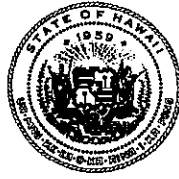


REVISED

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

House Committee on Consumer Protection & Commerce

HB 2570, HD 1, Relating to Licensing of Dietitians

**Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Director of Health**

Monday, February 13, 2012

1 **Department's Position:** The department strongly supports this bill as part of the Governor's New Day
2 initiatives to improve and streamline government.

3 **Fiscal Implications:** There are no measureable fiscal implications to the Department of Health. The
4 Department of Commerce and Consumer Affairs can testify to their fiscal implications regarding the
5 transfer of this licensing responsibility.

6 **Purpose and Justification:** The DOH and the DCCA are open to consolidating the licensing of
7 registered dietitians under the DCCA Professional and Vocational Licensing Division. Since DCCA
8 regularly licenses healthcare professionals, this will provide for a uniform and more effective and
9 efficient administrative process while fulfilling the Legislature's intention to safeguard the public.

10 The DOH did not implement this licensure program since it did not receive initial or ongoing
11 funding to duplicate DCCA's functional operations to license healthcare professionals. Funding would
12 have been required to hire professional expertise and staff or other resources to initiate the program and
13 DOH resources were insufficient to absorb the additional workload.

14 The department respectfully asks that this bill be passed in an effort to improve and streamline
15 state government.

Promoting Lifelong Health and Wellness



NEIL ABERCROMBIE
GOVERNOR

BRIAN SCHATZ
LT. GOVERNOR

STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
335 MERCHANT STREET, ROOM 310
P.O. Box 541
HONOLULU, HAWAII 96809
Phone Number: 586-2850
Fax Number: 586-2856
www.hawaii.gov/dcca

KEALI'I S. LOPEZ
DIRECTOR

**PRESENTATION OF THE
PROFESSIONAL AND VOCATIONAL LICENSING DIVISION**

TO THE HOUSE COMMITTEE ON
CONSUMER PROTECTION AND COMMERCE

TWENTY-SIXTH LEGISLATURE
Regular Session of 2012

Monday, February 13, 2012
2:15 p.m.

**TESTIMONY ON HOUSE BILL NO. 2570, H.D. 1, RELATING TO LICENSING OF
DIETITIANS.**

TO THE HONORABLE ROBERT N. HERKES, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Celia Suzuki, Licensing Administrator for the Professional and Vocational Licensing Division, Department of Commerce and Consumer Affairs ("Department"). The Department appreciates the opportunity to testify in support of House Bill No. 2570, H.D. 1, Relating to Licensing of Dietitians.

The purpose of House Bill No. 2570, H.D. 1, is to consolidate the licensing of registered dietitians as healthcare professionals within the Department of Commerce and Consumer Affairs, by amending Chapter 448B, Hawaii Revised Statutes. While the Department is not the only Department capable of licensing professions, we have agreed to assume the regulation of dietitians for the Department of Health.

The Department has been in discussions with the Hawaii Dietetic Association ("Association") regarding this measure and we are supportive of the passage of this legislation with the following amendments.

The word "dietitian" is misspelled several times in the bill, such as on page 4, line 10, and on page 21, line 2. Please amend the bill accordingly to correctly spell "dietitian" to maintain consistency throughout the bill.

Also, section 10 of the bill currently reads as, "(a) Upon issuance of a new license and at each license renewal period, each dietitian shall pay a fee of \$100 that shall be deposited into the compliance resolution fund established pursuant to section 26-9(o)." Please add "The \$100 fee shall be discontinued at such time the amount deposited equals to the amount appropriated in section 14 of this Act."

Should this bill pass, we would like to request for your support to hire personnel to administer the program. It is our understanding that there are, according to the Academy of Nutrition and Dietetics (the national association), 294 active Hawaii members and 281 non-active Hawaii members. We are also requesting for an implementation date of July 1, 2013, to allow us sufficient time to ensure a smooth and efficient transition for the regulation of dietitians. A one year delayed effective date has been consistently supported by the Legislature.

Thank you for the opportunity to testify in support of House Bill No. 2570, H. D. 1, with amendments.

COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

Representative Robert N. Herkes, CPC Chair

NOTICE OF HEARING

DATE: Monday, February 13, 2012
TIME: 2:15 pm
PLACE: Conference Room 325

REGARDING: SUPPORT OF HB 2570 – LICENSING OF DIETITIANS

My name is Sandra H. Nagareda, RD, MPH, and I support this bill to transfer licensing of dietitians from DOH to DCCA.

I have been a member of the Hawaii Dietetic Association for forty years and have known that legislation to license registered dietitians (RDs) in Hawaii was passed by the Hawaii State Legislature and became law in the year 2000. I was the HDA President (2007 to 2008) when the Hawaii Administrative Rules (HAR) "Licensing of Dietitians, Title 11, Chapter 79 passed public hearing without objections. Eventually, it was adopted and signed by Governor Linda Lingle in January 2008. At that time, even though HAR Title 11, Chapter 79 was signed, it was never implemented. Currently, forty-six states have statutory provisions regulating the practice of dietitians and nutritionists making Hawaii one of the four remaining states without RD licensure.

The Affordable Health Care Act will change the way healthcare services are provided in Hawaii. Although the details for implementation are not yet final, it is highly likely that only licensed health care professionals will be recognized as providers.

Hawaii's Medicaid State Plan requires dietitians to be licensed in order to be eligible for service reimbursements. Directors of community outpatient clinics are advocating for dietitian licensure to help make nutrition services more accessible to clients. Patients and clients are already being turned away due to inability to pay out-of-pocket expenses for services which would be reimbursed if provided by licensed dietitians.

In closing, I respectfully submit my support of HB 2570 – Licensing of Dietitians to transfer the licensing process from the DOH to DCCA. I wish to express my sincere appreciation to the Department of Commerce and Consumer Affairs (DCCA) and Department of Health (DOH) in regards to working with the HDA to achieve this long standing licensure goal for dietitians to further protect and promote health and safety for our Hawaii citizens.

Mahalo,

/s/Sandra H. Nagareda, RD, MPH
Hawaii Dietetic Association
Past President 2007 - 2008

Testimony for HB2570 on 2/13/2012 2:15:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 13, 2012 1:11 AM

To: CPCtestimony

Cc: joan@joanlevy.com

Testimony for CPC 2/13/2012 2:15:00 PM HB2570

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Joan Levy
Organization: Individual
E-mail: joan@joanlevy.com
Submitted on: 2/13/2012

Comments:

JOAN LEVY, POB 160, KAPAA, HI 96746 • 808-822-5488 • joan@joanlevy.com

February 12, 2012

Dear Representatives:

I am writing to strongly oppose HB2570 (amended), regarding Licensing of Registered Dietitians®.

I am a licensed clinical social worker in private practice since 1980. I recognize the importance of quality control in any kind of modality that deals with patient health. However I also recognize the importance that attempts at quality control do not impede people from utilizing the treatments of their choice.

I for one have only chosen to use alternative nutritional support and would never choose to go to a licensed dietician. For me their training is too narrow and does not utilize information out of the mainstream education they have been subjected to. Of course, I think we should all be able to choose whether we prefer mainstream or alternative care - or some combination of both.

I vigorously oppose this bill because it:

- Takes away my freedom of choice to utilize the treatments that best serve my health.
- Needlessly eliminates the ability of hundreds of Hawaiians to pursue their livelihood in Hawaii, forcing them to stop or move out of state, taking all related business with them;
- Creates a clear economic and competitive advantage for the sole benefit of a single trade group, Registered Dietitians® by excluding all other nutritionists from licensure, thereby disqualifying them for insurance reimbursement for their services.
- Increases healthcare costs by removing competition, supply, and patient options in the field of nutritional healthcare services;
- Results in the criminalization of nutrition counseling for many highly trained professionals, who may utilize nutrition in patient care including, among others, chiropractors, pharmacists, nurse practitioners and physician assistants.
- Confuses one trade group, Registered Dietitians®, with an entire profession, Nutrition, and assists that trade group in using legislation for it's own marketing purposes and to gain competitive advantage.

I sincerely hope you will closely examine HB2570 to see how hugely detrimental it would be for Hawaii's health and economy and that you will vote against this bill. Thank you for your consideration.

Respectfully,

Joan Levy

Testimony for HB2570 on 2/13/2012 2:15:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Sunday, February 12, 2012 9:12 PM
To: CPCtestimony
Cc: aronowitz@gmail.com
Attachments: HB 2570 testimony VArono~1.pages (155 KB)

Testimony for CPC 2/13/2012 2:15:00 PM HB2570

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Vivienne Aronowitz
Organization: Individual
E-mail: aronowitz@gmail.com
Submitted on: 2/12/2012

Comments:

Re: Measure: HB 2570 - Relating to Licensing of Dietitians
Please know that I support the transfer of the licensure program from DOH to DCCA for the following reasons:

I am a registered Dietitian on Hawaii Island, have 30 years of experience in the field, currently work for Kaiser Permanente, the State of Hawaii and as a private consultant. I strongly encourage you to shepherd this measure to passage. It is crucial that this endeavor which began more than 12 years ago move to completion to have licensure for RDs in this state.

Besides for the reasons listed below, licensure will allow for the recognition of the vital role that RDs play in prevention and health of our citizens and allow for our greater participation in the health care system. So many of the chronic diseases that are crippling the residents of this state and our country are nutrition related. It is crucial that RDs play a full role in the health care system and licensure will facilitate that.

I cannot tell you how many hours I have spent trying to get insurance reimbursement for non Kaiser patients for medical nutrition therapy only to be told that the service is not covered for a particular diagnosis. My service which would help prevent further development of a disease and which costs cents on the dollar has not been covered where a much more invasive and costly procedure is approved without question. Licensure will help to address this problem. It is a vital issue not only to address quality of life issues but also the runaway increases in health care costs. I have listed below some additional reasons and trust that your committee will hear and respond to these.

· Increases access to care by allowing dietitians who see Medicaid patients to be reimbursed

a.. Improved access & affordability of nutrition services will improve patient outcomes and decrease overall healthcare costs

· Triple Army Medical Center requires all their dietitians to be licensed, so they hire dietitians from out of state

· Affordable Health Care Act has sections that only recognize Licensed Health Care Providers

· Helps the public identify qualified practitioners

· Helps physicians identify qualified practitioners when they need to refer patients with serious medical conditions such as Kidney disease, Type 1 diabetes, HIV, Crohn's disease

· 46 states currently have statutory provisions regulating the practice of dietitians and/or nutritionists

· Every state regulates professions that have an influence of the public's health and safety.

· Licensure provides legal recourse for those who have been harmed by unscrupulous practitioners.

· Those qualified by education or credentials are still allowed to practice.

· RD's undergo a minimum of 5 years of standardized training (bachelors degree and internship). Many have Master's degrees as well.

· Licensure does not prevent anyone from talking about diseases, treatments and prevention, and it does not give RDs a monopoly on being able to talk about it.

Thank you for your consideration.

I am writing to voice my strongest opposition to HB 2570, including the amended version of the bill.

Of greatest concern is the fact that this bill continues to create a monopoly on nutrition services for dietitians, denying consumers access to expert advice from nutritionists, some of the most highly educated and well-respected professionals in the field of nutrition.

The recent amendments to HB 2570 do not address any of my serious concerns with the bill. Under this bill, only licensed dietitians shall "practice dietetics" or "medical nutrition therapy". "Dietetics practice" as defined in this bill encompasses a wide range of nutrition services including the integration and application of scientific principles of nutrition, biochemistry and food in achieving and maintaining human health. These are services performed routinely by many qualified and practicing nutritionists. Under HB 2570, nutritionists will not be able to practice, ensuring a monopoly on nutrition services exclusive to RDs®.

Consequently, under this bill, nutritionists are forced to become licensed as dietitians in order to practice. Requiring one profession, i.e. nutritionists, to complete a program from a different profession, i.e. a dietitian, in order to practice nutritional therapy is absurd. This ignores the vast philosophical difference between nutritionists and dietitians, which are two entirely different fields of study and practice.

The negative implications of HB 2570 are far-reaching.

It is bad for Hawaii's economy. This bill would effectively eliminate an entire profession and removes all competition in the field of nutrition services.

It dampens freedom of choice in healthcare: Nutritionists and dietitians have entirely different philosophical approaches. Each individual has unique nutritional needs. This demands various different approaches to nutritional care and consequently individuals require access to choice - not just a one-size-fits-all approach.

It threatens to increase chronic health indicators among Hawaii's citizens: Nutritionists practice an integrative approach to medicine and concentrate on prevention and treatment of chronic disease. Public policy demands that access to nutritionists should be broadened, not reduced.

It penalizes a higher standard of education and training: Standards and requirements for the practice of nutritionists are most often much higher than the standards for dietitians described in this bill. For example, Certified Nutrition Specialists certified by the Certification Board for Nutrition Specialists (CBNS) have a Master's degree at a minimum, usually a PhD, yet are excluded by this bill unless they meet the lower credentialing requirements required of dietitians.

Please oppose HB 2570!

Testimony for HB2570 on 2/13/2012 2:15:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Sunday, February 12, 2012 9:05 PM

To: CPCtestimony

Cc: karen@agoodday.org

Testimony for CPC 2/13/2012 2:15:00 PM HB2570

Conference room: 325

Testifier position: Oppose

Testifier will be present: Yes

Submitted by: Karen Massey

Organization: A Good Day for Health, LLC

E-mail: karen@agoodday.org

Submitted on: 2/12/2012

Comments:

I will be there and using every second of my three minute allotted time to vehemently oppose this bill!



To: House of Representatives, 26th State Legislature, State of Hawaii

Regarding: HB2570 HD1

From: Mid-Atlantic Health Coach Association (MAHCA)

Representing Health and Wellness Coaches as the Mid-Atlantic Health Coach Association, we oppose passage of HB2570 HD1.

We oppose HB2570 HD1 for these reasons:

1. **Health Freedom** – HB2570 HD1 reduces the freedom of Americans to pursue greater health. It would deny Americans access to an entire group of practitioners with a unique approach to health improvement.
2. **Economic Detriment** – HB2570 HD1 would harm the careers of many established health and wellness coaches, and harm the economy as a whole.
3. **Holistic Approach** – Dieticians provide a service to their customers different from what health coaches provide. Health coaches take a holistic approach to clients, considering career, family, body health, mental/emotional health, fitness and personal growth. Dietary advice is a vital part, but only part, of the guidance provided clients. Also, the dietary advice typically comes from a traditional perspective; for example, health coaches can suggest dietary changes based on appropriate culture: Asian, Mediterranean, European, Indian and South American, and emphasizing basic whole foods. Essentially, we don't do what dieticians do and dieticians don't do what we do, but if the ability for health coaches to talk about nutrition/food is taken away, it would negatively impact the health conscious consumer

We hope that you take our opposition seriously as it represents a large group of Americans practicing in areas related to nutrition. We want to make sure Americans get the choice to work with a practitioner of their liking. That might be a dietician and it might be a health coach and it might be one of the hundreds of other health related services that are available.

