

SB

88

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: May 4, 1999

FURTHER REFERRALS:

Date of Committee Action: 5/10/99

The FINANCE Committee considered:

CSSB 88(FIN)

CS FOR SENATE BILL NO. 88(FIN)

DIETITIANS AND NUTRITIONISTS

"An Act relating to licensure of dietitians and nutritionists; and providing for an effective date."

recommends it be replaced the same title
 with the following committee substitute _____ a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) _____ fiscal note(s) DOED 4/9/99

zero fiscal note(s) _____ zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>[Signature]</i> Theriault			X	
<i>[Signature]</i> Bunde	✓			
<i>[Signature]</i> Kohring				X
<i>[Signature]</i> Austerman			X	
<i>[Signature]</i> Moses			X	
<i>[Signature]</i> G. DAVIS			X	
<i>[Signature]</i> W. DAVIS	X			
<i>[Signature]</i> WILLIAMS			X	
<i>[Signature]</i> Grassmeyer	X			
<i>[Signature]</i> KOSTER	X			

(10) CHAIR'S SIGNATURE *[Signature]*
 Theriault

FISCAL NOTE

No. 2
 Bill Version: CSSB 88 (L&C)
 (S) Publish Date: 4-7-99

STATE OF ALASKA
1999 LEGISLATIVE SESSION

Revision Date/Time (Note if correction) _____ Dept. Affected Commerce & Econ Dev.
 Title An Act relating to licensure of dietitians and BRU Occupational Licensing
nutritionists; and providing for an effective date. Component Occupational Licensing
 Sponsor Senator Donley
 Requester Senate Labor and Commerce Component Serial No. 2360

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services	8.5	8.5	8.5	8.5	8.5	8.5
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	6.0	6.0	6.0	6.0	6.0	6.0
Supplies	1.0	1.0	1.0	1.0	1.0	1.0
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	15.5	15.5	15.5	15.5	15.5	15.5

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	31.0	0.0	31.0	0.0	31.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF//Program Receipts	15.5	15.5	15.5	15.5	15.5	15.5
1037 GF//Mental Health						
Other (Specify Type)						
TOTAL	15.5	15.5	15.5	15.5	15.5	15.5

Estimate of any current year (FY99) cost: 0.0

POSITIONS

Full-time					
Part-time					
Temporary					

ANALYSIS: (Attach a separate page if necessary)
 CSSB 88 (L&C) creates licensing of dietitians and nutritionists by the Department of Commerce and Economic Development. The division of occupational licensing anticipates existing staff will perform the licensing and investigative functions; however, like all licensing programs, time spent on this program will be based on positive timekeeping. The personal services costs reflected in this fiscal note are estimates of time that will be required to implement this new program. All costs will be covered by licensing fees. The estimated costs are explained on the attached page.

Prepared by Jennifer Strickler, Administrative Manager Phone 465-2144
 Division Occupational Licensing Date/Time 3/26/99 4:02 PM
 Approved by Commissioner Deborah B. Sedwick Date 3/30/99
 Agency Commerce & Economic Development

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#2

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. CSSB 88 (L&C)

ANALYSIS: (Continued)

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT FISCAL NOTE CALCULATIONS FOR CSSB 88 (L&C)

PERSONAL SERVICES **\$8.5**

Provides 2.5 months of an Occupational Licensing Examiner I position, Range 12, \$8.5.

CONTRACTUAL SERVICES **\$6.0**

Funding provides approximately 30 hours of AG legal time for regulations, license appeals, and discipline, \$3.0; and, printing, postage, communications, and advertising costs, \$3.0. Any examination fees are anticipated to be paid by the applicant directly to the examining agency.

SUPPLIES **\$1.0**

To fund daily operating supplies of the program.

TOTAL: \$15.5

REVENUE & FUND SOURCE: Revenue will be generated by licensing fees sufficient to cover program costs. Approximately 100 licensees are expected to seek licensure and renew licenses biennially. Licensing fees must cover direct costs plus approximately \$100 per licensee for division/departement overhead for the two-year period. Based on 100 licensees, licensing fees are estimated to be \$410.00 for the first biennium, and adjusted to actual costs based on positive timekeeping for the first renewal.



