

Health Promotion Program Legal Updates

Webinar Q&A: June 16, 2021

The following questions were submitted during WELCOA's *Health Promotion Program Legal Updates* webinar session that aired on **June 16, 2021**. To help further educate yourself in legal compliance with your wellness program, please review this list of attendee inquiries and the responses provided by presenter and health law attorney, Barbara Zabawa.

****Please note: The responses provided below do NOT constitute legal advice and should not be used as such. Readers should retain legal counsel to obtain definitive answers. The responses below are for educational purposes only.**

1. **Could a medical professional who is also a certified wellness coach practice coaching in a state where they aren't medically licensed?**

They could practice coaching, but not the licensed practice of medicine.

2. **If you have a health coach reviewing biometrics, etc. and they are a registered nurse is this within their parameters to coach on?**

If they are licensed as a nurse in which they are practicing and in which the patient is being seen, then it is likely reviewing biometrics is within their scope (but the nursing practices act for those states should be reviewed to confirm).

3. **Do you know how Livongo is avoiding legal action with their virtual coaching program directed towards diabetes management? They are providing blood sugar strips, monitors, etc. and I do believe their coaches are Registered Dietitians, but they are virtual. So assuming they see people across state lines**

I would need more information to determine whether any laws are being violated.

4. **Can a wellness coach discuss biometrics or health assessment results with a client in terms of explaining what the numbers mean as long as they don't make a diagnosis or offer treatment?**

Education and information are within the scope of a health coach. Treatment and diagnosis is not.

5. **Do informed consents and waivers protect coaches at all?**

They can offer some protection and are highly recommended for coaches.

6. **Do programs like *Eat Right for Life* cross boundaries into the scope of a nutritionist if the health coach runs it?**

I am not familiar with that program, but the scope of nutrition information given by coaches will vary state by state. More information is needed as to what the coach is saying/doing with regard to nutrition information in each of the states in which they practice.



Q&A responses provided by
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