

# STATE OF ARKANSAS

## Rules and Regulations

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**SECTION I.** Pursuant to Section 9. e. 6. of Act 392, "Dietetics Practice Act", the Arkansas Dietetics Licensing Board hereby establishes and promulgates the following rules and regulations.

**SECTION II. PURPOSE.** It is the purpose of the Dietetics Practice Act to protect the health, safety and welfare of the public by providing for the licensing and regulations of persons engaged in the practice of dietetics. Nothing in the Act prevents the furnishing of general nutritional information on food, food materials, or dietary supplements, or the explanation to customers about foods or food products in connection with the sale, marketing and distribution of those products.

**SECTION III. DEFINITIONS.** The following terms and phrases apply to all rules promulgated by the Arkansas Dietetics Licensing Board, unless a specific paragraph in the Dietetics Practice Act defines or uses the word or term in a different manner.

- A. "Act" shall mean the Act 392, Arkansas Dietetics Practice Act, 1989.
- B. "Board" shall mean the Arkansas Dietetics Licensing Board.
- C. "Association" means the American Dietetics Association (ADA).
- D. "National Commission for Health Certifying Agencies" means the national organization that establishes national standards for certifying bodies that attest to the competence of individuals who participate in the health care delivery system, grants recognition to certifying bodies

that voluntarily apply and meet the established standards, and monitors the adherence to those standards by the certifying bodies that it has recognized.

E. "Commission on Dietetic Registration" (CDR) means Commission on Dietetic Registration that is a national certifying agency for voluntary professional credentialing in dietetics. The CDR is a member of the National Commission for Health Certifying Agencies.

F. "Degree" means a degree received from a U. S. college or university that was regionally accredited at the time the degree was conferred.

G. "Registered Dietitian" means a person registered by the Commission on Dietetic Registration.

H. "Licensed Dietitian" means a person licensed under this Act.

I. "Provisionally Licensed Dietitian" means a person provisionally licensed under this Act.

J. "Dietitian Practice" means the integration and application of the principles derived from the sciences of nutrition, biochemistry, food, physiology, management, and behavioral and social sciences to achieve and maintain peoples' health through the provision of nutrition care services.

K. "Nutrition Care Services" means:

1. Assessing the nutritional needs of individuals and groups of humans, and determining resources and constraints in the practice setting.
  2. Assessing the nutritional needs of individuals and groups of humans, and determining resources and constraints in the practice setting.
  3. Assessing the nutritional needs of individuals and groups of humans, and determining resources and constraints in the practice setting.
  4. Assessing the nutritional needs of individuals and groups of humans, and determining resources and constraints in the practice setting.
  5. Assessing the nutritional needs of individuals and groups of humans, and determining resources and constraints in the practice setting.
- L. "Nutritional Assessment" means the evaluation of the nutritional needs of individuals and groups based upon appropriate biochemical, anthropometric, physical and dietary data to determine nutrient needs and recommend appropriate nutritional intervention including internal and parenteral nutrition.
- M. "Nutrition Counseling" means advising and assisting individuals

or groups concerning appropriate nutritional intake by integrating information from the nutritional assessment with information on food and other sources of nutrients and meal preparation consistent with cultural background and socioeconomic status.

N. "Dietitian" means one engaged in dietetics practice.

O. "Dietetic Technician" means one who has completed a Dietetic Technician Program, and has received a two-year associate degree from a regionally accredited college or university.

P. "Dietitian" means the same as dietician.

Q. "Examination" means the examination administered by the Commission on Dietetics Registration (CDR). The Board recognizes the examination administered by the CDR and the passing score set by CDR as the Board's examination.

R. "Application" means a written request directed to and received by the Board, upon forms supplied by the Board, for a license or a provisional license to practice dietetics in the State of Arkansas, together with all information, certificate, documents, and other materials required by the Board.

#### **SECTION IV. APPOINTMENT OF BOARD MEMBERS; QUALIFICATIONS,**

**TERMS, REMOVAL.** The Arkansas Dietetics Licensing Board will commence operations on January 1, 1990.

A. The Board shall consist of seven (7) persons, all of whom are Arkansas Residents, with the following qualifications: four (4) Board members who are Licensed Dietitians; three (3) Board members who are representatives of the public at large.

