

**2019 HOUSE HUMAN SERVICES**

**HB 1482**

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Human Services Committee Fort Union Room, State Capitol

HB 1482  
1/29/2019  
31679

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk Nicole Klamann by Marjorie Conley

### Explanation or reason for introduction of bill/resolution:

Relating to persons excepted from licensure requirement by board of dietetics practice

### Minutes:

Attachment 1-9

**Chairman Weisz:** Opened hearing on HB 1482.

**Sebastian Ertelt, Representative District 26:** Introduced bill, **See attachment 1**  
Stopped 8:04

**Chairman Weisz:** Questions?

**Representative Tveit:** Is this addressing a situation or consumer protection? I've received many emails on this bill. Trying to erode our consumer protection?

**Representative Sebastian Ertelt:** Because of our laws. If people could practice in the state, you wouldn't be receiving emails, **See Attachment 2**

**Representative Tveit:** Lower level is not always better.

**Representative Ertelt:** Up to the consumer to decide. Helping plan a meal, going to grocery store to identify ingredients on the label. It's not allowed by law to do that. Not eroding but expanding. Consumer protection, they are in a worse state due to these services not allowed.

**Representative Rohr:** Do you have someone who will be following educational background and scope of practice for a nutritional therapy practitioner?

**Representative Ertelt:** Yes

**Representative Skroch:** In research to present this bill, did you find professionals below dietician licensure? If so, do you know if there would be a lesser cost to the consumer if there was that lower or medium level licensure in providing nutrition advice to a consumer?

**Representative Ertelt:** Yes, reduced cost associated with lower level services. Dietician usually covered by insurance, Wellness Care. Lower levels may not be.

**Chairman Weisz:** Further questions in support testimony?

**Brett Uher, CrossFit, Inc.:** Support of, (**See Attachment 3**) (15:14 – 18:17)

**Representative Porter:** Inside of CrossFit organization in North Dakota, has there been any action by the board of dietetics towards any facility that you know of?

**Brett Uher:** We have not seen this yet, however we have seen across the country, members of the local dietetics practice councils have operated sting operations against CrossFit affiliates.

**Representative Porter:** Following state law?

**Brett Uher:** Consuming more proteins than fats, advice given and they cracked down on that.

**Representative Porter:** CrossFit organization, locally owned of a national corp. umbrella? Are they certified athletic trainers or what are their credentials?

**Brett Uher:** They carry CrossFit credentials. There are 4 levels of credentialing. The first 2 are credentials preferred is a certification distinction is there. The fourth is an even more advanced certification and it is the largest and most disseminated certification in credential system within the fitness world.

**Representative Porter:** It is not inside of the laws in ND as far as athletic trainers are concerned? It is just a CrossFit certification?

**Brett Uher:** Yes, CrossFit certifications are not athletic trainers. Our trainers instruct their clients in fitness and the credentials that we have are accredited by the American National Standards Institute, which I believe also accredits the Academy and Nutrition and Dietetics certification as well.

**Chris Padilla,** local cross fit affiliate: (**See Attachment 4**) Carry and pay for naming rights. Unique across the globe. Credentials, up to individuals to advance. Going outside of the state, we find business loss. Eating meat, veggies, low salt, little sugar better for you. High intense functional movement.

Stopped 24:57

**Chairman Weisz:** Are there any questions from the committee?

**Representative Porter:** Have you had any contact with the State Board of nutrition regarding services?

**Chris Padilla:** Not at a local level. Nutrition disruptors and dieticians need to crack down for providing nutritional advice.

**Representative Porter:** Not a regulatory board or anyone with authority?

**Chris Padilla:** Not familiar with the structure. National Registration of dieticians.

**Representative Tveit:** Bill is very open. Concerns as a non-licensure person can offer advice. What are your restrictions?

**Chris Padilla:** Large amount of training and continued education. We would like to be more involved in customer's wellness and be able to bill for services. Medical and sciences, we leave to the professionals. Basic simple healthy advice.

**Representative Skroch:** You are describing your source of professionalism as you describe how you want to give nutritional advice. Is there a go to person you can consult with if you do have a question that comes up?

**Chris Padilla:** We do not. Several medical doctors, PAs that we can rely on. However, we do not, so as far as that go to person we have a solid background and basic understanding of good nutrient dense foods without calories, without those simple carbs, we understand the effects of sugar on the body. No currently licensed person on staff.

**Representative Rohr:** To what extent you can do any nutritional assessments in your business.

**Chris Padilla:** Body scans. Handcuffed on Nutrition side. Partner with local organizations. For advice that we can't address, we send them out and the customer pays for that additional service.

**Representative Rohr:** Do you sell Nutritional supplements?

**Chris Padilla:** We sell protein.

**Representative Westlind:** Looking at the internet, and everything you are describing is online. Do you ever tell your clients to go online to find a good healthy diet?

**Chris Padilla:** Almost all the time.

**Representative Westlind:** If you tell directly it's against the law?

**Chris Padilla:** Yes

**Chairman Weisz:** Any more questions from the committee? Further testimony in support?

**Jonathan Posey:** In support (**See attachment 5**) Wellness practitioners more common but ND doesn't have as many as would like. 1 million dollars' coverage will cost \$245 a yr. 18 states require license to talk about food and nutrition. There have not been issues that have triggered this.

**Representative Skroch:** Looking at number of states with relaxed laws. Is this piece of legislation being proposed similar to some of these states?

**Jonathan Posey:** Yes. On the map, the green states mean no law on nutrition or a simple certification. The yellow states only have title protection, that means that you could get a license in the state. Orange and red states is where you have to have a license to talk about food and nutrition.

**Representative Skroch:** What type of training requirements? How many hours of training and classroom instruction?

**Jonathon Posey:** Varies based on schools. There is no such thing as a weekend course. Most have a six month to 1 year course and most is done online.  
Stopped 44:00

**Chairman Weisz:** Any questions from the committee? Further support?

**Nicole Mindiman, graduate of nutrition therapy program:** Support, **(See attachment 6)**  
Stopped 49:35

**Representative Tveit:** With your training, what are your guidelines for your continuing education?

**Nicole Mindiman:** The program I graduated from. We have to have 24 credits every 2 years-10 of which can be business related.

**Representative Rohr:** Food pyramid in my training. Yours?

**Nicole Mindiman:** A lot of common sense, historical eating patterns. We do not learn the food pyramid, more focus on historical cultures.

**Representative Rohr:** Do you get prescriptive protocols for treating chronic diseases like diabetes?

**Nicole Mindiman:** No, do not advise but I would confirm that they are receiving medical care.

**Chairman Weisz:** Questions? Support?

**Joanne Hoverson, from Minot a consumer:** Opportunity to make and have choices regarding the health and nutrition of my family. Stopped 55:07

**Chairman Weisz:** Any additional support? Opposition?

Opposition:

**Brooke Fredrickson, Dietician, dietetics board:** Opposition, written testimony provided. **(See attachment 7)** Clarifications. Our current law does not inhibit someone for giving general info. It does protect from Military. NC bill mentioned sets specific training requirements.

Stopped 1:04:43

**Representative Porter:** CrossFit example: Against the law in ND or with the law in ND?

**Brooke Fredrickson:** Supplement sales and general nutrition advice can do that if they aren't misrepresenting themselves as dietitians. They cannot give advice on medical condition.

**Representative Porter:** If someone has a medical condition, high cholesterol and want a workout and nutrition therapy?

**Brooke Fredrickson:** Against the law.

**Representative Tveit:** Regarding the exceptions in writing.

**Chairman Weisz:** We have them, 43 and 4410

**Representative Porter:** Aware of any situations on enforcement actions against a gym or individual?

**Brooke Fredrickson:** We have received 3-4 complaints against health coaches. They were specifically targeting diabetes. If they deleted the word diabetes off your website, you can continue practicing.

**Chairman Weisz:** Any questions from the committee? Further opposition?

**Debra (Inaudible):**(See Attachment 8)

**Representative Rohr:** What are credentials referring to in this? LRD and what else?

**Debra:** RD-Registered Dietician, RDNRD, LRD, Licensed registered dietician.

**Chairman Weisz:** Any further questions? Further opposition to HB1482?

**Karen Ehrens, Licensed Registered Dietician: (See Attached 9)**

1:14:30

**Representative Rohr:** How many Dieticians?

**Chairman Weisz:** Further testimony in opposition?

**Carlee McLeod,** daughter of a dietitian: I have seen my mom clean up a lot of well-meaning advice. However, I've seen my mom work with people with eating disorders because of trainer's advice.  
Stopped 1:17:56

**Representative Skroch:** Can you see any gateway for a less trained individual giving nutritional advice.

**Carlee McLeod:** Yes, but that's up to the people who put the licensure in place. I do not support weakening those safe guards for consumers who want to feel good about their health and don't know where to turn to. They need that protection in law.

**Chairman Weisz:** Further questions? Further testimony in opposition?

**Amy Davis:** Currently 467 Registered dietician Nutritionists  
30 licensed nutritionists.

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Chairman Weisz: Closed hearing on HB 1482.

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Human Services Committee Fort Union Room, State Capitol

HB 1482  
2/5/2019  
32181

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature Nicole Klamann

### Explanation or reason for introduction of bill/resolution:

Relating to persons excepted from licensure requirement by board of dietetic practice

### Minutes:

Attachment 1

**Chairman Weisz:** Opened meeting on HB 1482.

**Representative Ertelt:** This amendment would narrow the scope to listed practices. Page 1, line 7 after “who” insert is certified as a health coach by the institute for integrative nutrition, a nutrition therapy practitioner or nutritional therapy consultant certified by the nutritional therapy association or a CrossFit trainer certified by CrossFit, Inc.”

The reason I selected the 4 practices is because they have a scope of practice laid out and they have ethics parameters. All this to address the points made by opposition.

