

Senate Committee Public Hearing **September 17, 2009**
Re: SB 115 – excerpt transcripts of opening remarks of sponsors and dietitians

4:50 Mary Williams (R) Medford -87th District

9:23 “...where could she be getting her supplements...?” Williams

“...as long as she's (supplement retailer) not claiming to be a dietitian then she shouldn't have a problem.” Vinehout

10:20 Senator Kathleen Vinehout

Purpose of the bill

- Provide consumers important assurances about the education & training of those people who provide nutritional care services &
- gives consumers confidence in the choices that they make when they're seeking nutritional advice

The bill will

- create the title: “Dietitian Nutritionist”
- Provide dietetic & nutrition care services including nutrition diagnostic therapy & counseling services for the purpose of managing disease
- increased access to advanced nutrition care as insurance companies often require providers be licensed before they'll cover their services

Substitute Amendment:

12:41 “An important part of that substitute amendment is to remove any restrictions on the use of the title “nutritionist.”

Memo from legislative counsel attorney Dick Swede where he confirms “**anybody can use the title ‘nutritionist.’**”

14:20 “Will not impact businesses or individuals to sell or market food products or dietary supplements.”

16:15 – 18:56 Rep. Sandy Pasch (D) Whitefish 22nd District (RN)

The bill:

- Will help guarantee that only qualified, licensed individuals who have gone through a rigorous education program are providing “**evidence-based nutrition therapy**” for the prevention and treatment of chronic diseases or medical conditions.
- Creating a scope of practice for these highly trained nutrition experts will help insure patient safety, increase access to quality healthcare &
- —help individuals easily identify properly trained and educated nutrition professionals.

20:18 — 32:37 Lynne Edwards (RD) + Gail Underboky (RDCD)

Past Pres & Current Executive Coordinator of Wi Dietetic Assoc (1700 members —ADA: 70,000 members)

“Registered Dietitians are the most credible source of nutrition information ...”

22:05 SB 115: 2 objectives:

1 Provide the public with the confidence that they are receiving **advanced nutrition care** from qualified professionals

2 to increase access to **advanced nutrition care** which is a vital component of advanced and effective health care reform

The bill “would license rather than certify dietitians in WI and **create a scope of practice** for these highly trained experts”

who is qualified
to protect from harm

22:39 Why license dietitians?

- To clearly identify who is qualified to provide care for the public
- To protect the public from potential harm

22:55 SB 115 will insure only qualified practitioners who have met education and training requirements are able to provide **medical nutrition therapy** referred to in bill as:

23:07 dietetic & nutrition therapy (DNT) a complex practice used to treat specific chronic diseases & wellness

24:22 -evidenced-based nutrition therapy

—current law does not prohibit alternative practitioners from providing DNT

25:09 -advanced nutritional assessments & interventions

25:14 35 states already license dietitians

“...evidence-based nutrition care...”

—will increase access to advanced nutrition, as third party payers require healthcare providers to be licensed by the state to qualify for reimbursement

-evidence-based nutrition care

25:29

- “While the WDA strongly supports SB115, we do not believe the licensure of dietitians should come at the expense of alternate nutrition practitioners.”
- “...by no means do we want to drive these individuals out of business or limit consumer choice.”

25:45 “SB115 is not ‘Fence Me Out’ legislation”

26:36

- “All of the allegations I just mentioned are unfounded and they’re designed to be misleading, and cloud the debate in SB115.
- They have no basis in fact and
- Fail to take into consideration that none of the aforementioned problems (from alternative health practitioners) have occurred in the other 35 states that license dietitians. **The alternative nutrition industry continues to thrive in those states.**”

Sub-amendment:

- 27:39 assures the viability of in the marketplace.
- “alternative nutrition practitioners can specifically use the title ‘nutritionist’”
- 28:47 “will not drive alternative nutrition practitioners out of business, rather it will secure their position in the marketplace.”

