



**Oregon Health Licensing Agency  
Board of Licensed Dietitians  
Legislation & Rules Committee**

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Date: October 20, 2011

Members Present: Maureen McCarthy  
Jill Calamar  
Paula Koeller

Members Absent: None

Staff Present: Sylvie McMillan, Fiscal Services and Licensing Manager  
Sinnamon Harris, Board Specialist

Guests Present: None

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Maureen McCarthy, called the Board of Licensed Dietitians Legislation & Rules committee meeting to order at 9:18 am, on October 20, 2011, at the Oregon Health Licensing Agency (OHLA), Rhoades Conference Room, 700 Summer Street NE, Salem, Oregon. Roll was called.

Sylvie McMillan, Fiscal Services and Licensing Manager, began by explaining how the current Board of Licensed Dietitians administrative rules, Chapter 834 Division 1, Procedural Rules, are already under the Oregon Health Licensing Agency's (OHLA) administrative rules as an overarching rule for all the boards and councils. Chapter 834 Division 10 has been reformatted and renumbered to standardize and streamline the rules starting with new Divisions 20 through 60. The Legislation and Rules Committee were provided the following documentation for review and consideration:

- Senate Bill 939
- A draft copy created by the agency which "merged" SB 939 with Chapter 691 statutes (2009) (so the committee could clearly see the sections of the Licensed Dietitians statutes still viable. The 2011 Legislation statutes are not published until March 2012).
- Reference material to review for the Standards of Practice and Standards of Professional Conduct rule sections listed below:
  - a. American Dietetic Assoc/Commission on Dietetic Registration Code of Ethics for the Professional of Dietetics and Process for Consideration of Ethics Issues
  - b. American Dietetic Association Revised 2008 Standards of Practice for registered Dietitians in Nutrition Care; Standards of Professional Performance for registered Dietitians; Standards of Practice for Dietetic Technicians, Registered, in Nutrition Care; and Standards of Professional Performance for Dietetic Technicians, Registered
  - c. Ohio – Chapter 4759-6 Professional Responsibility
  - d. American Dietetic Association Work Group on Licensure, Competition and Scope of Practice, Model Practice Act, January 2010

### **Continuing Education Discussion**

The committee discussed the language to be used for continuing education (CE) definition in administrative rules. The purpose of continuing education is to maintain and improve your knowledge and skills in the practice of dietetics.

The committee had a lengthy discussion to decide how many CE hours to require annually since the SB 939, Section 9, ORS 691.465(1)(c) moved Licensed Dietitians to a one-year renewal cycle and requires evidence of having completed any required CE credits on or before the expiration date of the license.

Maureen McCarthy explained that the Commission on Dietetic Registration (CDR) requires that Registered Dietitians must participate in and report 75 CE hours over a five-year registration period. McMillan stated she had researched other states and found those states, which must renew annually, just divided the 75 CE hours required by CDR by five years for 15 CE hours per year. McMillan noted the committee could decide upon another number, such as, five CEs per year to recommend to the board. McCarthy pointed out that requiring 15 CE hours each year will be a huge change for Oregon licensed dietitians and probably will stimulate feedback during the public comment period of administrative rulemaking.

There was a further discussion of those licensed dietitians who were not credentialed through CDR. Those non-credentialed licensed dietitians were required to take 30 CE hours every biennium. If the number of hours required are set to five CE hours per year, then that is all the CE hours those registrants will have to take. After consideration the committee decided to recommend a minimum of 15 CE hours annually.

### **New Division 30 Discussion**

McMillan explained the difference between the terms “inactive” and “expired” licenses to the committee in regards to licensure renewals.

### **New Division 40 Discussion**

Fees are set and established by the agency in statute. McMillan explained that the board will review and vote on all other divisions in the rules but Division 40. McMillan noted that the fees are meant to be just enough to cover board expenses. A couple of new fees that are standard in all OHLA board’s rules is one for a \$25 fee for non-sufficient funds (NSF) and \$25 charge for the replacement of a licensing or name change.

### **New Division 50 Discussion**

McMillan explained how CE documentation must be maintained for two years in case the licensee is selected for the “audit” process. McCarthy noted that, again, this will be a new process for licensed dietitians and outreach to the licensees to disseminate this information will be necessary once the administrative rules are permanent.

### **New Division 60 Discussion**

The committee began discussing the Standards of Practice and Standards of Professional Conduct with the review of Chapter 691.405 definition of “Dietetics practice.” McCarthy provided the committee with research material handouts from the American Dietetic Association. The committee also reviewed

the standards of practice on the CDR web site to use as examples in the development of the Board of Licensed Dietitians administrative rules.

The committee discussed mandatory reporting requirements under ORS 676.150. The Board of Licensed Dietitians are listed under (f) as mandatory reporters and thus must abide by the reporting obligations as outlined in the statute.

### **Fiscal Impact Discussion**

The filing of proposed administrative rules requires that a statement of fiscal impact is also filed at the same time. McMillan asked the committee to consider if any changes made to the administrative rules would have a fiscal or economic impact any government, local groups, or small businesses. And to also consider the cost of compliance of recordkeeping, reporting, equipment, supplies, labor cost, etc.

The committee offered there may be a minimal impact regarding CEs that now must be performed annually but the number of hours required per year is the same as the previous biennium CE requirement. The CE auditing process is new to the licensees and will have a minimal cost of recordkeeping and agency staff time for review. The committee answered the question about the involvement of small businesses in the development of the rules in this manner: “generally, because these proposed rules are largely technical updates based on streamlining and aligning the rules with the agency no small businesses were consulted with the development.”

The meeting adjourned at approximately 2:53 pm.

Prepared by: Sinnamon Harris, Board Specialist