



June 15, 2023 Testimony of the American Nutrition Association Before the Michigan House Health Policy Committee

Greetings, Chair Rogers and honorable members of the committee. My name is Tracilyn Hobson and I am the Director of Legislative and Regulatory Affairs for the American Nutrition Association® (ANA®), the professional association for the science and practice of personalized nutrition. Our certifying body, the Board for Certification of Nutrition Specialists (BCNS), administers the Certified Nutrition Specialist (CNS) certification for advanced, personalized nutrition practitioners. The ANA opposes House Bill 4608 regarding licensure of dietitians because the bill, in its current form, is deeply flawed in several material respects:

- It is remarkably similar to an earlier law that was repealed by the MI legislature in 2014 because it was not equitable in process, substance, or impact;
- it would only license holders of a single, private credential to practice medical nutrition therapy in MI, to the exclusion of other competent, well-qualified medical nutrition therapy practitioners; and
- it fails to protect a number of current nutrition practitioners and would put them out of business.

HISTORY

Regulation of nutrition and dietetics is not new in Michigan. Some of you may have been in the legislature when, in 2012, after a year of study, Michigan's Licensing Advisory Rules Committee (ARC) recommended repeal of a licensure law for dietitians that passed in 2006 but had not been implemented. Repeal was recommended for a number of reasons:

- The law, if implemented, would have put many Michiganders out of business;
- It reduced the ability of MI citizens to choose nutrition services that were right for them;
- The bill, heavily weighted towards a single, private credential, the RDN,¹ and was viewed by ARC as being anti-competitive; and
- Nutritionists and dietitians, who have different professional associations and credentials, could not agree on a compromise, amended bill after many months of meeting with then-Representative Ed McBroom.

In 2014, Public Act 267² repealed the law to license dietitians and abolished the board because legislators agreed that it did not create a level playing field for nutritionists and dietitians who are both well-qualified to provide nutrition care, including medical nutrition therapy.

The repealed law passed before the ANA and the AND began collaborating to “modernize” nutrition/dietetics practice acts nationally. In 2016-17, ANA and AND, along with the North Carolina AND and the NC Board of Nutrition and Dietetics, negotiated the first “joint” bill to modernize the nutrition/dietetics practice act, which became law in 2018. Since 2018, ANA and

¹ RDN refers to Registered Dietitians and Registered Dietitian Nutritionists credentialed by the Commission on Dietetic Registration.

² <http://www.legislature.mi.gov/documents/2013-2014/publicact/pdf/2014-PA-0267.pdf>.

AND have also collaborated and supported modernization bills that passed in New Jersey and North Dakota. Those laws:

- contain two pathways to two licenses: RDNs are licensable as Licensed Dietitian Nutritionists (LDNs), and CNSs and other advanced degreed practitioners who meet the stated education, experience, and exam requirements are licensable as Licensed Nutritionists (LNs);
- acknowledge that both CNSs and RDNs are trained and well-qualified to provide medical nutrition therapy and nutrition education, and to collaborate with other health professionals in utilizing nutrition as a key component of health care; and
- recognize that dietitians and nutritionists have training that qualifies them for the identical scope of practice with one deviation; enteral and parenteral nutrition therapy (IV and tube feeding) can be done by nutritionists only after some additional training.

In October 2019, the ANA began negotiating with AND and the Michigan Academy of Nutrition and Dietetics (MAND) to propose a fair and equitable licensure bill that would recognize RDNs as well as Certified Nutrition Specialists (CNSs) and other master's and doctoral level nutrition professionals who have very rigorous training but hold credentials other than the RDN. The intent, on the part of ANA, was to have a bill that offered licensure for RDNs as well as qualified, advance-degreed nutrition professionals, such as CNSs; contained adequate exemptions to protect appropriate activities by other nutrition practitioners who would not be eligible for licensure; and included "grandparenting" language to protect individuals who were practicing nutrition counseling in Michigan when the bill passed, so that they would not lose their livelihoods.

In 2021-22, the ANA negotiated with AND and MAND regarding MI Senate Bill 614 to license dietitians and nutritionists. It included two named licenses and two different training paths reflective of both dietitians and nutritionists. Dual path licensure is a result of 10+ years of negotiation and collaboration between ANA and AND in many states, in a conscious effort to allow competition and consumer choice in a growing and changing nutrition practice landscape. The bill did not advance, primarily due to the objections of the Licensing and Regulatory Affairs Department (LARA). While the ANA is ready and willing to negotiate a fair and equitable licensure bill in MI, HB 4608 was introduced without consultation or negotiation. And the substance of the bill is clearly monopolistic and anti-competitive, as it would benefit a single group of private credential holders.

EXCLUSION OF WELL-QUALIFIED NUTRITION PROVIDERS

The ANA's certifying body, the Board for Certification of Nutrition Specialists (BCNS), administers the Certified Nutrition Specialist (CNS) certification for advanced, personalized nutrition practitioners. The requirements to become a CNS *exceed* the requirements to become RDNs, in terms of education and exam (see attached Fact Sheet). Like the RDN, the CNS certification program is accredited by the National Commission for Certifying Agencies (NCCA), which is recognized as the gold standard for providing impartial, third-party validation that the certification program meets recognized national and international credentialing industry standards. In addition, the CNS is listed by the US Government's Department of Labor as an

advanced nutrition credential in the definition of the “Dietetics and Nutritionists” profession in its [Occupational Outlook Handbook](#). While the RD credential was once the only credential available in the dietetics/nutrition field, the nutrition landscape has evolved – dramatically in the last couple of decades. And while requiring a license to practice medical nutrition therapy is a reasonable measure to protect the public health and welfare, excluding practitioners who exceed the proposed standards for licensure is unreasonable and unfair, and it would be a disservice to Michiganders.

IMPACT ON CURRENT NUTRITION PRACTITIONERS

Finally, HB 4608 fails to protect current nutrition practitioners who would not be eligible for licensure under the bill’s stated education, experience, and exam requirements, which are the RDN standards. A vast array of individuals, with a wide variety of backgrounds, training, skills, and experience, are currently earning their living practicing nutrition in Michigan, and they should be able to continue doing so if they have been safely and continuously earning their livelihood providing nutrition services, including medical nutrition therapy, to Michiganders. The bottom line: a new licensure framework should not put hard working citizens out of business.

SUMMARY

The ANA believes consumers, in Michigan and all states, are best served by access to a broad range of providers regulated by laws that take into account differing types and levels of training, and the offering of services appropriate to that training. We support licensure of RDNs and advanced degree nutritionists, like CNSs, to do medical nutrition therapy (MNT), so long as all well qualified candidates are eligible for licensure and existing practitioners are protected. The ANA, AND, and MAND have collaborated since 2019 with the intention of crafting a bill that would be fair, equitable, and, first and foremost, serve Michigan citizens. Even so, the current bill was introduced without consultation with ANA and serves the interests of a single group of private credential holders. HB 4608 would essentially put back in place a repealed law that was not equitable in process, substance, and impact. Michigan citizens deserve access to all highly qualified nutrition professionals, and this bill falls far short of serving all Michiganders.

Thank you for your time, attention, and thoughtful consideration of our comments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tracilyn Hobson".

Tracilyn Hobson, Director of Legislative and Regulatory Affairs
American Nutrition Association
advocacy@theana.org