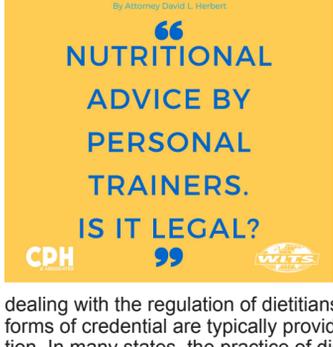




**“Educational Excellence
For Fitness Professionals.”**



April Certified Professional Newsletter 2016



Nutritional Advice by Personal Trainers: Is it Legal?

By David Herbert, Attorney at Law

Recent litigation as well as an examination of the practices of many personal trainers raises a number of questions about what fitness professionals may lawfully do to provide nutritional advice to their clients. These questions and the matters to consider include the following:

1. Many personal trainers seem to provide nutritional advice or at least nutritional counseling to their clients as part of their provision of fitness services. Is this activity lawful?

– **Maybe.** Almost all of the states in the United States have laws dealing with the regulation of dietitians, nutritionists or other such individuals with similar titles. Three forms of credential are typically provided: licensure, statutory forms of certification or required registration. In many states, the practice of dietetics or some other similar classification is defined by reference to specified titles or by reference to the provision of specific delineated services which prohibit the use of these titles or the provision of those services except by those who meet specific state regulatory requirements. The provision of such defined services or the use of listed statutory titles is frequently prohibited when provided or used by non-regulated individuals. Sometimes the practice of nutritional or dietetic counseling or the use of defined titles is made criminal so as to expose offending parties to fine or imprisonment as well as legal action to prevent further violations of law. As a consequence of the foregoing, personal trainers and other fitness professionals may not use titles reserved for use by those who are licensed or otherwise regulated by state law. Moreover, fitness professionals may not render those services which are defined by law to be carried out only by licensed or regulated professionals.

2. Can personal trainers advise clients on what to eat to maintain a healthy lifestyle, as opposed to providing medically based nutritional advice?

– **Probably,** but the answer to that question depends on the particular state law in effect in the jurisdiction where services are provided to fitness clients. In Ohio, for example, the Ohio Board of Dietetics has issued a rather comprehensive Guideline 1 on the subject (see Guideline infra) which specifies the following: “The [Ohio] Board suggests that fitness professionals who are not licensed dietitians but who provide general non-medical nutritional information, describe the service with words like ‘general nutrition or weight management information.’” In this regard, the Ohio Guideline states: “General non-medical nutrition information (the application of basic principles of nutrition to food selection for purposes of maintaining health) may be provided by anyone so long as they do not [use titles regulated by law] . . . tending to indicate the practice of dietetics.” General non-medical nutritional information is defined in the Guideline as information on:

1. Principles of good nutrition and food preparation;
2. Food to be included in the normal daily diet;
3. The essential nutrients needed by the body;
4. Recommended amounts of the essential nutrients;
5. The action of nutrients on the body;
6. The effects of deficiencies or excesses of nutrients; or
7. Food and supplements that are good sources of essential nutrients.

The Ohio Board of Dietetics also issued further information on the provision of nonmedical nutritional information in Bulletin #8 dated September 7, 2004 as revised in 2008. If a personal trainer intends to provide service in Ohio, both the Guideline and the Bulletin should be reviewed along with Ohio state law and regulations before service is provided.

Laws and regulations in some other states make similar distinctions between what is prohibited and what is not prohibited. For example, in the state of North Carolina, the Board of Dietetics/Nutrition published a Guideline A For Unlicensed Persons Who Are Not Otherwise Exempt, infra, to address the previously mentioned issue. In this regard, the Bulletin states:

As discussed in greater detail below, one does not engage in the practice of dietetics/nutrition unless that person provides certain nutrition-related services in the context of a professional-client relationship. It is neither the purpose of the Dietetics/Nutrition Practice Act nor the intent of the Board to restrict the expression of general information, guidance or encouragement about food, lifestyle or dietary practices, whether through general publication—including books, television, radio, articles or website posts—or in one-on-one interactions. Thus, individuals are permitted to express information, guidance or encouragement about food, lifestyle or dietary practices to the public generally and to any willing and competent adult listener directly without first obtaining a license so long as they do not hold themselves out as a dietitian/nutritionist and they do not provide such information, guidance or encouragement (for free or for compensation) as part of a professional-client relationship formed to assess individual nutritional needs and then develop and achieve a specific nutrition-related goal, objective or outcome.

