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DIVISION 1

PROCEDURAL RULES

834-001-0000

Notice of Proposed Rules

Prior to the adoption, amendment, or repeal of any rule, the Board of Examiners of Licensed Dietitians shall give notice of proposed adoption, amendment, or repeal:

(1) In the Secretary of State's Bulletin referred to in ORS 813.360 at least 15 days prior to the effective date.

(2) By mailing a copy of the Notice to the persons on the Board's mailing list established pursuant to ORS 183.335(6).

(3) By mailing a copy of the Notice to the following persons, organizations or publications:

- (a) Associated Press;
- (b) United Press International;
- (c) Oregon Dietetic Association; and
- (d) Oregon State Health Division.

Stat. Auth.: ORS 691

Stats. Implemented:

Hist.: LDB 1-1990(Temp), f. 8-23-90, cert. ef. 9-4-90; LDB 2-1990, f. & cert. ef. 12-20-90

834-001-0005

Model Rules of Practice and Procedure

The Model Rules of Practice and Procedures promulgated by the Attorney General of the State of Oregon under the Administrative Procedures Act are by this reference adopted as the rules of procedure of the Board of Examiners of Licensed Dietitians.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or the Board of Examiners of Licensed Dietitians.]

Stat. Auth.: ORS 691

Stats. Implemented:

Hist.: LDB 1-1990(Temp), f. 8-23-90, cert. ef. 9-4-90; LDB 2-1990, f. & cert. ef. 12-20-90

DIVISION 10

**IMPLEMENTATION AND ADMINISTRATION
OF THE DIETETIC PRACTICE ACT**

834-010-0005

Definitions

As used in this Chapter, the following terms and phrases, which have not already been defined in the Practice Act (ORS 691.405 through 691.585), shall have the meanings specified:

(1) "Act" means Dietitian Practice Act.

(2) "Applicant" means any person who has applied to the Board for a license to engage in the practice of dietetics in the State of Oregon.

(3) "Application" means a written request directed to and received by the Board, on forms supplied by the Board, for a license to practice dietetics in the State of Oregon, together with all information, certificates, documents, and other materials required by the Board.

(4) "Examination" means the examination administered by the Commission of Dietetic Registration (CDR). The Board recognizes the examination administered by CDR and the passing score set up by CDR as the Board's examination.

(5) "Nutritional Assessment" means the evaluation of the nutritional needs of individuals and groups based upon appropriate biochemical, anthropometric, physical and dietary data to determine nutrient needs and recommend to the primary health care provider and/or client and implement appropriate nutritional intake including enteral and parenteral nutrition regardless of setting, including but not limited to ambulatory settings, hospitals, nursing homes, and other extended care facilities.

Stat. Auth.: ORS 691

Stats. Implemented:

Hist.: LDB 1-1990(Temp), f. 8-23-90, cert. ef. 9-4-90; LDB 2-1990, f. & cert. ef. 12-20-90

834-010-0010

Qualifications for Licensure

(1) Applicants who are currently registered by the CDR are deemed to have met the academic requirements of ORS 691.435(2).

(2) Each applicant must satisfactorily complete continuing education requirements as set forth by the CDR.

(3) Each applicant for licensure shall agree to adhere to the Code of Ethics of the American Dietetic Association.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 691.405 - 691.535

Stats. Implemented:

Hist.: LDB 1-1990(Temp), f. 8-23-90, cert. ef. 9-4-90; LDB 2-1990, f. & cert. ef. 12-20-90; LDB 2-1993, f. 11-30-93, cert. ef. 12-1-93; BELD 1-2005, f. 5-23-05, cert. ef. 7-22-05

834-010-0015

Waiver

The Board may waive the examination requirements of OAR 834-010-0010.

Stat. Auth.: ORS 691

Stats. Implemented:

Hist.: LDB 1-1990(Temp), f. 8-23-90, cert. ef. 9-4-90; LDB 2-1990, f. & cert. ef. 12-20-90; BELD 1-2005, f. 5-23-05, cert. ef. 7-22-05

834-010-0019

Licensed in Another State

An applicant licensed in another state must also be currently registered as a dietitian by the CDR to be eligible for licensure in Oregon.

Stat. Auth.: ORS 691

Stats. Implemented:

Hist.: BELD 1-2005, f. 5-23-05, cert. ef. 7-22-05

834-010-0025

Application for Licensure

(1) Application for licensure must be submitted on the form and in the manner prescribed by the Board.

(2) Every application shall be typed or written in ink, signed under the penalty of perjury and accompanied by the appropriate nonrefundable application fee and by such evidence, statements or documents showing to the satisfaction of the Board that applicant meets the requirements of ORS 691.435 through 691.565.

(3) Applications are to be submitted to the address designated by the Board.

(4) Approved applications and all documents filed in support thereof shall be retained by the Board.

(5) The Board will not consider an application as officially submitted until the applicant pays the application fee in full.

(6) The executive officer of the Board will notify the applicant about any additional materials required.

(7) The application for a license shall contain such information as the Board may reasonably require.

