning prescribed in section 30 36-422.

31 96. "Satellite pharmacy" means a work area located within a 32 hospital or on a hospital campus that is not separated by other commercial 33 property or residential property, that is under the direction of a pharmacist, that is a remote extension of a centrally licensed hospital 34 35 pharmacy, that is owned by and dependent on the centrally licensed 36 hospital pharmacy for administrative control, staffing and drug 37 procurement and that is not required to be separately permitted.

38 97. "Symbol" means the characteristic symbols that have 39 historically identified pharmacy, including show globes and mortar and 40 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:

1 (a) Narcotic drugs or other controlled substances. 2 Dangerous drugs as defined in section 13-3401. (b) 3 (c) Prescription-only drugs and devices. 4 (d) Nonprescription drugs and devices. 5 Precursor chemicals. (e) 6 (f) Regulated chemicals as defined in section 13-3401. 7 "Toxic substance" means a substance, other than a radioactive 99. 8 substance, that has the capacity to produce injury or illness in humans 9 through ingestion, inhalation or absorption through any body surface. 10 100. "Ultimate user" means a person who lawfully possesses a drug 11 or controlled substance for that person's own use, for the use of a member of that person's household or for administering to an animal owned by that 12 13 person or by a member of that person's household. 14 Sec. 2. Section 36-414, Arizona Revised Statutes, is amended to 15 read: 16 36-414. <u>Health services licensing fund; exemption</u> 17 A. The health services licensing fund is established consisting of 18 monies deposited pursuant to sections 30-654, 32-1308, 32-1368, 32-2805, 36-405, 36-765.05, 36-766.06, 36-851.01, 36-882, 36-897.01, and 36-1903, 19 20 36-2063 AND 36-4203. The department of health services shall administer 21 the fund. 22 B. Monies in the fund are subject to legislative appropriation. 23 C. Monies in the fund are exempt from the provisions of section 24 35-190 relating to lapsing of appropriations. 25 Sec. 3. Section 36-416, Arizona Revised Statutes, is amended to 26 read: 27 36-416. Licensed dietitian nutritionists: gualified nutrition 28 professionals: hospital orders: definitions 29 A. A hospital that is licensed pursuant to section 36-422 AND THAT HAS POLICIES AND PROCEDURES THAT MEET THE REQUIREMENTS OF SUBSECTION B OF 30 31 THIS SECTION may allow a registered LICENSED dietitian NUTRITIONIST or 32 other qualified nutrition professional to order diets, enteral feeding, 33 nutritional supplementation or parenteral nutrition ANY OF THE FOLLOWING if INITIALLY authorized OR GRANTED STANDING ORDERING PRIVILEGES by medical 34 35 staff pursuant to 42 Code of Federal Regulations section 482.28(b) and if 36 both: 37 1. The hospital's written policies and procedures allow registered 38 dietitians or other qualified nutrition professionals to issue such 39 orders. 40 1. DIETS. 41 2. A CHANGE IN DIET ORDERS. 42 3. ENTERAL FEEDING. 43 4. DURABLE MEDICAL EQUIPMENT RELATED TO NUTRITION. 5. NUTRITIONAL SUPPLEMENTATION. 44 45 6. PARENTERAL NUTRITION.

1	7. MEDICAL NUTRITION THERAPY.
2	8. LABORATORY TESTS TO CHECK AND TRACK NUTRITION STATUS.
3	9. PRESCRIPTION DRUG DOSE ADJUSTMENTS UNDER A MEDICAL
4	STAFF-APPROVED PROTOCOL.
5	B. FOR THE PURPOSES OF SUBSECTION A OF THIS SECTION, THE HOSPITAL'S
6	WRITTEN POLICIES AND PROCEDURES MUST DO ALL OF THE FOLLOWING:
7	1. ALLOW LICENSED DIETITIAN NUTRITIONISTS TO ISSUE ORDERS DESCRIBED
8	IN SUBSECTION A OF THIS SECTION.
9	2. PRESCRIBE THE QUALIFICATIONS NECESSARY FOR QUALIFIED NUTRITION
10	PROFESSIONALS TO ISSUE ORDERS DESCRIBED IN SUBSECTION A OF THIS SECTION
11	AND LIST ANY ADDITIONAL RESTRICTIONS ON QUALIFIED NUTRITION PROFESSIONALS'
12	ABILITY TO ISSUE THE ORDERS.
13	2. 3. The hospital has written policies and procedures that
14	Address the hospital's response to adverse events, if any, that arise as a
15	result of orders issued by a <del>registered</del> LICENSED dietitian NUTRITIONIST or
16	other qualified nutrition professional.
17	B. C. For the purposes of this section:
18	1. "LICENSED DIETITIAN NUTRITIONIST" MEANS A DIETITIAN NUTRITIONIST
19	WHO IS LICENSED PURSUANT TO TITLE 36, CHAPTER 42.
20	2. "MEDICAL NUTRITION THERAPY" HAS THE SAME MEANING PRESCRIBED IN
21	SECTION 36-4201.
22	1. 3. "Qualified nutrition professional" means a AN UNLICENSED
23	nutrition professional who is deemed qualified by <del>a</del> THE hospital for
24	which the person works.
25	2. "Registered dietitian" means a person who meets the
26	qualifications of the credentialing agency for the American academy of
27	nutrition and dietetics.
28	4. "STANDING ORDERING PRIVILEGES" MEANS PERMISSION GRANTED TO AN
29	INDIVIDUAL WHO IS AUTHORIZED TO ISSUE ORDERS LISTED IN SUBSECTION A OF
30	THIS SECTION FOR ALL OR A SUBSET OF ALL PATIENTS OF THE HOSPITAL.
31	Sec. 4. Title 36, chapter 4, article 1, Arizona Revised Statutes,
32	is amended by adding section 36–416.01, to read:
33	36-416.01. Licensed dietitian nutritionists; qualified
34	nutrition professionals; nonhospital orders;
35	definitions
36	A. A LICENSED DIETITIAN NUTRITIONIST OR OTHER QUALIFIED NUTRITION
37	PROFESSIONAL WHO PRACTICES IN A NONHOSPITAL HEALTH CARE INSTITUTION THAT
38	IS LICENSED PURSUANT TO SECTION 36-422 AND WHO IS EITHER AN EMPLOYEE OF
39	THE NONHOSPITAL HEALTH CARE INSTITUTION OR AN INDEPENDENT CONTRACTOR MAY
40	ORDER THE FOLLOWING:
41	1. DIETS.
42	2. A CHANGE IN DIET ORDERS.
43	3. ENTERAL FEEDING.
44	4. DURABLE MEDICAL EQUIPMENT RELATED TO NUTRITION.
45	5. NUTRITIONAL SUPPLEMENTATION.