This Guideline was first adopted in 2010 but was apparently last updated in February of 2015 in conjunction with the dismissal of a lawsuit filed in United States District Court which had been filed by a non-licensed individual who provided, among other things, a web-based advice column on a variety of subjects including food and meal plans. 2 This party challenged the North Carolina regulatory scheme for Dietetics/Nutritionists and claimed he was entitled under the First Amendment to the United States Constitution to provide such advice even though he was not licensed in that state. His suit was initially dismissed on procedural grounds but he appealed to the United States Court of Appeals which reversed the trial court’s ruling and sent the case back to the District Court for further proceedings. 3 Thereafter the lawsuit was dismissed by the plaintiff in conjunction with some changes to the North Carolina guidelines.

3. How should fitness professionals proceed if they want to provide general, non-medical advice to clients on diet and nutrition?

– **First,** fitness professionals need to understand that the law differs from state to state. A review of specific state laws and regulations is needed. Individualized legal advice on those laws and regulations is required before service is provided to clients by fitness professionals.

– **Second,** fitness professionals need to stay away from medical type nutritional advice. Instead, professionals should offer educational type guidance on good nutrition and diet.

– **Third,** fitness professionals need to check with their insurance agents to make sure they have proper insurance coverage for their activities in the event that a claim or suit arises out of this area of service provision.

– **Lastly,** personal trainers may want to review the services they contemplate providing with their state’s regulatory agency in advance of service provision so there is no question on what is permissible and what is not.

More Info

W.I.T.S. SPECIAL ALUMNI RESOURCES

Nutrition knowledge is fundamental to good health, physical performance and weight management. Yet much of the information we hear about nutrition can be misleading and confusing. W.I.T.S. offers nutrition courses that can lay the foundation for your healthy lifestyle journey. Enroll in [Nutritional Concepts, Sport and Exercise Nutrition](#), or the [LIFESTYLE Fitness Coaching](#) course to enhance your knowledge and understanding of this important topic.

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Stress Kills!

by Michelle Matte

Chronic stress is a stealthy silent killer that leads to metabolic disease, stroke and heart attack. Stress goes hand in hand with sleep deprivation, overeating, weight gain and drug and alcohol abuse. No matter how hard you train, stress can keep you from reaching your goals.

Stress can and should be managed on a daily basis. Some quick stress hacks include deep breathing, meditation, outdoor walking, spending time in nature, practicing yoga or tai chi and recreational reading. Limiting caffeine and carbohydrate consumption will help you reduce and manage stress.

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About Michelle Matte
Michelle Matte has enjoyed a lifelong career in the fitness industry, making a profound impact on its evolution. From National Workshop Presenter to Aerobics Championships Judge to Trainer of Trainers, Michelle’s dedication to the growth and professionalism of the industry has helped shape and mold the careers of thousands of qualified trainers and group exercise instructors, worldwide.



Joining the MFN is Good Business!

American Breast Cancer Foundation Announces Partnership with Medical Fitness Network to Provide New Fitness and Allied Healthcare Provider Resource

(April 5, 2016) Columbia, MD. – American Breast Cancer Foundation (ABCF) has partnered with the Medical Fitness Network (MFN) – a free national online resource directory to locate fitness, wellness and allied healthcare professionals who provide services for those with medical conditions, chronic disease or who need pre & postpartum care.

“A balanced wellness plan is critical for surviving breast cancer. Studies show a strong connection between fighting cancer and important choices in physical activity and exercise, diet and nutrition, and lifestyle.” says Becky LoBosco. “We are excited to partner with the MFN in order to provide a resource for breast cancer survivors and their families.”

“The MFN strives to improve the quality of life for cancer survivors, family members and caregivers by providing a registry of professionals that offer a holistic approach to cancer care,” said MFN founder Lisa Dougherty. “We’re thrilled to partner and support the American Breast Cancer Foundation survivors and their families.”

