



# OHIO BOARD OF DIETETICS

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## GUIDELINE F

### FOR FITNESS FACILITIES AND PERSONAL TRAINERS

**The purpose of this document is to clarify the dietetic licensure law for unlicensed health and fitness professionals, the public and others.**

#### **The Ohio Dietetic Law**

Chapter 4759 of the Ohio Revised Code was enacted in 1987. The Ohio Board of Dietetics (“Board”) is charged with the responsibility to enforce the law for the safety and welfare of the public. The practice of dietetics encompasses:

- **Nutritional Assessment to determine nutritional needs and to recommend appropriate nutritional intake;**
- **Nutritional Counseling and Education as components of preventive, curative, and restorative health care;**
- **Setting Nutrition Care Standards.**

Professionals engaged in these practices are required to have a current, valid dietitian license, unless specifically exempted from licensure. Licensed dietitians meet educational and pre-professional experience requirements, pass an examination, and maintain continuing education hours.

#### **General, Non-Medical Nutrition Information. Sec. 4759-2-01(C) and (M)**

General non-medical nutrition information (the application of basic principles of nutrition to food selection for purposes of maintaining health) may be provided by anyone so long as they do not violate division B of section 4759.02 ORC by using titles “Dietitian”, “Nutritionist”, “Nutrition Counselor” and other titles, words, etc. tending to indicate the practice of dietetics. “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 action 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.

#### **Nutrition Data Collection**

Collection of nutritionally relevant data, whether gathered manually or by nutrient analysis software is beyond the jurisdiction of the Board. However, the manner in which the data is utilized may be the practice of dietetics. A dietitian license is required to interpret the results, provide nutritional assessments, recommend appropriate nutritional intake, and provide nutritional counseling or education as components of preventive, curative and restorative health care, unless specifically exempted from licensure.

#### **Exemptions from Dietetic Licensure**

The following exemptions are a sample of those found in section 4759.10 of the Ohio Revised Code. Persons claiming any of these exemptions from licensure must meet all criteria of the exemption and not violate division B of section 4759.02 ORC by using the titles “Dietitian”, “Nutritionist”, “Nutrition Counselor” or other titles, words, etc. tending to indicate the practice of dietetics.

### **Free Dissemination of Literature in the State: Sec. 4759.10 (G)ORC**

Literature may be freely distributed and/or sold. Often personal trainers promote healthy eating habits by distributing handouts, books or newsletters to clients. They may also distribute data reports from manual or computer based programs.

### **Presenting a general program of instruction for weight control Sec. 4759.10 (J)ORC**

Fitness professionals, who wish to present a general program of instruction for weight control that goes beyond providing general non-medical nutrition information, may investigate claiming this exemption. The weight control program exemption requires written approval of the program by an Ohio licensed dietitian or physician.

### **Promotion and explanation for sale of food and supplements Sec. 4759.10 (H)&(I)ORC**

This exemption is intended for persons involved in the sale, promotion or explanation of food, food materials or dietary supplements. Criteria include making statements consistent with the label or labeling of the product.

## **Fitness Certificates**

Many organizations (ISSA, NESTA, ACE, etc.) offer fitness professionals the opportunity to improve nutrition knowledge by earning certificates, diplomas or taking courses in nutrition. Many of the programs advise students to check their state laws to determine what nutritional services can be legally offered. These nutrition programs do NOT qualify one for licensure or exemption from dietitian licensure in Ohio. Therefore, they do not qualify one to provide nutritional assessment, consultation and counseling or to use titles tending to indicate the practice of dietetics.

## **Titles**

The title “Nutritionist,” indicates the practice of dietetics pursuant to section 4759-2-01(K) OAC. The Board interpreted the titles “Sports Nutritionist” and “Nutrition Specialist” to be like terms that also indicate the practice of dietetics. Pursuant to Division B of section 4759.02 of the Revised Code licensure is required to use the title dietitian, and any other title, designation, word, letters, abbreviation, or insignia tending to indicate that the person is practicing dietetics. The Board suggests that fitness professionals who are not licensed dietitians but who provide general non-medical nutrition information or claim an exemption from licensure incidental to their fitness activities, describe themselves to the public with titles signifying their industry and main focus such as “Fitness Instructor”, “Fitness Professional”, “Professional Fitness Trainer.”

## **Services**

Offering to perform nutritional services described by the words and terms “Nutrition Assessment,” “Nutrition Counseling,” and “Nutrition Consultations” indicate the practice of dietetics {Sec. 4759.02(B) ORC} and must not be used by persons not licensed to practice dietetics or those who claim most exemptions from licensure. The Board suggests that fitness professionals who are not licensed dietitians but who provide general non-medical nutrition information, describe the service with words like “general nutrition or weight management information.” If claiming the supplement sales exemption from licensure, the Board suggests offering “dietary supplement or performance nutrition information.” Finally, when using a diet analysis software program, the Board suggests describing it as a “software diet analysis,” so as not to indicate that the unlicensed fitness professional is practicing dietetics by performing a nutritional assessment.

***This is only a guideline. It is not all inclusive or exclusive. Complaints will be handled on a case by case basis. See Also:***

**The Laws and Rules Governing the Practice of Dietetics in the State of Ohio**

Bulletin #3 Approved general program of instruction for weight control

Bulletin #6 Product sales exemption

Bulletin #8 Non-medical nutrition information