B. The members of the Board shall be appointed by the Governor, with the consent of the Senate and, except for the initial Board, shall serve staggered terms of five (5) years each beginning January 15 of odd-numbered years.

C. In making the initial appointments to the Board, the Governor shall designate the terms of the initial appointees as follows:

1. three (3) members, including two (2) dietitians, and one (1) member who represents the public at large for terms of five(5) years;
2. two (2) members, including one dietitian, and one (1) member who represents the public at large for terms of four (4) years;
3. two (2) members, including one (1) dietitian, and one (1) member who represents the public at large, for terms of two (2) years;
4. appointments shall be made within ninety (90) days after the effective date of this Act.

D. The four (4) Board members, who are representatives of the dietetics profession, shall be selected from a list of ten (10) names submitted to the Governor by the Board of Directors of the Arkansas Dietetic Association.

Each of these Board members shall have been practicing dietitians for at least five (5) years preceding their appointment.

E. Members of the Board may be removed from office by the Governor for cause. In case of death, resignation, or removal, the vacancy of the unexpired terms shall be filled by the Governor in the same manner as other appointments. A person chosen to fill vacancy shall be appointed only for the unexpired term of the Board member replaced. No member shall serve more than two (2) consecutive terms.

## **SECTION V. FUNCTIONS OF THE BOARD.**

A. Organization and Meetings.

1. The Board shall hold a meeting within thirty (30) days after its members are first appointed for the purpose of organization.
2. At least two (2) regular meetings of the Board shall be held each calendar years, and at the first regular meeting every two (2) years, the Board shall elect a chairperson and vice-chairperson.
3. Special called meetings may be held at the discretion of the chairperson or at the written request of any three (3) members of the Board. All regular meetings of the Board are open to the public.
4. Reasonable notice of all meetings shall be given in the manner prescribed by the laws of this State.

5. A quorum of the Board shall consist of four (4) members.

6. A secretary of the Board shall be elected by the Board and shall hold office at the pleasure of the Board. Said Board shall adopt a seal, which must be affixed to all certificates issued by the Board.

B. Funds. The secretary of the Board shall receive and account for all money derived under the provisions of this Act, and shall deposit the same weekly into financial institutions other than the State Treasury. These monies shall be known as the Dietetics Practice Licensing Fund. There shall be such audits of this Fund as required by law. The secretary of the Board shall give a surety bond for the sum of Ten Thousand Dollars (\$10,000.00) or an amount recommended by the State Auditor. The premium for this bond shall be paid out of the Dietetics Practice Licensing Fund. The Board may make expenditures from the Fund for any purpose which appears to be reasonable and necessary to carry out the provisions of this Act.

C. Fees. The Board shall establish, charge, and collect fees as follows:

1. the filing of an application for Licensed Dietitian (L.D.)



and the original issuance of a license under this Act shall be \$110. First year only license will be valid from date of issuance through November 30, 1991; Beginning December 1, 1991 the fee will be prorated as follows: initial applications received June 1 through November 30 will be \$85.00.

2. the renewal of this license issued in accordance with this Act shall be \$50 annually.
3. the filing of an application for and the original issuance of Provisional Licensed Dietitian (P.L.D.) under this Act shall be \$150 for 18 months.
4. the one time, only, renewal of Provisional Licensed Dietitian (P.L.D.) shall be \$75 for 18 months.
5. the filing of an application for and the original issuance of a license (L.D.) in reciprocity from another state shall be \$135.
6. the renewal of a reciprocity license (L.D.) shall be \$50 annually.
7. the endorsement of a Licensed Dietitian to another state shall be \$25 for each endorsement.
8. duplicate or replacement of a license (L.D.) or (P.L.D.) lost or destroyed shall be \$25.

9. provision of a list of Licensed Dietitians (L.D.) and Provisional Licensed Dietitians (P.L.D.) shall be \$25.

10. provision of mailing labels for Licensed Dietitians (L.D.) and Provisional Licensed Dietitians (P.L.D.) shall be \$50.

D. Continuing Education. The Board shall establish continuing education requirements and shall notify the applicants for licensing of the requirements.

