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OKLAHOMA ADMINISTRATIVE CODE
TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION
CHAPTER 35. LICENSED DIETITIANS AND PROVISIONAL DIETITIANS

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*This is an unofficial copy of Chapter 35 of Title 435 of the Oklahoma Administrative Code. Official copies may be obtained from the Office of Administrative Rules.

435:35-1-1. Purpose

The rules of this Chapter have been adopted to establish licensing procedures for licensed dietitians and provisional licensed dietitians as well as establish rules for the regulation of practice.

435:35-1-2. Definitions

The following words and terms, when used in this Chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Academy" means the Academy of Nutrition and Dietetics and is the national professional association for registered dietitians.

"ACEND" means the Accreditation Council for Education in Nutrition and Dietetics which accredits educational and pre-professional training programs in dietetics.

"Act" means the Licensed Dietitian Act, 59 O.S. Supp. 1984, Section 1721 et seq.

"Autonomy" means a patient, client, or professional has the capacity and self-determination to engage in individual decision-making specific to personal health or practice.

"Beneficence" means taking positive steps to benefit others, which includes balancing benefit and risk.

"Board" means the Oklahoma State Board of Medical Licensure and Supervision.

"Competence" means a principle of professional practice, identifying the ability of the provider to administer safe and reliable services on a consistent basis.

"Conflict(s) of Interest(s)" means a personal or financial interest or a duty to another party which may prevent a person from acting in the best interests of the intended beneficiary, including simultaneous membership on boards with potentially conflicting interests related to the profession, members or the public.

"Commission" means the Commission on Dietetic Registration and is the agency which evaluates credentials, administers proficiency examinations and issues certificates of registration to qualifying dietitians and is a member of the National Commission on Health Certifying Agencies.

"Customer" means any client, patient, resident, participant, student, consumer, individual/person, group, population, or organization to which the nutrition and dietetics practitioner provides service.

"Diversity" means actively identifying and offering opportunities to individuals with varied skills, talents, abilities, ideas, disabilities, backgrounds and practice expertise. The Academy values and respects the diverse viewpoints and individual differences of all people. The Academy's mission and vision are most effectively realized through the promotion of a diverse membership that reflects cultural, ethnic, gender, racial, religious, sexual orientation, socioeconomic, geographical, political, educational, experiential and philosophical characteristics of the public it services. The Academy actively identifies and offers opportunities to individuals with varied skills, talents, abilities, ideas, disabilities, backgrounds and practice expertise.

"Evidence-based Practice" means an approach to health care wherein health practitioners use the best evidence possible, i.e., the most appropriate information available, to make decisions for individuals, groups and populations. Evidence-based practice values, enhances and builds on clinical expertise, knowledge of disease mechanisms, and pathophysiology. It involves complex and conscientious decision-making based not only on the available evidence but also on client

characteristics, situations, and preferences. It recognizes that health care is individualized and ever changing and involves uncertainties and probabilities. Evidence-based practice incorporates successful strategies that improve client outcomes and are derived from various sources of evidence including research, national guidelines, policies, consensus statements, systematic analysis of clinical experience, quality improvement data, specialized knowledge and skills of experts.

"Justice" means (social justice): supporting fair, equitable, and appropriate treatment for individuals and fair allocation of resources.

"LD" means a person duly licensed as a licensed dietitian under the Licensed Dietitian Act.

"Non-Maleficence" means ~~is~~ the intent to not inflict harm.

"PLD" means a person duly licensed as a provisional licensed dietitian under the Licensed Dietitian Act.

"RD" means registered dietitian.

"RDN" means registered dietitian nutritionist. This represents an accepted abbreviation for a registered dietitian according to the Commission.

435:35-1-3. Advisory committee

(a) **Purpose.** The rules in this section shall set out the organization and administration and other general procedures and policies governing the operation of the advisory committee.

(b) **Meetings.**

(1) The advisory committee shall hold a meeting prior to any regularly scheduled meeting set by the Board at such designated date and time as may be determined by the chairman.

(2) Special meetings may be called by the chairman at such times and dates as become necessary for the transaction of advisory committee business.

(3) Meetings shall be announced and conducted under the provisions of the Oklahoma Open Meeting Law.