1 2 3 4 5	<ul> <li>6. PARENTERAL NUTRITION.</li> <li>7. MEDICAL NUTRITION THERAPY.</li> <li>8. LABORATORY TESTS TO CHECK AND TRACK NUTRITION STATUS.</li> <li>B. FOR THE PURPOSES OF SUBSECTION A OF THIS SECTION, THE NONHOSPITAL HEALTH CARE INSTITUTION'S WRITTEN POLICIES AND PROCEDURES MUST</li> </ul>
5 6	DO ALL OF THE FOLLOWING:
7	1. ALLOW LICENSED DIETITIAN NUTRITIONISTS TO ISSUE ORDERS DESCRIBED
8	IN SUBSECTION A OF THIS SECTION OR PERFORM MEDICAL NUTRITION THERAPY.
9	2. PRESCRIBE THE QUALIFICATIONS NECESSARY FOR QUALIFIED NUTRITION
10 11	PROFESSIONALS TO ISSUE ORDERS DESCRIBED IN SUBSECTION A OF THIS SECTION AND LIST ANY ADDITIONAL RESTRICTIONS ON QUALIFIED NUTRITION PROFESSIONALS'
12	ABILITY TO ISSUE THE ORDERS.
13	3. ADDRESS THE NONHOSPITAL HEALTH CARE INSTITUTION'S RESPONSE TO
14	ADVERSE EVENTS, IF ANY, THAT ARISE AS A RESULT OF ORDERS ISSUED BY A
15	LICENSED DIETITIAN NUTRITIONIST OR OTHER QUALIFIED NUTRITION PROFESSIONAL.
16	C. FOR THE PURPOSES OF THIS SECTION:
17	1. "LICENSED DIETITIAN NUTRITIONIST" MEANS A DIETITIAN NUTRITIONIST
18 19	WHO IS LICENSED PURSUANT TO TITLE 36, CHAPTER 42. 2. "MEDICAL NUTRITION THERAPY" HAS THE SAME MEANING PRESCRIBED IN
20	SECTION 36-4201.
21	3. "QUALIFIED NUTRITION PROFESSIONAL" MEANS AN UNLICENSED NUTRITION
22	PROFESSIONAL WHO IS DEEMED QUALIFIED BY THE NONHOSPITAL HEALTH CARE
23	INSTITUTION FOR WHICH THE PERSON WORKS.
24	Sec. 5. Section 36–3601, Arizona Revised Statutes, is amended to
25	read:
26	36-3601. <u>Definitions</u>
27	For the purposes of IN this chapter, UNLESS THE CONTEXT OTHERWISE
28 29	REQUIRES:
29 30	1. "Health care decision maker" has the same meaning prescribed in section 12–2801.
31	2. "Health care provider":
32	(a) Means a person licensed pursuant to title 32, chapter 7, 8, 13,
33	14, 15, 15.1, 16, 17, 18, 19, 19.1, 25, 28, 29, 33, 34, 35, 39, 41 or 42,
34	or chapter 4, article 6 of this title, chapter 6, article 7 of this title
35	or chapter 17 OR 42 of this title.
36	(b) Includes:
37	(i) A health care institution licensed pursuant to chapter 4 of
38	this title.
39	(ii) A person who holds a training permit pursuant to title 32,
40	chapter 13 or 17.
41 42	3. "Health care provider regulatory board or agency" means a board
42 43	or agency that regulates one or more health care provider professions in this state.
40	

1	4. "Telehealth" means:
2	(a) The interactive use of audio, video or other electronic media,
3	including asynchronous store-and-forward technologies and remote patient
4	monitoring technologies, for the practice of health care, assessment,
5	diagnosis, consultation or treatment and the transfer of medical data.
6	(b) Includes the use of an audio-only telephone encounter between
7	the patient or client and health care provider if an audio-visual
8	telehealth encounter is not reasonably available due to the patient's
9	functional status, the patient's lack of technology or telecommunications
10	infrastructure limits, as determined by the health care provider.
11	(c) Does not include the use of a fax machine, instant messages,
12	voice mail or email.
13	Sec. 6. Title 36, Arizona Revised Statutes, is amended by adding
14	chapter 42, to read:
15	CHAPTER 42
16	DIETITIAN NUTRITIONISTS AND NUTRITIONISTS
17	ARTICLE 1. GENERAL PROVISIONS
18	36-4201. Definitions
19	IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:
20	1. "ACCREDITATION COUNCIL FOR EDUCATION IN NUTRITION AND DIETETICS"
21	MEANS THE AUTONOMOUS ACCREDITING AGENCY FOR EDUCATION PROGRAMS THAT
22	PREPARE STUDENTS TO BEGIN CAREERS AS REGISTERED DIETITIANS OR REGISTERED
23	DIETITIAN NUTRITIONISTS.
24	2. "BOARD FOR CERTIFICATION OF NUTRITION SPECIALISTS" MEANS THE
25	CREDENTIALING AGENCY AND EXAMINING BOARD OF THE AMERICAN NUTRITION
26	ASSOCIATION THAT CONFERS THE CERTIFIED NUTRITION SPECIALIST CREDENTIAL.
27	3. "CERTIFIED NUTRITION SPECIALIST" MEANS AN INDIVIDUAL WHO IS
28	CERTIFIED AS SUCH BY THE BOARD FOR CERTIFICATION OF NUTRITION SPECIALISTS
29	THAT GIVES THE INDIVIDUAL THE RIGHT TO USE THE TERM "CERTIFIED NUTRITION
30	SPECIALIST" AND THE CORRESPONDING ABBREVIATION "CNS".
31	4. "COMMISSION ON DIETETIC REGISTRATION" MEANS THE CREDENTIALING
32	AGENCY FOR THE ACADEMY OF NUTRITION AND DIETETICS.
33	5. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES.
34	6. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.
35	7. "LICENSED DIETITIAN NUTRITIONIST" MEANS A PERSON WHO IS LICENSED
36	PURSUANT TO THIS CHAPTER, WHO MEETS THE REQUIREMENTS OF SECTION 36-4209
37	AND WHO IS ENGAGED IN THE PRACTICE OF DIETETICS, INCLUDING PROVIDING
38	MEDICAL NUTRITION THERAPY.
39	8. "LICENSED NUTRITIONIST" MEANS A PERSON WHO IS LICENSED PURSUANT
40	TO THIS CHAPTER, WHO MEETS THE REQUIREMENTS OF SECTION 36-4210 AND WHO IS
41	ENGAGED IN THE PRACTICE OF NUTRITION, INCLUDING PROVIDING MEDICAL
42	NUTRITION THERAPY.
43	9. "MEDICAL NUTRITION THERAPY" MEANS THE PROVISION OF ANY OF THE
44	FOLLOWING NUTRITION CARE SERVICES FOR THE PURPOSE OF MANAGING OR TREATING
45	A DISEASE OR MEDICAL CONDITION:

