

# SENATE BILL 237

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CF HB 206

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By: **The President (By Request – Department of Legislative Services)**

Introduced and read first time: January 18, 2013

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted with floor amendments

Read second time: February 15, 2013

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Health Occupations – Sunset Extension and Program Evaluation**

3 FOR the purpose of continuing the State Acupuncture Board, the State Board of  
4 Dietetic Practice, and the State Board of Occupational Therapy Practice in  
5 accordance with the provisions of the Maryland Program Evaluation Act (sunset  
6 law) by extending to a certain date the termination provisions relating to the  
7 statutory and regulatory authority of the boards; requiring that an evaluation of  
8 certain boards and the statutes and regulations that relate to certain boards be  
9 performed on or before a certain date; requiring the State Acupuncture Board  
10 and the State Board of Dietetic Practice to submit certain reports to certain  
11 committees of the General Assembly on or before a certain date; making a  
12 technical correction to the period for renewal of certain permits under the  
13 sunset extension law that continued the State Board of Pharmacy; making  
14 technical changes; and generally relating to the ~~State Acupuncture Board, the~~  
15 ~~State Board of Dietetic Practice, and the State Board of Occupational Therapy~~  
16 ~~Practice~~ sunset extension of certain health occupation boards.

17 BY repealing and reenacting, with amendments,

18 Article – Health Occupations

19 Section 1A-502, 5-101(i), 5-202(b), 5-302(d), 5-305, 5-502, and 10-502

20 Annotated Code of Maryland

21 (2009 Replacement Volume and 2012 Supplement)

22 BY repealing and reenacting, without amendments,

23 Article – State Government

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 8–403(a)  
2 Annotated Code of Maryland  
3 (2009 Replacement Volume and 2012 Supplement)

4 BY repealing and reenacting, with amendments,  
5 Article – State Government  
6 Section 8–403(b)(1), (16), and (43)  
7 Annotated Code of Maryland  
8 (2009 Replacement Volume and 2012 Supplement)

9 BY repealing and reenacting, with amendments,  
10 Chapter 658 of the Acts of the General Assembly of 2012  
11 Section 2

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article – Health Occupations**

15 1A–502.

16 Subject to the evaluation and reestablishment provisions of the Maryland  
17 Program Evaluation Act, this title and all rules and regulations adopted under this  
18 title shall terminate and be of no effect after July 1, [2015] **2025**.

19 5–101.

20 (i) “Registered dietitian” means an individual registered with the  
21 Commission on Dietetic Registration, the accrediting body of the [American Dietetic  
22 Association] **ACADEMY OF NUTRITION AND DIETETICS**.

23 5–202.

24 (b) (1) For each licensed dietitian–nutritionist vacancy, the Board shall  
25 compile a list of names to be submitted to the Secretary in accordance with this  
26 subsection, including at least three names for each of the vacancies.

27 (2) The Board shall notify all licensed dietitian–nutritionists in the  
28 State of the vacancy to solicit nominations to fill the vacancy.

29 (3) The [Maryland Dietetic Association] **MARYLAND ACADEMY OF**  
30 **NUTRITION AND DIETETICS** or the Maryland Nutritionists Association shall  
31 nominate qualified individuals to fill the vacancy within 30 days after the notice  
32 required in paragraph (2) of this subsection is given.

1           (4) The [Maryland Dietetic Association] **MARYLAND ACADEMY OF**  
2 **NUTRITION AND DIETETICS** may comment on an individual nominated by the  
3 Maryland Nutritionists Association under paragraph (3) of this subsection within 30  
4 days after the nomination and before the list is submitted to the Secretary.

5           (5) The Maryland Nutritionists Association may comment on an  
6 individual nominated by the [Maryland Dietetic Association] **MARYLAND ACADEMY**  
7 **OF NUTRITION AND DIETETICS** under paragraph (3) of this subsection within 30  
8 days after the nomination and before the list is submitted to the Secretary.

9 5–302.

10           (d) The applicant for licensure as a dietitian–nutritionist shall:

11                   (1) (i) 1. Have satisfactorily completed academic requirements  
12 for the field of dietetics as approved by the Board; and

13                                   2. Have received a baccalaureate degree from a college  
14 or university accredited by an educational accrediting association recognized by the  
15 Council on Higher Education and Accreditation; or

16                                   (ii) Have received a master’s or doctoral degree from a college or  
17 university accredited by an educational accrediting association recognized by the  
18 Council on Higher Education and Accreditation in nutritional sciences (with emphasis  
19 in human nutrition), food and nutrition, dietetics, human nutrition, community  
20 nutrition, public health nutrition, or equivalent training approved by the Board;

21                   (2) Have satisfactorily completed a program of supervised clinical  
22 experience approved by the Board; and

23                   (3) (i) Submit to the Board proof of certification by the  
24 Certification Board for Nutritional Specialists; or

25                                   (ii) Submit to the Board proof of registration with the  
26 Commission on Dietetic Registration of the [American Dietetic Association]  
27 **ACADEMY OF NUTRITION AND DIETETICS**.

