



NATIONAL HEALTH FREEDOM ACTION

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NHFA Comments on 2011 Dietitian Licensing bill draft

1. **The interest group promoting this bill already has adequate state regulation of certification and title protection in Wisconsin** and there is no significant risk of public harm required constitutionally to warrant further government regulation or a need for more restrictive regulation. Creating a monopoly over dangerous acts like surgery is understandable to many. But creating a monopoly over something as basic as what to eat and what nutrients are helpful is not warranted.
2. **The bill does not protect consumer options in health care, but rather, decreases them.** Consumers have a right to go to whomever they choose for their health conditions, and utilize whatever advice they wish to seek out. The bill attempts to say that nutrition care services can only be performed by those trained by education endorsed by WDA. The WDA does not acknowledge the concept that there are many types of nutritional approaches beyond their own and practiced by people practicing nutrition in the public domain and as complementary and alternative health care practitioners. 38% of consumers use complementary and alternative practices. States must act cautiously when deleting consumer choices. In this case, consumers are demanding that the state protect their nutrition options.
3. **The bill proponents failed to incorporate the Wisconsin Health Freedom Coalition draft language for a Consumer Choice and Wellness Act exemption for unlicensed practitioners to this practice act,** even in the face of the fact that this bill will eliminate thousands of businesses in Wisconsin.
4. **The bill itself creates an occupational monopoly and loops nutrition into the domain of dietetics** by its exclusive language providing a privilege to one special interest group for all nutrition related practices and services. It mandates licensure for all those who fall within the broadly defined terms: “*dietetic nutrition care services*”, “*dietetic nutrition therapy*” and “*the nutrition care process*”. **These terms are extremely and overly broad and include the activities of regular citizens, nutritionists, and complementary and alternative health care practitioners that currently have successful businesses in the state of Wisconsin and that would be banned from practicing if this bill should pass.**
5. **The bill fails to provide proper and necessary exemptions for unlicensed practitioners from licensing requirements and is architecturally and legally flawed.** Rather than providing proper exemptions acknowledging other practitioner’s rights to practice nutrition care services,

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the bill attempts to have the dietitians rather than the state of Wisconsin being the group that doles out a privilege to practice for unlicensed practitioners including setting parameters for regular citizens and unregulated practitioners, even and including going beyond the federal governments parameters of product speech and even and including narrow language regarding practitioners practicing under their religious tenants.

6. **This bill sets parameters on individuals selling products, above and beyond the requirements set by the federal FDA.** There is no basis or justification for these broad restrictions. Nutrition and food are substances that our country has always regarded as “generally regarded as safe” and consumers have access to these products freely, and the government has the burden of showing harm before they restrict access to foods and nutrients, including dietary supplements. Federal product law protects our access to these substances.

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