(c) **Quorum.** A quorum of the advisory committee necessary to conduct official business is three (3) members.

(d) **Transaction of official business.**

(1) The advisory committee may transact official business only when in a legally constituted meeting with a quorum present.

(2) The advisory committee shall not be bound in any way by any statement or action on the part of any advisory committee member except when a statement or action is in pursuance of specific instructions of the advisory committee.

(3) Advisory committee action shall require a majority vote of those members present and voting.

(e) **Policy against discrimination.** The advisory committee shall make decisions in the discharge of its statutory authority with-out discrimination based on any person's race, creed, sex, religion, national origin, geographical distribution, age, physical condition or economic status.

(f) **Impartiality.** Any advisory committee member who is unable to be impartial in any proceeding before the advisory committee such as that pertaining to an applicant's eligibility for licensure or a complaint against or a violation by a licensee, shall so declare this to the advisory committee and shall not participate in any advisory committee proceedings involving that individual.

(g) **Attendance.** The policy of the advisory committee is that members will attend regular and committee meetings as scheduled.

(h) **Rules of Order.** Roberts Rules of Order Revised shall be the basis of parliamentary decisions except where otherwise provided in this Chapter.

(i) **Agendas.** The executive secretary shall prepare and submit to each member of the advisory committee prior to each meeting an agenda which includes items requested by the State Board of Medical Licensure and Supervision or by members of the advisory committee, items required by law, old business, and other matters of Board business which have been approved by any committee members.

(j) **Minutes.**

(1) Drafts of the minutes of each meeting shall be forwarded to each member of the advisory committee for review and approval.

(2) The official minutes of advisory committee meetings shall be kept in the office of the executive secretary and shall be available to any person desiring to examine them during regular office hours of the Board.

(k) **Official records.**

(1) All official records of the advisory committee including application materials, except files containing investigative information shall be open for inspection during regular office hours of the Board.

(2) A person desiring to examine official records shall be required to identify himself/herself and sign statements listing the records requested and examined.

(3) Official records may not be taken from the Board offices, however, persons may obtain photocopies of files upon written request and by paying the cost per page set by the Board. Payment shall be made prior to release of the records and may be made by personal check.

(l) **Elections.**

(1) At the meeting held nearest after July 1 of each year, the advisory committee shall elect by a majority vote of those members present a chairman and vice-chairman.

(2) A vacancy which occurs in the offices of chairman and vice-chairman may be filled by a majority vote of those members present and voting at the next advisory committee meeting.

(3) Following one full year of service in a specific office no one may succeed himself/herself in the same office.

(4) Absence from three regular meetings, without an acceptable reason, constitutes self-removal from the committee.

(m) **Committees.**

(1) The advisory committee with the approval of the Board may establish sub-committees as deemed necessary to assist the advisory committee in carrying out its duties and responsibilities.

(2) The chairman may appoint the members of the advisory committee to serve on sub-committees and may designate the sub-committee chairman.

(3) The chairman of the advisory committee may appoint non-advisory committee members to serve as sub-committee members on a consultant or voluntary basis subject to Board approval.

(4) Sub-committee chairman shall make regular reports to the advisory committee in interim written reports and/or at regular meetings, as needed.

(5) Committees and sub-committees shall direct all reports or other materials to the

executive secretary for distribution.

(6) Sub-committees shall meet when called by the chairman of the sub-committee or when so directed by the advisory committee.

435:35-1-4. Standards of professional conduct

(a) **Purpose.** The rules in this section on the profession of dietetics shall be to establish the standards of professional conduct required of a licensee.

(b) **Statutory standards.** Examples of activities included in the statutory definition of dietetics are as follows:

(1) Planning, developing, controlling and evaluation of food service systems.

(2) Coordinating and integrating clinical and administrative aspects of dietetics to provide quality nutritional care.

(3) Establishing and maintaining standards of food production, service, sanitation, safety and security.

(4) Planning, conducting and evaluating educational programs relating to nutritional care.

(5) Developing menu patterns and evaluating them for nutritional adequacy.

(6) Planning layout designs and determining equipment requirements for food service facilities.

