

LAWS and RULES
Governing the Practice of DIETETICS
in the
STATE OF OHIO

Issued by
Ohio Board of Dietetics
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TABLE OF CONTENTS

OHIO REVISED CODE CHAPTER 4759

To license and regulate dietitians.

4759.01	Definitions	1
4759.02	Dietetic Practice, prohibitions	1
4759.03	Ohio Board of Dietetics, organization.....	2
4759.04	Ohio Board of Dietetics, meetings, officers, executive secretary	3
4759.05	Ohio Board of Dietetics, powers and duties	3
4759.06	Requirements for licensure, renewal, limited permits, inactive status	6
4759.061	Criminal records check requirement.....	7
4759.07	Disciplinary actions against licensees	7
4759.08	Fees	8
4759.09	Legal action against licensees.....	9
4759.10	Exemptions from licensure.....	9
4759.11	Default on child support orders	10
4759.99	Penalties for violation of Section 4759.02.....	11

ADMINISTRATIVE RULES – OHIO BOARD OF DIETETICS CHAPTER 4759 OHIO ADMINISTRATIVE CODE

Chapter 4759-1	GENERAL RULES	12
4759-1-01	Public Notice of Rule Adoption	12
4759-1-02	Notice of Board Meetings.....	12
4759-1-03	Personal Information Systems	14
Chapter 4759-2	DEFINITIONS.....	17
4759-2-01	Definitions	17
Chapter 4759-3	OPERATIONS.....	20
4759-3-01	Duties of Board Members.....	20
4759-3-02	Executive Secretary	20
4759-3-03	Minutes of Board Meetings	21
4759-3-04	Cooperation and Communication with Professional Organizations..	21
4759-3-05	Advisory Committees	22
4759-3-06	Parliamentary Procedures	22
4759-3-07	Adjudication Hearings	22
Chapter 4759-4	LICENSURE	24
4759-4-01	Applications ..	24
4759-4-02	Preprofessional Experience.....	25
4759-4-03	Examination ..	26
4759-4-04	Continuing Education	27

4759-4-05	Licensure by Reciprocity.....	28
4759-4-06	Status Categories	28
4759-4-07	Failure to Maintain Licensure.....	29
4759-4-08	Limited Permit.....	30
4759-4-09	License Certificates and Permits	31
4759-4-10	Prorated Initial License Fees	32
4759-4-11	Criminal Records Check.....	32
Chapter 4759-5	EXEMPTIONS	34
4759-5-01	Supervision of Persons Claiming Exemption.....	34
4759-5-02	Student Practice Exemption.....	35
4759-5-03	Plan of Treatment Exemption.....	36
4759-5-04	Additional Nutritional Activities Exemption	36
4759-5-05	Distribution of Literature.....	37
4759-5-06	Weight control Program Exemption.....	37
Chapter 4759-6	STANDARDS OF PRACTICE	39
4759-6-01	Standards of Practice in Nutrition Care.....	39
4759-6-02	Standards of Professional Performance	42
4759-6-03	Interpretation of Standards	46
Chapter 4759-7	COMPLAINT PROCEDURES.....	47
4759-7-01	Filing of Complaints.....	47
Chapter 4759-8	HEARING PROCEDURES (PUBLISHED UNDER SEPARATE COVER – <u>Ohio Board of Dietetics Hearing Procedures</u>)	
Chapter 4759-9	MISCELLANEOUS	48
4759-9-01	Severability....	48

This "cut and pasted" version of the *Laws and Rules Governing the Practice of Dietetics in the State of Ohio* has been updated on 7/7/2009 to include the most recently enacted amendments to the Administrative Code, and the addition of section 4759.061 to the Revised Code. Once the changes are codified and officially printed a new copy will be made available.

CHAPTER 4759: DIETETICS

4759.01 Dietetics definitions.

As used in this chapter:

(A) "The practice of dietetics" means any of the following:

(1) Nutritional assessment to determine nutritional needs and to recommend appropriate nutritional intake, including enteral and parenteral nutrition;

(2) Nutritional counseling or education as components of preventive, curative, and restorative health care;

(3) Development, administration, evaluation, and consultation regarding nutritional care standards.

(B) "The American dietetic association" means the national professional organization of dietitians that provides direction and leadership for quality dietetic practice, education, and research.

(C) "Commission on dietetic registration" means the commission on dietetic registration that is a member of the national commission on health certifying agencies.

Effective Date: 07-01-1987

4759.02 Unlicensed practice.

(A) Except as otherwise provided in this section or in section 4759.10 of the Revised Code, no person shall practice, offer to practice, or hold himself forth to practice dietetics unless he has been licensed under section 4759.06 of the Revised Code.

(B) Except for a licensed dietitian holding an inactive license who does not practice or offer to practice dietetics, or a person licensed under section 4759.06 of the Revised Code, or as otherwise provided in this section or in section 4759.10 of the Revised Code:

(1) No person shall use the title "dietitian"; and

(2) No person except for a person licensed under Chapters 4701. to 4755. of the Revised Code, when acting within the scope of their practice, shall use any other title, designation, words, letters, abbreviation, or insignia or combination of any title, designation, words, letters, abbreviation, or insignia tending to indicate that the person is practicing dietetics.

(C) Notwithstanding division (B) of this section, a person who is a dietitian registered by the commission on dietetic registration and who does not violate division (A) of this section may use the designation "registered dietitian" and the abbreviation "R.D."

(D) Division (A) of this section does not apply to:

which he was first appointed.

Three members of the board shall be dietitians who have been actively engaged in the practice of dietetics in the state for at least five years immediately preceding their appointment; one member shall be an educator with a doctoral degree who holds a regular faculty appointment in a program that prepares students to meet the requirements of division (A)(5) of section 4759.06 of the Revised Code; and one member shall be a member of the general public who is not and never has been a dietitian, is not a member of the immediate family of a dietitian, does not have a financial interest in the provision of goods or services to dietitians, and is not engaged in any activity related to the practice of dietetics.

Each member of the board shall receive an amount fixed pursuant to division (J) of section 124.15 of the Revised Code for each day, or portion thereof, he is actually engaged in the discharge of his official duties, and shall be reimbursed for actual and necessary expenses incurred in the performance of those duties.

Effective Date: 07-01-1987

4759.04 Organization of board.

The Ohio board of dietetics shall meet at least once annually and at other times as determined by the board, upon the call of the chairman, or upon the written request to the executive secretary of the board by two or more members of the board. Three members of the board constitute a quorum to conduct business and no action shall be taken without the concurrence of at least three members.

At the first meeting of each year, the board shall elect a chairman and a vice-chairman from among its members. The board shall designate an executive secretary and may employ other employees or consultants, or contract, subject to the approval of the controlling board, with a state agency or nonprofit corporation as necessary to carry out this chapter and rules adopted under it pursuant to Chapter 119. of the Revised Code.

Effective Date: 07-01-1987

4759.05 Duties of board.

This version is in effect until 03-24-2008

The Ohio board of dietetics 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;

licensing and regulatory fund. All vouchers of the board shall be approved by the chairperson or secretary of the board, or both, as authorized by the board.

Effective Date: 07-01-2004

4759.09 Violation procedure.

The Ohio board of dietetics shall notify in writing any person determined by the board to be in violation of section 4759.02 of the Revised Code. The notification shall state that the person may request a hearing by the board within the amount of time specified by the board pursuant to division (A) of section 4759.05 of the Revised Code. If the person fails to request the hearing, or if the board determines from the hearing that the person is in violation of section 4759.02 of the Revised Code, the board may apply to the court of common pleas of the county in which the violation is occurring for an injunction or other appropriate restraining order to prohibit the continued violation of section 4759.02 of the Revised Code.

