

SENATE BILL NO. 289

INTRODUCED BY NORMAN, FABREGA

IN THE SENATE

January 25, 1983	Fiscal Note requested.
January 26, 1983	Introduced and referred to Committee on Public Health, Welfare and Safety.
February 1, 1983	Fiscal Note returned.
February 12, 1983	Committee recommend bill do pass as amended. Report adopted.
	Statement of Intent attached.
February 14, 1983	Bill printed and placed on members' desks.
February 15, 1983	Second reading, do pass.
February 16, 1983	Correctly engrossed.
February 17, 1983	Third reading, passed. Ayes, 50; Noes, 0. Transmitted to House.

IN THE HOUSE

March 1, 1983	Introduced and referred to Committee on Human Services.
March 23, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 26, 1983	Second reading, concurred in.
	Third reading, concurred in.

IN THE SENATE

March 29, 1983

Returned to Senate with  
amendments.

April 1, 1983

Second reading, amendments  
concurred in.

April 4, 1983

Third reading, amendments  
concurred in. Ayes, 45;  
Noes, 0.

Sent to enrolling.

Reported correctly enrolled.

1 *Amended* BILL NO. *289*  
2 INTRODUCED BY *Norman F. Lange*  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH  
5 QUALIFICATIONS FOR PERSONS WHO REPRESENT THEMSELVES AS  
6 DIETITIANS OR REGISTERED DIETITIANS; TO PROHIBIT PERSONS WHO  
7 DO NOT MEET THE QUALIFICATIONS FROM REPRESENTING THEMSELVES  
8 AS SUCH; AND TO PROVIDE A PENALTY FOR VIOLATION."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Definitions. As used in [this act], the  
12 following definitions apply:

13 (1) "Authorized agency" means a public or private  
14 agency or institution authorized by the department to  
15 establish academic, experience, and training qualifications  
16 for dietitians.

17 (2) "Department" means the department of health and  
18 environmental sciences as provided in 2-15-2101.

19 Section 2. Dietitian -- qualifications. No person may  
20 use, in connection with his name or place of business, the  
21 term "dietitian" or represent in any way that he is a  
22 dietitian unless he:

23 (1) has been granted, prior to October 1, 1983, the  
24 right to use the term "dietitian" by an authorized agency;  
25 or

1 (2) (a) is 18 years of age or older;

2 (b) has satisfactorily completed appropriate academic  
3 requirements for the field of dietetics and related  
4 disciplines;

5 (c) has received a baccalaureate or higher degree from  
6 a college or university accredited by the Northwestern  
7 association of schools and colleges; and

8 (d) has satisfactorily completed a program of  
9 supervised clinical experience of not less than 6 months in  
10 length that is designed to train entry-level dietitians  
11 through instruction and assignments in a clinical setting.  
12 The program must meet minimum requirements established by  
13 the department.

14 Section 3. Registered dietitian -- qualifications. No  
15 person may use, in connection with his name or place of  
16 business, the term "registered dietitian" or represent in  
17 any way that he is a registered dietitian unless he:

18 (1) has been granted, prior to October 1, 1983, the  
19 right to use the term "registered dietitian" by an  
20 authorized agency; or

21 (2) (a) has fulfilled all the requirements set forth  
22 in subsection (2) of [section 2];

23 (b) has satisfactorily completed an examination for  
24 registered dietitians administered by an authorized agency;  
25 and

1       (c) has satisfactorily completed, from time to time,  
2 such continuing education requirements as may be established  
3 by an authorized agency.

4       Section 4. Rules. The department may adopt rules in  
5 accordance with the Montana Administrative Procedure Act to  
6 implement [this act]. The rules may adopt standards,  
7 consistent with [this act], promulgated by an authorized  
8 agency relating to academic, experience, and training  
9 requirements.

10       Section 5. Violation ~~to~~ penalty. A person who violates  
11 [this act] or rules adopted under [this act] is guilty of a  
12 misdemeanor and is punishable by a fine not to exceed \$500.

13       Section 6. Remedies cumulative. Remedies provided  
14 under [this act] are in addition to any other civil or  
15 criminal remedy provided by law.

-End-

## STATE OF MONTANA

259-83

REQUEST NO.

## FISCAL NOTE

Form BD-15

In compliance with a written request received January 25, 19 83, there is hereby submitted a Fiscal Note for Senate Bill 289 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 289 establishes qualifications for persons to represent themselves as dietitians.

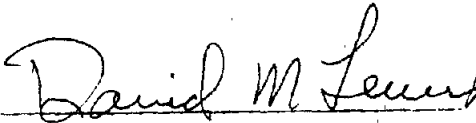
ASSUMPTIONS:

- 1) Department of Health is required to write rules allowing private professional associations to conduct testing and maintain certification files.
- 2) County attorneys are responsible for prosecution of violations.
- 3) Assumes no violations occur when require prosecution.