(7) Developing specifications for the procurement of food and food service equipment and supplies.

(8) Developing and implementing plans of nutritional care for individuals, both enteral and parenteral, based on assessment of nutritional needs.

(9) Counseling and educating individuals, families and groups in nutritional principles, meal patterns and plans, insulin administration, food selection, food and drug interactions, and economics, as appropriate.

(10) Communicating appropriate diet history and nutritional care data through written and electronic record systems.

(11) Participating with physicians and allied health personnel as the provider of nutritional care using tools and procedures such as, but not limited to, diet histories, calipers, BMI tables, finger stick blood sugar measurements, blood pressure and vital sign measurement, ~~and~~ oral cavity assessment, and nutrition-focused physical exam.

(12) Planning, conducting or participating in and interpreting, evaluating and utilizing pertinent current research related to nutritional care.

(13) Providing consultation and nutritional care to community groups and identifying and evaluating needs to establish priorities for community nutrition programs.

(14) Publishing and evaluating technical and lay food and nutrition publications for all age, socioeconomic and ethnic groups.

(15) Planning, conducting and evaluating dietary studies and participating in nutritional epidemiologic studies with a nutritional component.

(c) **Code of Ethics.** The following shall constitute a code of ethics in dietetics:

(1) **Professional representation and responsibilities.**

(A) A licensee shall not misrepresent any professional qualifications or credentials.

(B) A licensee shall not make any false or misleading claims about the efficacy of any services or methods of treatment.

(C) A licensee shall not permit the use of his/her name for the purpose of certifying that

dietetic services have been rendered unless he/she has provided or supervised the provision of those services.

(D) A licensee shall not promote or endorse products in a manner that is false or misleading.

(E) A licensee shall maintain knowledge and skills required for continuing professional competence.

(F) A licensee shall not abuse alcohol or drugs in any manner which detrimentally affects the provision of nutritional services.

(G) A licensee shall comply with the provisions of the Oklahoma Controlled Substances Act, 63 O.S. 1981, Sections 2-101 et seq.

(H) A licensee shall have the responsibility of reporting alleged misrepresentations or violations of Board rules to the office of the Board.

(I) A licensee shall keep his/her Board file updated by notifying the executive secretary of changes in preferred mailing address.

(J) A licensee shall not make any false, misleading or deceptive claims in any advertisement, announcement, or in competitive bidding.

(K) A licensee shall not aid or abet, directly or indirectly, the practice of dietetics by any person not duly authorized under the laws of Oklahoma.

(L) A licensee shall not violate any provision of the Academy's Code of Ethics for the Profession.

(2) **Professional relationships with clients.**

(A) A licensee shall make known to a prospective client the important aspects of the professional relationship including fees and arrangement for payment which might affect the client's decision to enter into the relationship.

(B) A licensee shall not receive or give a commission or rebate or any other form of remuneration for the referral of clients for professional services.

(C) A licensee shall disclose to clients any interest in commercial enterprises which the licensee promotes for the purpose of personal gain or profit.

(D) A licensee shall take reasonable action to inform a client's physician and any appropriate allied health care provider in cases where a client's nutritional status indicates a change in medical status.

(E) A licensee shall provide nutritional services without discrimination based on race, creed, sex, religion, national origin or age.

(F) A licensee shall not violate any provision of any federal or state statute relating to confidentiality of client communication and/or records.

(3) **Academy's Code of Ethics - Principles and Standards.**

(A) Competence and professional development in practice (Non-maleficence)
Nutrition and dietetics practitioners shall:

(i) Practice using an evidence-based approach within areas of competence, continuously develop and enhance expertise, and recognize limitations.

(ii) Demonstrate in depth scientific knowledge of food, human nutrition and behavior.

(iii) Assess the validity and applicability of scientific evidence without personal bias.

(iv) Interpret, apply, participate in and/or generate research to enhance practice, innovation, and discovery.

(v) Make evidence-based practice decisions, taking into account the unique values and circumstances of the patient/client and community, in combination with the practitioner's expertise and judgment.

(vi) Recognize and exercise professional judgment within the limits of individual qualifications and collaborate with others, seek counsel, and make referrals as appropriate.

