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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 834  
OREGON HEALTH AUTHORITY  
HEALTH LICENSING OFFICE, BOARD OF LICENSED DIETITIANS

**FILED**

08/23/2022 1:24 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Clarifying "inactive" and "expired" licenses for licensed dietitians; changing continuing education documentation retention period.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 09/28/2022 9:00 AM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

*A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.*

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Filed By:  
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NEED FOR THE RULE(S)

The use of "expired" and "inactive" licenses required a clarification; continuing education retention period needed to align with the licensees CEU cycle.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

2021 Oregon Revised Statutes; 2019 House Bill 2011 - all documents are available at the Oregon Legislature or the Health Licensing Office, located at 1430 Tandem Ave. NE Suite 180 Salem OR 97301.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

Making rules clearer will help licensed dietitians understand what is expected of them and hopefully they will spend more time with clients and less time on paperwork.

FISCAL AND ECONOMIC IMPACT:

Licensed dietitians will have to retain their continuing education documents for four years instead of two. They should not present a hardship as they are allowed to roll the extra CEUs attained for their national certification for four licensure years. The retention increase is just so the time periods match in case the licensee is audited.

COST OF COMPLIANCE:

*(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).*

None expected

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DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

They were not - this is a Health Licensing Office rule clarification based on business needs.

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WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

This is a Health Licensing Office rule clarification based on business needs.

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AMEND: 834-050-0000

RULE SUMMARY: Clarifying the use of "expired" and "inactive" related to dietitian licensing; changing documentation retention to four years.

CHANGES TO RULE:

834-050-0000

Continuing Education Requirements ¶¶

(1) To maintain authorization, licensure, ~~ed~~ dietitians must complete a minimum of 15 CE credits every licensure year. ~~For the purposes of this rule and OAR 834-050-0010, the licensure year begins on the day of the month that the licensee was originally licensed and extends for the following 364 days.¶¶~~

(2) CE credits obtained in excess of those required for the current licensure year reporting period may be carried forward for up to four licensure years. However, no more than 60 annual excess CE credits may be carried forward.¶¶

(3) Excess CE credits may ~~not~~ be used to reinstate an ~~expired license~~ inactive license.¶¶

(4) Excess CE credits may not be used if a license is expired.¶¶

(45) Each licensee shall document compliance with the CE requirement through attestation on the license renewal application. Licensees are subject to provisions of OAR 834-050-0010 pertaining to periodic audit of CE.¶¶

(56) Upon CE credit audit, the licensee must provide documentation supporting all credits claimed and all excess credits carried forward.¶¶

(67) Except for the continuing education ~~un~~credits required under section (78), CE ~~un~~credits must address subject matter related to dietetics practice in accordance with ORS 691.405(1) and OAR 834-020-0000(4).¶¶

(78) Notwithstanding any other CE requirements, in order to be eligible to renew a license, an authorization holder must obtain 1 ~~un~~credit of CE in cultural competency (CCCE) every other time the authorization is subject to renewal. The requirement of this paragraph is effective on and after July 1, 2021. The CCCE must be either:¶¶

(a) Approved by the Oregon Health Authority; or¶¶

(b) Meet the skills requirements established by the Oregon Health Authority by rule.¶¶

(89) The Board encourages completion of required CCCE from the approved list promulgated by the Oregon Health Authority, available on the Board's website. The Board shall also accept CCCE that is not obtained from the Oregon Health Authority's approved list, to the extent the Board determines the CCCE meets the skills requirements established by the Oregon Health authority in rules that are effective at the time the CCCE is obtained. The Board shall maintain a current list of cultural competency skills recognized in rule by the Oregon Health Authority.¶¶

(910) Section (78) does not apply to authorization holders who are:¶¶

(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 in the profession in any state.¶¶

(10) CE credits will be awarded based on the following criteria:¶¶

(a) Completion and passing of academic courses taken from an accredited college or university are awarded 15 CE credits for each semester-based credit earned, 14 CE credits for each trimester-based credit earned or 10 CE credits for each quarter-based credit earned;¶¶

(b) Completion of professional courses which meet academic course requirements in content, instruction and evaluation will be assigned 15 CE credits for each semester-based credit earned, 14 CE credits for each trimester-based credit earned or 10 CE credits for each quarter-based credit earned;¶¶

(c) Courses that do not meet standards as set forth in paragraphs (a) and (b) of this subsection, such as workshops, symposiums, seminars, laboratory exercises, or any applied experience with or without formal classroom work may be assigned credit at the rate of 1.0 CE credit for each hour of attendance.¶¶

(11) Documentation supporting compliance with CE requirements must be maintained for a period of ~~two~~four licensure years following renewal and be available to the Office upon request.

Statutory/Other Authority: ORS 691.475, 691.485, 2019 House Bill 2011

Statutes/Other Implemented: ORS 691.435, 691.445, 691.475, 691.477, 691.479, 2019 House Bill 2011