



OHIO BOARD OF DIETETICS

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BULLETIN # 2

NUTRITION EDUCATION EXEMPTION AND W.I.C. EXEMPTION

The purpose of Bulletin # 2 is to provide information about the dietitian licensure law, Chapter 4759 of the Ohio Revised Code, enacted on July 1, 1987. Specifically, this bulletin describes the exemption for certain entities to engage in nutrition education only as defined in 4759-2-01(C) and the exemption from licensure for certain W.I.C. program under certain conditions.

NUTRITION EDUCATION EXEMPTION

Section 4759.10 of the Ohio Revised Code states:

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

*** (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;” ***

(Emphasis added)

Section 4759.02 of the Ohio Revised Code states:

*** “(B)(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.”

Pursuant to this exemption, the following individuals may engage in nutrition education only (not nutritional assessment nor nutritional counseling) where the nutrition education activities are performed under the capacity as an employee of the government, school, or nonprofit agency:

1. Employees of Federal or State government agencies, such as U.S. Dept. of Agriculture, Food and Drug Administration, Ohio Department of Health.
2. City or County government employees such as the City Health Department.
3. Elementary or Secondary teachers, and coaches employed by the school.
4. College or University faculty and coaches employed by the University, if the College/University is recognized by the Commission On Recognition of Post-Secondary Accreditation.
5. Home Economists employed by governmental agencies, schools, colleges or universities, or non-profit agencies who have received an exemption from the Board.*
6. Employees of non-profit agencies who have received an exemption from the Board.*

*The employer must submit an application for exemption to the Ohio Board of Dietetics; be granted the exemption; and follow the specifications of the exemption.

The exemption from licensure provided in Section 4759.10 (D) of the Ohio Revised Code does not cover the following non-licensed individuals when they engage in practicing dietetics.

1. Persons who are employed for profit-making corporation/agencies.
2. Persons who are self-employed.
3. Volunteers
4. Coaches who are not employed by school systems.
5. Persons who are employed by non-profit agencies which have not applied to the Ohio Board of Dietetics and received exemption for nutritional education activities.
6. Persons who qualify for dietetic licensure or whose license is in inactive status

W.I.C. EXEMPTION

A W.I.C. program may also apply for an exemption for a person to provide additional nutritional activities if it is unable to employ a licensed dietitian or appropriate exempted person.

Rule 4759-5-04, of the Ohio Administrative Code Additional Nutritional Activities states:

“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.”

Applications for the Nutrition Education Exemption and the W.I.C. Exemption are available from the Board office.

This bulletin is not to be interpreted as being all inclusive or exclusive. Violations reported to the Board will be reviewed on a case by case basis.

FOR MORE COMPLETE INFORMATION SEE: LAWS AND RULES GOVERNING THE PRACTICE OF DIETETICS IN THE STATE OF OHIO.