

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1508

(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

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
8 injection, inhalation, ingestion or any other means, to the body of a
9 patient or research subject by a practitioner or by the practitioner's
10 authorized agent or the patient or research subject at the direction of the
11 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
14 inducing, or that are likely to induce, directly or indirectly, the
15 purchase of drugs, devices, poisons or hazardous substances.

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
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.

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

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

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

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

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

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

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

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

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

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

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
14 in anticipation of prescription orders prepared on routine, regularly
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
18 dispensing. Compounding does not include preparing commercially available
19 products from bulk compounds or preparing drugs for sale to pharmacies,
20 practitioners or entities for the purpose of dispensing or distribution.

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

1 pursuant to a compressed medical gas order and only to the consumer or the
2 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.

6 17. "Corrosive" means any substance that when it comes in contact
7 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 section
14 13-3401.

15 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.

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

3 25. "Director" means the director of the division of narcotics
4 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.

13 28. "Dispenser" means a practitioner who dispenses.

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

16 30. "Distributor" means a person who distributes.

17 31. "Drug" means:

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

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

23 (c) Articles other than food that are intended to affect the
24 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.

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

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

1 by extraction from substances of natural origin or independently by means
2 of chemical synthesis and includes any packaging or repackaging of
3 substances or labeling or relabeling of its container and promoting and
4 marketing the same. Drug or device manufacturing does not include
5 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.

10 35. "Durable medical equipment distributor":

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

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

15 36. "Durable medical equipment supplier":

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

18 (b) Includes a virtual durable medical equipment supplier as
19 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.

25 38. "Enteral feeding" means nourishment that is provided by means of
26 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:

29 (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.

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.

9 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
18 manufacturing processes and facilities to ensure that products do not pose
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
24 hundred and three hundred grams, at a single dose of fifty milligrams or
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
30 million by volume or less of gas or vapor or two milligrams per liter by
31 volume or less of mist or dust, provided the concentration is likely to be

1 encountered by humans if the substance is used in any reasonably
2 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.

13 46. "Intern" means a pharmacy intern.

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

16 48. "Irritant" means any substance, other than a corrosive, that on
17 immediate, prolonged or repeated contact with normal living tissue will
18 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.

23 50. "Label" means a display of written, printed or graphic matter on
24 the immediate container of any article that, unless easily legible through
25 the outside wrapper or container, also appears on the outside wrapper or
26 container of the article's retail package. For the purposes of this
27 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 (a) Is on any article or any of its containers or wrappers.

31 (b) Accompanies that article.

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.

8 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.

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

13 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.

23 58. "Narcotic drug" has the same meaning prescribed in section
24 13-3401.

25 59. "New drug" means either:

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

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

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

4 60. "Nonprescription drug" or "over-the-counter drug" means any
5 nonnarcotic medicine or drug that may be sold without a prescription and
6 that is prepackaged and labeled for use by the consumer in accordance with
7 the requirements of the laws of this state and federal law.
8 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.

12 (b) A controlled substance.

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

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

15 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.

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

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

25 63. "Nutritional supplementation" means vitamins, minerals and
26 caloric supplementation. Nutritional supplementation does not include
27 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.

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

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

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

11 69. "Person" means an individual, partnership, corporation and
12 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.

26 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

1 combination of these words, or any words of similar meaning in any
2 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.

9 (e) A remote dispensing site pharmacy.

10 (f) A remote hospital-site pharmacy.

11 (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 to
15 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:

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

24 (b) A toxic substance.

25 (c) A highly toxic substance.

26 (d) A corrosive substance.

27 (e) An irritant.

28 (f) A strong sensitizer.

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

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

3 (h) A substance that is designated by the board to be a poison or
4 hazardous substance. This subdivision does not apply to radioactive
5 substances, economic poisons subject to the federal insecticide, fungicide
6 and rodenticide act or the state pesticide act, foods, drugs and cosmetics
7 subject to state laws or the federal act or substances intended for use as
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 medical
17 professional:

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

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

22 (iii) Labeling drugs and devices in compliance with state and
23 federal requirements.

