

Chapter 691

1999 EDITION

Dietitians

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691.010 [Repealed by 1967 c.587 s.1 (subsections (1) to (5) and (8) to (13) of 691.011 enacted in lieu of 691.010)]

691.011 [Subsections (1) to (5) and (8) to (13) enacted as 1967 c.587 s.2 (enacted in lieu of 691.010); subsections (6) and (7) enacted as 1967 c.355 s.4; repealed by 1977 c.842 s.27 and 1977 c.886 s.42]

691.020 [Amended by 1967 c.355 s.2; 1967 c.587 ss.3, 58; repealed by 1977 c.842 s.27 and 1977 c.886 s.42]

691.030 [Repealed by 1967 c.587 s.11 (691.055 enacted in lieu of 691.030)]

691.040 [Amended by 1967 c.587 s.4; repealed by 1977 c.842 s.27 and 1977 c.886 s.42]

691.045 [1967 c.355 s.5; repealed by 1977 c.842 s.27 and 1977 c.886 s.42]

691.050 [Amended by 1961 c.386 s.1; repealed by 1967 c.587 s.11 (691.055 enacted in lieu of 691.050)]

691.052 [1967 c.587 s.5; repealed by 1977 c.842 s.27 and 1977 c.886 s.42]

691.055 [1967 c.587 s.12 (enacted in lieu of 691.030, 691.050 and 691.080); 1975 c.465 s.1; repealed by 1977 c.842 s.27 and 1977 c.886 s.42]

691.060 [Amended by 1953 c.231 s.4; 1967 c.587 s.15; 1971 c.762 s.1; repealed by 1977 c.842 s.27 and 1977 c.886 s.42]

691.070 [Repealed by 1967 c.587 s.13 (691.071 enacted in lieu of 691.070)]

691.071 [1967 c.587 s.14 (enacted in lieu of 691.070); 1973 c.832 s.42; repealed by 1977 c.842 s.27 and 1977 c.886 s.42]

- 691.080** [Repealed by 1967 c.587 s.11 (691.055 enacted in lieu of 691.080)]
- 691.085** [1967 c.587 s.50; repealed by 1977 c.842 s.27 and 1977 c.886 s.42]
- 691.090** [Amended by 1967 c.587 s.16; repealed by 1977 c.842 s.27 and 1977 c.886 s.42]
- 691.100** [Amended by 1967 c.587 s.17; 1975 c.465 s.2; repealed by 1977 c.842 s.27 and 1977 c.886 s.42]
- 691.105** [1955 c.155 s.2; 1967 c.587 s.18; repealed by 1977 c.842 s.27 and 1977 c.886 s.42]
- 691.110** [Amended by 1957 c.194 s.1; 1967 c.587 s.28; repealed by 1977 c.842 s.27 and 1977 c.886 s.42]
- 691.120** [Amended by 1953 c.231 s.4; 1955 c.155 s.3; 1961 c.102 s.1; 1967 c.587 s.6; 1973 c.832 s.43; 1977 c.873 s.10; repealed by 1977 c.842 s.27 and 1977 c.886 s.42]
- 691.130** [Amended by 1961 c.386 s.2; 1967 c.587 s.39; 1971 c.762 s.3; 1973 c.832 s.44; repealed by 1977 c.842 s.27 and 1977 c.886 s.42]
- 691.140** [Amended by 1967 c.587 s.41; repealed by 1971 c.734 s.21]
- 691.145** [1971 c.734 s.148; repealed by 1977 c.842 s.27 and 1977 c.886 s.42]
- 691.150** [Amended by 1967 c.587 s.42; repealed by 1971 c.734 s.21]
- 691.160** [Amended by 1967 c.587 s.9; repealed by 1977 c.842 s.27 and 1977 c.886 s.42]
- 691.170** [Amended by 1953 c.231 s.4; 1967 c.587 s.10; 1971 c.762 s.4; repealed 1977 c.886 s.42]
- 691.180** [Amended by 1953 c.231 s.4; 1955 c.155 s.4; 1959 c.29 s.1; 1963 c.52 s.2; 1967 c.18 s.2; 1967 c.587 s.7; renumbered 691.300]
- 691.190** [1967 c.587 s.30 (691.190 enacted in lieu of 691.220); 1971 c.762 s.5; repealed by 1977 c.842 s.27 and 1977 c.886 s.42]
- 691.195** [1967 c.587 s.31 (enacted in lieu of 691.220); repealed by 1977 c.842 s.27 and 1977 c.886 s.42]
- 691.200** [1967 c.587 s.32 (enacted in lieu of 691.220); repealed by 1977 c.842 s.27 and 1977 c.886 s.42]
- 691.205** [1967 c.587 s.33 (enacted in lieu of 691.220); repealed by 1977 c.842 s.27 and 1977 c.886 s.42]
- 691.210** [Repealed by 1967 c.587 s.57]
- 691.215** [1967 c.587 s.34 (enacted in lieu of 691.220); repealed by 1977 c.842 s.27 and 1977 c.886 s.42]
- 691.220** [Amended by 1955 c.155 s.5; 1961 c.386 s.3; repealed by 1967 c.587 s.29 (691.190 to 691.215, 691.235 and 691.245 enacted in lieu of 691.220)]
- 691.225** [1961 c.386 s.5; 1965 c.184 s.1; repealed by 1967 c.587 s.37 (691.226 enacted in lieu of 691.225)]
- 691.226** [1967 c.587 s.38 (enacted in lieu of 691.225); repealed by 1977 c.842 s.27 and 1977 c.886 s.42]
- 691.230** [Amended by 1953 c.272 s.1; 1961 c.386 s.6; 1967 c.587 s.40; repealed by 1977 c.842 s.27 and 1977 c.886 s.42]