1 (a) NUTRITION ASSESSMENT. 2 (b) NUTRITION DIAGNOSIS. 3 (c) NUTRITION INTERVENTION. 4 (d) NUTRITION MONITORING AND EVALUATION. 5 "NUTRITION ASSESSMENT": 10. 6 (a) MEANS THE ONGOING, DYNAMIC AND SYSTEMATIC PROCESS OF ORDERING, 7 OBTAINING, VERIFYING AND INTERPRETING BIOCHEMICAL, ANTHROPOMETRIC, 8 PHYSICAL, NUTRIGENOMIC AND DIETARY DATA TO MAKE DECISIONS ABOUT THE NATURE 9 AND CAUSE OF NUTRITION-RELATED PROBLEMS RELATIVE TO PATIENT AND COMMUNITY 10 NEEDS. 11 (b) INCLUDES INITIAL NUTRITION-RELATED DATA COLLECTION, 12 REASSESSMENT AND ANALYSIS OF PATIENT OR COMMUNITY NEEDS PROVIDING THE 13 FOUNDATION FOR NUTRITION DIAGNOSIS AND NUTRITIONAL RECOMMENDATIONS AND ORDERS, INCLUDING ORDERING LABORATORY TESTS TO CHECK AND TRACK A PATIENT'S 14 15 NUTRITIONAL STATUS. 16 (c) DOES NOT INCLUDE SOLELY THE COLLECTION OF NUTRITION-RELATED 17 DATA. 18 "NUTRITION CARE SERVICES" MEANS PROVIDING ANY PART OR ALL OF 11. 19 THE FOLLOWING SERVICES WITHIN A SYSTEMATIC PROCESS: 20 (a) ASSESSING AND EVALUATING THE NUTRITIONAL NEEDS OF INDIVIDUALS 21 AND GROUPS AND DETERMINING RESOURCES AND CONSTRAINTS IN THE PRACTICE 22 SETTING, INCLUDING ORDERING NUTRITION-RELATED LABORATORY TESTS TO CHECK 23 AND TRACK NUTRITION STATUS. 24 (b) IDENTIFYING NUTRITION PROBLEMS AND ESTABLISHING PRIORITIES, 25 GOALS AND OBJECTIVES THAT MEET NUTRITIONAL NEEDS AND THAT ARE CONSISTENT 26 WITH AVAILABLE RESOURCES AND CONSTRAINTS. 27 (c) CREATING INDIVIDUALIZED DIETARY PLANS AND ISSUING AND IMPLEMENTING ORDERS TO MEET THE NUTRITIONAL NEEDS OF HEALTHY INDIVIDUALS 28 29 AND INDIVIDUALS IN ACUTE AND CHRONIC DISEASE STATES, INCLUDING ORDERING AND MONITORING THE EFFECTIVENESS OF THERAPEUTIC DIETS. 30 31 (d) DETERMINING AND PROVIDING APPROPRIATE NUTRITION INTERVENTION IN 32 HEALTH AND DISEASE, INCLUDING NUTRITION COUNSELING ON FOOD AND 33 PRESCRIPTION DRUG INTERACTIONS. (e) DEVELOPING, IMPLEMENTING AND MANAGING NUTRITION CARE SYSTEMS. 34 (f) EVALUATING, MAKING CHANGES IN AND MAINTAINING APPROPRIATE 35 36 STANDARDS OF QUALITY IN FOOD AND NUTRITION SERVICES. (g) ORDERING THERAPEUTIC DIETS. 37 38 12. "NUTRITION COUNSELING" MEANS SUPPORTIVE PROCESS. Α CHARACTERIZED BY A COLLABORATIVE COUNSELOR-PATIENT RELATIONSHIP WITH 39 INDIVIDUALS OR GROUPS, TO ESTABLISH FOOD AND NUTRITION PRIORITIES, GOALS 40 41 AND INDIVIDUALIZED ACTION PLANS AND GENERAL PHYSICAL ACTIVITY GUIDANCE THAT ACKNOWLEDGE AND FOSTER RESPONSIBILITY FOR SELF-CARE TO PROMOTE HEALTH 42 43 AND WELLNESS OR TO TREAT AN EXISTING DISEASE OR MEDICAL CONDITION.

