

QUESTIONS AND ANSWERS ABOUT THE DIETITIAN LICENSURE LAW CHAPTER 4759 OF THE OHIO REVISED CODE

Q. What areas of nutrition and dietetics require licensure?

- A. Ohio's law, set forth in Ohio Revised Code Chapter 4759 is a mandatory licensure law, which became effective on July 1, 1987. This means that everyone who practices dietetics, as defined in the law, must be licensed, unless specifically exempted. The three areas defined as dietetic practice are:
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.
Ohio Revised Code section 4759.01(A)

Dietitian licensure law sets minimum standards. Agencies, hospitals, nursing homes, etc. are free to add additional requirements to job descriptions and requirements, e.g. Registered Dietitian (RD), length of experience, type of experience.

Q. Who can become licensed as a dietitian?

- A. The requirements for licensure are set forth in Ohio Revised Code Section 4759.06(A) and are as follows:
- (1) Has satisfactorily completed an application for licensure in accordance with division (A) of section 4759.05 of the Revised Code;
 - (2) Has paid the fee required under division (A) of section 4759.08 of the Revised Code;
 - (3) Is a resident of the state or performs or plans to perform substantial dietetic services within the state;
 - (4) Is of good moral character;
 - (5) Has received a baccalaureate or higher degree from an institution of higher education that is approved by the Board or a regional accreditation agency that is recognized by the Commission on Recognition of Post-Secondary Accreditation, and has completed a program consistent with the academic standards for dietitians established by the Academy of Nutrition and Dietetics (AND);
 - (6) Has successfully completed a pre-professional dietetic experience approved by the Academy of Nutrition and Dietetics, or experience approved by the Board under division (A) (3) of section 4759.05 of the Revised Code;
 - (7) Has passed the examination approved by the Board under division (A) (1) of section 4759.05 of the Revised Code;
 - (8) Is an applicant for renewal of a license, and has fulfilled the continuing education requirements adopted under division (A) (5) of section 4759.05 of the Revised Code.

Registered Dietitians with the Commission on Dietetic Registration do not need to take an additional examination.

Q. What titles are restricted by the law?

- A. The law restricts the use of the title "dietitian". The law also prohibits anyone, other than a licensed dietitian, from using any words, abbreviations, letters, insignia, etc. tending to indicate the practice of dietetics. Only licensed persons can use dietitian as a part of their position title. Ohio Revised Code Section 4759.02(B)

By definition the terms "Nutritionist" "Nutrition Counselor", and like terms tend to indicate that the person is practicing dietetics. Ohio Administrative Code 4759-2-01(K)

Q. What about the RD?

- A. The Registered Dietitian (RD) is a trademark of the Academy of Nutrition and Dietetics and is not completely restricted by the Ohio law. Those who are registered may continue to use the title RD, but they may not practice dietetics as defined in the law, unless they are also licensed in the State of Ohio. Ohio Revised Code Section 4759.02(C)

Q. Who is exempt from licensure and regulation by the Ohio Board of Dietetics?

- A. Sections 4759.01 to 4759.09 of the Revised Code do not apply to:
- (A) A person licensed under chapters 4701 to 4755 of the Revised Code who is acting within the scope of his profession provided that he complies with division (B) of section 4759.02 of the Revised Code;
 - (B) A person who is a graduate of an associate degree program approved by the Academy of Nutrition and Dietetics or the Ohio Board of Dietetics who is working as a dietetic technician under the supervision of dietitian licensed under section 4759.06 of the Revised Code or registered by the Commission on Dietetic Registration, except that the person is subject to division (B) of section 4759.02 of the Revised Code if he uses a title other than "Dietetic Technician";
 - (C) A person who practices dietetics related to employment in the armed forces, veteran's administration, or the public health service of the United States;
 - (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;
 - (E) A person who has completed a program meeting the academic standards set by the Academy of Nutrition and Dietetics for dietitians, received a baccalaureate or higher degree from a school, college, or university approved by a regional accreditation agency recognized by the Commission on Recognition of Post-Secondary Accreditation, works under the supervision of a licensed dietitian or registered dietitian, and does not violate division (B) of section 4759.02 of the Revised Code;
 - (F) A person when acting, under the direction and supervision of a person licensed under chapters 4701 to 4755 of the Revised Code, in the execution of a plan of treatment authorized by the licensed person, provided the person complies with division (B) of section 4759.02 of the Revised Code;
 - (G) The free dissemination of literature in the state;
 - (H) Provided that the persons involved in the sale, promotion, or explanation of the sale of food, food materials, or dietary supplements do not violate division (B) of the section 4759.02 of the Revised Code, the sale of food, food materials, or dietary supplements and the marketing and distribution of food, food materials, or dietary supplements and the promotion or explanation of the use of food, food materials, or dietary supplements provided that the promotion or explanation does not violate chapter 1345 of the Revised Code;
 - (I) A person who offers dietary supplements for sale and who makes the following statements about the product if the statements are consistent with the dietary supplement's label or labeling:
 - (1) Claim a benefit related to a classical nutrient deficiency disease and disclose the prevalence of the disease in the United States;
 - (2) Describe the role of a nutrient or dietary ingredient intended to affect the structure or function of the human body;
 - (3) Characterize the documented mechanism in which a nutrient or dietary ingredient acts to maintain the structure or function of the human body;
 - (4) Describe general well being from the consumption of a nutrient or dietary ingredient.

