

**North Dakota Board of Dietetic Practice Board Meeting**  
**Special Meeting**  
**8.18.2020**  
**7 p.m. (CDT)**  
**Zoom Meeting**

**Mission: To protect the public and ensure compliance with the ND Century Code Chapter 43-44.**

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Purpose of the Meeting: A special meeting to discuss legislation that was introduced during the last legislative session that attempted to amend Chapter 43-44, provide an overview of what an LN is in ND as well as other states, and to allow for a question and answer session with the board followed by poll questions.

Present:

- Board members, Shaundra Ziemann-Bolinske, Nancy Overson, Brooke Fredrickson, Wendy Mankie, and Linda Schloer
- Pat Anderson, NDBODP Executive Secretary
- Jami Lee, Deb Egeland, Kristin Cariveau, Barb Truchan, Rita Ussatis, Carrie McLeod

Shaundra Ziemann-Bolinske welcomed all those in attendance and thanked them for joining in this meeting. She introduced the board members and asked Pat Anderson to lead the presentation.

Presentation Summary:

Agenda:

- briefly talk about the history of licensure for LNs
- provide an overview of why NDBODP is seeking input about the licensure law
- share information about licensure in other states
- present concerns about Chapter 43-44
- public question and comment period
- conduct some polling questions

History:

- The History of Chapter 43-44 was provided with the law passed in 1985 and licensure put into place in 1986.
- Licensure for nutritionists and dietitians requires very stringent academic standards and accreditation of educational institutions.
- RD licensure is mandatory in ND (with a few exceptions) and LN licensure is strictly voluntary.
- The licensure law protects the title of Licensed Nutritionist and the credential, LN, only.
- There is not any protection of scope of practice for an LN.

HB 1482

- HB 1482 was introduced in 2019 by a state legislator. The proposed legislation created an exception from the licensure requirement for persons who provide up to the level of the person's education and training to an individual or group nutrition recommendations, guidance, counseling, assessment

or education.

- The NDBODP was very concerned when this legislation appeared because if passed it would have reduced the licensure law to just protecting the titles of LRD or LN, it would have not provided for any protection of nutrition care services that dietitians carry out.

#### Fork in the Road

- This legislative attempt presented a fork in the for the North Dakota board of dietetic practice. We have learned that during this year there were three states that had some similar legislation that was introduced in their legislatures, one of which was to eliminate licensure for dietitians in their state.

- This appears that this is a trend that has evolved. And so we're not sure what the future is going to bring but this certainly brings us to the question, do we need to be proactive and think about the next legislative session and be prepared as a result of that. The NDBODP has not decided whether to propose changes to the statute but the board is currently reviewing the statute and researching other licensure laws. Part of this research involves bringing licensees into the conversation so we will definitely keep you posted.

#### Research from Other States

- A licensure map from the Academy of Nutrition and Dietetics was shown. The states that are red are those that have practice exclusivity, which means there is protection for individuals that are providing medical nutrition therapy. The green states have protection of licensure titles only and not scope. The golden states which there is three of them have title protection without any formal state regulation. There are two states, Arizona and Michigan, that actually have no licensure of practice or title.

- ND is very unique in that no other states offer a license for a LN with the qualifications that are specified in Chapter 43-44. If you would seek licensure in another state, you would not have this same option for licensure.

- Anyone licensed as an LN in another state is licensed to practice dietetics or medical nutrition therapy. Medical nutrition therapy and the definition of medical nutrition therapy means the provision of nutrition care services for the intended purpose of treatment or management of a diagnosed disease or medical condition.

-Other licensure laws have licensure titles that vary for practicing of dietetics. Our registered dietitians are licensed as an LRD. In many states a licensed dietitian is licensed as a licensed dietitian; some also license as a licensed dietitian nutritionist; some license as a licensed nutritionist and I did find one state that interchangeably used certified nutrition with a licensed dietitian.

- Some states are allowing an additional pathway for licensure whereby someone has achieved necessary credentials to provide medical nutrition therapy, but they are not dietitians. The states that are doing this are licensing these individuals as licensed nutritionists in their states. A couple of those other pathways are certified nutrition specialist and diplomates of the American clinical board of nutrition. These individuals have advanced degrees and there's special specialized training and coursework that they must have in medical nutrition therapy. NDBODP is currently looking at additional pathways to include in Chapter 43-44. North Carolina updated their licensure law in 2018 and they spell out very specifically in their statute, what requirements are needed in to grant somebody with the licensed nutritionist designation.