691.235 [1967 c.587 s.35 (enacted in lieu of 691.220); 1971 c.762 s.6; repealed by 1977 c.842 s.27 and 1977 c.886 s.42]

691.240 [Amended by 1955 c.155 s.6; 1967 c.452 s.1; repealed by 1967 c.452 s.11 and 1967 c.587 s.57]

691.245 [1967 c.587 s.36 (enacted in lieu of 691.220); 1975 c.465 s.3; repealed by 1977 c.842 s.27 and 1977 c.886 s.42]

691.248 [1973 c.832 s.46; repealed by 1977 c.842 s.27 and 1977 c.886 s.42]

691.250 [Amended by 1957 c.406 s.1; 1961 c.42 s.1; 1967 c.452 s.2; repealed by 1967 c.452 s.11 and 1967 c.587 s.24]

691.252 [1967 c.452 s.7; 1967 c.587 s.19; repealed by 1977 c.842 s.27 and 1977 c.886 s.42]

691.260 [Amended by 1957 c.406 s.2; 1961 c.42 s.2; 1967 c.452 s.3; repealed by 1967 c.452 s.11 and 1967 c.587 s.22 (691.261 enacted in lieu of 691.260)]

691.261 [1967 c.452 s.8; 1967 c.587 s.23 (enacted in lieu of 691.260); repealed by 1977 c.842 s.27 and 1977 c.886 s.42]

691.270 [Repealed by 1967 c.587 s.20 (691.271 enacted in lieu of 691.270)]

691.271 [1967 c.587 s.21 (enacted in lieu of 691.270); repealed by 1977 c.842 s.27 and 1977 c.886 s.42]

691.275 [1957 c.406 s.3; 1961 c.42 s.3; repealed by 1967 c.587 s.26 (691.276 enacted in lieu of 691.275)]

691.276 [1967 c.587 s.27 (enacted in lieu of 691.275); repealed by 1977 c.842 s.27 and 1977 c.886 s.42]

691.280 [Amended by 1953 c.231 s.4; 1961 c.386 s.7; 1967 c.587 s.8; renumbered 691.297]

691.290 [1967 c.452 s.10; 1971 c.762 s.7; repealed by 1977 c.842 s.27 and 1977 c.886 s.42]

691.295 [1967 c.452 s.6; repealed by 1977 c.842 s.27 and 1977 c.886 s.42]

691.297 [Formerly 691.280; repealed by 1971 c.762 s.8]

