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## Limiting Competition: Dietetic Licensure by the Academy of Nutrition and Dietetics

### About Us

There are over 40,000 Health Coaches in 100 countries that have been taught the fundamentals of achieving wellness and being a supportive mentor who motivates individuals to cultivate and achieve their own positive health choices.

### What does a Health Coach do?

A Health Coach is a guide and mentor who empowers their clients to take responsibility for his or her own health and supports their efforts to implement and sustain healthy lifestyle and behavior changes. These positive changes contribute to the achievement of an individual's personal wellness goals, lower their healthcare expenditures, and increase energy and productivity. Common areas of focus include weight management, improving nutrition habits, better sleep, increased energy, and stress management just to name a few.

### Dietetic/Nutrition Professional Licensure Overview

For over 30 years, the Academy of Nutrition and Dietetics (AND, formerly the American Dietetic Association) has promoted state licensure laws with scope-of-practice exclusivity for its membership, essentially eliminating competition from other nutrition professionals in many states and unnecessarily restricting the ability other non-Registered Dietitian professionals to practice to the full extent of their training.

State laws vary from no laws regulating the practice of dietetic/nutrition (3 states), to registration/title protection (24 states), to exclusive scope of practice laws (23). Exclusive scope of practice laws empower states dietetic boards (made up primarily of the AND's members) to enforce restrictive nutrition practice laws which limit competition, and can even restrict speech about nutrition.<sup>1</sup>

A Registered Dietitian (RD) is a private credential offered by the trade association AND. A growing number of nutrition professionals have chosen not to pursue the credential provided by the AND. Dissatisfaction--by practitioners and the public--with the AND stem largely from the payments the association openly receives from junk food companies and the continuing education classes the association offers which are sponsored by industry groups such as Coca-Cola's Beverage Institute and the Corn Refiners Association.<sup>2</sup>

There is a desperate need for additional and varied nutrition practitioners in the field to help address our nation's health crisis by empowering and coaching individuals to better health. The AND has engaged in multiple efforts to restrict entry into the field through the enactment of state nutrition licensing laws and the enforcement of them through their state dietetic professional licensing boards.

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<sup>1</sup> [Center for Nutrition Advocacy](#)

<sup>2</sup> [Associated Press; Lessons on Salt for Dietitians...By a Chip Maker \(2/26/14\)](#)

### AND's Attempts to Control Nutrition Advice and Speech

Publicly, the AND states that licensure is necessary to protect the public health. However, internal documents reveal licensure is only needed to protect Registered Dietitians from competition by other healthcare and nutrition professionals, and that increased enforcement is central to protecting their existing scope of practice laws:

- **“Registered Dietitians and Dietetic Technicians, Registered (DTRs) face a significant competitive threat** in the provision of various dietetic and nutrition services. Dynamic changes in the expected demand for nutrition-related services offer both exceptional opportunities and significant challenges for those willing and able to supply them. **RDs and DTRs must be aware that existing legal and regulatory constraints on practice are unlikely to prevent robust, broad competition in these growth areas.”** [AND House of Delegates Summary 2011 p2](#)

### Enactment and Enforcement of AND's Restrictive Dietetics Laws

In 2011, the AND initiated an aggressive effort to introduce and pass state laws where none existed; tighten restrictions where laws currently exist; and to renew laws set to expire, targeting a total of 14 states simultaneously. The sole beneficiaries of the AND's drive for monopoly are its Registered Dietitians.

The AND's licensing bills artificially constrain the number of nutrition advisers and practitioners. These one-sided licensure laws have passed in nearly half of state legislatures, and entire segments of nutrition practitioners—such as naturopaths, nutritionists, health coaches, and many others—are either barred from practicing or now have to practice with the threat of openly hostile state practice boards.