1	
1	13. "NUTRITION INTERVENTION":
2	(a) MEANS PURPOSEFULLY PLANNED ACTIONS, INCLUDING NUTRITION
3	COUNSELING, THAT ARE INTENDED TO POSITIVELY CHANGE A NUTRITION-RELATED
4	BEHAVIOR, RISK FACTOR, ENVIRONMENTAL CONDITION OR ASPECT OF HEALTH STATUS
5	OF AN INDIVIDUAL AND THE INDIVIDUAL'S FAMILY OR CAREGIVERS, TARGET GROUPS
6	OR THE COMMUNITY AT LARGE.
7	(b) INCLUDES APPROVING, ORDERING AND MONITORING THERAPEUTIC DIETS
8	AND COUNSELING ON FOOD AND PRESCRIPTION DRUG INTERACTIONS.
9	14. "NUTRITION MONITORING AND EVALUATION" MEANS IDENTIFYING PATIENT
10	OUTCOMES RELEVANT TO A NUTRITION DIAGNOSIS, INTERVENTION PLANS AND GOALS
11	AND COMPARING THOSE OUTCOMES WITH PREVIOUS STATUS, INTERVENTION GOALS OR A
12	REFERENCE STANDARD TO DETERMINE THE PROGRESS MADE IN ACHIEVING DESIRED
13	OUTCOMES OF NUTRITION CARE AND WHETHER PLANNED INTERVENTIONS SHOULD BE
14	CONTINUED OR REVISED.
15	15. "PATIENT" MEANS AN INDIVIDUAL RECIPIENT OF NUTRITION CARE
16	SERVICES, WHETHER IN AN OUTPATIENT, INPATIENT OR NONCLINICAL SETTING.
17	16. "PRACTICE OF DIETETICS":
18	(a) MEANS THE APPLICATION OF SCIENTIFIC PRINCIPLES DERIVED FROM THE
19	STUDY OF NUTRIGENOMICS, PHARMACOLOGY AND FOOD SYSTEMS MANAGEMENT, THE
20	DEVELOPMENT AND ORDERING OF THERAPEUTIC DIETS VIA ORAL, ENTERAL AND
21	PARENTERAL ROUTES AND THE PROVISION OF ADVANCED CLINICAL NUTRITION CARE
22	SERVICES, IN PERSON OR THROUGH TELEHEALTH, CONSISTENT WITH THE CURRENT
23	SCOPE AND STANDARDS OF PRACTICE FOR DIETITIANS REGISTERED BY THE
24	COMMISSION ON DIETETIC REGISTRATION.
25	(b) INCLUDES THE PRACTICE OF NUTRITION.
26	17. "PRACTICE OF NUTRITION" MEANS ALL OF THE FOLLOWING:
27	(a) APPLYING SCIENTIFIC PRINCIPLES DERIVED FROM THE STUDY OF FOOD,
28	NUTRITION, BIOCHEMISTRY, METABOLISM, PHYSIOLOGY AND BEHAVIORAL SCIENCES
29	FOR ACHIEVING AND MAINTAINING HEALTH THROUGHOUT THE LIFESPAN.
30	(b) PROVIDING NUTRITION CARE SERVICES, INCLUDING MEDICAL NUTRITION
31	THERAPY, IN PERSON OR THROUGH TELEHEALTH, TO PREVENT, MANAGE OR TREAT
32	DISEASES OR MEDICAL CONDITIONS AND PROMOTE WELLNESS.
33	(c) ORDERING PATIENT DIETS, INCLUDING THERAPEUTIC DIETS VIA ORAL
34	ROUTES, AND MEDICAL LABORATORY TESTS RELATED TO NUTRITIONAL THERAPEUTIC
35	TREATMENTS AND PROVIDING RECOMMENDATIONS ON VITAMIN, MINERAL AND OTHER
36	DIETARY SUPPLEMENTS.
37	18. "QUALIFIED SUPERVISOR" MEANS AN INDIVIDUAL WHO PROVIDES
38	SUPERVISION TO STUDENTS PURSUANT TO SECTION 36-4210, WHO ASSUMES FULL
39	PROFESSIONAL RESPONSIBILITY FOR THE STUDENT'S WORK BY VERIFYING, DIRECTING
40	AND APPROVING THE PROVIDED NUTRITION CARE SERVICES, MEDICAL NUTRITION
41	THERAPY AND OTHER WORK BEING SUPERVISED AND WHO MEETS THE QUALIFICATIONS
42	PRESCRIBED IN SECTION 36-4210.
43	19. "REGISTERED DIETITIAN" OR "REGISTERED DIETITIAN NUTRITIONIST"
44	MEANS AN INDIVIDUAL WHO IS CREDENTIALED AS A REGISTERED DIETITIAN OR A
45	REGISTERED DIETITIAN NUTRITIONIST WITH THE COMMISSION ON DIETETIC

1 REGISTRATION THAT AUTHORIZES THE INDIVIDUAL TO USE THE TITLES "REGISTERED 2 DIETITIAN NUTRITIONIST" AND "REGISTERED DIETITIAN" AND THE ABBREVIATIONS 3 "RDN" AND "RD". 4 20. "TELEHEALTH" HAS THE SAME MEANING PRESCRIBED IN SECTION 5 36-3601. "THERAPEUTIC DIET" MEANS A DIET INTERVENTION PRESCRIBED BY A 6 21. 7 PHYSICIAN OR OTHER AUTHORIZED NONPHYSICIAN PRACTITIONER THAT PROVIDES FOOD 8 OR NUTRIENTS VIA ORAL, ENTERAL AND PARENTERAL ROUTES AS PART OF TREATING A 9 DISEASE OR CLINICAL CONDITION TO MODIFY, ELIMINATE, DECREASE OR INCREASE 10 IDENTIFIED MICRONUTRIENTS AND MACRONUTRIENTS IN THE DIET OR TO PROVIDE 11 MECHANICALLY ALTERED FOOD WHEN INDICATED. 12 36-4202. Powers and duties of the director; advisory 13 committee; members THE DIRECTOR SHALL: 14 Α. 1. LICENSE PERSONS WHO APPLY FOR AND POSSESS ALL QUALIFICATIONS 15 16 REQUIRED TO BE LICENSED UNDER THIS CHAPTER. 17 2. AUTHORIZE ALL DISBURSEMENTS NECESSARY TO CARRY OUT THIS CHAPTER. 18 3. ENSURE THE PUBLIC'S HEALTH AND SAFETY BY ADOPTING AND ENFORCING QUALIFICATION STANDARDS AND A SCOPE OF PRACTICE FOR LICENSEES AND 19 20 APPLICANTS FOR LICENSURE UNDER THIS CHAPTER. 21 B. THE DIRECTOR MAY: 22 1. APPOINT AN ADVISORY COMMITTEE TO COLLABORATE WITH AND ASSIST THE DIRECTOR AND TO PERFORM DUTIES AS PRESCRIBED BY THIS CHAPTER. THE 23 24 DIRECTOR MAY INFORM THE ADVISORY COMMITTEE REGARDING DISCIPLINARY ACTIONS. 2. ISSUE AND RENEW LICENSES. 25 26 3. DENY, SUSPEND, REVOKE OR REFUSE TO RENEW A LICENSE OR FILE A LETTER OF CONCERN, ISSUE A DECREE OF CENSURE, PRESCRIBE PROBATION, IMPOSE 27 A CIVIL PENALTY OR RESTRICT OR LIMIT THE PRACTICE OF A LICENSEE PURSUANT 28 29 TO THIS CHAPTER. 4. MAKE AND PUBLISH RULES THAT ARE CONSISTENT WITH THE LAWS OF THIS 30 31 STATE AND THAT ARE NECESSARY TO CARRY OUT THIS CHAPTER. 5. REQUIRE A LICENSEE TO PRODUCE RECORDS OF PATIENTS INVOLVED IN 32 COMPLAINTS ON FILE WITH THE DEPARTMENT. 33 C. THE ADVISORY COMMITTEE APPOINTED PURSUANT TO THIS SECTION 34 CONSISTS OF THE DIRECTOR, ONE PHYSICIAN WHO IS LICENSED UNDER TITLE 32, 35 36 CHAPTER 13 OR 17, THREE LICENSED DIETITIAN NUTRITIONISTS, ONE LICENSED NUTRITIONIST AND ONE PUBLIC MEMBER. COMMITTEE MEMBERS WHO ARE LICENSED 37 UNDER THIS CHAPTER SHALL HAVE AT LEAST FIVE YEARS OF EXPERIENCE IN THEIR 38 FIELD OF PRACTICE IN THIS STATE IMMEDIATELY PRECEDING THE APPOINTMENT. 39 D. THE ADVISORY COMMITTEE MAY PROVIDE RECOMMENDATIONS TO THE 40 41 DIRECTOR IN THE FOLLOWING AREAS, ON WHICH THE DIRECTOR SHALL ACT WITHIN A **REASONABLE PERIOD OF TIME:** 42 43 1. LICENSE ISSUANCE AND RENEWAL. 44