Approval for Opposition is supported by the Board of Directors of the Mid-Atlantic Health Coach Association

President, Jolie McShane

Vice President, Pia Civiletti

Treasurer, Gina Navarro

Secretary, Yolanda Jackson

Representative Robert N. Herkes, CPC Chair
Committee on Consumer Protection and Commerce

RE: SUPPORT of HB 2570

Hearing Date: Monday, February 13, 2012

Dear Representative Herkes and CPC Committee'

Implementation of the Hawai'i State Statute to license dietitians is long overdue. Although originally passed in 2000, and with the adoption of Hawai'i Administrative Rules adopted in January, 2008, the Department of Health never operationalized the process to license dietitians.

The Department of Commerce and Consumer Affairs is the appropriate state agency to implement this licensure program, as it already does so for other health professions.

I have been a Registered Dietitian for over thirty-six years, and a Certified Specialist in Renal Nutrition since 2003. I am currently the Renal Nutritionist in the Nephrology Division Clinic at Kaiser Permanente Moanalua Medical Center, where I have practiced since 1999. I have actively worked on legislation for dietitians throughout my career both here in Hawai'i, and in Connecticut, where I worked for almost twenty years.

The primary reason for my advocacy for licensure of dietitians is to protect the public, who depend on licensure to identify qualified practitioners who meet specified criteria to obtain this credential. As health care reimbursement has become more complex over that past couple of decades, licensure has also become a standard that health insurers use to determine coverage for medical nutrition therapy services. Lack of licensure becomes a barrier to patients who need medical nutrition therapy, but cannot obtain reimbursement for this care.

In my practice at Kaiser, our Nephrology Division has focused successfully on delaying the progression of end stage renal disease and the need for dialysis or kidney transplant, by systematically identifying patients with chronic kidney disease, implementing evidence-based clinical practice guidelines, and educating patients, families and medical staff to help the patients improve their healthcare. This has resulted in significant cost savings and sustained quality of life for these patients. Dialysis treatment costs approximately \$60,000 per patient per year, so delaying the onset of this life-saving treatment is extremely important.

Our Kaiser members are very fortunate to be able to easily see our Registered Dietitians at most of the Clinics, with the confidence that Kaiser Permanente has set high standards of practice for its clinicians. In the fee-for-service world, access and reimbursement is more complicated, especially for those with policies requiring licensure for reimbursement of its providers.

I join my colleagues in the Hawai'i Dietetic Association in asking your support of HB 2570 to expedite the licensure program through the Department of Commerce and Consumer Affairs.

Thank you for your consideration.

Yours truly,

Carrie Mukaida, MS, RD, CSR

Testimony for HB2570 on 2/13/2012 2:15:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Sunday, February 12, 2012 5:02 PM**To:** CPCtestimony**Cc:** MendyCleveland@Hotmail.com

Testimony for CPC 2/13/2012 2:15:00 PM HB2570

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Mendy Cleveland

Organization: Individual

E-mail: MendyCleveland@Hotmail.com

Submitted on: 2/12/2012

Comments:

In January 2012 the association of Registered Dieticians (RD's), the American Dietetic Association (ADA), rebranded itself as the Academy of Nutrition and Dietetics. This name change appears to be part of a comprehensive strategy to dominate the practice of nutrition in the United States. Not only did they add the word "nutrition" to their name, but they have long been attempting, through licensing legislation in every state, to carve out a monopoly for themselves for the practice of nutrition itself. Where their legislative gambit works, providers who are not RDs (such as clinical nutritionists, and in many states naturopaths, chiropractors, acupuncturists and others) commit a crime if they dispense dietary advice. As a certified holistic health coach who has studied nutrition and practiced for over 12 years the hidden language in this bill will put me, and many others like me, out of business. It also cuts off access to consumers who have the right to seek the nutrition advice they choose to. By gaining a monopoly on nutrition this organization gains an unfair and unconstitutional advantage over every community in the United States of America. This organization is also financially supported and funded by big pharmaceutical companies, our own government, by major food corporations in America that MORE than greatly influence their advice. I ask you, how is advice that can be bought and paid for by all the above mentioned institutions be fair and balanced? With the health of our nation on a steady decline it is time that WE as citizens be free to choose the foods and nutrition advice that suits us. We do not need another government agency backed by the influence of corrupt and unhealth corporations telling us what unhealthy and unsafe foods or food-like substances to feed our families. I urge you to vote NO on HB2570 and allow our country's people to hold the right to clean, safe, healthy foods and nutrition advice without the fear of penalty. If you think this organization is not going on the attack, please refer to the case of Dr. Liz Lipski. When the state of North Carolina passed restrictive licensing laws last year, the successful health clinic of esteemed Ph.D. nutritionist, Dr. Liz Lipski was forced to move out of state. Though she now lives and works in Georgia, Dr. Lipski is still fighting for her right to conduct business in her home state. This organization is about deception and this is what they're presenting to you here today. They are not for safety, they are for absolute monopoly. At risk are thousands of jobs that will be lost, and health practices that will be forced to close down, if these bills pass. And, consumers will lose out, no longer having a variety of nutrition professionals to choose from. If President Obama is for small businesses and communities gaining sustainability, then this organization needs to be turned down.

Testimony for HB2570 on 2/13/2012 2:15:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Sunday, February 12, 2012 3:22 PM

To: CPCtestimony

Cc: janlrw@yahoo.com

Testimony for CPC 2/13/2012 2:15:00 PM HB2570

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: janet williams
Organization: Individual
E-mail: janlrw@yahoo.com
Submitted on: 2/12/2012

Comments:

Jacob Teitelbaum, M.D.

Diplomate American Board of Internal Medicine
76-6326 Kaheiau St
Kailua Kona, HI 96740
Endfatigue@aol.com
www.Vitality101.com

2-10-12

I am writing to you today on behalf of the health of the citizens of Hawaii to urge you to **oppose HB2570**.

The bill simply would potentially create a dangerous monopoly for nutritional counseling by the ADA. Nutrition includes a very large body of critical research that is not part of dietetic training, and major ADA/AND sponsors include companies such as Nestle and Pepsi—which impacts their recommendations in ways that may not be healthful.

Some examples of problems I have seen with allowing the ADA a monopoly:

1- When I served on the nutrition and dietetics committee of my local hospital, the physicians attempted to get the patients' food trays to include some fresh food. This was vetoed repeatedly by the RDs on the committee as being a waste of time and money.

2- My research center conducted a study showing that a comprehensive treatment protocol, which included nutritional support, was effective in helping 91% of chronic fatigue syndrome and fibromyalgia to recover. It made front page headline news when the program helped the woman running for mayor to recover from her crippling CFS. The news article discussed how the research study (designed with the help of NIH researchers and run by an NIH statistician) included nutritional support as a component. I was stunned when the response of a professor at the University of Maryland department of dietetics was to write the medical board demanding my medical license be revoked because "any physician using nutrition is a quack". The medical board of course ignored her, but HB2570 could deny the public essential information.

3- Another study funded by our foundation was published 2 weeks ago, and found that autistic children can be benefitted by exploring and treating food sensitivities. This allowed 23/30 of the treated children to return to regular schools vs. none of the 30 children in the untreated control group. This study has already been reported on nationally. As the doctor who

developed the technique will be speaking about the study in Kona in April, it will be reported on in Hawaii media in ~ 2 months. This bill could be used to deny Hawaiian families the benefits of this research.

4- I had the pleasure of meeting with President Obama and the First Lady during one of their visits in Hawaii. Michelle Obama has bravely stood up for our children getting healthy food—only to be attacked by many in the food industry that support the ADA. Oddly, in rendering nutritional advice to our children to eat healthy foods, this bill could be used (successfully or not), to attack her legally if she offers this same advice to our beloved keiki while here in Hawaii. And if not the First Lady, it would be used against others with training at least as extensive as many RDs.

5- I have been asked to serve on the Advisory Committee of the “Nutri-Bee” project (similar to the Spelling Bees held around the country), to teach children about healthy nutrition. The project has been funded by Met Life and is a Johns Hopkins School of Public Health project. The current bill could be used to mount legal opposition against nutritionists (many being MDs, PhDs, etc) creating the project to force them to back down on educating our keiki about the difference between food and junk. Perhaps the lawyers for the food industry will back down if we add questions like “ How many servings a day of fruit are you getting by drinking a soda”?

Though certainly not the intent of the bill, it could be used in this way.

God law is good law. This bill, unfortunately, is like junk food and should be voted down.

Thank you for supporting the health of Hawaii’s citizens by **opposing HB2579.**

Respectfully

Jacob Teitelbaum MD

Jacob Teitelbaum, MD, is medical director of the national Fibromyalgia and Fatigue Centers, and author of the best-selling books *From Fatigued to Fantastic!* , *Pain Free 1-2-3—A Proven Program for Eliminating Chronic Pain Now*, *Beat Sugar Addiction NOW!*, *Real Cause, Real Cure*, and the *Beat Sugar Addiction NOW! Cookbook*, *And Beat Sugar Addiction NOW for Children.* Dr. Teitelbaum does frequent media appearances including Good Morning America, CNN, Fox News Channel, the Dr Oz Show and Oprah & Friends. He lives in **Kona, Hawaii**. Web site: www.Vitality101.com

RE: HB2570

Dear Friends,

I am writing to voice my strongest opposition to HB 2570.

As a practicing Health and Wellness Lifestyle Coach, I appreciate the effort that Hawaii is taking to better the health of its people, however, I do not believe that this is the way to go. First of all, if you all think of your own health and wellness - how many of you have aches, pains, ailments? How many of you have parents or grandparents who fear that too many drugs are not the solution? How many of you intrinsically have a 'feeling' that eating real food could be a lifestyle change that could alter a life?

For the most part, people think they eat healthy. But if you understand the basics of food, nutrition and the balance between all aspects of a person's health (which includes emotional, physical, spiritual and mental) then as a whole you understand that no two people are alike. And no two people experience the same problems or reactions to say drugs, food, or environmental concerns in the same way. Since we can all see that this is the case, it is safe to say that to create a bill that funnels a person's health through one mode of training is unethical and severely flawed in theory.

Of greatest concern is the fact that this bill effectively creates a monopoly on nutrition services for dietitians, denying consumers access to expert advice from nutritionists, some of the most highly educated and well-respected professionals in the field of nutrition. As well, there is a growing number of certified health coaches that can reach a person on the most basic levels of health and wellness which is all most people really need. Drink more water, eat more whole foods, find what works for you and do more of it. It will naturally detract a person from going for the bad stuff.

Think of your own children. Would you want them to be advised by their physician to eat according to the USDA food pyramid? While a valiant effort, it is proven out here over and over that the pyramid is really literally just another scheme to funnel money to enormous companies that feed America. If that worked the entire country would be in a completely different state of health. While our food grade nutrients become more diminished, the high cost of disease care goes up. The more we feed the makers of pills and the more we rely on them to invent the drug that will fix all of our problems, the more we give power to the status quo that just doesn't seem to work.

As the bill is currently worded only a licensed dietitian shall "practice dietetics" or medical nutrition therapy. "Dietetics practice" as defined in the bill encompasses a wide range of nutrition services including the integration and application of scientific principles of nutrition, biochemistry and food in achieving and maintaining human health. These are services performed routinely by many qualified and practicing nutritionists.

Consequently, under this bill, nutritionists are forced to become licensed as dietitians in order to practice. Requiring one profession, i.e. nutritionists, to complete a program from a different profession, i.e. a dietitian, in order to practice nutritional therapy is absurd. This ignores the vast philosophical difference between nutritionists and dietitians, which are two entirely different fields of study and practice.

Just from a pure common sense point of view, it is like telling a Representative that he must become a Senator in order to be a Representative and while doing his work as the local Representative he has to abide by all Senate duties. How can the Representative do his job, let alone do it well? He can't! And then to top it off, a group of postal workers are now charged with the task of deciding if this is a good way to go for the people or not. While they all work for the Government, they don't know the intimate details of each other's functions. The function of a Representative is completely different than that of the Senator and vice versa. Now imagine that you take it further to include the Governor and the Mayor having to abide by and perform Senate duties in order to Govern the State and County.

Therefore, I propose that before a panel of lawmakers even think of going down the road of disrupting the choices and options to its constituents, it think long and hard about what these professions do for each individual person and collectively for society as a whole. It really is impossible for you to really GET what dieticians, nutritionists, health coaches and other health professionals do by their skill trade and it is pretty ballsy to think that you could make a decision on behalf of all professions to say that they all have to conform to only one standard or one specified mode of training. You are playing with people's lives, health and the future of health in Hawaii. You are also defining, shaping and governing an industry that is probably not your area of expertise.

The negative implications of HB 2570 are far-reaching.

It is bad for Hawaii's economy. This bill would effectively eliminate an entire profession and removes all competition in the field of nutrition services.

It dampens freedom of choice in healthcare: Nutritionists and dietitians have entirely different philosophical approaches. Each individual has unique nutritional needs. This demands various different approaches to nutritional care and consequently individuals require access to choice - not just a one-size-fits-all approach.

It threatens to increase chronic health indicators among Hawaii's citizens: Nutritionists practice an integrative approach to medicine and concentrate on prevention and treatment of chronic disease. Public policy demands that access to nutritionists should be broadened, not reduced. Health coaches are becoming a very needed intermediary between the doctor and the alternative health professional who does not have to time to take the patients from point A to point B. The vitals are staggering at how immensely beneficial all can be to one person. Instead of taking away choices, we should be giving the people more. It is really not up to one small group of people like yourselves to determine entire fields of approaches in one sitting. Hawaii has so many other pressing

matters at hand and really is not in any shape to take on more burden unto itself. Who is going to regulate the changes to the industry that has been working just fine without government intervention? How will you determine one method or another in the context of each individual's health? The growing need for nutritionist, nutrition counselors and integrative nutrition coaches is growing because the status quo is not working. It's not about forcing a problem into one issue but rather issuing freedom to the people to call forth their genius to find innovative solutions to our health crisis. It's our duty as citizens of our great nation to encourage innovation and that comes from faith and freedom not fear and fatalistic practices.

This bill also penalizes a higher standard of education and training: Standards and requirements for the practice of nutritionists are most often much higher than the standards for dietitians described in this bill. For example, Certified Nutrition Specialists certified by the Certification Board for Nutrition Specialists (CBNS) have a Master's degree at a minimum, usually a PhD, yet are excluded by this bill unless they meet the lower credentialing requirements required of dietitians.

