

Making the Protection Connection: North Dakota

Incident Reporting Tool

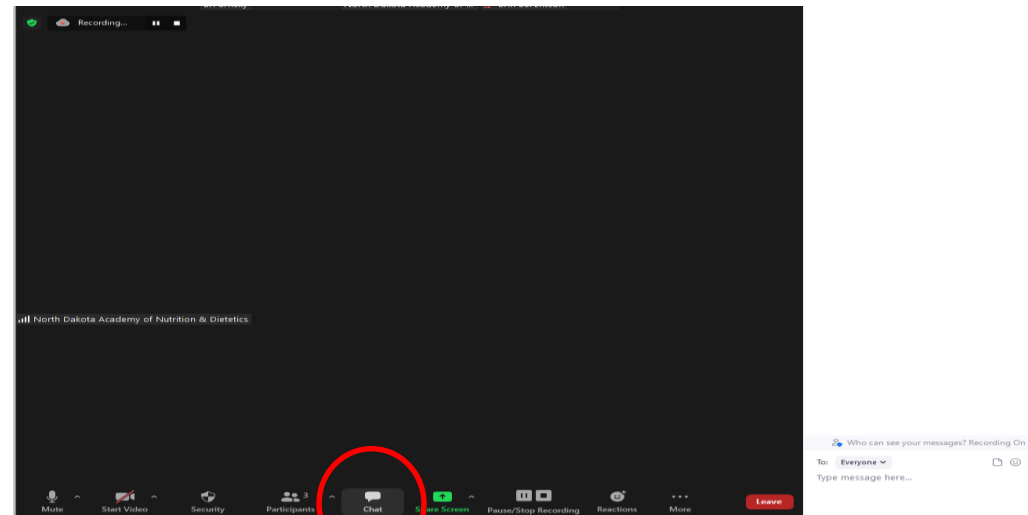


Protecting Consumers. Improving Health.

January 19, 2022

Housekeeping

- Please keep audio muted while presenter is speaking
- Please use the chat box to ask questions if they arise during presentation; time will be left for questions at the end of the presentation.



Enter questions here in chat box



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Today's Objectives

01

Understand connection between the Incident Reporting Tool, or IRT, protecting the public, and advancement of strong licensure laws

02

Delineate best practices for completing IRT reports

03

Identify the role of nutrition and dietetics practitioners in submitting stories of success and harm through the IRT

Licensing Structure in North Dakota

- North Dakota requires a license to
 - Practice dietetics, or provide MNT (in MS, MO, NE, NJ, NC, ND)
 - Use certain titles (such as “licensed dietitian”)
- Only licensees and select others may practice dietetics/MNT

- Protect public's health, safety, welfare
 - Three Common Methods:
 - Regulating entry into the profession
 - Regulating practice of the profession
 - Helping to identify qualified providers
 - Licensure implies risk of harm, by definition
 - Documenting harm requires evidence
-

- IRT's purpose: build evidence base (harm & success)
 - Harm reporting to state limited for number of reasons
 - Public may be unaware license required, option to report
 - RDNs reluctant to report to state due to concerns
 - Excessive time, documentation obligations
 - Maybe complaint invalid, don't want to ruin a career
 - Unfamiliarity with process, means to report
-

Our Obligations Under the Code of Ethics

Goal and Nature of Practice

“The primary goal is the protection of the individuals, groups, organizations, communities or populations with whom the practitioner works or interacts.”

The nutrition and dietetics practitioner supports ...
“high standards of professional practice, accepting the obligation to protect clients, the public and the profession ... and shall report perceived violations of the Code through established processes.”