#### Licensure Titles in Other States

-Montana has licensed nutritionist and that's is RDs.

-South Dakota has licensing for nutritionists and those individuals meet the registered dietitian requirements.

-Minnesota has licensing for both dietitians and nutritionists and the nutritionist includes those engaged in dietetic or nutrition practice and their qualifications include a Masters or doctoral degree and they have specified degrees and an accreditation process. For those degrees, they have completed a documented supervised pre professional practice experience of 900 hours. They are Certified Nutrition specialists or they have a petition process to the board for equivalent course of study and experience requirements set by the board.

#### Goals of other Licensure Laws

-The goal is to protect medical nutrition therapy not general nutrition services.

- Medical nutrition therapy means the provision of nutrition care services for intended purpose of treatment or management of a diagnose disease or medical condition. We do not have that definition in our licensure law. We have a definition for nutrition care services. So, of course, one of the things that we're looking at is if we do update the law, we need to update the terminology and definitely include a definition of medical nutrition therapy. ND has a definition in the law for general Nutrition Services. That means the counseling of individuals or groups in the selection of food to meet normal nutritional needs and the assessment of nutritional needs of individuals or groups by planning, organizing coordinating and evaluating the nutritional components of Community Health Services. The Assistant Attorney Generals that have worked with the board have told NDBODP that North Dakota's law does not prohibit unlicensed individuals from providing general nutrition services and the law protects the title to use, licensed nutritionist.

- Another finding from licensure laws is that some laws included an exemption to allow other individuals to provide general nonmedical information as long as it does not constitute medical nutrition therapy.

- This is how general nonmedical information is defined:
  - i) nutrition information principles of good nutrition menu planning and food preparation.
  - ii) food that should be included in normal daily diet essential nutrients needed by the human body.
  - iii) the recommended amounts of essential nutrients for the human body.
  - iv) the action of nutrients in the human body food and supplements that are good sources of essential nutrients in the body.
- It does not include the provision of nutrition care services for the intended purpose of treatment or management of a diagnosed disease or medical condition. The exemption that North Carolina has in their law is for the purpose of allowing other individuals to provide nutrition information. For example, health coaches, nutrition therapists, holistic nutritionists, and fitness trainers. Therefore we believe in part this is why our licensure law was challenged

in 2019 and we did learn some things at the hearing when individuals came forth to testify in support of it.

- One areas of concern came from the certified nutrition specialists. They didn't appear in person, but they sent in written testimony, saying that, they were excluded from licensure in North Dakota, even though they potentially could be qualified to provide medical nutrition therapy. If that individual wanted to provide some sort of nutrition service in North Dakota, they would be limited to general nutrition services.
  - As we heard testimony from health coaches and nutrition therapist and fitness trainers, we really realized there is a lack of clarity in the law regarding what unlicensed individuals can do. This definition of general Nutrition Services was interpreted by those individuals that they can't even talk about nutrition at all with clients. So, this definition of general Nutrition Services raised some concern of being overly restrictive.

-To summarize what we found is the goals of statute changes in other states is to protect the public from harm by assuring that qualified individuals provide MNT so we really need to add MNT definition in the law. The newer licensure laws, New Jersey and North Carolina, provides the ability for other qualified nutrition professionals to be licensed to provide MNT (i.e. Certified Nutrition specialist and the diplomats of the American clinical board of nutrition that meet qualifications).

#### **Does BODP need to be proactive and propose statute changes in the next legislative session?**

- **Potential Changes for the ND Statute**
  1. Also protect the title “nutritionist” not just “licensed nutritionist”
  2. Add Medical Nutrition Therapy definition in the law
  3. Add other definitions – i.e. general nonmedical nutrition information
  4. Bring in other individuals qualified to provide MNT
  5. Add exemption from licensure
- Any individual who provides nutrition information, guidance, encouragement, individualized nutrition recommendations, or weight control services that do not constitute medical nutrition therapy, provided that the individual does not hold himself or herself out as a licensed dietitian/nutritionist or a licensed nutritionist and does not seek to provide medical nutrition therapy.
- 6. Include tele-practice
- 7. Add statutory authority to provide information about the statute

#### **Should we continue to offer licensure for LNs as currently defined?**

- No other states offer a LN designation like ND’s law
- LN in other states means individuals qualified to provide MNT
- What is the purpose of LN in ND? (protects the title only)
- The trend for applicants for LNs is predicted to go down significantly
- There are jobs in ND for LNs that require the educational requirements without licensure needed.

