

STATE OF COLORADO

DEPARTMENT OF REGULATORY AGENCIES
Office of Policy, Research and Regulatory Reform
Bruce Harrelson, Director

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Bill Ritter, Jr.
Governor

D. Rico Munn
Executive Director

November 9, 2007

Jessica Crandall RD, Public Policy Co-Chair
Colorado Dietetic Association
1805 S. Bellaire Street, Suite 305
Denver, CO 80222

Dear Ms. Crandall:

I have reviewed the October 29, 2007 sunrise application seeking licensure of dietitians.

As you are aware, Colorado law allows the Department of Regulatory Agencies (DORA) to decline to conduct a sunrise review under specific circumstances:

- The proposed regulatory scheme appears to regulate fewer than two hundred fifty individuals;
- The department previously conducted an analysis and evaluation of the proposed regulation of the same professional or occupational group and no new information has been submitted that would cause the department to alter or modify the recommendations made in its earlier report on the proposed regulation of the professional or occupational group; or
- A majority of states license, certify, or require registration of members of the same professional or occupational group.

The Colorado Dietetic Association's sunrise review application states:

In the hope that analysis and evaluation will be declined pursuant to the amended statute, the CDA has attempted to show in this application that most states do regulate dietitians and that proposed regulation of Colorado dietitians will be substantially similar to regulation in other states.

Jessica Crandall RD, Public Policy Co-Chair
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While I do concur that a majority of states appear to regulate the profession, I do not agree that the present regulatory structure in other states, in and of itself, is sufficient reason to not conduct a sunrise review.

However, in response to question 12 of the sunrise application, the Colorado Dietetic Association submitted eight cases of harm to the public resulting from the unregulated practice of dietitians. After a careful review, these appear to be reproduced directly from the 2001 sunrise review and include, as part of the application DORA's analysis of each example.

In addition, the 2008 sunrise application provides a table, "Scenarios and Possible Risks of Inappropriate Care for Medical Nutritional Therapy Clients" (Section 6 of the application). This table identifies four broad health areas and possible complications that could result from medical nutrition therapy, but does not identify any specific instances of harm resulting therefrom.

Absent the lack of any new evidence addressing the issue of harm to Colorado citizens caused by the unlicensed practice of dietitians, DORA concludes that a sunrise review is not required because no new information has been submitted that would cause DORA to alter or modify its previous recommendation.

Thus, the Colorado Dietetic Association has complied with Colorado's sunrise review process and no further review is necessary prior to introduction of legislation to license dietitians. However, DORA may oppose such legislation based on previous sunrise findings or on other grounds that may arise.

Thank you for your interest in Colorado's sunrise review process.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bruce Harrelson".

Bruce Harrelson
Director

Cc: Tom Hill, Ackerman Information Corporation