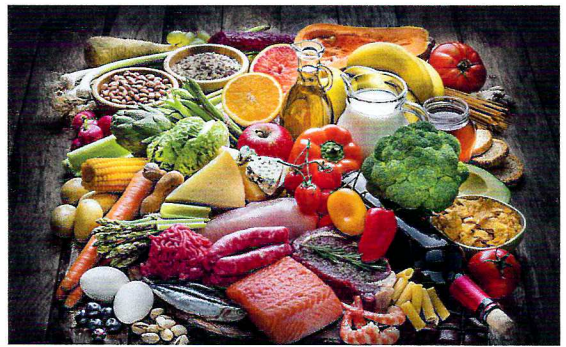


SB 2187 Introduced to the North Dakota Legislature on January 12, 2021



## Modernizing North Dakota's Dietetics/Nutrition Practice Act

### § Chapter 43-44 Dietitians and Nutritionists

#### Bill Purpose

***It is the purpose of this chapter to:*** safeguard the public health, safety and welfare and to protect the public from being harmed by unqualified persons by providing for the licensure and regulation of persons engaged in the practice of dietetics and nutrition and by the establishment of educational standards for those persons.

#### What can licensed individuals do under this bill?

The primary role for qualified licensed individuals is **to provide medical nutrition therapy (MNT)**. Refer to **§ 43-44-01 and 43-44-09.2**

**MNT is the provision of nutrition care services for the treatment or management of a disease or medical condition.** This most commonly includes providing MNT for individuals with diseases such as diabetes, cardiovascular heart disease, obesity, cancer, high blood pressure, kidney disease, celiac disease or those with medical conditions; i.e. food allergies, eating disorders, pre-diabetes. Licensed individuals under this bill are able to translate scientific evidenced based information into layman's terms and assist individuals to positively impact disease treatment or management through provision of MNT.

#### Bill Highlights

- **Expands the pathways to licensure** for additional qualified nutrition professionals to provide medical nutrition therapy
- **Eliminates licensure to provide "general nutrition services"**
- **Clarifies and expands what nutrition services** can be provided by unlicensed persons, such as health coaches and trainers
- **Adds telehealth** options for practice that include full licensure, limited practice without a license, and some exceptions from licensure
- **Maintains reciprocity** for expediting licensure
- **Allows the board to provide statutory guidance** to explain what unlicensed individuals may do under this law

#### Who is licensed under this law?

- **SAME**—Registered Dietitians and Registered Dietitian Nutritionists
- **NEW**—Adds Certified Nutrition Specialists
- **NEW**—Adds Diplomates of the American Clinical Board of Nutrition
- **UPDATED**—Licensed nutritionist qualifications are increased to encompass MNT. Current licensees can choose to be grandfathered in. A license is not needed for current licensees to continue to provide general nutrition services.

#### What is different in the proposed bill from the current bill for unlicensed individuals?

##### The proposed bill:

- **adds an exception from licensure for:** Any individual from providing nutrition information, individualized nutrition recommendations, health coaching, holistic and wellness education, guidance, motivation, behavior change management, non-medical weight control, or other nutrition care services if the services do not constitute medical nutrition therapy and the individual does not hold out as a licensed registered dietitian, nutritionist or licensed nutritionist or as a provider of medical nutrition therapy or otherwise violate provisions of this chapter.
- **expands the exception from licensure for other health care professionals:** A licensed health care practitioner duly licensed in accordance with title 43 who is acting within the scope of the individual's licensed profession, consistent with the accepted standards of their profession, if the practitioner does not represent the practitioner as a licensed registered dietitian, nutritionist or licensed nutritionist.
- **continues the exception for selling of supplements without a license and adds, *herbs*, to that exception from licensure.**



## LET US BE CLEAR — There are wide differences in education and training in nutrition



### Those **Qualified** to Provide Medical Nutrition Therapy

1. **Must meet stringent education requirements from U.S. regionally accredited university and/or \*ACEND-accredited programs. (NDSU and UND offer accredited programs in dietetics)**

- The completion of an ACEND accredited program in dietetics OR the completion of a Master of Public Health, Master of Medical Nutrition, MS of Nutrition, or master of professional studies from an accredited college or university OR
- Have received a master's or doctoral nutrition degree with completed coursework in medical nutrition therapy (requirements outlined in § 43-44-07).

*\*Accreditation Council for Education in Nutrition and Dietetics*

2. **Must meet NDBODP approved supervised experience**

- ACEND approved for dietitians
- A board approved internship or a documented, supervised practice experience in nutrition care services and the provision of medical nutrition therapy of not less than 1000 hours (requirements outlined in § 43-44-07) for nutritionists

3. **Must pass a NDBODP approved examination**

**Registered Dietitians adhere to a professional Code of Ethics and licensing under this chapter includes a board adopted code of ethics.**



### Those **Unqualified** to Provide Medical Nutrition Therapy

Many organizations market nutrition certifications and the opportunity for fitness professionals, health coaches, and like persons to improve their nutrition knowledge through earning certificates/certification, online diplomas, or taking nutrition courses (*some as little as a 4 week course*).

Many of these programs advise applicants to review their state laws to determine what nutrition services can legally be offered once the advertised credential is earned. Under Chapter 43-44, in order to practice dietetics and/or nutrition in North Dakota one must be licensed unless otherwise exempt.

**A certificate or diploma, standing alone, is not enough to authorize a person to provide medical nutrition therapy in North Dakota.** Therefore, upon obtaining a certification or diploma, one will not be able to provide nutrition care services for the purpose of managing or treating a medical condition or use any title indicating that one is practicing dietetics or nutrition, unless licensed or otherwise exempt from licensure.

#### **Statement from the North Dakota Board of Dietetic Practice**

**While a license is required to provide medical nutrition therapy as defined in Chapter 43-44, it is neither the purpose of this bill nor the intent of the board of dietetic practice to restrict the expression of general information, guidance or encouragement about food, lifestyle or dietary practices, whether through general publication or in one-on-one interactions.**

## **WHY DO YOU NEED A LICENSE TO PROVIDE MEDICAL NUTRITION THERAPY?**

Medical nutrition therapy (MNT) is based on ongoing evidence based scientific research to help treat disease and medical conditions. It's vastly different from nutrition education intended for the general public. Research shows improved health outcomes with MNT.

### **Licensure:**

- **helps consumers identify who is a qualified practitioner** to provide a particular set of specified services, known as the profession's scope of practice. Some individuals are not qualified for licensure because they lack the objective accredited education, experience and examination demonstrating their competency to provide services within the regulated profession's scope of practice.
- **helps prevent harm for our communities, workplaces, families and friends.** This means protecting against unsafe or inaccurate nutrition counseling or interventions that may lead to poor or even dangerous health outcomes and unnecessary expensive products and services.