

AMENDED IN ASSEMBLY APRIL 7, 2008

AMENDED IN ASSEMBLY APRIL 1, 2008

AMENDED IN ASSEMBLY MARCH 13, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 2128

Introduced by Assembly Member Emmerson

February 20, 2008

An act to add Section 1265.4 to the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2128, as amended, Emmerson. Health facilities: dietitians.

Under existing law, the State Department of Public Health licenses and regulates health care facilities. Violations of the provisions constitutes a misdemeanor.

This bill would require that specified health facilities employ a full-time, part-time, or consulting dietitian. The bill would require those facilities that employ a registered dietitian less than full time also employ a full-time dietetic services supervisor. The dietetic services supervisor would be required to ~~consult with, and be supervised by, the dietitian~~ *receive frequently scheduled consultation from a qualified dietitian* and meet educational requirements, as specified. This bill would ~~temporarily~~ *allow the department to issue a program flexibility request to a facility* to exempt from the educational requirements any individual who has been working full time as a dietetic services supervisor in a health facility for 5 years or more when the bill becomes operative and allow them to continue to function as a dietetic services supervisor for ~~15~~ *18* months as long as they are enrolled in a specified education program.

The exemption could be extended an additional ~~9~~ 6 months if the individual can demonstrate to the department that the education program could not be completed within the original ~~15-month~~ 18-month period. *The bill would require program flexibility requests to be submitted not later than December 31, 2009.* By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1265.4 is added to the Health and Safety
2 Code, to read:

3 1265.4. (a) A licensed health facility, as defined in subdivision
4 (a), (b), (c), (d), (f), or (k) of Section 1250, shall employ a full-time,
5 part-time, or consulting dietitian. A health facility that employs a
6 registered dietitian less than full time, shall also employ a full-time
7 dietetic services supervisor who meets the requirements of
8 subdivision (b) to supervise dietetic service operations. The dietetic
9 services supervisor shall receive ~~supervision from the registered~~
10 ~~dietitian. The registered dietitian shall be available to the dietetic~~
11 ~~services supervisor for consultation and assistance.~~ *frequently*
12 *scheduled consultation from a qualified dietitian.*

13 (b) The dietetic services supervisor shall have completed at least
14 one of the following educational requirements:

15 (1) A baccalaureate degree with major studies in food and
16 nutrition, dietetics, or food management and has one year in the
17 dietetic service of a licensed health facility.

18 (2) A graduate of a dietetic technician training program approved
19 by the American Dietetic Association or currently registered by
20 the Commission on Dietetic Registration.

21 (3) A graduate of a dietetic assistant training program approved
22 by the American Dietetic Association.

23 (4) Is a graduate of a dietetic services training program approved
24 by the Dietary Managers Association and is a certified dietary

1 manager credentialed by the Certifying Board of the Dietary
2 Managers Association, maintains this certification, and has received
3 at least six hours of in-service training on the specific California
4 dietary service requirements contained in Title 22 of the California
5 Code of Regulations prior to assuming full-time duties as a dietetic
6 services supervisor at the health facility.

7 (5) A graduate of a state approved program that provides 90 or
8 more hours of classroom instruction in dietetic service supervision,
9 or 90 hours or more of combined classroom instruction and
10 instructor led interactive Web based instruction in dietetic service
11 supervision.

12 (6) Received training experience in food service supervision
13 and management in the military equivalent in content to paragraph
14 (2), (3), or (5).

15 (c) ~~The Pursuant to Section 1276, the~~ State Department of Public
16 Health may grant a program flexibility request to *the facility to*
17 *modify the requirements in subdivision (b) for* any individual who
18 has at least five years experience prior to January 1, 2009, as a
19 dietetic services supervisor in a health facility specified in
20 subdivision (a) to allow that individual to function as a dietetic
21 services supervisor for a period not to exceed ~~15~~ 18 months, as
22 long as the individual is enrolled in a program that meets the
23 requirements listed in subdivision (b). The department may extend
24 the program flexibility request for a period not to exceed ~~nine~~ six
25 months if the individual can demonstrate to the department that
26 the coursework could not otherwise be completed within the
27 original ~~15-month period~~ 18-month period. *Program flexibility*
28 *requests shall be submitted not later than December 31, 2009.*

29 SEC. 2. No reimbursement is required by this act pursuant to
30 Section 6 of Article XIII B of the California Constitution because
31 the only costs that may be incurred by a local agency or school
32 district will be incurred because this act creates a new crime or
33 infraction, eliminates a crime or infraction, or changes the penalty
34 for a crime or infraction, within the meaning of Section 17556 of
35 the Government Code, or changes the definition of a crime within
36 the meaning of Section 6 of Article XIII B of the California
37 Constitution.

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