

Frequently Asked Questions

Health Coaches

What is Required to Be a Health Coach?

At present, there are no formal prerequisites to calling oneself a health coach. There are certifications and licenses available, but none are required to practice as a health coach in any state.

What is the Definition of a Health and Wellness Coach?

Coaching is a nonclinical service that focuses on personal evolution and empowerment through goal setting, exploration, action steps, and accountability.

Health & wellness coaches partner with clients seeking to enhance their well-being through self-directed, lasting changes, aligned with their values. In the course of their work, health & wellness coaches display an unconditional positive regard for their clients and a belief in their capacity for change, honoring the fact that each client is an expert on their own life, while ensuring that all interactions are respectful and non-judgmental.¹®

The taxonomy of the National Uniform Claim Committee recognizes the code 171400000X for the services provided by a health coach.²

What Does It Mean to Be a Certified Health Coach?

There are a few organizations that certify health coaches, including the National Board for Health and Wellness Coaching, ACE Health Coaches, the Duke Integrative Medicine Health Coach Professional Training program, AFPA Health and Wellness Coach Certification program, ADAPT Certified Functional Health Coaches, and the Primal Health Coach Program. Certification means the applicant has met preset criteria for educational achievement, training, and experience established by the certifying body. Because anyone can claim to be a health coach, certification lends practitioners credibility.

Does a Health Coach Need to Be Certified?

Certification means that the practitioner has met certain standards set by an organization. Coaches do not need to be certified, but certification adds credibility. If one is seeking

¹ National Board for Health and Wellness Coaching, (2021) www.nbhwc.org. (Accessed 2021 May 18).

² "Health & Wellness Coach," National Uniform Claim Committee, (2021 Apr 1) <https://www.nucc.org/index.php/code-sets-mainmenu-41/provider-taxonomy-mainmenu-40/new-codes-mainmenu-79>. (Accessed 2021 May 18).

employment with an organization or institution as a health coach, the potential employer may require certification. Without certification, a person cannot state, imply, or lead the public to believe they are certified. Further, if a noncertified health coach represents themselves as being certified, they may be guilty of fraud. Licensed health coach professionals who provide services in an area outside the jurisdiction of their license may also be found guilty of fraud—and they should refrain from using professional designations unless permitted to do so as a result of another licensure or certification.

What Are the Legal Ramifications of Being Certified?

There are four elements a client is required to demonstrate for a professional negligence claim: a duty to act within the standard of care, a breach of that duty, an injury that results from the breach in the standard of care, and damages that result from the injury. A health coach assumes a duty toward a client when they advise them on health-related matters. For health coaches, the duty is to act within the standard of care that is applicable under the same or similar conditions as the one in which the coach finds themselves. The standard of care for a certified health coach will require having more knowledge and experience than a noncertified health coach. The standard of care is set by recognized experts in that field, and there are always competing opinions, such as cases in which the plaintiff's expert and the defendant's expert disagree. The judge or jury will decide which expert is more credible.

What Are the Limitations on a Health Coach's Practice?

The basic limitation on the practice of a health coach is that, without a license, the coach may not do anything that is within the scope of practice for a licensed professional. The most obvious example is that a nonphysician health coach may not diagnose or treat any medical condition, which is reserved to the practice of physicians. For example, a health coach may advise a diabetic client about diet and exercise but not adjust or alter the client's insulin or medication regimen. Similarly, a health coach who is not a registered nurse may not perform a nursing assessment, make a nursing diagnosis, or perform a nursing intervention.

Nonprofessionals should not do tasks that are restricted to the practice of a licensed professional. Additionally, it may not be appropriate to represent oneself as a doctor, unless the state recognizes and allows the use of an honorific. Health coaches who are trained as community health educators, athletic trainers, social workers, aestheticians or who were trained in other health-related disciplines are bound by the scope of practice outlined in their state(s) of licensure or limitations imposed by the Board of Health or Board of Medicine in the state(s) in which they practice if unlicensed.