22

SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

SPONSOR STATEMENT

FOR

CSSB 88 (FIN)

"An Act relating to licensure of dietitians and Nutritionists"

The Committee Substitute for Senate Bill 88 codifies professional title licensure of dietitians and nutritionists. Senate Bill 88 increases public access to the services of dietitians and nutritionists, helps to ensure the quality of such services, and protects consumers.

Senate Bill 88 represents sound public policy because it protects Alaskans from the potential harm that could be caused by untrained individuals. It accomplishes this by allowing Alaskans to differentiate between individuals who are qualified nutritionists and dietitians and those who are not. Also, with the advent of managed care and HMO's, it is necessary to make sure that the work of dietitians and nutritionists will be performed by experts in that field. There is legislation pending in Congress, which includes reimbursement for nutrition services within the Medicare Program, but only to those recognized by the state as nutrition professionals.

Senate Bill 88 contains provisions which ensure that individuals with nutrition practice experience and bachelor's, master's, or doctoral degrees from accredited schools may continue to work in Alaska. There are over 120 registered dietitians and nutritionists that live throughout Alaska. They work in hospitals, nursing homes, public health clinics, school nutrition programs and with athletic programs. In hospitals and clinics they are part of the health care team (physicians, nurses and therapists) providing education in diabetes, heart disease, kidney failure, digestive disorders, eating disorders, high risk pregnancies, AIDS and cancer treatments, to name just a few.

The licensing of dietitians and nutritionists enables the public to identify individuals who are qualified by education, experience and examination to provide nutrition care services. Recognition defines the dietetics and nutrition practice which includes the integration and application of the principles derived from the sciences of nutrition, biochemistry, food physiology, management, and behavioral and social sciences to achieve and maintain the health of the citizens of Alaska through the provision of nutrition care services.

Vice-Chair, Senate Finance Committee • Chair, Capital Budget Subcommittee • Co-Chair, Anchorage Caucus
MEMBER: Senate Judiciary Committee • Senate Labor & Commerce Committee • Legislative Council

January-May: STATE CAPITOL • JUNEAU, AK • 99801-1182 • (907) 465-3892 • FAX: (907) 465-6595
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Page 2
CS Senate Bill 88 (FIN)
Sponsor Statement

Senate Bill 88 corrects the current situation where any person can call themselves a "nutritionist" or "dietitian" without even one day of formal education or experience. This can endanger the consumer with harmful, expensive or even dangerous advice and unproven therapies. Senate Bill 88 would reduce this danger to the public, through the licensing of dietitians and nutritionists.

Senate Bill 88 does not establish a new board. The licensing program will be conducted by the Division of Occupational Licensing, and will have no cost to the state, since licensing fees from the dietitians and nutritionists will pay for all of the program's administrative costs. It is also important to note that Senate Bill 88 will in no way impact other professions practicing nutrition or health food retailers unless they refer to themselves as a nutritionist or dietitian without meeting the standards that this bill would codify.



SENATOR DAVE DONLEY
ALASKA STATE LEGISLATURE

SECTIONAL ANALYSIS
CS SENATE BILL 88 (FIN)

"An Act relating to licensure of dietitians and nutritionists"

Section 1: Adds a new chapter to AS 08. The new chapter is Chapter 38 that is entitled *Dietitians and Nutritionists*.

The following are the new sections of Chapter 38:

Sec. 08.38.010. License Required (page 1)—This section stipulates that a person may not use the title of "dietitian," "licensed dietitian," "nutritionist," "licensed nutritionist," or an occupational title using the word "dietitian" or "nutritionist".

Also, covered by this section are the penalties for meeting the stipulations of this section.

Sec. 08.38.020. Dietitian Licensure (page 2)—This section stipulates that the department shall issue a dietitian license to individuals completing the requisite criteria.