Effective Date: 07-01-1987

4759.10 Exemptions.

Sections 4759.01 to 4759.09 of the Revised Code do not apply to any of the following:

(A) A person licensed under Chapters 4701. to 4755. of the Revised Code who is acting within the scope of the person's profession, provided that the person complies with division (B) of section 4759.02 of the Revised Code;

(B) A person who is a graduate of an associate degree program approved by the American dietetic association or the Ohio board of dietetics who is working as a dietetic technician under the supervision of a dietitian licensed under section 4759.06 of the Revised Code or registered by the commission on dietetic registration, except that the person is subject to division (B) of section 4759.02 of the Revised Code if the person uses a title other than "dietetic technician";

(C) A person who practices dietetics related to employment in the armed forces, veteran's administration, or the public health service of the United States;

(D) Persons employed by a nonprofit agency approved by the board or by a federal, state, municipal or county government, or by any other political subdivision, elementary or secondary school, or an institution of higher education approved by the board or by a regional agency recognized by the council on postsecondary accreditation, who performs only nutritional education activities and such other nutritional activities as the board of dietetics, by rule, permits, provided the person does not violate division (B) of section 4759.02 of the Revised Code;

(E) A person who has completed a program meeting the academic standards set by the American dietetic association for dietitians, received a baccalaureate or higher degree from a school, college, or university approved by a regional accreditation agency recognized by the council on postsecondary accreditation, works under the supervision of a licensed dietitian or registered dietitian, and does not violate division (B) of section 4759.02 of the Revised Code;

section 3123.63 of the Revised Code with respect to a license issued pursuant to this chapter.

Effective Date: 03-22-2001

4759.99 Penalty.

Whoever violates section 4759.02 of the Revised Code is guilty of a minor misdemeanor. If the offender has been previously convicted once of a violation of the section, then the violation is a misdemeanor of the fourth degree. If the offender has been previously convicted more than once of a violation of the section, then the violation is a misdemeanor of the first degree.

Effective Date: 07-01-1987

Chapter 4759-1 General Provisions

4759-1-01 Public notice of rule adoption.

(A) Prior to adoption, amendment or rescission of any rule, except an emergency rule, the Ohio board of dietetics shall give public notice thereof as provided by section 119.03 of the Revised Code, at least thirty days prior to the date set for the public hearing. The board shall provide persons who are subject to, or may be affected by, the rules with reasonable notice by publication of that notice in the Register of Ohio. Such notice shall contain a synopsis or general statement of the rule or rules to be adopted, amended, or rescinded, and the date, time, and place of the hearing on the proposed action.

(B) The board may give whatever other notice it reasonably considers necessary by mailing or faxing the notice one time to the following persons or organizations:

(1) Notice shall be sent to any person or organization included on the board's subscriber list during the past five years.

(2) Notice shall be sent to "The Ohio Dietetic Association" and such of their affiliate district associations as registered with the board.

(C) The board may post the notice on the board's web-site as well as the full text of the proposed rules to be adopted, amended, or rescinded.

(D) The board may post the notice in the board's newsletter.

(E) Copies of the notice of the public hearing and the full text of the proposed rules shall be available at the board's offices at least thirty days prior to the date of the public rules hearing.

(F) The board may assess a reasonable fee, not to exceed the cost of copying and mailing, for notices sent to persons in accordance with this rule.

R.C. 119.032 review dates: 12/20/2007 and 12/20/2012

Promulgated Under: 119.03

Statutory Authority: 4759.05(A)

Rule Amplifies: 119.03, 4759.05(A)

Prior Effective Dates: 7-27-87 (Emer.); 1-30-87; 3-15-03

4759-1-02 Notice of board meetings.

(A) Any person may ascertain the time and place of all regularly scheduled meetings of the Ohio board of dietetics, and the time, place, and purpose of all special meetings of the board by any one of the following methods:

(1) Calling the board office by telephone during normal business hours (no collect calls will be accepted under any circumstances);

(2) Contacting the board office in person during normal business hours; or

(3) Providing the board with a written request for such notification and with a stamped self-addressed business-size envelope.

(4) Checking the board's website at www.state.oh.us/obd/obdschedule.htm.

(B) Any person or organization who makes written request for routine notification of all regularly scheduled and special meetings of the board, shall be placed on the subscriber list maintained in the board office. Subscribers shall provide the board with one self-addressed stamped business-size envelope for each month during the time period that they wish to be notified. After the requested notification period has ended, such notification will cease, unless it is renewed in the manner set forth in this paragraph.

(1) Notices will be mailed at least seven calendar days prior to any regularly scheduled meeting, and at least four calendar days prior to any special meeting, unless the meeting is an emergency meeting. Notices of special meetings will include the type of business to be discussed.

(2) It is the responsibility of the person requesting notification to keep the board informed in writing of changes in the person's current mailing address.

(3) The obligation of the board under paragraph (B) of this rule to each person or organization fully complying with said requirements shall be deemed fully discharged with the mailing of notification to the most current mailing address and name on file with the board for this purpose, as of seven days prior to the particular regularly scheduled meeting.

(C) A representative of a news media organization, or of the business office of "The Ohio Dietetic Association," may receive notification of board meetings by making written request to the board office. The board will compile a mailing list and will mail notification of all regularly scheduled and special meetings to these representatives at their business addresses in accordance with the schedule in paragraph (B)(1) of this rule.

(1) Provided that not more than one representative of a radio or television station, newspaper, or other publication or of "The Ohio Dietetic Association" may receive such notification.

(2) It is the responsibility of the news media organization or "The Ohio Dietetic Association" to notify the board in writing of changes in the name or mailing address of the recipient of such information.

(3) Notification under paragraph (C) of this rule will remain in effect for one year from the date of the written request after which time the name of the organization will be removed from the mailing list unless the request is renewed in writing.

(4) The obligation of the board under paragraph (C) of this rule to each organization fully complying with said requirements shall be deemed fully discharged with the mailing of notification to the most

current address and name on file with the board for this purpose, as of seven days prior to the particular regularly scheduled meeting, or four days prior to the particular special meeting.

(D) A representative of a news media organization may obtain telephone notification of emergency board meetings by making a written request to the board, including the name of the individual to be contacted, the individual's mailing address, and a maximum of two telephone numbers where the individual can be reached. The board will maintain a list of all representatives of the news media who request telephone notice of emergency meetings.

(1) In the event of an emergency meeting, the board shall immediately notify by telephone all representatives on the list of such meeting.

(2) Such telephone notice shall be complete if a message has been left for the media representative or if, after a reasonable effort, the board has been unable to provide such telephone notice.

(3) The media representative's name shall remain on the telephone notification list for one year from the date of the written request, after which time it will be removed unless the request is renewed in writing.

(4) It shall be the responsibility of the media representative or the media representative's organization to inform the board of any changes in telephone number or in the name of the person to be notified.

(E) The failure of any individual, organization, or organization representative to comply with the above requirements shall relieve the board of any obligation to provide advance notice of any kind of any public meeting to that individual, organization, or organization representative.

R.C. 119.032 review dates: 12/20/2007 and 12/20/2012

Promulgated Under: 119.03

Statutory Authority: 4759.05(A)

Rule Amplifies: 121.22(F), 4759.04

Prior Effective Dates: 11/30/98; 2/9/98; 3/15/03

4759-1-03 Personal information systems.

