

BILL ANALYSIS

Senate Research Center
88R22625 JCG-F

C.S.S.B. 2016
By: Zaffirini
Business & Commerce
4/25/2023
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the Texas Department of Licensing and Regulation only accepts the Registration Examination for Dietitians offered by the Commission on Dietetic Registration (CDR) for licensure. CDR is the primary national certification organization, and its exam is the current national standard. Effective January 1, 2024, CDR is increasing its prerequisites to require applicants to hold at least a master's degree. Texas law, however, allows applicants to obtain a baccalaureate or post-baccalaureate degree.

S.B. 2016 would update existing laws to align with national standards, ensuring applicants are not confused about the examination requirements and can ultimately become licensed.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 2016 amends current law relating to the licensing and regulation of dietitians.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 701.002, Occupations Code, by amending Subdivision (1-a) and adding Subdivisions (1-b), (1-c), (10), and (11) to define "certifying entity," "Commission on Dietetic Registration," "registered dietitian," and "registered dietitian nutritionist" and to make a nonsubstantive change.

SECTION 2. Amends Sections 701.251(b) and (c), Occupations Code, as follows:

(b) Deletes existing text prohibiting a person, unless the person holds an appropriate license issued under Chapter 701 (Dietitians), from:

(1) using the title or representing or implying that the person has the title "provisional licensed dietitian" or using the letters "PLD"; or

(2) using a facsimile of that title to indicate or imply that the person is a provisional licensed dietitian.

(c) Prohibits a person, unless the person is a registered dietitian or registered dietitian nutritionist, rather than a dietitian registered by the Commission on Dietetic Registration (commission), from, as applicable:

(1) using the title or representing or implying that the person has the title "registered dietitian" or "registered dietitian nutritionist" or using the letters "RD" or "RDN"; or

(2) using a facsimile of those titles to indicate or imply that the person is a registered dietitian or registered dietitian nutritionist, rather than using a facsimile

of that title to indicate or imply that the person is a dietitian registered by the commission.

SECTION 3. Amends Subchapter F, Chapter 701, Occupations Code, by adding Section 701.2525, as follows:

Sec. 701.2525. LICENSE QUALIFICATIONS. Requires an applicant for a dietitian license to provide evidence satisfactory to the Texas Department of Licensing and Regulation (TDLR) that the applicant:

- (1) is a registered dietitian or registered dietitian nutritionist;
- (2) has met certain education and experience requirements;
- (3) has passed the examination given by the applicable certifying entity;
- (4) is in compliance with all professional, ethical, and disciplinary standards established by the applicable certifying entity; and
- (5) is not subject to any disciplinary action by the applicable certifying entity.

SECTION 4. Amends Sections 701.2575(a) and (b), Occupations Code, as follows:

(a) Requires TDLR to develop and administer a jurisprudence examination, rather than develop and administer at least twice each calendar year a jurisprudence examination, to determine an applicant's knowledge of this chapter, Texas Commission of Licensing and Regulation (TCLR) rules under this chapter, and any other applicable laws of this state affecting the applicant's dietetics practice.

(b) Requires an applicant, in addition to the examination required by Section 701.2525, rather than in addition to the license examination required by Section 701.253 (License Examination), to pass a jurisprudence examination to qualify for a license under this chapter.

SECTION 5. Amends Section 701.304, Occupations Code, as follows:

Sec. 701.304. GROUNDS FOR REFUSING RENEWAL. Authorizes TCLR or TDLR to refuse to renew the license of a person who fails to pay an administrative penalty imposed against the person under Subchapter F (Administrative Penalty), Chapter 51, rather than Subchapter K (Administrative Penalty), unless enforcement of the penalty is stayed or a court has ordered that the administrative penalty is not owed.

SECTION 6. Repealers: Sections 701.002(9) (relating to the definition of "provisional licensed dietitian") and 701.1511 (Registry), Occupations Code.

Repealers: Sections 701.251(a) (relating to the definition of "Commission on Dietetic Registration") and 701.253 (License Examination), Occupations Code.

Repealers: Sections 701.254 (Qualifications for Examination) and 701.403 (Sanctions), Occupations Code.

Repealer: the heading for Subchapter K (Administrative Penalty), Chapter 701 (Dietitians), Occupations Code.

SECTION 7. (a) Makes application of Subchapter F, Chapter 701, Occupations Code, as amended by this Act, prospective to January 1, 2024.

(b) Authorizes a person who holds a dietitian license under Chapter 701, Occupations Code, on the effective date of this Act to continue to renew that license without complying with Section 701.2525, Occupations Code, as added by this Act.

(c) Authorizes a person who was credentialed as a registered dietitian or registered dietitian nutritionist as defined by Section 701.002 (Definitions), Occupations Code, as amended by this Act, before January 1, 2024, and who continues to hold that credential, notwithstanding Section 701.2525, Occupations Code, as added by this Act, to apply for a dietitian license without complying with Subchapter F, Chapter 701, Occupations Code, as amended by this Act. Provides that an application for a dietitian license submitted by a person described by this subsection is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 8. Effective date: September 1, 2023.