



OHIO BOARD OF DIETETICS

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BULLETIN #7

DIETITIAN LICENSURE RELATIVE TO FOOD, NUTRITIONAL, PHARMACEUTICAL INDUSTRY EMPLOYMENT

The purpose of this bulletin is to inform persons who are employed in food, nutritional, and pharmaceutical companies about licensing regulations, which apply to those who work in areas such as research, development, sales, and marketing.

Chapter 4759 of the Ohio Revised Code, effective July 1, 1987, is a mandatory practice act which defines the title and scope of practice of Ohio dietitians. Individuals who practice dietetics as defined in Ohio law, whether as a compensated employee or as a volunteer, are required to be licensed.

Division 4759.01(A) ORC defines the practice of dietetics as follows:

- “(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 preventative, curative, and restorative health care;
- (3) Development, administration, evaluation, and consultation regarding nutritional care standards.”

Additionally only a person licensed as a dietitian in Ohio may use the title “dietitian” or another title that tends to indicate that the person is practicing dietetics. This prohibition on the use of titles by unlicensed persons results from the following ORC and Ohio Administrative Code sections:

Section 4759.02 ORC

- “(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 Chapter 4701. to 4755. of the Revised Code, when acting within the scope of their practice, shall use any other title, designation, words, letters, abbreviations, or insignia or combination of any title, designation, words, letters, abbreviations, 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.

Division (K) of rule 4759-2-01 OAC states:

“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.”

(Emphasis added)

Therefore, an unlicensed person may not use the titles Nutritionist or Nutrition Counselor.

A person who holds the credential "Registered Dietitian" may use the credential only under two circumstances:

1. The person is licensed pursuant to Chapter 4759 ORC, or
2. The person is NOT practicing dietetics.

A Registered Dietitian who is not licensed in Ohio can not use the title "dietitian" but could consistently use the full title "Registered Dietitian" or the designation "R.D." in order to comply with Ohio law.

It has come to the Board's attention that some Registered Dietitians may unknowingly violate the law by practicing without a license. The following situations which may be common to dietitians employed in the food, nutritional product, or pharmaceutical industries, require the dietitian to be licensed:

- 1) developing standards of care for the delivery of nutrition services;
- 2) making **individualized** nutritional recommendations for the use of a particular food or nutritional products
- 3) developing nutritional care guidelines/protocols which will be implemented
- 4) engaging in the evaluation of nutritional records, data, calculations, and information
- 5) referring to oneself as a "dietitian" even though not practicing dietetics
- 6) performing nutritional education, counseling, or nutritional recommendations beyond providing product information through employment, continuing education programs, or as a volunteer

All persons who may have engaged in the practice of dietetics without a license should **IMMEDIATELY** contact the Board office to obtain an application. Your cooperation in resolving this matter will be acknowledged. **It is a violation of Ohio law to practice without a valid license or permit and penalties do apply. If in doubt, the safest course is to obtain licensure.**

Please contact the Board office if you have any questions regarding Ohio's dietitian licensing law and regulations. Staff may be reached by e-mail at obd.contact@exchange.state.oh.us or telephone (614) 466-3291.

This bulletin should 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.

9/98, 7/01, 3/03, 9/09

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