

REPEAL LICENSURE OF DIETICIANS & NUTRITIONISTS

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House Bill 4688

Sponsor: Rep. Ed McBroom

Committee: Regulatory Reform

Complete to 10-14-13

A SUMMARY OF HOUSE BILL 4688 AS INTRODUCED 5-2-13

The bill would repeal Part 183a (Dietetics and Nutrition) of the Public Health Code, which provides for the licensure of dietitians and nutritionists, and establishes the Board of Dietetics and Nutrition within the Department of Licensing and Regulatory Affairs (LARA). Part 183a was added to the code in 2006, but, to date, no one has been licensed as a dietitian or nutritionist.

Under Part 183a, individuals are prohibited from engaging in the practice of dietetics and nutrition, providing or offering to provide dietetics and nutrition care services, or from using the certain titles (registered dietitian, licensed dietitian, dietitian or licensed nutritionist) unless licensed through LARA.

The bill would also repeal Section 16346 of the Public Health Code, which establishes application and licensing fees for individuals seeking licensure as a dietitian or nutritionist.

On February 17, 2012, the Office of Regulatory Reinvention (ORR) recommended the dissolution of the Board of Dietetics and Nutrition and the deregulation of dietitians and nutritionists due to an asserted lack of clear public health and safety benefits and allegedly unresolved discussions pertaining to the establishment of acceptable credentialing and education requirements and multiple national credentialing bodies for nutritionists.

FISCAL IMPACT:

House Bill 4688 would not have a significant fiscal impact on the Department of Licensing and Regulatory Affairs (LARA) since no individuals have been licensed as dietitians or nutritionists by the Bureau of Health Care Services (BHCS) within LARA.

2006 PA 333 established Part 183a of the Public Health Code, regulating the occupations of dietitians and nutritionists, and the Michigan Board of Dietetics and Nutrition (Board). Members of the Board were appointed in 2007. Since that time, LARA and the Board have worked to promulgate rules under 2006 PA 333 establishing the educational, examination, experience, and licensure requirements for dietitians and nutritionists. On May 14, 2013, LARA proposed draft rules which have yet to be certified and approved pursuant to the Administrative Procedures Act, 1969 PA 306.

While LARA and the Board have worked on the promulgation of administrative rules, the BHCS has yet to license or otherwise regulate the occupations of dietitians and nutritionists. Thus, the BHCS has not made any expenditures for examination, licensure, or enforcement under 2006 PA 333, nor collected any fees from individuals seeking licensure. Indeterminate, yet nominal, expenditures have been made to reimburse Board members for their travel expenses, provide administrative support to the Board, and draft proposed administrative rules. These expenditures have already been made and would be unaffected by House Bill 4688.

BACKGROUND INFORMATION:

Scope of practice

Under Part 183a, dietitian and nutritionists are defined as individuals engaged in the practice of dietetics and nutrition, who are responsible for providing dietetics and nutrition care services, and who are licensed under Article 15 of the Public Health Code as a dietitian or nutritionist.

The licensure requirements of Part 183a do not apply to the following individuals:

- An individual licensed under another part or act who performs activities or services that are considered dietetics and nutrition care services if those services are within the individual's scope of practice and the individual does not use protected titles (nutritionist or dietitian).
- An individual who furnishes any kind of nutrition information on foods, food materials, or dietary supplements - or provides explanations about foods or food materials in connection with the marketing and distribution of the products - as long as the individual does not represent himself or herself as a nutritionist or dietitian.
- An individual who provides weight control services under a program approved by a dietitian or nutritionist licensed or registered under the Public Health Code or licensed by another state or under a program approved by a chiropractor or licensed physician.

"Dietetics and nutrition care services" are currently defined as the integration and application of the scientific principles of food, nutrition, biochemistry, physiology, management, and behavioral and social sciences to achieve and maintain the health of individuals. The practice of such services includes:

- Assessing the nutrition needs of an individual or group of individuals based on biochemical, anthropometric, physical, and dietary data, determining the resources and constraints to meet the nutrition needs of that individual or group of individuals, and recommending proper nutrition intake to satisfy those needs.
- Establishing priorities, goals, and objectives to meet the nutrition needs of the individual or group of individuals based on available resources and constraints.
- Providing nutrition counseling regarding health or disease.
- Developing, implementing, and managing a nutrition care system.

- Evaluating, adjusting, and maintaining a standard of quality in dietetics and nutrition care services.
- Providing medical nutrition therapy.

Fees

Annual license and temporary license fees for dietitians and nutritionists are currently \$75. There is also a \$20 application processing fee.

License requirements

Individuals are prohibited under Part 183a from engaging in the practice of dietetics and nutrition or providing or offering to provide dietetics and nutrition care services unless first licensed through LARA.

At a minimum, individuals are required to have a baccalaureate degree from a LARA-approved college or university with a major course of study in human nutrition, nutrition education, foods and nutrition, dietetics, or food systems management, or a LARA-approved equivalent course of study; at least 900 hours of supervised postcollege or planned continuous preprofessional experience as provided for through administrative rules (although proposed administrative rules for the implementation of Part 183a have not yet been certified and approved); and successfully pass a LARA-approved examination.

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