E. Duties of the Board. In addition to the duties set forth above, the Board shall:

1. establish an examination procedure, utilizing the examination approved by the Board (See Section X, paragraph F);
2. establish a licensure reciprocity agreement with other states;
3. annually compile a list of the names, addresses (residential and business) and dates and license numbers of all persons licensed under this Act to be available upon request and payment of a fee;
4. establish mechanisms for appeal and decisions

regarding applications and granting of licenses, such mechanisms to include provisions for judicial review in accordance with the Arkansas Administrative Procedure Act;

5. make such rules and regulations not inconsistent with law as may be necessary to regulate its proceedings;
6. promulgate rules and regulations as may be necessary to implement the Act;
7. compile an annual report (fiscal year) - July 1 - June 30);
8. within twelve (12) months after the Board commenced operation, establish rules defining unprofessional conduct and set forth and publish Standards of Professional Responsibility and Standards for Practice;
9. receive and process complaints;
10. impose penalties;
11. establish fees and publish financial records; and
12. require at the time of license renewal each applicant to present satisfactory evidence that in the period since the license was issued he/she has completed the continuing education requirements in a manner specified by the Board.

**SECTION VI. PER DIEM AND EXPENSE.**

A. Each member of the Board shall receive all necessary expenses incident to holding meetings, provided, however, that expenses shall in no case exceed the fees collected by said Board and shall not exceed the per diem and reimbursement limits set for state employees. All reimbursements for expenses authorized by this Act shall be paid from the Dietetics Practice License Fund.

B. The Board shall employ necessary personnel for the performance of its functions and fix the compensation thereof within the limits of funds available to the Board.

**SECTION VII. EXEMPTIONS.** No person shall engage in

the practice of dietetics in the State of Arkansas unless said person has in his/her possession a current license or a provisional license duly issued by the Board under the provisions of the Dietetics Practice Act.

This shall not be construed to effect or prevent:

A. dietetic students who engage in clinical practice under the supervision of a dietitian as part of a dietetic education program approved or accredited by the American Dietetic Association;

- B. a dietitian who is serving in the armed forces or the Public Health Services of the United States or is employed by the Department of Veterans Affairs from engaging in the practice of dietetics provided such practice is related to such service or employment;
- C. a cooperative extension home economist from performing nutrition tasks incidental to the practice of his/her profession, providing that such persons do not hold themselves out under the titles Dietitian, Licensed Dietitian or Provisional Licensed Dietitian;
- D. a duly licensed physician, pharmacist or nurse from engaging in the practice of dietetics when incidental to the practice of his/her profession, providing that such persons do not hold themselves out under the titles Dietitian, Licensed Dietitian, or Provisional Licensed Dietitian;
- E. any person employed by, supervised by, under the guidance of, or in consultation with a Licensed Dietitian such as a dietetic technician, home economist, dietary manager or food service supervisor from performing nutrition tasks in the practice of his/her profession, providing that said persons do not hold themselves out under the titles Dietitian, Licensed Dietitian, or Provisional Licensed Dietitian;

F. any person who has received a doctorate degree from a regionally accredited U.S. college or university in/with a concentration in human nutrition, food and nutrition, dietetics, public health nutrition, or food systems management, providing that said persons do not hold themselves out under the titles Dietitian, Licensed Dietitian, or Provisional Licensed Dietitian;

G. a non-resident dietitian practicing dietetics in this state, if the dietetics practice is performed for no more than one-hundred-eighty (180) consecutive working days, and if

1. the dietitian is licensed under the laws of another state which has licensure requirements at least as stringent as the requirements of this Act, as determined by the Board; or
2. the dietitian has met qualifications as specified in this Act for the practice of dietetics;

H. any person who offers weight control programs prepared under the supervision of or approved by a Registered Dietitian or a Licensed Dietitian who is licensed under the laws of this state or another state which has licensure requirements at least as stringent as the requirements of this Act, as determined by the Board, providing that such persons do not hold themselves out under the titles Dietitian, Licensed Dietitian, or Provisional

Licensed Dietitian;

I. any person employed by a hospital or long term care facility licensed by the State Department of Health or the Department of Human Services and operating under the rules and regulations of said agencies shall be exempt from this act; provided that person's practice or dietetics is related to such employment;

J. any person employed by a facility which is conducted by and for those who rely exclusively under treatment by prayer alone for healing in accordance with the tenets or practices of any recognized religious denomination; Provided that person's practice of dietetics is related to such employment, providing that said persons do not hold themselves out under the titles Dietitian, Licensed Dietitian, or Provisional Licensed Dietitian;