(A) The board shall appoint one employee to be directly responsible for each personal information system maintained by the board. Said employee shall:

(1) Inform all employees who have any responsibility for the operation or maintenance of said system or the use of personal information maintained in the system, of the applicable provisions of Chapter 1347. of the Revised Code and rules adopted thereunder; and

(2) Inform all persons requested to supply personal information for a system whether or not the person is legally required to provide such information; and

- (3) Restrict the collection, maintenance, and use of personal information to only that which is necessary and relevant to functions of the board as required or authorized by statute or rule; and
- (4) Provide all persons asked to supply personal information that will be placed in an interconnected or combined system, with information relevant to the system, including the identity of all other agencies or organizations that have access to the system; and
- (5) Allow a person who is the subject of a record in a personal information system to inspect the record pursuant to section 1347.08 of the Revised Code. Upon the request and verification that the person requesting access to the record is the subject of information contained in the system, the employee shall:
- (a) Inform the person of any personal information in the system of which the person is subject;
 - (b) Permit the person or the person's legal guardian, or an attorney who presents a signed authorization made by the person, to inspect all personal information in the system of which the person is subject, except where prohibited by law;
 - (c) Inform the person of the uses made of the personal information and identify other users who have access to the system;
 - (d) Allow a person who wishes to exercise rights as provided by this rule to be accompanied by one individual of that person's choice;
 - (e) Provide, for a reasonable charge, copies of any personal information the person is authorized to inspect; and
- (6) Investigate disputes concerning the accuracy, relevance, timeliness, or completeness of personal information pursuant to section 1347.09 of the Revised Code and paragraph (D) of this rule.
- (B) The board shall reprimand in writing any employee who initiates or otherwise contributes to any disciplinary or other punitive action taken against another individual who brings attention to the appropriate authorities, the press, or a member of the public, any evidence of unauthorized use of any material contained in the personal information system. A copy of the reprimand shall be entered in the employee's personal file.
- (C) The board shall monitor its personal information system by:
- (1) Maintaining the personal information system with the accuracy, relevance, timeliness, and completeness necessary to assure fairness in any determination made by the board which is based on information contained in the system; and
 - (2) Eliminating unnecessary information from the system.
- (D) The board shall investigate, upon request, the accuracy, relevance, timeliness, or completeness of personal information which is disputed by the subject of a record contained in the system, within ninety days after receipt of a request from the disputant; and

- (1) Notify the disputant of the results of the investigation and any action the board intends to take with respect to the disputed information; and
 - (2) Delete any information the board cannot verify or finds to be inaccurate; and
 - (3) Permit the disputant, if the disputant is not satisfied with the determination made by the board, to include within the system:
 - (a) A brief statement of the person's position on the disputed information; or
 - (b) A brief statement that the person finds the information in the system to be inaccurate, irrelevant, outdated, or incomplete; and
 - (4) The board shall maintain a copy of all statements made by the disputant.
- (E) The board shall not place personal information into an interconnected and combined system, unless said system contributes to the efficiency of the agencies or organizations authorized to use the system in implementing programs which are required or authorized by law.
- (F) The board shall not use personal information placed into an interconnected or combined system by another state or local agency or organization, unless the personal information is necessary and relevant to the performance of a lawful function of the board.
- (G) The board shall make available, upon request, all information concerning charges made by the board for reproduction of materials contained in its personal information system.

R.C. 119.032 review dates: 12/20/2007 and 12/20/2012

Promulgated Under: 119.03

Statutory Authority: 4759.05(A)

Rule Amplifies: 1347

Prior Effective Dates: 11/30/87

Chapter 4759-2 Definitions

4759-2-01 Definitions.

The following meanings apply to all rules promulgated by the Ohio board of dietetics, unless a specific paragraph explicitly defines or uses the word or term in a different manner.

(A) "Nutritional assessment" means the integrative evaluation of nutritionally relevant data to develop an individualized nutritional care plan. These data may include:

- (1) Nutrient intake;
- (2) Anthropometric measurements;
- (3) Biochemical values;
- (4) Physical and metabolic parameters;
- (5) Socio-economic factors;
- (6) Current medical diagnosis and medications; and
- (7) Pathophysiological processes.

The mere collection of these data for use in assessment is not nutritional assessment and does not require a dietitian licensed under section 4759.06 of the Revised Code.

(B) "Nutritional counseling" means the advising of individuals or groups regarding nutritional intake by integrating information from the nutritional assessment with information on food and other sources of nutrients and meal preparation consistent with cultural background and socioeconomic status.

The distribution by an individual of written information prepared by a licensee is not nutritional counseling, and any person distributing the written information need not be licensed under section 4759.06 of the Revised Code.

(C) "Nutritional education" means a planned program based on learning objectives with expected outcomes designed to modify nutrition-related behaviors. This does not prohibit an individual from providing general non-medical nutrition information if the person does not violate division (B) of section 4759.02 of the Revised Code.

(D) "Nutritional care standards" means policies and procedures pertaining to the provision of nutritional care in institutional and community settings.

(E) "Nutritional care" means the application of the science of nutrition in the health and disease of people.

(F) "Board" means the Ohio board of dietetics.

(G) "Commission" means "The Commission on Dietetic Registration."

(H) "A.D.A." means "The American Dietetic Association."

(I) "Medical nutrition therapy" means the use of specific nutrition services to treat, or rehabilitate an illness, injury, or condition. Medical nutrition therapy includes nutrition assessment, intervention, education, and counseling.

(J) "Council on postsecondary accreditation" is synonymous with "Commission on recognition of post-secondary accreditation."

(K) For purposes of division (B)(2) of section 4759.02 of the Revised Code, the terms "Nutritionist", "Nutrition counselor" and like terms tend to indicate the person is practicing dietetics.

(L) "High nutritional risk" means, but is not limited to, an individual to whom one or more of the following apply:

(1) Has a diagnosis of or presence of risk factors for malnutrition, dehydration, anemia, malabsorption disorders; vitamin and mineral deficiencies;

(2) Receives enteral or parenteral nutrition;

(3) Has pressure ulcer(s), open wounds(s), or non-healing wound(s);

(4) Significantly low albumin or hemoglobin levels, or elevated blood urea nitrogen and electrolyte imbalances;

(5) Severe chewing or swallowing problems;

(6) Consistently poor food/fluid intakes;

(7) Individuals who are less than ninety per cent of standard weight for height, or who exhibit significant weight changes as defined by accepted practice guidelines;

(8) Decreased activities of daily living (ADL);

(9) Decreased cognitive ability;

(10) A pregnant female who was fifteen years of age or less at the time of conception;

(11) Infants who are small for gestational age, or a pre-term infant of low birth weight.

(M) "General non-medical nutrition information" means information on the following:

(1) Principles of good nutrition and food preparation;

(2) Food to be included in the normal daily diet;

- (3) The essential nutrients needed by the body;
- (4) Recommended amounts of the essential nutrients;
- (5) The actions of nutrients on the body;
- (6) The effects of deficiencies or excesses of nutrients; or
- (7) Food and supplements that are good sources of essential nutrients.

HISTORY: Eff 11-30-87; 2-9-98; 3-15-03

Rule promulgated under: RC 119.03

Rule authorized by: RC 4759.05(A)

Rule amplifies: RC 4759.01

R.C. 119.032 review dates: 11/25/2002 and 02/09/2008

Chapter 4759-3 Administrative Provisions

4759-3-01 Duties of board members.

(A) Chairman:

- (1) The chairman shall preside at all board meetings at which the chairman attends and perform all duties prescribed by law or board regulations; and
- (2) The chairman is authorized by the board to make minor decisions regarding board activities in order to facilitate the responsiveness and effectiveness of the board.

(B) Vice chairman:

- (1) The vice chairman shall perform the duties of the chairman if the chairman is absent or disabled; and
- (2) If the office of chairman becomes vacant, the vice chairman will serve until a successor is elected.

(C) Board members:

The policy of the board is that members shall attend regular and special meetings as scheduled, and shall be compensated on a per diem basis when attending meetings or conducting official business for the agency.

(D) Election of officers:

Election of officers shall be conducted in accordance with the calendar year.

R.C. 119.032 review dates: 12/20/2007 and 12/20/2012

Promulgated Under: 119.03

Statutory Authority: 4759.05(A)

Rule Amplifies: 4759.04

Prior Effective Dates: 11/30/87; 2/9/98; 3/15/03

4759-3-02 Executive secretary.

- (A) The board shall designate an executive secretary who shall serve at the pleasure of the board. The executive secretary shall be the chief administrative officer of the board, may use the working title executive director, and shall be responsible to the board for the daily activities of its staff.
- (B) The executive secretary/executive director shall be a licensee of the board but shall not engage in the practice of dietetics for compensation outside the scope of the duties of the executive secretary/executive director.

- (C) In appointing an executive secretary/executive director, the board shall select a person of the highest available competence who has a minimum of five years of experience in the practice of dietetics and is the holder of a master's degree.