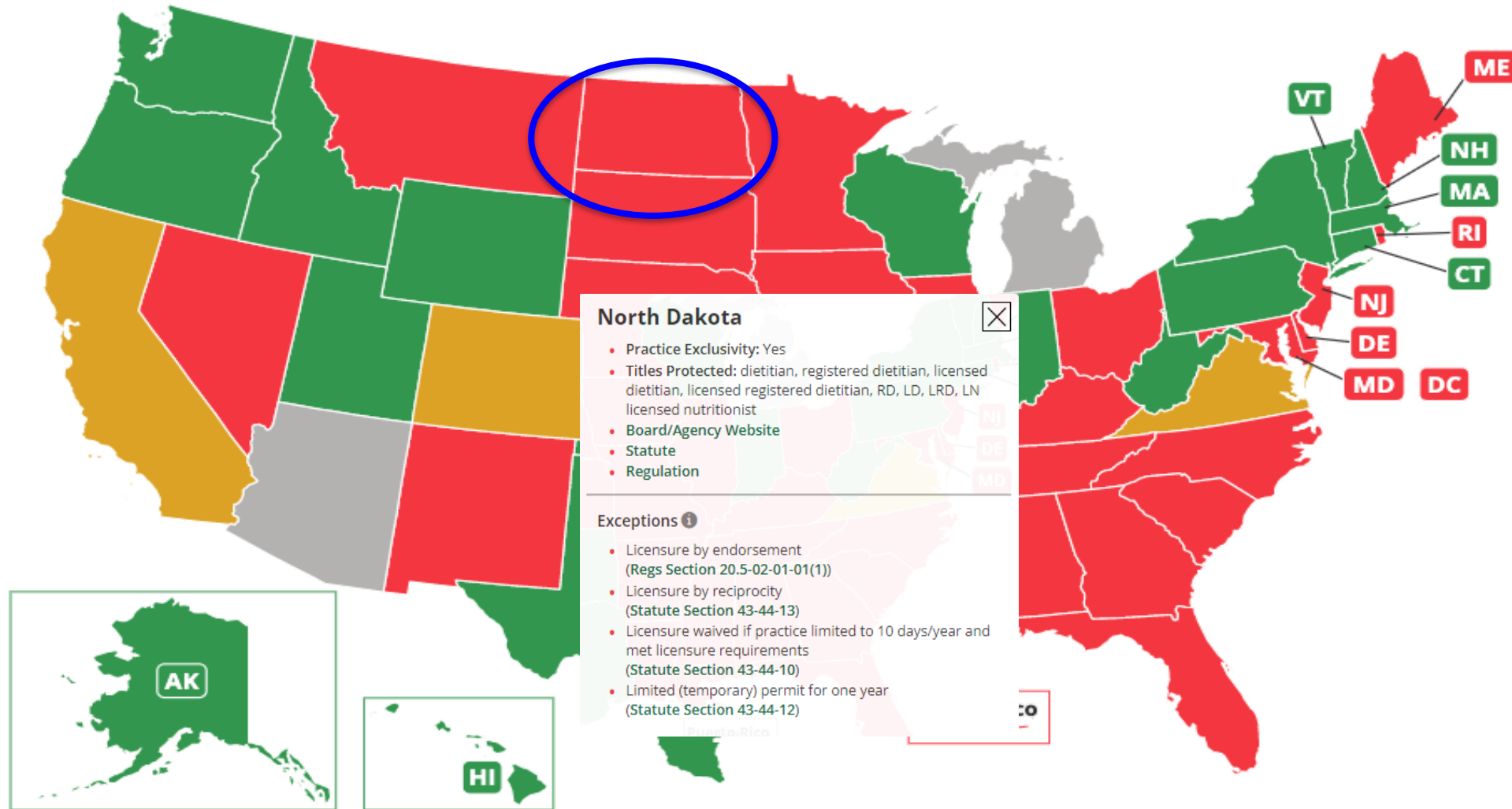
Licensure *Can* Protect Public Health and Safety

Increases quality of services through mandatory entry requirements / qualifications to practice

Critical when “**low-quality practitioners can potentially inflict serious harm**”

Corrects market failure to ensure information, understanding of professionals' competence

