

Sustainable Health

By Judy Stone, CN, MSW



Food Fight in Lansing

(The points of view expressed in this article are those of the author. In addition to being our Sustainable Health columnist, Judy Stone is also a board member of the Michigan Nutrition Association.)

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Those of us living in southeastern Michigan are incredibly fortunate to have an enormous talent pool of alternative health practitioners from whom to draw. But a pending law in Lansing is poised to make it illegal for most holistic nutritionists to practice in the state, effectively gutting your freedom to choose who you go to for nutritional help. For those of you who value being able to choose to work with a holistic health counselor, a raw foods coach, a holistically trained, certified nutritionist, or any other variety of nutrition professional who is not a Registered Dietitian (RD), this is the story of why you are close to losing the right to make that choice. This is real, and it is imminent.

In 2006, the legislature passed Public Act 333, a law requiring nutritionists and dietitians to be licensed. Regulatory laws are most often sought when one professional group wants to protect its economic turf and this case is no different. Since the 1980's, the American Dietetic Association (ADA), and its state chapters, have been lobbying state by state to enact laws that would legally insure them a close-to-monopoly in the field of nutrition. Unfortunately, in large part, they have been successful; 47 states, including Michigan, have laws, in many cases substantially restrictive ones, governing the field of nutrition. One of the most RD-friendly and restrictive laws in the country exists in neighboring Ohio, which is actively enforcing those restrictions through vigorous prosecution.

Once this law passed, Governor Granholm took applications and appointed the Michigan Dietetics and Nutrition Board (MiDNB) to write the specifics of how the law is to be applied--who can call themselves by what title, and what a person has to do in order to qualify. Almost no one but the Michigan Dietetics Association, who lobbied for the law, knew it had passed. Also, Public Act 333 declares that only RD's are eligible to fill the 5 professional positions! Two very RD-friendly public members have the other two spots. The biased board composition, and why, four years after the law's passage, the rules are still being developed, is emblematic of the fight behind this law.

With cozy financial relationships with corporate food and drug sponsors, and decades of functioning as organized trade groups, the state dietetic associations have had a relatively easy time getting favorable legislation passed under the radar. It has helped their cause that there is no single organization representing the range of professionals who employ nutrition counseling but are trained outside of traditional dietetics programs. Many go through credentialing bodies, which give titles such as Certified Clinical Nutritionist (CCN), Certified Nutrition Specialist (CNS), or Holistic Health

Counselor (HHC), based on prescribed coursework, a comprehensive exam, or a combination of both.

The upside of this alphabet soup of nutrition training is that the field of nutrition has grown tremendously in the last two decades providing a breadth and accessibility of training that meets the growing interest on the part of the public for more prevention, less medically-based treatment, and a desire for healthier food. We've reached a tipping point that has brought with it an acceptance of, and movement towards, the integration of therapeutic nutrition in health care. People in unprecedented numbers, fed up with 5-minute-here's-your-prescription doctor visits, are seeking nutrition as both prevention and treatment. The non-dietetics training programs have *birthed* the field of Complementary / Alternative Nutrition. To be sure the ADA has anxiously been watching this garden grow with great calculation as to how to reap the harvest. In their spring 2010 newsletter, the Michigan Dietetic Association president had this to say about the Michigan licensure law:

"The Licensure Committee is currently establishing the rules and regulations. MDA received some national insight on how we can best proceed to ensure that our scope of practice is not infringed upon by inadequately trained wannabes."

<http://www.eatrightmich.org/mdaLink/pdf/Spring2010LINK%2Epdf>

Whoa! "Our scope of practice"? "Inadequately trained wannabes"? This insulting, arrogant, and frankly uneducated statement frames the licensing issue. Clearly dietitians see themselves as having ownership of the entire field of nutrition. But does the public?

