

Honolulu, Hawaii

Feb 17, 2012

RE: H.B. No. 2570
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 2570, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LICENSING OF DIETITIANS,"

begs leave to report as follows:

The purpose of this measure is to modify already-existing regulation of dietitians in Hawaii by, among other things:

- (1) Transferring the oversight and regulation of dietitians from the Department of Health (DOH) to the Department of Commerce and Consumer Affairs (DCCA);
- (2) Clarifying the types of acts or conditions on the part of a licensed dietitian or an applicant for licensing for which the Director of Commerce and Consumer Affairs may refuse to renew, reinstate, or restore or may deny, revoke, suspend, fine, or circumscribe such a license, such as:
 - (A) Engaging in dietetic practice while impaired by alcohol, drugs, physical disability, or mental instability;
 - (B) Engaging in professional misconduct or exhibiting incompetence, gross negligence, or manifest incapacity in dietetic practice; and



- (C) Engaging in dietetic practice in a manner that causes injury to one or more members of the public; and
- (3) Establishing a \$1,000 fine per violation for licensees or applicants who violate specified licensing laws.

DCCA, DOH, Kaiser Permanente Hawaii, Waianae Coast Comprehensive Health Center, and numerous concerned individuals supported this bill. The Certification Board for Nutrition Specialists, Alliance for Natural Health, Mid-Atlantic Health Coach Association, and numerous concerned individuals opposed this measure.

After careful consideration, your Committee has amended this bill by:

- (1) Further clarifying that Chapter 448B, Hawaii Revised Statutes, which pertains to dietitians, is not intended to restrict the practice of other healthcare practitioners practicing within their own recognized scopes of practice; and
- (2) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2570, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.B. No. 2570, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



ROBERT N. HERKES, Chair