2. DISCIPLINARY PROCEDURES.

1	3. RULES THAT ARE CONSISTENT WITH THE LAWS OF THIS STATE AND THAT
2	ARE NECESSARY TO CARRY OUT THIS CHAPTER.
3	4. LICENSEE PRODUCTION OF RECORDS OF PATIENTS WHO ARE INVOLVED IN
4	COMPLAINTS ON FILE WITH THE DEPARTMENT.
5	36-4203. <u>Deposit of monies</u>
6	THE DIRECTOR SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147,
7	TEN PERCENT OF ALL MONIES COLLECTED PURSUANT TO THIS CHAPTER IN THE STATE
8	GENERAL FUND AND SHALL DEPOSIT THE REMAINING NINETY PERCENT IN THE HEALTH
9	SERVICES LICENSING FUND ESTABLISHED BY SECTION 36-414, EXCEPT THAT MONIES
10	COLLECTED FROM CIVIL PENALTIES IMPOSED PURSUANT TO THIS CHAPTER SHALL BE
11	DEPOSITED IN THE STATE GENERAL FUND.
12	36-4204. Issuance of license; renewal of license; continuing
13	education
14	A. THE DIRECTOR SHALL ISSUE A LICENSE TO EACH APPLICANT WHO MEETS
14	THE REQUIREMENTS OF THIS CHAPTER. A LICENSE IS VALID FOR TWO YEARS.
15 16	B. A LICENSEE SHALL RENEW THE LICENSE EVERY TWO YEARS ON PAYMENT OF
17	
18	GRACE PERIOD AFTER A LICENSE EXPIRES WHEN THE LICENSEE MAY RENEW THE
19	LICENSE ON PAYMENT OF A LATE FEE IN ADDITION TO THE RENEWAL FEE.
20	C. WHEN RENEWING A LICENSE, THE LICENSEE SHALL ATTEST TO HAVING
21	COMPLETED CONTINUING PROFESSIONAL EDUCATION AS REQUIRED BY THIS SECTION
22	DURING THE LICENSING PERIOD AND SHALL PROVIDE DOCUMENTATION OF COMPLETION
23	ON THE DEPARTMENT'S REQUEST. THE DIRECTOR BY RULE SHALL PROVIDE STANDARDS
24	FOR CONTINUING PROFESSIONAL EDUCATION UNITS REQUIRED BY THIS SUBSECTION.
25	EDUCATIONAL COURSES THAT ARE ACCEPTED BY THE COMMISSION ON DIETETIC
26	REGISTRATION OR THE BOARD FOR CERTIFICATION OF NUTRITION SPECIALISTS ARE
27	DEEMED TO COMPLY WITH DEPARTMENT STANDARDS.
28	D. THE DIRECTOR MAY REFUSE TO RENEW A LICENSE FOR ANY CAUSE
29	PROVIDED IN SECTION 36-4211.
30	E. A PERSON WHO DOES NOT RENEW A LICENSE AS PRESCRIBED BY THIS
31	SECTION SHALL REAPPLY FOR A NEW LICENSE PURSUANT TO THE REQUIREMENTS OF
32	THIS CHAPTER. THE PERSON MUST PROVIDE PROOF OF HAVING COMPLETED THE
33	CONTINUING PROFESSIONAL EDUCATION UNITS PRESCRIBED BY SUBSECTION C OF THIS
34	SECTION WITHIN THE PREVIOUS TWENTY-FOUR MONTHS BEFORE THE DATE OF
35	REAPPLICATION.
36	36-4205. Licensure: extension: renewal: military members
37	A. A LICENSE ISSUED PURSUANT TO THIS CHAPTER TO ANY MEMBER OF THE
38	NATIONAL GUARD OR THE UNITED STATES ARMED FORCES RESERVES DOES NOT EXPIRE
39	WHILE THE MEMBER IS SERVING ON FEDERAL ACTIVE DUTY AND IS EXTENDED ONE
40	HUNDRED EIGHTY DAYS AFTER THE MEMBER RETURNS FROM FEDERAL ACTIVE DUTY IF
41	THE MEMBER, OR THE LEGAL REPRESENTATIVE OF THE MEMBER, NOTIFIES THE
42	DIRECTOR OF THE MEMBER'S FEDERAL ACTIVE DUTY STATUS. A LICENSE ISSUED
43	PURSUANT TO THIS CHAPTER TO ANY MEMBER SERVING IN THE REGULAR COMPONENT OF
44	THE UNITED STATES ARMED FORCES IS EXTENDED ONE HUNDRED EIGHTY DAYS AFTER
-	

THE DATE OF EXPIRATION IF THE MEMBER, OR THE LEGAL REPRESENTATIVE OF THE
 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:

8

1. IS RELEASED FROM ACTIVE DUTY SERVICE.

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

12 C. IF THE LICENSE IS RENEWED DURING THE APPLICABLE EXTENDED TIME 13 PERIOD AFTER THE MEMBER RETURNS FROM FEDERAL ACTIVE DUTY, THE MEMBER IS 14 RESPONSIBLE ONLY FOR NORMAL FEES AND ACTIVITIES RELATING TO RENEWAL OF THE 15 LICENSE AND MAY NOT BE CHARGED ANY ADDITIONAL COSTS SUCH AS LATE FEES OR 16 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.

23

24

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

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.

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

34

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

35

A. A PERSON MAY USE THE TITLE:

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

42 2. "DIETITIAN", "REGISTERED DIETITIAN" OR "REGISTERED DIETITIAN 43 NUTRITIONIST", OR ANY ALTERNATIVE SPELLING OF THOSE TITLES, OR THE 44 ABBREVIATION "RD" OR "RDN" ONLY IF THE PERSON IS CURRENTLY CREDENTIALED AS