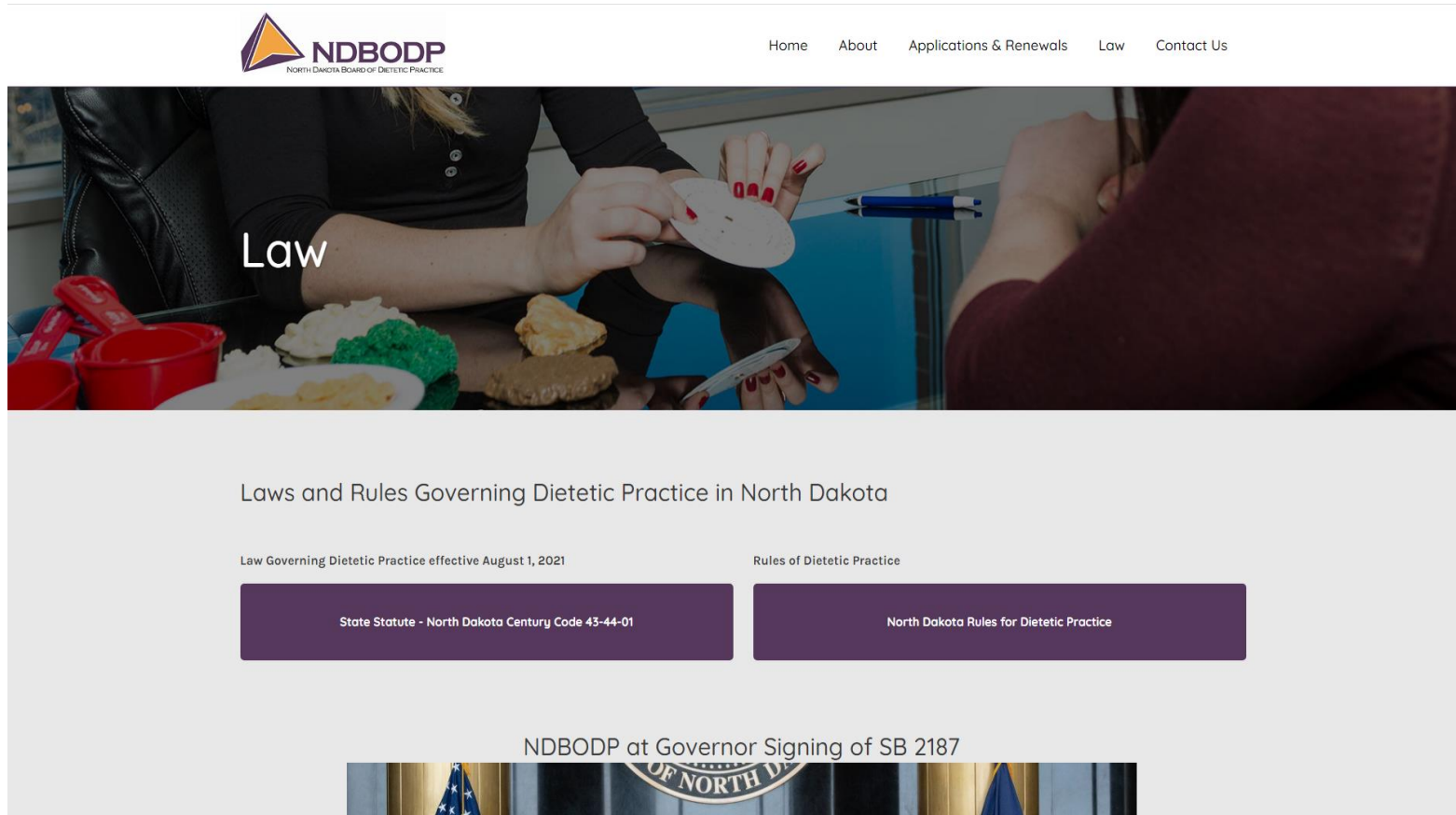
State Licensure Map



eatrightPRO.org => Advocacy=> Scroll down to “Licensure Map”

North Dakota Statute: Accessing the Language

To access the North Dakota statute website, please visit the Academy’s [licensure map](#) (shown on previous slide) and click on North Dakota, then “statute.”



The screenshot shows the NDBODP website. At the top left is the NDBODP logo (North Dakota Board of Dietetic Practice). To the right are navigation links: Home, About, Applications & Renewals, Law, and Contact Us. Below the navigation is a large banner image of a person's hands holding a white plate with food, with the word "Law" overlaid in white text. Underneath the banner, the text reads "Laws and Rules Governing Dietetic Practice in North Dakota". Below this, there are two columns of links: "Law Governing Dietetic Practice effective August 1, 2021" and "Rules of Dietetic Practice". Under the first column is a purple button labeled "State Statute - North Dakota Century Code 43-44-01". Under the second column is a purple button labeled "North Dakota Rules for Dietetic Practice". At the bottom of the screenshot, there is a small image of the Governor signing ceremony with the text "NDBODP at Governor Signing of SB 2187" above it.