Before you go along with a big industry policy which appears to be attempting to monopolize and put in place a one-size-fits-all model, I truly believe that you should look into the mirror, into the eyes of your children, your parents, your grandparents, your constituents, associates and really follow your eyes, ears, heart and mind on whether or not you really feel this kind of single-minded action could help or hinder those you love and care about.

I, myself, have healed through a health coach that took that holistic point of view. Meaning they did whatever it took help me to find what worked for me - naturally. And I've never felt better. I healed myself from all pre-arthritis symptoms, aches, pains, and pretty much taking Advil for years everyday. The health coach was far more effective than the years of recommendations from the medical Dr. and dieticians who thought jello and soda crackers were a good thing to feed my perpetual diarrhea. It didn't work. I'm not discounting what dieticians do but I am saying that that option did not work for me illustrating that one size does NOT fit all. Until I got some real food nutrients into me, then, and only then did I heal. This prompted me to become a certified health coach myself so that I could help others see the benefit of healing from within and really taking the time for themselves to do that. I am also a writer for natural health and I have met and spoke to hundreds of people around the nation and world who have healed through food, changing lifestyles, medical miracles, and a vast array of treatments. Again, one size does NOT fit all. It would be crazy to think so and even crazier to set it in stone through a law like this.

Please oppose HB 2570!

inspiring people to live happy, healthy & whole!

akemi health and wellness

Lisa Shozuya, CHHC, AADP, Wellness Lifestyle Coach

☎ (808)224-8176

Testimony for HB2570 on 2/13/2012 2:15:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Sunday, February 12, 2012 2:30 PM

To: CPCtestimony

Cc: curiu@yahoo.com

Testimony for CPC 2/13/2012 2:15:00 PM HB2570

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Camille Miller
Organization: Individual
E-mail: curiu@yahoo.com
Submitted on: 2/12/2012

Comments:

The ADA is supported by big business. If people are to receive unbiased information regarding nutrition, they will need to have access to practitioners who dispense health information that ISN'T supported by big agri-business. For example, study after study shows that drinking large amounts of milk leads to higher rates of bone breakage as well as higher rates of fatal prostate cancer. Do we really want to hide this important information from the public? The answer should be NO, but the dairy council, which has a powerful lobby in congress wants to hide this information from the public. The dairy council supports the ADA and MyPlate yet, they want to hide the studies that show negative side effects from high milk consumption.

Do the right thing and stop this from happening. The ADA pushes milk on people yet high milk consumption has been shown to be bad for your health.

Testimony for HB2570 on 2/13/2012 2:15:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Sunday, February 12, 2012 2:13 PM

To: CPCtestimony

Cc: pathtohealth.nicole@gmail.com

Testimony for CPC 2/13/2012 2:15:00 PM HB2570

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Nicole Brown NTP, CGP
Organization: Individual
E-mail: pathtohealth.nicole@gmail.com
Submitted on: 2/12/2012

Comments:

I am a Certified Nutritional Therapist and I oppose this bill. I am writing to voice my strongest opposition to HB 2570, including the amended version of the bill.

Of greatest concern is the fact that this bill continues to create a monopoly on nutrition services for dietitians, denying consumers access to expert advice from nutritionists, some of the most highly educated and well-respected professionals in the field of nutrition.

The recent amendments to HB 2570 do not address any of my serious concerns with the bill. Under this bill, only licensed dietitians shall "practice dietetics" or "medical nutrition therapy". "Dietetics practice" as defined in this bill encompasses a wide range of nutrition services including the integration and application of scientific principles of nutrition, biochemistry and food in achieving and maintaining human health. These are services performed routinely by many qualified and practicing nutritionists. Under HB 2570, nutritionists will not be able to practice, ensuring a monopoly on nutrition services exclusive to RDs.

Consequently, under this bill, nutritionists are forced to become licensed as dietitians in order to practice. Requiring one profession, i.e. nutritionists, to complete a program from a different profession, i.e. a dietitian, in order to practice nutritional therapy is absurd. This ignores the vast philosophical difference between nutritionists and dietitians, which are two entirely different fields of study and practice.

The negative implications of HB 2570 are far-reaching.

It is bad for Hawaii's economy. This bill would effectively eliminate an entire profession and removes all competition in the field of nutrition services.

It dampens freedom of choice in healthcare: Nutritionists and dietitians have entirely different philosophical approaches. Each individual has unique nutritional needs. This demands various different approaches to nutritional care and consequently individuals require access to choice - not just a one-size-fits-all approach.

It threatens to increase chronic health indicators among Hawaii's citizens: Nutritionists practice an integrative approach to medicine and concentrate on prevention and treatment of chronic disease. Public policy demands that access to

nutritionists should be broadened, not reduced.

It penalizes a higher standard of education and training: Standards and requirements for the practice of nutritionists are most often much higher than the standards for dietitians described in this bill. For example, Certified Nutrition Specialists certified by the Certification Board for Nutrition Specialists (CBNS) have a Master's degree at a minimum, usually a PhD, yet are excluded by this bill unless they meet the lower credentialing requirements required of dietitians.

Please oppose HB 2570!

Testimony for HB2570 on 2/13/2012 2:15:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Sunday, February 12, 2012 2:08 PM

To: CPCtestimony

Cc: amr121296@aol.com

Testimony for CPC 2/13/2012 2:15:00 PM HB2570

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Dr. Dennis G. Rhatigan, D.C.

Organization: Individual

E-mail: amr121296@aol.com

Submitted on: 2/12/2012

Comments:

I am strongly against this legislation that is designed to use licensing regulations to eliminate any competition for the requesting dietitians. They are certainly not the most clinically qualified group to use nutrition for clinical changes in patient health. It would be like the physician assistants requesting that physicians not be allowed to perform similar services. Do not pass this bill.



PO Box 22298

Honolulu, HI 96823-2298

Hawai'i Dietetic Association

Representative Robert N. Herkes: CPC CHAIR

Measure: HB 2570 – Relating to Licensing of Dietitians

Committee on Consumer Protection and Commerce

Date: Monday, February 13, 2012

Time: 2:15 p.m.

Place: Conference Room 325

Dear Representative Herkes,

I am Amy Tousman, President of the Hawaii Dietetics Association (HDA) which represents approximately 300 members throughout the state of Hawai'i, Guam and Saipan. The Hawaii Dietetic Association sponsored legislation in 2000 to license dietitians and we have worked hard for implementation of the law for the past 12 years. We are in strong support of HB 2570.

Since the licensing of registered dietitians (RDs) was passed into law in the year 2000, our membership has been waiting for its implementation through the Department of Health (DOH). As of today, we do not have an active licensing process in place at DOH. This law was passed by the legislature in 2000 for the purpose of protecting the public. It is essential that those qualified to provide dietetic services are licensed to do so.

In addition, federally qualified health centers in our communities have had their federal funding cut and are unable to be reimbursed from Medicaid for the healthcare services their RDs provide. This is because, technically, in the state of Hawaii, only licensed RDs can bill for reimbursement of services provided to our Medicaid population. This means this population is at risk for decreased access to critical services provided by RDs working in community health centers.

HDA recently met with DOH. We understand and fully support their position to consolidate and transfer the licensing of registered dietitians to Department of Commerce and Consumer Affairs (DCCA). We appreciate the support of DOH and the urgency they see in moving this measure through so that implementing licensure at DCCA can occur. HDA is also very appreciative of DCCA being in full support of this measure. We are very pleased that Representative Yamane supported and passed this in the Health Committee

The purpose of this legislation is to simply transfer dietitian licensure for implementation and define the minimal standards and qualifications of dietetic practice. We support the right of choice for all people of Hawaii to choose their own nutrition professional. This measure is supported by Kaiser, Federally Qualified Community Health Centers and physicians in the community.

HDA has engaged in discussions with the DCCA, and hopes to continue these discussions to fine-tune and agree upon final language. For these reasons, the Hawaii Dietetic Association respectfully asks your favorable consideration of this bill and its passage in an effort to facilitate licensing of dietitians while allowing other licensed and/or credentialed healthcare practitioners to continue to practice within their own scope of practice.

Respectfully Yours,

Amy Tousman, MPH, RD, CDE
President, Hawai'i Dietetic Association
(808) 398-3813



WAIANAЕ COAST COMPREHENSIVE HEALTH CENTER

www.wcchc.com

TESTIMONY SUPPORTING HB 2570: Relating to Licensing of Dietitians

SUBMITTED TO: Committee on Consumer Protection and Commerce
HEARING: FEBRUARY 13, 2012
2:15 PM, ROOM 325

SUBMITTED BY: RICHARD BETTINI, PRESIDENT AND CHIEF EXECUTIVE OFFICER
CONTACT: wcchc@wcchc.com or 697-3457

The Waianae Coast Comprehensive Health Center strongly supports the passage of HB 2570.

Since the licensing of registered dietitians (RDs) was passed into law in the year 2000, our Health Center, who utilizes dietitians integrated within our primary care clinics and wellness programs, has been waiting for its implementation through the Department of Health (DOH). As of today, there is not an active licensing process in place at DOH. This 12 year delay in putting into place a licensing process has impacted community health centers with registered dietitians in that we are unable to be reimbursed from Medicaid for the healthcare services our RDs provide.

We are in support of this bill that transfers the licensure from the Department of Health to the Department of Commerce and Consumer Affairs in order to move forward with the implementation of dietetic licensure

Licensure ensures that minimum standards and qualifications are established for education, training, and examination for dietitians.

As it is written in the Medicaid State Plan, only licensed dietitians can get reimbursed for services provided to the Medicaid population. As more than half of our Health Center's patient population are Medicaid beneficiaries (approximately 15,000 individuals in 2010), licensure of dietitians will allow this population more access and affordability to nutrition services that can lead to improved patient outcomes.

Submitted by: Dr. George Kosmides DC, CMUA
Organization: Sole proprietor
E-mail: infokosmidesdc@gmail.com
Submitted on: 2/11/2012

To: Committee deciding on the common good,

Dear Good People of Hawaii,

Opposed

It is my understand that RD's, hold an undergraduate degree in nutrition. This bill as it is written would exclude all others from giving nutritional/diet counseling including those with master's level, doctorates and PhD degrees that practice nutrition as part of their practice.

- Realizing that this bill makes those above subject to prosecution, fines and jail, if I read the bill correctly.

Please be aware of who is behind the bill and subsequent funding. "The American Dietetic Association (ADA) has sponsored legislation much like this in over 30 States that I am aware of. Here is a list of just a few of their **corporate sponsors**.

Namely:

- PepsiCo
- Coca-Cola
- General Mills
- Kellogg's, and candy maker Mars.

I must reiterate: Under this bill, nutritionists must go through the dietetic program and licensure in order to practice many essential nutrition services — even though nutritionists are often far more qualified (many with doctorates and PHDs) and approach nutrition with an entirely different philosophy. The later is I think the key difference.

HB 2570 effectively creates a monopoly on nutrition services exclusively for dietitians that would:

Deny consumers access to expert advice from health care providers who have used nutrition to support health care delivery they offer.

Reduce your access to only one choice an RD.

Put many practicing nutritionists and physicians practicing nutritional support out of business.

FYI - Food items containing white flour we now know can pre dispose us to Type II diabetes. Why these foods are in a hospital or clinical setting knowing scientifically what we now know is beyond my level of clinical understanding.

Example:

As a major consultant to one of the largest companies in California. When my evaluation came back with a D- on the health of foods offered in the cafeteria and

vending machines, I was told (by the food supplier) that "our dietician" had approved those items. I was then "bribed" by the major vendor to alter my report, asking that the report read more favorable. FYI This "vendor" is also the major foods supplier to long term care facilities throughout California. *I did not check to see if they actually did have an RD on staff.*

I have dealt with dieticians at hospitals and most seem to be missing the point of nutrition. It's not about calories rather quality of foods / consumption. This is just my opinion.

In Summary:

Although a noble effort by this committee in its intent of good will, there are forces at work here that are not in the best long-term benefit of our communities, this is unfortunate but altogether true.

I write this with the utmost sincerity and respect for you good people judging this bill. I am in opposition to HB2570; this Bill falls short of protecting the public and merely places the consumer under false security.

Cordially,

George Kosmides DC, CMUA

Testimony for HB2570 on 2/13/2012 2:15:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Sunday, February 12, 2012 6:11 AM

To: CPCtestimony

Cc: clee@waimanalohealth.org

Attachments: Supporthb2570.pdf (61 KB)

Testimony for CPC 2/13/2012 2:15:00 PM HB2570

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: Christina Lee

Organization: Individual

E-mail: clee@waimanalohealth.org

Submitted on: 2/12/2012

Comments:

I support HB 2570 which consolidates and transfers dietitian licensure from DOH to DCCA. This measure clearly outlines the minimal qualifications and standards of dietetic practice which we uphold in our everyday practice. This measure allows for exemptions for other health care professionals practicing within their own scope of practice who also provide nutrition counseling and/or advice.



BOARD OF DIRECTORS

OFFICERS

Kahikino Noa Dettweiler, Esq.
President

Kathy Conner
Vice-President

John "Keoni" Aylett
2nd Vice-President

James "Jim" Wood, PhD, CPA
Treasurer

Deborah Smith
Secretary

DIRECTORS

Moana DeMello

Rosalyn "Sabe" Enos, MD

Johnene "Noe" Galeai, MBA

Andrew Jamila, Jr.

Elizabeth "Liz" Martinez

ADVISORY COUNCIL

Bruce Anderson, PhD

James "Jim" Kastner

Mele Look, MBA

STAFF EXECUTIVE TEAM

May Akamine, RN, MS
Executive Director

Christina Kealoha Lee, MD
Medical Director

Kathy Kravish, MT, MBA, CMPE
Finance Director



Waimānalo Health Center
Ola Hāloa
The Sustaining of Life

February 12, 2012

Measure: HB 2570 - Relating to Licensing of Dietitians
Committee on Consumer Protection and Commerce
Date: Monday, February 13, 2012
Time: 2:15 p.m.
Place: Conference Room 325

From: Christina Lee, MD

Re: In **Support of HB 2570**-Relating to Licensing of Dietitians

I strongly support HB 2570 which consolidates and transfers dietitian licensure from DOH to DCCA. This measure clearly outlines the minimal qualifications and standards of dietetic practice which we uphold in our everyday practice. This measure allows for exemptions for other health care professionals practicing within their own scope of practice who also provide nutrition counseling and/or advice

Legislation to license registered dietitians (RDs) in Hawaii was passed by the Hawaii State Legislature and became law in the year 2000. To date we still do not have implementation of dietitian licensure.

Please vote in favor of HB2570. Thank you.

Respectfully submitted,

Christina K. Lee, MD
Medical Director
Waimanalo Health Center

Representative Robert N. Herkes: CPC CHAIR

Measure: HB 2570 – Relating to Licensing of Dietitians

Committee on Consumer Protection and Commerce

Date: Monday, February 13, 2012

Time: 2:15 p.m.

