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## Making the Protection Connection Incident Reporting Tool



Protecting Consumers. Improving Health.

February 2, 2022

1

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Speaker




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WA State Academy  
Consumer Protection Coordinator

2

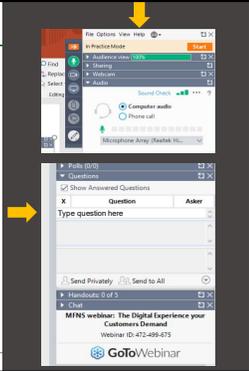
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We are recording this session and will post the video on the website.



3

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### Washington State's Policy Activities

Policy Bingo!



February 9<sup>th</sup> Webinar



4

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### Today's Objectives

01

Describe the connection between the IRT, protecting the public, and advancement of strong licensure laws

02

Delineate best practices for completing IRT reports

03

Identify CPCs' role in helping members use IRT effectively

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5

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### Poll Question!

Let us know your area(s) of practice



6

## Licensure's Single Purpose

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- Protect public's health, safety, welfare
- Three Common Methods:
  - Regulating entry into the profession
  - Regulating practice of the profession
  - Helping to identify qualified providers
- Licensure implies risk of harm, by definition
- Documenting harm requires evidence

7

## Poll Question!

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How much do you know about RDN licensure in Washington State?



8

## Licensing Structure in WA State

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- Washington State requires a certification to use certain titles
  - "Certified Dietitian," "Certified Dietician", "Certified Nutritionist", "Dietitian", "D.", "C.D.", "C.N."
- Certification may facilitate employment, reimbursement
- But license not required to practice dietetics or provide MNT

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9

## Licensure and the Incident Reporting Tool

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- IRT's purpose: build evidence base (harm & success)
- Harm reporting to title protection states low
  - Public unaware of restrictions in use of title, option to report
- RDNs reluctant to report title violations to state due to
  - Belief that any report will be of minimal impact
  - Concerns re: excessive time, documentation obligations
  - Unfamiliarity with process, means to report

10

## Our Obligations Under the Code of Ethics

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### Goal and Nature of Practice

"The primary goal is the protection of the individuals, groups, organizations, communities or populations with whom the practitioner works or interacts."

The nutrition and dietetics practitioner supports ... high standards of professional practice, accepting the obligation to protect clients, the public and the profession ... and shall report perceived violations of the Code through established processes."

11

## Licensure Can Protect Public Health and Safety

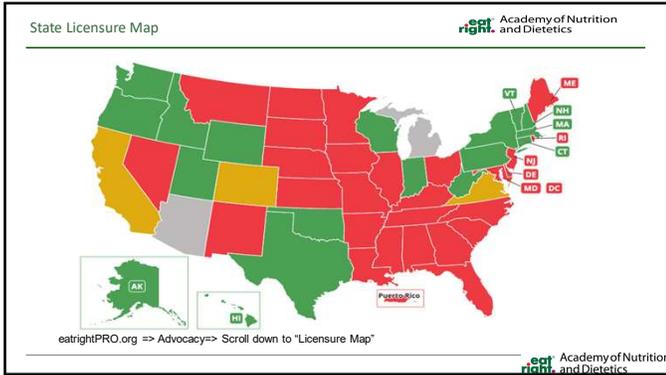
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**Increases quality of services** through mandatory entry requirements / qualifications to practice

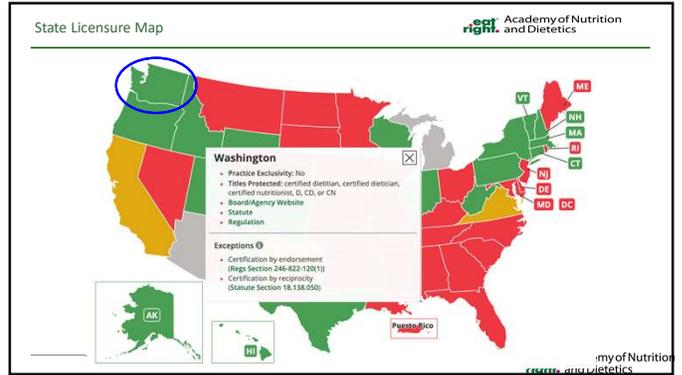
**Critical when "low-quality practitioners can potentially inflict serious harm"**