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

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

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

31 (vii) Maintaining required records of drugs and devices.

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

4 (ix) Providing patient care services pursuant to a collaborative
5 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
17 distribute, dispense, conduct research with respect to or administer a
18 controlled substance in the course of professional practice or research in
19 this state.

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

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

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

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

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

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

1 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 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.

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

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

20 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.

24 (b) An order that is transmitted to a pharmacist through word of
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
28 to section 32-1964, and the record so made by the pharmacist constitutes
29 the original prescription order to be dispensed by the pharmacist. This
30 paragraph does not alter or affect laws of this state or any federal act
31 requiring a written prescription order.

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.

9 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.

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

18 89. "Radioactive substance" means a substance that emits ionizing
19 radiation.

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

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

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

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

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

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

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

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

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

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

- 25 (a) Narcotic drugs or other controlled substances.
- 26 (b) Dangerous drugs as defined in section 13-3401.
- 27 (c) Prescription-only drugs and devices.
- 28 (d) Nonprescription drugs and devices.
- 29 (e) Precursor chemicals.
- 30 (f) Regulated chemicals as defined in section 13-3401.

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.

4 100. "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:

10 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.

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

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

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

21 36-416. Licensed dietitian nutritionists; qualified nutrition
22 professionals; hospital orders; definitions

23 A. A hospital that is licensed pursuant to section 36-422 AND THAT
24 HAS POLICIES AND PROCEDURES THAT MEET THE REQUIREMENTS OF SUBSECTION B OF
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
28 INITIALLY authorized OR GRANTED STANDING ORDERING PRIVILEGES by medical
29 staff pursuant to 42 Code of Federal Regulations section 482.28(b) ~~and if~~
30 ~~both:~~

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 3. ENTERAL FEEDING.
- 4 4. DURABLE MEDICAL EQUIPMENT RELATED TO NUTRITION.
- 5 5. NUTRITIONAL SUPPLEMENTATION.
- 6 6. PARENTERAL NUTRITION.
- 7 7. MEDICAL NUTRITION THERAPY.
- 8 8. LABORATORY TESTS TO CHECK AND TRACK NUTRITION STATUS.
- 9 9. PRESCRIPTION DRUG DOSE ADJUSTMENTS UNDER A MEDICAL STAFF-APPROVED
- 10 PROTOCOL.
- 11 B. FOR THE PURPOSES OF SUBSECTION A OF THIS SECTION, THE HOSPITAL'S
- 12 WRITTEN POLICIES AND PROCEDURES MUST DO ALL OF THE FOLLOWING:
- 13 1. ALLOW LICENSED DIETITIAN NUTRITIONISTS TO ISSUE ORDERS DESCRIBED
- 14 IN SUBSECTION A OF THIS SECTION.
- 15 2. PRESCRIBE THE QUALIFICATIONS NECESSARY FOR QUALIFIED NUTRITION
- 16 PROFESSIONALS TO ISSUE ORDERS DESCRIBED IN SUBSECTION A OF THIS SECTION AND
- 17 LIST ANY ADDITIONAL RESTRICTIONS ON QUALIFIED NUTRITION PROFESSIONALS'
- 18 ABILITY TO ISSUE THE ORDERS.
- 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.
- 28 ~~1.~~ 3. "Qualified nutrition professional" means ~~a~~ AN UNLICENSED
- 29 nutrition professional who is deemed qualified by ~~a~~ THE hospital for which
- 30 the person works.

1 ~~2. "Registered dietitian" means a person who meets the~~
2 ~~qualifications of the credentialing agency for the American academy of~~
3 ~~nutrition and dietetics.~~

4 4. "STANDING ORDERING PRIVILEGES" MEANS PERMISSION GRANTED TO AN
5 INDIVIDUAL WHO IS AUTHORIZED TO ISSUE ORDERS LISTED IN SUBSECTION A OF THIS
6 SECTION FOR ALL OR A SUBSET OF ALL PATIENTS OF THE HOSPITAL.