When researching, I found less information on the certification for Cross fit certification. This could be because the other practices have been around longer, as cross fit is a fairly new area. I would entertain further amendment to exclude cross fit, if they are of concern. (See Attachment 1)

**Representative Todd Porter:** Did you run your amendment by the board?

**Rep. Ertelt:** No

**Rep. Porter:** Had you thought rather than make cross fit an exception, it be licensed and certified? This would add further protection to the consumer.

**Rep. Ehtelt:** That is in other parts of the law that the board be accessed for further exemption and that is a possibility.

**Rep. Porter:** I’m not so keen on exemption. Instead, tell the board that cross fit needs to be certified and regulated.

*(Time Stamp 0:10:09)*

**Rep. Ertelt:** I’m uncertain how to present this or further amend. I would draw attention to 43.44.09. There we are referencing a separate entity, commission of dietetics registration of This is an outside organization used to qualify the education of dietetics as part of our basis.



Putting the board in control of certification based on their analysis could work but there maybe disagreement between these organizations. We are presented with the idea that the Board of Dietetics has a monopoly on the practice and also the information in the state. I don't believe that's the case, instead there are many competing ideas on nutrition. I don't believe putting the Board in control is the most prudent idea.

**Representative Matthew Ruby:** 43-44-10 Persons exempt for license requirements which includes 10 other exemptions.

**Chairman Weisz:** Suggested amendment and I feel as though we shouldn't be naming businesses in there.

**Rep. Porter:** I would move the amendment but put a period after association on line 3 and not have the CrossFit Inc. but we still need the "and who".

**Rep. Ruby:** Seconded

**Rep. Ruby:** Per testimony, they were open to some expansion on that.

**Chairman Weisz:** **Voice Vote:** Motion carried to add amendment

**Representative Rohr:** Motion Do Pass as Amended on HB 1482.

**Representative Skroch:** Seconded.

### **Discussion:**

**Rep. Porter:** I do not support this bill. I do not think it's prudent to add an exemption. If they want to be in the business of practicing they should be an inclusion, not an exemption. They should have to prove their credentials and training.

**Rep. Skroch:** I will vote for this bill, I think every individual should have the right to explore, investigate and seek out other options. The state cannot be responsible for supplement selections; this is just another avenue to offer consumers.

**Rep. Porter:** I think there is a world of difference between an individual walking into a store and buying something and an individual walking into a business and asking for professional opinions and/or advice or joining an organization and receiving someone's information that may harm them.

### **Vote**

Do Pass Motion Fails      Yes 5   No 7   Absent 2.

**Rep. Porter:** I move a Do Not Pass as amended on HB 1482.

**Representative Mary Schneider:** Seconded.

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**Vote:**

Do Not Pass As Amended      Yes 7      No 5      Absent 2. Motion carries.

**Representative Porter:** Carries the bill.

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Human Services Committee Fort Union Room, State Capitol

HB 1482  
2/12/2019  
32623

☐ Subcommittee  
☐ Conference Committee

Committee Clerk: Typed for Nicole Klamann
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### Explanation or reason for introduction of bill/resolution:

Relating to persons excepted from licensure requirement by board of dietetic practice

### Minutes:

**Chairman Weisz:** Opened the hearing on HB 1482.

(00:49)

**Chairman Weisz:** I need a motion to reconsider our actions on 1482.

(00:56)

**Rep. Skroch:** I'll move.

(00:57)

**Rep. Dobervich:** Seconded

(01:03)

**A voice vote was taken. Motion carried.**

(01:07)

**Chairman Weisz:** We have the bill in front of us. I guess, committee, I was being a nice guy, so I let the bill sponsor ask for further amendment. So you have the amendment in front of you. If you have questions on the amendment, we can ask him to come up and explain it.

(01:47)

**Rep. Skroch:** I'm wondering if Representative Ertelt can explain why he took out all the titles of health coaches.

(02:09)

**Rep. Ertelt:** Yes, I've received and reviewed similar to other, review of information that we have whenever we're giving consent and then say yes, I've reviewed it, I am comfortable with it, and now we can proceed with the transaction. That's essentially what it is, is informed consent.

(02:31)

**Rep. Skroch:** So who would be responsible for drafting that consent form?

(02:41)

**Rep. Ertelt:** That is up to the individual party, whoever's offering that. But they still have to meet this scope. They have to include education and training, scope of practice, code of ethics, all of that has to be included in there.

(03:02)

**Rep. Dobervich:** Going back to the exclusion of the specific job titles above, I'm curious, what does that mean for employment outside of a gym? Let's say you've got a rural community, and there's a small hospital or nursing home or the school or non-gym locations or fitness locations per se, and they're in need of someone to do nutritional assessments and make recommendations. The way this reads, it sort of sounds like there could be potential for that, and then you've got people without dietetics training could potentially be making recommendations on tube feedings or specialized diets. So taking that out, is there anything in this bill that prevents that from happening?

(04:09)

**Rep. Ertelt:** As far as practice outside of a gym or health club type of a setting, the individuals who were listed there, the health coach, nutritional therapy practitioner, and consultant, they can already practice outside, not in the state. But they're not relegated to only practicing within a facility like that. And the main one that was here in testimony in favor of was CrossFit. Now, they were actually struck from the bill as far as their specific type of training. This would allow, but it's not included in the bill as you see before you as you passed out, with the do not pass recommendation. But the one you passed out of committee, it would already have allowed that. So this doesn't change that aspect of it.

(05:21)

**Rep. Porter:** So when I read this, we're still talking about an individual who's providing education and training, nutrition recommendations, guidance and counseling, and assessment inside of this exempted individual. So, typically, when we do that as a state, when we use those kinds of words, we're putting them into a component of the law that has requirements to protect the citizens of the state from bad actors. So this exemption is now, and still, going and putting somebody who could have 2 hours of training off the Internet with a certificate, and instead of being the preacher down the road doing weddings, is now your nutritionalist. Is that really where you want to go with this?

(06:33)

**Rep. Ertelt:** The exemption, it still actually provides for a protection of the consumer. That's what informed consent is. It is a protection to the consumer to say this is my level of training, you have full access to what that information is that I was trained on, what my scope of practice is, what my code of ethics are, and if you are comfortable with receiving this assessment, consultation, etc., from me, then we can proceed with a contractual agreement. So that is the protection. And quite honestly, that's all that there is with dietitians, and it isn't even required for dietitians. If I go contract with a dietitian, they don't have to provide me with their full education, training, scope of practice, and code of ethics, all I have is the section of law that tells me that they met the criteria set by the board of dietetics in the state, which is simply the degree, and then the education requirements as set forth by them, which aren't disclosed in the law itself, as well as this other third-party association.

(07:50)

**Rep. Porter:** They are in the rules and they are meeting a set national standard. This individual is not. So if you're putting all of this trust on this individual because of an informed consent, then where in here are you putting the liability when they give the wrong advice to the person on their group's education? So they picked a diabetic, they picked the person with underlying kidney disease, and they tell them to be on a high-protein, high-fat diet, and it kills them, and that spouse is coming back now saying you gave him really bad advice. Who's carrying the liability for that bad advice? And where does that exist in here that they have to have some kind of malpractice insurance or mandatory liability insurance, that we protect them from this?

(08:58)

**Rep. Ertelt:** I don't know that there is that requirement for that liability insurance for the dietitians today. And as far as the national standards, these organizations that I did have in the bill and that, quite frankly, you were opposed to having in there, they have national standards. These are national associations. To claim that they're not abiding by a national standard is just simply not true.

(09:33)

**Rep. Porter:** Then you wouldn't be opposed to including a liability component to this informed consent? That the person who's giving this advice has to protect that advice with an insurance product like all other aspects of medicine have to protect their advice. And the nutritionists do protect their advice with malpractice insurance.

(10:01)

**Rep. Ertelt:** As long as it was treated the same as the dietitians and nutritionists, then yes.

(10:08)

**Rep. Porter:** With that statement, you're telling us you want to treat things the same.

(10:17)

**Rep. Ertelt:** You asked specifically about the malpractice insurance, and that's the question I was answering.

(10:24)

**Rep. Porter:** But everything else can be cherry picked or at a lesser level?

(10:31)

**Rep. Ertelt:** This is not cherry picking. This is not saying that they get to practice as a dietitian, the same level as a dietitian or nutritionist. They are limited to their scope of practice and education.

(10:50)

**Rep. Tveit:** What does your perceived individual, nutritionist, if you will, have to offer that a licensed dietitian cannot? Is it a price difference? Is that what we're looking at? What am I missing here?

(11:11)

**Rep. Ertelt:** That is one thing that they may offer. I know I offered that in testimony when I initially introduced the bill here that that is the case for myself, because I'm contracting outside the state, and it is at a lower cost as far as I know. Now, I didn't necessarily go to look for a dietitian's services, but that's my prerogative as a consumer to go where I want to in the marketplace to find it. And if I choose to go there, than that's where I should be able to go. Now as far as looking at anything else, no, the dietitians are able to do more. Their scope of practice is much broader, and the nutritionists, than these individuals that we're looking to exempt. So they're not providing things that the dietitians and nutritionists, licensed, are not. However, they may offer some different advice for it. And I believe that the consumer, with informed consent, should be able to do that. And, just to draw your attention back to testimony as well, there's only like 400 and some odd dietitians and nutritionists in the state, which I don't think is enough to cover the nutritional needs of the entire state.

(12:42)

**Rep. Skroch:** The bill that's drafted here, is this language similar to language that is in statute in other states where these people are allowed to practice?

(12:58)

**Rep. Ertelt:** There are varying levels across the state from no restriction whatsoever to not being able to practice at all, which is what we have. So there's any level in between there throughout the states.

(13:21)

**Rep. Porter:** I'm still trying to figure out, even based on all the testimony and all of the things back and forth on this particular issue where the one single instance exists where someone was told by the board of dietitians that they could not do what they were doing. Have you got that instance for us?

(13:50)

**Rep. Ertelt:** There was testimony provided that there was a cease and desist within the last year or two, I believe. It was fairly recent.