(vii) Act in a caring and respectful manner, mindful of individual differences, cultural, and ethnic diversity.

(viii) Practice within the limits of their scope and collaborate with the inter-professional team.

(B) Integrity in personal and organizational behaviors and practices (Autonomy)

Nutrition and dietetics practitioners shall:

(i) Disclose any conflicts of interest, including any financial interests in products or services that are recommended. Refrain from accepting gifts or services which potentially influence or which may give the appearance of influencing professional judgment.

(ii) Comply with all applicable laws and regulations, including obtaining/maintaining a state license or certification if engaged in practice governed by nutrition and dietetics statutes.

(iii) Maintain and appropriately use credentials.

(iv) Respect intellectual property rights, including citation and recognition of the ideas and work of others, regardless of the medium (e.g. written, oral, electronic).

(v) Provide accurate and truthful information in all communications.

(vi) Report inappropriate behavior or treatment of a patient/client by another nutrition and dietetics practitioner or other professionals.

(vii) Document, code and bill to most accurately reflect the character and extent of delivered services.

(viii) Respect patient/client's autonomy. Safeguard patient/client confidentiality according to current regulations and laws.

(ix) Implement appropriate measures to protect personal health information using appropriate techniques (e.g., encryption).

(C) Professionalism (Beneficence) - Nutrition and dietetics practitioners shall:

(i) Participate in and contribute to decisions that affect the well-being of patients/clients.

(ii) Respect the values, rights, knowledge, and skills of colleagues and other professionals.

(iii) Demonstrate respect, constructive dialogue, civility and professionalism in all communications, including social media.

(iv) Refrain from communicating false, fraudulent, deceptive, misleading, disparaging or unfair statements or claims.

(v) Uphold professional boundaries and refrain from romantic relationships with any patients/clients, surrogates, supervisees, or students.

(vi) Refrain from verbal/physical/emotional/sexual harassment.

(vii) Provide objective evaluations of performance for employees, coworkers, and students and candidates for employment, professional association memberships, awards, or scholarships, making all reasonable efforts to avoid bias in the professional evaluation of others.

(viii) Communicate at an appropriate level to promote health literacy.

(ix) Contribute to the advancement and competence of others, including colleagues, students, and the public.

(D) Social responsibility for local, regional, national, global nutrition and well-being (Justice) - Nutrition and dietetics practitioners shall:

(i) Collaborate with others to reduce health disparities and protect human rights.

(ii) Promote fairness and objectivity with fair and equitable treatment.

(iii) Contribute time and expertise to activities that promote respect, integrity, and competence of the profession.

(iv) Promote the unique role of nutrition and dietetics practitioners.

(v) Engage in service that benefits the community and to enhance the public's trust in the profession.

(vi) Seek leadership opportunities in professional, community, and service organizations to enhance health and nutritional status while protecting the public.

435:35-1-5. Academic requirements for examination and licensure

The purpose of this section is to set out the academic requirements for examination and licensure as a dietitian or provisional licensed dietitian.

(1) The Board shall accept as meeting licensure requirements baccalaureate and post-baccalaureate degrees received from American colleges or universities which held accreditation, at the time the degree was conferred, from accepted regional educational accrediting associations as reported by the American Association of Collegiate Registrars and Admissions Officers.

(2) Degrees and course work received at foreign colleges and universities shall be acceptable only if such course work could be counted as transfer credit from accredited colleges or universities as reported by the American Association of Collegiate Registrars and Admissions Officers.

(3) The relevance to the licensing requirements of academic courses, the titles of which are not self-explanatory, must be substantiated through course descriptions in official school catalogs or bulletins or by other means acceptable to the Board.

(4) The Board shall accept no course which an applicant's transcript indicates was not completed with a passing grade or for credit.

(5) In the event that an academic deficiency is present, an applicant may re-apply by submitting proof that the deficiency has been corrected and payment of appropriate fees.

(6) Persons applying for licensure must possess a baccalaureate or post-baccalaureate degree

from the fields of human nutrition, food and nutrition, dietetics, or food systems management, or an equivalent major course of study as may be approved by the Board,

(A) and have completed a didactic program in dietetics (DPD) accredited by ACEND and earned a verification statement

(B) or have a bachelor's or post-baccalaureate degree in another field of study and also have completed a didactic program in dietetics (DPD) accredited by ACEND and earned a verification statement.

