Ohio Board of Dietetics Continuing Education Self-instructional Module

Topic: General Non-Medical Nutrition Information

The purpose of this continuing education module is to provide current information to licensees about general non-medical nutrition information as it relates to Chapter 4759 of the Ohio Revised Code.

Upon completion of the program, the learner will be able to:
1) recognize the definition of nutrition education as defined in the Ohio Administrative Code
2) recognize examples of general non-medical nutrition information
3) describe who may provide general non-medical nutrition information
4) identify nutrition activities applicable to the provision of general non-medical nutrition information
5) identify exemptions that may be applicable for unlicensed persons wanting to provide more than general non-medical nutrition information without being licensed

Dietitians should be aware that the definition of “nutritional education” in the Administrative Rules supporting the Dietetic Practice Act was modified in 2003 in order to clarify who may provide nutrition information.

Section 4759-2-01(C) OAC defines the term “nutrition education” and specifies that the dietitian licensure law does not prohibit anyone from providing general non-medical nutrition information so long as the provider does not violate division (B) of Section 4759.02 of the Ohio Revised Code. By reserving title for those who have met standardized requirements to be licensed as dietitians, the public may more accurately differentiate between those licensed to provide all forms of nutrition services (including medical nutritional education and therapy, nutritional assessment, etc.) and others who are not licensed, and have no requirements for standardized education or training but may provide general nutritional information.

Further, the term “general non-medical nutrition information” and the activities included are clarified by definition in Section 4759-2-01(M) to identify the types of general nutrition information that unlicensed persons may provide.

A working knowledge of pertinent parts of the law and rules should be helpful to all Ohio dietitians and especially to those involved with nutritional programming. Careful review of the following Ohio Board of Dietetics’ Bulletin #8 - General Non-medical Nutrition Information should enable the learner to differentiate between the practice of dietetics reserved for dietitians and the allowed provision of general non-medical nutrition information by unlicensed persons.
The purpose of Bulletin #8 is to clarify the provision of GENERAL NON-MEDICAL NUTRITION INFORMATION by ANYONE.

Chapter 4759 of the Ohio Revised Code requires everyone who practices dietetics as defined in the law (including nutrition education) to be licensed or specifically exempted from licensure. Although providing nutrition information closely aligns with nutrition education, anyone may provide general non-medical nutrition information, as defined in rule, and it is not considered the practice of dietetics if the provider does not use titles tending to indicate the practice of dietetics. Individuals or business entities that intend to offer general non-medical nutrition information should be aware of this provision and its limitations. Unlicensed individuals intending to engage in activities that go beyond the provision of general non-medical nutrition information may wish to review the criteria for claiming one or more of the numerous exemptions from licensure contained in section 4759.10 of the Ohio Revised Code.

Ohio Revised Code defines the practice of dietetics:
Section 4759.01(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.

Nutrition education is defined in the Administrative Code:
Section 4759-2-01(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. (effective March 15, 2003).

General non-medical nutrition information is defined in the Administrative Code:
Section 4759-2-01(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.

The following examples appear to meet the definition of general non-medical nutrition information:
1. demonstrating how to prepare and cook food;
2. providing information about food guidance systems, healthy eating out or healthy snacks;
3. talking about carbohydrates, proteins, fats, vitamins, minerals, and water as essential nutrients needed by the body and how nutrient requirements may vary through the life cycle;
4. giving statistical information about the relationship between chronic disease and the excesses or
deficiencies of certain nutrients;
5. providing information about nutrients contained in foods or supplements.

Ohio Revised Code protects titles tending to indicate the practice of dietetics:
Section 4759.02 (B) Except for a licensed dietitian ….or as otherwise provided 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.

Section 4759-2-01 (K) OAC 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.

Nutrition information may be freely disseminated by anyone to acquaintances, customers and clients pursuant to 4759.10 (G) of the Ohio Revised Code. This information may include: information on vegetarian diets, alternative diet philosophies, government or agency nutrition literature; books, articles and may include their sale.