- **29:00 will continue to ensure only registered dietitians ... can provide dietetic & nutrition therapy & care (DNT)**

who is qualified to provide advanced therapy and care?

-advanced nutrition care

33:30 – 43:07 Karen Lacey, RD (Director of Dietetic Program UW Green Bay)

-currently serves on ADA's Position Committee, served as chair of Quality Management Committee

34:47 "I'm here...to provide expert testimony specifically regarding the importance of **medical nutrition therapy and as Lynn mentioned referred to now from this point on in our bill as 'dietetic and nutrition therapy'.**"

35:05 "...provide specialized nutrition services..."

35:15 "...components of medical nutrition therapy i.e. dietetic nutrition therapy."

35:38 There is a distinct difference between nutrition therapy and nutrition education.

"Nutrition therapy comprises itself of nutritional diagnostic, not medical diagnostic but nutritional diagnostic therapy and counseling services for the purpose of disease management which are furnished by a registered dietitian."

quoted from: Medicare Medical Nutrition Therapy Legislation in 2000

Medical therapy or dietetic nutrition therapy as we call it in our bill, is a specific application of ADA's nutrition care process... is provided in a and is focused on the management of disease."

36:42 "Dietetic and Nutrition Therapy and nutrition counseling"

37:15 "Evidence-based practice"

"Evidence dietetic practice"

37:47 "...ADA's practice of evidence analysis..."

-dietetic nutrition therapy

"...evidence analysis...evidence practice..."

41:45 "In summary:

- Passing of SB115 is critical to the overall health of Wisconsin by insuring only qualified professionals to provide dietetic nutrition therapy.
- Registered dietitians are best able to provide safe and high quality dietetic nutrition therapy by
 1. using the latest scientific evidence,
 2. maintaining the high standards of professional integrity,
 3. meeting and exceeding expectations of our clients and patients, and
 4. using the standardized nutrition care process in order to obtain desired health outcomes."

"SB115 is a smart healthcare policy that will:

- provide confidence to Wisconsin healthcare consumers who are seeking advanced nutrition care and therapy.
- It will increase access to dietetic and nutrition therapy and
- ultimately drive down healthcare cost."

**43:28 – 48:40 Susan Kasick-Miller, RD & Nutritionist,
(Clinical Dietitian), Sacred Heart Hospital, Eau Claire**

44:00 “Current state law does not adequately discern between a registered dietitian who does have specific and defined education and training and an alternative nutrition practitioner with indiscriminate education and expertise.”

48:06 “...the state of WI does not currently license dietitians.”

48:30 “...increase access to **evidence-based nutrition therapy that can prevent and treat chronic disease.**”

48:41 - 55:17 Rosalyn Huss, RD, Diabetes Dietitian

50:12 “Unfortunately, many people do not have access to true dietetic services, and the lack of dietitian licensure in WI is a leading culprit.

In some instances physicians are reluctant to even refer patients to a Registered Dietitian due to concerns over financial burdens for the patient.”

52:02 “dietetic and nutrition therapy”

52:37

- “Sadly most primary care settings do not use dietitians due to inconsistent insurance coverage for their services.
- To avoid making payments to unqualified practitioners many insurance companies to require healthcare providers be licensed by the state for reimbursement.”
- Consequently many patients who could benefit from expert dietetic and nutrition care do not have access to it.

52:58 “(SB 115) will increase access to advanced nutrition care as consumers will be more likely to take advantage of this cost-effective, preventive care if they don’t have to pay large out-of-pocket expenses.”

54:15 “(SB 115) will help advanced nutrition therapy become an integral part of preventive care...”

54:23 “(SB 155) will increase access to evidence-based nutrition therapy”

55:02 “...increase access to dietetic and nutrition therapy”

55:44 – 59:28 Marsha (Siller) Certified Natural Health Practitioner

59:48 Katy Williams, ND, Nutrition Consultant

Karen Hurd

Steve Lankford