



Board of Licensed Dietitians

OREGON REVISED STATUTES

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CHAPTER 691.405 – 485 & 676.150

& 676.410 & 676.850

2019 EDITION



HEALTH LICENSING OFFICE

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GENERAL PROVISIONS

691.405 Definitions for ORS 691.405 to 691.485. As used in ORS 691.405 to 691.485:

(1) “Dietetics practice” means the integration and application of principles derived from the sciences of nutrition, biochemistry, food, management, physiology and behavioral and social sciences to achieve and maintain the health of people through:

- (a) Assessing the nutritional needs of clients;
- (b) Establishing priorities, goals and objectives that meet nutritional needs of clients;
- (c) Advising and assisting individuals or groups on appropriate nutritional intake by integrating information from a nutritional assessment with information on food and other sources of nutrients and meal preparation; and
- (d) Evaluating and making changes in food, diets and nutrition services, maintaining appropriate standards of nutritional quality in food and maintaining appropriate standards of nutrition services.

(2) “Licensed dietitian” means a dietitian licensed as provided in ORS 691.435. [1989 c.487 §1; 2001 c.900 §216; 2007 c.71 §225; 2009 c.595 §1108; 2009 c.828 §43; 2011 c.630 §4]

LICENSING

691.415 License required. A person who is not licensed under ORS 691.435 may not practice or attempt to practice as a licensed dietitian using in connection with the name of the person the words or letters “L.D.,” or “Licensed Dietitian.” [1989 c.487 §2; 2011 c.630 §5]

691.425 [1989 c.487 §3; 2005 c.21 §10; repealed by 2011 c.630 §24]

691.435 Licensing requirements; examination. The Health Licensing Office, in consultation with the Board of Licensed Dietitians, shall issue a dietitian license to an applicant who:

- (1) Files an application as prescribed by the office;
- (2) Pays the applicable fees established under ORS 676.576; and
- (3) Demonstrates to the satisfaction of the office that the applicant has:
 - (a) Received a baccalaureate or post-baccalaureate degree from a regionally accredited college or university in the United States with a major course of study in human nutrition, dietetics, foods and nutrition or food systems management approved by the board as meeting the standards for approval of the course of study under ORS 691.405 to 691.485;
 - (b) Completed a planned, continuous program of dietetic experience approved by the office of 900 hours under the supervision of a licensed dietitian; and
 - (c) Passed an examination prescribed by the office. [1989 c.487 §4; 2011 c.630 §7; 2013 c.314 §48; 2013 c.568 §103]

691.445 Licensing without examination based on prior practice or licensure in other state. The Health Licensing Office, in consultation with the Board of Licensed Dietitians, may waive the examination requirement and grant a dietitian license to an applicant who:

- (1) Files an application as prescribed by the office;
- (2) Pays the applicable fees established under ORS 676.576; and
- (3) Presents satisfactory evidence of:
 - (a) Current registration as a dietitian with a credentialing body approved by the board; or

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(b) Current licensure under the laws of any other state or territory in the United States, if the requirements for licensure of dietitians in the state or territory in which the applicant is licensed are not less than those required by ORS 691.405 to 691.485. [1989 c.487 §5; 2011 c.630 §8; 2013 c.314 §49; 2013 c.568 §104]

691.455 [1989 c.487 §6; repealed by 2011 c.630 §24]

691.465 License renewal; rules. To renew a license issued under ORS 691.405 to 691.485, the licensee must submit to the Health Licensing Office:

- (1) A completed renewal application;
- (2) The applicable renewal fee established under ORS 676.576; and
- (3) Satisfactory evidence of having completed any required continuing education credits on or before the expiration date of the license as specified by office rule. [1989 c.487 §7; 1991 c.77 §1; 1991 c.703 §34; 1993 c.10 §1; 2007 c.768 §52; 2009 c.42 §1; 2011 c.630 §9; 2013 c.314 §50; 2013 c.568 §105]

HEALTH LICENSING OFFICE

691.475 Duties of Health Licensing Office; rules. The Health Licensing Office, in consultation with the Board of Licensed Dietitians, shall:

- (1) Adopt rules necessary for the administration of ORS 691.405 to 691.485;
- (2) Issue, deny, revoke, suspend and renew dietitian licenses;
- (3) Determine the qualifications, training, education and fitness of applicants for licenses, renewals of licenses and reciprocal licenses for dietitians;
- (4) Determine requirements for reciprocity and equivalency for licensed dietetics practice;
- (5) Establish a code of professional responsibility and standards of practice for licensed dietitians;
- (6) Develop, approve or recognize examinations to test an applicant's knowledge relating to dietitian techniques and methods and any other subjects the board may determine to be necessary to assess an applicant's fitness to practice as a licensed dietitian; and
- (7) Provide for waivers of examinations. [2011 c.630 §11; 2013 c.314 §51; 2013 c.568 §106]

691.477 Discipline. In the manner prescribed in ORS chapter 183 for contested cases and in consultation with the Board of Licensed Dietitians, the Health Licensing Office may impose a form of discipline listed in ORS 676.612 against any person practicing dietetics for any of the grounds listed in ORS 676.612 and for any violation of the provisions of ORS 691.405 to 691.485, or the rules adopted under ORS 691.405 to 691.485. [2011 c.630 §13; 2013 c.568 §107]

691.479 [2011 c.630 §12; repealed by 2013 c.314 §65]

BOARD

691.485 Board of Licensed Dietitians. (1) There is established, within the Health Licensing Office, the Board of Licensed Dietitians to advise the office with regard to the regulation of dietitians. The board consists of seven members appointed by the Governor. All members of the board must be residents of this state. Of the members of the board:

- (a) Two must be members of the general public who are not otherwise qualified for membership on the board and who are not a spouse, domestic partner, child, parent or sibling of a licensed dietitian;

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(b) One must be a physician trained in clinical nutrition; and
(c) Four must be licensed dietitians who have been engaged in the practice of dietetics for at least five years.

(2) The term of office of each member is four years, but a member serves at the pleasure of the Governor. A member is eligible for reappointment. If a person serves two consecutive full terms, a period of at least four years must elapse before the person is again eligible for appointment to serve on the board. If there is a vacancy on the board for any reason, the Governor shall make an appointment to become immediately effective for the unexpired term. A member shall hold the member's office until the appointment and qualification of a successor.

(3) Members of the board are entitled to compensation and expenses as provided in ORS 292.495. The office may provide by rule for compensation to board members for the performance of official duties at a rate that is greater than the rate provided in ORS 292.495.

(4) The board shall meet at least once per year. [1989 c.487 §8; 2009 c.535 §31; 2009 c.756 §81; 2011 c.630 §6; 2013 c.568 §109]

REPORTING OBLIGATIONS

676.150 Duty to report prohibited or unprofessional conduct, arrests and convictions; investigation; confidentiality; immunity from liability. (1) As used in this section:

- (a) "Board" means the:
- (A) State Board of Examiners for Speech-Language Pathology and Audiology;
 - (B) State Board of Chiropractic Examiners;
 - (C) State Board of Licensed Social Workers;
 - (D) Oregon Board of Licensed Professional Counselors and Therapists;
 - (E) Oregon Board of Dentistry;
 - (F) Board of Licensed Dietitians;
 - (G) State Board of Massage Therapists;
 - (H) Oregon Board of Naturopathic Medicine;
 - (I) Oregon State Board of Nursing;
 - (J) Long Term Care Administrators Board;
 - (K) Oregon Board of Optometry;
 - (L) State Board of Pharmacy;
 - (M) Oregon Medical Board;
 - (N) Occupational Therapy Licensing Board;
 - (O) Oregon Board of Physical Therapy;
 - (P) Oregon Board of Psychology;
 - (Q) Board of Medical Imaging;
 - (R) State Board of Direct Entry Midwifery;
 - (S) State Board of Denture Technology;
 - (T) Respiratory Therapist and Polysomnographic Technologist Licensing Board;
 - (U) Oregon Health Authority, to the extent that the authority licenses emergency medical services providers;
 - (V) Oregon State Veterinary Medical Examining Board; or
 - (W) State Mortuary and Cemetery Board.
- (b) "Licensee" means a health professional licensed or certified by or registered with a board.
- (c) "Prohibited conduct" means conduct by a licensee that:
- (A) Constitutes a criminal act against a patient or client; or

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(B) Constitutes a criminal act that creates a risk of harm to a patient or client.