Sec. 08.38.030. Nutritionist Licensure (page 2)—This section stipulates that the department shall issue a nutritionist license to individuals completing and meeting the requisite criteria. A grandfather clause for this section is found on page 5, lines 6-13.

Sec. 08.38.040. Grounds for suspension, revocation, or refusal to issue a license (page 2)—This section allows the department, after a hearing to impose a disciplinary sanction or refuse to issue a license to an individual licensed under this chapter if they commit one of the listed offenses.

Sec. 08.38.050. Licensure by credentials (page 3)—The department may issue a license to an individual it determines as having sufficient credentials from another state.

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MEMBER: Senate Judiciary Committee • Senate Labor & Commerce Committee • Legislative Council!

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Page 2
Sectional Analysis
Senate Bill 88

Sec. 08.38.080. Exemptions (page 3)—This section allows exemptions to the requirements of this chapter. The exemptions include: an animal nutritionist or a person serving in the armed services or who is a federal employee whose job title includes the term "dietitian" or "nutritionist".

Sec. 08.38.090. Regulations (page 5)—This section allows the department to promulgate regulations to implement this chapter.

Sec. 08.38.100. Definitions (page 4)—This section sets out the relevant definitions to this chapter.

Section 2: (page 4)—This section adds conforming language to AS 08.01.010 to include regulation of dietitians and nutritionists to the applicability of Title 08 Business and Professions.

Section 3: (page 4)—This section adds conforming language to AS 08.02.010(a) Professional designation requirements.

Section 4: (page 5)—This section adds a grandfather clause to the licensure of a nutritionist section found on page 2, line 11 which would give a nutritionist a year and a half from the effective date to meet the requirements of AS 08.38.030 as created by this legislation.

Sections 5 & 6: (page 5)—These sections set out the effective dates of this Act.



THE AMERICAN DIETETIC ASSOCIATION

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LAWS THAT REGULATE DIETITIANS/NUTRITIONISTS

- Alabama (1989)**—licensing of dietitian/nutritionist
- Arkansas (1989)—licensing of dietitians
- California (1982)—registration* of dietitians
- Connecticut (1994)—certification of dietitians
- Delaware (1994)—certification of dietitians/nutritionists
- District of Columbia (1986)—licensing of dietitians and nutritionists
- Florida (1988)—licensing of dietitians, nutritionists and nutrition counselors
- Georgia (1994)**—licensing of dietitians
- Idaho (1994)—licensing of dietitians
- Illinois (1991)—licensing of dietitians and nutrition counselors
- Indiana (1994)—certification of dietitians
- Iowa (1985)—licensing of dietitians
- Kansas (1989)**—licensing of dietitians
- Kentucky (1994)*—licensing of dietitians and certification of nutritionists
- Louisiana (1987)**—licensing of dietitians/nutritionists
- Maine (1994)**—licensing of dietitians and dietetic technicians
- Maryland (1994)**—licensing of dietitians and nutritionists
- Minnesota (1994)—licensing of dietitians and nutritionists
- Missouri (1998)*—certification# of dietitians
- Mississippi (1994)**—licensing of dietitians and nutritionist title protection
- Montana (1987)**—licensing of nutritionists and dietitian title protection
- Nebraska (1995)**—licensing of medical nutrition therapists
- Nevada (1995)*—certification of dietitians
- New Mexico (1997)**—licensing of dietitians, nutritionists and nutrition associates
- New York (1991)—certification of dietitians and nutritionists
- North Carolina (1991)—licensing of dietitians and nutritionists
- North Dakota (1989)**—licensing of dietitians and certification# of nutritionists
- Ohio (1986)—licensing of dietitians
- Oklahoma (1984)—licensing of dietitians
- Oregon (1989)—certification# of dietitians
- Puerto Rico (1974)**—licensing of dietitians and nutritionists
- Rhode Island (1991)**—licensing of dietitians and nutritionists
- South Dakota (1996)—licensing of dietitians and nutritionists
- Tennessee (1987)—certification—of dietitians/nutritionists
- Texas (1993)**—certification# of dietitians
- Utah (1996)**—certification of dietitians
- Vermont (1993)—certification of dietitians
- Virginia (1995)*—certification of dietitians and nutritionists
- Washington (1988)—certification of dietitians and nutritionists
- West Virginia (1996)—licensing of dietitians
- Wisconsin (1994)—certification of dietitians

- * This is an entitlement law, which protects use of the title by individuals meeting state mandated qualifications.
- ** Year amended and/or reauthorized.
- # These laws provide the certified practitioner with a license, and are termed "voluntary licensing" laws.