Effective: 03/21/2008
 R.C. 119.032 review dates: 12/20/2007 and 03/15/2013
 Promulgated Under: 119.03
 Statutory Authority: 4759.05(A)
 Rule Amplifies: 4759.04
 Prior Effective Dates: 11/30/87, 2/9/98

4759-3-03 Minutes of board meetings.

- (A) The unapproved minutes of all board meetings shall be recorded and open to public inspection in a binder located in the board office during normal business hours within ten business days of their recodation.
- (B) Within ten business days after their approval by the board, the approved minutes of all board meetings shall be substituted for the unapproved minutes and shall be open to public inspection in the manner provided for in paragraph (A) of this rule and also posted to the board's web site within a reasonable time.

Effective: 03/21/2008
 R.C. 119.032 review dates: 12/20/2007 and 03/15/2013
 Promulgated Under: 119.03
 Statutory Authority: 4759.05(A)
 Rule Amplifies: 149.43, 4759.05(D)
 Prior Effective Dates: 11/30/87

4759-3-04 Cooperation and communication with professional organizations.

The board shall maintain and foster communications between the board and all professional organizations in the state whose members are licensees. The board shall recognize "The Ohio Dietetic Association" for the purpose of requesting such state organization to designate an official liaison to the board. In the event such a liaison is designated by "The Ohio Dietetic Association," the board, the executive secretary/executive director, and the staff shall cooperate with the liaison in maintaining and fostering communication between the board and the association and the liaison may attend all board meetings or designate a substitute when unavailable to attend. The liaison

shall be permitted to participate in board discussions to the extent the board deems appropriate, except the liaison shall not participate in any deliberation on the discipline of a licensee.

Effective: 03/21/2008

R.C. 119.032 review dates: 12/20/2007 and 03/15/2013

Promulgated Under: 119.03

Statutory Authority: 4759.05(A)

Rule Amplifies: 4759.04, 4759.05

Prior Effective Dates: 11/30/87

4759-3-05 Advisory committees.

The chairman of the board may appoint such advisory committees of board members and others as may assist the board in carrying out its responsibilities.

R.C. 119.032 review dates: 12/20/2007 and 12/20/2012

Promulgated Under: 119.03

Statutory Authority: 4759.05(A)

Rule Amplifies: 4759.04, 4759.05

Prior Effective Dates: 11/30/87

4759-3-06 Parliamentary procedures.

Unless required otherwise by statute or rule, meetings of the board and committees shall be conducted according to the latest edition of "Robert's Rules of Order."

R.C. 119.032 review dates: 12/20/2007 and 12/20/2012

Promulgated Under: 119.03

Statutory Authority: 4759.05(A)

Rule Amplifies: 4759.04, 4759.05

Prior Effective Dates: 11/30/98

4759-3-07 Adjudication hearings.

Any person receiving notice from the board of a violation of section 4759.02 of the

Revised Code is entitled to a hearing if the person requests it within thirty days of the ~~time~~date of mailing the notice.

Effective: .. 03/21/2008

R.C. 119.032 review dates: 12/20/2007 and 03/15/2013

Promulgated Under: 119.03
Statutory Authority: 4759.05(A)
Rule Amplifies: 119.07, 4759.05(A)(11)
Prior Effective Dates: 11/30/87

Chapter 4759-4 Licensing

4759-4-01 Applications.

(A) Each applicant for initial licensure or renewal shall file a completed application with the board which demonstrates compliance with sections 4759.05 and 4759.06 of the Revised Code and this chapter.

(B) Applications shall be ~~typewritten or printed~~ completed in ink, signed by the applicant, accompanied by the appropriate fee and by such evidence, statements or documents as specified or required. An electronic signature may be used on applications submitted on-line.

(C) The executive secretary/executive director, in consultation with staff, shall formulate the content of application forms to be used by applicants to the board. The board shall approve the content of the forms prior to their use. Applicants shall only submit applications on the forms approved by the board.

Each form shall contain, prior to the signature of the applicant, a 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.

(D) Each applicant who is not a registered dietitian (RD) must forward an academic transcript from all degree granting institutions of higher education directly to the board or submit an official "student issued" copy.

(E) For the purpose of proving accreditation of a course of study at a foreign institution, an applicant shall have the applicant's academic credentials independently validated as equivalent by an accreditation agency that is recognized by ~~"The commission on recognition of post-secondary accreditation"~~ "Council for Higher Education Accreditation," or its ~~predecessor~~ predecessors, or have the applicant's academic credentials independently validated by an agency specializing in education evaluations which is acceptable to the board. A copy of the validation shall be attached to the application as part of the application.

(F) A licensee shall notify the board of a change of address providing at least a new address, telephone number, and signed request for the change. A licensee shall notify the board of a change of name by providing legal evidence of the name change and a signed request for the change.

(G) All applications, statements and documents submitted shall become the property of the board.

Effective: 03/21/2008
R.C. 119.032 review dates: 12/20/2007 and 03/15/2013

Promulgated Under: 119.03
Statutory Authority: 4759.05(A)
Rule Amplifies: 4759.05, 4759.06, 4759.07, 4759.08
Prior Effective Dates: 11/30/87, 2/9/98, 3/15/903

4759-4-02 Preprofessional experience.

(A) An applicant shall successfully complete a preprofessional dietetic experience that is approved by "The American Dietetic Association" and is at least equivalent to the requirement for such programs adopted by "The Commission On Dietetic Registration."

(B) Doctoral degree alternative.

As an alternative to the requirements in paragraph (A) of this rule, the holder of a doctoral degree may meet the preprofessional dietetic experience by successfully completing a planned program of continuous experience in dietetic practice of not less than nine hundred hours under the supervision of a licensed dietitian in this state or a registered dietitian provided all the following conditions are satisfied:

- (1) The applicant holds the doctoral degree from an accredited institution;
- (2) The applicant has, as part of successfully completing either a baccalaureate or higher degree from an accredited institution, a major in any of the following subjects: human nutrition, food and nutrition, dietetics, or food systems management; management, or public health nutrition;
- (3) The applicant has submitted the program to the board for its approval and received approval prior to engaging in the planned program;
- (4) The experience meets requirements that are at least equivalent to the requirements adopted by "The Commission On Dietetic Registration"; and
- (5) Following completion of the program, the applicant shall submit a certificate of completion signed by the dietitian who supervised the program.

For purposes of this paragraph, an "accredited institution" is either: an institution accredited to grant the degree described in this paragraph by an accrediting agency that is recognized by ~~"The commission on recognition of post secondary accreditation"~~ the "Council for Higher Education Accreditation" or its predecessor/predecessors, or an institution in a foreign country when the applicant presents evidence that the doctoral degree has been validated as equivalent to a degree under this paragraph by an institution accredited for such degrees in accordance with this paragraph or by an agency specializing in educational credential evaluations which is acceptable to the board.

Effective:

03/21/2008

R.C. 119.032 review dates:

12/20/2007 and 03/15/2013

Promulgated Under:

119.03

Statutory Authority:

4759.05(A)

Rule Amplifies:

4759.05(A)(3), 4759.06(A)(6)

Prior Effective Dates:

11/30/87, 2/9/98

(A) An applicant shall successfully complete a preprofessional dietetic experience that is approved by "The American Dietetic Association" and is at least equivalent to the requirement for such programs adopted by "The Commission On Dietetic Registration."

(B) Doctoral degree alternative.

As an alternative to the requirements in paragraph (A) of this rule, the holder of a doctoral degree may meet the preprofessional dietetic experience by successfully completing a planned program of continuous experience in dietetic practice of not less than nine hundred hours under the supervision of a licensed dietitian in this state or a registered dietitian provided all the following conditions are satisfied:

- (1) The applicant holds the doctoral degree from an accredited institution;
- (2) The applicant has, as part of successfully completing either a baccalaureate or higher degree from an accredited institution, a major in any of the following subjects: human nutrition, food and nutrition, dietetics, or food systems management;
- (3) The applicant has submitted the program to the board for its approval and received approval;
- (4) The experience meets requirements that are at least equivalent to the requirements adopted by "The Commission On Dietetic Registration"; and
- (5) Following completion of the program, the applicant shall submit a certificate of completion signed by the dietitian who supervised the program.