(J) Provided that the persons involved in presenting a general program of instruction for weight control do not violate division (B) of section 4759.02 of the Revised Code, a general program of instruction for weight control approved in writing by a licensed dietitian, a physician licensed under Chapter 4731 of the Revised Code to practice medicine or surgery or osteopathic medicine or surgery, a person licensed in another state that the Board considers to have substantially equivalent licensure requirements as this state, or a registered dietitian.

Q. What would happen if I dropped my RD status?

A. The documentation process for continuing education/professional development would change (see question on continuing education documentation).

Q. What are the penalties for violations of the law?

A. The Board may seek an injunction to stop the activities of an unlicensed person who is practicing dietetics illegally under Ohio Revised Code Section 4759.09. In addition, practicing without a license is a misdemeanor crime (Ohio Revised Code Section 4759.99). The Board may refuse to issue, suspend, revoke, or impose probationary conditions upon the licensee who violates the standards set in the statutes and rules.

Q. How do I make a complaint if I think that someone is violating the dietitian licensure law?

A. A complaint form should be completed. Contact the Ohio Board of Dietetics at (614) 466-3291 for a form or download from the OBD website www.dietetics.ohio.gov. To aid in the investigation, please provide as much information as possible. Keep a copy of all information provided to the Board.

Q. What other states have licensure for dietitians?

A. More than two thirds of States have some form of regulation for dietitians. The majority of these states have mandatory licensure similar to Ohio's law. Most of the other states are in the process of seeking licensure in some form.

Ohio's law and the laws of most states allow for reciprocity between states; being licensed in one state may make one eligible for licensure in another state, provided that one complies with Section 4759.06 of the Ohio Revised Code.

Q. What titles and signatures are appropriate for the licensed dietitian?

A. The Ohio Board of Dietetics makes the following recommendations to ensure compliance with Ohio Revised Code Chapter 4759:

Licensed dietitians may use the title "licensed dietitian", "dietitian", "nutritionist", or "LD". If the licensed dietitian is also a registered dietitian, the letters "RD, LD" may be used.

Students-- Students enrolled in an AND approved baccalaureate, associate, or Coordinated Program in Dietetics (CPD) may use the title "student dietitian" or "student dietetic technician".

Persons in Pre-professional experiences:

Dietetic Intern --- may use title "dietetic intern".

Dietetic Technician --- may use "student dietetic technician".

Dietetic Technicians meeting the exemption and working under the supervision of the licensed dietitian may use Dietetic Technician (DT) or Registered Dietetic Technician (DTR), if registered.

Baccalaureate Graduates meeting the exemption and working under the supervision of the licensed dietitian may not use "dietitian" as a part of their job title. Nutrition Associate or Nutrition Assistant are suggested titles.

Limited Permit Holders who have completed educational and pre-professional experience requirements, but who have not yet taken the examination should use LP with their permit number, i.e. Name, LP number. If an LP holder has passed the RD exam, the RD credential may be added to their title, i.e. Name, RD, LP number, until the limited permit expires.

Q. How often am I required to renew my license?

- A. Licenses are renewed annually and are valid from July 1st through June 30th. Online Renewal begins May 1st and information is mailed to all licensees before that date. Online renewal and current renewal fees must be processed by 11:59 p.m. on June 30th. Fees processed after 11:59 p.m. on June 30th will incur late fees. Ohio Revised Code Section 4759.06(E)

Q. I am currently not employed. Do I need to renew my license?

- A. An individual is required to have a license only if practicing dietetics either as a volunteer or for a fee as defined in the law, (see Question #1). If you are not currently practicing dietetics, you may apply for "INACTIVE STATUS". Ohio Revised Code Section 4759.06(G)

