

California Dietetics Licensing Bill – AB 575, as amended (Hayashi).

Analysis

Key:

Analysis in bold.

Bill text indented. **Key bill provisions highlighted.**

This bill does not only restrict the use of certain titles. It also creates a restrictive scope of practice. Simply put: It would criminalize the practice of nutrition counseling by the vast majority of nutrition professionals who are not Registered Dietitians.

Here is the operative provision:

2585.3. **Only a person licensed as a dietitian or otherwise authorized to practice under this chapter shall practice “dietetics” or “medical nutrition therapy”**, or use the title *registered dietitian*, or use the word dietitian or registered dietitian, alone or in combination, or use the term licensed dietitian, or the letters *RD, LD,* or similar titles or initials. [quotes added]

“Dietetics” and “Medical Nutrition Therapy” are defined so broadly that they include what the vast majority of professional nutritionists do in their daily practice:

(f) "Dietetics" means the integration and application of principles derived from the sciences of food, **nutrition**, management, and communication, and from the biological, physiological, behavioral, and social sciences to achieve and maintain optimal human health.

(k) "Medical nutrition therapy" means the use of specific nutrition services for the purpose of disease management to treat or rehabilitate an illness, injury, or condition and includes all of the following:

- (1) **Performing nutritional assessments** and reassessments.
- (2) Interpreting dietary data and recommending nutrient needs relative to medically prescribed diets, including, but not limited to, tube feedings, specialized intravenous solutions, and specialized oral feedings.
- (3) Developing and implementing medically prescribed diets, including, but not limited to, obesity, diabetes, cardiovascular disease, and renal failure.
- (4) Evaluating and advising about food and drug interactions.
- (5) Developing and managing food service operations in facilities whose functions include the provision of safe and effective nutrition care and the provision of general or medically prescribed diets for an individual, target group, or community as set out, and in compliance with, recognized nutrition standards.
- (6) **Nutrition monitoring and evaluation.**

Thus, to practice nutrition, nutrition professionals would be forced to become licensed as “Dieticians” under this bill. However, even extremely highly trained nutrition professionals, such as PhDs in nutrition, would not currently qualify for licensure, much less those with less advanced training. The vast majority of California non-RD nutrition professionals would never be able to meet the licensure requirements under this bill, because they specifically mimic the Registered Dieticians requirements of the ADA.

Those from schools like Hawthorn, Bauman, Huntington would not meet the education requirement:

2585.9. (a) The bureau shall issue a license as a dietitian to a person who ... has completed all of the following:

(1) (A) Has received a baccalaureate or post-baccalaureate degree from a United States **regionally accredited** college or university *and completed* a major course of study in human nutrition, nutrition education, public health nutrition, food and nutrition, dietetics, or food systems management, or an equivalent major course of study as approved by the bureau.

Professionals who have been practicing for 20 years would be forced to do 900 hours of supervised experience, under a dietician who very likely has far less experience and education. Moreover, most non-RD applicants would be unable to even obtain such a supervised experience:

(2) Has completed a documented supervised preprofessional practice experience component in dietetics of not less than 900 hours **under the supervision of a registered dietitian, or a licensed dietitian** *with a minimum of a master's* degree conferred by a United States regionally accredited college or university with a major course of study in human nutrition, nutrition education, food and nutrition, dietetics, or food systems management.

Nutritionists would be forced to take the Registered Dietician exam, which has a strong focus on food safety and food service, and has very little in common with the much more sophisticated nutrition training of many nutrition professionals:

(3) Has successfully completed the **registration examination for dietitians administered by the commission**. [Commission for Dietetic Registration]

The exceptions -- including the “nonmedical nutrition information” exception -- are not sufficient to permit nutrition professionals to pursue the full practice of professional nutrition counseling. They would not allow a nutrition professional, for instance to recommend a low-glycemic diet to a diabetic.

2585.11. This chapter shall not be construed to affect or prevent any of the following:

(a) Any person licensed in this state under this division from engaging in the practice of dietetics when it is within his or her

licensed scope of practice and is incidental to the practice for which he or she is licensed.

(b) Any person licensed in this state under this division from engaging in the practice for which he or she is licensed.

...

(e) A person that furnishes oral or written general nonmedical nutrition information related to food, food materials, or dietary supplements or the marketing of food, food materials, or dietary supplements, provided the person is not engaged in the practice of dietetics.

Practicing professional nutritionists would be guilty of a misdemeanor and could be jailed:

2585.13. (a) Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor punishable by imprisonment in a county jail not exceeding six months, or a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.