

Tennessee's Licensure Law – A Bird's Eye View

By

Janet Skates & Marilyn Holmes

Licensure continues to be a hot topic among dietitians; much confusion remains about the benefits and purpose of licensure. Articles in this newsletter aim to address some of the confusion. This first article provides a bird's eye view of Tennessee's law, including a discussion of what it covers, who is exempted from the bill, and the scope of dietetics practice.

What does the licensure law cover?

Tennessee's licensure law provides:

1. Title protection
2. Scope of practice of dietetics
3. Practice exclusivity*

What is title protection?

Title protection means that only an LDN can use the term dietitian or nutritionist in the state of Tennessee.

What is the scope of dietetics practice in Tennessee?

The scope of dietetics practice is defined very broadly by the Tennessee licensure law as "the work of offering dietetic and nutritional advice and services to the public." The practice of dietetics and nutrition is defined by the law as "the integration and application of scientific principles of food, nutrition, biochemistry, physiology, management and behavioral and social sciences in achieving and maintaining health through the life cycle and in the treatment of disease. Methods of practice include, *but are not limited to*, nutritional assessment, development, implementation and evaluation of nutrition care plans, nutritional counseling and education, and the development and administration of nutrition care standards and systems."

The scope of practice does not list specific functions, including more advanced practice skills such as ordering parenteral nutrition, insulin, or renal medications; passing feeding tubes; or teaching insulin administration. On the other hand, neither does it specifically exclude those newer and evolving practice areas for which many dietitians have been granted organizational privileges.

What is practice exclusivity?

Practice exclusivity restricts those who may engage in activities falling under the dietitian's scope of practice. *HOWEVER . . . and it's a very big however . . . Tennessee's law has very broad legislative exemptions that allow specific groups who are not LDNs to engage in the practice of dietetics.* Individuals who fall under any of the following categories are considered exempt from Tennessee's dietitian licensure law:

- Physicians, osteopaths, nurses, and other health care professionals who have nutrition in their scope of practice

- Students in approved dietetics programs (see conditions under Rules and Regulations)
- Dietitians working in the armed forces, US public health service, or VA
- Nutrition educators in government agencies
- Government employees working in nutrition-related programs
- Persons employed in hospitals and nursing homes subject to licensure by the Tennessee Board for Licensing Health Care Facilities.

Plus, the licensure law exempts the following persons from the law as long as 1) they do not hold themselves to be LDNs or RDs and 2) the services and information they provide relate to **non-medical nutrition**:

- Those who work in a health weight loss or fitness program
- Those who work in a health food store
- Those who work in a business that sells health products including dietary supplements, food or food materials, or provides non-medical nutritional information or distributes nutritional literature
- Those who conduct classes or disseminate information related to *non-medical nutrition*.

So, what does it all mean?

The list of exemptions to the dietetics practice act is one of the most extensive of all health professions' practice acts. LDNs are not happy with the long list of exemptions. Indeed, the majority of complaints submitted to the board come from members who are concerned about violations of dietetics practice exclusivity by non-LDNs. However, the exemptions were necessary to gain initial passage of the bill. It was never the intent of the practice act to restrict everyone except LDNs from providing nutrition information.

LDNs concerned about persons providing services that are causing harm to the public should consider filing a complaint. More on that later . . .