1 A REGISTERED DIETITIAN OR REGISTERED DIETITIAN NUTRITIONIST BY THE 2 COMMISSION ON DIETETIC REGISTRATION. 3 3. "LICENSED DIETITIAN" OR "LICENSED DIETITIAN NUTRITIONIST" OR ANY 4 ALTERNATIVE SPELLING OR ABBREVIATION OF THOSE TITLES IN ANY ADVERTISEMENT 5 OR PUBLICATION OR ORALLY OR IN WRITING TO ANY MEMBER OF THE PUBLIC ONLY IF 6 THAT PERSON IS LICENSED AS A DIETITIAN NUTRITIONIST UNDER THIS CHAPTER. 7 4. "LICENSED NUTRITIONIST" OR ANY ALTERNATIVE SPELLING 0R ABBREVIATION OF THAT TITLE IN ANY ADVERTISEMENT OR PUBLICATION OR ORALLY 8 9 OR IN WRITING TO ANY MEMBER OF THE PUBLIC ONLY IF THAT PERSON IS LICENSED AS A NUTRITIONIST UNDER THIS CHAPTER. 10 11 B. A VIOLATION OF THIS SECTION CONSTITUTES AN UNLAWFUL PRACTICE UNDER SECTION 44-1522. THE ATTORNEY GENERAL MAY INVESTIGATE AND TAKE 12 13 APPROPRIATE ACTION AS PRESCRIBED BY TITLE 44, CHAPTER 10, ARTICLE 7. 36-4208. Fees 14 THE DIRECTOR SHALL PRESCRIBE AND COLLECT FEES IN AN AMOUNT 15 16 DETERMINED BY THE DIRECTOR FROM PERSONS WHO ARE REGULATED UNDER THIS 17 CHAPTER FOR THE FOLLOWING: 18 1. AN APPLICATION FOR A LICENSE. 19 2. THE ISSUANCE OF A LICENSE. 20 3. THE RENEWAL OF A LICENSE. 21 4. THE ISSUANCE OF A DUPLICATE LICENSE. 22 5. A LATE FEE. 23 36-4209. Licensed dietitian nutritionists: licensure 24 <u>requirements</u> AN APPLICANT FOR AN INITIAL DIETITIAN NUTRITIONIST LICENSE SHALL: 25 26 1. SUBMIT A NONREFUNDABLE APPLICATION FEE AS PRESCRIBED PURSUANT TO SECTION 36-4208. 27 2. SUBMIT EVIDENCE SATISFACTORY TO THE DIRECTOR THAT THE APPLICANT 28 29 EITHER HOLDS A CURRENT AND VALID REGISTRATION AS A REGISTERED DIETITIAN OR REGISTERED DIETITIAN NUTRITIONIST WITH THE COMMISSION ON DIETETIC 30 31 REGISTRATION OR MEETS ALL OF THE FOLLOWING EDUCATIONAL, SUPERVISED PRACTICE EXPERIENCE AND EXAMINATION REQUIREMENTS: 32 (a) HAS COMPLETED EITHER OF THE FOLLOWING EDUCATION REQUIREMENTS: 33 (i) EARNED A MASTER'S DEGREE OR DOCTORAL DEGREE FROM A COLLEGE OR 34 UNIVERSITY ACCREDITED AT THE TIME OF THE APPLICANT'S GRADUATION BY THE 35 36 APPROPRIATE REGIONAL ACCREDITING AGENCY RECOGNIZED BY THE COUNCIL ON HIGHER EDUCATION ACCREDITATION AND THE UNITED STATES DEPARTMENT OF 37 EDUCATION AND A PROGRAM OF STUDY ACCREDITED BY THE ACCREDITATION COUNCIL 38 FOR EDUCATION IN NUTRITION AND DIETETICS, OR ITS SUCCESSOR ORGANIZATION. 39 (ii) EARNED A FOREIGN ACADEMIC DEGREE THAT THE DIRECTOR DETERMINES 40 41 IS EQUIVALENT TO A DEGREE DESCRIBED IN ITEM (i) OF THIS SUBDIVISION AND THAT IS ACCREDITED BY THE ACCREDITATION COUNCIL FOR EDUCATION IN NUTRITION 42 43 AND DIETETICS, OR ITS SUCCESSOR ORGANIZATION. (b) SUCCESSFULLY COMPLETED A PLANNED CLINICAL PROGRAM IN THE 44 45 PRACTICE OF DIETETICS AND NUTRITION THAT IS ACCREDITED BY THE ACCREDITATION COUNCIL FOR EDUCATION IN NUTRITION AND DIETETICS AS APPROVED BY THE DIRECTOR. A PLANNED CLINICAL PROGRAM SHALL INCLUDE AT LEAST ONE THOUSAND HOURS UNDER THE SUPERVISION OF A DIETITIAN NUTRITIONIST WHO IS EITHER REGISTERED WITH THE COMMISSION ON DIETETIC REGISTRATION, LICENSED IN THIS STATE OR REGISTERED, CERTIFIED OR LICENSED IN ANY OTHER STATE WITH REQUIREMENTS THAT ARE EQUIVALENT TO THE LICENSURE REQUIREMENTS UNDER THIS CHAPTER AS APPROVED BY THE DIRECTOR.

8 (c) PASSED THE EXAMINATION FOR REGISTERED DIETITIANS ADMINISTERED 9 BY 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.

3. 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.

18 19 36-4210. <u>Nutritionists: licensure: supervised practice</u> <u>experience: qualified supervisors</u>

20

A. AN APPLICANT FOR AN INITIAL NUTRITIONIST LICENSE SHALL:

21 1. SUBMIT A NONREFUNDABLE APPLICATION FEE AS PRESCRIBED PURSUANT TO 22 SECTION 36-4208.

23 2. SUBMIT EVIDENCE SATISFACTORY TO THE DIRECTOR THAT THE APPLICANT24 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 29 VALIDATED FOREIGN EQUIVALENT FROM A COLLEGE OR UNIVERSITY ACCREDITED AT 30 31 THE TIME OF THE APPLICANT'S GRADUATION FROM THE APPROPRIATE REGIONAL ACCREDITING AGENCY RECOGNIZED BY THE COUNCIL ON HIGHER EDUCATION 32 ACCREDITATION AND THE UNITED STATES DEPARTMENT OF EDUCATION WITH A MAJOR 33 IN HUMAN NUTRITION, FOODS AND NUTRITION, COMMUNITY NUTRITION, PUBLIC 34 HEALTH NUTRITION, NUTRITION EDUCATION, NUTRITION, NUTRITION SCIENCE, 35 36 CLINICAL NUTRITION, APPLIED CLINICAL NUTRITION, NUTRITION COUNSELING, NUTRITION AND FUNCTIONAL MEDICINE, NUTRITIONAL BIOCHEMISTRY OR NUTRITION 37 AND INTEGRATIVE HEALTH, OR A COMPARABLE TITLED MAJOR, OR A DOCTORAL DEGREE 38 OR VALIDATED FOREIGN EQUIVALENT IN A FIELD OF CLINICAL HEALTH CARE FROM A 39 COLLEGE OR UNIVERSITY ACCREDITED AT THE TIME OF THE APPLICANT'S GRADUATION 40 41 FROM THE APPROPRIATE REGIONAL ACCREDITING AGENCY RECOGNIZED BY THE COUNCIL ON HIGHER EDUCATION ACCREDITATION AND THE UNITED STATES DEPARTMENT OF 42 43 EDUCATION. REGARDLESS OF THE COURSE OF STUDY, THE APPLICANT SHALL HAVE COMPLETED COURSEWORK LEADING TO COMPETENCE IN MEDICAL NUTRITION THERAPY, 44 45 INCLUDING:

1 (a) AT LEAST FIFTEEN SEMESTER HOURS OF CLINICAL OR LIFE SCIENCES. WHICH MAY INCLUDE SUCH COURSES AS CHEMISTRY, ORGANIC CHEMISTRY, BIOLOGY, 2 3 MOLECULAR BIOLOGY, BIOTECHNOLOGY, BOTANY, GENETICS, GENOMICS, SCIENCE, 4 NEUROSCIENCE, EXPERIMENTAL IMMUNOTHERAPY, PATHOLOGY. 5 PHARMACOLOGY. TOXICOLOGY, RESEARCH METHODS, APPLIED STATISTICS. 6 BIOSTATISTICS, EPIDEMIOLOGY, ENERGY PRODUCTION, MOLECULAR PATHWAYS, 7 HORMONE AND TRANSMITTER REGULATIONS AND IMBALANCE AND PATHOPHYSIOLOGIC 8 BASIS OF DISEASE. AT LEAST THREE SEMESTER HOURS MUST BE IN HUMAN ANATOMY 9 AND PHYSIOLOGY OR THE EQUIVALENT.

