

ON THE PULSE: Medical Nutrition Therapy Update

On December 15th, 2000, the 106th Congress approved legislation that provides Medicare beneficiaries with access to medical nutrition therapy (MNT) services by registered dietitians. The new benefit is targeted at individuals with diabetes and renal disease and will go into effect January 1, 2002. The legislation defines MNT as nutritional diagnostic, therapy

and counseling services for the purpose of disease management. In the interim, the Health Care Financing Administration (HCFA) will promulgate regulations implementing medical nutrition therapy coverage. The Secretary of Health and Human Services is also required to submit a report to Congress by July 1, 2003 with recommendations regarding the expansion of the MNT benefit to other disease states.

Unrelated to this action, the American Medical Association has authorized use of three new CPT (Evaluation and Management Current Procedural Terminology) codes for medical nutrition therapy beginning in January 2001. The codes have not been assigned Relative Value Units RVU's.

Q & A: Answering Your Questions

Q - What is the purpose of the Oregon Board of Licensed Dietitians? How does this benefit the consumer? How does it affect the licensed dietitian?

A - The Board is mandated as part of the Dietetics Practice Act and it:

- is a volunteer board with one part-time paid executive officer
- educates to allow consumer awareness of licensed dietitians
- manages the process of licensure for licensees in Oregon
- monitors and reacts to legislative activities it feels concern Oregon consumers and licensees in relation to dietetics practice
- holds several board meetings per year
- issues information to licensees to further their ability to abide by the Practice Act
- investigates inquiries and complaints by consumers and Licensed Dietitians
- and if it determines the need, forwards concern to the State Attorney General office.

Q - What happens if a complaint is filed with the Licensure Board?

A - The board reviews the complaint or concern and determines if it should be investigated. The investigation process itself is defined by Oregon statute 691.580. But in plain language:

The Board identifies members who will function as a committee to investigate the complaint or inquiry. In turn, the committee gathers evidence, prepares a report and presents the information to the other Board members within a specific time period from the receipt of the complaint.

The information and process is held to legislated confidentiality standards for the protection of all. Persons who file complaints in good faith are not subject to an action for civil damages as a result of providing information. Information obtained by an investigator is exempt from public disclosure. If it turns out to be a violation of the statutes, the Board can then decide if it will impose a disciplinary sanction. *In technical language: Upon receipt of a complaint under ORS 691.405 to 691.585, the Board conducts an investigation as described under ORS 676.165 (1997 c.791 s.51). The specific details can be found on the Internet in the State of Oregon Statutes.*

Q - What process does the Board take once it determines there has been a true violation?

A - The Board deals with each case individually. There is a wide range of options ranging from requiring continuing education for a licensee to removal of the LD status itself. In appropriate circumstances the Board can decide to forward the concern to the State Attorney General.

Q - What are some of the dietetic practice standards found in the Practice Act?

A - Some practice standards are outlined, and some referred to in the law and administrative rules. They include among others such concepts as:

- abiding by standards of care established by experts in peer reviewed scientific literature
- establishing public health nutrition policies which include consumer protection
- remaining free of conflict of interest by promoting or endorsing products in a manner that is neither false nor misleading
- maintaining competence in one's area of practice
- reporting alleged misrepresentation or violation of the State Dietetics Practice Act to the Board through appropriate channels
- presenting substantiated information and interpreting controversial information without personal bias, recognizing legitimate differences in opinion
- withdrawing from professional practice if engaged in substance abuse or having an emotional or mental disability that could affect his/her practice or harm others
- acceptance of the obligation of protecting clients, the public and the profession



WHAT IS HIPAA?

The Health Insurance Portability & Accountability Act of 1996 (HIPAA) has caused health care providers and insurance companies to initiate change in their operational communication processes. The Act is designed primarily to protect health insurance coverage for workers and their families when they change or lose their jobs. It is also designed to standardize digital naming and codes across the health care industry so computers can transmit standardized and simplified electronic information. A provision in the Act addresses personal health information confidentiality. Consumers want their health care information held in appropriate confidence, and the Act assures this. HIPAA regulations also allow civil and criminal penalties for violation of the confidentiality provision.

As health care providers, Licensed Dietitians should be aware of HIPAA, and assure that the

confidentiality of patient specific information received or sent electronically is held to its defined standards. The standards apply to electronically transmitted information, including fax, electronic mail, computer generated print outs, and data in computers. For Licensed Dietitians employed by health care facilities, it is likely that a department or person has been identified to assist in organizational compliance with the Act. For those self-employed, the LD will want to be familiar with HIPAA, and evaluate operational practices accordingly. LD's not working with client's personal health information may not need to review HIPAA, but should be aware of it. Internet web-sites and educational programs provide more specific information. Some sites are <http://www.hcfa.hhs.gov/medicaid/HIPAA/default.asp> and at <http://aspe.os.dhhs.gov/admsimp/>



HISTORY OF OREGON DIETETICS PRACTICE ACT

Licensed Dietitians may find these details of the origin of the Practice Act of historical interest. In about 1981, the Oregon Dietetic Association held its annual meeting in Eugene. At the time, Patty Tarbet, program chair, invited John Kitzhaber, MD, then President of the Senate, to speak. Dr. Kitzhaber told the dietitians how the legislative process works should the group wish to forward legislation.

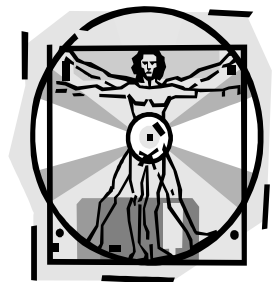
After that meeting and discussion of the role of dietitians in consumer protection, ODA decided to support a Licensed Dietitian Practice Act for Oregon citizens. Janet Peterson was a consistent leader in the effort through the three legislative sessions over the next six years. Then at the fourth session Sonja Connor and others added to the

effort. In 1989, the Oregon Legislature agreed to support the Licensed Dietitian Practice Act. The Act included directive to establish a Board of Licensed Dietitian Examiners to manage the operations required of the Practice Act.

By Statute the Board of Licensed Dietitians was established within the Oregon Health Division and the Administrator of the Health Division serves as the appointing authority for the Board. The duties of the Board include the hiring of the executive secretary often referred to as the executive officer (EO) for the Board. The EO serves at the direction of the Board. Ann Aalund is the third EO for the Board and she has served the Board for the last six years. Ann is a Registered and Licensed Dietitian and also holds a

Masters of Business Administration. A graduate of Oregon State University Ann received a two year traineeship with the Veterans Administration Hospital in Vancouver, Washington. Past professional work history includes several years with the Veterans Administration in clinical and administrative dietetics, School Lunch Administration and Institutional Food Brokerage Sales experience. Family is her number one priority and you would likely find her at Oregon State University, the beach or traveling when leisure time is available.

How did she come to the Board of Licensed Dietitians? She volunteered! Care to sign up? Give the Board a call at 503-731-4085



Since 1989, Oregon consumers have had the ability to choose a dietitian who agrees to be held to the standards of the Oregon statute when they seek dietitian services.

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