



# DIETETIC LICENSURE IN MASSACHUSETTS

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# Overview of Dietetic Licensure

- Because there is no national dietetic licensure statute, state-level dietetic licensure serves to:
  - (1) ensure legal recognition of dietitians/nutritionists;
  - (2) protect the public from those making false claims or providing inaccurate information.
- This overview of dietetic licensure in Massachusetts explains:
  - What dietetic licensure is and why it is important
  - History of MAND's pursuit of dietetic licensure
  - Specifics of Massachusetts dietetic licensure law
  - Call to action – Need to report violations and harm
  - Resources for further information – Academy and state



# Importance of Licensure

- State legislatures are charged with protecting the health and safety of the public and do so by regulating certain occupations (e.g., MDs, RNs)
- Dietetic licensure (or certification) protects the public by ensuring that individuals disseminating nutrition advice have the appropriate education and training
- Dietetic licensure also protects the public from unscrupulous and unqualified individuals
- Some nutrition products and services may be legitimate, but some are sold to capitalize on an uninformed public that is eager for information
- States have documented cases of unqualified or unlicensed individuals giving improper nutrition advice, which has harmed patients, some gravely



# Importance of Licensure

- Dietitians and nutritionists have the primary obligation to promote public health
- Licensure at the state level is consistent with this obligation, and is not meant to restrict anyone's freedom of speech or to monopolize any business
- Academy members are further reminded of their obligation to act with scrupulousness with the public per the Academy's 'Code of Ethics' in 1999 (updated in 2009)
- Many cases of harm done to the public, or violations of dietetic licensure laws are not reported
- However, states may have mechanisms through which people may file complaints; in MA, there is an online form available at: [www.mass.gov/ocabr/docs/dpl/complaint.pdf](http://www.mass.gov/ocabr/docs/dpl/complaint.pdf)



# Dietetic Licensure – US & MA

- Licensure laws and regulations vary by state
- Licensure may be mandatory or voluntary
- The licensure law may contain a sunset clause, requiring the state legislature to vote to renew the law every few years
- Some states have dietetic licensure regulated by government agencies directly, or by boards appointed by the Governor
- The Massachusetts Board of Registration of Dietitians and Nutritionists is overseen by the Office of Consumer Affairs and Business Regulation's Division of Professional Licensure
- The Board has an executive director, an associate executive director, a chair, vice-chair and five other members; it is supported by staff employed by the state, including a lawyer
- Other Board members are appointed by the Governor



# Dietetic Licensure in MA

- Overall, it took 14 years and several attempts to get dietetic licensure in Massachusetts
- MAND first found a sponsor in the state legislature for a mandatory ‘Dietetic Practice Act’ in 1983, but it was met with strong opposition by legislators and other professions
- MAND tried again in 1984 and 1985, but was unsuccessful, and was counseled to wait for a more opportune time
- 10 years later, in 1995, MAND members tried again, this time for a voluntary licensure law, and found more support than previous attempts; the legislature still not vote to pass the law
- After similar attempts in 1996, 1997 and 1998, the MAND board voted to allocate funds to retain a law firm and a lobbyist; it also applied for and received financial support from the Academy



# Dietetic Licensure in MA

- Thanks to professional guidance from its lobbyist and determined grassroots advocacy on the part of MAND members across the state, in 1999 the state legislature voted in favor of dietetic licensure
- The licensure law created the 'LDN' or 'licensed dietitian/nutritionist credential, the '/' implying that the two terms are equal in the eyes of the law
- The law established voluntary licensure, and allowed several paths to licensure, so that non-RDN nutritionists working in community health or research could be licensed
- Licensure provides title protection, meaning that it protects the term 'LDN' and lists the 'standards of practice,' thereby providing guidance for taking action against those without the 'LDN' credential



# Dietetic Licensure in MA

- The Massachusetts dietetic licensure law grants 'LDN' licenses to qualified individuals, to ensure licensees are offering services in compliance with the law and meeting continuing professional education requirements
- The law allows LDNs to be credentialed by MassHealth and other third-party payers to be reimbursed for the provision of medical nutrition therapy services in outpatient health centers and private practice.
- The law also outlines actions to be taken, including fines or suspended licenses, against LDNs who are in violation of the law, including continuing education credit lapses
- The Board website contains links to the text of the law




# Reporting Incidents of Harm and Filing Complaints

- Any member of the public can file a complaint against someone claiming to be an LDN who is not, or another health professional providing nutrition advice outside of their scope of practice, if harm to the client is suspected (e.g., selling diet supplements which may adversely impact someone with a serious chronic condition)
- LDNs who want to protect the public, and also protect our scope of practice and the integrity of our profession, are encouraged to use the online complaint form
- Your professional responsibility under the Academy's Code of Ethics is to report all violations of the dietetic licensure law or incidents which could create potential harm to the public