691.300 [Formerly 691.180; 1971 c.762 s.9; 1973 c.832 s.47; repealed by 1977 c.842 s.27 and 1977 c.886 s.42]

691.310 [Amended by 1967 c.325 ss.1, 2; 1967 c.587 s.43; 1971 c.753 s.32; 1971 c.762 s.10; 1973 c.832 s.48; repealed by 1977 c.842 s.27 and 1977 c.886 s.42]

691.320 [Amended by 1967 c.587 s.45; 1971 c.762 s.11; repealed by 1977 c.842 s.27 and 1977 c.886 s.42]

691.330 [Amended by 1965 c.218 s.1; 1967 c.587 s.44; 1969 c.314 s.92; repealed by 1977 c.842 s.27 and 1977 c.886 s.42]

691.340 [1967 c.587 s.46; repealed by 1977 c.842 s.27 and 1977 c.886 s.42]

691.345 [1967 c.587 s.48; repealed by 1977 c.842 s.27 and 1977 c.886 s.42]

691.350 [Amended by 1961 c.386 s.8; 1967 c.587 s.49; 1971 c.762 s.12; repealed by 1977 c.842 s.27 and 1977 c.886 s.42]

691.360 [Amended by 1967 c.587 s.51; 1971 c.762 s.13; repealed by 1977 c.842 s.27 and 1977 c.886 s.42]

691.370 [Amended by 1967 c.587 s.47; repealed by 1977 c.842 s.27 and 1977 c.886 s.42]

Note: The name of the Department of Human Resources has been changed to the Department of Human Services and the title of the Director of Human Resources to the Director of Human Services. The name and title changes become operative on July 1, 2000. See sections 10 and 11, chapter 421, Oregon Laws 1999. References to the department and the director in this chapter use the name and the title that become operative on July 1, 2000.

GENERAL PROVISIONS

691.405 Definitions. As used in ORS 691.405 to 691.585:

- (1) “American Dietetic Association” means the national professional organization of dietitians that provides direction and leadership for quality dietetic practice, education and research.
- (2) “Board” means the Board of Examiners of Licensed Dietitians established under ORS 691.485.
- (3) “Commission on Dietetic Registration” means the commission on dietetic registration that is a member of the National Commission for Health Certifying Agencies.
- (4) “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, making changes in and maintaining appropriate standards of quality in food and nutrition services.
- (5) “Division” means the Health Division of the Department of Human Services.
- (6) “Licensed dietitian” means a dietitian licensed as provided in ORS 691.435. [1989 c.487 s.1]

LICENSING

691.415 License required. On or after the date stated in the administrative rules adopted by the Board of Examiners of Licensed Dietitians, no person who is not licensed under ORS 691.435 shall 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 s.2]

691.425 Application for licensing. Any person desiring to be a licensed dietitian shall apply in writing to the Board of Examiners of Licensed Dietitians, upon such form and in such manner as shall be provided by the board. Each application shall include or be accompanied by evidence, under oath or affirmation and satisfactory to the board, that the applicant possesses the qualifications prescribed by ORS 691.435, 691.445 or 691.455. [1989 c.487 s.3]

691.435 Licensing requirements; examination. An applicant shall be granted a license as a dietitian if the person has:

- (1) Filed an application and paid the required application fee;
- (2) 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 of Examiners of Licensed Dietitians as meeting the standards for approval of the course of study under ORS 691.405 to 691.585;
- (3) Demonstrated knowledge of the Code of Ethics of the Dietetic Profession; and either
- (4) Satisfactorily completed continuing education requirements established by the board; or
- (5) Completed a planned, continuous program of dietetic experience approved by the board of 900 hours under the supervision of a licensed dietitian; and
- (6) Passed an examination prescribed by the board. [1989 c.487 s.4]

691.445 Licensing without examination based on prior practice. The Board of Examiners of Licensed Dietitians may waive the examination requirement and grant a license to an applicant for a license as a dietitian who:

- (1) Presents satisfactory evidence to the board of current registration as a dietitian with the Commission on Dietetic Registration;
- (2) Was a practicing dietitian before 1990 and has been employed in the practice of dietetics for at least three of the 10 years prior to October 3, 1989; or
- (3) At the time of application, received a doctorate degree in nutrition, dietetics or related physical sciences under a curriculum approved by the board and been involved in dietetics through practice, teaching or research related to nutrition care. [1989 c.487 s.5]