For purposes of this paragraph, an "accredited institution" is either: an institution accredited to grant the degree described in this paragraph by an accrediting agency that is recognized by The commission on recognition of post-secondary accreditation" or its predecessor, or an institution in an foreign country when the applicant presents evidence that the doctoral degree has been validated as equivalent to a degree under this paragraph by an institution accredited for such degrees in accordance with this paragraph or by an agency specializing in educational credential evaluations which is acceptable to the board.

R.C. 119.032 review dates: 03/05/2003 and 02/09/2008

Promulgated Under: 119.03

Statutory Authority: 4759.05(A)

Rule Amplifies: 4759.05(A)(3), 4759.06(A)(6)

Prior Effective Dates: 11/30/87, 2/9/98

4759-4-03 Examination.

(A) As a prerequisite to the issuance of an initial license, the applicant shall provide

evidence of passing the examination tests designated in paragraph (B) of this rule.
(B) The board selects and approves of the examination for dietitians offered by "The Commission On Dietetic Registration". ~~The examination shall be offered at least twice each year.~~

Effective: 03/21/2008
R.C. 119.032 review dates: 12/20/2007 and 03/15/2013

Promulgated Under: 119.03
Statutory Authority: 4759.05(A)
Rule Amplifies: 4759.05(A)(1)(2), 4759.06(A)(7), 4759.06(C)
Prior Effective Dates: 11/30/87, 2/9/98, 3/15/03

4759-4-04 Continuing education.

4759-4-04 Continuing education.

(A) Each applicant for renewal of a license shall demonstrate compliance with the continuing education/professional development requirements of this rule.

(B) Each applicant for license renewal shall:

(1) Be a registered dietitian; or

(2) If not a registered dietitian, establish a five year continuing education cycle with the board, and adhere to that schedule for meeting requirements consistent with the options offered by "The commission on dietetic registration."

For each five year cycle an individual learning plan shall be submitted and approved by the board and a log of learning activities maintained by the licensee. A copy of the log shall be submitted directly to the Ohio board of dietetics postmarked by June thirtieth of the year that the cycle ends, and shall demonstrate successful completion of at least seventy-five continuing professional education units.

(C) Beginning in two thousand-five, on odd numbered calendar years, each applicant for renewal, reactivation, or reinstatement of a license shall report to the board completion of at least one continuing education unit of board approved education in jurisprudence.

Board approved programs in jurisprudence shall include approved programs and activities relating to current laws, rules, and regulations dealing with the practice of dietetics and recent changes that have occurred to those laws, rules, and regulations. A list of approved programs and activities will be posted on the board's web site.

Replaces: 4759-4-04
Effective: 03/21/2008
R.C. 119.032 review dates: 03/15/2013

Promulgated Under: 119.03
Statutory Authority: 4759.05(A)
Rule Amplifies: 4759.05(A)(6), 4759.06(A)(8), 4759.06(E)
Prior Effective Dates: 11/30/87, 2/9/98, 3/15/03

4759-4-05 Licensure by reciprocity.

If an applicant seeks licensure on the basis that the applicant has met equivalent requirements in another state or foreign country, the applicant shall attach to the application proof that the requirements of the other state or foreign country are equivalent to those of this state, unless the board has taken action recognizing that the requirements of the other state or foreign country to be waived are equivalent to similar requirements in this state.

R.C. 119.032 review dates: 12/20/2007 and 12/20/2012

Promulgated Under: 119.03

Statutory Authority: 4759.05(A)

Rule Amplifies: 4759.06(D)

Prior Effective Dates: 11/30/87

4759-4-06 Status categories.

(A) Inactive status.

A licensee may have a license placed in inactive status by written request to the board, signed by the holder of the license or the holder's legal guardian.

While a license is in inactive status, the licensee shall meet the cumulative continuing education/professional development requirements as required by rule 4759-4-04 of the Administrative Code, but is not required to pay the annual fee.

If a licensee fails to meet the continuing education/professional development requirements as prescribed in rule 4759-4-04 of the Administrative Code, the license may not be withdrawn from inactive status until any cumulative deficiency is corrected or waived by the board for good cause shown.

A license may be withdrawn from inactive status by completion of the application for reactivation, and providing evidence of compliance with cumulative continuing education/professional development requirements, and payment of the current reactivation fee.

An expired or lapsed license may not be placed in inactive status.

(B) Expired status.

A license not renewed by June thirty following its issuance of the renewal year is expired.

An expired license may not be placed in inactive status.

(C) Late status.

An application for renewal is late and the license is expired if it is postmarked after the thirtieth day of June but not later than the fifteenth day of August of the renewal year.

An individual seeking to renew an expired license during the late period shall complete the renewal application, and pay the current renewal and late fees.

An expired license may not be placed in inactive status during the late period.

(D) Lapsed status.

An expired license shall lapse after the fifteenth day of August of the renewal year.

An individual seeking to reinstate a lapsed, suspended, or revoked license shall complete the application for reinstatement, provide evidence of compliance with cumulative continuing education/professional development requirements as specified in rule 4759-4-04 of the Administrative Code, and pay the current reinstatement fee. The license may not be reinstated until any cumulative deficiency is corrected or waived by the board for good cause shown.

A lapsed license may not be renewed or placed in inactive status.

Effective:	03/21/2008
R.C. 119.032 review dates:	12/20/2007 and 03/15/2013
Promulgated Under:	119.03
Statutory Authority:	4759.05(A)
Rule Amplifies:	4759.05(A)(5), 4759.06, 4759.08
Prior Effective Dates:	11/30/87, 2/9/98, 3/15/03

4759-4-07 Failure to maintain licensure.

An individual seeking to reinstate a license which has lapsed for more than two years shall meet the current licensure requirements including passing the examination, completion of the application for

reinstatement, and payment of the reinstatement fee.

This rule does not apply to the holder of a license in inactive status, or a registered dietitian.

The board may waive the examination for good cause shown.

R.C. 119.032 review dates: 12/20/2007 and 12/20/2012

Promulgated Under: 119.03

Statutory Authority: 4759.05(A)

Rule Amplifies: 4759.06(C)

Prior Effective Dates: 11/30/87; 2/9/98

4759-4-08 Limited permit.

(A) The board ~~shall~~ may grant a limited permit to a person who has completed the education and preprofessional requirements for licensure upon the following conditions:

(1) The person has filed a completed application for a limited permit and paid the appropriate fee;

(2) The application contains any required statements or transcripts verifying completion of the academic and preprofessional requirements in order to qualify to take the examination for licensure; and

(3) The applicant indicates intent to take the ~~next available~~ examination for licensure within seven months of the issuance of the limited permit.

(B) The permit shall expire if the permit holder fails to take the examination in a timely manner or fails the examination twice.

(C) Limited

Limited permits shall expire the following October thirty-first for those issued between April first and September thirtieth and the following April thirtieth for those issued between October first and March thirty-first.

(D) A limited permit may be renewed.

(E) A limited permit holder who fails the examination must report the results to the board office immediately.

(1) The first time the limited permit holder fails, the limited permit holder shall practice only under the direct supervision of an Ohio licensed dietitian as approved by the board.

(2) The second time the limited permit holder fails, the limited permit expires immediately.

(F) A limited permit shall not be issued to a person who has failed the examination two or more times.

(G) The licensed dietitian who provides direct supervision of a person who has failed the examination and holds a limited permit shall provide sufficient guidance and direction to enable the person to perform competently. Direct supervision means that the licensee providing the supervision needs to be readily available by telecommunication, or in person and the licensee must review the work of the supervisee at least every fourteen days. When reviewing the work of a supervisee, the licensee shall comply with standards for professional responsibility and ~~practice~~, practice set forth in Chapter 4759-6 of the Administrative Code.

Effective: 03/21/2008
 R.C. 119.032 review dates: 12/20/2007 and 03/15/2013
 Promulgated Under: 119.03
 Statutory Authority: 4759.05(A)
 Rule Amplifies: 4759.05(A)(4), 4759.06(F), 4759.08(A)(3)
 Prior Effective Dates: 11/30/87, 2/9/98, 3/15/03

4759-4-09 License certificates and permits.