(d) “Unprofessional conduct” means conduct unbecoming a licensee or detrimental to the best interests of the public, including conduct contrary to recognized standards of ethics of the licensee’s profession or conduct that endangers the health, safety or welfare of a patient or client.

(2) Unless state or federal laws relating to confidentiality or the protection of health information prohibit disclosure, a licensee who has reasonable cause to believe that another licensee has engaged in prohibited or unprofessional conduct shall report the conduct to the board responsible for the licensee who is believed to have engaged in the conduct. The reporting licensee shall report the conduct without undue delay, but in no event later than 10 working days after the reporting licensee learns of the conduct.

(3) A licensee who is convicted of a misdemeanor or felony or who is arrested for a felony crime shall report the conviction or arrest to the licensee’s board within 10 days after the conviction or arrest.

(4) The board responsible for a licensee who is reported to have engaged in prohibited or unprofessional conduct shall investigate in accordance with the board’s rules. If the board has reasonable cause to believe that the licensee has engaged in prohibited conduct, the board shall present the facts to an appropriate law enforcement agency without undue delay, but in no event later than 10 working days after the board finds reasonable cause to believe that the licensee engaged in prohibited conduct.

(5) A licensee who fails to report prohibited or unprofessional conduct as required by subsection (2) of this section or the licensee’s conviction or arrest as required by subsection (3) of this section is subject to discipline by the board responsible for the licensee.

(6) A licensee who fails to report prohibited conduct as required by subsection (2) of this section commits a Class A violation.

(7)(a) Notwithstanding any other provision of law, a report under subsection (2) or (3) of this section is confidential under ORS 676.175.

(b) A board may disclose a report as provided in ORS 676.177.

(c) If the Health Licensing Office receives a report described in this subsection, the report is confidential and the office may only disclose the report pursuant to ORS 676.595 and 676.599.

(8) Except as part of an application for a license or for renewal of a license and except as provided in subsection (3) of this section, a board may not require a licensee to report the licensee’s criminal conduct.

(9) The obligations imposed by this section are in addition to and not in lieu of other obligations to report unprofessional conduct as provided by statute.

(10) A licensee who reports to a board in good faith as required by subsection (2) of this section is immune from civil liability for making the report.

(11) A board and the members, employees and contractors of the board are immune from civil liability for actions taken in good faith as a result of a report received under subsection (2) or (3) of this section. [2009 c.536 §1; 2011 c.630 §21; 2011 c.703 §44; 2011 c.715 §19; 2011 c.720 §213; 2017 c.6 §22; 2018 c.61 §19; 2019 c.43 §5; 2019 c.456 §13]

676.410 Information required for renewal of certain licenses; confidentiality; data collection; fees; rules. (1) As used in this section, “health care workforce regulatory board” means the:

- (a) State Board of Examiners for Speech-Language Pathology and Audiology;
- (b) State Board of Chiropractic Examiners;
- (c) State Board of Licensed Social Workers;
- (d) Oregon Board of Licensed Professional Counselors and Therapists;

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- (e) Oregon Board of Dentistry;
- (f) Board of Licensed Dietitians;
- (g) State Board of Massage Therapists;
- (h) Oregon Board of Naturopathic Medicine;
- (i) Oregon State Board of Nursing;
- (j) Respiratory Therapist and Polysomnographic Technologist Licensing Board;
- (k) Oregon Board of Optometry;
- (L) State Board of Pharmacy;
- (m) Oregon Medical Board;
- (n) Occupational Therapy Licensing Board;
- (o) Oregon Board of Physical Therapy;
- (p) Oregon Board of Psychology; and
- (q) Board of Medical Imaging.

(2) An individual applying to renew a license with a health care workforce regulatory board must provide the information prescribed by the Oregon Health Authority pursuant to subsection (3) of this section to the health care workforce regulatory board. Except as provided in subsection (4) of this section, a health care workforce regulatory board may not approve an application to renew a license until the applicant provides the information.