3) What should the title, “Licensed Nutritionist,” be defined as?

Should NDBODP strive to be consistent with other states and implement LN to only mean a RD, RDN, or other individuals qualified to practice MNT like other states do?

### Pros

- Facilitate consistency with other state's designation for LNs and increase understanding of qualifications
- More tele-practice is happening across state lines and it would provide more clarity to the public on what LNs are qualified to do.

### Cons

- Current LNs in ND have met significant qualifications and CE requirements. The title provides designation of a credible nutrition professional. Does this adversely affect your job?

The meeting was opened for comments and questions from the public; the following is the narrative that occurred during the meeting.

Kristin Cariveau – Hello, First of all, thank you for sharing all that information that's good to know. These are just my first thoughts that are coming to my head. And that is really confusing, I think, to the public, because I have a friend who's an RD in Wisconsin and she was like, you're a nutritionist, you're an RD. And I'm like, no, I cannot provide medical information but I provide like general so I see that confusion. And then on the other side of me, I am so thankful for having the nutrition license option available because in the world of like Beachbody coaches I feel like anybody can be a nutritionist right, like I really appreciate having credentials and it just makes me more liable when I'm working with clients to say I am a licensed nutritionist in the state of North Dakota. I just appreciate having that option.

Barb Truchan -This is Barb and I appreciate just the opportunity of hearing what is going on. I think sometimes you hate to talk off the top of your head. It's good to know what was proposed or what's even being thought of. So, I appreciate that opportunity.

Rita Ussatis - This is Rita and I'm not too sure why LNs ever existed; I know that it was the faculty from NDSU that were the instigators behind that whole process at the time. Maybe you remember a little bit of the history about it but you know when I served on the board it's really hard because there's a lot of applicants that came in for LN that really didn't meet the qualifications and most of them were from UND and if you and she doesn't think they're going to have many more graduates, I'm not too sure. You know, why still continue with that process?

Shaundra Ziemann-Bolinske - I appreciate your comment Rita and it might have been NDSU faculty and also might have been Jan Goodwin with UND because my understanding is she also was somebody who is trying to offer an opportunity for those coming out of our own North Dakota university system and both universities. I think they were just trying to make it so that people had more credible people to go to for information.

Rita Ussatis - And some of the LNs have some stronger degrees and some of that, you know, than other programs out there.

Shaundra Ziemann-Bolinske - Dr. Tande over at UND, like Pat mentioned, she said that typically in the past, there were about 30 students in community nutrition program; now the human nutrition program currently, they're at about nine so in terms of numbers it speaks to the way that they are advising students who are using human nutrition track right now as Pat said are going on to usually health graduate programs, oftentimes PA school, even med school. There is a master's in nutrition program with UND, separate from the BS, MS now because of the 2024 change for RDs coming for a Master's program. So the Master's program is separate for those that want to go back for that and there isn't a program from either of our universities that would feed the LN going forward.

Carrie McLeod – I am wondering if the license title for a nutritionist went away, would it change anything for a nutritionist? They still would be able to do what they're doing, is my understanding, they just wouldn't have to be licensed to do what they're doing.

Rita Ussatis – So, Carrie, as an extension agent I've never used my degrees on my business cards or anything. I've carried the LN for the credential for my vitae. I didn't use it on my signature line.

Carrie McLeod – So you wouldn't be against it if it comes to this, you wouldn't be against that credential going off and taken out of our lives.

Rita Ussatis – I'm going to plead the 5<sup>th</sup> there said, I don't want to make any enemies.

Carrie McLeod – Well, I'm not trying to say anything that would be detrimental to our nutritionist. I'm just wanting the conversation.

Rita Ussatis – In ND, you really had to have your LN, I mean it was one of our big areas before they had to have some kind of additional certifications for those positions. Was through WIC and I'm not too sure if we're still doing that. I just know when I was on the board, a lot went back for Masters or additional degrees to get the requirements they need to be an LN. Because they needed that for their jobs. I think we need to talk to more individuals in the field.

Pat Anderson – I did contact Colleen Pearce with the state WIC office and she told me that it's not a requirement to have your license as a nutritionist to work in WIC.

Rita Ussatis – It had been for a little bit that had been so.