(14:00)

**Rep. Porter:** Okay, I don't have that. Can you give that to me.

(14:04)

**Rep. Ertelt:** That testimony was offered by the dietitians board, so I would suggest.

(14:10)

**Rep. Porter:** It wasn't for this.

(14:12)

**Rep. Ertelt:** Yes, it was.

(14:13)

**Rep. Porter:** Okay.

(14:18)

**Chairman Weisz:** Further questions? Okay, thank you. Well, committee, you got proposed amendment. Obviously, we don't have to take it up. But, it's up to the committee. Is there a motion?

(14:38)

**Rep. Ruby:** Mr. Chairman, I'd move the amendments.

(14:43)

**Rep. Skroch:** Seconded.

(14:47)

**Chairman Weisz:** Discussion on the proposed amendment. Does everybody understand the change? It's fairly clear what it's changing.

(14:58)

**Rep. Porter:** I am not going to vote in favor or the amendment. I would; however, be in favor of an amendment that also included the liability protection that the individual who was doing these services was carrying to protect the people that they were doing it for. I think that it's a grave disservice to the citizens when we have the protection of the consumer out there, everyone else who is hanging a shingle out to do something to a human body also carries liability protection so that when they do something bad to the human body, there's recourse for the widow or the widower. And, in this case, we're letting somebody go outside of a practice act, perform virtually the same services with no guarantee of education, and letting them do it with an informed consent piece of paper that isn't worth

the paper it was written on when you go to court, and then do it without having an insurance policy that protects them, I think it's a grave disservice to the citizens of the state.

(16:25)

**Chairman Weisz:** Okay, Representative Porter, I guess we have a motion on the floor. I would suggest we see if this amendment passes, and then could offer up an amendment if you want on liability.

(16:55)

**Rep. Skroch:** I will rescind my second.

(16:58)

**Rep. Ruby:** Mr. Chairman, I would move the amendment with the addition the individual has to have the liability insurance.

(17:12)

**Chairman Weisz:** Better make sure it's liability and not malpractice, because it's not a professional, so they wouldn't have malpractice. I don't think anybody would offer, it can only be liability.

(17:27)

**Rep. Skroch:** Second.

(17:36)

**Rep. Tveit:** My question in that, and maybe I'm getting too technical, who then would be liable to draw up that liability agreement or statement and enforce it?

(17:56)

**Chairman Weisz:** The amendment would merely require that if that person wants to provide services, you would have to hold liability insurance, and so if he didn't, and something happened, obviously he'd be in other trouble. And I guess if it's in the law, then the person doing the contract with the health coach would be aware that they could question and make sure do you have liability insurance and can you show me what you have. That would just be up to the individual health coach to ensure he's got liability insurance because the law requires it. That's the way I would interpret it.

(18:42)

**Rep. Skroch:** We have our mud bog event, and we welcome all kinds of vendors to our event. And many of them have the requirement that they carry their own liability insurance. So they do their own shopping and then the underwriters will write their premium on the basis of risk. So I think if we include that language in the amendment, I think that does place it on this individual to provide that liability insurance, and the insurance companies will base their coverage on that risk.

(19:30)

**Chairman Weisz:** Any other discussion?

(19:34)

**A voice vote was taken. There was no clear majority.**

(19:47)

**A roll call vote was taken: Yes 8, No 3, Absent 3.**

**Motion carried.**

(20:46)

**Chairman Weisz:** So, committee, we have an amended bill in front of us. What are the committee's wishes? I mean we've debated the other part so we know what we're doing here.

(20:55)

**Rep. Porter:** I don't think the amendment made the bill any better, or worse. So I would move a do not pass as amended.

(21:12)

**Rep. Tveit:** Seconded.

(21:17)

**Chairman Weisz:** Further discussion, if there is any. Like I said, I think we've probably hammered this quite a bit.

(21:26)

**A roll call vote was taken: Yes 8, No 3, Absent 3.**

**Chairman Porter** will carry the bill.



February 5, 2019

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1482

Page 1, line 7, after "who" insert "is certified as a health coach by the institute for integrative nutrition, or is a nutritional therapy practitioner or nutritional therapy consultant certified by the nutritional therapy association, and who"

Renumber accordingly

February 12, 2019

DE 2/12/19

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1482

Page 1, line 2, replace "persons" with "individuals"

Page 1, line 7, replace "A person" with "An individual"

Page 1, line 7, remove "is certified as a health coach by the institute for integrative nutrition, or is"

Page 1, remove line 8

Page 1, line 9, remove "nutritional therapy association, and who"

Page 1, line 9, replace "person's" with "individual's"

Page 1, line 11, replace "the person" with ":

a. The individual"

Page 1, line 12, replace "person" with "individual"

Page 1, line 12, after "nutritionist" insert ":

b. The individual provides the recipient of the individual's services with a copy, either by written or electronic means, of the individual's nutrition education and training, scope of practice, and code of ethics;

c. The recipient of the individual's services acknowledges, either by written or electronic means, the recipient of the individual's services has received a copy of the disclosures required by subdivision b; and

d. The individual carries liability insurance for the services offered."

Renumber accordingly

2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
Bill or Resolution **HB 1482**

House Human Services Committee

☐ Subcommittee

Amendment LC# or Description: 19.1035.02003 Title.03000

Recommendation: ☒ Adopt Amendment  
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Rep. Porter Seconded By Rep. Ruby

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz, Chairman			Gretchen Dobervich		
Karen M. Rohr, Vice Chair			Mary Schneider		
Dick Anderson					
Chuck Damschen					
Bill Devlin					
Clayton Fegley					
Dwight Kiefert					
Todd Porter					
Matthew Ruby					
Bill Tveit					
Greg Westlind					
Kathy Skroch					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

**Voice Vote:** Motion to Amend Carries

2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
Bill or Resolution: **HB 1482**

House Human Services Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☒ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Rep. Rohr Seconded By Rep. Skroch

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz, Chairman	x		Gretchen Dobervich		x
Karen M. Rohr, Vice Chair	x		Mary Schneider		x
Dick Anderson		x			
Chuck Damschen	x				
Bill Devlin		x			
Clayton Fegley		x			
Dwight Kiefert	-----	-----			
Todd Porter		x			
Matthew Ruby	x				
Bill Tveit	-----	-----			
Greg Westlind		x			
Kathy Skroch	x				

Total (Yes) 5 No 7

Absent 2

Floor Assignment Porter

If the vote is on an amendment, briefly indicate intent:

**Do Pass as Amended Fails**

2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
Bill or Resolution: **HB 1482**

House Human Services Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☐ Do Pass ☒ Do Not Pass ☐ Without Committee Recommendation  
☒ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Rep. Porter Seconded By Rep. Schneider

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz, Chairman		X	Gretchen Dobervich	X	
Karen M. Rohr, Vice Chair		X	Mary Schneider	x	
Dick Anderson	X				
Chuck Damschen		X			
Bill Devlin	X				
Clayton Fegley	X				
Dwight Kiefert	---	---			
Todd Porter	X				
Matthew Ruby		X			
Bill Tveit	---	---			
Greg Westlind	X				
Kathy Skroch		x			

Total (Yes) 7 No 5

Absent 2

Floor Assignment Representative Todd Porter

If the vote is on an amendment, briefly indicate intent:

**Do Not Pass as Amended Carries**

Date: 2-12-14  
Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1482

House Human Services Committee

☐ Subcommittee

Amendment LC# or Description: 19.1035.03002

Recommendation:

☒ Adopt Amendment

☐ Do Pass

☐ Do Not Pass

☐ Without Committee Recommendation

☐ As Amended

☐ Rerefer to Appropriations

☐ Place on Consent Calendar

Other Actions:

☐ Reconsider

☐

Motion Made By Skroch

Seconded By Dobervich

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman			Gretchen Dobervich		
Karen M. Rohr - Vice Chairman			Mary Schneider		
Dick Anderson					
Chuck Damschen					
Bill Devlin					
Clayton Fegley					
Dwight Kiefert					
Todd Porter					
Matthew Ruby					
Bill Tveit					
Greg Westlind					
Kathy Skroch					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Motion carries - Adopt Amend

Date: 2-12-19  
Roll Call Vote #: 2

2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1482

House Human Services Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☒ Adopt Amendment

☐ Do Pass

☐ Do Not Pass

☐ Without Committee Recommendation

☐ As Amended

☐ Rerefer to Appropriations

☐ Place on Consent Calendar

Other Actions:

☐ Reconsider

☐ \_\_\_\_\_

Motion Made By Ruby Seconded By Skroch

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman			Gretchen Dobervich		
Karen M. Rohr - Vice Chairman			Mary Schneider		
Dick Anderson					
Chuck Damschen					
Bill Devlin					
Clayton Fegley					
Dwight Kiefert					
Todd Porter					
Matthew Ruby					
Bill Tveit					
Greg Westlind					
Kathy Skroch					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Amendment w/ addition of liability in s.