(3) The authority shall collaborate with each health care workforce regulatory board to adopt rules establishing:

(a) The information that must be provided to a health care workforce regulatory board under subsection (2) of this section, which may include:

- (A) Demographics, including race and ethnicity.
- (B) Education and training information.
- (C) License information.
- (D) Employment information.
- (E) Primary and secondary practice information.
- (F) Anticipated changes in the practice.
- (G) Languages spoken.

(b) The manner and form of providing information under subsection (2) of this section.

(4)(a) Subject to paragraph (b) of this subsection, a health care workforce regulatory board shall report health care workforce information collected under subsection (2) of this section to the authority.

(b) Except as provided in paragraph (c) of this subsection, personally identifiable information collected under subsection (2) of this section is confidential and a health care workforce regulatory board and the authority may not release such information.

(c) A health care workforce regulatory board may release personally identifiable information collected under subsection (2) of this section to a law enforcement agency for investigative purposes or to the authority for state health planning purposes.

(5) A health care workforce regulatory board may adopt rules to perform the board's duties under this section.

(6) In addition to renewal fees that may be imposed by a health care workforce regulatory board, the authority shall establish fees to be paid by individuals applying to renew a license with a health care workforce regulatory board. The amount of fees established under this subsection must be reasonably calculated to reimburse the actual cost of obtaining or reporting information as required by subsection (2) of this section.

(7) Using information collected under subsection (2) of this section, the authority shall create and maintain a health care workforce database. The authority shall provide data from the health care workforce database and may provide data from other relevant sources, including data related to the

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diversity of this state's health care workforce, upon request to state agencies and to the Legislative Assembly. The authority may contract with a private or public entity to establish and maintain the database and to perform data analysis. [2009 c.595 §1175; 2011 c.630 §23; 2013 c.14 §9; 2015 c.318 §40; 2015 c.380 §1; 2017 c.6 §24; 2019 c.3 §3; 2019 c.43 §8]

Note: Section 3, chapter 380, Oregon Laws 2015, provides:

Sec. 3. (1) For individuals applying to renew a license to practice a regulated profession with the Oregon Board of Dentistry, Board of Licensed Dietitians, Oregon State Board of Nursing, State Board of Pharmacy, Oregon Medical Board, Occupational Therapy Licensing Board and Physical Therapist Licensing Board, the amendments to ORS 676.410 by section 1, chapter 380, Oregon Laws 2015, apply to applications to renew a license to practice a regulated profession that are submitted on or after January 1, 2016.

(2) For individuals applying to renew a license to practice a regulated profession with the State Board of Examiners for Speech-Language Pathology and Audiology, State Board of Chiropractic Examiners, State Board of Licensed Social Workers, Oregon Board of Licensed Professional Counselors and Therapists, State Board of Massage Therapists, Oregon Board of Naturopathic Medicine, Respiratory Therapist and Polysomnographic Technologist Licensing Board, Oregon Board of Optometry, Oregon Board of Psychology and Board of Medical Imaging, the amendments to ORS 676.410 by section 1, chapter 380, Oregon Laws 2015, apply to applications to renew a license to practice a regulated profession that are submitted on or after the date on which rules are adopted for health care workers regulated by a health care workforce regulatory board pursuant to ORS 676.410 (3). [2015 c.380 §3; 2017 c.6 §25]

CULTURAL COMPETENCY CONTINUING EDUCATION

676.850 Authority of regulatory boards to require cultural competency continuing education; documentation of participation; rules. (1) As used in this section, "board" means the:

- (a) State Board of Examiners for Speech-Language Pathology and Audiology;
- (b) State Board of Chiropractic Examiners;
- (c) State Board of Licensed Social Workers;
- (d) Oregon Board of Licensed Professional Counselors and Therapists;
- (e) Oregon Board of Dentistry;
- (f) Board of Licensed Dietitians;
- (g) State Board of Massage Therapists;
- (h) Oregon Board of Naturopathic Medicine;
- (i) Oregon State Board of Nursing;
- (j) Long Term Care Administrators Board;
- (k) Oregon Board of Optometry;
- (L) State Board of Pharmacy;
- (m) Oregon Medical Board;
- (n) Occupational Therapy Licensing Board;
- (o) Oregon Board of Physical Therapy;
- (p) Oregon Board of Psychology;
- (q) Board of Medical Imaging;
- (r) State Board of Direct Entry Midwifery;
- (s) State Board of Denture Technology;
- (t) Respiratory Therapist and Polysomnographic Technologist Licensing Board;

