

Chapter 211

(Senate Bill 237)

AN ACT concerning

Health Occupations – Sunset Extension and Program Evaluation

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

BY repealing and reenacting, with amendments,

Article – Health Occupations

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

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government

Section 8-403(a)

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 8-403(b)(1), (16), and (43)

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Chapter 658 of the Acts of the General Assembly of 2012

Section 2

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

Article – Health Occupations

1A–502.

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

5–101.

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

5–202.

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

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

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

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

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

5–302.

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

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

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

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

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

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

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

5-305.

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

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

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

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

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

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

(2) Provides adequate evidence that the applicant:

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

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

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

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

5–502.

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

10–502.

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

Article – State Government

8–403.

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

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

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

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

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

Chapter 658 of the Acts of 2012

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

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

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

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

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

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

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

Approved by the Governor, May 2, 2013.