Once an AND restrictive dietetics law is passed, a state dietetics board is created to enforce the new law. These boards are comprised mostly of RDs (for example, on Georgia's board, six of its seven members are RDs). Efforts to change state laws to allow non-RD nutrition professionals to be licensed or exclude nutrition practitioners from the restrictive dietetics law are vehemently opposed by the state AND affiliate and the state dietetics board. Often, the state AND affiliate and the state board coordinate their lobbying efforts. In Ohio, the state dietetics board and the AND state affiliate collaborated their advocacy efforts to defeat legislation that would have excluded many nutrition practitioners from the state's restrictive scope-of-practice nutrition practice law. [Agenda Item #9 Ohio Dietetics Board Meeting Minuets July, 2012](#)

State AND affiliates support their state restrictive licensure and “demonstrate its value” by increasing the investigation and reporting of the unlicensed practice of nutrition. In a 2012 presentation, the Chair of the AND Licensure Workgroup explained to RDs that it is their duty to report the unlicensed practice of nutrition because “the competitive environment demands it.” [2012 AND Reporting Harm Presentation](#)

## Recommendation

The International Association for Health Coaches believes that the communication of general advice as it relates to nutrition is protected by the First Amendment so as the practitioner is disclosing their credentials and experience. Laws that restrict the ability of the Health Coaches to professionals to practice to the full extent of their training limit their freedom of speech, and artificially curtail the number of nutrition practitioners while benefiting only RD's who are only one-subset of the nutrition field. The Federal Trade Commission should continue its efforts to limit the anti-competitive and admittedly self-serving legislative and enforcement actions of the Academy of Nutrition and Dietetics (AND, formerly the American Dietetic Association).

## Recent Media on Nutrition Licensure

[Forbes.com](#) "Exclusive Leaked Documents: American Dietetic Association is Intentionally Using State Legislatures to Block Alternative Nutrition Providers and Restrict Free Speech" July 9, 2012.

"The (leaked ADA) document says it plain and clear: the reason to surveil and report citizens who provide public nutrition advice is not that there's any evidence that these citizens actually harm the public. Rather, the reason to surveil and report citizens is that doing so is necessary to maintain licensure laws (which were designed by the ADA explicitly to limit market competition.)" – Michael Ellsberg.

[Chicago Tribune](#) "Who gives the best nutrition advice?" January, 28 2013

"The Academy of Nutrition and Dietetics, a trade group that represents registered dietitians, has been seeking to create licensure laws (that protect their profession from competition) in states that don't have them to make sure existing laws are not weakened. To help its state affiliates submit licensure bills, the association developed a Model Practice Act to be used as a blueprint and offered training on effective lobbying strategies."

[Carolina Journal Online](#) "Nutrition Board Casts Net Far Beyond Paleo-Diet Blogger – State board has investigated nearly 50 for practicing nutrition without a license" October 17, 2012

"While the proclaimed purpose requiring licensing of dietitians and nutritionists is to protect the public from advice that could harm their health, some think it's more about protecting the professions from competition."

[Fox Business News](#) "Blogging Against the Law?" September 28, 2012

Nutrition blogger Steve Cooksey discusses how North Carolina Board of Dietetics/Nutrition has regulated his blog. "The industry itself is calling for more regulation, not the public, the dietitians don't want competition."

[Washington Post](#) "Bureaucrats declare war on free advice" September 26, 2012'

"When a busybody notified North Carolina's Board of Dietetics/Nutrition that Cooksey was opining about which foods were and were not beneficial, the board launched a three-month investigation of his Internet writings and his dialogues with people who read and responded to them....By [the North Carolina's Board

of Dietetics/Nutrition] saying that his bloggings will be subject to continuous review, North Carolina hopes to silence him in perpetuity.” – George Will.

[Alliance for Natural Health USA](#) “ANH-USA Uncovers Suspicious Activity by State Dietetic and Health Boards”

“ANH-USA has uncovered widespread surveillance (including undercover sting operations), aggressive investigations, and prosecutions of nutrition professionals. These actions, together with the levying of criminal penalties, have been undertaken by state health departments and state dietetics boards that are enforcing monopolistic laws sponsored by the Academy of Nutrition and Dietetics”