



Representative Jamie Callender, Chair
Larry Wolpert, Executive Director
Joint Committee on Agency Rule Review
Vern Riffe Center
77 S. High Street, Concourse Level
Columbus Ohio 43215

October 28, 2019

The Ohio Academy of Nutrition and Dietetics would like to submit the following comments regarding Dietetics rules currently filed with JCARR and subject to the JCARR hearing scheduled for October 28, 2019.

4759-3-04 OAC Cooperation and communication with professional organizations. (Rescind)

Rule 4759-3-04 OAC fostering cooperation and identifying a liaison position initially enacted between the Ohio Academy of Nutrition and Dietetics (OAND) and the Ohio Board of Dietetics has been in place since 1987 and is now proposed for rescission by the State Medical Board in Ohio.

When initially enacted, the legislature wisely recognized the need for licensure boards to communicate regularly and effectively with professional associations in order to efficiently keep abreast of evolving professional issues like education requirements and changing practice standards for dietitians that could affect dietitians and the public. The need for such a position is even more important now that the regulation of dietitians has been absorbed into the State Medical Board of Ohio (SMBO).

According to the SMBO in its Common Sense Initiative Business Impact Analysis submission dated 9/25/2018 with this rule package the board argued that rescission of 4759-3-04 OAC is required due to:

A need for “consistency within the operations of all Board committees and advisory councils is necessary for the efficient functioning of the Board’s governing processes.”

“...speaking roles at council meetings are reserved for committee members and council members”

“The professional groups for other licensees regulated by the Medical Board have not previously been designated as an official liaison in the Ohio Administrative Code

“... for consistency, fairness among licensee groups, and efficiency in the Board’s committee/advisory council meetings and processes, the proposed rules were changed to rescind rule 4759-3-04.”

OAND believes that by attempting to rescind this rule the SMBO appears to be conflating the need for “consistency, fairness, and efficient functioning” with an attempt to limit input from OAND and other professional organizations.

In reality, there is inconsistency amongst the SMBO committees, and advisory councils which limits the efficient functioning of the Dietetics Advisory Council (DAC) because;

There are no available internal management rules, policies or procedures governing the operation of SMBO committees and advisory councils.

The advisory council agendas differ in structure and content from each other and SMBO staff determine content of the DAC agenda – with no input from any dietitian members of the DAC.

Only the DAC has no member of the medical board serving on its council;

Not all councils have a chair person elected or appointed from amongst the members (the DAC and RCAC do not). Most committees are led by a medical board member but staff members chair the DAC meetings, and control the discussion – NOT council members.

Attendees from the public (OAND) are restricted by SMBO staff from speaking or volunteering comments that are germane to DAC discussions. This stifles participation and constrains efficient sharing of information.

It is important that all sectors of the profession and market participants have equal access to communications with the DAC so that fully informed recommendations can be made to guide the SMBO. The language in the originally circulated amendments to rule 4759-3-04 (attached) requires the board to maintain and foster communication with all professional associations (including OAND and any other stakeholders who represent licensees). It does not elevate any one organization over another – and should not subject SMBO to allegations of violating federal anti-trust laws.

The Ohio Academy of Nutrition and Dietetics respectfully requests that 4759-3-04 OAC *Cooperation and communication with professional organizations* NOT be Rescinded as currently proposed. We request that the rule be Amended as originally circulated to interested parties. (Attached)

4759-6-03 *Interpretation of Standards*. (Original)

Proposed 4759-6-03 includes an incorrect reference to the “Revised 2017 Standards of Practice in Nutrition Care and Standards of Professional Performance for Nutrition and Dietetics Technicians Registered”. The standards of professional performance referred to in the chapter should apply to dietitians who are licensed by the board (not nutrition and dietetic technicians registered - who are not licensed by the board).

The rule should be changed to the correct reference which is ... “Revised 2017 Standards of Practice in Nutrition Care and Standards of Professional Performance for Registered Dietitian Nutritionists”.

Thank you for considering our suggestions.

Sincerely,

Patricia McKnight, MS, RDN, LD
State Policy Representative
Ohio Academy of Nutrition and Dietetics

Kay Mavko, MS, RDN, LD
State Regulatory Specialist
Ohio Academy of Nutrition and Dietetics

(Attachment)

4759-3-04 OAC Cooperation and communication with professional organizations.

The board shall maintain and foster communications between the board and all professional organizations in the state whose members are licensees. The board shall recognize "The Ohio Academy of Nutrition and Dietetics" for the purpose of requesting such state organization to designate an official liaison to the board. In the event such a liaison is designated by "The Ohio Academy of Nutrition and Dietetics," the board, the ~~executive secretary~~/executive director, and the staff shall cooperate with the liaison in maintaining and fostering communication between the board and the association and the liaison may attend all board meetings and dietetics advisory council meetings or designate a substitute when unavailable to attend. The liaison shall be permitted to participate in ~~board~~ the dietetics advisory council discussions to the extent the ~~board~~ dietetics advisory council deems appropriate, ~~except the liaison shall not participate in any deliberation on the discipline of a licensee.~~