Place: Conference Room 325

Aloha Robert N. Herkes and the Consumer Protection & Commerce House Committee,

My name is Jonathan Valdez, Dietetic Technician, Registered and a member of the Hawai'i Dietetic Association. Currently, The Affordable Health Care Act will change the way healthcare services are provided in Hawai'i. Although the details for implementation are not yet final, it is likely that only licensed health care professionals will be recognized as providers. It is imperative to enact the Dietitian Licensure Law which passed in year 2000, in order to improve access to nutrition services for Hawai'i's people.

I have **STRONG SUPPORT** for HB 2570, relating to the transfer of the Dietitian Licensure Law from the Department of Health to the Department of Commerce and Consumer Affairs.

In my current employment, as a WIC Nutrition Assistant, I observe malpractice that occurs from doctors and nutritionist who are not certified or licensed, utilizing Medical Nutrition Therapy outside his or her scope of practice. One example is a pregnant woman who had Gestational Diabetes Mellitus with a carb-controlled diet prescribed by her doctor. The pregnant woman had stated that her doctor had put her entire family on the same carbohydrate-limiting diet she was currently on. As a result, the child exceeded the recommendations for his carbohydrate intake, resulting of a high weight gain for his age and height. The child's BMI was off the chart. The mother had no health concerns. Her husband was also put on the same carbohydrate-limiting diet as she was, who did not have any form of diabetes. I tried referring her to a Registered Dietitian, but she was adamant of the diet her family was on, was correct. If the licensure law is implemented, it will provide legal recourse for those who have been harmed by unscrupulous practitioners.

In addition, licensure does not prevent anyone from talking about diseases, treatments and prevention, and it does not give RDs a monopoly on being able to talk about it. The law will help physicians identify qualified practitioners when they need to refer patients with serious medical conditions such as kidney disease, Type 1 Diabetes, HIV, Crohn's disease. Lastly, and most importantly, the law will certainly allow the public to identify qualified practitioners.

This is an example of the urgency required to implement the Licensing of Dietitians. I too, intend to become a Registered Dietitian within a year, after my Dietetic Internship. Mahalo for your consideration.

Respectfully yours,

Jonathan Valdez, DTR

808-358-4275

E-mail:jonathanavaldez@gmail.com



Jessica Stamm, MS CCN

February 11, 2012

To the Members of the Hawaii State Committee on Consumer Protection and
Commerce:

OPPOSED

I am writing in regards to HB2570 to inform you of how it will impact my small business and my career as a whole here in Hawaii.

I am a Certified Clinical Nutritionist, board certified by the Clinical Nutrition Certification Board. Prior to becoming board certified, I completed a 900-hour internship with one of the leading dietitians in the country who is also a CCN. I have a bachelor's degree in Biochemistry from Hood College and a Master's degree in Human Nutrition from the University of Bridgeport. I have over 10 years of clinical experience as the owner of a small business on the mainland working in concert with medical doctors, psychiatrists, and chiropractors to provide nutrition services to the general public. According to the current language of HB2570, despite my qualifications I would be denied licensure here in Hawaii because I am not a Registered Dietitian.

My husband is of Native Hawaiian descent and when I became pregnant with our first child two years ago, we made the decision to move back to Hawaii to raise our family here. Now that my son is older and I have been able to return to work, I have a small business providing professional nutrition care services, hoping to contribute to improving the health of my community. This law would negatively impact my start-up company because it creates a clear economic and competitive advantage for Registered Dietitians by excluding all other types of nutritionists from licensure, thereby denying them insurance reimbursement for their services. It would also give the appearance that Registered Dietitians are more fit to practice nutrition when in fact my training and experience exceeds that of many RD's.

Pushing people out of business can't be what legislators have in mind for their state. If I am legally unable to make a living in Hawaii, our family will be forced to consider relocating.

I urge you to consider my fate and the fate of others like me who are qualified in the field of nutrition yet would be excluded from practice by this bill. I am willing to help in any way possible to stop this bill from moving forward as it is, including re-writing this bill to be more inclusive. My contact information is below.

Sincerely,

Jessica Stamm, MS CCN

Certified Clinical Nutritionist
Honolulu, Hawaii
jessica@stammnutrition.com
Cell: (808) 294-7432

Testimony for HB2570 on 2/13/2012 2:15:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Sunday, February 12, 2012 9:13 AM
To: CPCtestimony
Cc: maeisonaga@mac.com
Attachments: Revision Rep Herkes testim~1.doc (44 KB)

Testimony for CPC 2/13/2012 2:15:00 PM HB2570

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Mae Isonaga
Organization: Individual
E-mail: maeisonaga@mac.com
Submitted on: 2/12/2012

Comments:

please substitute this for the testimony draft I submitted in error a few minutes ago. mahalo!

February 12, 2012

Subject: HB 2570, Relating to Licensing of Dietitians

Dear Chair Herkes and Members of the Consumer Protection Committee,

I am a Registered Dietitian (RD) and strongly support HB 2570. The purpose of this bill is to transfer the licensing program for dietitians from the Department of Health (DOH) to the Department of Commerce and Consumer Affairs (DCCA). The DOH was unable to establish the licensure program. DOH and DCCA now agree that this function is better administered in DCCA that handles professional licensing. We appreciate this administration's effort to finally implement the law passed in 2000.

I attended the Health Committee hearing for HB 2570 in which there was opposition to this bill. The opponents believe this bill will prohibit them from their nutrition practice. It is my understanding that there are sufficient exemptions in the bill to resolve this issue, and that unless opponents call themselves "licensed dietitians", they would not be affected.

Should there remain uncertainty in this bill's interpretation regarding "dietetic practice", I would fully support amending this bill by using language from HRS 448B, Dietitians and making administrative changes only so that DCCA is able to administer the program.

Thank you.

Mae Isonaga, MPH, RD

Dear Representatives,

I am writing to voice my strongest opposition to HB 2570, including the amended version of the bill.

Of greatest concern is the fact that this bill continues to create a monopoly on nutrition services for dietitians, denying consumers access to expert advice from nutritionists, some of the most highly educated and well-respected professionals in the field of nutrition.

The recent amendments to HB 2570 do not address any of my serious concerns with the bill. Under this bill, only licensed dietitians shall "practice dietetics" or "medical nutrition therapy". "Dietetics practice" as defined in this bill encompasses a wide range of nutrition services including the integration and application of scientific principles of nutrition, biochemistry and food in achieving and maintaining human health. These are services performed routinely by many qualified and practicing nutritionists. Under HB 2570, nutritionists will not be able to practice, ensuring a monopoly on nutrition services exclusive to RDs®.

Consequently, under this bill, nutritionists are forced to become licensed as dietitians in order to practice. Requiring one profession, i.e. nutritionists, to complete a program from a different profession, i.e. a dietitian, in order to practice nutritional therapy is absurd. This ignores the vast philosophical difference between nutritionists and dietitians, which are two entirely different fields of study and practice.

The negative implications of HB 2570 are far-reaching.

It is bad for Hawaii's economy. This bill would effectively eliminate an entire profession and removes all competition in the field of nutrition services.

It dampens freedom of choice in healthcare: Nutritionists and dietitians have entirely different philosophical approaches. Each individual has unique nutritional needs. This demands various different approaches to nutritional care and consequently individuals require access to choice - not just a one-size-fits-all approach.

It threatens to increase chronic health indicators among Hawaii's citizens: Nutritionists practice an integrative approach to medicine and concentrate on prevention and treatment of chronic disease. Public policy demands that access to nutritionists should be broadened, not reduced.

It penalizes a higher standard of education and training: Standards and requirements for the practice of nutritionists are most often much higher than the standards for dietitians described in this bill. For example, Certified Nutrition Specialists certified by the Certification Board for Nutrition Specialists (CBNS) have a Master's

degree at a minimum, usually a PhD, yet are excluded by this bill unless they meet the lower credentialing requirements required of dietitians.

Please oppose HB 2570!

Testimony for HB2570 on 2/13/2012 2:15:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Sunday, February 12, 2012 9:11 AM

To: CPCtestimony

Cc: maeisonaga@mac.com

Attachments: Dear Representative Herkes.doc (40 KB)

Testimony for CPC 2/13/2012 2:15:00 PM HB2570

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Mae Isonaga
Organization: Individual
E-mail: maeisonaga@mac.com
Submitted on: 2/12/2012

Comments:

Dear Representative Herkes.

My name is (fill in blank). I am a registered dietitian and (insert other credentials, job title, specialty area of dietetic practice). I support HB 2570 which transfers the licensing of dietitians from the Department of Health to consolidates licensing of registered dietitians as healthcare professionals under the Department of Commerce and Consumer Affairs. I have patiently waited since the passage of the our dietitian licensure law to apply for my dietitian license and appreciate this administration's effort to finally make this a reality. ~~(I am pleased that 12 years later this measure will allow for a simple transfer and implementation of a licensure program. Alternatively, for RDs who were not RDs 12 yrs ago they could omit the "I have patiently waited..." and instead state the "appreciate the administration's..."~~

I am proud to represent the profession that is dietetics. (Share your personalized message or story here):

(Examples would be what got you interested in becoming a dietitian or why you chose to become a dietitian. What you do in your daily work and why you find it rewarding. Speak from your heart and keep it real).

Many of us hold master's degrees and doctorate degrees. We complete a rigorous dietetic internship in the clinical and community setting which prepares

us to use our critical thinking to make accurate nutrition assessments in designing the most appropriate and clinically sound nutrition care plan. Those of us working directly with physician's as part of the healthcare team play an important role in helping to manage patients living with chronic conditions which benefit from services dietitian's provide. Licensing dietitians can assure the best possible nutrition care of our most vulnerable,

Representative Robert N. Herkes: CPC CHAIR

Measure: HB 2570 – Relating to Licensing of Dietitians

Committee on Consumer Protection and Commerce

Date: Monday, February 13, 2012

Time: 2:15 p.m.

Location: Conference Room 325

Dear Representative Herkes,

My name is Sally Belles. I am a Registered Dietitian and Certified Diabetes Educator. I support HB 2570 which consolidates licensing of registered dietitians as healthcare professionals under the Department of Commerce and Consumer Affairs. The Hawaii State Legislature supported, voted for and passed into law dietitian licensure in 2000. Since that time, I have patiently waited to apply for my dietitian license.

As the public policy coordinator for the Hawaii Dietetic Association (HDA) I have witnessed the unwavering dedication and devotion of the membership to see our licensure law finally implemented. I am pleased that 12 years later this measure will allow for a simple transfer and implementation of our licensure program. I am pleased that this measure has the support of Representative Yamane who passed the measure in committee by unanimous vote. This measure is also supported by Kaiser Permanente Hawaii and the federally qualified community health centers (FQHC's) which serve the majority of the Medicaid population. FQHCs are losing monies due to substandard reimbursements for dietitian services under Medicaid due to Hawaii dietitians not being licensed. Dietitians are required to be licensed in order to receive on par reimbursement under Medicaid. I mention this because I worked at the Waianae Coast Comprehensive Health Center for 8 years and lived in the Waianae community for over 15 years. The need for nutrition services and qualified nutrition professionals in this community is evident.

Many of dietitians hold master's degrees and doctorate degrees. We complete a rigorous dietetic internship in the clinical and community setting. This prepares us to use our critical thinking to make accurate nutrition assessments in designing the most appropriate and clinically sound nutrition care plan for our patients and clients. Dietitians work directly with physicians as part of the healthcare team and play an important role in helping patients

living with chronic conditions to better manage their condition. These patients and clients benefit from services dietitians provide.

I am rewarded every day of my life when I am at work. Each day presents a chance for me to help others improve their life through better nutrition. I work with many types of patients including patients undergoing chemotherapy and persons living with diabetes a devastating condition that can lead to serious complications and death. I have witnessed, firsthand the seriousness of the condition that is diabetes. I watched my grandmother lose her sight to diabetes. I observe my mother in pain from diabetic neuropathy. I have a passion for my work and my role as a leader in the dietetic organization. I am proud to call myself a dietitian and look forward to the day I can post my license on my office wall (apply for my license). This will make clear to the patients and clients I see that they are receiving the highest quality of care from a highly qualified professional licensed in dietetic practice. This measure will ensure the protection of the public. The people of Hawaii deserve the highest quality of nutrition services that persons in other states with dietitian licensure enjoy now.

For these reasons I respectfully ask for your favorable consideration and support of this measure which will allow for licensing of Hawaii dietitians.

Respectfully Yours,

Sally M. Belles, RD, CDE
Public Policy Coordinator for the Hawaii Dietetic Association
Email: sallysmiles@me.com
(808) 753-1472

February 11, 2012

Dear Representatives

I am writing to **strongly oppose HB2570 (amended), regarding Licensing of Registered Dietitians®.**

I am a licensed Doctor of Chiropractic in the State of Hawaii. In my private practice, I have worked with many patients that have benefited greatly from the nutritional education/resources that I am able to provide to them.

Healthcare providers such as myself, who offer nutritional counseling, provide a unique and effective alternative to the standard nutritional services provided by Registered Dietitians®. More importantly, each individual should have a choice when it comes to obtaining nutritional counseling/services.

I vigorously oppose this bill because it:

- Needlessly eliminates the ability of hundreds of Hawaiians to pursue their livelihood in Hawaii, forcing them to stop or move out of state, taking all related business with them;
- Creates a clear economic and competitive advantage for the sole benefit of a single trade group, Registered Dietitians® by excluding all other nutritionists from licensure, thereby disqualifying them for insurance reimbursement for their services.
- Increases healthcare costs by removing competition, supply, and patient options in the field of nutritional healthcare services;
- Results in the criminalization of nutrition counseling for many highly trained professionals, who may utilize nutrition in patient care including, among others, chiropractors, pharmacists, nurse practitioners and physician assistants.
- Confuses one trade group, Registered Dietitians®, with an entire profession, Nutrition, and assists that trade group in using legislation for it's own marketing purposes and to gain competitive advantage.

I sincerely hope you will closely examine HB2570 to see how hugely detrimental it would be for Hawaii's health and economy and that you will vote against this bill. Thank you for your consideration.

Respectfully,

Chad Hayakawa, DC

Representative Robert N. Herkes: CPC CHAIR

**Measure: HB 2570 – Relating to Licensing of Dietitians
Committee on Consumer Protection and Commerce**

Date: Monday, February 13, 2012

Time: 2:15 p.m.

Place: Conference Room 325

Dear Representative Herkes,

My name is Shirley Chieko Seeger and I am a Registered Dietitian residing and working in Wahiawa, Hawaii. I urge you to pass HB 2570.

Dietitians have long awaited the implementation of our licensure, which was passed into law in 2000. Our local dietitians are forced to go out of the state of Hawaii to obtain their license for jobs in Hawaii that require it. And, out of state licensed dietitians are taking these jobs since we local residents are still awaiting licensure in Hawaii.