Carrie McLeod – Way back when the law was being debated Rick Berg was one that very much advocated for the LN. If we were going to have a statute for dietitians, and, you know, his mother was very well intended, but thinking about those counties in the rural areas that wouldn't have a dietitian. The thought was where can other programs, then like extension, should be able to have nutritionists perform some of the same things. I think that's why a lot of the faculty, kind of changed their

thoughts on this because I do remember sitting in a lot of those phone calls. And so I really don't think it's as necessary now as what we were worrying about back then. Just my thought on this.

Rita Ussatis – And Rick Berg's mom became a little radical for a while.

Carrie McLeod – And very well intended, but you're right. I'm not so sure that it was always in the best interest. They just thought it was at the time.

Pat Anderson – We appreciate the input, very much and it's good to have the dialogue and appreciate and know what the thinking is out there. We did conduct a survey with the LNs. There was a very small number that indicated that it was a requirement in their job but we have not identified where that may be coming from. We were hoping tonight we might hear more about that. From one individual that I visited with about it, she thought it was a requirement for her job and it turned out that it actually is not so I don't know if that's part of what that thinking is as well. If it is a part of a job requirement, we need to know where that is coming from.

Brooke Fredrickson – Are there any LNs working in hospital systems anymore? Or did both Sanford and Altru eliminate those positions. One time they were but not sure anymore.

Jamie Lee – I don't think they are anymore because I am an LN, I'm not an RD. I have my Masters in nutrition and I think it gives more of a credibility compared to Beachbody Coaches and things like that where anyone can call themselves a nutritionist. This sets us apart. I work in MN and I don't use the title in MN because I'm not licensed in MN. I have headstart centers within ND and I do tell families that I'm a LN. I don't do MNT but it gives me a little bit more of a credibility and for them to trust me, rather than, if someone comes and says that they're a beachbody coach or something like that. It's just anyone can have that and I'm not putting coaches down, but kind of anyone can hold that. I can only speak for myself, but LN for me, I know that I've taken those extra steps to become licensed and I'm looking to get on that track with MN as well and do my 900 hours of supervised practice. But that's why for me having an LN title and I do, I have credentials and other things as well, just to show people that I am working for my knowledge of what I have.

Rita Ussatis – My concern is with health coaches or whatever they're called from Sanford profile. You know, to keep a little bit of clarity between that; that's a concern of mine, because they don't have specialized degrees.

Pat Anderson – So you are saying from that standpoint, you would like to have the LN?

Rita Ussatis – Yeah, that they would still like to see the LN keep on if we want some credentials to make sure they know we have further knowledge. My concern is we've had a couple of other radicals in Fargo that have tried to call themselves, certified nutritionists. So there's pros and cons both ways. I think, one question at some point was, do we keep with the LN and phase them out over time? As we phase out and just don't offer new ones. I think that still should still be an option here. It may phase out really fast if UND isn't going to give us a feeder course.

Brooke Fredrickson – What are your thoughts on changing the LN designation to something else?

Rita Ussatis – LGN is licensed general nutritionist. I think that'd be fine. There are a lot of people who put some effort into the education to get a little bit more education.

Pat Anderson – So really, you're saying that you would like to keep some sort of a designation, whether its LGN and licensed general nutritionist.

Rita Ussatis – Some kind of designation would be okay. I think if you do license a general nutritionist, you're going to have a real mess on the board distinguishing that and people applying and thinking they are qualified. We train a lot of individuals as lifestyle coaches for the diabetes prevention program. And they don't have to have a new specialized degree to be a lifestyle coach. Then we have health coaches in Sanford profile, so we have to be really careful on what changes are made to make sure we distinguish education over certification or just classes.

Deb Egeland - I got licensed a long time ago and I was getting a food and nutrition degree. I was already a junior and didn't hear of CUP and had no chance whatsoever of getting into CUP. And I think what Rita said in the beginning is right, that college professors have these people with 4-year degrees in food and nutrition who couldn't do anything with it because they weren't an RD. I also agree that we need something so that just a random health coach can't say they are a licensed nutritionist. A long time ago when I was on the Board I feel like the requirements were increased and there were maybe 9 people who were grandfathered in and Franci was one of them. Could you up the requirements to match LN in other states, but leave the 36 current LNs right now that they get grandfathered in? I mean, until they quit reapplying?