(A) The board shall prepare and provide to each licensee a license certificate and license identification card, and to each permittee a permit identification card. The identification card shall contain the person's name, license number and date of expiration.

(B) Official certificates shall be signed by the chairman and be affixed with the raised seal of the board. Official identification cards shall bear the signature of the chairman and/or the executive secretary.

(C) Any certificate and identification card issued by the board shall remain the property of the board and shall be surrendered to the board on demand.

(D) Neither the holder nor anyone else shall make any alteration on a certificate or identification card issued by the board.

R.C. 119.032 review dates: 03/05/2003 and 02/09/2008

Promulgated Under: 119.03

Statutory Authority: 4759.05(A)

Rule Amplifies: 4759.06(A), (E)

Prior Effective Dates: 11/30/87, 2/9/98

4759-4-10 Prorated initial license fee.

For the purposes of section 4759.08 of the Revised Code the board waives fifty per cent of the initial licensure fee if the license is only valid for the period between April first and June thirtieth.

R.C. 119.032 review dates: 12/20/2007 and 12/20/2012

Promulgated Under: 119.03

Statutory Authority: 4759.05(A)

Rule Amplifies: 4759.08(A)(1), 4759.08(D)

Prior Effective Dates: 11/30/87, 2/9/98, 3/15/03

4759-4-11**Criminal Records Check.**

- (A) In addition to the requirements established in section 4759.06 of the Revised Code and Chapter 4759 of the Administrative code, all applicants for an initial license or limited permit license to practice dietetics in the state of Ohio shall submit to a criminal records check conducted by the Ohio bureau of criminal identification and investigation in accordance with section 4759.061 of the Revised Code.
- (B) The results of the criminal records check shall be received by the board prior to the issuance of an initial license to practice and the records check shall have been conducted no earlier than 12 months prior to the filing of the application with the board.
- (C) An applicant requesting a criminal records check shall provide the Ohio bureau of criminal identification and investigation with the applicant's name, address, and any other information required by the bureau of criminal identification for the purpose of completing the criminal records check. In the request the applicant shall ask the superintendent of the Bureau of criminal identification and investigation to obtain any information it has pertaining to the applicant from the Federal bureau of investigation.

- (D) The applicant shall cause the results of the criminal records check to be forwarded directly to the "Ohio Board of Dietetics at 77 South High St., Columbus, Ohio, 43215-6119." The board shall only accept results of a criminal records check submitted directly to the board from the Ohio bureau of criminal identification and investigation.
- (E) The applicant shall bear all costs associated with the required criminal records check as determined by the Ohio bureau of criminal identification and investigation, the Federal bureau of investigation, and by any agency with authority to charge a fee for fingerprint impressions.
- (F) Prior to issuance of a license, the board will in its discretion evaluate the results of the criminal records check and information from any other source to determine if the applicant is eligible for a license.
- (G) The results of the criminal records check are a confidential record and are not a public record for the purposes of section 149.43 of the Revised Code. Pursuant to section 4776.04 of the Revised Code the results are available for inspection by the applicant or applicant's legal representative during regular business hours. A legal representative requesting inspection of an applicant's criminal records shall have an appropriately filed letter of representation on file in the board office prior to inspecting the applicant's records.
- (H) Background check reports will be retained in the board office for one year from the date of its receipt or final action is taken upon the applicant's license, or until such time as the report is no longer of administrative value.

Effective: 07/06/2009

R.C. 119.032 review dates: 12/20/2012

Certification

Date

Promulgated Under: 119.03
 Statutory Authority: 4759.05 (A)
 Rule Amplifies: 4759.06, 4759.061

4759-5-01

Supervision of persons claiming exemption.

For the purposes of the supervision requirement contained in divisions (B) and (E) of section 4759.10 of the Revised Code the dietitian who provides supervision shall be responsible for the supervision of the person claiming exemption from licensure as a dietetic technician, or dietetic technician registered, or nutrition associate and shall provide sufficient guidance and direction as to enable the person to perform competently. These individuals have completed at least a two-year associates degree or higher from a program in dietetic technology or dietetics that has been approved by the Commission on accreditation for dietetics education of the American dietetic association. Dietetic technicians registered have also passed the national written examination administered by the Commission on dietetic registration and maintain professional development / continuing education requirements for on-going registration.

The licensed dietitian is responsible and accountable for the nutrition care of patients / clients in all healthcare settings and must answer to patients, employers, licensure boards and the legal system if care is compromised.

The licensee shall not delegate the nutrition care process, but may assign tasks within the process to competent exempt practitioners for the purpose of providing the licensee with needed information and communicating with and educating patients / clients.

When supervising a person claiming exemption the licensee shall:

(A) Verify the credentials and competence of each individual exempt practitioner being supervised in the areas of dietetic practice as defined in Chapter 4759.10 of the Revised Code. Those exempt practitioners who are competent to practice beyond minimum standards should be expected to demonstrate initial and on-going competence annually with documentation of successful audits.

The supervising dietitian can establish initial and on-going competency by individual means including but not limited to testing, evaluations, use of decision tree models and peer competency assessment. Engaging in on-going dietetics related continuing education is vital to competent practice.

(B) Provide the person being supervised with guidelines for appropriate assignments as part of the nutritional care process:

(C) Periodically establish performance criteria for the exempt practitioner, then assign tasks appropriately, direct and monitor the individual's practice. The supervising dietitian should compare actual performance with expected performance, document results and take appropriate action:

(D) Maintain written documentation of the initial and on-going competency assessment of the exempt practitioner, supervision being provided and performance of the individual, including participation in professional development / continuing education equivalent to the requirements of the Commission on dietetic registration for dietetic technicians registered.

4759-5-01

Documentation shall include, but is not limited to, dates of conferences, supervisory anecdotal notes, written evaluations and recommendations. Documentation should be maintained in the licensee's records and be available upon request of the board.

(E) The licensee shall provide supervision in a manner that protects the public. Direct supervision may be provided on-site, or supervision may be provided indirectly, as long as the licensee is immediately available by phone, e-mail, facsimile or other reliable means.

Replaces: 4759-5-01
 Effective: 07/06/2009
 R.C. 119.032 review dates: 12/20/2012

 Certification

 Date

Promulgated Under: 119.03
 Statutory Authority: 4759.05(A)
 Rule Amplifies: 4759.10(B), (E)
 Prior Effective Dates: 11/30/87, 2/9/98, 3/28/2008

4759-5-02 Student practice exemption.

(A) For purposes of divisions (D)(1) and (D)(2) of section 4759.02 of the Revised Code, a student dietitian may only engage in dietetic practice as defined in section 4759.01 (A) of the Revised Code that is a part of the academic or pre-professional program.

(B) In order for student dietetic technicians to become qualified under the exemption for dietetic

3/19/2008

technicians contained in division (B) of section 4759.10 of the Revised Code, the board recognizes that pre-professional experiences are necessary. For this reason, dietetic practice by a student dietetic technician enrolled in a program that complies with the requirements in division (B) of section 4759.10 of the Revised Code, may be performed provided the student is actively pursuing the degree and the activity is performed under the supervision of a licensed dietitian or registered dietitian. A student dietetic technician may only engage in dietetic practice as defined in section 4759.01 (A) of the Revised Code that is a part of the academic or pre-professional program.

(C) When supervising a student dietitian, a dietetic intern, or a student dietetic technician the licensee is responsible for providing appropriate training and guidelines for the student's clinical experiences, including ongoing close review of medical records and monitoring of student work performance. Documentation of such should be maintained in the licensee's records.

R.C. 119.032 review dates: 12/20/2007 and 12/20/2012

Promulgated Under: 119.03

Statutory Authority: 4759.05(A)

Rule Amplifies: 4759.02(D)(1), (2), 4759.01(A), 4759.10(B)

Prior Effective Dates: 11/30/87, 2/9/98, 3/15/03

4759-5-03 Plan of treatment exemption.