(b) AT LEAST FIFTEEN SEMESTER HOURS OF NUTRITION AND METABOLISM, 10 11 WHICH MAY INCLUDE SUCH COURSES AS NUTRITION ASSESSMENT, DEVELOPMENTAL NUTRITIONAL ASPECTS 0F DISEASE. 12 NUTRITION. HUMAN NUTRITION. 13 MACRONUTRIENTS, MICRONUTRIENTS, VITAMINS AND MINERALS, FUNCTIONAL MEDICINE NUTRITION, MOLECULAR METABOLISM, CLINICAL NUTRITION, MEDICAL NUTRITION 14 THERAPY, NUTRITIONAL BIOCHEMISTRY, NUTRITION AND DIGESTIVE HEALTH AND 15 16 PUBLIC HEALTH NUTRITION. AT LEAST SIX SEMESTER HOURS MUST BE IN 17 **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:

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.

27 2. A SUPERVISED PRACTICE EXPERIENCE COMPLETED UNDER THIS SUBSECTION
28 SHALL INCLUDE AT LEAST ONE THOUSAND HOURS IN THE FOLLOWING PRACTICE AREAS,
29 WITH A MINIMUM OF TWO HUNDRED HOURS IN EACH PRACTICE AREA:

- 30
- (a) NUTRITION ASSESSMENT.(b) NUTRITION INTERVENTION.
- 31 32

(c) NUTRITION MONITORING AND EVALUATION.

33 3. THE SUPERVISED PRACTICE EXPERIENCE IS DETERMINED BY THE DIRECTOR 34 TO HAVE PREPARED THE APPLICANT TO PROVIDE NUTRITION CARE SERVICES FOR 35 VARIOUS POPULATIONS OF DIVERSE CULTURES AND GENDERS AND ACROSS THE LIFE 36 CYCLE AND TO BE ABLE TO COMPETENTLY FORMULATE ACTIONABLE MEDICAL NUTRITION 37 THERAPIES AND INTERVENTIONS, EDUCATION, COUNSELING AND ONGOING CARE FOR 38 THE PREVENTION, MODULATION AND MANAGEMENT OF A RANGE OF ACUTE AND CHRONIC 39 MEDICAL CONDITIONS.

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

43 C. AN APPLICANT SHALL COMPLETE THE EXAMINATION REQUIREMENTS BY 44 DEMONSTRATING THAT THE APPLICANT EITHER:

1 1. PASSED THE CERTIFIED NUTRITION SPECIALIST EXAMINATION 2 ADMINISTERED BY THE BOARD FOR CERTIFICATION OF NUTRITION SPECIALISTS, OR 3 ITS SUCCESSOR ORGANIZATION, OR AN EQUIVALENT EXAMINATION ON ALL ASPECTS OF 4 THE PRACTICE OF NUTRITION THAT IS ACCREDITED BY THE NATIONAL COMMISSION 5 FOR CERTIFYING AGENCIES, OR ITS SUCCESSOR ORGANIZATION, AND THAT IS 6 APPROVED BY THE BOARD FOR CERTIFICATION OF NUTRITION SPECIALISTS. TF 7 PASSAGE OF THE EXAMINATION OCCURRED MORE THAN FIVE YEARS BEFORE 8 APPLICATION, THE APPLICANT MUST DEMONSTRATE COMPLETION OF SEVENTY-FIVE 9 HOURS OF CONTINUING EDUCATION THAT MEETS THE DIRECTOR'S CONTINUING 10 EDUCATION CRITERIA FOR EACH FIVE-YEAR PERIOD AFTER THE EXAMINATION. 11 2. HOLDS A VALID CURRENT CERTIFICATION WITH THE BOARD FOR CERTIFICATION OF NUTRITION SPECIALISTS. OR ITS SUCCESSOR ORGANIZATION. 12 13 THAT GIVES THE APPLICANT THE RIGHT TO USE THE TITLE "CERTIFIED NUTRITION 14 SPECIALIST". D. THE SUPERVISED PRACTICE EXPERIENCE REQUIRED BY SUBSECTION B OF 15 16 THIS SECTION MUST BE UNDER A QUALIFIED SUPERVISOR WHO MEETS ALL OF THE 17 FOLLOWING REQUIREMENTS: 18 1. IF SUPERVISING A STUDENT WHO IS PROVIDING MEDICAL NUTRITION 19 THERAPY, THE QUALIFIED SUPERVISOR IS ONE OF THE FOLLOWING: 20 (a) A LICENSED DIETITIAN NUTRITIONIST, A LICENSED NUTRITIONIST OR A 21 HEALTH CARE PROVIDER LICENSED OR CERTIFIED IN ANY STATE OR TERRITORY, 22 INCLUDING LICENSED OR CERTIFIED DIETITIANS, DIETITIAN NUTRITIONISTS OR NUTRITIONISTS, WHOSE SCOPE OF PRACTICE INCLUDES THE PROVISION OF MEDICAL 23 24 NUTRITION THERAPY. (b) IF THE QUALIFIED SUPERVISOR IS SUPERVISING A STUDENT IN A STATE 25 26 THAT DOES NOT PROVIDE FOR LICENSURE OR CERTIFICATION OF DIETITIANS, DIETITIAN NUTRITIONISTS OR NUTRITIONISTS, THE QUALIFIED SUPERVISOR MEETS 27 OTHER CRITERIA AS THE DIRECTOR MAY ESTABLISH, INCLUDING BEING A REGISTERED 28 29 DIETITIAN, A CERTIFIED NUTRITION SPECIALIST OR A LICENSED HEALTH CARE PROVIDER WHOSE SCOPE OF PRACTICE INCLUDES THE PROVISION OF MEDICAL 30 31 NUTRITION THERAPY. (c) AN EMPLOYEE OF THE FEDERAL GOVERNMENT AUTHORIZED WITHIN THE 32 DISCHARGE OF THE EMPLOYEE'S OFFICIAL DUTIES TO PROVIDE MEDICAL NUTRITION 33 34 THERAPY. 2. EXCEPT WHEN AN EMPLOYEE OF THE FEDERAL GOVERNMENT IS AUTHORIZED 35 36 WITHIN THE DISCHARGE OF THE EMPLOYEE'S OFFICIAL DUTIES TO PROVIDE MEDICAL NUTRITION THERAPY, THE QUALIFIED SUPERVISOR IS LICENSED IN THIS STATE IF 37 THE QUALIFIED SUPERVISOR IS SUPERVISING A STUDENT WHO IS PROVIDING MEDICAL 38 NUTRITION THERAPY TO AN INDIVIDUAL LOCATED IN THIS STATE. 39 40 3. THE QUALIFIED SUPERVISOR MEETS ALL OF THE FOLLOWING: 41 (a) ONLY SUPERVISES A CLINICAL ACTIVITY OR NUTRITION CARE SERVICE FOR WHICH THE QUALIFIED SUPERVISOR IS QUALIFIED AND IS AUTHORIZED TO 42 43 PERFORM. (b) DEVELOPS AND CARRIES OUT A PROGRAM FOR ADVANCING AND OPTIMIZING 44