691.455 Licensing without examination for dietitian licensed in another state. The Board of Examiners of Licensed Dietitians may license as a dietitian without examination any person who:

- (1) On the date the person applies as a licensed dietitian, is licensed under the laws of any other state or territory of 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 691.585; and
- (2) Applies for the license as provided in ORS 691.435. [1989 c.487 s.6]

691.465 License term; renewal; suspension if renewal not timely; reinstatement; fees; how determined; continuing education. (1) The Board of Examiners of Licensed Dietitians shall issue a license with a duration of not more than two years to each person approved to be licensed. The license shall be prima facie evidence of the right of the person to whom it is issued to represent the person as a licensed dietitian subject to the provisions of ORS 691.405 to 691.585.

(2) Each licensed dietitian shall apply to the board for a renewal of the license at least 30 days before the expiration date. Licenses shall expire October 31 of odd-numbered years. Each applicant for renewal shall submit the required fee and present evidence of completion of at least 30 hours of continuing education or present evidence of the minimum continuing education requirements of the American Dietetic Association. Any license that is not renewed by the expiration date shall be automatically suspended. The board may reinstate a suspended license upon payment of a nonrefundable penalty fee and all past unpaid renewal fees.

(3) The license fee shall be one-half the two-year fee if the license is issued for 12 months or less.

(4) A license that has been suspended by reason of nonpayment of fees for a period of two years or more shall be renewed upon reapplication and payment of all applicable fees.

(5) Subject to prior approval of the Oregon Department of Administrative Services and a report to the Emergency Board prior to adopting the fees and charges, the fees and charges established under this section shall not exceed the cost of administering the regulatory program for which the fee or charge is established, as authorized by the Legislative Assembly within the board's budget to implement ORS 691.405 to 691.585, as the budget may be modified by the Emergency Board. [1989 c.487 s.7; 1991 c.77 s.1; 1991 c.703 s.34; 1993 c.10 s.1]

BOARD

691.485 Board of Examiners of Licensed Dietitians; membership; terms; compensation and expenses. (1) There is established a Board of Examiners of Licensed Dietitians within the Health Division for the purpose of carrying out and enforcing the provisions of ORS 691.405 to 691.585.

(2) The board shall consist of seven members appointed by the Health Division of which:

- (a) Two are members of the general public;
- (b) One is a physician trained in clinical nutrition; and
- (c) Four are dietitians licensed under ORS 691.405 to 691.585 who have been engaged in the practice of dietetics for no fewer than five years.

(3) Members of the board shall be appointed for three-year terms and are eligible for reappointment, but none shall serve more than two consecutive terms.

(4) Members of the board are entitled to compensation and expenses as provided in ORS 292.495. [1989 c.487 s.8]

691.495 Board meetings. (1) The Board of Examiners of Licensed Dietitians shall hold at least two regular meetings each year as provided by rules adopted by the board.

(2) The board shall keep a record of all its proceedings under ORS 691.405 to 691.585.

(3) A quorum of four members of the board must be present to conduct the business of the meeting. [1989 c.487 s.9]

691.505 Duties of board. The Board of Examiners of Licensed Dietitians shall:

- (1) Hire and prescribe the duties of an executive secretary who shall serve at the direction of the board.
- (2) Determine the qualifications and fitness of applicants for licensure, renewal of license and reciprocal licenses.
- (3) Subject to the provisions of ORS 183.310 to 183.550, adopt rules that are necessary to conduct its business, carry out its duties and administer ORS 691.405 to 691.585.
- (4) Examine, approve, issue, deny, revoke, suspend and renew licenses of dietitian applicants and licensees under ORS 691.405 to 691.585 and conduct hearings in connection with these actions.
- (5) Maintain a public record of every dietitian licensed in this state including places of business, residence and the date and number of their license.
- (6) Establish standards of professional responsibility and practice for persons licensed under ORS 691.405 to 691.585 that are consistent with those standards of professional responsibility and practice adopted by the American Dietetic Association.
- (7) Select a licensing examination offered by the Commission on Dietetic Registration or other examination.
- (8) Establish continuing education requirements for renewal of a license consistent with the requirements adopted by the Commission on Dietetic Registration.
- (9) Establish additional educational requirements for applicants for the previous five years of licensure.
- (10) Conduct hearings on complaints concerning violations of ORS 691.405 to 691.585 and the rules adopted under ORS 691.405 to 691.585.
- (11) Provide for examinations or waiver of examination for applicants.
- (12) Establish examination and licensing fees.
- (13) Request and receive the assistance of state educational institutions or other state agencies.
- (14) Prepare information of consumer interest describing the regulatory functions of the board and describing the procedures by which consumer complaints are filed with and resolved by the board. The board shall make the information available to the general public and appropriate state agencies. [1989 c.487 s.10]

