



Kirsten J. Gross

*Bill Analysis*  
Legislative Service Commission

## **H.B. 314**

124th General Assembly  
(As Introduced)

**Reps. Reidelbach, Gilb, Hughes, Seitz, Goodman, Roman, Flowers, Olman,  
Key, Brinkman, Setzer, Lendrum**

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### **BILL SUMMARY**

- Eliminates the authority of the Ohio Board of Dietetics to investigate or otherwise regulate persons not licensed by the Board.
- Requires the Ohio Board of Dietetics to be reviewed by the Sunset Review Committee.

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### **CONTENT AND OPERATION**

#### **Scope of regulatory authority**

Under current law, the Ohio Board of Dietetics (hereafter "Board") administers and enforces Ohio law concerning the practice of dietetics. (R.C. Chapter 4749.) Current law defines the "practice of dietetics," and therefore the scope of what type of activity the Board regulates, as 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. (R.C. 4759.01(A).)

Under current law, any person who engages in the enumerated activities above is subject to the Board's regulatory authority.

The bill narrows the scope of who the Board regulates. Under the bill, only persons holding a license issued by the Board who engage in the enumerated activities above are subject to the Board's regulatory authority. (R.C. 4759.01(A).)

The bill also adds definitions to explain the meaning of "nutritional assessment" and "nutritional counseling" as those terms are used to define the practice of dietetics. Under the bill, "nutritional counseling" means "the advising of individuals or groups regarding nutritional intake based on individual needs" and "nutritional assessment" means "the integrative evaluation of nutritionally relevant data to develop an individualized nutritional care plan. The data may include any of the following:

- (1) Nutrient intake;
- (2) Anthropometric measurements;
- (3) Biochemical value;
- (4) Physical and metabolic parameters;
- (5) Socio-economic factors;
- (6) Current medical diagnosis and medications;
- (7) Pathophysiological processes." (R.C. 4759.01(B) and (C).)

### **Restrictions on the practice of dietetics and title protection**

Under current law, no person is permitted to practice, offer to practice, or hold out that the person practices dietetics unless the person is licensed by the Board or otherwise meets an exception by participating in an academic or pre-professional program, or by holding a limited permit to practice dietetics (R.C. 4759.02).

The bill changes current law from a "practice protection" type statute to a "title protection" type statute. The bill does this by eliminating any language restricting the practice, offering to practice, or holding oneself out to practice dietetics without a license from the Board and by retaining language that prohibits any person from using the title "dietitian" unless the person is licensed by the Board or holds an inactive license but does not practice dietetics. The bill also retains existing language that allows a person who is a dietitian registered by the Commission on Dietetic Registration to use the designation "registered dietitian" and the abbreviation "R.D." As a result of these changes, the bill also eliminates the exceptions allowing students and limited permit holders to practice or offer to practice or hold themselves out to practice dietetics as none of these people would

be licensed, and under the bill, would not fall within the regulatory authority of the Board. (R.C. 4759.02.)

Current law also prohibits any person, except a person licensed by another board and acting within the scope of that person's practice, from using any 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 (R.C. 4759.02(B)(2)).

The bill eliminates this provision.

### **Investigations**

Under current law, the Board is required to investigate alleged violations of any person in violation of the law governing the practice of dietetics and may seek an injunction to cease activity found to be in violation of the law (R.C. 4759.05 and 4759.09 (not in bill)).

Under the bill, the Board has authority to investigate only those persons licensed by the Board (R.C. 4759.05(B)). The bill does not affect any investigation or action to obtain an injunction that is pending on the effective date of the bill (Section 3).

### **Sunset Review Commission**

Under existing law, unless otherwise exempt, an agency that is in existence on January 1, 2001 expires on December 31, 2004 unless the agency is renewed by passage of a bill that continues the statutes creating and empowering the agency, that amends or repeals those statutes, or that enacts new statutes, to improve agency usefulness, performance, or effectiveness. The Ohio Board of Dietetics is currently exempt from review and expiration. (R.C. 101.83 (not in bill).)

The bill removes the Board's exemption and subjects the Board to possible expiration (if none of the actions described above occur) on December 31, 2004 (R.C. 101.82).

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>	<b>JOURNAL ENTRY</b>
Introduced	06-26-01	p. 709

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