# Complaint Form

- Page 2: Asks you to describe the incident
- [www.mass.gov/ocabr/docs/dpl/complaint.pdf](http://www.mass.gov/ocabr/docs/dpl/complaint.pdf)



**DIVISION OF PROFESSIONAL LICENSURE  
OFFICE OF INVESTIGATIONS**  
Application for Complaint  
617-727-7406  
[www.mass.gov/dpl](http://www.mass.gov/dpl)

**Date Received (stamp):**  
Entered into the Database (Date): \_\_\_/\_\_\_/\_\_\_      Docket #: \_\_\_\_\_-\_\_\_\_\_-\_\_\_\_\_  
Acknowledgement letter sent (Date): \_\_\_/\_\_\_/\_\_\_      Signature: \_\_\_\_\_

Please complete this form as fully as possible. (PLEASE DO NOT WRITE ABOVE LINE.) Please type or print legibly in ink.  
**SUBMITTED BY:**

Name: \_\_\_\_\_  
Last Name      First Name      M.I.

Address: \_\_\_\_\_  
Number      Street      Daytime Phone

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ Evening Phone \_\_\_\_\_

Best way to reach you:     Evening Phone     Daytime Phone     E-mail: \_\_\_\_\_

**LICENSEE SEEKING COMPLAINT AGAINST (use separate form for each licensed individual/business):**

Name: \_\_\_\_\_  
Last Name      First Name      M.I.

Address: \_\_\_\_\_  
Number      Street      Daytime Phone

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ License Number/Type Class \_\_\_\_\_

Business Name \_\_\_\_\_

Business Address \_\_\_\_\_  
Daytime Phone \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ Business License # / Type Class \_\_\_\_\_

**Please check the trade or profession that this application for complaint pertains to**

<input type="checkbox"/> Accountant	<input type="checkbox"/> Gas Fitter	<input type="checkbox"/> Occupational Therapist
<input type="checkbox"/> Aesthetician	<input type="checkbox"/> Hair Salon	<input type="checkbox"/> Optometrist
<input type="checkbox"/> Architect	<input type="checkbox"/> Hair Stylist	<input type="checkbox"/> Physical Therapist
<input type="checkbox"/> Athletic Trainer	<input type="checkbox"/> Health Officer	<input type="checkbox"/> Plumber
<input type="checkbox"/> Audiologist/Speech Language Pathologist	<input type="checkbox"/> Hearing Aid/Instrument Specialist	<input type="checkbox"/> Podiatrist
<input type="checkbox"/> Barber	<input type="checkbox"/> Home Inspector	<input type="checkbox"/> Psychologist
<input type="checkbox"/> Barber Shop	<input type="checkbox"/> Land Surveyor	<input type="checkbox"/> Radio/TV Technician
<input type="checkbox"/> Chiropractor	<input type="checkbox"/> Landscape Architect	<input type="checkbox"/> Real Estate Agent/Broker/Salesperson
<input type="checkbox"/> Dietitian/Nutritionist	<input type="checkbox"/> Manicure Salon	<input type="checkbox"/> Real Estate Appraiser
<input type="checkbox"/> Dispensing Optician	<input type="checkbox"/> Manicurist	<input type="checkbox"/> Rehab Counselor
<input type="checkbox"/> Drinking Water Operator	<input type="checkbox"/> Marriage & Family Therapist	<input type="checkbox"/> Sanitarian
<input type="checkbox"/> Electrician	<input type="checkbox"/> Massage Therapist	<input type="checkbox"/> Sheet Metal Worker
<input type="checkbox"/> Electrologist	<input type="checkbox"/> Mental Health Counselor	<input type="checkbox"/> Social Worker
<input type="checkbox"/> Engineer	<input type="checkbox"/> Occupational School Representative	<input type="checkbox"/> Veterinarian
<input type="checkbox"/> Fire / Burglar Alarm Installer		
<input type="checkbox"/> Funeral Director		

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# Questions?



For questions relating to licensure at the national level, email Mark Rifkin, Manager, Consumer Protection and Regulation, Academy of Nutrition and Dietetics: [mrifkin@eatright.org](mailto:mrifkin@eatright.org)

For questions relating to licensure in Massachusetts, email MAND's Public Policy Panel: [publicpolicy@eatrightma.org](mailto:publicpolicy@eatrightma.org)