Passing this bill will also ensure that community health centers receive more federal funding, as reimbursement for nutrition services to our Medicaid population requires that the dietitian be licensed.

Thank you,

Shirley Chieko Seeger, RD, CDE

Representative Robert N. Herkes: CPC CHAIR

Measure: HB 2570 - Relating to Licensing of Dietitians

Committee on Consumer Protection and Commerce

Date: Monday, February 13, 2012

Time: 2:15 p.m.

Place: Conference Room 325

From: Justin Miyashiro, RD. Member of Hawaii Dietetic Association

Re: In Support of HB 2570-Relating to Licensing of Dietitians

My name is Justin Miyashiro. I am a registered dietitian and have been working at Kaiser Permanente here in Hawaii for the last 11 years. I am also a member of the Hawaii Dietetic Association. I am writing in support of HB 2570.

Legislation to license registered dietitians (RDs) in Hawaii was passed by the Hawaii State Legislature and became law in the year 2000. To date we still do not have implementation of dietitian licensure.

The Affordable Health Care Act will change the way healthcare services are provided in Hawai'i. Although the details for implementation are not yet final, it is likely that only licensed health care professionals will be recognized as providers. It is imperative to enact the Dietitian Licensure Law which passed in year 2000, in order to improve access to nutrition services for Hawaii's people.

Hawaii's Medicaid State Plan requires dietitians to be licensed to be eligible for reimbursement for services. Directors of community health centers are advocating for dietitian licensure to help make nutrition services more accessible to clients. Patients and clients are already being turned away for inability to pay out of pocket expenses for services which would be reimbursed if provided by a licensed dietitian.

Included in efforts to improve quality and affordability of healthcare services is the use of the patient centered medical home (PCMH) model. Language stipulates that the registered dietitian must be included as a necessary healthcare team member and should be a licensed, qualified professional. Kaiser is the first healthplan in Hawaii to have all of their ambulatory clinics PCMH certified and dietitians are practicing in almost all clinics.

The licensure bill does not prevent other professionals who are qualified or credentialed from practicing. Licensure does not prevent anyone from talking about diseases, treatments and prevention, and it does not give dietitians a monopoly on being able to talk about it.

In closing, I would like to ask the committee to please support this bill to protect our community and to allow RDs in Hawaii to continue practicing

Respectfully submitted,

Justin Miyashiro, RD
808-432-3589

February 12, 2012

Dear Representatives,

I am writing to voice my strongest opposition to HB 2570 (amended), regarding Licensing of Registered Dietitians.

I am currently in school and greatly look forward to becoming a Certified Holistic Health Coach come July 2012. I have been able to heal my own health issues and find relief in my autoimmune disease through holistic practices within months that no Medical Doctor or Registered Dietician in this country was able to help me with for over 14 years. I only wish I had discovered these natural approaches to healing 14 years ago, instead of living in pain that whole time. Consequently, I decided to become a Certified Holistic Health Coach to help others heal who are suffering needlessly. I don't personally intend to practice in the state of Hawaii for other reasons, but I'm writing regardless because there is so much at stake here, and Hawaii cannot afford to lose its current unlicensed practitioners.

This country's medical system (including its' registered dietitians), are not in a position financially to sit down with an individual patient and talk to them for hours about healing them through nutrition and lifestyle. This is where health coaches come in, and we are becoming a very much needed intermediary between doctor and alternative health professional who simply do not have the means to take patients from point A to point B. Health coaches, as well as clinical nutritionists, play a vital role in helping to heal the population and fix the current health crisis of this state, and this country. Instead of limiting the freedoms of our citizens by taking viable options away from them, we should be celebrating the people to call forth their genius to find innovative solutions to our health crisis. It's our duty as citizens of our great nation to encourage innovation and that comes from faith and freedom, not fear and fatalistic practices.

Registered dietitians are the backbone of the current American health care system, and I respect the work that they do. However, the approaches that health coaches take are very different from those of an RD. We not only address how to heal through proper nutrition for that specific individual, but we look at that individual as a whole. We work on finding balance in all aspects of his/her life, including emotional, physical, mental, and spiritual wellbeing. This is a very comprehensive approach, and it yields results. And since each program is tailored specifically for that one individual, the positive results are even greater. So instead of taking choices away from people, you really should consider giving them more opportunities to achieve optimal health, and freedom to choose what is right for them. This in turn will result in a much stronger, healthier, and happier community that can function more optimally. I think it's quite safe to say that to create a bill that funnels a person's health through one mode of training is unethical and severely flawed in theory.

In treating the whole person, health coaches don't just focus on specific body parts like the heart, lungs, brain, or digestive tract. These things are all interconnected, and work together as one unit. In today's world we have specialists for each of these specific body parts, and these specialists will in very rare cases communicate with one another when it comes to one specific patient. This is not always the most effective approach, and people need to have alternative options to explore when it comes to their own health, vitality, and their life. Health Coaches practice an integrative approach to medicine and largely concentrate on prevention of chronic disease before it even has a chance manifest itself. The vitals are staggering at how immensely beneficial health coaching can be to one person. To eliminate health coaches and other such healers in Hawaii is a step in the wrong direction.

As the bill is currently worded only a licensed dietitian shall "practice dietetics" or medical nutrition therapy. "Dietetics practice" as defined in the bill encompasses a wide range of nutrition services including the integration and application of scientific principles of nutrition, biochemistry, and food in achieving and maintaining human health. These are services performed routinely by many qualified and practicing nutritionists. Consequently, under this bill, nutritionists are forced to become licensed as dietitians in order to practice. Requiring one profession, i.e. nutritionist, to complete a program from a different profession, i.e. dietitian, in order to practice nutritional therapy is absurd. This ignores the vast philosophical difference between nutritionists and dietitians, which are two entirely different fields of study and practice.

Additionally, his bill penalizes a higher standard of education and training: standards and requirements for the practice of nutritionists are most often much higher than the standards for dietitians described in this bill. For example, Certified Nutrition Specialists certified by the Certification Board for Nutrition Specialists (CBNS) have a Master's degree at minimum, usually a PhD, yet are excluded by this bill unless they meet the lower credentialing requirements required of dietitians.

Just for a moment, picture the current state of America's health. It's a pretty sad sight. Diseases have skyrocketed. As of last year, baby boomers started accessing Medicare: unlimited health care for those over 65 years of age, when diseases really start. There are promises. But there are no provisions. Where is all this money going to come from? And sadly, most of these diseases are all easily preventable, even reversible, with proper nutrition and lifestyle that licensed practitioners are not allowed to practice. There's a reason why this country's health is in such a sorry state, and obviously what we've been doing so far is not working. The growing need for nutritionists, nutrition counselors, and integrative nutrition coaches is growing because the status quo is not working.

This is precisely why the whole health coaching profession came about, to help fix the current health crisis at a minimal expense. There is a critical need in today's society for alternative approaches to healing. And although I am focusing largely on Health Coaches in particular, I am referring to all alternative health practitioners that serve the public. Are you really in a position to criminalize nutrition counseling for many highly trained professionals, who may utilize nutrition in patient care including, among others, chiropractors, pharmacists, nurse practitioners, and physician assistants? I really don't believe it is up to one small group of people like yourselves to determine entire fields of approaches in one sitting. Hawaii has so many other pressing matters at hand and really is not in any shape to take on more burden unto itself. This bill clearly threatens to increase chronic health indicators among Hawaii's citizens, and is simply put, a bad idea.

Just this past week I took my son to a Registered Dietician, who was incredibly impressed with his diet and lifestyle, and who openly expressed her desire to be able to do work she truly believes in. She felt very stifled by having to comply with ADA regulations and making recommendations to patients she knew wouldn't truly help them. It was heart breaking to listen to her story, knowing how many people she comes in contact with daily and how many people's lives could be touched on a much deeper level. I recommended my school to her as an option and she was enthralled with the idea, but that same fear was there that all alternative health practitioners have felt, and for this very reason. People are too scared to stand up for what they know is right and what they truly believe in because big companies/corporations/associations/industries/etc. have more money and hence, more power to shut down those that threaten to limit their competition.

Take for example the Chiropractic Association that for decades was put down by the Medical Association. And for what reason? Paperwork was later found that showed the Medical Association was purposefully trying to limit competition! They know intimidation works, and thus use fear to keep people from alternative medicine for their own gain and profit. Again, something is not right here, and it needs to be fixed.

The general public goes to MDs and RDs expecting expert advice, and in return, more often than not, gets mediocre recommendations and a whole list of medications. Don't get me wrong, medications most certainly have their place in our world (as do MDs and RDs), when used properly. But we are all well aware that medications are being handed out like candy these days. Prescribing medication after medication when it doesn't work to make the rich even richer and the sick even sicker, is clearly not the right thing to do. Medications only put a band aid on symptoms, at best. Health coaches and other unlicensed practitioners work vigorously to get to the root cause of these symptoms, and hence, true healing can finally occur. Eradicating the true healers in Hawaii does not serve anyone except for the ADA. Again, there is something wrong with our current state of affairs. And it is perfectly evident in our current epidemics of obesity, diabetes, heart disease, etc. Obviously what the government is currently doing, is not working, and things need to change.

Another good thing to consider when making the decision to eliminate an entire profession that truly serves the public, is the fact that not a single person in history has ever been harmed by an unlicensed practitioner. On the contrary though, there are several well documented cases of harm caused by licensed professionals in the healthcare system using FDA approved products and treatments. One good example would be Vioxx, which was dispensed by licensed practitioners, and the FDA's own representatives estimated that over 58,000 people died as a result of taking it. So if it's an issue of protecting the public, we have to see that licensure does not necessarily equate to a guarantee of safety.

Before a panel of lawmakers even thinks of going down the road of disrupting the choices and options to its constituents, it needs to think long and hard about what these professions do for society as a whole. Making a decision on behalf of all professions to say that we have to conform to only one standard cannot be taken lightly. You are playing with people's lives, health, and the future of health in Hawaii. Not to mention that this bill is bad for Hawaii's economy, as it would effectively eliminate an entire profession and remove all competition in the field of nutrition services. Thousands of people around the nation and the world have been healed through food, changing lifestyles, medical miracles, and a vast array of treatments. One size does not fit all. It would be crazy to think so and even crazier to set it in stone through a law like this.

The negative implications of HB 2570 are far-reaching, but you don't need me to state the obvious.

I believe Thomas Jefferson said it best when he said, "If our people let government decide what foods they eat and what medications they take, their bodies will soon be in a sorry state as souls who live under tyranny." This quote alone explains exactly why we are in the predicament we are currently in with regards to America's health. Let's start turning things around, instead of making them even worse.

I sincerely hope you will closely examine HB 2570 to see how hugely detrimental it would be for Hawaii's health and economy and that you will vote against this bill. Thank you for your consideration.

With Much Respect,

Tiina McKay

Testimony for HB2570 on 2/13/2012 2:15:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Saturday, February 11, 2012 10:41 PM

To: CPCtestimony

Cc: carob88@peoplepc.com

Attachments: HB 2570.doc (16 KB)

Testimony for CPC 2/13/2012 2:15:00 PM HB2570

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Caroline Barbeau

Organization: Individual

E-mail: carob88@peoplepc.com

Submitted on: 2/11/2012

Comments:

I wish to continue to seek and receive the nutritional counsel I desire from the source I choose; be it an MD, an ND, a homeopath, a wellness coach, a nutritional consultant, or any other source. I know many dietitians, some as friends. That being said, my experience has shown me their limited expertise of the four basic food groups and a limited knowledge of the vital role that real unprocessed whole foods and supplements play in our health and well-being..

This is the land of the free. Please help us keep this personal freedom.

I am writing to voice my strongest opposition to HB 2570, including the amended version of the bill.

Of greatest concern is the fact that this bill continues to create a monopoly on nutrition services for dietitians, denying consumers access to expert advice from nutritionists, some of the most highly educated and well-respected professionals in the field of nutrition.

The recent amendments to HB 2570 do not address any of my serious concerns with the bill. Under this bill, only licensed dietitians shall "practice dietetics" or "medical nutrition therapy". "Dietetics practice" as defined in this bill encompasses a wide range of nutrition services including the integration and application of scientific principles of nutrition, biochemistry and food in achieving and maintaining human health. These are services performed routinely by many qualified and practicing nutritionists. Under HB 2570, nutritionists will not be able to practice, ensuring a monopoly on nutrition services exclusive to RDs®.

Consequently, under this bill, nutritionists are forced to become licensed as dietitians in order to practice. Requiring one profession, i.e. nutritionists, to complete a program from a different profession, i.e. a dietitian, in order to practice nutritional therapy is absurd. This ignores the vast philosophical difference between nutritionists and dietitians, which are two entirely different fields of study and practice.

The negative implications of HB 2570 are far-reaching.

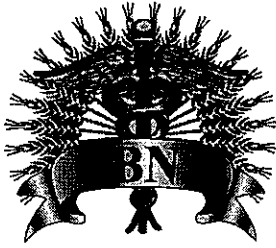
It is bad for Hawaii's economy. This bill would effectively eliminate an entire profession and removes all competition in the field of nutrition services.

It dampens freedom of choice in healthcare: Nutritionists and dietitians have entirely different philosophical approaches. Each individual has unique nutritional needs. This demands various different approaches to nutritional care and consequently individuals require access to choice - not just a one-size-fits-all approach.

It threatens to increase chronic health indicators among Hawaii's citizens: Nutritionists practice an integrative approach to medicine and concentrate on prevention and treatment of chronic disease. Public policy demands that access to nutritionists should be broadened, not reduced.

It penalizes a higher standard of education and training: Standards and requirements for the practice of nutritionists are most often much higher than the standards for dietitians described in this bill. For example, Certified Nutrition Specialists certified by the Certification Board for Nutrition Specialists (CBNS) have a Master's degree at a minimum, usually a PhD, yet are excluded by this bill unless they meet the lower credentialing requirements required of dietitians.

Please oppose HB 2570!



Certification Board for Nutrition SpecialistsSM

4707 Willow Springs Road, Suite 203B ■ La Grange, IL 60525

phone: (202) 903-0267 ■ fax: (888) 712-1450
email: office@CBNS.org ■ web: CBNS.org

MEMORANDUM OF OPPOSITION

HB 2570 Amendment (Yamane) Relating to licensure of dietitians.

