

FIRST REGULAR SESSION

# HOUSE BILL NO. 631

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE JOHNSON (90).

Read 1<sup>st</sup> time February 1, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1645L.011

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### AN ACT

To repeal sections 324.205, 324.212 and 324.217, RSMo 2000, relating to licensure of dietitians, and to enact in lieu thereof three new sections relating to the same subject, with a penalty provision.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 324.205, 324.212 and 324.217, RSMo 2000, are repealed and three  
2 new sections enacted in lieu thereof, to be known as sections 324.205, 324.212 and 324.217, to  
3 read as follows:

324.205. 1. After July 1, 2000, no person may use the title licensed dietitian or L.D. in  
2 this state unless the person is licensed pursuant to the provisions of sections 324.200 to 324.225.

3 2. Any person who violates the provisions of subsection 1 of this section is guilty of [an  
4 infraction] **a class A misdemeanor and, upon conviction, shall be punished by law.**

324.212. 1. Applications for licensure as a dietitian shall be in writing, submitted to the  
2 committee on forms prescribed by the division and furnished to the applicant. The application  
3 shall contain the applicant's statements showing the applicant's education, experience and such  
4 other information as the committee may require. Each application shall contain a statement that  
5 it is made under oath or affirmation and that the information contained therein is true and correct  
6 to the best knowledge and belief of the applicant, subject to the penalties provided for the making  
7 of a false affidavit or declaration. Each application shall be accompanied by the fees required  
8 by the committee.

9 2. The division shall mail a renewal notice to the last known address of each licensee  
10 prior to the licensure renewal date. Failure to provide the committee with the information

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

11 required for [licensure] **renewal**, or to pay the [licensure] **renewal** fee after such notice shall  
12 effect a noncurrent license. The license shall be [restored] **reinstated** if, within two years of the  
13 [licensure] **renewal** date, the applicant submits the required documentation and pays the  
14 applicable fees as approved by the committee.

15 3. A new [certificate] **license** to replace any [certificate] **license** lost, destroyed or  
16 mutilated may be issued subject to the rules of the committee upon payment of a fee.

17 4. The committee shall set by rule the appropriate amount of fees authorized herein. The  
18 fees shall be set at a level to produce revenue which shall not exceed the cost and expense of  
19 administering the provisions of sections 324.200 to 324.225. All fees provided for in sections  
20 324.200 to 324.225 shall be collected by the director who shall transmit the funds to the director  
21 of revenue to be deposited in the state treasury to the credit of the "Dietitian Fund" which is  
22 hereby created.

23 5. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in  
24 this fund shall not be transferred and placed to the credit of general revenue until the amount in  
25 the fund at the end of the biennium exceeds three times the amount of the appropriation from the  
26 dietitian fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is  
27 that amount in the fund which exceeds the appropriate multiple of the appropriations from the  
28 dietitian fund for the preceding fiscal year.

324.217. 1. The committee may refuse to issue any license or renew any license required  
2 by the provisions of sections 324.200 to 324.225 for one or any combination of reasons stated  
3 in subsection 2 of this section. The committee shall notify the applicant in writing of the reasons  
4 for the refusal and shall advise the applicant of the right to file a complaint with the  
5 administrative hearing commission as provided in chapter 621, RSMo.

6 2. The committee may cause a complaint to be filed with the administrative hearing  
7 commission as provided in chapter 621, RSMo, against the holder of any license required by  
8 sections 324.200 to 324.225 or any person who has failed to renew or has surrendered the  
9 person's license for any one or any combination of the following causes:

10 (1) Use of fraud, deception, misrepresentation or bribery in securing a license issued  
11 pursuant to the provisions of sections 324.200 to 324.225 or in obtaining permission to take the  
12 examination required pursuant to sections 324.200 to 324.225;

13 (2) Impersonation of any person holding a license or allowing any person to use his or  
14 her license or diploma from any school;

15 (3) [Revocation or suspension of a license] **Disciplinary action against the holder of**  
16 **a license** or other right to practice medical nutrition therapy by another state, territory, federal  
17 agency or country upon grounds for which revocation or suspension is authorized in this state;

18 (4) [Obtaining] **Issuance of** a license based upon a material mistake of fact; [or]

19 (5) [Failure to display a valid license if so required by sections 324.200 to 324.225 or  
20 any rule promulgated pursuant thereto] **The person has been finally adjudicated and found**  
21 **guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant**  
22 **to the laws of any state or the United States for any offense reasonably related to the**  
23 **qualifications, functions or duties of the professional who is regulated by sections 324.200**  
24 **to 324.225, for any offense an essential element of which is fraud, dishonesty or act of**  
25 **violence, or for any offense involving moral turpitude, regardless of whether sentence is**  
26 **imposed;**

27 (6) **Incompetence, misconduct, gross negligence, fraud, misrepresentation or**  
28 **dishonesty in the performance of the functions or duties of the profession that is regulated**  
29 **by sections 324.200 to 324.225;**

30 (7) **Violation of, or assisting or enabling any person to violate, any provision of**  
31 **sections 324.200 to 324.225, or any lawful rule adopted pursuant to such sections;**

32 (8) **A person is finally adjudged insane or incompetent by a court of competent**  
33 **jurisdiction;**

34 (9) **Use of any advertisement or solicitation that is false, misleading or deceptive to**  
35 **the general public or persons to whom the advertisement or solicitation is primarily**  
36 **directed;**

37 (10) **Obtaining or attempting to obtain any fee, charge, tuition or other**  
38 **compensation by fraud, deception or misrepresentation;**

39 (11) **Use or unlawful possession of any controlled substance, as defined in chapter**  
40 **195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to**  
41 **perform the work of any profession that is licensed or regulated by sections 324.200 to**  
42 **324.225;**

43 (12) **Violation of the drug laws or rules and regulations of this state, any other state**  
44 **or the federal government; or**

45 (13) **Violation of any professional trust or confidence.**

46 3. Any person, organization, association or corporation who reports or provides  
47 information to the committee pursuant to the provisions of sections 324.200 to 324.225 and who  
48 does so in good faith shall not be subject to an action for civil damages as a result thereof.

49 4. After the filing of a complaint pursuant to subsection 2 of this section, the proceedings  
50 shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by  
51 the administrative hearing commission that the grounds, provided in subsection 2 of this section,  
52 for disciplinary action are met, the committee may, singly or in combination, censure or place  
53 the person named in the complaint on probation on such terms and conditions as the committee  
54 deems appropriate for a period not to exceed [three] **five years, or may suspend, for a period**

55 **not to exceed three years, or** revoke the license of the person. **An individual whose license**  
56 **has been revoked shall wait one year from the date of revocation to apply for relicensure.**  
57 **Relicensure shall be at the discretion of the committee after compliance with all**  
58 **requirements of sections 324.200 to 324.225 relative to the licensing of an applicant for the**  
59 **first time.**

60         5. The committee shall maintain an information file containing each complaint filed with  
61 the committee relating to a holder of a license. [The committee, at least quarterly, shall notify  
62 the complainant and holder of a license of the complaint's status until final disposition.]

63         6. The committee shall recommend for prosecution violations of sections 324.200 to  
64 324.225 to an appropriate prosecuting or circuit attorney.