North Dakota Statute: Exclusivity Clause

A person **not licensed under this chapter** may **not do** any of the following:

- a. Provide medical nutrition therapy with or without compensation.
- b. Use or allow a business entity or a business entity's employees, agents, or representatives to use any of the following titles or abbreviations in association with a person's name:
 - (1) Dietitian nutritionist or nutritionist.
 - (2) Dietitian or dietician.
 - (3) Nutrition counselor or nutrition specialist.
 - (4) LRD, LDN, or LN.
 - (5) Nutritional therapy practitioner or nutritional therapy consultant.
 - (6) Certified nutrition therapy practitioner.
 - (7) Master nutrition therapist.
 - (8) Licensed dietitian nutritionist, licensed registered dietitian, or licensed nutritionist.
 - (9) Any other designation, words, letters, or insignia in connection with a name indicating an offer or eligibility to provide medical nutrition therapy or indicating a license to practice dietetics and nutrition or provide medical nutrition therapy unless licensed under this chapter.

North Dakota Statute: Definitions

CHAPTER 43-44 DIETITIANS AND NUTRITIONISTS 43-44-01.

Definitions.

12. "Licensed registered dietitian" means an individual licensed as a dietitian under this chapter who may be referred to or hold oneself out as a dietitian, dietitian nutritionist, nutritionist, or a dietician.
13. "Medical nutrition therapy" means the provision of nutrition care services for the treatment or management of a disease or medical condition. The term includes the provision of any part or all of the following services: a. Interpreting anthropometric, biochemical, clinical, and dietary data in acute and chronic disease states and recommending or ordering nutrient needs based on the dietary data, including tube feedings and parenteral nutrition.
27. "Registered dietitian" or "registered dietitian nutritionist" means an individual registered as a dietitian or a dietitian nutritionist with the commission on dietetic registration which authorizes the individual to use the title "registered dietitian nutritionist" or "registered dietitian" and the abbreviation "RDN" or "RD".

North Dakota Statute: Definitions continued...

9. a. "General nonmedical nutrition information" may include information on any of the following: (1) Principles of good nutrition, menu planning, and food preparation. (2) Food that should be included in the normal daily diet. (3) The essential nutrients needed by the human body. (4) The recommended amounts of essential nutrients in the human body. (5) The actions of nutrients in the human body. (6) The effects of deficiencies or excesses of nutrients in the human body. (7) Foods, herbs, and supplements that are good sources of essential nutrients in the human body

17. "Nutrition assessment" means the systematic process of obtaining, verifying, and interpreting biochemical, anthropometric, physical, nutrigenomic, and dietary data to make decisions about the nature and cause of nutrition-related problems. The mere collection of data itself does not constitute nutrition assessment. The term includes an ongoing, dynamic process that: a. Involves an initial data collection and a reassessment and analysis of client or community needs; and b. Provides the foundation for nutrition diagnosis and nutritional recommendations, including enteral and parenteral nutrition.

North Dakota Statute: Protected Titles

43-44-06. License required - Title - Abbreviations

An individual registered with the commission on dietetic registration may use the title "registered dietitian" and "registered dietitian nutritionist" and the designation of "RD" or "RDN".

A person not licensed under this chapter may not do any of the following:

- a. Provide medical nutrition therapy with or without compensation.
- b. Use or allow a business entity or a business entity's employees, agents, or representatives to use any of the following titles or abbreviations in association with a person's name:
 - (1) Dietitian nutritionist or nutritionist.
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North Dakota Statute: Exemptions

Typical Activities and Individuals Exempt from License Requirement

Members of military/armed forces	Federal, state and/or local government
Educators, teachers and/or professors	Licensed providers in their scope
General non-medical nutrition advice	Health/natural food store staff
Those under proper supervision	Students, interns in approved programs
Care to family members	Uncompensated care
Faith healers, shamans, medicine men	RDN-approved weight control services

Incident Reporting Tool



Protecting Consumers. Improving Health.