About the American Breast Cancer Foundation (ABCF)

The American Breast Cancer Foundation’s (ABCF) mission is to provide financial assistance for breast cancer screenings and diagnostic tests for uninsured and underserved individuals, regardless of age or gender. This is achieved, in part, by the Breast Cancer Assistance Program (BCAP), the Community Partnership Program, and the newly designed Community Advocacy Program.

The BCAP program and the Community Partnership Program are time honored and tried programs linking patients with facilities and assistance in their own areas. These programs have received letters of acclaim from throughout the country. The Community Advocacy program will be rooted in significant personal relationships with individuals, and will also assist them in gaining access to needed resources, services, and support. The strategic platform provided by these programs will serve as a link and referral system to local resources and information that will be ethnically and linguistically appropriate to the needs of the individual. <http://abcf.org>

About the Medical Fitness Network (MFN)

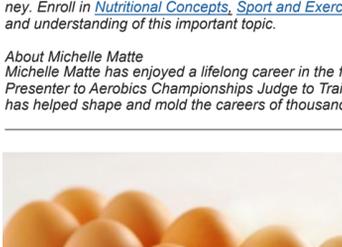
The Medical Fitness Network (MFN) is a free online resource directory for consumers to locate fitness & allied healthcare professionals interested in working with those with chronic disease/medical conditions, including but not limited to: Alzheimer’s, Arthritis, Cancer, Diabetes, Fibromyalgia, Heart Disease, Mental Disorders, Multiple Sclerosis, Parkinson’s, Pre & Postnatal Care, Respiratory Disease and Stroke. The MFN donates its services as a national database management company to medical, health organizations that do not offer resources for locating fitness & allied healthcare professionals interested in working with their populations. <http://medicalfitnessnetwork.org>

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Eggs Are the New Superfood: No Yolking!

by Michelle Matte

For decades, eggs have been given a bum rap as unhealthy contributors to elevated cholesterol. Like shellfish, liver and a host of other animal-based foods, egg yolks contain a relatively high volume of naturally-occurring cholesterol. Throughout the latter half of the 20th Century, medical practitioners demonized eggs as unhealthy precursors to heart disease.

However, recent research has shown that our bodies need cholesterol to perform numerous metabolic processes, and that animal fats containing cholesterol have never been proven to cause heart disease.

Absorbable Whites

Because of the negative publicity maligning egg yolks, many health-conscious people began shunning the yolk and just eating the tasteless egg white, called albumin. Egg whites are one of the easiest protein sources for your body to metabolize, and the albumin of one egg offers 3.6 grams of easily digested protein. Because of the trend away from whole eggs, many restaurants like Panera and Starbucks began offering sandwiches and omelets made from egg whites only.

Yummy Yolks

Contrary to the bland albumin, the yolk is what gives an egg its delicious flavor. While egg yolks have relatively high levels of cholesterol and saturated fat (also recently welcomed back to the healthful foods family), they are a rich source of essential nutrients. Egg yolks are high in sulfur which promotes healthy liver function and healthy skin, hair and nails. Yolks contain significant amounts of lutein, essential to good vision. Egg yolks are high in B-vitamins and in choline, which your body uses to make “happy hormones” like serotonin, dopamine, and norepinephrine. They are also a great source of fat soluble vitamins A, D, E and K.

Choose the Choicest

Before you rush out to grab your next dozen, be aware that not all eggs are created equal. As with all animal products, the best food comes from the healthiest and most humanely treated animals. Pastured free range hens feast on grass, weed seeds, insects and worms, and produce superior eggs to those laid by hens held captive in Confined Animal Feeding Operations, or CAFOs. CAFO hens are fed processed feed containing antibiotics, arsenic and other harmful chemicals and agrochemicals, resulting in a less nutritious and potentially harmful egg. A pastured egg typically has a bright orange yolk and a thicker shell than a pale-yolked CAFO egg. Even at five dollars per dozen, the nutrition-packed free range egg is a bargain at just 42 cents per egg.

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