In fact, *not*. An ADA-commissioned nutrition trends survey of consumers, in 2008, indicated that despite efforts to position themselves as "the nutrition experts", 78% of respondents named both nutritionists and dietitians as credible sources of nutrition information. Also, consumers, by a margin of 3 to 1, perceive that nutritionists and dietitians are different. While the ADA would like to interpret this as evidence of top dog status, there is zero data to suggest that the public sees RD's as any more or less qualified than other nutrition professionals.

In their own *Journal of the American Dietetic Association* (March 2005), an article titled "A look at the educational preparation of the health-diagnosing and treating professions: Do dietitians measure up?", the authors concluded: *dietitians don't*. "Basic educational requirements for dietitians were developed almost 80 years ago and remain largely unchanged." The field of dietetics grew out of home economics in the early 1900's. Although, early on, it included rigorous science and was not, and is not, by any means, a flimsy education, the majority of dietetics training is aimed at preparing professionals for food service management and hospital-based dietetics. Over 40% of the RD certifying exam questions are related to food service management, government food programs, and food science. But the face of nutrition has changed, as have the needs and desires of the nutrition consumer. And dietetics education has not kept up. Even RD's who want holistic training have to go elsewhere for it.

While dietetic associations were dissing supplements as unproven, touting the food pyramid, and funding themselves with money from Hershey's, Pepsi, Kellogg's, Mars, and ConAgra, the public went in search of a different kind of help. That segment of the population that coined the phrase 'you are what you eat', rejects symptom-based health care, and finds something flagrantly and seriously immoral in corporate controlled, nutrient-negative "food", is the same segment of the population that has spawned an entirely separate system of nutrition education, attracting

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thousands of practitioners who deliberately said, 'no thank you' to the dietetics model.

The "RD" is likely the most recognized nutrition credential. The battle over the guts of the licensure law centers on whether that fact, along with purchased lobbying power, equates with being the standard by which all nutritionists, nutrition education, and credentialing options should be measured. To the Michigan Dietetic Association, and its parent ADA, the answer is yes. And they are hell-bent on using this licensure law to force themselves on the public.

Currently, under the proposed rules, non-RD nutrition professionals of varying credentials will face requirements that will, in effect, put many out of business because of the heavy burden of time and money required to comply. While the rules aren't final yet, there clearly are not the votes on the board to win substantial change.

Yet there is hope. The Michigan Nutrition Association, a coalition of multidisciplinary practitioners who use nutrition in their work, has formed, and it is actively fighting to protect nutrition in Michigan. MNA represents the interests of both professionals and consumers who will be affected by this drastic law. Several national organizations advocating free choice in health care have thrown their organizing support to the Michigan Nutrition Association and Michigan citizens. As the fight gets close to the wire, there are signs that public outcry is having an impact.

After the Board passes its final set of rules, likely this November, the Michigan Department of Community Health, which will have to implement these rules, is required to hold a public hearing. Anyone can go, and speak, and *any reasonable objection must go back to the board for reconsideration*.

One section of the law under scrutiny is this:

"The department, in consultation with the board, shall not promulgate rules under this section that diminish competition or exceed the minimum level of regulation necessary to protect the public."

To those who favor holistic health and choice, these stipulations are far from being met. The proposed rules are excessive, far beyond what is needed to safeguard citizens, and would eliminate your right to choose from whom you seek nutrition help. By their own declaration, the clear intent of the rules is to protect the turf of the Michigan Dietetic Association.

Those who want to protect nutrition in Michigan must speak up to push back against overly restrictive rules. I urge all Sustainable Health readers to visit the MNA website, www.michigannutritionassociation.org, to learn more about the proposed rules, how you might be affected, and what actions you can take.

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(Author's correction: In my last column, Thinning Facts, Thinning Bones, I incorrectly wrote the Vitamin D test as 1-25 (OH) Vitamin D. The correct test is 25 (OH) Vitamin D (without the 1). I regret any inconvenience due to my error.)

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