K. any person who has received a doctorate degree from a regionally accredited U.S. college or university in/with a concentration in animal nutrition and his practice is related to said degree, providing that said persons do not hold themselves out under the titles Dietitian, Licensed Dietitian, or Provisional Licensed Dietitian;

L. any health care professional or nutritionist from engaging in

dietetics practice without a license under this Act, providing that said persons do not hold themselves out under the titles Dietitian, Licensed Dietitian, or Provisional Licensed Dietitian;

M. the sale of vitamins, over the counter health care products or food supplements by persons who are not licensed under this Act, nor shall this Act prevent nutritionists from advising customers in regard to such products, providing that said persons do not hold themselves out under the titles Dietitian, Licensed Dietitian, or Provisional Licensed Dietitian;

**SECTION VIII. PROHIBITIONS.** Beginning one (1) year after the effective date of this Act, July 3, 1989, no individual shall practice or offer to practice dietetics within the meaning of this Act unless he is duly licensed or is a student under the provisions of this Act, or otherwise entitled under Section VII.

**SECTION IX. WAIVERS FOR EXAMINATION.** The Board shall waive the examination and grant a license to persons who wish to be licensed under the requirements stated in the Dietetics Practice Act provided that applicants complete the licensure procedure within one (1) year of the effective date of Act 392, July 3, 1989.

**SECTION X. QUALIFICATIONS FOR ISSUANCE OF LICENSES.**  
The Board may issue a license as Licensed Dietitian to an applicant who qualifies



as follows:

A. each applicant for initial licensure shall file a completed application with the Board which demonstrates compliance with Act 392, 1989

Enacted by the General Assembly of the State of Arkansas;

1. applications shall be typewritten or printed in ink, signed by the applicant and accompanied by the appropriate fee and by such evidence, statements, or documents as specified or required by the Board. All applications, statements, and documents submitted shall become the property of the Board.

B. has received a baccalaureate or post-baccalaureate degree from a regionally accredited U.S. college or university with a program in human nutrition, food and nutrition, dietetics or food system management.

Applicants who have obtained their education outside of the United States and its territories must have their academic degree(s) validated as equivalent to the baccalaureate or post-baccalaureate degree conferred by a regionally accredited college or university in the United States;

C. an applicant shall successfully complete a pre-professional dietetic experience that is approved by the American Dietetic Association and is at least equivalent to the requirement for such programs adopted by the Commission on Dietetic Registration (CDR); and

D. the applicant shall provide evidence of passing the examination

designated in paragraph (F) of this rule; or

E. files an application and provides evidence of current registration as a Registered Dietitian by the Commission on Dietetic Registration (CDR).

F. The Board selects and approves the examination for dietitians offered by the Commission on Dietetic Registration (CDR). The examination shall be offered at least twice each year.

**SECTION XI. PROVISIONAL LICENSES.** A Provisional License shall permit the holder to practice only under the direct supervision of a Licensed Dietitian or a Registered Dietitian. The Board may issue a Provisional License to any dietitian who meets the following requirements:

A. presents evidence of successful completion of the education requirements for licensure,

B. presents evidence of having successfully completed both academic requirements and evidence of satisfactory completion of a program of experience of not less than nine hundred hours supervised by a Licensed Dietitian/Registered Dietitian.

C. The Board shall grant a provisional license to a person who has completed the education and preprofessional requirements for licensure upon the following conditions:

1. the person has filed a completed application for a provisional

- license and paid the appropriate fee;
2. the application contains a statement by a Licensed or Registered Dietitian in charge of an applicant's preprofessional experience indicating the applicant has either successfully completed the experience or is expected to complete the experience in order to qualify for the next available examination for a licensure; and
  3. the application contains a statement by the applicant that the applicant meets the qualifications for a provisional license and has applied or intends to apply to take the next available examination for licensure.
- D. a provisional license may only be renewed one time.
- E. a provisional license shall expire eighteen (18) months from the date of issuance. Provisional licenses may be renewed upon submission to the Board of a satisfactory explanation for the applicant's failure to become licensed within the original eighteen (18) month period.
- F. the provisional license shall expire by operation of this rule if the applicant fails to successfully complete the experience, fails to apply for the examination for licensure in a timely, or does not take the next available examination.
- G. each Provisional Licensed Dietitian shall have completed twelve hours per year of continuing education approved by the Commission

on Dietetic Registration (CDR) or its designee and submit evidence of continuing education with the application for:

1. continuation of a provisional license
2. application for licensure.