[Home](#) > [Advocacy](#) > [Licensure](#) > Incident Reporting Tool

Incident Reporting Tool

For Documenting Stories of Success and Reporting Harm

The Academy developed the Incident Reporting Tool to support its efforts to protect the public, enhance the quality of nutrition care and promote self-regulation of the profession. The IRT fills a critical gap in supplementing the documentation of noteworthy incidents in the provision of nutrition care services across the country. Patients, members of the general public and health care practitioners can now easily document examples of successful nutrition care, showing the value of qualified practitioners. In addition, incidents of harm or unethical practice can be submitted using the IRT.

The Academy/CDR Code of Ethics requires reporting cases of harm, and this tool provides a uniform and easy mechanism to do so and complements reports to state licensure boards. The information collected from the Incident Reporting Tool will be used to facilitate stakeholders and policymakers' understanding of the value of qualified RDN care, including elected leaders, federal and state agency officials, other health care providers and the public. The IRT directly contributes to the Academy's strategic plan, mission and policy goals, including to "leverage data to demonstrate effectiveness of dietetic and nutrition interventions."

NOTE: Using this Incident Reporting Tool does not replace the need to report incidents of harm to your state's Dietetics and Nutrition Board or other government oversight agency (e.g., Department of Health, Department of Professional Regulation, Board of Medicine, Office of the Attorney General, etc.). To file a complaint with your state, please do so in accordance with the procedure of the applicable state board or government oversight agency.

Are you reporting: *

- An incident of actual or potential harm or violation of state licensure laws
- A success story showing the value of effective dietetics practice

Click [here](#) for information about the use and storage of incident reports.

Please note where the incident occurred (but do not submit protected health information enabling identification of a patient or client), or where the advertising was observed (e.g., a state-licensed facility, a private office, a private home, etc.) and provide relevant names and addresses of each venue known.

If you are reporting advertising or marketing of such services, please provide details, including date observed and type of medium (e.g. website, health-related event, print ad, brochure, etc.).

If the source is a specific event, provide details of the event's name, sponsors, location, etc.

If the source is a brochure, provide details where/how you found it (e.g., office of the referenced provider, another provider's office, in third-party location, etc.).

Please note relevant website addresses.

What the IRT *Is* and What It *Is Not*



The IRT *is* intended to:

- Compensate for critical gap in state data collection and sharing
- Enable application of information to enhance public protection
- Serve as a tool for enhancing self-regulation of the profession



The IRT *is not* intended to:

- Replace our obligation to report valid incidents of harm to states
- Serve as data source for state dietetics boards or agencies
- Protect jobs from competition

Elements of Harm Justifying Licensure

Licensure Laws With Exclusivity Are Intended to Prevent Harm That Is:

Specific

- Documented, verifiable, identifiable, cognizable

Significant

- Considerable, noteworthy or important

Non-speculative

- Not remote; foreseeable; damages are speculative when it cannot be well-determined that a particular event or action has caused harm

Harm

- Typically includes both physical and financial harm

What Types of Reports Are Most Effective?

1) Practice resulting
in *actual* harm

2) Authorized and
unauthorized practice
creating *realistic
potential* for harm

3) Unauthorized
practice (where
license required)

4) Unauthorized use
of protected titles



**Understand the ins and outs of
your licensure law**



**Understand impact of your law on
actionability of various IRT report
types**

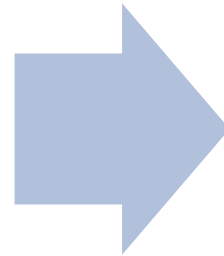
Incident Reporting Tool



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IRT Example #1

It's **WHAT** You Do in Your Practice That Matters, Not What You **LABEL** It



Says: “Our purpose is to coach, demonstrate, educate, empower, instruct, mentor, supervise, teach, train and tutor as many people as we possibly can, to take control of their own life - and the lives of those they care about ... - and especially to **take full responsibility for diagnosing, prescribing and treating their own health, nutrition and wellness by using the tools and techniques they will learn from us and other teachers. We empower our clients to decide which forms of food, exercise, food supplements, and other interventions will best help them achieve their personal health and wellness goals.**”

IRT Example #1

1: It's WHAT You Do That Matters, Not What You LABEL It



Does: Nutrition Assessment and Diagnosis?