However, a person holding an inactive status must comply with certain requirements of Ohio Revised Code Chapter 4759. The title of dietitian may be used, provided that the person does not practice or offer to practice dietetics either as a volunteer or for a fee, and does not use the title "licensed dietitian" or "LD". Ohio Revised Code Section 4759.02(B)

While a license is in inactive status, the licensee shall meet the cumulative continuing education/preprofessional development requirements as required by Rule 4759-4-04 of the Administrative Code, but is not required to pay the annual fee. Ohio Administrative Code 4759-4-06(B)

A license may be withdrawn from inactive status by completion of the application for reactivation of license to practice dietetics, and evidence of compliance with continuing education/professional development requirements, and payment of the current reactivation fee. Ohio Administrative Code 4759-4-06(C)

Q. What can happen if I forget to renew my license?

- A. Occasionally this does happen. However, licenses expire on June 30th, and a valid license is mandatory for practicing dietetics in Ohio. Practicing dietetics without a license is a violation of the law and the person would be subject to penalties noted above.

Individuals failing to renew will be notified and be given an opportunity to renew their licenses. An additional fee equal to fifty percent (50%) of the fee for renewal will be assessed.

A renewal application received after the postmarked date of June 30th will be assessed the late fee. Licenses not renewed by August 15 will lapse, requiring reinstatement. Applications will not be processed until all required fees are paid. Ohio Administrative Code 4759.08(A)(5) and Ohio Administrative Code 4759-4-10(C)

Q. What is the procedure for name or address changes?

- A. Contact the Board office and request an official "change of address/name form" or download from www.dietetics.ohio.gov. Forms must be signed and returned to the Board office.

You may also make appropriate name or address changes on your application during licensure renewal. It is the licensee's responsibility to inform the Board office of name and address changes.

Q. What documentation of continuing education is required to maintain licensure?

A. Licensees must comply with two continuing education requirements for renewal of the license as described in rule 4759-4-04 of the Ohio Administrative Code.

1. Licensees must maintain general continuing education / professional development for licensure in Ohio in a manner that is consistent with the requirements of the Commission on Dietetic Registration for Registered Dietitians – 75 hours in a 5 year period, utilizing the Professional Development Portfolio Process.

The dietitian who is also an RD, will, by maintaining registration, meet the requirement for continuing education in Ohio law. The licensed dietitian who is not an RD must provide evidence of continuing education / professional development directly through the Board. Details for meeting the continuing education / professional development requirements are sent to the licensed dietitian.

2. Additionally, the Board has a jurisprudence (law) related continuing education requirement {pursuant to 4759-4-04 (D) OAC}. On odd numbered calendar years, each applicant for renewal of a license shall report to the Board completion of at least one continuing professional education unit in Board approved education in jurisprudence. The most current program for renewal is posted on the OBD website.

Q. Are temporary permits available to practice dietetics? Who is eligible?

A. A limited permit may be granted to a person who has completed the education and pre-professional requirements as specified in the law and who presents evidence to the Board of intent to take the examination approved by the Board. The permit enables the holder to engage in the full scope of practice and requires compliance with the laws and rules. A limited permit holder who has failed the examination once must report the results to the Board office immediately and establish a direct supervisory relationship with a licensed dietitian to continue to practice. Failing the examination twice results in the immediate expiration of the limited permit. A limited permit shall not be issued to a person who has failed the examination two or more times.

Direct supervision, as required by Ohio Revised Code Section 4759.06 (F), and Ohio Administrative Code 4759-4-08, must be provided by a licensed dietitian for a person holding a limited permit who has failed the examination once. The licensee providing the direct supervision must be present on site or readily available by telecommunication.

- Further information about supervision is provided in Guideline C on the OBD website: www.dietetics.ohio.gov

Q. What are the requirements for supervision of persons, claiming exemption from licensure as dietetic technicians or baccalaureate degree Nutrition Assistants?

A. These persons must be supervised by a licensed dietitian in a manner which protects the public and given sufficient guidance to enable them to perform competently. Rule 4759-5-01 OAC specifically addresses supervision requirements. The licensee providing the supervision need not be on site at all times.

Q. What can unlicensed assistive personnel such as dietary managers, dietary clerks, or dietary aides do in the area of nutrition care?

A. Persons who do not meet the criteria for licensure or exemption from licensure may not practice dietetics even under supervision. If properly trained, unlicensed assistive personnel may collect and record nutritional data to assist the dietitian with assessments and counseling. Evaluating or interpreting nutritional data is considered the practice of dietetics.

Q. What can the student dietitian or student dietetic technician do?

A. The Board recognizes that work experiences are a proper and necessary part of an educational program pursuant to 4759-5-02 OAC. A student may not engage in dietetic practice beyond that which is a part of the academic or pre-professional program. The dietitian that provides supervision should remember that students should only be working at the level of his/her educational experiences.

