

session at regular meetings. The Board may appoint a committee to investigate the need to create or change a rule. If deemed necessary, the Board will draft a proposed rule for consideration. From this point on, the Board must comply with Chapter 119 of the Ohio Revised Code.

A public notice of hearing is published on the Board's website ([www.dietetics.ohio.gov](http://www.dietetics.ohio.gov)) and the official Ohio rules filing website called the Register of Ohio ([www.registerofohio.state.oh.us](http://www.registerofohio.state.oh.us)). The notice must state the Board's intention to adopt a rule, provide a summary of the rule and the reason for adopting or amending an existing rule. A date, time and place for the public hearing will also be published. A copy of a proposed rule may be requested by calling or e-mailing the Board office, or may be accessed from the Board's website or the Register of Ohio website.

Public comments on any proposed rules may be sent to the Ohio Board of Dietetics in writing or stated in person at the public hearing.

## Participation in the Rules Writing Process

**T**he Ohio Board of Dietetics welcomes the input of all interested parties. The public can:

- (1) provide comment during the initial discussion phase of the rule proposal or amendment. This can be done at a board meeting during the open forum part of the agenda, or written correspondence will be reviewed by the board during the business portion of the meeting which deal with rules.
- (2) recommend to the Board that rules be proposed, changed, amended or rescinded.
- (3) participate in exploratory committees concerning rule proposal; or
- (4) provide verbal or written testimony as a proponent or opponent of a proposed rule at a public rules hearing.

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# Ohio Board of Dietetics

## Rule-Making Process



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## Board Mission and Organization

The mission of the Ohio Board of Dietetics is to effectively protect the public by regulating the practice of dietetics through licensure, and by fairly and consistently enforcing the laws and rules governing nutritional practices. In order to do this, the Ohio Board of Dietetics is empowered to issue dietitian licenses and permits; review and investigate complaints; take disciplinary actions for violating any provision of Chapter 4759 of the Revised Code; and mandate ongoing continuing education in order to assist in the continued competent practice of nutrition and dietetics.

The Ohio Board of Dietetics is an agency of the state of Ohio, which was established in 1987 by an act of the Ohio Legislature. The Board's authority is found under Chapter 4759 of the Ohio Revised Code. The Board issues licenses or limited permits to dietitians who use the titles Licensed Dietitian (L.D.) or Limited Permit Holder (L.P.#### number). Only those who meet the rigorous requirements, or exemptions established in the law and rules, may practice dietetics as defined in the law. Those authorized to practice dietetics by the Board are referred to as "Licensees" or "Limited Permit Holders."

The Ohio Board of Dietetics handles complaints about its licensees and limited permit holders and may directly discipline those providers who violate the public health and safety standards set by the legislature and the Board. Complaints which do not fall within the jurisdiction of the Ohio Board of Dietetics are referred to other, more appropriate agencies.

## Who are the Members of the Ohio Board of Dietetics ?

The Ohio Board of Dietetics has five members: three are dietitians licensed in the state of Ohio, one is an educator of dietitians who holds a doctoral degree, and one is a member of the general public. All members are appointed by the Governor with the advise and consent of the Ohio Senate and serve for a term of five years. The Board appoints an Executive

Secretary who serves as the chief administrative officer for the Board and who is responsible for the daily activities of the Board staff. The Executive Secretary acts as the spokesperson for the Board.

## Rule Making Authority

In order for the Ohio Board of Dietetics to accomplish regulation of the practice of dietetics, the Ohio General Assembly authorized the Board to develop and enact certain other components of the regulations called rules.

Rules are not laws, but can have a similar effect once enacted. Rules essentially provide the detail that related laws may lack. A rule cannot change the law or exceed the intent of the law. A rule provides for the process or clarifies the authority already granted in the law.

The Ohio Board of Dietetics is empowered to write specific rules. Other rules may be written, so long as the rules have existing authority from the enabling law. Section 4759.05 (A) of the Ohio Revised Code states that the Board shall:

*(A) Adopt, amend, or rescind rules pursuant to Chapter 119. of the Revised Code to carry out the provisions of this chapter, including rules governing the following:*

*(1) Selection and approval of a dietitian licensure examination offered by the commission on dietetic registration or any other examination;*

*(2) The examination of applicants for licensure as a dietitian, to be held at least twice annually, as required under division (A) of section 4759.06 of the Revised Code;*

*(3) Requirements for pre-professional dietetic experience of applicants for licensure as a dietitian that are at least equivalent to the requirements adopted by the commission on dietetic registration;*

*(4) Requirements for a person holding a limited permit under division (F) of section 4759.06 of the Revised Code and a licensed dietitian who places his license in inactive status under division (G) of section 4759.06 of the Revised Code, including a procedure for changing inactive status to active status;*

*(5) Continuing education requirements for renewal of a license, except that the board may adopt rules to waive the requirements for a person who is unable to meet the requirements due to illness or other reasons. Rules adopted under this division shall be consistent with the continuing education requirements adopted by the commission on dietetic registration.*

*(6) Any additional education requirements the board considers necessary, for applicants who have not practiced within five years of the initial date of application for licensure;*

*(7) Standards of professional responsibility and practice for persons licensed under this chapter that are consistent with those standards of professional responsibility and practice adopted by the American Dietetic Association;*

*(8) Formulation of a written application for licensure or license renewal that includes the statement that any applicant who knowingly makes a false statement on the application is guilty of a misdemeanor of the first degree under section 2921.13 of the Revised Code;*

*(9) Procedures for license renewal;*

*(10) Establishing a time period after the notification of a violation of section 4759.02 of the Revised Code, by which the person notified must request a hearing by the board under section 4759.09 of the Revised Code.*

## The Rule-making Process

Rules are written to better explain a process or regulatory requirements associated with the law. Proposed rules are routinely discussed in open