- **Licensing**—statutes include an explicitly defined scope of practice, and performance of the profession is illegal without first obtaining a license from the state.
- **Statutory certification**—limits use of particular titles to persons meeting predetermined requirements, while persons not certified can still practice the occupation or profession.
- **Registration**—is the least restrictive form of state regulation. As with certification, unregistered persons may be permitted to practice the profession if they do not use the state recognized title. Typically, exams are not given and enforcement of the registration requirement is minimal.

Evidence on the Cost Effectiveness of Medical Nutrition Therapy

Findings both from randomized controlled clinical trials and from case studies show that medical nutrition therapy can save health care dollars and improve outcomes when provided to patients with diseases or injuries that place them at high risk of malnutrition -- being inadequately nourished. Almost 17 million patients each year are treated for illnesses or injuries that stem from or place them at risk of malnutrition. Whether in hospitals, long-term care institutions, or scattered throughout the community, medical professionals recognize that medical nutrition therapy is a key factor in improving outcomes and speeding recovery for at least 40 percent of hospital patients in the U.S. who are malnourished based on clinical nutrition evaluations (Roubenoff, Roubenoff, Preto & Balke, "Malnutrition among hospitalized patients: A problem of physician awareness," *Archives of Internal Medicine*, 1987).

An internal analysis of nearly 2,400 case studies submitted by ADA members shows that on average more than \$8,000 per patient can be saved with the intervention of medical nutrition therapy. Case studies show that, for diseases and conditions in which medical nutrition therapy is appropriate, the average annual or one-time savings per case include:

- For cancer, \$10,535 savings per case because specialized nutrition therapy enhances effectiveness of chemotherapy and radiation therapy;
- for heart disease, \$9,134 savings per case because medical nutrition therapy reduces the need for drugs and other artery-clearing procedures and/or surgery;
- for type I diabetes (insulin-dependent), \$9,049 savings per case because diabetic complications that result in hospitalization are reduced;
- for type II diabetes (non insulin-dependent), \$1,994 savings per case because medical nutrition therapy reduces or eliminates the need for insulin or oral agents;
- for kidney disease, \$18,467 savings per case by postponing the need for dialysis;
- for high cholesterol, \$2,709 savings per case by reducing the need for drugs;
- for hypertension, \$4,075 savings per case by reducing drug use and preventing complications such as stroke; and
- for a variety of other conditions -- such as burns and surgery -- requiring tube or intravenous feedings, \$7,051 savings per case by transitioning the patient to less invasive and less expensive nutrient sources.

A survey of 2,337 patient records at 19 hospitals indicates that early nutritional interventions and regular clinical nutrition services reduce hospital stays for malnourished and at-risk patients. The reduced hospital days translate into \$8,200 per bed per year average cost savings according to *Cutting Hospital Costs with Clinical Nutrition Services*, a new report by the Nutritional Care Management Institute (NCMI) of Tucker, Georgia.

A report in the July 1995 issue of *The American Journal of Medicine* highlights a study which found that the use of a diabetes team, led by an endocrinologist working with a nurse diabetes educator and dietitian, resulted in a 56 percent reduction in length of hospital stays among patients hospitalized with a primary diagnosis of diabetes compared with patients treated by an internist alone. Currently, hospital care of diabetic patients costs an estimated \$65 billion a year. The potential 5-day reduction in hospitalization found by this study translates into billions of dollars per year in potential health care savings.