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- (u) Home Care Commission;
 - (v) Oregon Health Authority, to the extent that the authority licenses emergency medical service providers; and
 - (w) Health Licensing Office, to the extent that the office licenses lactation consultants.
- (2)(a) In collaboration with the Oregon Health Authority, a board may adopt rules under which the board may require a person authorized to practice the profession regulated by the board to receive cultural competency continuing education approved by the authority under ORS 413.450.
- (b) Cultural competency continuing education courses may be taken in addition to or, if a board determines that the cultural competency continuing education fulfills existing continuing education requirements, instead of any other continuing education requirement imposed by the board.
- (3)(a) A board, or the Health Licensing Office for those boards for which the office issues and renews authorizations to practice the profession regulated by the board, shall document participation in cultural competency continuing education by persons authorized to practice a profession regulated by the board.
- (b) For purposes of documenting participation under this subsection, a board may adopt rules requiring persons authorized to practice the profession regulated by the board to submit documentation to the board, or to the office for those boards for which the office issues and renews authorizations to practice the profession regulated by the board, of participation in cultural competency continuing education.
- (4) A board shall report biennially to the authority on the participation documented under subsection (3) of this section.
- (5) The authority, on or before August 1 of each even-numbered year, shall report to the interim committees of the Legislative Assembly related to health care on the information submitted to the authority under subsection (4) of this section. [2013 c.240 §1; 2017 c.6 §28; 2017 c.499 §19; 2018 c.61 §24; 2019 c.43 §11]

Note: The amendments to 676.850 by section 1, chapter 186, Oregon Laws 2019, become operative July 1, 2021, and apply to applicants for initial authorization or renewal of authorization on or after July 1, 2021. See sections 3 and 4, chapter 186, Oregon Laws 2019. The text that is operative on and after July 1, 2021, is set forth for the user's convenience.

676.850. (1) As used in this section, "board" means the:

- (a) State Board of Examiners for Speech-Language Pathology and Audiology;
- (b) State Board of Chiropractic Examiners;
- (c) State Board of Licensed Social Workers;
- (d) Oregon Board of Licensed Professional Counselors and Therapists;
- (e) Oregon Board of Dentistry;
- (f) Board of Licensed Dietitians;
- (g) State Board of Massage Therapists;
- (h) Oregon Board of Naturopathic Medicine;
- (i) Oregon State Board of Nursing;
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- (r) State Board of Direct Entry Midwifery;
 - (s) State Board of Denture Technology;
 - (t) Respiratory Therapist and Polysomnographic Technologist Licensing Board;
 - (u) Home Care Commission;
 - (v) Oregon Health Authority, to the extent that the authority licenses emergency medical service providers; and
 - (w) Health Licensing Office, to the extent that the office licenses lactation consultants.
- (2)(a) A board shall adopt rules to require a person authorized to practice the profession regulated by the board to complete cultural competency continuing education. Completion of the continuing education described in this subsection shall be a condition of renewal of an authorization to practice the profession regulated by the board every other time that the person's authorization is subject to renewal.
- (b) Cultural competency continuing education courses may be taken in addition to or, if a board determines that the cultural competency continuing education fulfills existing continuing education requirements, instead of any other continuing education requirement imposed by the board.
- (c) A board shall consider the availability of the continuing education described in this subsection when adopting rules regarding the required number of credits of continuing education.
- (d) A board shall encourage, but may not require, the completion of continuing education approved by the Oregon Health Authority under ORS 413.450. A board shall accept as meeting the requirements of this subsection continuing education that meets the skills requirements established by the authority by rule.
- (3) The requirements of subsection (2) of this section do not apply to a person authorized to practice a profession regulated by a board if the person is:
- (a) Retired and not practicing the profession in any state;
 - (b) Not practicing the profession in this state; or
 - (c) Residing in this state but not practicing the profession in any state.