Date: \_\_\_\_\_  
Roll Call Vote #: \_\_\_\_\_

**2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. \_\_\_\_\_**

House Human Services Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:

☒ Adopt Amendment

☐ Do Pass

☐ Do Not Pass

☐ Without Committee Recommendation

☐ As Amended

☐ Rerefer to Appropriations

☐ Place on Consent Calendar

Other Actions:

☐ Reconsider

☐ \_\_\_\_\_

Motion Made By \_\_\_\_\_ Seconded By \_\_\_\_\_

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	X		Gretchen Dobervich	X	
Karen M. Rohr - Vice Chairman			Mary Schneider	X	
Dick Anderson					
Chuck Damschen	X				
Bill Devlin	X				
Clayton Fegley		X			
Dwight Kiefert					
Todd Porter	X				
Matthew Ruby	X				
Bill Tveit		X			
Greg Westlind		X			
Kathy Skroch	X				

Total (Yes) 8 No 3

Absent 3

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:



Date: 2-12-14  
Roll Call Vote #: \_\_\_\_\_

2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1482

House Human Services Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☒ Do Pass ☒ Do Not Pass ☐ Without Committee Recommendation  
☒ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Porter Seconded By Tveit

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman		X	Gretchen Dobervich	X	
Karen M. Rohr - Vice Chairman			Mary Schneider	X	
Dick Anderson					
Chuck Damschen	X				
Bill Devlin	X				
Clayton Fegley	X				
Dwight Kiefert					
Todd Porter	X				
Matthew Ruby	X	X			
Bill Tveit	X				
Greg Westlind	X				
Kathy Skroch		X			

Total (Yes) 8 No 3

Absent 3

Floor Assignment Porter

If the vote is on an amendment, briefly indicate intent:

Motion Carries DNPA

**REPORT OF STANDING COMMITTEE**

**HB 1482: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). HB 1482 was placed on the Sixth order on the calendar.

Page 1, line 7, after "who" insert "is certified as a health coach by the institute for integrative nutrition, or is a nutritional therapy practitioner or nutritional therapy consultant certified by the nutritional therapy association, and who"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1482, as engrossed: Human Services Committee (Rep. Weisz, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends  
**DO NOT PASS** (8 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING).  
Engrossed HB 1482 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "persons" with "individuals"

Page 1, line 7, replace "A person" with "An individual"

Page 1, line 7, remove "is certified as a health coach by the institute for integrative nutrition,  
or is"

Page 1, remove line 8

Page 1, line 9, remove "nutritional therapy association, and who"

Page 1, line 9, replace "person's" with "individual's"

Page 1, line 11, replace "the person" with ":

a. The individual"

Page 1, line 12, replace "person" with "individual"

Page 1, line 12, after "nutritionist" insert ":

- b. The individual provides the recipient of the individual's services with a copy, either by written or electronic means, of the individual's nutrition education and training, scope of practice, and code of ethics;
- c. The recipient of the individual's services acknowledges, either by written or electronic means, the recipient of the individual's services has received a copy of the disclosures required by subdivision b; and
- d. The individual carries liability insurance for the services offered."

Renumber accordingly

**2019 TESTIMONY**

**HB 1482**

Testimony in Support of House Bill 1482  
Rep. Sebastian Ertelt  
ND District 26

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pg. 1

Chairman Weisz and Members of the House Human Services Committee,

For the record, I am Representative Sebastian Ertelt representing District 26 in the southeast part of the state. The district is comprised of all of Sargent County, the eastern half of Dickey County, the southern half of Ransom County, and the western half of Richland County. We are fortunate to have 2 hospitals in the district in both Lisbon and Oakes though they are still an hour or more away from some residents. While we are grateful for these places to help us when we are ill, I believe in the old adage that an ounce of prevention is worth a pound of cure, and healthcare providers and insurers are moving in this direction of wellness care. As I am sure you are all aware, nutrition plays a foundational role in our overall well being, and we have a shortage of people working in this field to improve the wellness of North Dakotans. House Bill 1482 seeks to change that.

Part of the reason for the workforce shortage in the nutrition field is that North Dakota has restrictive laws barring entry. These restrictions are specified in chapter 43-44 of the North Dakota Century Code. One may only provide general nutrition services after receiving a bachelors, masters, or doctorate in the field of dietetics or food nutrition. To practice dietetics, one must also complete education and experience requirements for approved by the commission on dietetic registration of the academy of nutrition and dietetics or its predecessor or successor organization.

General nutrition services means the counseling of individuals or groups in the selection of food to meet normal nutritional needs, and the assessment of nutritional needs of individuals or groups by planning, organizing, coordinating, and evaluating the nutritional components of community health services.

Dietetics means the application of principles derived from integrating knowledge of food, nutrition, biochemistry, physiology, management, and behavioral and social science to achieve and maintain the health of people by providing nutrition assessment and nutrition care services.

Nutrition assessment means the screening and evaluation of the nutrition of individuals and groups based upon appropriate biochemical, anthropometric, physical, and dietary data to determine their nutritional needs and recommend appropriate nutritional intake including enteral and parenteral nutrition.

Nutrition care services includes providing nutrition assessment, planning or providing of food appropriate for physical and medical needs, providing nutrition counseling to meet both normal and therapeutic needs, and providing general nutrition services and related nutrition activities.

House Bill 1482 would allow such professionals as health coaches, nutritional therapy counselors, and nutritional therapy practitioners to apply their education and training to the nutritional needs of our citizens. While this education and training is less than that received by nutritionists or dietitians, so is the care that they provide. These practitioners do not diagnose, treat, or cure diseases. They can rather help fill the gap between the home and the hospital and the patient and the doctor.

I will let those who follow me with testimony give more examples of what the barriers to entry really mean when applied and provide you with a more detailed understanding of what others in the nutrition field can bring to the benefit of our state.

Chairman Weisz and Members of the Committee, I thank you for your time today and urge a unanimous DO PASS recommendation on House Bill 1482.

No record of harm anywhere

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**CHAPTER 43-44**  
**DIETITIANS AND NUTRITIONISTS**

**43-44-01. Definitions.**

As used in this chapter, unless the context or subject matter otherwise requires:

1. "Board" means the board of dietetic practice.
2. "Dietetics" means the application of principles derived from integrating knowledge of food, nutrition, biochemistry, physiology, management, and behavioral and social science to achieve and maintain the health of people by providing nutrition assessment and nutrition care services.
3. "Dietitian" includes dietician.
4. "General nutrition services" means the counseling of individuals or groups in the selection of food to meet normal nutritional needs, and the assessment of nutritional needs of individuals or groups by planning, organizing, coordinating, and evaluating the nutritional components of community health services.
5. "Licensed nutritionist" means a person licensed to provide general nutrition services as provided in this chapter.
6. "Licensed registered dietitian" means a person licensed to practice dietetics as provided in this chapter.
7. "Nutrition assessment" means the screening and evaluation of the nutrition of individuals and groups based upon appropriate biochemical, anthropometric, physical, and dietary data to determine their nutritional needs and recommend appropriate nutritional intake including enteral and parenteral nutrition.
8. "Nutrition care services" includes:
  - a. Providing nutrition assessment.
  - b. Planning or providing of food appropriate for physical and medical needs.
  - c. Providing nutrition counseling to meet both normal and therapeutic needs.
  - d. Providing general nutrition services and related nutrition activities.

**43-44-02. Board of dietetic practice - Membership - Terms - Meetings.**

1. The governor shall appoint a board of dietetic practice, consisting of five members, all of whom must be residents of the state at the time of their appointment. The persons appointed must have been engaged in the teaching or rendering of dietetics or general nutrition services to the public, or in research in dietetics or general nutrition services for three years immediately preceding their appointment. Three board members must be licensed registered dietitians and one member must be a licensed nutritionist. The members first appointed to the board need not be licensed under this chapter for appointment to their first term on the board, but must possess the qualifications necessary for licensure under this chapter. One member must be appointed to represent consumers of health services.
2. The governor, prior to September 1, 1985, shall appoint two board members for a term of one year, two for a term of two years, and one for a term of three years. Appointments made thereafter are for terms of three years, but no person may be appointed to serve more than two consecutive full or partial terms. Terms begin on the first day of September and end on the last day of August or until successors are appointed. An appointment of any member to serve out the remaining term of any position on the board that becomes vacant must be made in the same manner as the original appointment for that position.
3. The governor may remove any board member for good cause after giving that member a written statement of the reasons for removal and after that member has had an opportunity for a hearing.
4. The board shall meet during September of each calendar year and select a chairperson. At least one additional meeting must be held before September of the next calendar year. Other meetings may be convened at the call of the chairperson or the written request of any two board members. All meetings of the board are open to the public, except that the board may hold closed sessions to approve an examination,

or upon request of an applicant who fails an examination, to prepare a response indicating any reason for the applicant's failure.

5. Members of the board receive no compensation for their services, but are entitled to mileage and travel expenses as provided in sections 54-06-09 and 44-08-04, and per diem as set by the board.

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#### **43-44-03. Board powers, duties, and authority.**

The board shall administer, coordinate, and enforce this chapter, evaluate the qualifications, and approve an examination for licensure under this chapter. The board shall keep any records and minutes as are necessary to carry out its functions. The board may:

1. Issue subpoenas, examine witnesses, administer oaths, and investigate allegations of practices violating this chapter.
2. Adopt rules pursuant to chapter 28-32, to implement this chapter, including rules relating to professional licensure and the establishment of ethical standards of practice for licensed registered dietitians and licensed nutritionists.

#### **43-44-04. Board administrative authority and requirements.**

1. The board may employ an executive secretary and other officers and employees it deems necessary.
2. The executive secretary shall pay, upon approval of the board, all appropriate expenses incurred by the board in the administration of this chapter.

#### **43-44-05. Fees.**

The board shall set and collect fees for application, initial license, renewal of license, late renewal, and limited permit. These fees must be set in such an amount as to reimburse the board, to the extent feasible, for the cost of the services rendered.

#### **43-44-06. License required - Title - Abbreviations.**

A person may not practice or represent as able to practice as a dietitian, or use the title "dietitian", "registered dietitian", "licensed dietitian", or "licensed registered dietitian", or the abbreviations "RD", "LD", or "LRD" unless so licensed under this chapter. A licensed registered dietitian may use the title "licensed registered dietitian" and the abbreviation "LRD". A person may not practice, or represent that the person is able to practice, as a licensed nutritionist using the title "licensed nutritionist" or the abbreviation "LN" unless so licensed under this chapter. A licensed nutritionist may use the title "licensed nutritionist" and the abbreviation "LN".

#### **43-44-07. Requirements for licensure - Licensed nutritionist.**

1. An applicant for licensure as a licensed nutritionist must file a written application with the board and:
  - a. Have satisfactorily completed academic requirements required by the board, and have received a baccalaureate degree in the field of dietetics or food and nutrition, as approved by the board, from an accredited college or university;
  - b. Have received a master's or doctorate degree in human nutrition, nutrition education, foods and nutrition, or public health nutrition from an accredited college or university, or have received a master's or doctorate degree in a related field that meets eligibility requirements of the commission on dietetic registration of the academy of nutrition and dietetics or its predecessor or successor organization;
  - c. Maintain membership in one of the following organizations: American institute of nutrition, American society for clinical nutrition, or the American board of nutrition; or
  - d. Present evidence to the board regarding employment and competence as a nutritionist before July 1, 1985, and the inability to meet the criteria of subdivision a, b, or c.
2. An applicant for renewal of a license as a licensed nutritionist must:



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- a. Comply with subsection 1.
  - b. Have satisfactorily completed continuing education requirements as specified and approved by the board.