**SECTION XII. RECIPROcity.** The Board shall waive the examination requirement for an applicant who:

A. holds at the time of application a valid license or certificate issued by another state whose minimum requirements for licensure are equivalent to or exceed the licensing requirements of the Board which are in effect at the time of applications; or

B. is registered at the time of application by the Commission on Dietetic Registration as a Registered Dietitian.

C. Applicants shall provide the Board with the following:

1. a current copy of that state's proposed (if any) and adopted rules/regulations governing its operations and application and licensing procedures;
2. a copy of the legal authority (law, act, code, section, or otherwise) for the license including any proposed and final amendments;
3. information regarding all disciplinary actions relating to

each applicant from that state's licensing authority;

4. the names, addresses, and phone numbers of the licensing authority's chairperson and/or executive administrator;

5. any other information deemed necessary by the Board or by its legal counsel.

D. All application materials shall be completed and application and license fees shall be paid by the applicant. All application materials become the property of the Board.

E. An applicant applying for licensing by reciprocity shall submit a copy of the license or certificate for which the reciprocal licensure is requested and the name and addresses of the licensing or certifying authority.

F. The Board may contact the issuing authority to verify the applicant's status with that agency at the time of application.

G. The Board may propose to deny approval of an application from an applicant who is either licensed by another state or a Registered Dietitian, if the Board has determined that the applicant may be:

1. in violation of that state's Act or rules of the licensing authority, if applicable;

2. in violation of the Code of Ethics adopted by the Board;

3. engaged in, or has previously engaged in, conduct which

constitutes a violation of the Dietetics Practice Act, the Code of Ethics adopted by the Board, or any other applicable provision of this title; or

4. convicted of a felony or misdemeanor if the crime directly relates to the duties and responsibility of a licensee as set out in the Dietetics Practice Act.

**SECTION XIII. RENEWAL OF LICENSES.** The purpose of this section is to set out the rules governing license renewal.

A. The Board shall issue to a licensee who has met all requirements for renewal a notice of license renewal and/or will issue a renewal card. In addition, the Board may delay license renewal of a license named in formal complaint procedures until resolution of the proceedings.

B. License renewal requirements:

1. A licensee must renew the license annually.
2. The renewal date of a license shall be December 1 of each year.
3. When renewed, a license is valid for one year after the date of issuance.
4. Each licensee applying for renewal of a license shall demonstrate

compliance with the continuing education requirements of the Act.

a. Each applicant for renewal shall have completed at least twelve (12) clock hours per year of continuing education approved by the Commission on

Dietetic Registration or its designee and submit documentation with their annual renewal application.

b. Upon receipt of written application and documented proof that a renewal applicant has been unable to comply with subparagraph (a) of this rule due to serious illness or other appropriate reason, the Board may waive the requirement on an individual case basis but shall condition the waiver upon meeting such make-up requirements as the Board may impose.

5. Each licensee is responsible for renewing the license before the expiration date and shall not be excused from paying additional fees or penalties. However, failure to receive notification from the Board prior to the expiration date of the license shall not excuse failure to file for renewal or late renewal.

6. At least sixty (60) days prior to expiration date of a person's license, the Board shall send a renewal notice to the licensee at the preferred mailing address in the Board's records. The renewal notice shall include the expiration date of the license (November 30), the amount of the renewal fee due, and a license renewal form, which the licensee must complete and return to the Board with the required fee within not more than thirty (30) days after the renewal notice was mailed by the Board (November 1).

7. The license renewal form for all licensees shall require the provision of the preferred mailing address, home address and telephone number, primary employment address and telephone number, and category of employment, and

misdemeanor and felony convictions. The license renewal form for the Provisional Licensed Dietitian shall include a signed statement by the supervising Licensed or registered Dietitian indicating continuing supervision of the applicant.

C. Late renewal requirements.

1. If a licensee fails to renew his or her license prior to November 30 of that year such license shall expire.

2. A person whose license has expired for not more than ninety (90) days (March 1) may renew the license by submitting to the Board: the license renewal form, the required renewal fee, and a penalty fee that is one-half of the renewal fee. The renewal will be considered if it is mailed to the Board not more than ninety (90) days (March 1) after the expiration date of the license. The postmark date shall be considered as the date of mailing.