- “Nutrition Response TestingSM is a tool to help you determine the underlying causes of illness and non-optimum health...When you identify the exact right nutrition, the “weak” muscle response in your arm will no longer occur. Again, the body has the full potential to fully repair itself, when given the correct nutrients.”



Does: Nutrition Intervention?

- “Designed Clinical Nutrition,” is described as “real food” “to enable the body to...repair itself” “based on a specific plan.”

IRT Example #2

It's **WHAT** You Do That Matters,
Not What You **LABEL** It
(Example: Testimonial)



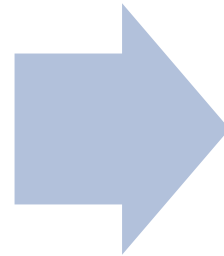
Does: Nutrition Assessment and Diagnosis?
Says: "My coaching is not meant to take the place of working with a medical professional. As a Certified Integrative Nutrition Health Coach (CIHC), my role is to complement that work and support clients as they follow prescribed treatment plans."



Does: Nutrition Intervention?
Does (*Via Testimonial*): "[Name] was able to meet me where I am on my adventure of navigating SIBO and an auto-immune disease. She offered helpful suggestions for dietary considerations during active treatment cycles as well as specific instructions for reintroducing foods in a systematic way following treatment."

IRT Example #3

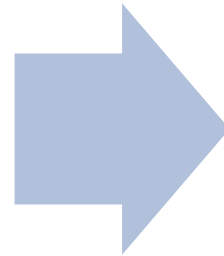
**It's Not Illegal, But... Should It Be?
(Example: No Harm)**



Says: "This person advertises coaching services where they promote/use a carnivore style diet.... This person currently provides non-evidenced based and harmful care to clients of theirs. They do so through their media platforms such as their website and Instagram. This is currently an ongoing occurrence."

IRT Example #4

**It's Not Illegal, But...
Should It Be?
(Example: Exemptions)**

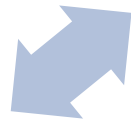


Submitted Report:

◦ This person is running a business under the title of “dietitian” and recruiting people to participate in his weight loss program, which would more than likely be harmful.

IRT Example #4

**It's Not Illegal, But... Should It Be?
(Example: Exemptions)**



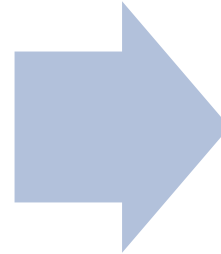
Relevant Exemption: “Persons who do not hold themselves out to be licensed and/or registered dietitians/nutritionists of the right to provide services and information related to nonmedical nutrition while: (1) Employed by or operating a health weight loss or fitness program.”

Tennessee Law

Restricted titles: dietitian/nutritionist, licensed dietitian, licensed nutritionist, LD, LN

Unrestricted titles: dietitian, nutritionist

Education, Not Condemnation



Business website advertised MNT, other individualized nutrition counseling by the business owner, who had been certified by the American College of Sports Medicine

- Contacted the owner, shared Montana's law
- Contacted ACSM, connected them with individual
- Website removed references to nutrition counseling

Key Takeaways – Using the IRT

01

Know the goal:
Consumer
Protection

02

Identify
yourself and
contact info

03

Identify
person/company
you are
describing

- Title, credentials,
email, phone,
website

04

Document
details: who,
what, where,
when, why

- Be specific:
advertisements,
testimonials, direct
links to web
addresses

05

Know your
licensure law:
provision

- Scope of practice
- Exemptions

06

Use Academy
resources,
request help,
learn from
others

Referral to UW Health team of a physician and dietitian

“This referral has truly changed my life.”

