

Aware of Harmful Nutrition Practice? – Tips on Filing a Complaint

By

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Reminders about the Complaint Process:

Administrative staff can investigate a person who violates the LDN law only when someone submits a formal complaint. It is important to report evidence of harm when it occurs.

Box 1.

Tips on Filing a Complaint

1. First determine if there is evidence of harm – i.e. harm that will be apparent to the non-RD. Given Tennessee’s continuing budget crisis and many cases of health care practitioner harm, investigators necessarily prioritize scarce resources to cases with demonstrated harm.
2. Before filing a complaint against a person who is not an LDN, determine if the person is exempt from our licensure law. Read the statute and the rules and regulations. Access at: <http://www.lexisnexis.com/hottopics/tncode/> (Statute) and <http://www.state.tn.us/sos/rules/0470/0470.htm> (Rules and Regulations). Find the list of exemptions under the folder 63.25.104. Prohibited Representations.
3. Download and follow the directions on the Department of Health website at <http://health.state.tn.us/Boards/complaints.htm> or call the office to have a form mailed to you (615-532-3421 or 1-800-852-2187).
4. Provide as much detail as possible. Complaints are investigated by attorneys who have no nutrition or medical training, so you must clearly document evidence of harm and distinguish between medical vs. non-medical nutrition. How do the services being provided differ from normal nutrition for healthy people?
5. Consider asking someone other than an RD to read your complaint to see if your case is clear and compelling to a non-RD. If the answer is no, the likelihood that your case will move forward decreases. Do your homework.
6. Report cases directly to the Office of Investigations, which is responsible for investigating complaints.
7. Do not report cases or talk about complaints or pending cases to state licensure board members. They are prohibited from knowing details about complaints until and unless they are brought forward after the initial investigation.
8. Include your name and contact information. While one can file an anonymous complaint, doing so slows down and may halt the investigative process altogether. Often investigators need more information than is provided in the complaint. If there is no way to gather the needed information, the complaint is closed.
9. If you prefer not to put your name on a complaint, at least list yourself as a witness. This option will allow investigators to contact you for more information, if needed, but not identify you to as the person who filed the complaint.

10. If you have already filed a report and want to check the status, call Juanita Stone, Disciplinary Coordinator in the Office of Investigations for the Tennessee Department of Health, at 615-253-2699, or email at juanita.stone@tn.gov.

Summary

Licensure for health care professionals, including dietitians, is important because it provides the legal authority to practice a profession by setting the minimum education, experience, and examination requirements of licensed professionals. The goal of licensure is to protect the public from harm. The goal of licensure is *not* to restrict practice or protect any profession from encroachment.

Detecting and understanding harm is easy when an unlicensed or incompetent person operates on a patient, gives the wrong drug, or attempts to start an IV. It is usually much less obvious that harm has occurred when an unlicensed or incompetent person provides nutrition information, especially if the information is general, non-medical nutrition. Making the case for a successful complaint to the dietetics licensure board requires the person filing the complaint to build and document a clear case of harm to the client or public. If no harms occurs, it is unlikely the case will move forward. Remember, it is not about us (the LDNs) – it is about them (the public).