3. A person whose license has been expired for more than ninety (90) days but less than one (1) year of the expiration date may renew the license by paying to the Board the unpaid license renewal fees, plus a late penalty fee that is equal to the renewal fee. The person must submit with the required license renewal form a letter stating the reasons for failure to make a timely renewal.

4. A person whose license has been expired one (1) year or more may not renew the license. The person may obtain a new license by reapplying to the Board as a new licensee and complying with the current requirements and procedures for obtaining a license.



D. Expiration of license.

1. A person whose license has expired may not use the title or represent or imply that he has the title of "licensed dietitian" or "provisional licensed dietitian" or use the letters "L.D" or "P.L.D.", and may not use any facsimile of those titles in any manner.

2. A person who fails to renew a license after one (1) year of expiration is required to surrender the license certificate and license identification card within thirty (30) days of notification by the Board.

E. Duplicate or replacement of license.

1. A licensee who requests a duplicate license or whose license is lost, damaged, or stolen must provide a written request to the Board. Appropriate fees must accompany the request.

**SECTION XIV. BRIBERY, FRAUD, MISREPRESENTATION, AND FALSE STATEMENTS.** The following acts shall constitute violations of this Act.

A. Representing oneself to be a dietitian, Licensed Dietitian or the word "dietitian" alone or in combination, Provisional Licensed Dietitian or use the letters L.D., or P.L.D., or any facsimile thereof, unless he/she is duly licensed as such under this Act; or under such title or descriptions offering to give or giving services to individuals, groups, agencies or corporations without a license.

1. This would not preclude a duly Registered Dietitian from using the

credentials Registered Dietitian (R.D.), providing that all other conditions of this Act are met.

B. Attempting to engage in dietetics practice, as herein defined, without having first been licensed or otherwise permitted under the provisions of this Act to do so.

C. Obtaining or attempting to obtain a license or renewal thereof by bribery or fraudulent representation.

D. Knowingly making a false statement on any form promulgated by the Board in accordance with this Act or the rules and regulations promulgated there under.

E. Filing of complaints.

1. Anyone may complain to the Board alleging that a person has committed an action prohibited under the Act or that a licensee has violated the Act or a Board rule/regulation.

2. A person wishing to complain about a prohibited act or alleged violation against a licensee or other person shall notify the Board. The initial notification of a complaint must be in writing within thirty (30) days of the allegation of such violation.

3. Upon receipt of a complaint, the Board shall send to the complainant an acknowledgment letter and the Board's complaint form, which complainant must complete and return to the Board within thirty (30) days before further action can be taken. Copies of a complaint form may be obtained from the Arkansas Dietetics Licensing Board.

**SECTION XV. GROUNDS FOR DISCIPLINARY PROCEEDINGS.** The

Board may refuse to issue or renew a license, or may revoke or suspend a license issued under this Act for any of the following but is not limited to:

A. violation of a provision of this Act;

B. engaging in unprofessional conduct or gross incompetence as defined by the rules of the Board, or violating the Standards of Professional Responsibility adopted and published by the Board. Licensees, under the Dietetics Practice Act, shall perform their professional duties using the following Standards of Professional Responsibility adopted by the Board which reflects the ethical principles of the dietetic professional and outlines obligations of the licensee to self, client, society, and the profession.

1. The licensee provides professional service with objectivity and with respect for the unique needs and values of individuals, avoids discrimination, and provides sufficient information to enable clients to make informed decisions.

2. The licensee accurately presents professional qualifications and credentials, and does not permit the use of these credentials by an unqualified person.

3. The licensee remains free of conflict of interest and promotes or endorses products in a manner that is neither false nor misleading.

4. The licensee assumes responsibility and accountability for personal competence in practice through continuing education and recognition of the limits of his/her ability and adherence to accepted standards of practice.

5. The licensee practices dietetics based on scientific principles and

current substantiated information without personal bias recognizing legitimate differences of opinion.