(7) Persons applying for licensure must be registered or registry eligible with the Commission by having satisfactorily completed a supervised practice program accredited by ACEND.

435:35-1-6. Supervision of provisional licensed dietitians

The purpose of this section is to set out the nature and scope of the supervision provided for provisional licensed dietitians.

(1) To meet licensure and licensure renewal requirements, a provisional licensed dietitian shall be under the supervision and direction of a licensed dietitian. "Supervision and Direction" shall be defined as the authoritative procedural guidance provided by a licensed dietitian and need not be routinely on site.

(2) Written reports of the provisional licensed dietitian's activities shall be provided to the supervising licensed dietitian at least quarterly and to the Board at its request. The supervising licensed dietitian shall submit to the Oklahoma State Board of Medical Licensure and Supervision, at six month intervals, a progress report on the provisionally licensed dietitian's progress toward full licensure.

(3) The supervising licensed dietitian must sign the application for a provisional license and the application for renewal of the provisional license on and after November 1, 1984.

(4) Applications for licensure as a provisional licensed dietitian received on or before November 1, 1984, must be signed by a supervising licensed dietitian, or by a dietitian who qualifies for licensure as a licensed dietitian by the Board.

435:35-1-7. Application procedures

The purpose of this section is to set out the application procedures for examination and licensure of dietitians and provisional dietitians.

(1) Unless otherwise indicated, an applicant must submit all required information and documentation of credentials on forms provided by the office of the Board.

(2) The Board will not consider an application as officially submitted until the applicant pays appropriate fees established by the Board.

(3) The Board must receive all required application materials and fees at least 30 days prior to the date of the next advisory committee meeting.

(4) Incomplete applications will not be accepted but will be returned for completion.

(5) The Board will consider a person who files a completed application form and fee postmarked on or before November 1, 1984, as meeting the deadline for licensure without examination and may complete the processing of the person's materials after that date. A person wishing to meet requirements for licensure without examination must have completed all academic and experience requirements by November 1, 1984.

435:35-1-8. Examination for dietitian licensure

(a) **Purpose.** The section on licensure examination sets out the Board's rules governing the administration, content, grading and other procedures for examination for dietitian licensure.

(b) **Frequency.** The Board may administer licensure examinations when deemed necessary and according to rules established by the Board.

(c) **Forms of examination.** The examination for licensure may be any of the following as prescribed by the Board:

(1) a written examination prepared by the Board or its designee;

(2) an examination given by the Commission; or

(3) any other form of examination prescribed by the Board.

(d) **Applications for examination.**

(1) The Board shall notify an applicant whose application has been approved at least 30 days prior to the next scheduled examination.

(2) An examination registration form for a scheduled Board prepared examination must be completed and returned to the Board by the applicant with the required fee (unless otherwise instructed by the Board) at least 15 days prior to the date of examination.

(e) **Locations.**

(1) Written examinations administered by the Board will be in Oklahoma City, unless otherwise announced.

(2) Examinations administered by the Commission will be held in locations to be announced by the Commission.

(f) **Grading.**

(1) Licensure examinations administered by the Board shall be graded by the Board or their designee.

(2) Written examinations administered by the Board shall be identified by number and graded anonymously in order to insure impartiality.

(3) Examinations administered by the Commission shall be graded by the Commission or their designee.

(g) **Results.**

(1) The executive secretary shall notify each examinee of the results of the Board prepared examination within 5 days of the grade meeting held by the Committee to determine the pass/fail status of candidates.

(2) If the examination is graded or reviewed by a national or state testing service, the Board shall notify each examinee of the examination results within 5 days of the grade meeting held by the Committee to determine the pass/fail status of candidates. The committee shall meet within 30 days of receipt by the Board of scores from the reporting service.

(3) If examination results will be delayed for more than 90 days after the examination, the executive secretary shall notify each applicant of the reason for delay before the 90th day.

(4) No matter what numerical or other scoring system the Board may use in arriving at examination results, the official notice of results to applicants shall be stated in terms of "pass" or "fail" in addition to numerical scores being provided.