**43-44-08. Requirements for licensure - Licensed registered dietitian.**

1. Applicants for licensure as a licensed registered dietitian must:
  - a. Comply with subsection 1 of section 43-44-07.
  - b. Have satisfactorily completed the education and experience requirements for dietitians approved by the commission on dietetic registration of the academy of nutrition and dietetics or its predecessor or successor organization.
  - c. Have satisfactorily completed the examination approved and administered by the commission on dietetic registration of the academy of nutrition and dietetics or its predecessor or successor organization.
2. Applicants for renewal of licensure as a licensed registered dietitian must:
  - a. Comply with subsection 1.
  - b. Have satisfactorily completed continuing education requirements specified by the commission on dietetic registration of the academy of nutrition and dietetics or its predecessor or successor organization.

**43-44-09. Waiver of requirements for licensure of dietitians.**

Upon application, the board shall grant a license to any person certified prior to July 1, 1985, as a registered dietitian by the commission on dietetic registration of the academy of nutrition and dietetics or its predecessor or successor organization. Upon application of any person certified by the commission on dietetic registration of the academy of nutrition and dietetics or its predecessor or successor organization after July 1, 1985, the board may waive the examination, education, and experience requirements and grant the applicant a license if the board determines that the requirements for certification are equivalent to the related requirements for licensure in this chapter.

**43-44-10. Persons excepted from license requirement.**

This chapter does not prevent or restrict the practice, services, or activities of:

1. Persons licensed to practice medicine, nursing, pharmacy, or dentistry consistent with the accepted standards of their profession, if the persons do not represent themselves as licensed registered dietitians or licensed nutritionists.
2. Any person pursuing a course of study in an approved program leading to a degree in the field of dietetics from an accredited college or university, if the person is designated by a title which clearly indicates that person's status as a student or trainee.
3. Any person in the process of fulfilling the experience requirements of section 43-44-07 or 43-44-08, if the activities and services constitute a part of the experience necessary to meet the requirements of those sections and the person is designated by a title which clearly indicates that person's status as a student or trainee.
4. Any person who does not meet the requirements of subdivision a, b, or c of subsection 1 of section 43-44-07, and who provides nutrition care services, including weight control programs, under the supervision of a licensed registered dietitian, a dietitian licensed in another state that has licensure requirements considered by the board to be at least as stringent as the requirements for licensure under this chapter, or a dietitian registered by the commission on dietetic registration of the academy of nutrition and dietetics or its predecessor or successor organization.
5. A person practicing dietetics or providing general nutrition services as a duty of serving in the armed forces.
6. Any person practicing dietetics in this state for no more than ten days annually, if the person has met the commonly accepted standards for the practice of dietetics specifically defined by the board.

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7. Any person practicing dietetics in this state for more than ten days annually who has pending before the board an application for licensure as a licensed registered dietitian under this chapter.
  8. An educator who is in the employ of a federal, state, county, or municipal agency, or other political subdivision, or an elementary or secondary school, or an accredited institution of higher education insofar as the activities and services are part of the duties of the employee's position; or who is in the employ or service of a nonprofit organization approved by the board.
  9. Any person having received a baccalaureate degree in home economics, if the person does not represent that the person is a licensed registered dietitian or licensed nutritionist, insofar as the services and activities are within the scope of that person's education and training.
  10. A person who markets or distributes food, food materials, or dietary supplements, or any person who engages in the advising of the use of those products, or the preparation of those products, or the counseling of individuals or groups in the selection of products to meet normal nutritional needs, if that person does not represent that that person is a licensed registered dietitian or licensed nutritionist.

#### **43-44-11. Issuance of license.**

The board shall issue a license to any person who meets the requirements of this chapter upon payment of the prescribed fee.

#### **43-44-12. Limited permits.**

A limited permit to practice as a licensed registered dietitian must be issued by the board upon application and submission of evidence of successful completion of the education and experience requirements under subdivision b of subsection 1 of section 43-44-08. The limited permit expires one year from the date of issuance. The limited permit may be renewed for a period not to exceed six months upon submission to the board of a satisfactory explanation for the applicant's failure to become licensed within the original one-year period.

#### **43-44-13. Reciprocity.**

The board shall grant a license to any applicant who presents proof of current licensure as a dietitian in another state which has licensure requirements considered by the board to be at least as stringent as the requirements for licensure under this chapter.

#### **43-44-14. Renewal of license.**

Any license issued under this chapter expires one year after it is issued unless renewed in the manner prescribed by the rules of the board. The board may provide for the late renewal of a license upon the payment of a late fee in accordance with its rules, but no late renewal of a license may be granted more than one year after its expiration.

#### **43-44-15. Suspension and revocation of license - Refusal to renew.**

1. The board may deny a license, refuse to renew a license, suspend a license, or revoke a license, or may impose probationary conditions on a licensee if the licensee or applicant has been found guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. Unprofessional conduct includes:
  - a. Obtaining a license by means of fraud, misrepresentation, or concealment of material facts.
  - b. Being guilty of unprofessional conduct as defined by rules adopted by the board, or violating any code of ethics adopted by the academy of nutrition and dietetics or its predecessor or successor organization.
  - c. Being convicted of an offense, as defined by section 12.1-01-04, that the board determines has a direct bearing upon a person's ability to serve the public as a licensed registered dietitian or a licensed nutritionist or, following conviction of

any offense, if the board determines that the person is not sufficiently rehabilitated under section 12.1-33-02.1.

- d. Violating any lawful order or rule of the board.
  - e. Violating this chapter.
2. A denial, refusal to renew, suspension, revocation, or imposition of probationary conditions upon a licensee may be ordered by the board after a hearing pursuant to rules adopted by the board. An application for reinstatement may be made to the board one year from the date of the revocation of a license. The board may at its discretion accept or reject an application to consider such reinstatement.

**43-44-16. Injunction.**

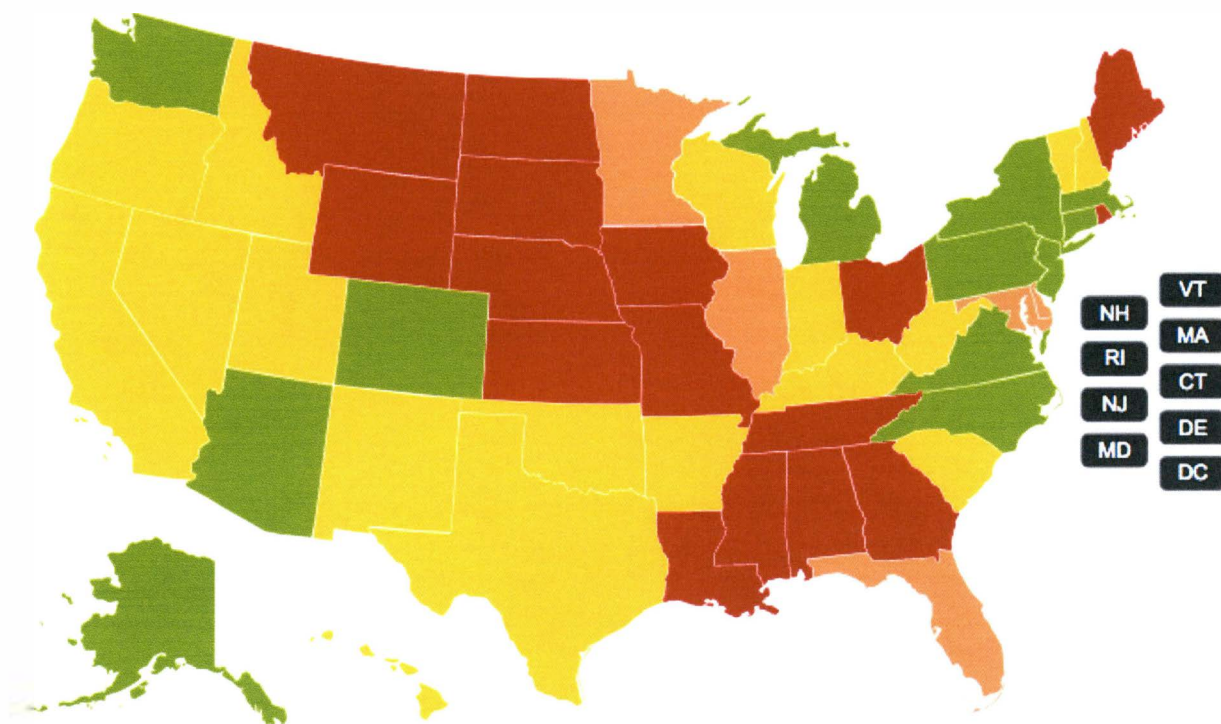
The civil remedy of injunction is available to the board to restrain and enjoin violations of this chapter.

**43-44-17. Penalty.**

Any person who violates this chapter is guilty of a class B misdemeanor.

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The Center for Nutrition Advocacy, the trade association for nutritionists with Masters and PhD level education, created a helpful map to show the differences between licensure laws for those with a Certified Nutrition Specialist credential.



**Green** states denote those without a nutrition law, or one that only provides for the certification of certain nutrition professionals; such as a Certified Nutritionist in Virginia.

**Yellow** states denote those that only have a Title Protect law, essentially one that does not restrict who may provide food and nutrition advice, only that they may not use certain protected titles.

**Red** and **Orange** states denote those where a license is required by the state to talk about food and nutrition. In these state only a Registered Dietitian may apply for and be granted a license to fully talk about food and nutrition. Red is the most restrictive and orange is where a pathway to practice exists but only for a very narrow subset of nutrition professionals.

