

Welcome to the Legal and Ethical Responsibilities presentation. The purpose of this presentation is to provide the health and fitness professional with a brief overview on legal and ethical responsibilities when it comes to working with weight management clients. The health and fitness professional should be aware of these responsibilities when it comes to providing nutritional guidance to clients with body composition altering goals. After completing the section, the health and fitness professional will be able to understand their scope of practice as it relates to providing nutritional advice to their clients, know when a client should be referred out to a healthcare specialist, and develop and provide proper client documentation.

The fitness profession has grown in many ways in the last decade with the number of people exercising increasing significantly. In fact, the number of settings, practitioners, and audiences for health promotion and wellness programs has been expanding rapidly as part of the Healthy People 2000 initiative. Wellness experts believe that this increase will continue and be reflected in the Healthy People 2010 initiative-- a comprehensive nationwide health promotion and disease prevention agenda. With growth often comes questions about qualifications and the need for scope of practice to stay clearly defined.

While health and fitness professionals are in an excellent position to guide people on making healthier food choices, the boundaries of scope of practice must be clearly established and respected. For example, a health and fitness professional that prescribes a low calorie, restrictive, or therapeutic diet for medical purposes is outside of their scope of practice. In many states, laws limit the practice of medical nutrition therapy to registered dietitians and specific healthcare professionals. Violation of state licensing laws that regulate medical nutrition therapy or nutrition counseling can result in fines or even jail.

Even dietetic professionals have a scope of practice. It would be just as unethical for a registered dietitian, or RD, without a fitness certification to design an exercise program as it is for a health and fitness professional without a dietetics credentials to design specific dietary prescriptions. A registered dietitian designation can only be used by dietetic practitioners who are currently authorized by the Commission on Dietetic Registration. Many registered dietitians also have graduate degrees, masters of science, or MS, in human nutrition or public health. However, while a practitioner can hold both credentials, an MS degree is not the same as an RD credential.

In a study by Hunt, et al, on the skills and competencies of registered dietitians practicing in wellness

settings, a survey showed that 20% of registered dietitians work in fitness facilities. While these numbers are growing, most fitness facilities do not offer on-premises sessions with a nutritionist. In practical terms, this means that most members and clients will rely on the fitness staff to provide sound information on nutrition. The question remains, do health and fitness professionals believe they should be counseling members and clients in nutrition?

National Academy of Sports Medicine certified personal trainers possess a fundamental knowledge of the human body, physiology, anatomy, and the basics of nutrition. Many have also completed continuing education to better understand the relationship between nutrition and physical performance. If a health and fitness professional does not hold a recognized nutrition credential, they can provide general non-medical nutrition information. Scientifically-based general information can be very helpful and provides a great deal of freedom to talk about nutrition and educate clients about healthy food choices-- for example, the difference between unsaturated and saturated fats.

Reliable nutritional education tools that are available to health and fitness professionals like nutrition facts panels and the dietary reference intakes are excellent ways to provide nutritional guidance that is well-supported by science and public health authorities. While these guidance tools will be exceptionally useful the majority of the time, there will be situations that are outside of a health and fitness professional scope of practice. Legal and ethical experts say the best way to begin managing these situations is to ask a few basic questions.

Number one, could this person be better helped by someone with more or different expertise?

Number two, does this person's nutrition concern fall outside the realm physically and/or psychologically of a healthy individual? And three, do I feel any discomfort with my ability to help my client? If the answer is yes to any of these questions, it is the health and fitness professional's ethical responsibility to refer that person to a licensed dietetics professional.

Eating disorders are psychological diseases with potential medical and nutritional complications. They are also the most lethal of their mental health disorders associated with significant morbidity and mortality. If a health and fitness professional suspects an eating disorder or even a burdening emotional discomfort from body image or weight-related issues, that client should be referred to an eating disorder specialist.

Often health and fitness professionals will refer the person to a registered dietitian. And then the dietitian must refer to a psychiatric professional to assume diagnostic responsibility. While nutritionists with experience in this area are often part of treatment teams, their code of ethics

directs them to make sure the person is also receiving qualified psychological care. Health and fitness professionals should be familiar with their facility's policy for this type of intervention. If the health and fitness professional is a sole practitioner, they should make several referrals to qualified therapists and document these referrals.

A great way to avoid liability issues is utilizing the documentation and the SOAP note. SOAP, or S-O-A-P, is an acronym for Subjective, Objective, Assessment and Plan. Refer to your course manual for an example of a SOAP note.

As mentioned in the fitness assessment section of this course, addressing potential health risks by having a client fill out a physical activity readiness questionnaire, or PARQ, is equally as important and should be included in your documentation. If a person answers yes to any of the questions, additional questions should be asked, and a physician should be consulted before a program begins. All documentation must be kept private and confidential. Should a client request information to be released to an authorized party, for example another health professional, another trainer, or even members of the client's own family, this must be provided by the client in writing.

In summary, the health and fitness professional must comply with all legal and ethical obligations, obey all laws, and accept responsibility for their actions. They must document all communication and maintain accurate and truthful records. Additionally, in the arena of weight control, health and fitness professionals must be prudent and vigilant about their scope of practice, which includes making referrals to a qualified professional when there is any doubt about their own qualifications.