(h) **Failures.**

(1) An applicant who fails the examination prescribed by the Board may take a subsequent examination after paying the fees as set by the Board.

(2) If requested in writing, the Board shall furnish an applicant who fails an examination an

analysis of performance.

(3) An applicant who fails the examination three (3) times must furnish the Board an official transcript from an accredited college or university indicating completed course work taken for credit with a passing grade in the area(s) of weakness determined by analysis of the previous examination(s) before the applicant may again apply for examination.

435:35-1-9. Duplicate and endorsement licenses

(a) **Purpose.** The purpose of this section is to set out the die-titian licensing procedures of the Board.

(b) **Replacement of license.** The Board will replace a lost, damaged or destroyed license certificate or license identification card upon application by the licensee and payment of the duplicate license fee. Applications must include an affidavit detailing the loss or destruction of the licensee's original license or license identification card, or be accompanied by the damaged certificate or card.

(c) **Endorsement.**

(1) The Board shall waive the examination requirement for an applicant who:

(A) holds at the time of application a valid license or certificate as a dietitian issued by another state whose minimum requirements for licensure are equivalent to or exceed the licensing requirements of the Board which are in effect at the time of application; or

(B) is registered at the time of application by the Commission as a registered dietitian.

(2) All application materials must be completed and application fees must be paid by the applicant.

(3) An applicant applying for licensing by endorsement must submit a copy of the license or certificate issued by the state they wish endorsement from and a form provided by the Board which has been completed by the licensing or certifying agency.

(4) The Board may contact the issuing agency to verify the applicant's status with that agency at the time of application.

435:35-1-10. License renewal

(a) **Purpose.** The purpose of this section is to set out the rules governing dietitian license renewal.

(b) **General requirements.**

(1) A licensee must renew the license annually.

(2) The renewal date of a license shall be the last day of October.

(3) Each licensee is responsible for renewing the license before the expiration date and shall not be excused from paying additional fees or penalties.

(4) The Board will not renew the license of the licensee who is in violation of the Act or Board rules at the time of application for renewal.

(c) **Renewal procedure.**

(1) At least 30 days prior to the expiration date of a person's license, the Board will send notice to the licensee of the expiration date of the license, the amount of the renewal fee due and a license renewal form which the licensee must complete and return to the Board with the required fee. The timely return of the completed renewal form shall be considered confirmation of the receipt of renewal notification.

(2) The license renewal form for all licensees shall require in addition to other information,

the preferred mailing address, primary employment address and category of employment. The license renewal form for the provisional licensed dietitian must include the signature of the supervising licensed dietitian.

(3) The Board shall not consider a license to be renewed until it receives both the completed license renewal form and the required fees as set by the Board.

(4) The Board shall issue to a licensee who has met all requirements for renewal a renewal license identification card. An applicant for renewal must submit proof of completion of continuing education in the field of dietetics by submitting a current Commission on Dietetic Registration card or evidence of equivalent continuing education.

(d) **Late renewal.**

(1) The executive secretary, shall notify a person who has not renewed a license after a period of more than 30 days that their license has expired.

(2) A person whose license has expired for not more than 90 days may renew the license by paying to the Board the required renewal fee and a penalty fee that is one-half of the renewal fee in the form of a certified check or money order.

(3) A person whose license has been expired for more than 90 days but less than one (1) year of the expiration date may renew the license by paying to the Board the unpaid licensure renewal fees, plus a late penalty fee that is equal to the renewal fees, in the form of a certified check or money order.

(4) A person whose license has been expired one (1) year or more may not renew the license. The person may obtain a new license by submitting to re-examination or complying with the current requirements and procedures for obtaining a license.

435:35-1-11. Disciplinary hearings [REVOKED]

435:35-1-12. Fees

All fees pertaining to dietitians and provisional dietitians must be approved by the Board. The most recently approved fee schedule is set out in 435:1-1-7.

435:35-1-13. Federal employment

A person employed by the Federal Government of the United States of America in the capacity of dietitian shall not be required to be licensed by the state, providing all of his/her professional activity within the state is conducted within a federal facility.