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1250 Connecticut Ave. NW, #700  
Washington, DC 20036

[www.crossfit.com](http://www.crossfit.com)

January 29, 2019

The Honorable Robin Weisz  
Chair, House Human Services Committee  
State Capitol, Fort Union Room  
Bismarck, ND 58505

**RE: House Bill 1482 (Reps. Ertelt, Howe, Meier, Schauer, Toman and Sens. Erbele, Kannianen, Marcellais). Persons excepted from licensure requirement by board of dietetic practice. Support – January 14, 2019**

Dear Chair Weisz:

CrossFit, Inc., the largest gym chain in North Dakota with 16 affiliated gyms, recognizes that proper nutrition is foundational to health and fitness. Information about food and nutrition can save lives, and the right to share such information should not be restricted to a select few. The nationwide epidemic of chronic disease - type 2 diabetes, heart disease, nonalcoholic fatty liver disease and obesity - stems, largely, from improper nutrition. To halt this epidemic, more people, not fewer, need to be speaking about proper nutrition. To that end, CrossFit, Inc. strongly supports HB 1482.

HB 1482 amends section 43-44-10 of the North Dakota Century Code to provide clarity on which activities are excepted from licensure under the North Dakota Board of Dietetic Practice. As written, section 43-44-01 creates a broad framework for what constitutes "nutrition care services," under which North Dakota's residents are prohibited from engaging in reasonable activities without a license to practice dietetics.

But under this restrictive framework, CrossFit trainers would be prohibited from providing any sort of plan for what their clients should normally eat, or from providing basic nutrition information that would meet their clients' normal needs. As a fitness methodology, CrossFit holds "*Eat meat and vegetables, nuts and seeds, some fruit, little starch and no sugar,*" as a fundamental tenet for health and fitness. North Dakota's dietetics law prevents CrossFit trainers



from sharing this uncontroversial information without acquiring a license to practice dietetics. For giving the dietary equivalent of “don’t smoke,” CrossFit trainers could face a steep fine, or even jail time.

North Dakota has not escaped the nationwide epidemic of chronic disease. One in nine adults in North Dakota suffers from diabetes. More than a third have prediabetes. The direct medical expenses related to chronic disease in North Dakota exceed \$500 million. Chronic disease reduces quality of life for tens of thousands of North Dakotans. Most importantly, chronic disease takes the lives of thousands of North Dakotans each year. Chronic disease stems largely from improper nutrition. More people need to be discussing proper nutrition in order to halt the chronic disease epidemic.

**For the reasons stated above CrossFit, Inc. strongly supports House Bill 1482, and respectfully requests that the Committee report it favorably.**

CHRIS PADILLA

HB 1482

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Good morning ladies and gentlemen. Thank you for your time, attention and opportunity to speak. I am here in support for the proposed change and would like to add some "food for thought." ☺

I am here representing consumers of health services as a local, veteran-owned, small business owner.

We successfully educate our clients on the usage of nutrient dense foods and avoidance of empty calories. In doing this, at no time do we represent ourselves as licensed/registered nutritional professionals.

*Out of State = revenue loss to local businesses*

We firmly believe (and science has backed it up) that by eating meat and vegetables, nuts and seeds, some fruit, little starch, no sugar we will see a massive reduction in chronic diseases including:

- Obesity
- coronary heart disease
- Type 2 diabetes
- Stroke
- Cancer
- Alzheimer's
- peripheral artery disease
- advanced biological aging
- drug addiction
- among others

The CrossFit stimulus—which is constantly varied, high-intensity functional movement coupled with meat and vegetables, nuts and seeds, some fruit, little starch and no sugar—can give us a pass on chronic disease.

Members of the Committee,

Thank you for allowing me to speak today on House Bill 1482.

My name is Jonathan Posey and I am the Executive Director for the Council of Holistic Health Educators, the only nonprofit advocacy organization that represents holistic and wellness professionals, such as Health Coaches, Nutritional Therapists, and Nutrition Consultants. We have over 100 practitioners in North Dakota – most of them women – who are not able to practice up to the level of their education and training.

This legislation would create an exemption to the Dietitians and Nutritionists licensure law for anyone to provide food and nutrition guidance, assessment, education, and support, without the need for a government mandated license.

So long as that person practices up to the level of their education and training, and does not represent that the person is a licensed registered Dietitian or licensed nutritionist, they are exempt.

There are many different types of professionals who talk about food and nutrition for a living. The three largest umbrellas are Dietitians, Nutritionists, and Wellness Practitioners.

- Dietitians typically have a Bachelor's degree in food service, food science, or related fields. They often work in institutions, such as schools, prisons, and hospitals.
- Nutritionists typically have a Masters or PhD in biochemistry, or human nutrition, and they are trained to diagnose, treat, and cure diseases using nutrition. Under North Dakota law, even these highly trained and educated individuals are relegated to only being licensed to provide "General nutrition services" which upon a plain reading of the law, is little more than their freedom of speech.
- Wellness practitioners typically have a bachelor's degree or certification in wellness coaching, or nutritional therapy, and work with individuals to achieve goals and healthy outcomes. They do not diagnose, treat, or cure diseases, which is actually forbidden in their training and scope of practice.

Since 1985 the Dietitians and Nutritionists licensure law requires that for anyone to talk about food and nutrition with another person, for compensation, they must have a state issued license. However the law only allows Dietitians to have the full privilege of talking out food and nutrition. Not just any Dietitian but a Registered Dietitian, someone who has paid for and taken an exam by their national trade association.

While the law does allow for the licensure of certain "nutritionists," the privileges allowed are little more than a person's freedom of speech, despite most nutritionists having education and credentials that far exceed that of a dietitian.

**There has never been a case of actual harm from the unlicensed providing of food and nutrition advice.**

Only 18 states require a license to talk about food and nutrition, the rest only protect titles or no law at all. In July of last year, North Carolina created huge exemption to their licensure law, and several other states are considering similar exemptions.



Nationwide. The insurance market sees no discernible difference in the threat of harm from licensed dietitians and unlicensed holistic practitioners. The threat of actual harm for providing food and nutrition advice is so low that one million dollars in liability insurance for a nutrition professional costs about \$245 per year.

We have made enormous advances in our understanding of food and nutrition, particularly in the educating and training of professionals to help others. We encourage people to eat more vegetables and less sugar, but if I said that to a paying client I would be breaking the law. If I asked them what foods they like and don't like to eat, and then create recipes and meal plans around those that are healthy and nutritious, I would be breaking the law.

Wellness practitioners do not diagnose, treat, or cure diseases. Not only is it forbidden in their scope of practice, but it's not taught in their schools. They're trained professionals that fit between a client and their medical provider, holding their hand, teaching them to cook, creating recipes and providing education, so that person can eat, live, and feel better.

A lot has changed in 33 years about our understanding, and sources of information regarding food and nutrition. By voting to support this legislation, the Dietitians will get to keep their license, keep their protected titles, but more nutrition and wellness professionals can finally enter the marketplace, grow their business, and help everyone to eat, live, and feel better.

I urge you to vote to in favor of House Bill 1482.

Thank you and I will be happy to answer any questions you may have.

## **The International Association for Health Coaches SUPPORTS House Bill No. 1482**

### **About Us**

There are 72 Health Coaches in North Dakota with over 100,000 in 129 countries worldwide.

A Health Coach is taught the fundamentals of achieving wellness and being a supportive mentor who motivates individuals to cultivate and achieve their own positive health goals.

We strongly support passage of House Bill No. 1482.

### **North Dakota's Restrictive Nutrition Practice Law**

State laws vary from no laws regulating the practice of dietetics/nutrition (2 states), to simple title protection (27 states), to restrictive exclusive scope of practice laws like North Dakota (21). Exclusive scope of practice laws empower state dietetic boards—made up primarily of Registered Dietitians—to enforce laws that limit competition and restrict speech about nutrition

Publicly, the Dietitian's association will state that restrictive nutrition practice laws are necessary to protect the public health. However,

- Internal trade group documents reveal licensure is a tool to limit competition
- During a recent deposition, an expert spokesperson for the dietitian's association agreed "there is no empirical evidence they can point to that (restrictive) licensure helps protect the public"

### **Nutrition Practice Freedom = Better Health**

- Five of the ten most obese states (MS, LA, WV, AL, MI, OK, AR, IN, SC, KY) have restrictive ND type nutrition practice laws
- Nine of the ten least obese states (AZ, CT, NV, NY, UT, CA, NJ, MA, HI, CO) have less restrictive laws

### **Recommendation**

The International Association for Health Coaches believes the First Amendment protects the communication of dietary advice.

The curtailing of this type of speech is neither in the public's interest nor does the allowance of such speech endanger anyone.

Data shows there is a strong correlation between lower obesity rates and the ability to freely share dietary advice.

We strongly support the passage of House Bill No. 1482.

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We strongly support the passage of House Bill No. 1482.



## Council of Holistic Health Educators

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Dear Members of the Committee,

Thank you very much for hearing our testimony today in support of HB 1482. I am writing to rebut some of the statements made in opposition that I hope you will find helpful as you make your decisions.

- In the case of the person in Tennessee who was seriously injured from the consumption of raw milk: While this is very concerning, the state of Tennessee has a restrictive nutrition licensure law that did nothing to protect the consumer in this instance. Furthermore, as the person said in their statement, this advice was given for free, which would be the equivalent of a neighbor telling another to drink raw milk. I don't believe this analogy would be applicable to the issue at hand.
- Several opponents to HB 1482 spoke about "Medical Nutrition Therapy." Curiously this is not found anywhere in the law. The Academy of Nutrition and Dietitians is working very hard to pursue this because it will allow their privately credentialed Dietitians – who typically only have a Bachelors degree without advanced medical training – to diagnose, treat, and cure diseases. As a private credentialing organization it would certainly add value to that credential, especially if it further limits competition.
- Regarding North Carolina which is comparable to HB 1482, that legislation (HB 357 which became law unanimously) did add "Medical Nutrition Therapy" to the law but it also created an exemption for unlicensed practitioners, which reads:

"§ 90-368. Persons and practices not affected.