FISCAL IMPACT:

	<u>FY 84</u>	<u>Total Biennium</u>
Expenditures:		
Legal Services	\$ 350	\$ -0-
Total General Fund	<u>\$ 350</u>	<u>\$ -0-</u>

FISCAL NOTE 9:S/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-1-83

## 1 STATEMENT OF INTENT

## 2 SENATE BILL 289

3  
4 A statement of intent is required for Senate Bill 289  
5 because it gives the Department of Health and Environmental  
6 Sciences authority to:

7 (1) adopt academic, experience, and training  
8 requirements which must be met by anyone representing  
9 himself or herself as a dietitian or registered dietitian;  
10 and

11 (2) specify the independent agency or agencies whose  
12 endorsement of an individual as a dietitian or registered  
13 dietitian prior to October 1, 1983, is sufficient to bring  
14 that individual into compliance with the act; and which are  
15 qualified to set academic, experience, and training  
16 standards for dietitians, give qualifying examinations to  
17 registered dietitians, and establish continuing education  
18 requirements.

19 It is the intent of the Legislature that the American  
20 Dietetic Association and/or any equivalent professional  
21 organization will be designated the "authorized agency"  
22 called for by the act, and that the academic requirements,  
23 clinical experience, and continuing education requirements  
24 of the ADA Commission on Registration Standards will be  
25 adopted.

SECOND READING

SB 289

Approved by Committee  
on Public Health, Welfare  
& Safety

## SENATE BILL NO. 289

INTRODUCED BY NORMAN, FABREGA

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH  
QUALIFICATIONS FOR PERSONS WHO REPRESENT THEMSELVES AS  
DIETITIANS OR REGISTERED DIETITIANS; TO PROHIBIT PERSONS WHO  
DO NOT MEET THE QUALIFICATIONS FROM REPRESENTING THEMSELVES  
AS SUCH; AND TO PROVIDE A PENALTY FOR VIOLATION."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Definitions. As used in [this act], the  
following definitions apply:

(1) "Authorized agency" means a public--or private  
agency or institution authorized by the department to  
establish academic, experience, and training qualifications  
for dietitians.

(2) "Department" means the department of health and  
environmental sciences as provided in 2-15-2101.

Section 2. Dietitian -- qualifications. No person may  
use, in connection with his name or place of business, the  
term "dietitian" or represent in any way that he is a  
dietitian unless he:

(1) has been granted, prior to October 1, 1983, the  
right to use the term "dietitian" by an authorized agency;  
or

(2) (a) is 18 years of age or older;

(b) has satisfactorily completed appropriate academic  
requirements for the field of dietetics and related  
disciplines;

(c) has received a baccalaureate or higher degree IN  
DIETETICS OR RELATED FIELD from a college or university  
accredited by the Northwestern association of schools and  
colleges; and

(d) has satisfactorily completed a program of  
supervised clinical experience of not less than 6 months in  
length that is designed to train entry-level dietitians  
through instruction and assignments in a clinical setting.  
The program must meet minimum requirements established by  
the department.

Section 3. Registered dietitian -- qualifications. No  
person may use, in connection with his name or place of  
business, the term "registered dietitian" or represent in  
any way that he is a registered dietitian unless he:

(1) has been granted, prior to October 1, 1983, the  
right to use the term "registered dietitian" by an  
authorized agency; or

(2) (a) has fulfilled all the requirements set forth  
in subsection (2) of [section 2];

(b) has satisfactorily completed an examination for  
registered dietitians administered by an authorized agency;

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2 (c) has satisfactorily completed, from time to time,  
3 such continuing education requirements as may be established  
4 by an authorized agency.

5 Section 4. Rules. The department may adopt rules in  
6 accordance with the Montana Administrative Procedure Act to  
7 implement [this act]. The rules may adopt standards,  
8 consistent with [this act], promulgated by an authorized  
9 agency relating to academic, experience, and training  
10 requirements.

11 Section 5. Violation -- penalty. A person who violates  
12 [this act] or rules adopted under [this act] is guilty of a  
13 misdemeanor and is punishable by a fine not to exceed \$500.

14 Section 6. Remedies cumulative. Remedies provided  
15 under [this act] are in addition to any other civil or  
16 criminal remedy provided by law.

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THIRD READING

SB289

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16 criminal remedy provided by law.

-End-

March 23, 1983

House Human Services Committee Amendments to SB289, Third Reading Copy (blue)

1. Title, line 8.

Strike: "AND"

Following: "VIOLATION "

Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE"

2. Page 3, line 17.

Following: line 16

Insert: "Section 7. Effective date. Section 5 is effective July 1, 1984."

AND AS AMENDED  
BE CONCURRED IN

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17 criminal remedy provided by law.

18 SECTION 7. EFFECTIVE DATE. SECTION 5 IS EFFECTIVE  
19 JULY 1, 1984.

-End-