Concerned about long-term Rx, previously suggested Ketogenic Therapy

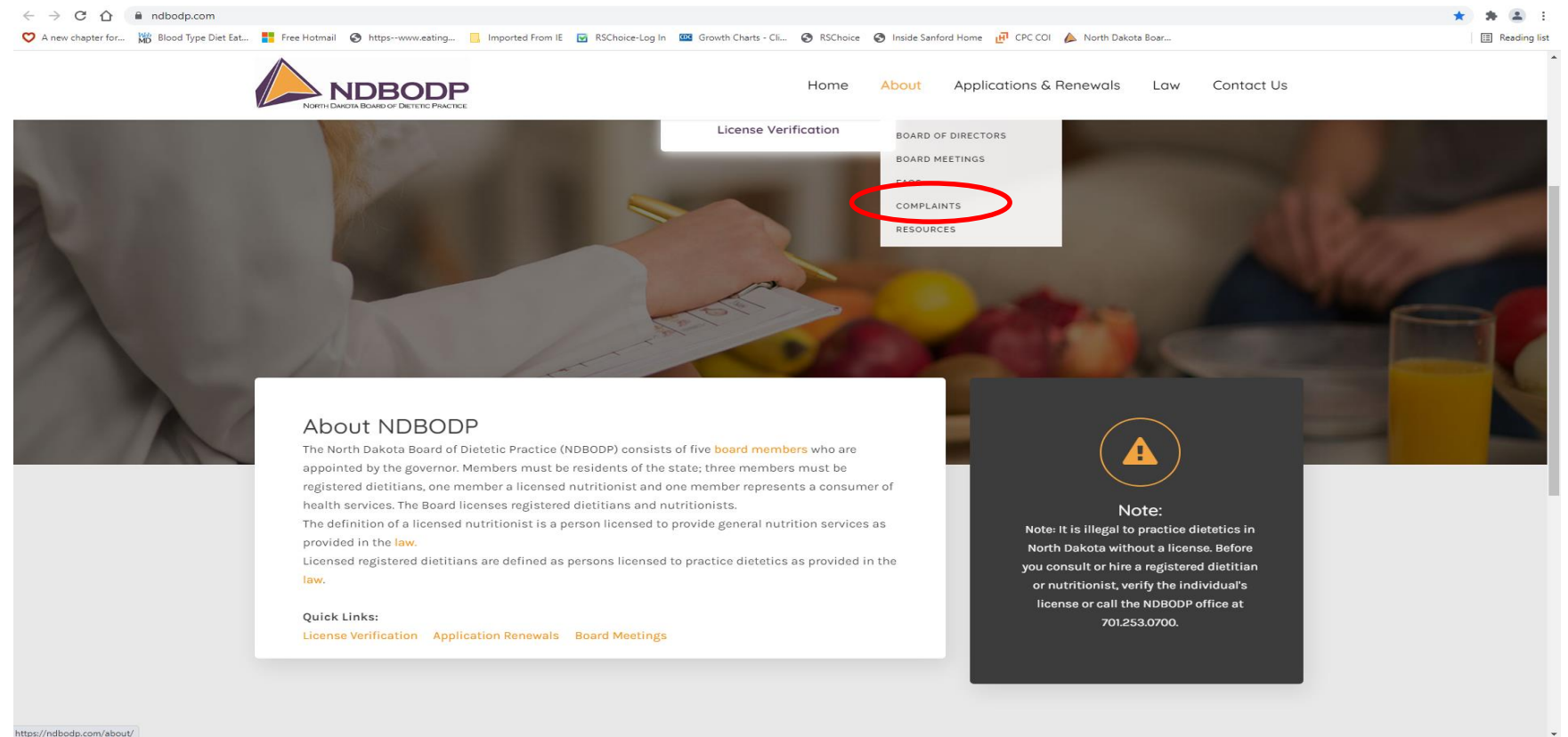
RDN provided nutrition therapy; 20 months without incident

“Their “attentive advice and consultation on these matters is invaluable”

“This kind of care is absolutely **one of a kind.**”

North Dakota Licensing Authority

- In addition to the IRT, report valid issues of concern to:
 - North Dakota Board of Dietetic Practice
 - www.ndbodp.com/complaints



Communication Strategies for Public and Legislators

- Public and professionals benefit from knowing risk of harm from practice by unqualified, unlicensed providers
- Awareness of value of RDN-provided services
 - Advances the profession
 - Enables recognition of effective practice
- IRT used to document harm and success
 - Public receives excellent care
 - Service delivery is documented
 - High practice standards now and in future



Summary: Making the IRT Work for the Profession

- Understand existing regulatory structure
- Understand definition of illegal/incompetent practice
- Guide peer use of IRT as needed
- Success reports are essential!
- Build effective database



Questions?

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