QUALIFIED SUPERVISOR AND STUDENT BEING SUPERVISED SHALL IDENTIFY AND
 DOCUMENT GOALS FOR THE SUPERVISED PRACTICE EXPERIENCE, THE ASSIGNMENT OF
 CLINICAL TASKS AS APPROPRIATE TO THE STUDENT'S EVOLVING LEVEL OF
 COMPETENCE, THE STUDENT'S RELATIONSHIP AND ACCESS TO THE QUALIFIED
 SUPERVISOR AND A PROCESS FOR EVALUATING THE STUDENT'S PERFORMANCE.

6 (c) OVERSEES THE ACTIVITIES OF AND APPROVES AND ACCEPTS 7 RESPONSIBILITY FOR THE NUTRITION CARE SERVICES RENDERED BY THE STUDENT.

(d) AT A MINIMUM, IS PHYSICALLY ON-SITE AND PRESENT WHERE THE 8 9 STUDENT IS PROVIDING NUTRITION CARE SERVICES OR IS IMMEDIATELY AND CONTINUOUSLY AVAILABLE TO THE STUDENT BY MEANS OF TWO-WAY REAL-TIME 10 11 AUDIOVISUAL TECHNOLOGY THAT ALLOWS FOR THE DIRECT, CONTEMPORANEOUS 12 INTERACTION BY SIGHT AND SOUND BETWEEN THE QUALIFIED SUPERVISOR AND THE 13 STUDENT. IF THE QUALIFIED SUPERVISOR ASSIGNS A NUTRITION CARE SERVICE TO A STUDENT THAT IS TO BE PROVIDED IN A SETTING WHERE THE QUALIFIED 14 SUPERVISOR IS NOT ROUTINELY PRESENT, THE QUALIFIED SUPERVISOR SHALL ENSURE 15 16 THAT THE MEANS AND METHODS OF SUPERVISION ARE ADEQUATE TO ENSURE 17 APPROPRIATE PATIENT CARE, WHICH MAY INCLUDE SYNCHRONOUS VIDEOCONFERENCING 18 OR ANOTHER METHOD OF COMMUNICATION AND OVERSIGHT THAT IS APPROPRIATE TO THE CARE SETTING AND THE EDUCATION AND EXPERIENCE OF THE STUDENT. 19

20 (e) REVIEWS ON A REGULAR BASIS THE CHARTS, RECORDS AND CLINICAL 21 NOTES OF THE SUPERVISED STUDENT AND MAINTAINS RESPONSIBILITY FOR THE 22 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.

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

30 31 36-4211. <u>Denial, revocation or suspension of license;</u> <u>hearings; alternative sanctions; notice</u>

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

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

40

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

41 3. ENGAGES IN UNPROFESSIONAL CONDUCT OR INCOMPETENCE IN THE CONDUCT 42 OF PRACTICE.

43 4. USES A FALSE NAME OR ALIAS IN THE PRACTICE OF THE APPLICANT'S OR44 LICENSEE'S PROFESSION.

45 5. VIOLATES THIS ARTICLE.

1 B. THE DEPARTMENT MAY DENY A LICENSE WITHOUT HOLDING A HEARING. AFTER RECEIVING NOTIFICATION OF THE DENIAL, THE APPLICANT MAY REQUEST A 2 3 HEARING TO REVIEW THE DENIAL. 4 C. IF THE DIRECTOR DETERMINES PURSUANT TO A HEARING THAT GROUNDS 5 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 6 7 RULE. 8 D. THE DEPARTMENT SHALL CONDUCT A HEARING BEFORE REVOKING OR 9 SUSPENDING A LICENSE OR IMPOSING A CIVIL PENALTY UNDER SECTION 36-4214. E. ALL PROCEEDINGS PURSUANT TO SUBSECTIONS B, C AND D OF THIS 10 11 SECTION SHALL BE CONDUCTED IN ACCORDANCE WITH TITLE 41, CHAPTER 6, 12 ARTICLE 10. 13 F. INSTEAD OF DENYING, REVOKING OR SUSPENDING A LICENSE, THE 14 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 15 16 LICENSEE. 17 G. THE DIRECTOR SHALL PROMPTLY NOTIFY A LICENSEE'S EMPLOYER IF THE 18 DIRECTOR INITIATES A DISCIPLINARY ACTION AGAINST THE LICENSEE. 19 36-4212. Injunctive relief 20 THE DIRECTOR MAY ENFORCE THIS CHAPTER BY INJUNCTION OR BY ANY OTHER 21 APPROPRIATE PROCEEDING. AN ENFORCEMENT PROCEEDING MAY NOT BE BARRED BY 22 ANY PRIOR COMPLETED PROCEEDING OR PENDING PROCEEDING PURSUANT TO THIS CHAPTER OR BY THE IMPOSITION OF ANY FINE OR CIVIL PENALTY OR TERM OF 23 24 IMPRISONMENT RESULTING FROM A PRIOR COMPLETED PROCEEDING OR PENDING 25 PROCEEDING. 26 Sec. 7. Exemption from rulemaking 27 Notwithstanding any other law, for the purposes of this act, the department of health services is exempt from the rulemaking requirements 28 29 of title 41, chapter 6, Arizona Revised Statutes, for one year after the 30 effective date of this act. 31 Sec. 8. Legislative intent 32 The legislature intends that the total fees for acquiring an initial 33 license as a dietitian nutritionist not exceed \$200.