February 10, 2012

On behalf of the Certified Nutrition Specialists in Hawaii, the Certification Board for Nutrition Specialists (CBNS), a premier national certifying body for advanced-degreed nutrition professionals*, **strongly opposes the HB 2570 Amendment** for the following reasons:

- It would likely exclude our group of highly credentialed nutritionists with requirements far surpassing those of Registered Dietitians and result in loss of their profession and livelihood. This would have a grave negative effect on the economy of Hawaii and the health and well-being of its citizens.
- It would prevent all nutrition providers, other than RD's, the ability to obtain insurance reimbursement. Giving one professional trade group the economic advantage of insurance coverage creates a perceived, second class status that greatly reduces their marketability.
- It would supersede federal requirements under Centers for Medicare and Medicaid. Currently, CNS's easily meet the requirements and are eligible for insurance reimbursement in Hawaii. However, once a state adopts licensure, all nutrition practitioners must be licensed in that state in order to qualify for reimbursement. Private insurers follow the lead of CMS in creating reimbursement guidelines, thus excluding CNS's from obtaining insurance reimbursement.
- It was not vetted for economic impact with a required Small Business Impact Statement in compliance with Hawaii 201-M Hawaii Revised Statutes. Affected small businesses were not notified under RegALert and afforded the opportunity to give feedback as to impact and to participate in the regulatory process.
- If there is justification for licensure, since the adoption of licensure by the state affects the status, marketing and economic security of all nutrition care providers, all affected parties must be equally represented at the table from the outset in creating such legislation.

Robert I-San Lin, PhD, CNS, FACN, FICN, President

Stanley J. Dudrick, MD, CNS, FACN, Vice President ■ Jonathan W. Emord, JD, Vice President

David Heber, MD, PhD, CNS, FACN, Vice President ■ Sidney J. Stohs, PhD, CNS, FACN, ATS, Vice President

Certification Board for Nutrition SpecialistsSM

To discuss, please contact me at MStroka@CBNS.org / (202) 903-0267, or Legislative Chair Corinne Bush, MS, CNS at CBush@CBNS.org / (908) 246-7518.

Sincerely,

Michael Stroka

Michael Stroka, JD, MBA, MS, CNS
Acting Executive Director, Certification Board for Nutrition Specialists

**The Certification Board for Nutrition SpecialistsSM was founded in 1993 by the American College of Nutrition, a leading professional nutrition science society, to provide certification of advanced-degreed, experienced nutrition professionals. The Certified Nutrition SpecialistSM (CNSSM) credential requires an advanced degree (e.g. Master's, PhD, MD) from a regionally accredited university, substantial practice experience, and successful completion of our stringent CBNS Certifying Examination on clinical nutrition science. To assure that the CNS is current with new advancements in nutrition care, the certificant must be recertified every five years and must accumulate 75 continuing education credits.*

The CNS designation and exam is incorporated into the nutrition and dietetics regulatory regimes of over ten states. Certified Nutrition Specialists work in most areas of nutrition care – private practice, institutions, public and community healthcare, research, universities and industry.

HAWTHORN UNIVERSITY

A Leader in Online Holistic Nutrition Education

www.hawthornuniversity.org



Liz Lipski, PhD, CCN, CHN
Director of Doctoral Studies / Education Director
4719 Brownstone Drive, Duluth, GA 30096
770-446-1030 / Fax: 877-307-5020 Liz@hawthornuniversity.org

RE: HR2570: Relating to Licensing of Dietitians

Representative Robert Herkes
Chair Consumer Protection
repherkes@capitol.hawaii.gov
Fax: 808-586-6151

Dear Rep. Herkes

I am writing in opposition HB 2570. I represent the graduates from my university, myself as a former resident of Hawaii, and as someone who was hurt by a restrictive law such as this one. I am a former resident of Kauai and opposed and testified about similar bills three times.

I urge you not to hear this bill. It is a monopoly bill that will hurt many nutritionists in the state and restrict freedom of health care choice to the people in Hawaii. Dietitians are ONE TYPE of qualified nutritionist; the Academy of Dietetics and Nutrition, formerly the American Dietetic Association is a trade organization that consistently files monopoly bills in every state.

Although the scope of practice overlaps, less than 2% of RD's work in clinical settings, the rest work in institutions: hospitals, nursing homes, WIC, and schools.

The amended bill says: (1) A person working within the scope of practice or duties of another licensed profession that overlaps with dietetic practice, provided the person does not purport to be a dietitian;

I am the Education Director and Director of Doctoral Studies at Hawthorn University. We have two Hawaiian graduates who have earned Master's degrees in Holistic Nutrition. We also have one current Hawaiian student in the same program. I want our graduates to be able to legally practice in Hawaii. The way that this is written, they will not be able to continue their businesses.

What about nurses, chiropractors, health coaches, psychologists, drug/alcohol counselors who use nutrition in their own work? Lifestyle medicine and health coaching is in future of medicine. The fact that nutrition, fitness, sleep, rest, and relaxation have been left out of medical care for so long is a shame. This bill would cut off people who have metabolic syndrome, obesity, increased risk to cardiovascular disease, cancer and other chronic diseases from getting access to good care. Do you think that 100 or so RD's in Hawaii could actually service everyone in the state? People have a right to choose who to get their nutrition assessment and advice from.

For me, this bill is akin to respiratory therapists saying that no one else is allowed to teach breathing techniques. Food and nutrition, like breathing belongs under the domain of no single trade group.

To introduce a bill of this type, there is supposed to be a Small Business Impact Review before introducing the bill. Although it may look like this bill just shifts responsibility to a different government agency, the switch from certification to licensure is a dramatic and far-reaching one. This bill is a NEW initiative which will have a negative impact on small businesses in the state. Were other nutritionists notified for public comment? Were health coaches, nurses, chiropractors and others who use nutrition notified for public comment? So far, I cannot determine that this was done. If one was done I'd love to see it.

This type of law harms people. I know this from personal experience. I was living in North Carolina until last August. In Feb. 2011 I received a cease and desist notice for practicing nutrition without a license. I applied for licensure and was denied because I did not meet the "minimum educational requirements" which are a BS in dietetics and a dietetic internship of 900 hours. I hold a doctorate in Clinical Nutrition from a regionally accredited university did a 2000 hour internship, am board as a Certified Clinical Nutritionist through the Clinical Nutrition Certification Board, and as a Holistic Nutritionist through the Credentialing Board in Clinical Nutrition. Yet somehow I do not meet the minimum educational requirements. I've been in clinical practice for 30+ years. The law states that a person with a PhD in nutrition can be licensed, but the rules and regulations have been written so restrictively that only a dietitian qualifies for licensure. This has been reenacted in many states. Fortunately my husband was offered a job in Georgia and we moved. Here I cannot be licensed (RD's only are licensed), but at least I can do my work without fear. But if I decide to accept insurance, I will be denied because I am not licensed.

What is the benefit of this bill? The reason for licensure is to protect the public from harm. With certification in Hawaii, people already can see who is certified. This already protects the public.

So, why is licensure necessary? The dietitians say that they would like to have insurance reimbursement. Reimbursement has NEVER been a justification for licensure. Current Medicare/Medicaid (CMS) requirements do not call for licensure except for WIC providers.

If you still think that licensure of nutritionists is needed, it must be inclusive for ALL nutritionists who meet the federal guidelines for CMS for Medicare/Medicaid:

<http://cfr.vlex.com/vid/410-134-provider-qualifications-19805887>

- (a) Holds a bachelor's or higher degree granted by a regionally accredited college or university in the United States (or an equivalent foreign degree) with completion of the academic requirements of a program in nutrition or dietetics accredited by an appropriate national accreditation organization recognized for this purpose.
- (b) Has completed at least 900 hours of supervised dietetic practice under the supervision of a registered dietitian or nutrition professional.

Currently there are at least five national boards that certify nutritionists. Many of these have higher educational requirements than for dietitians, which is at the B.S. level. CCN's match this requirement while CNS's and DABCN's require advanced degrees, MS or doctorate. All have qualifying national board certification exams.

- The Accred. Council for Educ. in Nutr. and Dietetics (ACEND) which certifies Dietitians (RD's) When I lived in Hawaii, there were 80 RD's. *Most have BS degrees.*
- The Clinical Nutrition Certification Board (CNCB) which certifies Clinical Nutritionists (CCN's) There are currently 4 CCN's in Hawaii. *The minimum qualification is a BS, but most CCN's have MS, doctoral, or advanced degrees in Chiropractic Medicine, Pharmacy, Medical Physicians, etc. www.cncb.org.*

- The American College of Nutrition (CAN) which certifies Certified Nutrition Specialists (CNS's). There are currently 4 CNS in Hawaii. *The minimum qualification is MS or doctorate.*
- The American Clinical Board of Nutrition (ACBN) which certifies Diplomats of the American Clinical Board of Nutrition (DACBN's). There is currently 1 DACBN in Hawaii. www.abcn.org *The minimum qualification is MS or doctorate.*
- The Holistic Nutrition Credentialing Board (HNBC) through the National Association of Nutrition Professionals (NANP) which certifies Holistic Nutritionists (CHN's). None as of yet in Hawaii. This is a young organization. *The minimum qualification is graduation from a vocational school who has been approved by the board, although many people have BS, MS, PhD or other advanced clinical degrees.*

If this continues to be a bill that ONLY licenses dietitians, other nutritionists will be penalized. Once licensure occurs, then ONLY people who are licensed get Medicare/Medicaid reimbursement. Private insurers follow. This puts non-RD nutritionists at a huge economic disadvantage. Again, I saw this put into practice in North Carolina where I was denied the ability to submit for 3rd payer reimbursement because I was not licensed.

We've been asked, why don't we submit our own bill? But would it be best for ALL qualified nutritionists to sit down together to discuss ways that we can write a single bill that is inclusive, and to have a board that is inclusive?

What if respiratory therapists wanted a law that said that only they could teach people breathing exercises? Criminalizing nutritional assessment and therapeutic recommendations is like trying to regulate who can teach breathing.

Since you will be either hearing this bill or refusing to pass it through your committee. please make sure that it is fair. Either ask us to sit down at a table and write a bill that works for all health professionals OR stop this bill here. This is at least the 5th time that a bill like this has been introduced in Hawaii. Isn't it time to stop the waste of time and money and either get something that works or refuse to hear it for at least another 5-10 years? I have great respect for the work that dietitians do. They deserve to receive insurance reimbursement, which they can already do. But I also respect the many nutritionists who are also well-trained, and they also deserve to be reimbursed AND to be able to practice what they have been trained to do.

Thank you for this opportunity.

Mahalo,

E. Lipski PhD CCA

Elizabeth A. Lipski, PhD, CCN, CHN

Registered Dietitian (RD)

Certified Clinical Nutritionist (CCN)

Physician Nutrition Specialist (PNS)

Certified Nutrition Specialist (CNS)

Certified in Holistic Nutrition (CHN)

Diplomate Amer Clin Board of Nutr (DACBN)

Public Health Nutritionist

Nutrition Scientist and Researcher

Food Service

Nutrition Educators

BS. or MS in Nutrition without internship

University Faculty

Types of Nutrition Profesionas



February, 10, 2012

Dear Representatives,

opposed

I'm writing today concerning HB 2570, about to be heard by your committee. Michigan passed a similar law in 2006, which created such public uproar that it has recently been reviewed by our Dept. of Regulatory Reinvention. Though we are awaiting announcement of the findings, we expect that the law will be overturned because of its many unintended economic and health consequences, and its unmistakable protectionist intent. The mission to create a market advantage for Dietetic Association member practitioners has been constant over decades of campaigning in states throughout the country, as these two ADA quotations, three decades apart, illustrate:

"Licensure also can protect dietitians by limiting the number of practitioners through restrictions....This protection provides a competitive advantage and therefore is economically beneficial for dietitians." ADA President Mary Haschke, Journal of the American Dietetic Association Vol 84, No 4 (April 1984)

"Because professional regulations act as a barrier to entry..., they effectively restrict the supply of practitioners and often lead to an increase in the cost of services." Licensure: House of Delegates Backgrounder, American Dietetic Association (Fall 2011)

As implementation of the Affordable Care Act provides for more preventive services, nutrition counseling is one that is called for throughout, and is already starting to be covered more by insurers because of its significant cost cutting potential. The law you are considering would guarantee one trade group, Registered Dietitians, within a broad profession, Nutrition, a competitive advantage that would choke out unlicensed competitors. Licensure is not required for insurance reimbursement. Adoption of licensure by a state however, triggers a mandate in HHS rules for Medicare/Medicaid reimbursement, that all nutrition practitioners in the state be licensed in order to qualify for reimbursement. **Centers for Medicare & Medicaid Services, HHS § 410.140 42 CFR Ch. IV (10-1-09 Edition)**. Private insurers generally follow these federal guidelines. Because HB 2570 excludes a path to licensure for all others, this law creates inequitable financial incentives for consumers to choose one type of nutritionist over all others.

You might be thinking, "why can't nutritionists get their own licensing law?". This law immediately has economic impact on all nutrition care providers; it is not just about Registered Dietitians, as it has been portrayed. The fact that the impact is quite favorable for one group and quite unfavorable for all others, is reason enough that all affected groups should be at the negotiating table for *one* law. The burden should not be on the harmed group to try to rectify the wrong with a different piece of legislation, which may or may not occur, and may or may not accomplish that goal in a timely enough

fashion. Especially when the opportunity exists now to prevent that harm from occurring at all to a significant number of Hawaii entrepreneurs. I believe Hawaii law recognized that principle in establishing your Small Business Impact Review and RegAlert system under Hawaii 201M Revised Statutes.

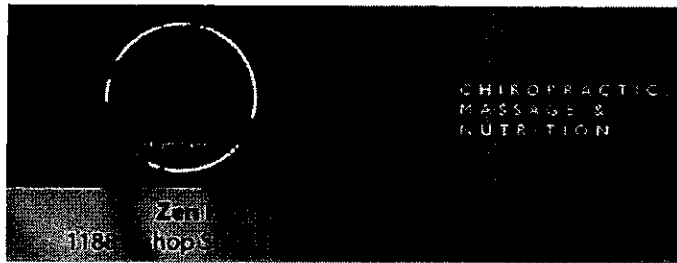
Only 2% of dietitians are in private practice (ADA Compensation and Benefit Survey of the Dietetic Profession 2009.) Most work in hospitals, nursing homes, schools, prisons, government programs, or consult to business. Almost 100 % of other nutritionists work as entrepreneurs, or for entrepreneurs. This law would put most of those small business people out of business, at the same time eliminating valuable, community-based, preventive care resources for Hawaii. It's hard to imagine legislators would knowingly vote for a law with those negative outcomes.

Unlicensed health professionals, not the least of which are traditional, native healers. have provided excellent care to their communities for centuries. Should they be fined \$1000/day for what they offer their communities, as they would be under this law if their advice includes nutritional healing?

I urge you to please give careful consideration to the unintended consequences of this bill, and to oppose it.

Respectfully,

Judy Stone, CN, MSW
Executive Director
Michigan Nutrition Association
www.MichiganNutritionAssociation.org



February 10, 2012

Dear Representatives,

I am writing to strongly oppose HB2570 (amended), regarding Licensing of Registered Dietitians®.