Stat. Auth.: ORS 691

Stats. Implemented:

Hist.: LDB 1-1990(Temp), f. 8-23-90, cert. ef. 9-4-90; LDB 2-1990, f. & cert. ef. 12-20-90; BELD 1-2005, f. 5-23-05, cert. ef. 7-22-05

834-010-0030

Issuance and Renewal of Licenses

An applicant may be issued a license based on compliance with requirements stated in ORS 691.405, et seq. and these rules. The Board may issue a license to any person who meets the requirements upon payment of the license fee prescribed:

(1) Licenses will expire on October 31 of odd numbered years, beginning in 1995.

(2) Licensee's renewal application must be postmarked or received in the Board Office during regular business hours on or before the expiration date in order to avoid the late renewal fee.

(3) Applicants for renewal of licenses must provide documentation of having met continuing education requirements by providing the Board a copy of the current CDR card or evidence of continuing education as required by the Board.

(4) A renewed license shall be furnished to each licensee who meets all renewal requirements by the expiration date.

(5) No person without a current, valid license from the Board may use the title of or imply that he/she has the title of "licensed dietitian."

Stat. Auth.: ORS 691.405 - 691.535

Stats. Implemented:

Hist.: LDB 1-1990(Temp), f. 8-23-90, cert. ef. 9-4-90; LDB 2-1990, f. & cert. ef. 12-20-90; LDB 1-1992, f. & cert. ef. 3-13-92; LDB 2-1993, f. 11-30-93, cert. ef. 12-1-93; BELD 1-2005, f. 5-23-05, cert. ef. 7-22-05

834-010-0035

License Certificates

(1) The Board shall prepare and provide to each licensee a license certificate.

(2) The licensee shall surrender his/her license certificate upon appropriate demand by the Board.

(3) Neither the licensee nor anyone else shall make any alteration on a license certificate issued by the Board.

Stat. Auth.: ORS 691

Stats. Implemented:

Hist.: LDB 1-1990(Temp), f. 8-23-90, cert. ef. 9-4-90; LDB 2-1990, f. & cert. ef. 12-20-90

834-010-0040

Disapproved Application

The Board shall not approve an applicant for licensure if the applicant:

(1) Has not completed the requirements in ORS 691.435 through 691.465.

(2) Has failed to remit any applicable fees.

(3) Has failed to comply with requests for supporting documentation prescribed by the Board.

(4) Has deliberately presented false information on application documents required by the Board to verify applicant's qualifications for licensure.

Stat. Auth.: ORS 691

Stats. Implemented:

Hist.: LDB 1-1990(Temp), f. 8-23-90, cert. ef. 9-4-90; LDB 2-1990, f. & cert. ef. 12-20-90

834-010-0045

Denial, Revocation or Suspension of License

(1) The Board may refuse to issue a license, or suspend, revoke or impose probationary conditions and restrictions on the license of a person upon a finding of any of the causes listed in ORS 691.535.

(2) When the Board has cause to believe that a licensee/applicant has violated any part of ORS 691.405 through 691.555, the Board shall so advise the applicant in writing by certified mail, setting forth its grounds, specifying the sanctions which are sought and provide the licensee/applicant with the opportunity for hearing pur-

suant to ORS 183.310 to 183.500. The Board's findings of fact, its conclusions of law under these rules and its decision as to the sanctions, if any, to be imposed shall be made in writing by certified mail and served upon the applicant.

(3) A suspended license shall be subject to expiration and may be renewed as provided in this section, but such renewal shall not entitle the licensee to engage in the licensed activity until he/ she is reinstated. If a license revoked on disciplinary grounds is reinstated, the licensee must reapply and pay all applicable fees.

Stat. Auth.: ORS 691

Stats. Implemented:

Hist.: LDB 1-1990(Temp), f. 8-23-90, cert. ef. 9-4-90; LDB 2-1990, f. & cert. ef. 12-20-90

834-010-0050

Fees

In accordance with the provisions of ORS 691.565, the following fees, where applicable, are payable to the Board/Health Division by check or money order:

(1) Application fee shall be \$50, nonrefundable.

(2) Initial license fee shall be \$150 (or \$75 if issued for 12 months or less).

(3) Renewal fee shall follow the same fee structure as the initial license fee.

(4) Delinquent fee shall be \$25.

Stat. Auth.: ORS 691.405 - 691.535

Stats. Implemented:

Hist.: LDB 1-1990(Temp), f. 8-23-90, cert. ef. 9-4-90; LDB 2-1990, f. & cert. ef. 12-20-90; LDB 1-1992, f. & cert. ef. 3-13-92; LDB 2-1993, f. 11-30-93, cert. ef. 12-1-93

834-010-0055

Rules for Professional Conduct

Licenses, under the act, shall perform their professional duties using the American Dietetic Association (ADA) **Code of Ethics for the Professional of Dietetics**, which includes but is not limited to the following:

(1) The licensee provides professional service with objectivity and with respect for the unique needs and values of individuals, avoiding discrimination, and provides sufficient information to enable clients to make informed decisions.

(2) The licensee accurately presents professional qualifications and credentials, and does not permit the use of these credentials by an unqualified person.