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
10 nutrition professionals; nonhospital orders;
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.
- 18 2. A CHANGE IN DIET ORDERS.
- 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:

- 28 1. ALLOW LICENSED DIETITIAN NUTRITIONISTS TO ISSUE ORDERS DESCRIBED
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

1 LIST ANY ADDITIONAL RESTRICTIONS ON QUALIFIED NUTRITION PROFESSIONALS'
2 ABILITY TO ISSUE THE ORDERS.

3 3. ADDRESS THE NONHOSPITAL HEALTH CARE INSTITUTION'S RESPONSE TO
4 ADVERSE EVENTS, IF ANY, THAT ARISE AS A RESULT OF ORDERS ISSUED BY A
5 LICENSED DIETITIAN NUTRITIONIST OR OTHER QUALIFIED NUTRITION PROFESSIONAL.

6 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.

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

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

16 36-3601. Definitions

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

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

21 2. "Health care provider":

22 (a) Means a person licensed pursuant to title 32, chapter 7, 8, 13,
23 14, 15, 15.1, 16, 17, 18, 19, 19.1, 25, 28, 29, 33, 34, 35, 39, 41 or 42,
24 or chapter 4, article 6 of this title, chapter 6, article 7 of this title
25 or chapter 17 OR 42 of this title.

26 (b) Includes:

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

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

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

3 4. "COMMISSION ON DIETETIC REGISTRATION" MEANS THE CREDENTIALING
4 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.

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

15 9. "MEDICAL NUTRITION THERAPY" MEANS THE PROVISION OF ANY OF THE
16 FOLLOWING NUTRITION CARE SERVICES FOR THE PURPOSE OF MANAGING OR TREATING A
17 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":

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

28 (b) INCLUDES INITIAL NUTRITION-RELATED DATA COLLECTION, REASSESSMENT
29 AND ANALYSIS OF PATIENT OR COMMUNITY NEEDS PROVIDING THE FOUNDATION FOR
30 NUTRITION DIAGNOSIS AND NUTRITIONAL RECOMMENDATIONS AND ORDERS, INCLUDING
31 ORDERING LABORATORY TESTS TO CHECK AND TRACK A PATIENT'S NUTRITIONAL
32 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
6 AND GROUPS AND DETERMINING RESOURCES AND CONSTRAINTS IN THE PRACTICE
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.

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

22 (g) ORDERING THERAPEUTIC DIETS.

23 12. "NUTRITION COUNSELING" MEANS A SUPPORTIVE PROCESS, CHARACTERIZED
24 BY A COLLABORATIVE COUNSELOR-PATIENT RELATIONSHIP WITH INDIVIDUALS OR
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":

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

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

3 (b) INCLUDES APPROVING, ORDERING AND MONITORING THERAPEUTIC DIETS
4 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:

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

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

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

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 CREDENTIALLED 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 36-4202. Powers and duties of the director; advisory
21 committee; members

22 A. THE DIRECTOR SHALL:

23 1. LICENSE PERSONS WHO APPLY FOR AND POSSESS ALL QUALIFICATIONS
24 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:

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

1 2. ISSUE AND RENEW LICENSES.

2 3. DENY, SUSPEND, REVOKE OR REFUSE TO RENEW A LICENSE OR FILE A
3 LETTER OF CONCERN, ISSUE A DECREE OF CENSURE, PRESCRIBE PROBATION, IMPOSE A
4 CIVIL PENALTY OR RESTRICT OR LIMIT THE PRACTICE OF A LICENSEE PURSUANT TO
5 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 1. LICENSE ISSUANCE AND RENEWAL.

20 2. DISCIPLINARY PROCEDURES.

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

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

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
6 DIRECTOR OF THE MEMBER'S FEDERAL ACTIVE DUTY STATUS. A LICENSE ISSUED
7 PURSUANT TO THIS CHAPTER TO ANY MEMBER SERVING IN THE REGULAR COMPONENT OF
8 THE UNITED STATES ARMED FORCES IS EXTENDED ONE HUNDRED EIGHTY DAYS AFTER
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.