Are Health Coaches Covered by the Health Insurance Portability and Accountability Act (HIPAA)?

Under HIPAA, protected health information (PHI) is individually identifiable information relating to the past, present, or future health status of an individual that has been created, collected, transmitted, or maintained by a HIPAA-covered entity concerning the provision of health care, payment for health care services, or use in health-care operations. HIPAA-covered entities are clearly defined in the regulation as any health plan, health-care clearinghouse, or health-care provider who transmits any PHI. However, a “health care provider” is generally considered to be someone who provides medical services or services in conjunction with medical services such as nurses, physical therapists, psychologists, and others.³ Research has not revealed whether the Centers for Medicare and Medicaid Services or the Department of Justice have definitively ruled on whether a health coach is a designated health care provider for the purposes of HIPAA. If a health coach is providing only advice and encouragement and does not discuss the client’s health conditions that gave rise to the need for advice, the health coach is probably not subject to HIPAA. However, if there is any doubt about whether HIPAA covers a communication, the health coach should assume that it is covered and err on the side of caution.

The foregoing guidelines also apply to group communications through Zoom calls, blog postings, or group coaching sessions. The health coach should refrain from discussing any participant’s health status unless they have obtained prior authorization. The other participants in a group setting are not covered entities; hence HIPAA does not apply to them if they decide to disclose health information about other participants in the group.

Do Health Coaches Need to Obtain the Client’s Consent Before Providing Coaching?

A mutual understanding of what will and will not be accomplished in any health-related relationship is always desirable. Thus, by ensuring the patient has a copy of a signed consent form that outlines the services they will provide, the health coach can avoid frequent misunderstandings that may arise. The list of services a health coach provides should be straightforward and unambiguous. Health coaches should also avoid providing services that include preventing, diagnosing, curing, or treating any medical or health-related condition; guaranteeing or warranting any particular outcome; or guaranteeing any specific improvement in health status, medical condition, mood, or affect. It may be advisable to indicate that the outcome of coaching is dependent on the client’s motivation, willingness to follow directions, and willingness to do the work required to obtain the desired result.

³ CMS. Covered Entities and Business Associates. (2017 Jun 16). Available at <https://www.hhs.gov/hipaa/for-professionals/covered-entities/index.html>. (Accessed 2021 May 18)

Should Health Coaches Share Information with the Patient's Health Team?

It is prudent to have patients sign a release of information for their primary care provider to receive all health screening information, lab results, and other diagnostic testing results that are part of the health coaching program.

Do Health Coaches Need Malpractice Insurance?

Although there do not appear to have been many claims made against health coaches as of May 2021, this does not mean claims will not occur as the field expands. If the health coach is already insured as a nurse, nurse practitioner, naturopath or is insured because they work in a related field, it may be possible to get additional coverage for health coaching via an endorsement to the existing policy. However, if a licensed professional has insurance through an employer and is freelancing as a health coach, that insurance may not cover their coaching activities. Insurance policies are precise about what the carrier covers. It is prudent to contact your professional liability/malpractice insurer if you are considering becoming a health coach or expanding current services to include the duties and tasks of a health coach.

There are many circumstances for which the health coach may need insurance coverage, including negligent exacerbation of a health condition, breach of implied or express contract, fraud, adverse reaction to a recommended dietary regimen and injury due to a recommended exercise regimen. Another source of liability can be negligence per se, which occurs when a health coach violates a statute, such as a scope of practice statute or regulation, that is intended to protect a client and they are injured as a result. The liability for negligence per se claims is strict—which means there are few defenses in these cases. Even if these claims are ultimately found to be frivolous, the insurance policy should provide for a legal defense. Defense costs (e.g., attorney's hourly rate, filing fees, and expert witness fees) for claims of this sort can easily cost thousands of dollars.

Does All of This Need to Be Approved by Legal Counsel?

The approval of counsel can be valuable. For one, it is a viable defense to argue that something was done based on the advice of legal counsel. At a minimum, attorneys are trained to objectively evaluate a situation or provide documentation about a relationship to determine potential problems and failures.