28 5–305.

29           (a) Subject to the provisions of this section, the Board may waive an  
30 examination requirement of this title for an individual who:

31                   (1) Is licensed to practice dietetics in another state or country;

1 (2) Is registered to practice dietetics by the Commission on Dietetic  
 2 Registration of the [American Dietetic Association] **ACADEMY OF NUTRITION AND**  
 3 **DIETETICS**; or

4 (3) Is certified by the Certification Board for Nutrition Specialists.

5 (b) The Board may grant a waiver under this section only if the applicant:

6 (1) Pays the application fee set by the Board under § 5–206 of this  
 7 title; and

8 (2) Provides adequate evidence that the applicant:

9 (i) Meets the qualifications otherwise required by this subtitle;  
 10 and

11 (ii) 1. Became licensed in the other state or country after  
 12 passing, in that state or country, an examination that the Board determines to be  
 13 comparable to the examination for which the applicant is seeking the waiver;

14 2. Became registered by the Commission on Dietetic  
 15 Registration of the [American Dietetic Association] **ACADEMY OF NUTRITION AND**  
 16 **DIETETICS** after meeting the examination waiver requirements of that Commission  
 17 or its predecessor; or

18 3. Became certified by the Certification Board for  
 19 Nutrition Specialists after meeting the examination waiver requirements of that  
 20 Certification Board or its predecessor.

21 5–502.

22 Subject to the evaluation and reestablishment provisions of the Maryland  
 23 Program Evaluation Act, this title and all regulations adopted under this title shall  
 24 terminate and be of no effect after July 1, [2015] **2025**.

25 10–502.

26 Subject to the evaluation and reestablishment provisions of the Maryland  
 27 Program Evaluation Act, this title and all rules and regulations adopted under this  
 28 title shall terminate and be of no effect after July 1, [2015] **2025**.

29 **Article – State Government**

30 8–403.

1 (a) On or before December 15 of the 2nd year before the evaluation date of a  
2 governmental activity or unit, the Legislative Policy Committee, based on a  
3 preliminary evaluation, may waive as unnecessary the evaluation required under this  
4 section.

5 (b) Except as otherwise provided in subsection (a) of this section, on or before  
6 the evaluation date for the following governmental activities or units, an evaluation  
7 shall be made of the following governmental activities or units and the statutes and  
8 regulations that relate to the governmental activities or units:

9 (1) Acupuncture Board, State (§ 1A–201 of the Health Occupations  
10 Article: July 1, [2014] **2024**);

11 (16) Dietetic Practice, State Board of (§ 5–201 of the Health  
12 Occupations Article: July 1, [2014] **2024**);

13 (43) Occupational Therapy Practice, State Board of (§ 10–201 of the  
14 Health Occupations Article: July 1, [2014] **2024**);

#### 15 Chapter 658 of the Acts of 2012

16 SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of  
17 Pharmacy shall extend the renewal of permits required under §§ 12–407 and  
18 12–6C–06 of the Health Occupations Article, as enacted by Section 1 of this Act, to  
19 [May 31, 2013, and May 31, 2014,] **MAY 31, 2014, AND MAY 31, 2013,** respectively,  
20 for pharmacy permits and wholesale distributor permits expiring on [December 31,  
21 2012, and December 31, 2013,] **DECEMBER 31, 2013, AND DECEMBER 31, 2012,**  
22 respectively, to accommodate the revised permit renewal date of May 31.

23 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1,  
24 2013, the State Acupuncture Board shall submit a report to the Senate Education,  
25 Health, and Environmental Affairs Committee and the House Health and Government  
26 Operations Committee, in accordance with § 2–1246 of the State Government Article,  
27 that:

28 (1) builds on the figures provided by the Board in its response to the  
29 2012 Joint Chairmen’s Report;

30 (2) addresses the options suggested by the Department of Legislative  
31 Services in the 2012 Preliminary Evaluation of the State Acupuncture Board to keep  
32 revenues and expenditures in balance; and

33 (3) includes any fee increases, changes to the executive director  
34 position, and any options for sharing additional resources or pooling funding with  
35 other boards and discusses how these changes would modify the Board’s fund balance.

1           SECTION 3. AND BE IT FURTHER ENACTED, That, on or before October 1,  
2 2013, the State Board of Dietetic Practice shall submit a report to the Senate  
3 Education, Health, and Environmental Affairs Committee and the House Health and  
4 Government Operations Committee, in accordance with § 2-1246 of the State  
5 Government Article, that recommends any legislative changes to clarify the practice of  
6 dietetics and any additional authority the Board needs to address complaints alleging  
7 the unlicensed practice of dietetics.

8           SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 July 1, 2013.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.