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

16 1. IS RELEASED FROM ACTIVE DUTY SERVICE.

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

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

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

31 36-4206. Place of business; change of address; notice to
32 director

1 A. A PERSON WHO HOLDS A LICENSE UNDER THIS CHAPTER SHALL NOTIFY THE
2 DIRECTOR IN WRITING OF THE ADDRESS OF THE PLACE OR PLACES WHERE THE PERSON
3 ENGAGES IN THE PRACTICE OF DIETETICS OR THE PRACTICE OF NUTRITION AND OF
4 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 36-4207. Title designation; violation

10 A. A PERSON MAY USE THE TITLE:

11 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".

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

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

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

30 B. A VIOLATION OF THIS SECTION CONSTITUTES AN UNLAWFUL PRACTICE
31 UNDER SECTION 44-1522. THE ATTORNEY GENERAL MAY INVESTIGATE AND TAKE
32 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.
- 7 3. THE RENEWAL OF A LICENSE.
- 8 4. THE ISSUANCE OF A DUPLICATE LICENSE.
- 9 5. A LATE FEE.

10 36-4209. Licensed dietitian nutritionists; licensure requirements

11 AN APPLICANT FOR AN INITIAL DIETITIAN NUTRITIONIST LICENSE SHALL:

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

14 2. SUBMIT EVIDENCE SATISFACTORY TO THE DIRECTOR THAT THE APPLICANT
15 EITHER HOLDS A CURRENT AND VALID REGISTRATION AS A REGISTERED DIETITIAN OR
16 REGISTERED DIETITIAN NUTRITIONIST WITH THE COMMISSION ON DIETETIC
17 REGISTRATION OR MEETS ALL OF THE FOLLOWING EDUCATIONAL, SUPERVISED PRACTICE
18 EXPERIENCE AND EXAMINATION REQUIREMENTS:

19 (a) HAS COMPLETED EITHER OF THE FOLLOWING EDUCATION REQUIREMENTS:

20 (i) EARNED A MASTER'S DEGREE OR DOCTORAL DEGREE FROM A COLLEGE OR
21 UNIVERSITY ACCREDITED AT THE TIME OF THE APPLICANT'S GRADUATION BY THE
22 APPROPRIATE REGIONAL ACCREDITING AGENCY RECOGNIZED BY THE COUNCIL ON HIGHER
23 EDUCATION ACCREDITATION AND THE UNITED STATES DEPARTMENT OF EDUCATION AND A
24 PROGRAM OF STUDY ACCREDITED BY THE ACCREDITATION COUNCIL FOR EDUCATION IN
25 NUTRITION AND DIETETICS, OR ITS SUCCESSOR ORGANIZATION.

26 (ii) EARNED A FOREIGN ACADEMIC DEGREE THAT THE DIRECTOR DETERMINES
27 IS EQUIVALENT TO A DEGREE DESCRIBED IN ITEM (i) OF THIS SUBDIVISION AND
28 THAT IS ACCREDITED BY THE ACCREDITATION COUNCIL FOR EDUCATION IN NUTRITION
29 AND DIETETICS, OR ITS SUCCESSOR ORGANIZATION.

30 (b) SUCCESSFULLY COMPLETED A PLANNED CLINICAL PROGRAM IN THE
31 PRACTICE OF DIETETICS AND NUTRITION THAT IS ACCREDITED BY THE ACCREDITATION
32 COUNCIL FOR EDUCATION IN NUTRITION AND DIETETICS AS APPROVED BY THE

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

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

13 3. NOT HAVE HAD A LICENSE, REGISTRATION OR CERTIFICATE REVOKED OR
14 SUSPENDED BY A STATE WITHIN THE PAST TWO YEARS AND NOT BE PRESENTLY
15 INELIGIBLE FOR LICENSURE IN ANY STATE BECAUSE OF A PRIOR REVOCATION OR
16 SUSPENSION.