**Corrects market failures**, such as information asymmetry when consumers cannot easily assess professionals' skills

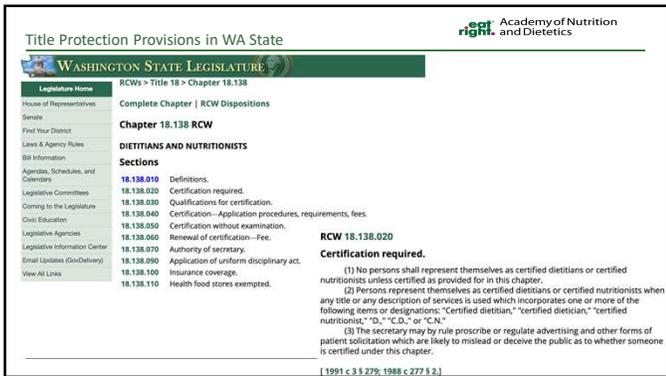
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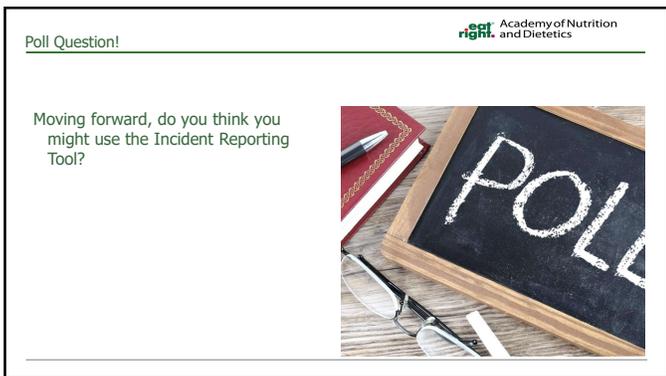
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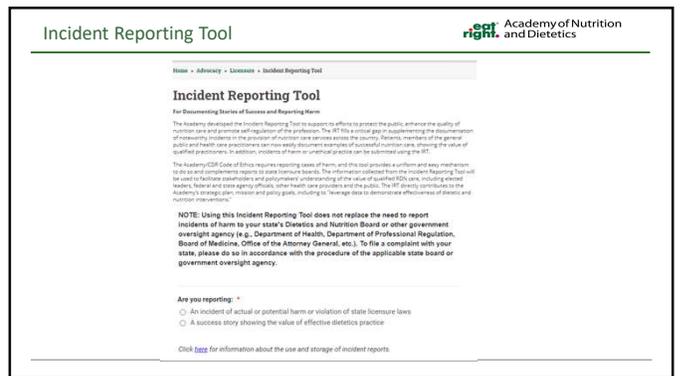
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16



17



18

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### Incident Reporting Tool

Please note where the incident occurred (but do not submit protected health information enabling identification of a patient or client), or where the advertising was observed (e.g., a state-licensed facility, a private office, a private home, etc.) and provide relevant names and addresses of each venue known.

If you are reporting advertising or marketing of such services, please provide details, including date observed and type of medium (e.g. website, health-related event, print ad, brochure, etc.).

If the source is a specific event, provide details of the event's name, sponsors, location, etc.

If the source is a brochure, provide details where/how you found it (e.g., office of the referenced provider, another provider's office, in third-party location, etc.).

Please note relevant website addresses.

19

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### What the IRT *Is* and What It *Is Not*





The IRT *is* intended to:

- Provide a mechanism to report unsafe practice when state license structure does not offer such
- Enable application of information to enhance public protection
- Serve as a tool for enhancing self-regulation of the profession

The IRT *is not* intended to:

- Replace our obligation to report violations of title protection provisions to our state board
- Serve as data source for state dietetics boards or agencies
- Protect jobs from competition

20

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### Elements of Harm Justifying Licensure

Licensure Laws With Exclusivity Are Intended to Prevent Harm That Is:

**Specific**

- Documented, verifiable, identifiable, cognizable

**Significant**

- Considerable, noteworthy or important

**Non-speculative**

- Not remote; foreseeable; damages are speculative when it cannot be well-determined that a particular event or action has caused harm

**Harm**

- Typically includes both physical and financial harm

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21

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### What Types of Reports Are Most Effective?

