

To Sen. Claire Ayer, Chair and Members of the Senate Health & Welfare Committee

From Jeanne B. Kennedy,  
Lobbyist on behalf of Vermont Academy of Nutrition & Dietetics

Date April 15, 2014

Re H.633

**COMMENTS FROM Members of:  
VERMONT ACADEMY OF NUTRITION AND DIETETICS**  
via emails

[APRIL 10, 2014](#)

Some Vermont RD's who have attended the AADE (American Association of Diabetes Educators) Annual national conference have not been allowed in sessions where they might have received CEU's because of the restrictions of the law.

(An *FAHC*) Neurologist was billed a big sum after attending a dinner meeting where presentations were made about ALS/neurology issues. If I had attended that same session, I would have been billed for the dinner, even after paying the required registration fee to attend.  
Sue Johansen, RD, CD, CDE

If the pharmaceutical company is sponsoring the dinner with CEU's it is against the VT law for us to attend, is my understanding. And in some cases, pharmaceutical companies have billed attendees for the meal or folks have been denied attendance at the event.  
Sue Johansen, RD, CD, CDE

[APRIL 10, 2014](#)

Dear Jeanne

All I can tell is that RD's could not attend any session...at the AADE Conference, if food was served....No matter if we had paid for the Conference and we could not, in some cases get credits. This is because of Act 59....Nor could we attend any networking sessions as there was always food served....Networking very valuable. These were often early a.m. or Dinner sessions....Small breakfast or small evening meal...Credits lost. Tickets were handed out for these affairs and if you were from VT....No ticket.  
Priscilla Carpenter

Vt. attendees were not given tickets to sessions that served food....Even those that gave credits. Nor could we attend. Networking events....Very important....Because of the wording of Act 59.... Pharm Companies are still ruling the roost.  
Priscilla Carpenter, RD, CD, CDE

APRIL 11, 2014

Jeanne,

I had a situation recently that might apply to the information that you have requested. I was recently contacted by a legal representative from Abbott Labs. I had been given a water bottle for visiting an Abbott Lab booth at the Food and Nutrition Conference and Expo in 2013 and I was informed that it had to be returned. The representative had to go to great lengths to ensure that I responded to their "urgent" request. I received a certified letter, along with numerous emails and phone calls. I had three options. I could:

1. send the bottle back
2. send a check for \$9.50 (the value of the bottle)
3. send back a bottle of equal value if I couldn't find the original one

It seemed ridiculous to me that this woman had to go to such lengths over a give away from the conference. She explained to me that as a resident of Vermont I should not have been given the item. Luckily, I still had the water bottle and returned it in a prepaid FedEx package provided by Abbott.

*Marcia Bristow MS RD CD*

Fueling Fitness PLC

APRIL 11, 2014

Jeanne

There seem to be lots of examples of "silly" results of Act 59, as well as some pretty serious ones that interfere with continuing ed and the practitioner's ability to access necessary information because some coffee is being served.....and some pharmaceutical company may be providing some money or something of value. Mailing back a water bottle given away at a conference in Houston is totally absurd!!!

By contrast, there are food shows where food companies give away food with the goal of influencing customers to buy their products....there was just one last week put on by Burlington foods. School food service directors, senior meal service directors, etc. attend these and are happy to get information about new products....and some even are given a discount if you attend and then make a purchase.

Medical foods---produced by pharmaceutical companies---cannot be provided or marketed in the same way to professionals..... Act 59 is an example of good intentions taken to an extreme that is nonsensical.

Sue Johansen, RD, CD, CDE

*These next two go together – are about the same incident*

APRIL 12, 2014

Hi Jeanne.

At the VAND Annual meeting today at the Inn at Essex, a new product was shown by Nestle--- Boost with 530 calories. Janice Waterman asked if she could have a sample container to take to evaluate the flavor, palatability, etc. She was told by the Nestle rep that "I can't give you that". So no sample, no chance to evaluate the product.....

Sue Johansen, RD, CD, CDE

[APRIL 12, 2014](#)

Hi Jeanne

Yesterday at the Vermont Academy of Nutrition and Dietetics (VAND) annual meeting I was speaking with a pharmaceutical rep about a particular oral supplement that I was interested in tasting as a possible option for malnourished residents in a nursing home where I work. I was told she wasn't allowed to give me a sample because of the very strict law in Vermont. I couldn't even taste it! Normally I would take a few samples to the nursing home, set up a group of residents and staff to taste the product, evaluate the nutritional adequacy, pros and cons, cost vs. benefit of making this product available to frail residents struggling with weight loss or non-healing wounds. Instead I have to buy a whole case. This seems ludicrous to me, not to mention costly.

Janice Waterman, RD, CD, CDE