17 36-4210. Nutritionists; licensure; supervised practice experience;
18 qualified supervisors

19 A. AN APPLICANT FOR AN INITIAL NUTRITIONIST LICENSE SHALL:

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

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

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

28 4. HAVE COMPLETED A MASTER'S OR DOCTORAL NUTRITION DEGREE OR
29 VALIDATED FOREIGN EQUIVALENT FROM A COLLEGE OR UNIVERSITY ACCREDITED AT THE
30 TIME OF THE APPLICANT'S GRADUATION FROM THE APPROPRIATE REGIONAL
31 ACCREDITING AGENCY RECOGNIZED BY THE COUNCIL ON HIGHER EDUCATION
32 ACCREDITATION AND THE UNITED STATES DEPARTMENT OF EDUCATION WITH A MAJOR IN

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

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

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

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

1 1. AN APPLICANT SHALL COMPLETE A SUPERVISED PRACTICE EXPERIENCE
2 UNDER THIS SUBSECTION WITHIN FIVE YEARS AFTER COMPLETING THE REQUIREMENTS
3 UNDER SUBSECTION A, PARAGRAPH 4 OF THIS SECTION UNLESS THE DIRECTOR, FOR
4 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.

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

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

21 C. AN APPLICANT SHALL COMPLETE THE EXAMINATION REQUIREMENTS BY
22 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
28 THE BOARD FOR CERTIFICATION OF NUTRITION SPECIALISTS. IF PASSAGE OF THE
29 EXAMINATION OCCURRED MORE THAN FIVE YEARS BEFORE APPLICATION, THE APPLICANT
30 MUST DEMONSTRATE COMPLETION OF SEVENTY-FIVE HOURS OF CONTINUING EDUCATION
31 THAT MEETS THE DIRECTOR'S CONTINUING EDUCATION CRITERIA FOR EACH FIVE-YEAR
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".

5 D. THE SUPERVISED PRACTICE EXPERIENCE REQUIRED BY SUBSECTION B OF
6 THIS SECTION MUST BE UNDER A QUALIFIED SUPERVISOR WHO MEETS ALL OF THE
7 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.

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

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

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

30 3. THE QUALIFIED SUPERVISOR MEETS ALL OF THE FOLLOWING:

1 (a) ONLY SUPERVISES A CLINICAL ACTIVITY OR NUTRITION CARE SERVICE
2 FOR WHICH THE QUALIFIED SUPERVISOR IS QUALIFIED AND IS AUTHORIZED TO
3 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.

11 (c) OVERSEES THE ACTIVITIES OF AND APPROVES AND ACCEPTS
12 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
16 AUDIOVISUAL TECHNOLOGY THAT ALLOWS FOR THE DIRECT, CONTEMPORANEOUS
17 INTERACTION BY SIGHT AND SOUND BETWEEN THE QUALIFIED SUPERVISOR AND THE
18 STUDENT. IF THE QUALIFIED SUPERVISOR ASSIGNS A NUTRITION CARE SERVICE TO A
19 STUDENT THAT IS TO BE PROVIDED IN A SETTING WHERE THE QUALIFIED SUPERVISOR
20 IS NOT ROUTINELY PRESENT, THE QUALIFIED SUPERVISOR SHALL ENSURE THAT THE
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.

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

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

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

4 36-4211. Denial, revocation or suspension of license;
5 hearings; alternative sanctions; notice

6 A. THE DIRECTOR MAY DENY, REVOKE OR SUSPEND A LICENSE ISSUED UNDER
7 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.

15 3. ENGAGES IN UNPROFESSIONAL CONDUCT OR INCOMPETENCE IN THE CONDUCT
16 OF PRACTICE.

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

19 5. VIOLATES THIS ARTICLE.

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

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

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

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

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

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

6 36-4212. Injunctive relief

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

12 Sec. 7. Exemption from rulemaking

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

DAVID LIVINGSTON

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