(3) The licensee shall remain free of conflict of interest and shall promote or endorse products in a manner that is neither false nor misleading.

(4) The licensee shall advance and promote the professional while maintaining professional judgment, honesty, integrity, loyalty, and trust to colleagues, clients and the public.

(5) The licensee assumes responsibility and accountability for personal competence in practice through continuing education and recognition of the limits of his/her ability and adherence to accepted standards of practice.

(6) The licensee presents substantiated information and interprets controversial information without personal bias, recognizing legitimate differences of opinion.

(7) The licensee maintains the confidentiality of information.

(8) The licensee shall be responsible for reporting alleged misrepresentation or violation of the Act and/or Board rules to the Board.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 691

Stats. Implemented:

Hist.: LDB 1-1990(Temp), f. 8-23-90, cert. ef. 9-4-90; LDB 2-1990, f. & cert. ef. 12-20-90

834-010-0065

Rules for Standards of Practice

(1) **Introduction to Standards of Practice of Licensed Dietitians:**

(a) Purpose of Standards of Practice is:

(A) To establish appropriate levels of safe and effective practice for the Licensed Dietitian;

(B) To serve as a guide for the Oregon State Board of Examiners for Licensed Dietitians to evaluate safe and effective dietetic practice; and

(C) To define “Unprofessional Conduct” as referred to in ORS 691.535.

(b) The role of the Licensed Dietitian is continually evolving. The extent of practice for the licensee is dependent upon initial dietetic education and demonstrated competence in additional skills acquired through inservice, continuing education, or graduate studies which are within the standards of such practice as described in ORA 691.435.

(c) Definition of Terms:

(A) “Licensed Dietitian” will be used within the text of these Standards of Practice, but may be used interchangeably with “Licensed Medical Nutrition Therapist” when appropriate.

(B) “Institution” is defined as an accredited or licensed hospital, clinic, nursing home, school, government agency, etc., recognized by the Board.

(d) The Scope of Practice for Licensed Dietitians is provided in ORS 691.405.

(2) Standards of Practice:

(a) Licensed Dietitians screen and assess the nutritional needs of clients based upon established institutional policy and procedure or according to accepted practices established in scientific literature from peer reviewed journals recognized by the Board, such as Journal of the American Dietetic Association, American Journal of Clinical Nutrition, Journal of the American Medical Association, New England Journal of Medicine.

(b) Licensed Dietitians develop, document and implement nutrition care priorities, goals and objectives that meet the needs of clients based upon institution policy and procedure or according to accepted practices established in scientific literature from peer reviewed journals recognized by the Board.

(c) Licensed Dietitians sort, report and record data collected during screening, assessment and implementation of priorities for care.

(d) Licensed Dietitians monitor performance of clients’ established and implemented priorities, goals and objectives and compare expected to actual outcome. They document results and modify action/goals/objectives as appropriate, based upon institutional policy and procedure, or according to accepted practices from peer reviewed literature recognized by the Board.

(e) Licensed Dietitians treat and counsel individuals or groups on appropriate nutritional intake by integrating information from a nutritional assessment with recognized scientific data on food and other sources of nutrients and meal preparation techniques.

(f) Licensed Dietitians evaluate and implement appropriate standards of quality and safety in food and nutrition services based on current Joint Commission on Accreditation of Hospital Organizations standards, federal, state, local government regulations and/or institutional policy and procedure.

(g) Licensed Dietitians establish public health nutrition policies, which include health promotion, consumer protection and preventive services. They assess community nutrition status, develop and implement outreach programs; they monitor outcome of the programs, document and modify as appropriate to meet public health needs.

(h) Licensed Dietitians use a specialized knowledge of food and nutrition to collaborate with and provide education to other professional, personnel and/or consumers in integrating, interpreting and communicating principles of good nutrition/foodservice.

(i) Licensed Dietitians recognize and abide by Standards of Care established by experts in peer reviewed scientific literature recognized by the Board, or health care organizations such as American Diabetes Association, American Health Association, Human Subjects Committees, American Dietetic Association, National Institutes of Health, American Cancer Society, National Council on Health, Surgeon General, Healthy People 2000, which are recognized by the Board.

(j) Licensed Dietitians conduct, interpret and use research to enhance dietetic practice, using currently accepted scientific methods of investigation as described in peer reviewed literature recognized by the Board.

(k) Licensed Dietitians maintain current knowledge and skills by participating in continuing education activities with and emphasis on their area of practice, which is a minimum of 75 hours in five years.

(l) Licensed Dietitians follow the Code of Ethics of the American Dietetic Association:

(A) They abide by the statutes and regulations governing the field of medical nutrition therapy/dietetic;

(B) They accept the responsibility for their individual section within the dietetic practice field;

(C) They maintain competence in their area of practice;

(D) They contribute to the formulation, interpretation, implementation and evaluation of the objectives and policies related to dietetic practice within their employment setting; and

(E) They report unsafe practices to the Board through appropriate channels.

Stat. Auth.: ORS 691.505

Stats. Implemented: ORS 691.405

Hist.: BELD 1-1999, f. & cert. ef. 7-26-99

