

## LICENSE DIETITIANS AND NUTRITIONISTS

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### House Bill 5408

**Sponsor: Rep. Barb Vander Veen**

**Committee: Health Policy**

**Complete to 11-5-04**

## A REVISED SUMMARY OF HOUSE BILL 5408 AS INTRODUCED 1-20-04

The bill would amend Article 15 of the Public Health Code to create Part 183A, entitled “Dietetics and Nutrition”, establish a licensure framework for dietitians and nutritionists, set license fees, describe a scope of practice, and create the Michigan Board of Dietetics and Nutrition. A person would be prohibited from using certain titles unless licensed under the bill.

License fees. The annual license fee would be \$75. There also would be an application processing fee of \$20 and a temporary license fee of \$75 per year.

Definitions and scope of practice. “Dietitian and nutritionist” would be defined as a person engaged in the practice of dietetics and nutrition, who was responsible for providing dietetics and nutrition care services, and who was licensed under the bill as a dietitian and nutritionist.

The bill would specify that “dietitian and nutritionist” would not include an individual who provided weight control services under a program approved by a dietitian and nutritionist licensed or registered under the health code or licensed by another state. The term would also not include a person who furnished general information on foods, food products, or dietary supplements – or provided explanations to customers about foods or food products in connection with the marketing or distribution of those products – as long as he or she did not hold himself or herself out as a nutritionist and dietitian.

“Dietetics and nutrition care services” would mean 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 services would include, but not be limited to, the following:

- Assessing the nutrition needs of an individual or group, determining the resources and constraints of meeting those needs, and recommending proper nutrition intake to satisfy those needs.
- Establishing priorities, goals, and objectives to meet the nutrition needs of the individual or group based on available resources and constraints.
- Providing nutrition counseling regarding health and 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.

Board of Dietitians and Nutrition. The Michigan Board of Dietetics and Nutrition would be created in the Department of Community Health. Membership would consist of seven members -- two representing the general public and five who were licensed dietitians and nutritionists as specified in the bill. Duties of the board would include the promulgation of rules establishing ethics, qualifications, and fitness of license applicants; a complaint process; penalties for violations of Article 15; and license requirements.

License requirements. A person could not engage in the practice of dietetics and nutrition, or provide or offer to provide dietetics and nutrition care services unless licensed under the bill.

At a minimum, license requirements would include having a baccalaureate degree from a department-approved college or university with a major course of study in human nutrition, nutrition education, foods and nutrition, dietetics, food systems management, or a department-approved equivalent course of study; at least 900 hours of supervised postcollege or planned continuous preprofessional experience as prescribed by rule; and passing a department-approved exam.

Grandfather clause. The department would have to issue a license as a dietitian and nutritionist to an individual who was currently registered as a dietitian by the Commission on Dietetic Registration and who applied for licensure within one year after the bill's effective date.

Temporary license. A temporary license could be issued to a person who did not meet all of the requirements for licensure if the applicant applied for a temporary license within one year of the bill's effective date; paid the applicable fee; and provided evidence of being registered with the Commission on Dietetic Registration or met the educational requirements for licensure and had completed the 900 hours of postcollege or preprofessional experience and been employed as a dietitian for at least three of the previous ten years.

A temporary license would expire within the same time period as a nontemporary license and could be renewed; however, a person could not hold a temporary license for more than two years. Further, a person with a temporary license would be subject to the same rules and regulation as a person with a regular license.

Continuing education. Subject to Section 16204 of the code, the department would have to prescribe continuing education requirements consistent with those established by the American Dietetic Association as a condition for license renewal.

Third-party reimbursement. The bill would specify that it would not mandate or preclude third party reimbursement for services rendered by a licensed dietitian and nutritionist.

The bill would also not preclude various types of insurers or the Medicaid program from requiring a member or enrollee to fulfill benefit requirements for physical therapy services, including, but not limited to, prescription, referral, or preapproval.

MCL 333.16131 et al.

**FISCAL IMPACT:**

House Bill 5408, as introduced, will create state costs to develop and administer the licensing, regulation, and complaint review, and to support a state board for the licensure of the profession of dietitian and nutritionist. Annual licensing fees of \$75 and initial processing fees of \$20 per individual are established with the intent that they will fully support the state licensing system costs for this profession. The costs and revenue are dependent upon the number of persons who seek licensure. The Michigan Dietetic Association estimates that over 3,000 dietitians who practice in Michigan will meet the licensing requirements of the bill. Average annual program revenue from 3,000 licensees would be approximately \$225,000 - \$235,000. Persons will be subject to discipline under Part 161 of the Public Health Code for dietitian and nutritionist licensure violations or unlawful practice without licensure, which may include fines.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.