I, Hong Zeng Yuen-Schat, am a doctor of chiropractic practicing in Honolulu since 2004.

I vigorously oppose this bill because it:

- Needlessly eliminates the ability of hundreds of Hawaiians to pursue their livelihood in Hawaii, forcing them to stop or move out of state, taking all related business with them;
- Creates a clear economic and competitive advantage for the sole benefit of a single trade group, Registered Dietitians® by excluding all other nutritionists from licensure, thereby disqualifying them for insurance reimbursement for their services.
- Increases healthcare costs by removing competition, supply, and patient options in the field of nutritional healthcare services;
- Results in the criminalization of nutrition counseling for many highly trained professionals, who may utilize nutrition in patient care including, among others, chiropractors, pharmacists, nurse practitioners and physician assistants.
- Confuses one trade group, Registered Dietitians®, with an entire profession, Nutrition, and assists that trade group in using legislation for it's own marketing purposes and to gain competitive advantage.

I sincerely hope you will closely examine HB2570 to see how hugely detrimental it would be for Hawaii's health and economy and that you will vote against this bill. Thank you for your consideration.

Respectfully,

Hong Zeng Yuen-Schat, D.C.



PO Box 22298

Honolulu, HI 96823-2298

Hawai'i Dietetic Association

Representative Robert N. Herkes: CPC CHAIR

Measure: HB 2570 – Relating to Licensing of Dietitians

Committee on Consumer Protection and Commerce

Date: Monday, February 13, 2012

Time: 2:15 p.m.

Place: Conference Room 325

Dear Representative Herkes,

I am Cyndy Kahalewale MPH, RD. I have been a registered dietitian (RD) in Hawai'i for over 20 years. SUPPORT the passage of HB 2570.

It is clear that this measure is not meant to be exclusionary. It is not trying to protect one profession at the expense of others. On the contrary, it is very inclusive and absolutely necessary. It complies with the federal statutes that already exist and stipulate registered dietitians as providing medical nutrition therapy and billing for such services.

We have been waiting for the Department of Health (DOH) to implement the law that was passed in the year 2000. As of today, we do not have an active licensing process in place at DOH. Recently, The Hawaii Dietetic Association (HDA) met with DOH. We understand and fully support their position to consolidate and transfer the licensing of registered dietitians to Department of Commerce and Consumer Affairs (DCCA). We appreciate the support of DOH and the urgency they see in moving this through so that implementing licensure at DCCA can occur. DCCA already provides licensing to other similar healthcare professionals. HDA is very appreciative of DCCA being in full support of this transfer.

It is important to note the difference with this measure (HB 2570) and the earlier licensure law from 2000. There is new language referring to dietetic practice. This measure will not alienate nor put other nutrition professionals out of business. The purpose of this measure is to simply transfer dietitian licensure for implementation and define the specific standards and qualifications of dietetic practice. This measure supports the right of choice for all people of Hawai'i to choose their own nutrition professional. On page 1 of HB 2570, there is reference to the exemptions. The exemptions allow for other nutrition professionals to practice within their scope of practice - they simply shall not call themselves "dietitians".

Lastly, it is imperative that we see this measure through as passage into law. I am well aware that HDA has done their due diligence (over the past 12 years) in working with the Governor, DOH, DCCA, our membership and others of interest to come up with a win-win solution for all. Currently, we have dietitians going out of state to obtain a license to become employed in Hawaii. We have out-of-state dietitians coming to Hawaii with their out-of-state licenses taking our local dietitian jobs. And we have our community health centers (FQHCs) asking – "when are you going to get your license so we can bill for your services?"

I respectfully ask that this measure be passed in an effort to facilitate licensing of dietitians.

Respectfully Yours,

Cyndy Kahalewale, MPH, RD

General Dietitian

808-223-3957

February 10, 2012

Dear Representatives,

I am writing to **strongly oppose HB2570 (amended), regarding Licensing of Registered Dietitians®. We have a big obesity and diabetes problem in Hawaii and I am working hard to try to educate and advise my clients on how to be healthier and happier.**

I am a certified health/wellness coach on the Big Island with my training from the largest nutrition school in the world, Institute for Integrative Nutrition. I currently have my own private practice and also teach health and nutrition to nearly 400 students in K-5 at Waimea Elementary School, as well as students and teachers at HPA. I am also a member of Hawaii's Holistic Hawaii group.

For me to be able to continue educating hundreds of Hawaiian residents and children how to eat and live healthier, it is imperative that HB2570 does not become law.

I also vigorously oppose this bill because it:

- Needlessly eliminates the ability of hundreds of Hawaiians to pursue their livelihood in Hawaii, forcing them to stop or move out of state, taking all related business with them;
- Creates a clear economic and competitive advantage for the sole benefit of a single trade group, Registered Dietitians® by excluding all other nutritionists from licensure, thereby disqualifying them for insurance reimbursement for their services.
- Increases healthcare costs by removing competition, supply, and patient options in the field of nutritional healthcare services;
- Results in the criminalization of nutrition counseling for many highly trained professionals, who may utilize nutrition in patient care including, among others, chiropractors, pharmacists, nurse practitioners and physician assistants.
- Confuses one trade group, Registered Dietitians®, with an entire profession, Nutrition, and assists that trade group in using legislation for it's own marketing purposes and to gain competitive advantage.

I sincerely hope you will closely examine HB2570 to see how hugely detrimental it would be for Hawaii's health and economy and that you will vote against this bill. E he

This is important enough for the future of our state and the holistic health industry, that I am flying from Kona to Honolulu on Monday to testify at your hearing. Thank you for your consideration.

Respectfully,
Landry Fuller
Owner, Fuller Living
www.fullerliving.net
310-926-1040 cell

Testimony for HB2570 on 2/13/2012 2:15:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Friday, February 10, 2012 4:46 PM

To: CPCtestimony

Cc: drkosmo@gmail.com

Testimony for CPC 2/13/2012 2:15:00 PM HB2570

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: George Kosmides
Organization: Individual
E-mail: drkosmo@gmail.com
Submitted on: 2/10/2012

Comments:
February 9, 2012

Dear Representatives

I am writing to strongly oppose HB2570 (amended), regarding Licensing of Registered Dietitians®.

I have been a doctor for over 20 years with over 2,000 hours of nutritional study and over 4,000 hrs of education as a doctor of chiropractic. It's important to you to have diverse types of nutritional practitioners available for you and your family.

I vigorously oppose this bill because it:

- Needlessly eliminates the ability of hundreds of Hawaiians to pursue their livelihood in Hawaii, forcing them to stop or move out of state, taking all related business with them;
- Creates a clear economic and competitive advantage for the sole benefit of a single trade group, Registered Dietitians® who by training count calories rather than understand nutrition specifically, there is a huge educational gap that this bill overlooks.

By excluding all other nutritionists from licensure, thereby disqualifying them for insurance reimbursement for their services.

- Increases healthcare costs by removing competition, supply, and patient options in the field of nutritional healthcare services;
- Results in the criminalization of nutrition counseling for many highly trained professionals, who may utilize nutrition in patient care including, among others, chiropractors like myself, capable pharmacists, and educated nurse practitioners and as well as the physician assistants.
- Confuses one trade group, Registered Dietitians®, with an entire profession, Nutrition, and assists that trade group in using legislation for it's own marketing purposes and to gain competitive advantage.

I sincerely hope you will closely examine HB2570 to see how hugely detrimental it

would be for Hawaii's health and economy and that you will vote against this bill.

Thank you for your consideration.

Respectfully,

George Kosmides DC, CCN, CMUA

Testimony for HB2570 on 2/13/2012 2:15:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Friday, February 10, 2012 4:21 PM

To: CPCtestimony

Cc: drkosmo@gmail.com

Duplicate

Testimony for CPC 2/13/2012 2:15:00 PM HB2570

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: George Kosmides
Organization: Individual
E-mail: drkosmo@gmail.com
Submitted on: 2/10/2012

Comments:
February 9, 2012

Dear Representatives

I am writing to strongly oppose HB2570 (amended), regarding Licensing of Registered Dietitians®.

I have been a doctor for over 20 years with over 2,000 hours of nutritional study and over 4,000 hrs of education as a doctor of chiropractic. It's important to you to have diverse types of nutritional practitioners available for you and your family.

I vigorously oppose this bill because it:

- Needlessly eliminates the ability of hundreds of Hawaiians to pursue their livelihood in Hawaii, forcing them to stop or move out of state, taking all related business with them;
- Creates a clear economic and competitive advantage for the sole benefit of a single trade group, Registered Dietitians® who by training count calories rather than understand nutrition specifically, there is a huge educational gap that this bill overlooks.

By excluding all other nutritionists from licensure, thereby disqualifying them for insurance reimbursement for their services.

- Increases healthcare costs by removing competition, supply, and patient options in the field of nutritional healthcare services;
- Results in the criminalization of nutrition counseling for many highly trained professionals, who may utilize nutrition in patient care including, among others, chiropractors like myself, capable pharmacists, and educated nurse practitioners and as well as the physician assistants.
- Confuses one trade group, Registered Dietitians®, with an entire profession, Nutrition, and assists that trade group in using legislation for it's own marketing purposes and to gain competitive advantage.

I sincerely hope you will closely examine HB2570 to see how hugely detrimental it

would be for Hawaii's health and economy and that you will vote against this bill.

Thank you for your consideration.

Respectfully,

George Kosmides DC, CCN, CMUA

HB2570, Relating to Licensing of Dietitians

Drorbaugh M [mjdror@hawaii.rr.com]

Sent: Saturday, February 11, 2012 9:47 AM

To: CPCtestimony

James E. Drorbaugh, MD
Pediatrician (Retired)
Committee on Consumer Protection & Commerce
Rep. Robert N. Herkes, Chair
Rep. Ryan I. Yamane, Vice Chair
Committee on Judiciary
Rep. Gilbert S.C. Keith-Agaran, Chair
Rep. Karl Rhoads, Vice Chair
Monday, February 13, 2012
2:15 pm
Conference Room 325

Measure: HB 2570 - Relating to Licensing of Dietitians.

This testimony is in **support of HB 2570**, relating to licensing of dietitians. One of the key health issues for our society at the present time is the prevention of obesity in children.

Pediatricians have a role to play in these efforts since we see children at well child visits throughout childhood. We can not do this alone and we have welcomed the partnership with the HDA dietitians to develop a protocol for evaluation and treatment of overweight children. Their professionalism adds to our joint efforts in this area.

I support this legislation to transfer the licensing of registered dietitians to DCCA for implementation and define the minimal standards and qualifications for dietetic practice.

Respectfully yours,

James E. Drorbaugh, MD
Pediatrician, retired

(808)-236-2281

Testimony for HB2570 on 2/13/2012 2:15:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Friday, February 10, 2012 4:14 PM

To: CPCtestimony

Cc: pattibarba@gmail.com

Testimony for CPC 2/13/2012 2:15:00 PM HB2570

Conference room: 325

Testifier position: Support

Testifier will be present: Yes

Submitted by: Patricia D. Barba, MS, RD, CSR, LDN

Organization: HDA

E-mail: pattibarba@gmail.com

Submitted on: 2/10/2012

Comments:

I support the passage of HB 2570. As a licensed dietitian from the mainland I have had the opportunity, at times, to bill for my services due to my credentials. It is imperative that we not lose funding for some of the most needy of our population due to this breach. We must consider the scope of practice of the registered dietitian and protect the integrity of this profession and all the education and experience behind the title. It is a way to measure expertise within the field of nutrition. Licensure shows the public that the State of Hawaii has their best interest and public protection at their core and can secure increased revenue that is sorely needed from federal and private pay institutions for medical nutrition therapy (MNT).

Testimony for HB2570 on 2/13/2012 2:15:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Friday, February 10, 2012 4:14 PM

To: CPCtestimony

Cc: pattibarba@gmail.com

Testimony for CPC 2/13/2012 2:15:00 PM HB2570

Conference room: 325

Testifier position: Support

Testifier will be present: Yes

Submitted by: Patricia D. Barba, MS, RD, CSR, LDN

Organization: HDA

E-mail: pattibarba@gmail.com

Submitted on: 2/10/2012

Comments:

I support the passage of HB 2570. As a licensed dietitian from the mainland I have had the opportunity, at times, to bill for my services due to my credentials. It is imperative that we not lose funding for some of the most needy of our population due to this breach. We must consider the scope of practice of the registered dietitian and protect the integrity of this profession and all the education and experience behind the title. It is a way to measure expertise within the field of nutrition. Licensure shows the public that the State of Hawaii has their best interest and public protection at their core and can secure increased revenue that is sorely needed from federal and private pay institutions for medical nutrition therapy (MNT).

Testimony for HB2570 on 2/13/2012 2:15:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Friday, February 10, 2012 4:32 PM

To: CPCtestimony

Cc: judystraitjones@gmail.com

Testimony for CPC 2/13/2012 2:15:00 PM HB2570

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: Judy Strait-Jones

Organization: Hawaii Immunization Coalition

E-mail: judystraitjones@gmail.com

Submitted on: 2/10/2012

Comments:

As a representative of the Hawaii Immunization Coalition, a 501(C)(3) non-profit agency, I would like to strongly support the bill to allow the Hawaii Immunization Registry to collect minimal data relating to immunization so that it can be shared appropriately with immunization providers.

RE: HB2570

Dear Friends,

I am writing to voice my strongest opposition to HB 2570.

As a practicing Health and Wellness Lifestyle Coach, I appreciate the effort that Hawaii is taking to better the health of its people, however, I do not believe that this is the way to go. First of all, if you all think of your own health and wellness - how many of you have aches, pains, ailments? How many of you have parents or grandparents who fear that too many drugs are not the solution? How many of you intrinsically have a 'feeling' that eating real food could be a lifestyle change that could alter a life?

For the most part, people think they eat healthy. But if you understand the basics of food, nutrition and the balance between all aspects of a person's health (which includes emotional, physical, spiritual and mental) then as a whole you understand that no two people are alike. And no two people experience the same problems or reactions to say drugs, food, or environmental concerns in the same way. Since we can all see that this is the case, it is safe to say that to create a bill that funnels a person's health through one mode of training is unethical and severely flawed in theory.

Of greatest concern is the fact that this bill effectively creates a monopoly on nutrition services for dietitians, denying consumers access to expert advice from nutritionists, some of the most highly educated and well-respected professionals in the field of nutrition. As well, there is a growing number of certified health coaches that can reach a person on the most basic levels of health and wellness which is all most people really need. Drink more water, eat more whole foods, find what works for you and do more of it. It will naturally detract a person from going for the bad stuff.

Think of your own children. Would you want them to be advised by their physician to eat according to the USDA food pyramid? While a valiant effort, it is proven out here over and over that the pyramid is really literally just another scheme to funnel money to enormous companies that feed America. If that worked the entire country would be in a completely different state of health. While our food grade nutrients become more diminished, the high cost of disease care goes up. The more we feed the makers of pills and the more we rely on them to invent the drug that will fix all of our problems, the more we give power to the status quo that just doesn't seem to work.