(12) Any individual who provides nutrition information, guidance, encouragement, individualized nutrition recommendations, or weight control services that do not constitute medical nutrition therapy as defined in G.S. 90-352, provided that the individual (i) does not hold himself or herself out as a licensed dietitian/nutritionist or a licensed nutritionist as prohibited under G.S. 90-365 and (ii) does not seek to provide medical nutrition therapy..."

Source: <https://www.ncleg.gov/Sessions/2017/Bills/House/PDF/H357v4.pdf>

- The representative from the Board of Dietetics spoke of HB 1482 as negating the ability of the public to file a complaint against a harmful practitioner, and for that to be investigated. I believe this is a misnomer, as the state already has a mechanism through the office of the Attorney General's Consumer Protection Division. Furthermore, false, misleading, or harmful activity can be mitigated through the

court system by filing a lawsuit, or pressing criminal charges.

- Current law, contrary to what was stated, does not allow for general nutrition information and services – it is illegal without a license as found in 43-44-07.
- It was also very telling that in four years with the state Board of Dietetics, Brooke Fredrickson mentioned that she has only seen FOUR complaints: Three against unlicensed practitioners for something they said on their website, and one Dietitian. Not a single complaint against anyone for causing actual harm, which furthers support our argument that **there has never been a case of actual harm from the providing of nutrition advice by an unlicensed professional.**
- 43-44-10, Subsection 10 of the law in North Dakota does not properly exempt persons wishing to talk about meal planning, provide information, guidance, and assessment to individuals for remuneration, on food and nutrition. That exemption states:  
  
“A person who markets or distributes food, food materials, or dietary supplements, or any person who engages in the advising of the use of those products, or the preparation of those products, or the counseling of individuals or groups in the selection of products to meet normal nutritional needs, if that person does not represent that that person is a licensed registered dietitian or licensed nutritionist.”  
  
This is exclusively for those who market and sell products. Nowhere does it allow for someone to talk to another for remuneration about food and nutrition, or to provide nutrition and wellness guidance, assessment, information, or education.
- As stated in the hearing, there are 467 Licensed Dietitians in the state, but only 30 highly trained Nutritionists. This is because the law was written to only give full privileges to a Dietitian. Why become a Licensed Nutritionist and be limited to simply “General nutrition services” ?

Thank you very much for considering this legislation. There are many wonderful Dietitians in the state, and across the country, but a lot has changed in 35 years. I urge that you vote DO PASS for this and I would be happy to discuss further any questions or concerns you may have.

Sincerely,

Jonathan Posey  
Executive Director

Members of the Committee,

Thank you for allowing me to speak today on House Bill 1482.

This legislation would create an exemption to the Dietitians and Nutritionists licensure law for anyone to provide food and nutrition guidance, assessment, education, and support, without the need for a government mandated license.

So long as that person practices up to the level of their education and training, and does not represent that the person is a licensed registered Dietitian or licensed nutritionist, they are exempt.

There are many different types of professionals who talk about food and nutrition for a living. The three largest umbrellas are Dietitians, Nutritionists, and Wellness Practitioners.

- Dietitians typically have a Bachelor's degree in food service, food science, or related fields. They often work in institutions, such as schools, prisons, and hospitals.
- Nutritionists typically have a Masters or PhD in biochemistry, or human nutrition, and they are trained to diagnose, treat, and cure diseases using nutrition.
- Wellness practitioners typically have a bachelor's degree or certification in wellness coaching, or nutritional therapy, and work with individuals to achieve goals and healthy outcomes. They do not diagnose, treat, or cure diseases, which is actually forbidden in their training and scope of practice.

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I urge you to vote to in favor of House Bill 1482.

Thank you and I will be happy to answer any questions you may have.

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Hello! My name is Sophie Johnson and I recently graduated from the Nutritional Therapy Association as a Nutritional Therapy Practitioner (NTP). It has been very difficult trying to start a successful practice in a state where it is currently illegal for me to practice unless I work underneath an RD or another license Practitioner, even though I went to school and I am very educated on the subject of nutrition and helping people take their health back into their own hands, and start healing. The law that states that we have to work underneath someone is very limiting. To be able to practice freely and help clients one on one is all we want to be able to do. We have the best intentions and truly want to get information into the hands of everyone, and be able to help people heal. It would be such a huge step in the right direction to pass this legislation to allow us to practice and share our knowledge with our community. Thank you so much for hearing my story.

~Sophie Johnson, NTP



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My name is Nicole Mindeman, I live in Lincoln ND in District 7. I am a graduate of the Nutritional Therapy Association program, which is where I received my formal training in the foundations of nutrition as a Nutritional Therapy Consultant.

I view my job as a nutritional therapist to come along side of someone who is looking to improve their health and provide them with small bite sized (no pun intended) pieces of information that they can implement in their every day life when it comes to food and what they choose to eat. We all know that medical professionals have limited time to see patients, and limited time to follow up and make sure patients are following their advice. This is where Health Coaches, Nutritional Therapists, and other properly educated individuals can help fill in the gap.

I chose to study nutrition because I personally struggled with health issues and I was majorly impacted by the help I received from an nutritional therapist. My doctor listened to my concerns when I was in his office but as soon as I left it was very hard to get any questions answered or additional information. My nutritional therapist was easy to reach and helped me overcome day to day struggles.

I believe that my training from the Nutritional Therapy Association has appropriately equipped me to give nutrition recommendations that are safe and effective. I leave the diagnosing and curing of diseases up to the doctors and focus on addressing the foundations of health. My goal is simply to help people understand what an unhealthy meal looks like and how it makes them feel compared to what a healthy meal looks like and how it makes them feel. This includes helping people create a meal plan, recommending foods to add in and exclude from their diet, and guidance on how to prepare these foods.

When I was receiving my training through the NTA my class was advised to check the legislature of our state to see if using our training and giving food recommendations to individuals or teaching nutrition related classes was even legal. A lot of us found out that our state laws were unfriendly to anyone who was not a registered Dietitian or licensed Nutritionist. This was disheartening as I had searched out a training program that was based on a strong principles that was teaching me information that I believe in. I finished the program and felt very well educated and equipped to support individuals in their food and nutrition journey. I don't wish to spend more time and money in order to obtain a degree in dietetics just to be able to be allowed to help people with the nutrition information that I already know. The law as it currently stands restricts my ability to freely grow a Nutritional Therapy business.

In my opinion we need more health coaches and nutritional therapist for people to chose from so that they can have additional support in between doctor visits and therefore be more successful in achieving better health.

I request that this committee send this bill to the House with a do pass recommendation so that I can grow my business, and help others to live and feel better.

Thank you very much and I look forward to your questions.

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**Testimony of Brooke Fredrickson, RDN, LRD, CDE**  
North Dakota Board of Dietetic Practice Board Member  
**In Opposition of HB NO. 1482**  
January 29, 2019

**Chairman Weisz and Members of the Committee:**

My name is Brooke Fredrickson, and I am representing the North Dakota Board of Dietetic Practice (NDBODP) in opposition of House Bill 1482. I have been a Licensed Registered Dietitian since 2005, and I have been serving on the dietetics board since 2014. The North Dakota Board of Dietetic Practice oversees the licensing of registered dietitians and licensed nutritionists as enacted by North Dakota Century Code (NDCC) 43-44 Dietitians and Nutritionists. This Century Code was instituted to protect the public's health from being harmed by unqualified persons through incompetent or unethical practice by providing for licensure and regulation of persons engaged in the practice of general nutrition services and nutrition care services.

North Dakota created two standards for licensure recognizing the differences between the educational backgrounds and scopes of practice of a licensed nutritionist and licensed registered dietitian.

Licensed nutritionists provide general nutrition services, which is defined in the law as the counseling of individuals or groups in the selection of food to meet normal nutritional needs, and the assessment of nutritional needs of individuals or groups by planning, organizing, coordinating, and evaluating the nutritional components of community health services. Licensure is required for nutritionists who work in certain sectors, such as healthcare and public health.

Licensed Registered Dietitians are licensed to provide "nutrition care services" defined as providing nutrition assessment, planning or providing of food appropriate for physical and medical needs, providing nutrition counseling to meet both normal and therapeutic needs, and providing general nutrition services and related nutrition activities. Registered dietitians (RDs) are not only trained in general nutrition, but also specialize in medical nutrition therapy to treat disease states such as diabetes, kidney disease, heart disease, eating disorders, and obesity. RDs are trained to evaluate lab values, identify food and medication interactions, and order therapeutic diets, tube feedings and parenteral nutrition (nutrients given through an IV). RDs are an integral part of the healthcare team and provide medical nutrition therapy as ordered by a patient's doctor or mid-level practitioner. RDs work in hospitals, nursing homes, schools, corporate wellness, fitness centers, food service operations, public health and private practice.

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The NDBODP strongly opposes HB 1482. The proposed legislation creates an exception from the licensure requirement for persons “who provide, up to the level of the person’s education and training, to an individual or group, nutrition recommendations, guidance, counseling, assessment or education, if the person does not represent that the person is a licensed registered dietitian or licensed nutritionist.”

The NDBODP opposes this exception in the licensure requirement for several reasons. The first reason is that the referenced education and training is nonspecific, lacks clarity, and provides no assurance of quality or competency. There is no requirement that a person’s education and training is from an accredited educational institution or that the curriculum is grounded in evidence-based nutrition science. If a person’s ability to practice nutrition is dependent on “their level of training and education”, then no level of training or education is also acceptable. Without clear education or training requirements, the person’s ability to practice nutrition becomes subjective. There is also no assurance that professional development or continuing education requirements will be met to assure ongoing competency. The proposed exception is of grave concern because it would allow anyone to provide nutrition recommendations, counseling, nutrition assessment and therapeutic nutrition, as long as the individuals don’t call themselves a licensed nutritionist and licensed registered dietitian. One doesn’t need to look far to see various options for obtaining nutrition knowledge. It can range from reading a book and taking an exam, to taking a 6-month online course, to completing a distance learning program, all the way to a highly advanced degree. Without specific educational or training requirements or standards, there is no measurable way to determine if a person is qualified to give nutrition recommendations, guidance, counseling, assessment or education.

