

SENATE BILL 237

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3lr0586
CF HB 206

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

Introduced and read first time: January 18, 2013

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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
12 technical changes; and generally relating to the State Acupuncture Board, the
13 State Board of Dietetic Practice, and the State Board of Occupational Therapy
14 Practice.

15 BY repealing and reenacting, with amendments,
16 Article – Health Occupations
17 Section 1A–502, 5–101(i), 5–202(b), 5–302(d), 5–305, 5–502, and 10–502
18 Annotated Code of Maryland
19 (2009 Replacement Volume and 2012 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article – State Government
22 Section 8–403(a)
23 Annotated Code of Maryland
24 (2009 Replacement Volume and 2012 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article – State Government
27 Section 8–403(b)(1), (16), and (43)
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2009 Replacement Volume and 2012 Supplement)

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

4 **Article – Health Occupations**

5 1A–502.

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

9 5–101.

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

13 5–202.

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

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

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

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

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

31 5–302.

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

- 1 (1) (i) 1. Have satisfactorily completed academic requirements
2 for the field of dietetics as approved by the Board; and
- 3 2. Have received a baccalaureate degree from a college
4 or university accredited by an educational accrediting association recognized by the
5 Council on Higher Education and Accreditation; or
- 6 (ii) Have received a master's or doctoral degree from a college or
7 university accredited by an educational accrediting association recognized by the
8 Council on Higher Education and Accreditation in nutritional sciences (with emphasis
9 in human nutrition), food and nutrition, dietetics, human nutrition, community
10 nutrition, public health nutrition, or equivalent training approved by the Board;
- 11 (2) Have satisfactorily completed a program of supervised clinical
12 experience approved by the Board; and
- 13 (3) (i) Submit to the Board proof of certification by the
14 Certification Board for Nutritional Specialists; or
- 15 (ii) Submit to the Board proof of registration with the
16 Commission on Dietetic Registration of the [American Dietetic Association]
17 **ACADEMY OF NUTRITION AND DIETETICS.**
- 18 5–305.
- 19 (a) Subject to the provisions of this section, the Board may waive an
20 examination requirement of this title for an individual who:
- 21 (1) Is licensed to practice dietetics in another state or country;
- 22 (2) Is registered to practice dietetics by the Commission on Dietetic
23 Registration of the [American Dietetic Association] **ACADEMY OF NUTRITION AND**
24 **DIETETICS;** or
- 25 (3) Is certified by the Certification Board for Nutrition Specialists.
- 26 (b) The Board may grant a waiver under this section only if the applicant:
- 27 (1) Pays the application fee set by the Board under § 5–206 of this
28 title; and
- 29 (2) Provides adequate evidence that the applicant:
- 30 (i) Meets the qualifications otherwise required by this subtitle;
31 and

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

4 2. Became registered by the Commission on Dietetic
5 Registration of the [American Dietetic Association] **ACADEMY OF NUTRITION AND**
6 **DIETETICS** after meeting the examination waiver requirements of that Commission
7 or its predecessor; or

8 3. Became certified by the Certification Board for
9 Nutrition Specialists after meeting the examination waiver requirements of that
10 Certification Board or its predecessor.

11 5–502.

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

15 10–502.

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 Article – State Government

20 8–403.

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

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

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

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

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

3 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1,
4 2013, the State Acupuncture Board shall submit a report to the Senate Education,
5 Health, and Environmental Affairs Committee and the House Health and Government
6 Operations Committee, in accordance with § 2–1246 of the State Government Article,
7 that:

8 (1) builds on the figures provided by the Board in its response to the
9 2012 Joint Chairmen’s Report;

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

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

16 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before October 1,
17 2013, the State Board of Dietetic Practice shall submit a report to the Senate
18 Education, Health, and Environmental Affairs Committee and the House Health and
19 Government Operations Committee, in accordance with § 2–1246 of the State
20 Government Article, that recommends any legislative changes to clarify the practice of
21 dietetics and any additional authority the Board needs to address complaints alleging
22 the unlicensed practice of dietetics.

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