Additional exemptions may be of interest to those wanting to provide more than general non-medical nutrition information in the area of education.

4759.10(D) Persons employed by an agency of the government or a non-profit agency approved by the Board who provide nutrition education only. (bulletin #2)

4759.10(H) Persons involved in the sale, promotion or explanation, marketing or distribution of food, food materials or dietary supplements. (bulletin #6)

4759.10(I) Persons making statements consistent with the label or labeling of dietary supplements. (bulletin #6)

4759.10(J) Persons presenting a general program of weight control approved in writing by a licensed physician, licensed dietitian or registered dietitian. (bulletin #3)

If you have any further questions about this topic or need additional information, please contact:
The Ohio Board of Dietetics
Vern Riffe Center for Government and the Arts
77 South High Street, 18th Floor
Columbus, Ohio 43215-6119
(614) 466-3291

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.

See also: The Laws and Rules Governing the Practice of Dietetics in the State of Ohio 9/04
Circle the best answer that applies to the following seven questions.

1) When a person not licensed to practice dietetics provides general non-medical nutrition information, the person is not to use any title, insignia, etc. tending to indicate that the person is practicing dietetics. Which of the following would be an appropriate title for such a person?

A. Nutritionist
B. Dietitian
C. Wellness Instructor
D. Nutrition Counselor

2) Which of the following examples appears to be beyond “general non-medical nutrition information”?

A. providing information about the principles of good nutrition and food preparation
B. providing information about the actions of nutrients on the body
C. providing information about the essential nutrients needed by the body
D. assessing the nutritional status of an individual with esophageal cancer for the purpose of recommending an enteral feeding regimen.

3) Which of the following is not the practice of dietetics as defined in Chapter 4759 ORC?

A. nutritional assessment to determine nutritional needs and to recommend appropriate nutritional intake, including enteral and parenteral nutrition
B. demonstration on the various cooking methods of preparing meatloaf
C. nutritional counseling or education as components of preventive, curative, and restorative health care
D. the development, administration, evaluation, and consultation regarding nutrition care standards

4) The exemption from licensure in Chapter 4759 allowing nutrition information to be freely disseminated and sold by anyone to anyone is contained in which section?

A 4759.10 (G)
B. 4759.10 (H)
C. 4759.10 (I)
D. 4759.10 (J)

5) What bulletin would provide clarification of the criteria to meet the exemption from licensure for the sale, promotion, explanation, marketing, and distribution of food, food materials and dietary supplements?

A. Bulletin #3
B. Bulletin #5
C. Bulletin #6
D. Bulletin #2
6) A personal trainer wants to provide general non-medical nutrition information to a client about the recommended amounts of the essential nutrients for an individual who is working out. Which of the following activities may be considered nutritional assessment and require provision by a licensed dietitian?

A. provides a handout of the recommended daily allowances of vitamins and minerals
B. provides a handout from a popular sports magazine indicating need for additional protein in certain workout situations
C. provides a handout of supplements hand-written by the personal trainer based on the personal trainer’s evaluation of the individual’s medical history, diet history and cholesterol level
D. provides a class to explain the way the essential nutrients are used by the body

7) Which one of the following programs appears to provide medical nutrition therapy and does not fit the definition of “general non-medical nutrition information”?

A. A program offering general information about nutrient intake and its relationship to health and disease.
B. A program for diabetics to learn individualized meal planning for their disease management.
C. A program demonstrating how to reduce fat in recipes.
D. A program teaching about the uses of herbs and their origin.

To receive a certificate for completion of this program, return the completed quiz to the Ohio Board of Dietetics, 77 South High Street, 18th floor, Columbus, Ohio 43215-6119. Staff will score it and provide those who achieve 75% or better with a certificate of completion that may be used to meet the Ohio Board of Dietetics Jurisprudence continuing education requirement pursuant to 4759-4-04(D)ORC.

Please PRINT your name and address below. (This section will be used as the mailing label for your certificate)

______________________________________ Name
______________________________________ Street Address
______________________________________ City, State, Zip Code