

OHIO GENERAL ASSEMBLY
JOINT COMMITTEE ON AGENCY RULE REVIEW

SENATE MEMBERS

ANDREW O. BRENNER
HEARCEL F. CRAIG

STEPHANIE KUNZE
SANDRA R. WILLIAMS



LARRY WOLPERT
EXECUTIVE DIRECTOR

GREG FOUCHE
DEPUTY DIRECTOR

HOUSE MEMBERS

JAMIE CALLENDER
CHAIR

DICK STEIN
MICHAEL J. SKINDELL

BRETT HUDSON HILLYER
KRISTIN BOGGS

October 28, 2019

Chairman Callender called the meeting to order at 1:34 p.m.

Deputy Director Greg Fouche called the role. Representatives Callender, Stein, Boggs and Senators Brenner, Kunze, Williams and Craig were in attendance. Representatives Hillyer and Skindell were excused from the meeting. Deputy Director Fouche stated a quorum was present. Chairman Callender asked the Committee members to review the October 7, 2019 minutes. The minutes were approved as presented.

Director Wolpert read the No Change Agenda. Chairman Callender called for questions or comments on the No Change Agenda. There were no questions from the Committee or public. Director Wolpert read the Regular Agenda. Proposed rescinded rule 4759-3-04 from item 38 was moved to the review portion of the agenda. Chairman Callender called for questions or comments on the Regular Agenda. There were no questions from the Committee or public. Chairman Callender temporarily recessed the Committee at 1:38 p.m.

Chairman Callender called the meeting back to order at 1:39 p.m. to discuss the review portion of the agenda. Chairman Callender called Kay Mavko, Academy of Nutrition and Dietetics (OAND), to offer opponent testimony on proposed rescinded rule 4759-3-04. Ms. Mavko stated OAND believes the State Medical Board appears to be attempting to limit input from OAND and other professional organizations by proposing to rescind rule 4759-3-04. Ms. Mavko stated OAND requests rule 4759-3-04 be amended as originally circulated to interested parties.

Senator Williams asked if Ms. Mavko knew whether all medical professions were represented on the State Medical Board. Ms. Mavko stated all medical professions are not represented. Senator Williams asked why Ms. Mavko wanted the Board to keep the rule if communication was difficult with the rule in place now. Ms. Mavko stated there has been difficulty in communication through the transition with Medical Board staff. Ms. Mavko expressed concerns for future communication and keeping the rule as an insurance policy. There were no further questions for the witness.

Chairman Callender called Kim Anderson, State Medical Board, to provide comments and answer questions from the Committee. Ms. Anderson explained the proposed rescission of rule 4759-3-04 is due to antitrust concerns and no Medical Board statute provides authority for the current rule. Senator Williams asked Ms. Anderson to explain why OAND is a liaison in the current rule. Ms. Anderson stated the rule existed in 2018 when the Medical Board took over the Dietetics Board and their rules. Senator Williams asked Ms. Anderson if the Dietetics Board had a statutory requirement to have a liaison. Ms. Anderson does not believe the Dietetics Board had a liaison requirement in statute. There were no further questions for the witness.

Senator Brenner asked if the proposed recession met the JCARR prong standards. Chairman Callender stated the opinion of JCARR staff is that there are no JCARR prong violations with the proposed rescission. Chairman Callender also stated he reached the same conclusion in his review of the proposed rescission and if any members felt otherwise they should discuss. Senator Brenner stated the Legislature should look at the statute and potentially change the statute if needed to make sure the dieticians are properly covered. Chairman Callender stated if you feel there should be a liaison a legislative fix makes sense. There was no further comments from the Committee.

Chairman Callender reminded the public of the next JCARR meeting on Monday, November 18, 2019 at 1:30 p.m. in the William McKinley Hearing Room.

Chairman Callender adjourned the meeting at 1:52 p.m.



Jamie Callender, Chair



Larry Wolpert, Director