Pat Anderson – We did discuss that with our legal counsel and learned that if we grandfathered you as an LN, because we are upping the credential requirements, then in essence we are grandfathering you in to provide MNT. So she advised that we really can't have two separate scopes for the LN. There is the option that we can stop licensing new LNs, under the current requirements, and just license the current ones. If we add those other professionals that are qualified to provide MNT, we have to license them. Other states are licensing them as LNs so that's why we are having the discussion with you. But we wouldn't be able to have two categories or two levels of LNs basically so that grandfathering would not work from what we've been advised by our legal counsel.

Rita Ussatis – When Betty Larson was chair of the board that is when they really wrote a fine line of what qualifications and education were needed for LN and they really increased them. The education background I think is that most LNs are missing the 900 hours of practice requirements.

Pat Anderson – The LN requirements that we are looking at for the other pathways will require an advanced degree and there's MNT related courses, a supervised practice and an exam so that the LN requirements would be increased.

Deb Egeland – I was thinking, but I guess if it just went to up the requirements and you had to meet those requirements to remain being an LN, that would be good too, I'm just a little leery about having



absolutely nothing. And then, just anyone can say I'm a nutritionist, because it is not protected in any way.

Pat Anderson – That is one of the things that we've talked about wanting to protect, the title of nutritionist as well.

Shaundra Ziemann-Bolinske – And is it clear, that I mean, we have considered the option of like Rita had mentioned, maybe changing the title to grandfather those 36 in under the new title right of whatever that might be. Whether its LGN or what have you?

Pat Anderson – And in that case, if the title was changed, it actually would not be grandfathered in because it would be a category of licensure as a general licensed nutritionist. So if that were the case that would change the title of the current LNs to general licensed nutritionists and then we would add an additional level of credential. A licensure for LN would be the more stringent guidelines, like other states.

From what I am hearing, at least from several of you, is that licensure for you is very important because it does set you apart from other individuals that don't have much for credentials at all.

Rita Ussatis – I think we've got to figure out what that is.

Jami Lee – Yeah. Is there a way we could do the current LNs and call them certified nutritionists?

Rita Ussatis – Some degree programs from some universities that are certified nutritionists and it's basically a very weak program.

Jami Lee – Can you protect the word, nutritionist, in the law? I'm not sure but I think Minnesota does and I don't even call myself a nutritionist in MN because I don't want to get into trouble.

Pat Anderson – Yes, some laws do have protection for that title and our current law does not.

Jami Lee – Could we add that as a protection?

Pat Anderson – We're are hoping to do that protection as well.

Carrie McLeod – Could that have some kind of definition, for advanced practice because if you are sitting with a Master's degree it's too bad we don't have that Master's designation.

Pat Anderson – The hard part is, that when you look at other states that have the title of LN that it means something totally different from ND. So you don't have the consistency from one state to the next as well.

Carrie McLeod – I've said this before, ND has really been a trailblazer all along. So I would hate to see us slip backwards to be like other states. I think we need to forge ahead in our own way and come up with a great solution, but not always look to the other states as a model.

Pat Anderson – Another component that comes into this is the tele-practice aspect. So with the other states using the LN to mean something entirely different from ND, does that get confusing to the public? You think of our mission, it is to protect the public and so having some universal definitions to help keep the public informed is an important piece as well.

### **Polling questions were conducted amongst the LNs participating in the ZOOM**

Question no. 1: Would you still meet the qualifications for your job if you are not licensed as a LN?  
5/6 or 83%

Question no. 2: When making ND statute changes, should BODP continue to license LNs as currently defined in our law? 50/50

Question no. 3: Would you support a title change from LN to LGN? Mostly yes.

Deb Egeland: What if we didn't like the choices? I am not a fan of LGN and I don't know why but it reminds me of something else.

Brooke Fredrickson said that we were looking at all kinds of credential designations. Barb Truchan said that she would like this to be sent out to all the LNs to survey.

Pat Anderson: The LNs have been surveyed and we did receive some input.

Shaundra Ziemann-Bolinske shared the survey results conducted in July.

#### **Q. Is licensure a requirement for your job?**

7 – Yes      12- No

#### **Q. Would you support eliminating the licensure of nutritionists as currently written in the statute?**

13 – I would not support making a change in the statute

5 – would support

1 – No response

More information was requested as a result of the survey so hence, our response for tonight's meeting.

Pat Anderson thanked everyone for their time and input and interest. She also said she is very appreciative of that as well as the board participating this evening. Although the NDBODP has not determined whether there will be proposed changes to the statute for the next legislative session we desire to keep you informed and this dialogue will be important as we move forward.

**Respectfully Submitted,**



**Pat Anderson, NDBODP Executive Secretary**