For purposes of the exemption from licensure contained in division (F) of section 4759.10 of the Revised Code, a person when acting under the direction and supervision of a professional licensed under Chapters 4701. to 4755. of the Revised Code, need not be a licensed dietitian if the person is executing a plan of treatment authorized by and within the scope of practice of the supervising licensed professional. The written plan of treatment shall include orders, goals, objectives, and appropriate treatments. Frequency of treatment and response to interventions shall be monitored and reviewed by the licensed practitioner. The licensed practitioner shall initiate the treatment plan and shall be on site when the plan is carried out by the unlicensed person.

Effective: 03/21/2008

R.C. 119.032 review dates: 12/20/2007 and 03/15/2013

Promulgated Under: 119.03
Statutory Authority: 4759.05(A)
Rule Amplifies: 4759.10(A), (F)
Prior Effective Dates: 11/30/87, 2/9/98, 3/15/03

4759-5-04 Additional nutritional activities exemption.

For purposes of division (D) of section 4759.10 of the Revised Code, the board hereby permits the woman, infant, and children's program which is part of the Ohio department of health and known as

"W.I.C.", to designate a person to engage in providing such additional nutritional activities as are necessary to operate its programs, providing reasonable efforts to obtain the services of a licensee have failed. The department shall file the designation indicating the time period with the board. The designation shall expire at the end of one hundred eighty days. The designation may be renewed for additional one-hundred-eighty-day periods by action of the board.

R.C. 119.032 review dates: 12/20/2007 and 12/20/2012

Promulgated Under: 119.03

Statutory Authority: 4759.05(A)

Rule Amplifies: 4759.10(D)

Prior Effective Dates: 11/30/87, 2/9/98, 3/15/03

4759-5-05 Distribution of literature exemption.

For purposes of division (G) of section 4759.10 of the Revised Code, the free distribution of literature includes its sale.

R.C. 119.032 review dates: 12/20/2007 and 12/20/2012

Promulgated Under: 119.03

Statutory Authority: 4759.05(A)

Rule Amplifies: 4759.10(G)

Prior Effective Dates: 11/30/87, 2/9/98, 3/15/03

4759-5-06 Weight control program exemption.

For purposes of the exemption from licensure contained in division (J) of section 4759.10 of the Revised Code, a person presenting a general program of instruction for weight control need not be a licensed dietitian provided the general program of weight control is approved in writing by a licensed dietitian, physician licensed under Chapter 4731. of the Revised Code to practice medicine or surgery or osteopathic medicine or surgery, a person licensed in another state and approved by the board as having substantially equivalent licensure requirements as Ohio, or a registered dietitian.

A "general program of weight control" is a program designed for one or more population groups in order to achieve or maintain a healthy weight. It is not based on an individual nutrition assessment and does not provide medical nutrition therapy (MNT) as defined in rule 4759-2-01 of the Administrative Code. The program includes the diet plan and any information provided to customers including written guidelines for instruction to customers.

Persons presenting an approved general program of weight control are to adhere to the approved

Lawriter - OAC - Chapter 4759-5 Supervision; Exemptions

program content. The program shall be reviewed for re-approval in writing at least every two years.

R.C. 119.032 review dates: 12/20/2007 and 12/20/2012

Promulgated Under: 119.03

Statutory Authority: 4759.05(A)

Rule Amplifies: 4759.10(J)

Prior Effective Dates: 11/30/87, 2/9/98, 3/15/03

Chapter 4759-6 Professional Responsibility

4759-6-01

Standards of practice in nutrition care.

The standards of practice in nutrition care provide a common understanding about the profession's minimum expectations for practice, and form a basis for self-evaluation and improvement and an expectation about nutritional care and service delivery. The standards of practice in nutrition care are comprised of four standards representing the four steps of the nutrition care process.

The "nutrition care process" is a systematic problem-solving method that dietitians may use to critically think and make decisions when providing medical nutrition therapy or to address nutrition related problems and provide safe, effective, high quality nutrition care.

The nutrition care process shall consist of four distinct, but interrelated steps including nutrition assessment, nutrition diagnosis, nutrition intervention and nutrition monitoring and evaluation.

(A) The licensee uses accurate and relevant data and information to perform nutrition assessment and identify nutrition-related problems, as the foundation for nutrition diagnosis, the second step of the nutrition care process.

(1) "Nutrition assessment" means the same as "nutritional assessment" defined in paragraph (A) of section 4759-2-01 of the Administrative Code.

(2) A nutrition assessment is initiated by referral and / or screening of individuals or groups for nutrition risk factors.

(3) The licensee systematically obtains, verifies and interprets data in order to make decisions about the nature and cause of nutrition-related problems.

(4) Nutrition assessment is an ongoing, dynamic process that involves not only initial data collection, but also reassessment and analysis of client or community needs.

(5) Problems that require consultation with or referral to another provider are recognized.

(6) Documentation and communication of nutritional assessment shall be complete, relevant, accurate and timely.

(B) The licensee determines a nutrition diagnosis to identify and label specific nutrition problem(s) that the dietitian is responsible for treating.

(1) "Nutrition diagnosis" is the identification and labeling that describes an actual occurrence, risk of, or potential for developing, a nutritional problem that dietetics practitioners are responsible for treating independently.

(2) The nutrition diagnosis is not a medical diagnosis. It results following nutrition assessment and the clustering, analysis, and synthesis of data and

4759-6-01

demonstrates a link to determining goals for outcomes, selecting appropriate interventions and tracking progress in attaining expected outcomes.

(3) Documentation of nutrition diagnosis(es) shall be relevant, accurate and timely and shall be revised and updated as additional assessment data become available.

(C) The licensee utilizes nutrition intervention as the third step in the nutrition care process to identify and implement appropriate, purposefully planned actions designed with the intent of changing a nutrition-related behavior, risk factor, environmental condition or aspect of health status for an individual, target group, or the community at large.

(1) "Nutrition Intervention" is a specific set of activities and associated materials used to address the problem; purposely planned actions designed with the intent of changing a nutrition-related behavior, risk factor, environmental condition, or aspect of health status for an individual, target group, or the community at large. It involves selection, planning, and implementing appropriate actions to meet patient / client / group's nutrition needs.

(2) "Intervention planning" involves prioritizing the nutrition diagnoses, conferring with the patient / client / and / or others, reviewing practice guides and policies, and setting goals and defining the specific nutrition intervention strategy.

(3) "Implementation of the nutrition intervention" is the action phase that includes carrying out and communicating the plan of care, continuing data collection, and revising the nutrition intervention strategy, as warranted, based on the patient / client response.

(4) The licensee performs the interventions or assigns the nutrition care that other competent practitioners may provide in accordance with federal, state and local laws and regulations.

(D) The licensee monitors and evaluates indicators and outcomes data directly related to the nutrition diagnosis, goals and intervention strategies to determine the progress made in achieving desired outcomes of nutrition care and whether planned interventions should be continued or revised.

(1) "Nutrition monitoring and evaluation" is the fourth step of the nutrition care process. Monitoring specifically refers to the review and measurement of the patient / client / group's status at a scheduled (preplanned) follow-up point with regard to the nutrition diagnosis, intervention plans / goals and outcomes, whereas evaluation is the systematic comparison of current findings with previous status, intervention goals, or a reference standard. Monitoring and evaluation use selected outcome indicators (markers) that are relevant to the patient / client / group's defined needs, nutrition diagnosis,

4759-6-01

nutrition goals, and disease state.

(2) The licensee uses standard nutrition care outcome indicator(s) to measure outcomes.

(3) Monitoring data should be compared with the nutrition prescription / goals / or reference standards to evaluate impact of the sum of all interventions on overall patient / client health outcomes.

(4) Documentation of nutrition monitoring and evaluation shall be comprehensive, specific, accurate, relevant and timely and reflect the indicators measured, results and method for obtaining measurement. The criteria to which the indicator is compared and factors facilitating or hampering progress should be referenced in support of positive or negative outcomes. Future plans for nutrition care, monitoring and follow-up or discharge should be included.