6. The licensee maintains the confidentiality of information.
7. The licensee conducts himself/herself with honesty, integrity, and fairness in all aspects of professional life and advertises services in a factual and straightforward manner.
8. The licensee shall not engage in dietetic practice while under the influence of alcohol or other mind-altering or mood-altering drugs, or physical or psychological illness, which impairs the provision of such practice.
9. The licensee shall be responsible for reporting alleged misrepresentation or violation of the Act and/or Board rules/regulations to the Board.
10. The licensee who wishes to inform the public and colleagues of his/her services does so by using factual information. The licensee does not advertise in a false or misleading manner.
11. The licensee must not divide fees with a referral source. A licensee must not accept the division of fees as compensation for a referral. This is intended to maintain that referrals are always based solely on the best interests of clients.
12. The licensee must obtain client's or legal guardian's informed, written consent when a client is to be involved in any research project. The licensee must explain the research, including any risk or potential consequences, and the client's right to withdraw from the study at anytime.

13. Relationships with clients, students, or supervisees must not be exploited by the licensee for personal gain. The licensee must not violate such positions of trust and dependency by committing any act detrimental to a client, student, or supervisee.

C. Conviction in this or any other state of any crime that is a felony in this state;

D. Has been convicted of a felony in a federal court.

**SECTION XVI. DISCIPLINARY PROCEEDINGS.** Hearings shall be conducted by the Board. Decisions will be determined by a majority vote of the Board. All proceedings will be conducted in accordance with the Arkansas Administrative Procedure Act.

A. Complaint.

1. The Board is authorized to receive complaints against licensees or applicants from any person. Signed complaints must be submitted in writing to the Board's office. A complaint form may be obtained from the Board office.

2. The Board may on its own motion, in the absence of a written complaint, conduct an investigation of a suspected violation if reasonable cause exists to believe a violation has occurred.

B. Investigation.

1. The Board shall investigate a complaint if the complaint states prima

facie violations of the Dietetics Practice Act, Rules or Regulations. The Board Chairman will appoint one or more board members to investigate the complaint.

2. A copy of the complaint will be sent by certified mail to the party complained against. The party complained against shall submit a written response to the complaint within a reasonable time as provided by the Board's instructions.

3. The Board investigator(s) will review the response to the complaint. Further investigation will be conducted if deemed appropriate.

4. Upon completion of the investigation and upon the recommendation of the Board investigator(s), the Board will determine whether to conduct a hearing, dismiss the complaint, or take other appropriate action. All interested parties will be notified of the Board's instruction.

#### C. Hearings.

1. The Board shall be authorized to conduct hearings on complaints in which the investigation reveals evidence that a violation has occurred.

2. Any and every person testifying before the Board at any of its hearings shall be placed under oath. All testimony given or statements made to or before the Board shall be reported and made a part of the record in such case.

3. Unless the Board finds exceptional circumstances exist, thirty (30) days notice shall be given to any licensee or other interested party to appear before the Board at a hearing. The notice will be mailed by certified mail to the preferred address on file in the Board office and will constitute notice of the hearing. If the Board finds

that exceptional circumstance exist in which public health, safety or welfare requires more timely action, the Board can give notice, reasonable under the circumstances, or can enter an emergency order pursuant to the Administrative Procedures Act.

4. Said notice shall contain the place and time of said hearing, a brief and concise statement of the facts forming the basis of the complaint, the provisions of the law or the rules and regulations involved therein, and shall be executed for the Board by its Secretary or designated party, dated and sealed with the official seal of the Board.

5. Each and every hearing of the Board, after being duly called to order, shall begin with a statement by the Chairman or Vice-Chairman, as to the nature of the cause to be heard, an inquiry of the parties present as to whether each is prepared to proceed, and thereafter the cause shall proceed with the presentation of evidence.

6. Either oral or written argument of the issues raised may be called for or dispensed with at the discretion of the Board.

7. The Board shall file its written findings and conclusions as to all hearings. The decision will be signed by all members therein or those members shall be identified in the record and the decision executed by a representative designated by the Board.

8. The Board will receive into evidence all affidavits, depositions, certified copies of documents, photostats of official records and exhibits therewith introduced, together with such other evidence as may be admissible by the Arkansas

Administrative Procedures Act. The Board shall give to such evidence such weight as the Board shall determine just and proper.

9. Every pleading, motion or other document, and every request to the Board must be filed with the Dietetics Licensing Board office in writing, signed and dated.

10. All proceedings will be conducted according to the Arkansas Administrative Procedures Act.

11. Appeals from Board hearings may be made in accordance with the Arkansas Administrative Procedures Act.