

Licensure – Advantages of Being an LDN

By

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Good news! A high majority of RDs in Tennessee are also LDNs. In this section, we answer members' questions about why they should be both an RD and LDN, as well as your other questions.

Members' Questions

Why should I have both licensure and the RD? What does licensure do for me? What are the pros and cons of licensure?

Credentialing by the Commission on Dietetic Registration (the RD credential) is required to practice as a dietitian. It shows that you have met the educational, experiential, and testing requirements that are required to demonstrate minimal competence for safe practice as a dietitian. RDs are recognized as qualified providers in federal (CMS) and some third-party payer systems.

Licensure benefits the RD by letting the public and your clients know you have met established standards for recognition as the food and nutrition expert. Plus . . .

- Assure your compliance with state law. Many dietitian positions in Tennessee require the dietitian be licensed to practice; failure to do so would have potential legal repercussions.
- Avoid high civil penalty fees! Dietitians who are required to have a license and who practiced without a license have been assessed civil penalties of hundreds of dollars.
- Comply with regulatory bodies. Many department directors, whose responsibility is to develop job descriptions and requirements, specify LDN in all RD job descriptions. If an organization includes licensure as a requirement in the job description, regulatory bodies require that the RD comply with the policy and be licensed, even in practice settings which Tennessee's law currently exempts.
- Minimize exposure in malpractice cases. In general, licensure of health care professions is recognized as the minimal level of competent and qualified practice. Failure of a health care professional (including a dietitian) to be licensed when licensure is available could have negative repercussions in a malpractice case.
- Increase the likelihood for third party payment for your services. State licensure is usually required for reimbursement of professional services by third party payors.
- Comply with CMS rules for third party payment.
- Level the playing field with other health professionals, all of whom are licensed to practice and recognized by state law.

On the other hand, licensure alone will not prevent professional encroachment, guarantee payment for nutrition services, increase salaries, guarantee the RD's place on the health care team, or prevent other health care professionals from giving routine

nutrition information or practicing nutrition within their established scopes of practice. LDNs have a responsibility to work within their own practice settings to provide services that are valued, not just by other LDNs, but also by clients and other members of the health care team.

What do we do if we find someone giving wrong info? What is the process for reporting unsound practice?

First, determine if the person's practice violates the licensure law. Giving "wrong information" or "unsound information" does not necessarily violate the dietitian licensure law. Check the practice act's rules and regulations to see if the person is exempt from the licensure law (see next article). If the person is exempt, you probably have weak grounds on which to file a complaint.

If the person is not exempt, you have the option of filing a complaint with the licensure board (see website for directions). However, before filing a complaint, determine if there is evidence of harm. Licensure is designed to protect the public, *not* to protect a profession against professional encroachment. Therefore, it is important that your complaint *document the harm* that was done as a result of unlicensed practice. For tips on filing successful complaints, see Box 1.

Note: Although many people with no health training are allowed to provide basic nutrition information under the dietitian licensure law, these people can only provide *non-medical* nutrition. If nutrition information is being given to treat a medical condition, you would potentially have a stronger case for a complaint against a non-licensed provider of nutrition information.

What if I find someone giving wrong nutrition information on the internet? What resource do we have for online false nutrition information made by people who claim to be nutrition experts and are not?

Our licensure law was passed in 1987 before the proliferation of information to the public over the internet. Tennessee's licensure law does not address internet providers of nutrition information.

How does our licensure law protect us from more invasive practice such as writing formulary for tube feedings, etc.?

The purpose of any licensure bill is to protect the public from harm. Licensure bills are not designed to protect practitioners from professional encroachment. If there is no harm done, the public really doesn't care who provides a specific service, so the onus is on the person who files the complaint to document *harm* to the public (not to the profession).

In the example given, one does not have to be a licensed RD to order tube feedings or develop a formulary. Other health professionals can and do safely perform these functions. The licensure bill is not a substitute for learning to work as a member of the health care team with all the give and take and compromise that is involved.

What about online universities that claim to provide nutrition programming?

The purpose of any licensure bill is to protect the public against unsafe practice *by practitioners*. Licensure bills are not designed to address unaccredited or online educational institutions. That is the responsibility of educational accrediting agencies.