1) Practice resulting in *actual* harm

2) Authorized or unauthorized practice creating *realistic potential* for harm

3) Unauthorized use of protected titles

22

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### Communication Strategies I



Understand the ins and outs of your licensure law



Understand impact of your law's provisions on actionability of various IRT report types



Even if practice allowed without license, IRT reports about practice still important

23

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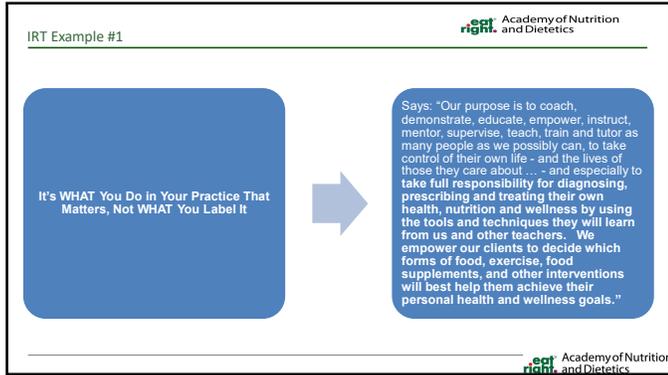
## Incident Reporting Tool



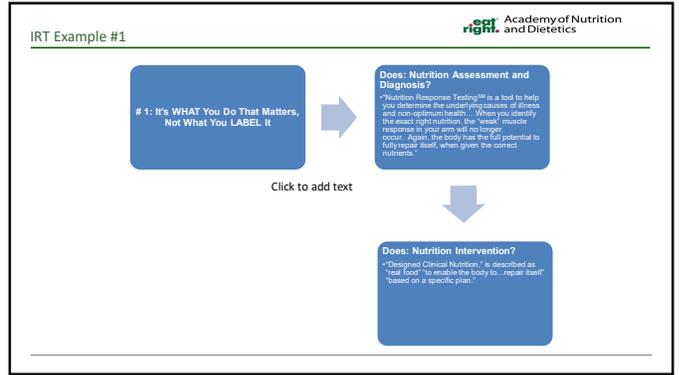
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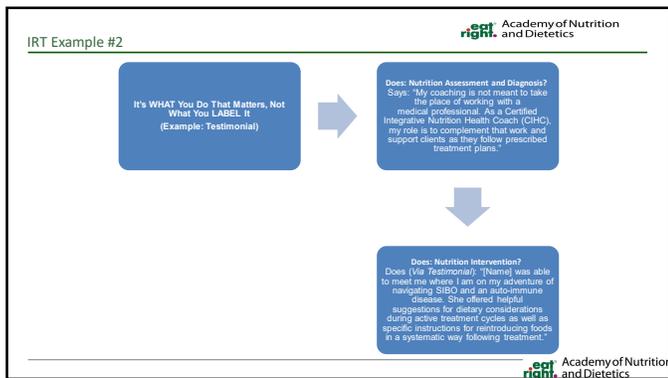
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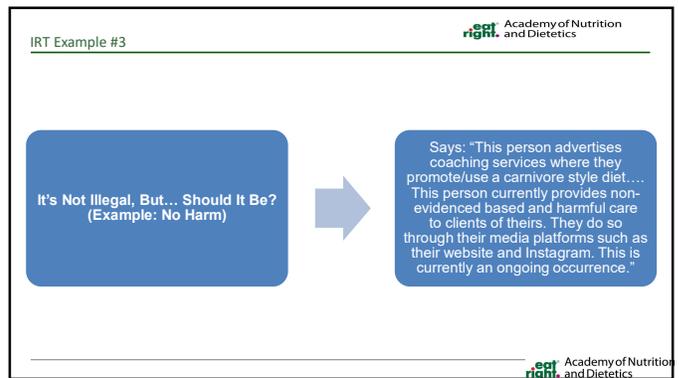
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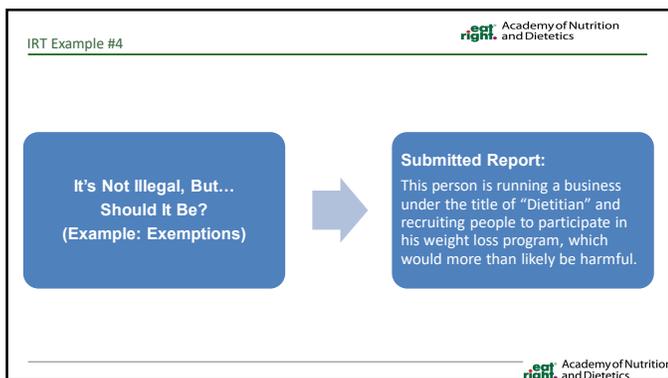
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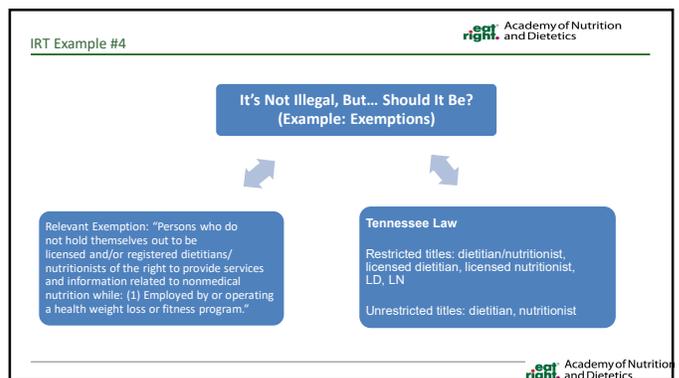
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28