691.515 Limits on rules relating to bidding and advertising. Nothing in ORS 691.505 authorizes the Board of Examiners of Licensed Dietitians to adopt rules restricting competitive bidding or advertising by licensees except to prohibit false, misleading or deceptive practices. [1989 c.487 s.11]

DISCIPLINE

691.535 Grounds for denial or refusal to renew license or suspension or revocation of licenses. The Board of Examiners of Licensed Dietitians may deny or refuse to renew a licensee or may suspend or revoke a license or may impose probationary conditions where the licensee or applicant has been guilty of:

- (1) Unprofessional conduct as defined by the standards of practice established by the board;
- (2) Obtaining or attempting to obtain a license by fraud, misrepresentation or concealment of material facts;
- (3) Violating any lawful order or rule adopted by the board which may affect the health, welfare or safety of the public; or
- (4) Gross negligence or incompetence in the performance of professional duties. [1989 c.487 s.12]

691.545 Suspension or revocation if licensee adjudged mentally incompetent. The Board of Examiners of Licensed Dietitians may suspend or revoke the license of any person licensed under ORS 691.405 to 691.585 if the licensee has been adjudged mentally incompetent by a court of competent jurisdiction. [1989 c.487 s.13]

691.555 Hearing and judicial review of disciplinary actions. (1) When the Board of Examiners of Licensed Dietitians proposes to refuse to issue or renew a license, or proposes to revoke or suspend a license, opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.550.

(2) Judicial review of orders under subsection (1) of this section shall be in accordance with ORS 183.310 to 183.550. [1989 c.487 s.14; 1995 c.79 s.349]

FUNDING

691.565 Funds; use; sources. (1) All moneys received by the Health Division under ORS 691.405 to 691.585 shall be deposited into the General Fund and placed to the credit of the Health Division, and such moneys shall be used only for the administration and enforcement of ORS 691.405 to 691.585.

(2) All fines collected or received for violations of or prosecutions under ORS 691.405 to 691.585 shall be paid into the General Fund and placed for the credit of the Health Division Account, and such moneys shall be continuously appropriated and used only for the administration and enforcement of ORS 691.405 to 691.585. [1989 c.487 s.15]

MISCELLANEOUS

691.580 Board duty to investigate complaints. Upon receipt of a complaint under ORS 691.405 to 691.585, the Board of Examiners of Licensed Dietitians shall conduct an investigation as described under ORS 676.165. [1997 c.791 s.51]

691.585 Confidential information; immunity of person providing information. (1) Any information that the Board of Examiners of Licensed Dietitians obtains pursuant to ORS 691.535 or 691.545 is confidential as provided under ORS 676.175.

(2) Any person who in good faith provides information to the board pursuant to ORS 691.535 shall not be subject to an action for civil damages as a result thereof. [1989 c.487 s.14a; 1997 c.791 s.52]

CIVIL PENALTY

691.955 Civil penalty. (1) Violation of any provision of ORS 691.415 to 691.545 is punishable by a civil penalty of not less than \$100 nor more than \$500.

(2) The Attorney General shall bring an action in the name of the State of Oregon in a court of appropriate jurisdiction to enforce any civil penalty imposed under this section. [1989 c.487 s.16]

691.990 [Amended by 1967 c.587 s.52; repealed by 1977 c.842 s.27 and 1977 c.886 s.42]
