

HOUSE BILL No. 2117

By Representative Dreher

1-23

AN ACT concerning the dietitians licensing act; relating to certain dietetic services supervisors and certified dietary managers; amending K.S.A. 2000 Supp. 65-5912 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2000 Supp. 65-5912 is hereby amended to read as follows: 65-5912. (a) Nothing in this act shall be construed to require any insurer or other entity regulated under chapter 40 of the Kansas Statutes Annotated or any other law of this state to provide coverage for or indemnify for the services provided by a person licensed under this act.

(b) So long as the following persons do not hold themselves out to the public to be dietitians or licensed dietitians or use these titles in combination with other titles or use the abbreviation L.D., or any combination thereof, nothing in this act shall be construed to apply:

(1) To any person licensed to practice the healing arts, a licensed dentist, a licensed dental hygienist, a licensed professional nurse, a licensed practical nurse, a licensed psychologist, a licensed masters level psychologist, a licensed pharmacist or an employee thereof, a physician's assistant, a licensed professional counselor;

(2) to any unlicensed employee of a licensed adult care home or a licensed medical care facility as long as such person is working under the general direction of a licensee in the healing arts, nursing or a dietetic services supervisor as defined in ~~regulations adopted by the secretary of health and environment~~ subsection (d) or a consultant licensed under this act;

(3) to any dietetic technician or ~~dietetic assistant~~ *certified dietary manager (CDM)*;

(4) to any student enrolled in an approved academic program in dietetics, home economics, nutrition, education or other like curriculum, while engaged in such academic program;

(5) to prevent any person, including persons employed in health food stores, from furnishing nutrition information as to the use of food, food materials or dietary supplements, nor to prevent in any way the free dissemination of information or of literature as long as no individual engaged in such practices holds oneself out as being licensed under this act;

1 (6) to prohibit any individual from marketing or distributing food
2 products, including dietary supplements, or to prevent any such person
3 from providing information to customers regarding the use of such
4 products;

5 (7) to prevent any employee of the state or a political subdivision who
6 is employed in nutrition-related programs from engaging in activities in-
7 cluded within the definition of dietetics practice as a part of such person's
8 employment;

9 (8) to any person who performs the activities and services of a li-
10 censed dietitian or nutrition educator as an employee of the state or a
11 political subdivision, an elementary or secondary school, an educational
12 institution, a licensed institution, or a not-for-profit organization;

13 (9) to any person serving in the armed forces, the public health serv-
14 ice, the veterans administration or as an employee of the federal
15 government;

16 (10) to any person who has a degree in home economics insofar as
17 the activities of such person are within the scope of such person's edu-
18 cation and training;

19 (11) to any person who counsels or provides weight-control services
20 as a part of a franchised or recognized weight-control program or a
21 weight-control program that operates under the general direction of a
22 person licensed to practice the healing arts, nursing or a person licensed
23 under this act;

24 (12) to any person who is acting as a representative of a trade asso-
25 ciation and who engages in one or more activities included within the
26 practice of dietetics as a representative of such association;

27 (13) to a registered physical therapist who makes a dietetic or nutri-
28 tional assessment or gives dietetic or nutritional advice in the normal
29 practice of such person's profession or as otherwise authorized by law;

30 (14) to a dietitian licensed, registered or otherwise authorized to
31 practice dietetics in another state who is providing consultation in this
32 state;

33 (15) to any person conducting a teaching clinical demonstration
34 which is carried out in an educational institution or an affiliated clinical
35 facility or health care agency;

36 (16) to any person conducting classes or disseminating information
37 relating to nonmedical nutrition; or

38 (17) to any person permitted to practice under K.S.A. 65-2872a and
39 amendments thereto.

40 (c) Nothing in this act shall be construed to interfere with the relig-
41 ious practices or observances of a bona fide religious organization, nor to
42 prevent any person from caring for the sick in accordance with tenets and
43 practices of any church or religious denomination which teaches reliance

1 upon spiritual means through prayer for healing.

2 (d) *As used in paragraph (2) of subsection (b), “dietetic services su-*
3 *ervisor” means an individual who meets one of the following*
4 *requirements:*

5 (1) *Is licensed in the state of Kansas as a dietitian;*

6 (2) *has an associate’s degree in dietetic technology from a program*
7 *approved by the American dietetic association;*

8 (3) *is a certified dietary manager (CDM); or*

9 (4) *has training and experience in dietetic services supervision and*
10 *management that is determined by the secretary of health and environ-*
11 *ment to be equivalent in content to the program in paragraphs (2) and*
12 *(3) of this subsection.*

13 (e) *As used in this subsection, “certified dietary manager (CDM)”*
14 *means a person who is certified as a certified dietary manager (CDM) by*
15 *the certifying board of the dietary managers association and who has*
16 *maintained that certification by satisfactorily completing 45 hours of con-*
17 *tinuing education that has been approved for this purpose during each*
18 *three-year period after attaining that certification.*

19 Sec. 2. K.S.A. 2000 Supp. 65-5912 is hereby repealed.

20 Sec. 3. This act shall take effect and be in force from and after its
21 publication in the Kansas register.

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