29



30

IRT Example #5

**Education, Not Condemnation**

Business website advertised MNT, other individualized nutrition counseling by the business owner, who had been certified by the American College of Sports Medicine

- Contacted the owner, shared Montana's law
- Contacted ACSM, connected them with individual
- Website removed references to nutrition counseling

31

Key Takeaways – Using the IRT

- 01 Know the goal: Consume Protection
- 02 Identify yourself & contact info
- 03 Identify person/company you are describing  
→ Title, LinkedIn, email, phone, website
- 04 Document details – who, what, where, when, why  
→ The specific, verbatim, screenshots (don't link to web addresses)
- 05 Know your licensure law – provision, scope of practice, exemptions
- 06 Use Academy resources, request help, learn from others

32

IRT Example: Wisconsin Patient Praises Providers

Referral to UW Health team of a physician and dietitian

**"This referral has truly changed my life."**

Concerned about long-term Rx, previously suggested Ketogenic Therapy

**RDN provided nutrition therapy; 20 months without incident**

"Their "attentive advice and consultation on these matters is invaluable"

"This kind of care is absolutely **one of a kind.**"

33

WA Licensing Authority

In addition to the IRT, report valid issues of concern to

- WA State Department of Health
- <https://www.doh.wa.gov/LicensesPermitsandCertificates/ProfessionsNewReneworUpdate/DietitianandNutritionist>
- Complaint form under "File a Complaint"

34

Communication Strategies for Public and Legislators

- Public and professionals benefit from knowing risk of harm from practice by unqualified, unlicensed providers
- Awareness of value of RDN-provided services
  - Advances the profession
  - Enables recognition of effective practice
- IRT used to document harm and success
  - Public receives excellent care
  - Service delivery is documented
  - High practice standards now and in future



35

Summary: Making the IRT Work for the Profession

- Understand existing regulatory structure
- Understand definition of illegal/incompetent practice
- Guide peer use of IRT as needed
- Success reports are essential!
- Build effective database



36

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Poll Question!

Now that you know about the value of the IRT, what is the chance that you might use it in the future?



37

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Questions?

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38

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Washington State's Policy Reminders

Policy Bingo!



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Thank You!



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41