



OBD COMMUNIQUE

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Board Proposes Changes to Administrative Rules

In order for OBD to accomplish regulation of the practice dietetics, the Ohio General Assembly authorized the Board to develop and enact rules. Rules regarding the practice of dietetics are found in Chapter 4759 of the Ohio Administrative Code. Rules are not laws, but can have a similar effect once enacted. They are written to better explain a process or regulatory requirement within the law. Pursuant to Section 119.023 of the Ohio Revised Code, administrative rules are subject to review at least every five years.

An agency's rule review is for the purpose of determining whether a rule should be continued, amended, or rescinded. In making its review, the agency is generally required to consider the need for the rule, complaints or comments received concerning the rule, and relevant factors that have changed in the subject matter area affected by the rule.

OBD has reviewed our rules as required. The Board is recommending amendment of some existing rules, and is recommending that some rules be rescinded and replaced with new rules. We are hoping to complete the process by March 2008.

The Board welcomes public participation in the rules process. Licensees and the public are welcome to provide comment, recommend new rules or changes to existing rules, and provide verbal or written testimony at a public hearing. The hearing will be held at:

1:30 p.m., January 25, 2008
OBA Administrative Hearing Room
Rhodes State Office Tower
30 East Broad St., 3rd floor
Columbus, Ohio 43215.

A brief summary of the proposed rule changes is included in this newsletter.

If you would like to review the actual content of any of the proposed rules they are available (1) from the Board office; (2) on the OBD website, www.dietetics.ohio.gov; and (3) on the Register of Ohio website, www.registerofohio.state.oh.us.

Summary of Rule Changes Proposed by the Ohio Board of Dietetics

New Rules Replacing Rescinded Rules

4759-2-01	<u>Definitions</u>	Defines the terms nutritional assessment, nutritional counseling, nutritional education, nutritional care standards, nutritional care, nutrition care process, nutrition diagnosis, nutrition assessment, nutrition intervention, nutrition monitoring and evaluation, medical nutrition therapy, board, commission, "A.D.A.", nutritionist, nutrition counselor, high nutritional risk, general non-medical nutrition information, council on post secondary accreditation.
4759-4-04	<u>Continuing Education</u>	Describes general and jurisprudence continuing education requirements to renew a license for both registered and non-registered dietitians.

Amended Rules

4759-3-02	<u>Executive Secretary</u>	Adds the working title executive director to the executive secretary position.
4759-3-03	<u>Minutes of Board Meetings</u>	Adds information that the minutes of meetings will be posted to the Board's web site within a reasonable time.
4759-3-04	<u>Cooperation and Communication with Professional Organizations</u>	Adds the working title executive director to the executive secretary position in this rule.
4759-3-07	<u>Adjudication Hearings</u>	Clarifies the 30 day period to request a hearing from the time of the mailing of the notice to the date of the mailing of the notice.
4759-4-01	<u>Applications</u>	Clarifies that applications must be completed in ink and permits use of an electronic signature for on-line applications. Adds working title executive director to the executive secretary position in this rule. Updates the "Commission on Recognition of Post Secondary Accreditation" to it's current name "Council for Higher Education Accreditation".

Amended Rules Con't.

4759-4-02	<u>Pre-professional Experience</u>	Adds public health nutrition as a major course of study that may qualify one for a license via the doctoral degree alternative. Clarifies that an applicant for the pre-professional experience alternative must submit the program to the board for approval prior to engaging in the planned program. Updates the "Commission on Recognition of Post Secondary Accreditation" to it's current name "Council for Higher Education Accreditation".
4759-4-03	<u>Examination</u>	Removes the language that the examination be offered at least two times per year, because it is offered continuously.
4759-4-06	<u>Status Categories</u>	Clarifies that a license not renewed by June 30 is expired. Clarifies that applicants for reinstatement and reactivation must provide evidence of compliance with continuing education requirements including any cumulative deficiency – unless waived by the Board.
4759-4-08	<u>Limited Permit</u>	Changes technical error in previous rule "board shall grant a limited permit" to "board may grant a limited permit" to coincide with the authorizing statute.
4759-4-09	<u>License Certificates and Permits</u>	Adds working title executive director to the executive secretary position in this rule.
4759-5-01	<u>Supervision of Persons Claiming Exemption</u>	Makes technical corrections, removes a redundant paragraph. Clarifies that the dietitian supervising dietetic technicians and baccalaureate degree graduates in dietetic practice needs to be on premises or available by telephone or other means of communication and shall provide these exempt practitioners with guidelines for delegated clinical practice for the nutrition care process.

Amended Rules Con't.

4759-5-03	<u>Plan of Treatment Exemption</u>	Clarifies that when an unlicensed person executes a nutritional plan of treatment authorized by a licensed health professional, the licensed professional shall be on site when the plan is carried out by the unlicensed person.
4759-7-01	<u>Filing of Complaints</u>	Adds working title executive director to the executive secretary position in this rule.
4759-8-09	<u>Filing</u>	Adds working title executive director to the executive secretary position in this rule.
4759-8-11	<u>Computation and Extension of Time</u>	Adds working title executive director to the executive secretary position in this rule.
4759-8-12	<u>Transcripts</u>	Adds working title executive director to the executive secretary position in this rule.
4759-8-21	<u>Prior Action by the Board</u>	Clarifies that during an administrative hearing, the attorney hearing examiner or presiding Board member shall admit evidence of prior disciplinary actions.

LET OBD KNOW IF YOU HAVE MOVED !

If you have moved or changed names since renewing your license last summer, please contact the Board in writing (or by fax) of your change. A name change form is available on the Board website for your convenience. All requests for name and address changes require a signature.