Replaces: 4759-6-01
 Effective: 07/06/2009
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Certification

Date

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 Rule Amplifies: 4759.05(A)(8)
 Prior Effective Dates: 11/30/87, 2/9/98, 3/15/03

4759-6-02

Standards of professional performance.

Every licensee shall comply with the following standards of professional performance:

(A) Credentials.

- (1) The licensee shall accurately present professional qualifications and credentials.
- (2) The licensee shall permit use of that licensee's name for the purpose of certifying that dietetic services have been rendered only if the licensee has provided or supervised those services.

(B) Provision of service.

The licensee shall provide professional service based on client expectations and needs. Quality service is provided, facilitated and promoted based on the licensee's knowledge, experience and understanding of client needs and expectations.

- (1) The licensee shall avoid discrimination on the basis of factors that are irrelevant to the provision of professional services, including, but not limited to race, creed, sex, age, or handicap.
- (2) The licensee shall assure that sufficient information is available to enable a client to establish mutual goals and make informed decisions.

(C) Quality in practice.

- (1) The licensee shall systematically evaluate the quality of service and improve practice based on evaluation results.
- (2) Quality practice requires regular performance evaluation and continuous improvement.
- (3) The licensee shall adhere to acceptable standards for that licensee's area of practice.
- (4) The licensee shall generate, interpret and effectively apply evidence based interventions substantiated by research.
 - (a) "Evidence based" interventions means the conscientious, explicit judicious use of current best evidence in making decisions about the care of patients and is consistent with the Centre for evidence based medicine definition in "Evidence based medicine: what it is and what it isn't", Sackett, DL et.al. 1996.

(D) Competence and accountability.

- (1) The licensee shall assume responsibility and accountability for personal

4759-6-02

competence in practice and engage in lifelong learning. Competent and accountable practice includes continuous acquisition of knowledge and skill development.

(a) The licensee shall establish performance criteria, compare actual performance with expected performance, document results and take appropriate action.

(b) The licensee shall conduct self-assessment of strengths and weaknesses at regular intervals and develop, implement and evaluate an individual plan for practice based on assessment of client needs, current knowledge, and clinical experience.

(2) The licensee shall maintain knowledge and skills required for continued professional competence in a manner consistent with the requirements of the Commission on dietetic registration.

(3) The licensee shall recognize the limits of that licensee's qualifications and seek counsel or make referrals as appropriate.

(E) Conflict.

(1) The licensee shall remain free of conflict of interest while fulfilling the objectives and maintaining the integrity of the dietetic profession.

(2) The licensee shall advance and promote the profession while maintaining professional judgment, honesty, integrity, loyalty, and trust to colleagues, clients and the public.

(F) Endorsement.

The licensee shall promote or endorse products only in a manner that is true and not misleading.

(G) Communication and application of knowledge.

The licensee shall effectively apply knowledge and communicate with others to achieve common goals by effective sharing and application of their unique knowledge and skills in food, human nutrition and management services.

(H) Utilization and management of resources.

The licensee shall use resources effectively and efficiently

(1) The licensee shall use a systematic approach to identify, monitor, analyze and justify the use of time, money, facilities, staff and other resources while considering safety, effectiveness and cost in planning and delivering

4759-6-02

interventions.

(I) Approval of a general program of weight control.

A "general program of weight control" as defined in section 4759-5-06 of the Administrative Code must be approved by either a registered or licensed dietitian or physician licensed in Ohio. For purposes of division (J) of section 4759.10 of the Revised Code, the licensee shall provide written approval of all components of the general program of weight control and assume responsibility for the following:

- (1) Guidelines for instruction: Program content and written step-by-step information that the presenter provides to customers to enable them to follow the meal plan and other aspects of a general program of weight control.
- (2) Meal plans: General categories or groups of foods and suggested combinations of specific foods. Meal plans shall not be individualized for specific persons, conditions, or disease states.
- (3) Handouts: Any information distributed in conjunction with the general program of weight control.
- (4) Supplements: Products, including vitamins, minerals, herbs and other substances used as part of, or an enhancement to, a general program of weight control. The use of these products shall be substantiated by current scientific evidence.

(J) Supervision.

When providing supervision of another for purposes of division (F) of section 4759.06 and divisions (B) and (E) of section 4759.10 of the Revised Code, and rule 4759-5-02 of the Administrative Code, a licensee shall assume responsibility for the supervision in a manner that protects the public.

(K) Compliance.

The licensee shall comply with all laws and regulations concerning the profession, but shall seek to change them if the laws or regulations are inconsistent with the best interest of the public and the profession. The licensee:

- (1) Shall accept the obligation to protect society and the profession by upholding the standards of practice and standards of professional performance; and
- (2) Shall report alleged violations of the laws, rules and standards to the state board of dietetics.

(L) Interpretation of information and application of research.

4759-6-02

- (1) The licensee shall present substantiated information and interpret controversial information without personal bias, recognizing that a legitimate difference of opinion may exist.
- (2) The licensee applies, participates in, or generates research to enhance practice and to improve safety and quality of dietetic practice and services.

(M) Confidentiality.

The licensee shall maintain information consistent with legal obligations and client confidentiality.

(N) Professional conduct.

- (1) The licensee shall conduct all practices with honesty, integrity, and fairness; and
- (2) The licensee shall make and fulfill professional commitments in good faith; and
- (3) The licensee shall inform the public and colleagues of services by use of factual information.
- (4) The licensee shall make reasonable efforts to avoid bias in professional evaluation.

Replaces: 4759-6-01, 4759-6-02

Effective: 07/06/2009

R.C. 119.032 review dates: 12/20/2012

Certification

Date

Promulgated Under: 119.03
 Statutory Authority: 4859.05(A)
 Rule Amplifies: 4759.05 (A)(8)
 Prior Effective Dates: 11/30/87, 2/9/98

4759-6-03

Interpretation of standards.

The standards in this chapter are interpreted in a manner consistent with the "Standards of practice in nutrition care" and the "Standards of professional Performance" adopted by the "American dietetic association."

Replaces: 4759-6-02
Effective: 07/06/2009
R.C. 119.032 review dates: 12/20/2012

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4759.05(A)
Rule Amplifies: 4759.05(A)(8)
Prior Effective Dates: 11/30/87, 2/9/98

Chapter 4759-7 Complaints

4759-7-01 Filing of complaints.

- (A) Anyone may complain to the board alleging that a person has committed an action prohibited by Chapter 4759. of the Revised Code or the rules of the Ohio board of dietetics.
- (B) A person wishing to complain about a violation of Chapter 4759. of the Revised Code or the rules of the board, may direct a complaint to the executive secretary/executive director; except a complaint regarding the executive secretary/executive director, the staff or the board may be directed to the chairman of the board or any board member.
- (C) Upon receipt of a complaint, the executive secretary/executive director, unless the health and safety of the public otherwise requires, shall send to the complainant an acknowledgement letter, and request the complainant complete and return a complaint form.

Effective: 03/21/2008

R.C. 119.032 review dates: 12/20/2007 and 03/15/2013

Promulgated Under: 119.03

Statutory Authority: 4759.05(A)

Rule Amplifies: 4759.05(B), 4759.07

Prior Effective Dates: 11/30/87,

Miscellaneous

THE OHIO BOARD OF DIETETICS ADMINISTRATIVE RULES
CHAPTER 4759-8 ADMINISTRATIVE HEARING PROCEDURES
(RULES 4759-8-01 THROUGH 4759-8-29)

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COLUMBUS, OHIO 43215-6119
(614) 466-3291

4759-9-01 Severability.

Each rule of Chapters 4759-1 to 4759-9 of the Administrative Code, and every part of each rule is declared to be an independent rule, and the holding of any rule or part thereof to be unconstitutional, void, or ineffective for any cause shall not affect the validity or constitutionality of any other rule or part thereof.

HISTORY: Eff 11-30-87; 3-15-03

Rule promulgated under: RC 119.03

Rule authorized by: RC 44759.05(A)

Rule amplifies: RC 4759.05(A)

Replaces: Former 4759-8-01

R.C. 119.032 review dates: 02/09/2008