



## ANA Statement Regarding New Jersey Telehealth Registry

November 2021

Effective January 2, 2022, New Jersey is implementing a [Telemedicine and Telehealth Organization Registry](#). While the ANA cannot give legal advice, we have reviewed the general information provided on the [registry web page](#) to assess its applicability to nutritionists offering telehealth services in New Jersey.

The statute the registry references in the definition of telehealth defines health care provider as “an individual who provides a health care service to a patient, and includes, but is not limited to, a licensed physician, nurse, nurse practitioner, psychologist, psychiatrist, psychoanalyst, clinical social worker, physician assistant, professional counselor, respiratory therapist, speech pathologist, audiologist, optometrist, or any other health care professional acting within the scope of a valid license or certification issued pursuant to Title 45 of the Revised Statutes.” In 2019, the New Jersey legislature passed A1582 to license dietitians and nutritionists in New Jersey. While the bill was supposed to be effective in early 2021, appointments to the board have not been made. Once appointments are made, the board will have to promulgate rules to implement the law before it can become operational and begin issuing licenses. It will be some time before the law can be implemented, but when it is, it appears that the registry will apply to licensed dietitians and nutritionists, as A1582 adds licensure of dietitians and nutritionists to chapter 45 of the New Jersey statutes.

While it is clear that the registry applies to companies as well as sole proprietors, it may not apply to all nutrition practitioners practicing telehealth in New Jersey. First, it appears that if a practice has a physical location, registration is not required. The registry states: “**PRIVATE PRACTICES WITH A PHYSICAL LOCATION USED FOR THE TREATMENT OF PATIENTS ARE NOT REQUIRED TO REGISTER.**”

Second, the registry language states: “Telemedicine or telehealth organization means a corporation, sole proprietorship, partnership, or limited liability company that is organized for the **primary purpose** of administering services in the furtherance of telemedicine or telehealth” (bold added). Many nutrition practices may not in this category, as administering services in the furtherance of telemedicine or telehealth may not be the “primary purpose” of the business.

The ANA is also aware of questions regarding having a “registered agent” in New Jersey. It appears that covered entities - which many nutrition practices may not be, based on the above - are only required to have a New Jersey registered agent if they are based in New Jersey.

*Disclaimer: This is a preliminary interpretation of language of state statutes and regulations and cannot substitute for legal counsel. This information should not be construed as legal advice, and any practitioner seeking legal advice is advised to consult with a licensed attorney in their jurisdiction with appropriate expertise.*