

- SUBJECT:** Defining nutrition services and licensing practitioners
- COMMITTEE:** Public Health — favorable, without amendment
- VOTE:** 7 ayes — Gray, Capelo, Delisi, Glaze, Hilderbran, Maxey, McClendon
0 nays
2 absent — Coleman, Uresti
- SENATE VOTE:** On final passage, April 28 — voice vote
- WITNESSES:** For — Greg Hooser, Texas Dietetic Association

Against — Judie Boothe and Neva Lindell, National Nutritional Foods Association; Winna C. Henry, Clinical Nutrition Certification Board; Abby Kurth; Patricia A. Nail; Ronald Overberg, CCN; Donna F. Smith, CCN
- BACKGROUND:** Dietitians are licensed by the State Board of Examiners of Dietitians, an independent agency attached administratively to the Texas Department of Health.

Certified clinical nutritionists (CCNs) are not certified, licensed, or recognized by the state, but individuals with this title practice nutrition counseling and manufacture and sell nutritional foods.
- DIGEST:** SB 1525 would amend the Licensed Dietitian Act (art. 4512h, VTCS) to include medical nutritional therapy as a nutrition service under the act. The bill would define “medical nutritional therapy” as nutrition assessment, therapy, and counseling services furnished by a licensed dietitian.

The bill would allow the State Board of Examiners of Dietitians to adopt procedures and standards necessary to determine the qualifications of a person licensed to provide nutrition services under a law administered by another state agency. The bill would specify that this board is the only state agency authorized to determine the qualifications of a licensee to provide nutrition services.

The bill would take effect September 1, 1999.

**SUPPORTERS
SAY:**

SB 1525 would add to the definition of nutrition services the term “medical nutrition therapy.” This would not expand the scope of practices of licensed dietitians but simply would combine several commonly used terms under one. This language would conform state law to language in the proposed federal Medicare Medical Nutrition Therapy Act. When Congress enacts this legislation, there would be no confusion about terms because Texas would already have established conformity through SB 1525.

This bill would authorize the State Board of Examiners of Dietitians to determine the qualifications of licensees to provide nutrition services pursuant to laws administered by other state agencies, such as diabetes self-management training services covered by health plans administered by the Texas Department of Insurance. The bill would ensure that insurance requirements would continue to set standards for service delivery but would not dictate licensees’ qualifications.

This bill would not take anything away from the unlicensed certified clinical nutrition industry. It would not prohibit individuals in that industry from practicing nutrition as they have been doing. It only would increase the types of nutritional services that licensed dietitians could provide.

**OPPONENTS
SAY:**

SB 1525 would define medical nutrition therapy as nutrition assessment, therapy, or counseling services furnished by a licensed dietitian. However, other individuals, such as CCNs, may offer those services. Each time the services provided by dietitians are defined more specifically in statute, it takes away the right of trained CCNs to perform those same services.

The state must take care not to limit the practice of nutrition by those not licensed by the state. Otherwise, consumers’ options will be limited and those needing help may not receive it.

**OTHER
OPPONENTS
SAY:**

SB 1525 should be amended to add protection for CCNs so that this group can continue to give nutritional advice, instruction, and counseling to individuals who seek out their services. CCNs should be able to give advice to those who seek it without fear of penalty.