As the bill is currently worded only a licensed dietitian shall "practice dietetics" or medical nutrition therapy. "Dietetics practice" as defined in the bill encompasses a wide range of nutrition services including the integration and application of scientific principles of nutrition, biochemistry and food in achieving and maintaining human health. These are services performed routinely by many qualified and practicing nutritionists.

Consequently, under this bill, nutritionists are forced to become licensed as dietitians in order to practice. Requiring one profession, i.e. nutritionists, to complete a program from a different profession, i.e. a dietitian, in order to practice nutritional therapy is absurd. This ignores the vast philosophical difference between nutritionists and dietitians, which are two entirely different fields of study and practice.

Just from a pure common sense point of view, it is like telling a Representative that he must become a Senator in order to be a Representative and while doing his work as the local Representative he has to abide by all Senate duties. How can the Representative do his job, let alone do it well? He can't! And then to top it off, a group of postal workers are now charged with the task of deciding if this is a good way to go for the people or not. While they all work for the Government, they don't know the intimate details of each other's functions. The function of a Representative is completely different than that of the Senator and vice versa. Now imagine that you take it further to include the Governor and the Mayor having to abide by and perform Senate duties in order to Govern the State and County.

Therefore, I propose that before a panel of lawmakers even think of going down the road of disrupting the choices and options to its constituents, it think long and hard about what these professions do for each individual person and collectively for society as a whole. It really is impossible for you to really GET what dieticians, nutritionists, health coaches and other health professionals do by their skill trade and it is pretty ballsy to think that you could make a decision on behalf of all professions to say that they all have to conform to only one standard or one specified mode of training. You are playing with people's lives, health and the future of health in Hawaii. You are also defining, shaping and governing an industry that is probably not your area of expertise.

The negative implications of HB 2570 are far-reaching.

It is bad for Hawaii's economy. This bill would effectively eliminate an entire profession and removes all competition in the field of nutrition services.

It dampens freedom of choice in healthcare: Nutritionists and dietitians have entirely different philosophical approaches. Each individual has unique nutritional needs. This demands various different approaches to nutritional care and consequently individuals require access to choice - not just a one-size-fits-all approach.

It threatens to increase chronic health indicators among Hawaii's citizens: Nutritionists practice an integrative approach to medicine and concentrate on prevention and treatment of chronic disease. Public policy demands that access to nutritionists should be broadened, not reduced. Health coaches are becoming a very needed intermediary between the doctor and the alternative health professional who does not have to time to take the patients from point A to point B. The vitals are staggering at how immensely beneficial all can be to one person. Instead of taking away choices, we should be giving the people more. It is really not up to one small group of people like yourselves to determine entire fields of approaches in one sitting. Hawaii has so many other pressing

matters at hand and really is not in any shape to take on more burden unto itself. Who is going to regulate the changes to the industry that has been working just fine without government intervention? How will you determine one method or another in the context of each individual's health? The growing need for nutritionist, nutrition counselors and integrative nutrition coaches is growing because the status quo is not working. It's not about forcing a problem into one issue but rather issuing freedom to the people to call forth their genius to find innovative solutions to our health crisis. It's our duty as citizens of our great nation to encourage innovation and that comes from faith and freedom not fear and fatalistic practices.

This bill also penalizes a higher standard of education and training: Standards and requirements for the practice of nutritionists are most often much higher than the standards for dietitians described in this bill. For example, Certified Nutrition Specialists certified by the Certification Board for Nutrition Specialists (CBNS) have a Master's degree at a minimum, usually a PhD, yet are excluded by this bill unless they meet the lower credentialing requirements required of dietitians.

Before you go along with a big industry policy which appears to be attempting to monopolize and put in place a one-size-fits-all model, I truly believe that you should look into the mirror, into the eyes of your children, your parents, your grandparents, your constituents, associates and really follow your eyes, ears, heart and mind on whether or not you really feel this kind of single-minded action could help or hinder those you love and care about.

I, myself, have healed through a health coach that took that holistic point of view. Meaning they did whatever it took help me to find what worked for me - naturally. And I've never felt better. I healed myself from all pre-arthritis symptoms, aches, pains, and pretty much taking Advil for years everyday. The health coach was far more effective than the years of recommendations from the medical Dr. and dieticians who thought jello and soda crackers were a good thing to feed my perpetual diarrhea. It didn't work. I'm not discounting what dieticians do but I am saying that that option did not work for me illustrating that one size does NOT fit all. Until I got some real food nutrients into me, then, and only then did I heal. This prompted me to become a certified health coach myself so that I could help others see the benefit of healing from within and really taking the time for themselves to do that. I am also a writer for natural health and I have met and spoke to hundreds of people around the nation and world who have healed through food, changing lifestyles, medical miracles, and a vast array of treatments. Again, one size does NOT fit all. It would be crazy to think so and even crazier to set it in stone through a law like this.

Please oppose HB 2570!

inspiring people to live happy, healthy & whole!
akemi health and wellness

Lisa Shozuya, CHHC, AADP, Wellness Lifestyle Coach
(808)224-8176

akemi.lifestyle@gmail.com
akemihealthandwellness.com

I am writing to voice my strongest opposition to HB 2570.

As a practicing Health and Wellness Lifestyle Coach, I appreciate the effort that Hawaii is taking to better the health of its people, however, I do not believe that this is the way to go. First of all, if you all think of your own health and wellness - how many of you have aches, pains, ailments? How many of you have parents or grandparents who fear that too many drugs are not the solution? How many of you intrinsically have a 'feeling' that eating real food could be a lifestyle change that could alter a life?

For the most part, people think they eat healthy. But if you understand the basics of food, nutrition and the balance between all aspects of a person's health (which includes emotional, physical, spiritual and mental) then as a whole you understand that no two people are alike. And no two people experience the same problems or reactions to say drugs, food, or environmental concerns. Since we can all see that this is the case, it is safe to say that to create a bill that funnels a person's health through one mode of training is unethical and severely flawed in theory.

Of greatest concern is the fact that this bill effectively creates a monopoly on nutrition services for dietitians, denying consumers access to expert advice from nutritionists, some of the most highly educated and well-respected professionals in the field of nutrition. As well, there is a growing number of certified health coaches that can reach a person on the most basic levels of health and wellness which is all most people really need. Drink more water, eat more whole foods, find what works for you and do more of it. It will naturally detract a person from going for the bad stuff.

Think of your own children. Would you want them to be advised by their physician to eat according to the USDA food pyramid? While a valiant effort, it is proven out here over and over that the pyramid is really literally just another scheme to funnel money to enormous companies that feed America. If that worked the entire country would be in a completely different state of health. While our food grade nutrients become more diminished, the high cost of disease care goes up. The more we feed the makers of pills and the more we rely on them to invent the drug that will fix all of our problems, the more we give power to the status quo that just doesn't seem to work.

As the bill is currently worded only a licensed dietitian shall "practice dietetics" or medical nutrition therapy. "Dietetics practice" as defined in the bill encompasses a wide range of nutrition services including the integration and application of scientific principles of nutrition, biochemistry and food in achieving and maintaining human health. These are services performed routinely by many qualified and practicing nutritionists.

Consequently, under this bill, nutritionists are forced to become licensed as dietitians in order to practice. Requiring one profession, i.e. nutritionists, to complete a program from a different profession, i.e. a dietitian, in order to practice nutritional therapy is absurd. This ignores the vast philosophical difference between nutritionists and dietitians, which are two entirely different fields of study and practice.

Just from a pure common sense point of view, it is like telling a Representative that he must become a Senator in order to be a Representative and while doing his work as the local Representative he has to abide by all Senate duties. How can the Representative do his job, let alone do it well? He can't! And then to top it off, a group of postal workers are now charged with the task of deciding if this is a good way to go or not. While they all work for the Government, they don't know the intimate details of their functions. They also know that the Representatives have to do their job for the people in their area and that job is completely different than what the Senators do.

Therefore, I propose that before a panel of lawmakers even think of going down the road of disrupting the choices and options to its constituents, it think long and hard about what these professions do for society as a whole. It really is impossible for you to really GET what dieticians, nutritionist, health coaches and other health professionals do by their skill trade and it is pretty ballsy to think that you could make a decision on behalf of all professions to say that we all have to conform to only one standard. You are playing with people's lives, health and the future of health in Hawaii.

The negative implications of HB 2570 are far-reaching.

It is bad for Hawaii's economy. This bill would effectively eliminate an entire profession and removes all competition in the field of nutrition services.

It dampens freedom of choice in healthcare: Nutritionists and dietitians have entirely different philosophical approaches. Each individual has unique nutritional needs. This demands various different approaches to nutritional care and consequently individuals require access to choice - not just a one-size-fits-all approach.

It threatens to increase chronic health indicators among Hawaii's citizens: Nutritionists practice an integrative approach to medicine and concentrate on prevention and treatment of chronic disease. Public policy demands that access to nutritionists should be broadened, not reduced. Health coaches are becoming a very needed intermediary between the doctor and the alternative health professional who does not have to time to take the patients from point A to point B. The vitals are staggering at how immensely beneficial all can be to one person. Instead of taking away choices, we should be giving the people more. It is really not up to one small group of people like yourselves to determine entire fields of approaches in one sitting. Hawaii has so many other pressing matters at hand and really is not in any shape to take on more burden unto itself. Who is going to regulate the changes to the industry that has been working just fine without government intervention? The growing need for nutritionist, nutrition counselors and integrative nutrition coaches is growing because the status quo is not working. It's not about forcing a problem into one issue but rather issuing freedom to the people to call forth their genius to find innovative solutions to our health crisis. It's our duty as citizens of our great nation to encourage innovation and that comes from faith and freedom not fear and fatalistic practices.

This bill also penalizes a higher standard of education and training: Standards and requirements for the practice of nutritionists are most often much higher than the standards for dietitians described in this bill. For example, Certified Nutrition Specialists certified by the Certification Board for Nutrition Specialists (CBNS) have a Master's degree at a minimum, usually a PhD, yet are excluded by this bill unless they meet the lower credentialing requirements required of dietitians.

Before you go along with a big industry policy, I truly believe that you should look into the mirror, into the eyes of your children, your parents, your grandparents, your constituents, associates and really follow your eyes, ears, heart and mind on whether or not you really feel this kind of single-minded action could help or hinder those you love and care about.



Alliance for Natural Health USA
1350 Connecticut Ave NW
5th Floor
Washington DC 20036

email: office@anh-usa.org
tel: 800.230.2762
fax: 202.315.5837
www.anh-usa.org

ANH-USA is a regional office of ANH-Intl
INTERNATIONAL
www.international.org

Statement from the Alliance for Natural Health USA (ANH-USA)

On behalf of the Alliance for Natural Health USA's (ANH-USA) 1,282 members in Hawaii, we strongly oppose HB 2570, including the amended version of this bill.

ANH-USA represents natural health consumers, practitioners, and industry by protecting access to natural health options. Of great concern to our members is that this bill effectively creates a monopoly on **nutrition services for Registered Dietitians®(RD)**, denying consumers access to expert advice from nutritionists, some of the most highly educated and well-respected professionals in the field of nutrition.

The recent amendments to HB 2570 do not address any of ANH-USA's serious concerns with the bill. The amended version of this bill **continues to ensure that only a licensed dietitian shall "practice dietetics"** or medical nutrition therapy. "Dietetics practice" as defined in this bill encompasses a wide range of nutrition services including the integration and application of scientific principles of nutrition, biochemistry and food in achieving and maintaining human health. These are services performed routinely by many qualified and practicing nutritionists. Under HB 2570, nutritionists will not be able to practice, ensuring a monopoly on nutrition services exclusive to RDs®.

Consequently, under this bill, nutritionists are forced to become licensed as dietitians in order to practice. Requiring one profession, i.e. nutritionists, to complete a program from a different profession, i.e. a dietitian, in order to practice nutritional therapy is absurd. This ignores the vast philosophical difference between nutritionists and dietitians, which are two entirely different fields of study and practice.

The negative implications of HB 2570 are far reaching.

- It is bad for Hawaii's economy. This bill would effectively eliminate an entire profession and removes all competition in the field of nutrition services. Instead of providing "protection" for consumers, passage of this bill would protect dietitians from competition.
 - It prohibits freedom of choice in healthcare: Nutritionists and dietitians have entirely different philosophical approaches. Nutritionists practice an integrative approach to medicine focused on prevention. Each individual has unique nutritional needs. This demands various different approaches to nutritional care and consequently individuals require access to choice - not just a one-size-fits-all approach.
 - It penalizes a higher standard of education and training: Standards and requirements for the practice of nutritionists are most often much higher than the standards for dietitians described in this bill. For example, Certified Nutrition Specialists certified by the Certification Board for Nutrition Specialists (CBNS) have a Master's degree at a minimum, usually a Ph.D., yet they cannot "practice dietetics" unless they meet the lower credentialing requirements required of dietitians.
 - It prevents nutritionists from receiving insurance reimbursement: HB 1060 defines the scope of practice as "Medical Nutrition Therapy" (MNT). This title was developed by Medicare to define what both "professional nutritionists and dietitians" may do **and be reimbursed for**. In the CPT codebook (published by the AMA) it defines what MNT means. HB 1060 contradicts federal law by prohibiting "nutrition professionals" from practicing "MNT", and instead grants rights only to dietitians.
- "Promoting sustainable health and freedom of choice in healthcare through good science and good law"

This bill is not a simple regulatory fix, but rather, would put many practicing nutrition professionals in Hawaii out of business.

Therefore we respectfully request that you **oppose HB 2570**.

We believe that to adequately protect the profession of nutritional therapy, professionals that specialize in *nutrition* (and not simply dietetics) must be recognized. And we believe the citizens of Hawaii have the right to choose their form of nutritional therapy from as large a pool of professionals as possible.

Testimony for HB2570 on 2/13/2012 2:15:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 13, 2012 8:58 AM

To: CPCtestimony

Cc: melaniebiddle@gmail.com

Testimony for CPC 2/13/2012 2:15:00 PM HB2570

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Melanie Biddle

Organization: Individual

E-mail: melaniebiddle@gmail.com

Submitted on: 2/13/2012

Comments:

I am a graduate student completing my masters in oriental medicine in April. Nutrition and dietary counseling is and always has been an important part of oriental medicine, as lifestyle factors are central to patients overall health. It is absurd to propose that healthcare providers who have been educated in giving dietary recommendations to patients as part of their overall treatment plans - not just orietal medical practitioners, but physicians, naturopaths, and other educated healthcare providers as well - should be denied this ability, particularly as nutrition is a fundamental root of health and wellness. This bill should be stopped immediately.