Q. What are the fees associated with dietitian licensure?

A.	<u>Application - Initial License</u>	\$125.00
	<u>Reinstatement - Inactive License (Reactivation)</u>	\$125.00
	<u>Reinstatement - Lapsed, Revoked, or Suspended License</u>	\$180.00
	<u>Renewal of License</u>	\$95.00
	<u>Limited Permit and Renewal of Permit</u>	\$65.00
	<u>Late Fee (applies to renewal applications postmarked after 6/30)</u>	\$47.50

The Board does not require a licensed dietitian holding an inactive license to pay the renewal fee. Ohio Revised Code section 4759.08 (B)

The Board waives fifty percent of the initial licensure fee if the license is only valid for a period between April first and June thirtieth. Ohio Administrative Code 4759-4-10

Criminal Records Check

First time applicants for a license must submit fingerprints for a criminal records check completed by the Ohio Bureau of Criminal Identification and Investigation (BCII) and the Federal Bureau of Investigation (FBI). Instructions on how to accomplish this are posted at www.dietetics.ohio.gov (under Apply for a License), and associated fees will be charged by the fingerprinting site. Ohio Revised Code Section 4759.061

Q. Who is on the Board of the Ohio Board of Dietetics?

A. The five (5) members of the Board are appointed by the Governor for a five year term. Three members must be licensed dietitians, one member must be a PhD educator and one member must be a public member. Ohio Revised Code Section 4759.03

Q. Where is the office of the Ohio Board of Dietetics?

A. The Ohio Board of Dietetics is located at the Vern Riffe Center for Government and the Arts, 77 South High Street, 18th Floor, Columbus, Ohio 43215-6119.

The Board office is open for business Monday through Friday from 8:00 A.M. to 5:00 P.M. The phone number is (614) 466-3291. Website is www.dietetics.ohio.gov. E-mail: Karen.Morrison@exchange.state.oh.us

The Board office receives many inquiries regarding dietetic practice. Information on the following topics is available from the Board and may provide guidance for you in practice:

GUIDELINES

- A. **SUPERVISION** – This guideline assists the dietitian supervisor in determining appropriate academic preparation for exempt individuals, and gives suggestions for consideration when supervising and monitoring the practice for these persons.
- B. **SIGNATURES OF STUDENTS AND TITLES FOR PERSONS CLAIMING EXEMPTION** – Suggests titles that are appropriate for use by students and persons claiming exemption from licensure.
- C. **DIRECT SUPERVISION OF RENEWED LIMITED PERMIT HOLDER** – The purpose of this document is to clarify the supervision required for a limited permit holder who has failed the examination.
- D. **UNLICENSED ASSISTIVE PERSONNEL** – For the safety and welfare of the public, this guideline reviews the tasks that should be done by either licensed or exempt individuals and suggests those nutrition related tasks which may be properly delegated to unlicensed assistive personnel.
- F. **PERSONAL TRAINERS/FITNESS FACILITIES** – The purpose of this document is to provide information about dietetic practice for unlicensed, non-exempt personal trainers and other persons associated with fitness facilities.
- G. **DIETETIC TECHNICIAN** – The purpose of this guideline is to provide guidance for nutrition care responsibilities which may be appropriately delegated to dietetic technicians working under the supervision of a licensed dietitian.
- H. **NUTRITION CARE PROCESS** – Provides guidelines for the standards of practice in nutrition care and common understanding about the profession's expectations for practice.
- I. **ASSESSING COMPETENCY** – Provides guidance for assessing competency for dietetic technicians and nutrition assistants who work under exemption from licensure and are supervised by the licensed dietitian.

BULLETINS

Bulletin #1 - Discontinued.

Bulletin #2 - describes the **nutrition education exemption** and situations in which it applies.

Bulletin #3 - informs persons involved in the operation of **weight control programs** of the regulations regarding the dietitian licensure law.

Bulletin #4 - informs dietetic students, interns, educators, potential employers, and the general public about regulations regarding the **dietitian licensure laws**. It clarifies requirements for the "Limited Permit".

Bulletin #5 - informs dietitians, educators, and employers about licensing regulations which apply to **dietitians who are not directly involved in providing nutritional care**.

Bulletin #6 - describes the exemption from licensure for persons involved in the sale, promotion, or explanation of the **sale of food, food materials, or dietary supplements**.

Bulletin #7 - informs 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**

Bulletin #8 - describes General Non-Medical Nutrition Information that may be provided by anyone.
General Non-Medical Nutrition Information