The second reason that the NDBODP opposes HB 1482 is that it has the potential to jeopardize the health and wellbeing of the public. Unqualified practitioners can cause significant harm by giving recommendations that are substandard and not scientifically-validated for a medical condition. For example, if a personal trainer gave someone with chronic kidney disease advice to follow a high protein diet, it could result in kidney failure. Consumers need safe, reliable, and evidenced-based practices that are appropriate for their individual needs, diseases, health conditions, and complex dietary requirements. The current law holds licensed registered dietitians and licensed nutritionists accountable to ethical nutrition care within their scope and standards of practice. The proposed exception could undermine the importance of safety and protection of the consumer in nutrition care services.

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The third and final reason that the NDBODP opposes HB 1482 is that by providing this exception to licensure, it changes the entire intent of this law. This new exception would be no minor amendment and the law would no longer protect the public from non-licensed persons providing nutrition care services. By passing HB 1482 there would be no statutory authority to investigate any complaints that come forth on unlicensed individuals. That creates additional cause for concern as it potentially increases the risk for jeopardizing the health and safety of individuals especially when nutrition care services can be life threatening. One example of this was just last year in Tennessee where the parents of a young child in Powell received nutrition and dietary advice from an unqualified individual who offered a free nutrition counseling session and encouraged them to give the child raw milk to treat allergies. A child nearly died and sustained permanent damage due to the serious infection caused by the individual's recommendation to consume raw milk.

Chapter 43-44 does currently provide ten situations for persons to be excepted from the license requirement. The exceptions to licensure are specific, and they are clear, leaving no room for misinterpretation. Many of the exceptions allow other professions to work within their education and scope of practice, if the persons do not represent themselves as licensed registered dietitians or licensed nutritionists. By passing HB 1482, it would be adding an exception to the licensure requirement that is too general to ensure public safety, too vague to know whether a person is qualified to provide a particular service, and unclear in its intentions and mechanisms for effective implementation.

The NDBODP of dietetic practice is not opposed to the consideration of further exceptions to the licensure law, but the board does not support the exception as proposed in HB 1482 as written. Any exception should keep first and foremost the need to protect the public's health, safety and wellbeing by assuring only qualified professionals provide nutrition care services.

The NDBODP urges the House Human Services Committee to issue a Do Not Pass on HB 1482.



North Dakota Academy  
of Nutrition & Dietetics

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### Testimony of Jennifer Haugen

North Dakota Academy of Nutrition and Dietetics

#### In Opposition to HB 1482

January 28, 2019

Chairman Weisz and members of the North Dakota Human Service Committee:

My name is Jennifer Haugen and I am representing the North Dakota Academy of Nutrition and Dietetics (NDAND). This testimony is provided in opposition of HB 1482 due to lack of clarity in who can provide nutrition care and the potential impact to registered dietitians licensed and licensed nutritionists, their patients and clients.

It has come to our attention that this House Bill 1482 includes wording that is vague to the nature of the education required to provide nutrition education to the good citizens of North Dakota. This would be a serious misstep and could lead to potential consumer harm should they be provided with information not backed by evidenced based science. As registered dietitians licensed in this good state, we are held to the highest standards of practice. We provide education and methods founded by research and evidenced to our patients who have specific disease states such as diabetes, hypertension, kidney disease and cancer. In my 16 years of practice, I have worked in several areas including nursing homes, hospitals, rehab centers and gyms. In my current position, I work with numerous physicians and allied health care professionals. My testimony will include a quote from Dr. Eric Johnson who is a physician at Altru Health System specializing in diabetes care and teaching physician at the University of North Dakota School medicine.

"It is important for the safety of my patients, that the law remain specific to those who are able to provide nutrition care. As a diabetologist, specialist in diabetes care, it is important that those who provide nutrition care to my patients have specific knowledge obtained by accredited organizations and educational institutions of the highest level. There are many specifics to nutrition therapy, especially when recommending nutrition to patients who have diabetes. These include but are not limited to macronutrient needs, micronutrient deficiency risk, medications and their function in the body and timing of meals and snacks. Should one receive wrong information this has the potential to cause significant harm due to extreme variations in blood sugar. It is my recommendation to not pass House Bill 1482." - Respectfully, Dr. Eric Johnson

I have heard countless of patients who have receive nutrition information and advice from unreliable sources and have experienced a number of symptoms including but not limited to: high blood pressure (from stimulants found in supplements and ergogenic aids), dangerously low and high blood sugars (from manipulating carbohydrate

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intake incorrectly), nerve pain (vitamin deficiency related to avoiding food groups), gastrointestinal upset (too much protein and or timing of food incorrectly), fatigue (too low calories) and have developed behaviors leading to eating disorders (recommending too strict of a meal plan and food rules).

We recommend a **do not pass HB 1482**. The current Chapter 33-34 Dietitians and Nutritionists is currently worded to help continue to hold our state to the highest standards in health care and nutrition education. We would welcome the opportunity to learn more about the intent of the bill in its entirety and work with the North Dakota Board of Dietetic Practice and this committee to address these and other concerns. However, NDAND cannot support the current version of this bill.

Respectfully submitted by,

Jennifer Haugen, RD, CSSD, LD

Board Certified Specialist in Sport Dietetics

President North Dakota Academy of Nutrition and Dietetics 2018/2019



## Testimony HB 1482

Karen K. Ehrens, RD, LRD  
233 West Ave C Bismarck, ND 58501

January 29, 2019

Chair Weisz and Members of the House Human Services Committee:

Good day. I am Karen Ehrens, a Licensed Registered Dietitian, and a person who works to reduce hunger and improve health in our state and our communities.

I have been practicing as a dietitian for 25 years, having earned my degree in food and nutrition at NDSU, completed a dietetic internship at a Veterans' Affairs Medical Center in San Diego, passed a national examination, and continue my lifelong learning to grow in competency and to meet the education requirements of the Commission on Dietetic Registration (CDR) and the North Dakota Board of Dietetic Practice. I share my story to illustrate a shared, documented process that helps identify what a licensed, registered dietitian is.

We dietetics practitioners, have adopted and subscribe to a Code of Ethics<sup>i</sup> that guides us in our professional practice and conduct. We, among other principles and standards:

- “consider the health, safety, and welfare of the public at all times;
- make evidence-based practice decisions, taking into account the unique values and circumstances of the patient/client and community, in combination with the practitioner's expertise and judgment;
- recognize and exercise professional judgment within the limits of individual qualifications and collaborate with others, seek counsel, and make referrals as appropriate;
- act in a caring and respectful manner, mindful of individual differences, cultural, and ethnic diversity;
- collaborate with others to reduce health disparities and protect human rights.”

With our defined set of specific education and experience requirements, common base of knowledge, oversight, and commitment to ethical practice, a career in dietetics provides broad opportunities for improving the health of the public. My fellow colleagues practice in a wide variety of settings and roles from clinical dietetics in hospitals and nursing homes, to public health and community nutrition settings such as WIC clinics and local public health units, in businesses, in research, and in colleges and universities. No matter our roles or where we work, we make decisions based on science, derived from the best available research and evidence<sup>ii</sup>.

Like nurses, physicians, pharmacists, psychologists, lawyers, teachers, certified public accountants, and other professionals, we must apply for and maintain a state license to practice. Accrediting and credentialing organizations for these professions have standardized requirements to ensure that a minimum level of education, training and continued competence are acquired. Licensure ensures that a set of specific education and experience requirements has been obtained, helps consumers find practitioners that meet minimum qualifications, and sets standardized criteria that can facilitate practice across states and in services provided through telehealth.

The addition of excepted persons as proposed in this bill does not demonstrate to me how the health of members of the public will be improved. Persons licensed to practice medicine, nursing, pharmacy, or dentistry and a fairly considerable list of others are already excepted. The phrase “up to the level of the person's education and training” is vague and ambiguous. It would be hard to know what would be appropriate for each unlicensed individual to provide. Who will decide what that level is and when it is crossed? This legislation would lead to confusion among patients and consumers, providers, and payors. I encourage the members of this committee to provide a “do not pass” recommendation to the North Dakota House of Representatives.

Thank you for your attention.

<sup>i</sup> Academy of Nutrition and Dietetics and Commission on Dietetic Registration: *Code of Ethics for the Nutrition and Dietetics Profession*. 2018. accessed at <https://www.eatrightpro.org/-/media/eatrightpro-files/career/code-of-ethics/coeforthenutritionanddieteticsprofession.pdf>

<sup>ii</sup> *ibid*

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19.1035.02002  
Title.

Prepared by the Legislative Council staff for  
Representative Ertelt  
February 4, 2019

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PROPOSED AMENDMENTS TO HOUSE BILL NO. 1482

Page 1, line 7, after "who" insert "is certified as a health coach by the institute for integrative nutrition, a nutritional therapy practitioner or nutritional therapy consultant certified by the nutritional therapy association, or a crossfit trainer certified by CrossFit, Inc., and  
who"

Renumber accordingly



PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1482

Page 1, line 2, replace "persons" with "individuals"

Page 1, line 7, replace "A person" with "An individual"

Page 1, line 7, remove "is certified as a health coach by the institute for integrative nutrition, or is"

Page 1, remove line 8

Page 1, line 9, remove "nutritional therapy association, and who"

Page 1, line 9, replace "person's" with "individual's"

Page 1, line 11, replace "the person" with ":

a. The individual"

Page 1, line 12, replace "person" with "individual"

Page 1, line 12, after "nutritionist" insert ":

b. The individual provides the recipient of the individual's services with a copy, either by written or electronic means, of the individual's nutrition education and training, scope of practice, and code of ethics; and

c. The recipient of the individual's services acknowledges, either by written or electronic means, the recipient of the individual's services has received a copy of the disclosures required by subdivision b"

Renumber accordingly