

HOUSE BILL No. 2544

By Committee on Health and Human Services

1-25

1 AN ACT concerning health and healthcare; relating to dietetics practice
2 and dietitians; the dietitians licensing act; excluding persons
3 credentialed in nutrition who are providing related advice from the
4 application thereof; providing requirements therefor; amending K.S.A.
5 65-5912 and repealing the existing section.
6

7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 65-5912 is hereby amended to read as follows: 65-
9 5912. (a) Nothing in this act shall be construed to require any insurer or
10 other entity regulated under chapter 40 of the Kansas Statutes Annotated,
11 *and amendments thereto*, or any other law of this state to provide coverage
12 for or indemnify for the services provided by a person licensed under this
13 act.

14 (b) So long as the following persons do not hold themselves out to the
15 public to be dietitians or licensed dietitians or use these titles in
16 combination with other titles or use the abbreviation L.D., or any
17 combination thereof, nothing in this act shall be construed to apply to:

18 (1) ~~to~~ Any person licensed to practice the healing arts, a licensed
19 dentist, a licensed dental hygienist, a licensed professional nurse, a
20 licensed practical nurse, a licensed psychologist, a licensed masters level
21 psychologist, a licensed pharmacist or an employee thereof, a physician
22 assistant, a licensed professional counselor;

23 (2) ~~to~~ any unlicensed employee of a licensed adult care home or a
24 licensed medical care facility as long as such person is working under the
25 general direction of a licensee in the healing arts, nursing or a dietetic
26 services supervisor as defined in regulations adopted by the secretary of
27 health and environment or a consultant licensed under this act;

28 (3) ~~to~~ any dietetic technician or dietetic assistant;

29 (4) ~~to~~ any student enrolled in an approved academic program in
30 dietetics, home economics, nutrition, education or other like curriculum,
31 while engaged in such academic program;

32 (5) ~~to~~ prevent any person, including persons employed in health food
33 stores, from furnishing nutrition information as to the use of food, food
34 materials or dietary supplements, nor to prevent in any way the free
35 dissemination of information or of literature as long as no individual
36 engaged in such practices holds oneself out as being licensed under this

1 act;

2 (6) ~~to~~ prohibit any individual from marketing or distributing food
3 products, including dietary supplements, or to prevent any such person
4 from providing information to customers regarding the use of such
5 products;

6 (7) ~~to~~ prevent any employee of the state or a political subdivision
7 who is employed in nutrition-related programs from engaging in activities
8 included within the definition of dietetics practice as a part of such
9 person's employment;

10 (8) ~~to~~ any person who performs the activities and services of a
11 licensed dietitian or nutrition educator as an employee of the state or a
12 political subdivision, an elementary or secondary school, an educational
13 institution, a licensed institution; or a not-for-profit organization;

14 (9) ~~to~~ any person serving in the armed forces *of the United States*, the
15 public health service, the *United States department of veterans*
16 ~~administration~~ *affairs* or as an employee of the federal government;

17 (10) ~~to~~ any person who has a degree in home economics insofar as
18 the activities of such person are within the scope of such person's
19 education and training;

20 (11) ~~to~~ any person who counsels or provides weight-control services
21 as a part of a franchised or recognized weight-control program or a
22 weight-control program that operates under the general direction of a
23 person licensed to practice the healing arts; *or* nursing or a person licensed
24 under this act;

25 (12) ~~to~~ any person who is acting as a representative of a trade
26 association and who engages in one or more activities included within the
27 practice of dietetics as a representative of such association;

28 (13) ~~to~~ a licensed physical therapist who makes a dietetic or
29 nutritional assessment or gives dietetic or nutritional advice in the normal
30 practice of such person's profession or as otherwise authorized by law;

31 (14) ~~to~~ a dietitian licensed, registered or otherwise authorized to
32 practice dietetics in another state who is providing consultation in this
33 state;

34 (15) ~~to~~ any person conducting a teaching clinical demonstration
35 ~~which~~ *that* is carried out in an educational institution or an affiliated
36 clinical facility or health care agency;

37 (16) ~~to~~ any person conducting classes or disseminating information
38 relating to nonmedical nutrition; ~~or~~

39 (17) ~~to~~ any person permitted to practice under K.S.A. 65-2872a, and
40 amendments thereto; *or*

41 (18) *any person credentialed in the field of nutrition who is providing*
42 *advice, counseling or evaluations in matters of food, diet or nutrition, to*
43 *the extent that such acts are within the scope of practice prescribed by the*

1 *credentialing body and do not constitute the dietetics practice.*

2 (c) *Prior to performing any act described in subsection (b) for any*
3 *person, a credentialed person who is not representing or holding out to be*
4 *a dietician shall provide:*

5 (1) *Such person's name and title;*

6 (2) *such person's business address and telephone number;*

7 (3) *a statement that such person is not a dietician licensed by the*
8 *state of Kansas;*

9 (4) *a statement that information provided or advice given by such*
10 *person may be considered alternative care by licensed practitioners in the*
11 *state of Kansas; and*

12 (5) *such person's qualifications for providing such information or*
13 *advice, including such person's educational background, training and*
14 *experience.*

15 (d) *Nothing in this act shall be construed to interfere with the*
16 *religious practices or observances of a bona fide religious organization,*
17 *nor to prevent any person from caring for the sick in accordance with*
18 *tenets and practices of any church or religious denomination—~~which~~ that*
19 *teaches reliance upon spiritual means through prayer for healing.*

20 Sec. 2. K.S.A. 65-5912 is hereby repealed.

21 Sec. 3. This act shall take effect and be in force from and after its
22 publication in the statute book.