

## **Proposed Dietetics Rules for Continuing Education and Limited Permits**

The Licensure Committee of the Medical Board approved the proposed Ohio Administrative Code (“OAC”) Dietetics rules for Continuing Education (4759-4-04) and Limited Permit (4759-4-08) for initial circulation on August 14, 2019. A summary of the attached proposed rules is provided below:

### **Proposed amended rule 4759-4-04 Continuing Education**

The rule seeks to improve the efficiency of the continuing education process for dietitians applying for license renewal or restoration by doing four things:

- Registered dietitians must certify completion of the continuing education required to hold current registration with the Commission on Dietetic Registration. This is consistent with a recent statutory change for the Physician Assistant continuing education.
- Licensed dietitians who are not registered would certify completion of 30 hours of continuing education completed during every 2-year renewal period. These continuing education hours shall be from courses approved by the Commission on Dietetic Registration, Academy of Nutrition and Dietetics, or the Ohio Academy of Nutrition and Dietetics. This means that the Licensure Committee and the full Medical Board will no longer be collecting and approving coursework for individual learning plans.
- All licensed dietitians (including those registered) must also complete one hour of ethics, laws, rules, and regulations governing the practice of dietetics for each 2-year renewal period. These continuing education hours shall be from courses approved by the Commission on Dietetic Registration, Academy of Nutrition and Dietetics, or the Ohio Academy of Nutrition and Dietetics. This means that the Medical Board staff will no longer be generating content for a Jurisprudence course and the Licensure Committee and full Board will no longer be reviewing and approving Jurisprudence courses. Further, registered dietitians can use these ethics courses to meet their requirements with CDR and the Medical Board.
- The amended rule informs all licensees that they are subject to the new statutory audit and disciplinary provisions of divisions (E) and (F) of section 4759.06 of the Revised Code for failure to comply with this rule.

### **Proposed amended rule 4759-4-08 Limited Permit**

Changes to this proposed rule strengthen the supervision of limited permit holders that have failed the CDR exam once. Also, the proposed rule clearly articulates that the licensed dietitian has the responsibility to properly supervise these limited permit holders that have failed the exam once and document that supervision. Failure to do so shall constitute a minimal standards of care violation by the licensed dietitian. Lastly, restrictions on the length of the term of the limited permit and number of limited permit renewals reflects that the CDR exam is administered much more frequently than twice a year.

**Written comments must be received by the end of the business day on September 13, 2019.**

**Send comments to: [Nathan.Smith@med.ohio.gov](mailto:Nathan.Smith@med.ohio.gov)**

**4759-4-04 Continuing education.**

(A) ~~Each~~ An applicant for renewal or restoration of a license shall demonstrate compliance with the continuing education/professional development requirements of this rule.

(B) ~~Each~~ An applicant for license renewal or restoration shall:

(1) ~~Be~~ If licensee is a registered dietitian, certify completion of the continuing education required to hold current registration with the commission on dietetic registration, and complete one hour of ethics or laws, rules, and regulations governing the practice of dietetics in the two-year renewal period. These continuing education hours shall be from courses approved by the commission on dietetic registration, academy of nutrition and dietetics, or the Ohio academy of nutrition and dietetics; or

(2) If licensee is not a registered dietitian, ~~establish a five year continuing education cycle with the board, and adhere to that schedule for meeting requirements consistent with the options offered by "The commission on dietetic registration."~~ certify the completion of thirty hours of continuing education completed during the two-year renewal period. At least one hour in each renewal period shall relate to ethics or laws, rules, and regulations governing the practice of dietetics. These continuing education hours shall be from courses approved by the commission on dietetic registration, academy of nutrition and dietetics, or the Ohio academy of nutrition and dietetics.

~~For each five year cycle an individual learning plan shall be submitted and approved by the board and a log of learning activities maintained by the licensee. A copy of the log shall be submitted directly to the Ohio board of dietetics postmarked by June thirtieth of the year that the cycle ends, and shall demonstrate successful completion of at least seventy-five continuing professional education units.~~

(C) ~~Beginning in two thousand five, on odd numbered calendar years, each applicant for renewal, reactivation, or reinstatement of a license shall report to the board completion of at least one continuing education unit of board approved education in jurisprudence.~~

~~Board approved programs in jurisprudence shall include approved programs and activities relating to current laws, rules, and regulations dealing with the practice of dietetics and recent changes that have occurred to those laws, rules, and regulations. A list of approved programs and activities will be posted on the board's web site.~~

(C) All licensees are subject to the audit and disciplinary provisions of divisions (E) and (F) of section 4759.06 of the Revised Code for failure to comply with this rule.

**4759-4-08 Limited permit.**

(A) The board may grant a limited permit to a person who has completed the education and preprofessional requirements for licensure upon the following conditions:

- (1) The person has filed a completed application for a limited permit and paid the appropriate fee;
- (2) The application contains any required statements or transcripts verifying completion of the academic and preprofessional requirements in order to qualify to take the examination for licensure; and
- (3) The applicant indicates intent to take the examination for licensure within ~~seven~~ six months of the issuance of the limited permit.

(B) The permit shall expire if the permit holder fails to take the examination in a timely manner or fails the examination twice.

(C) Limited permits shall expire six months after the date of issuance. ~~the following October thirty-first for those issued between April first and September thirtieth and the following April thirtieth for those issued between October first and March thirty-first.~~

(D) A limited permit may be renewed once.

(E) A limited permit holder who fails the examination must report the results to the board office immediately.

(1) The first time the limited permit holder fails, the limited permit holder shall practice only under the direct supervision of an Ohio licensed dietitian ~~as approved by the board~~.

(2) The second time the limited permit holder fails, the limited permit expires immediately.

(F) A limited permit shall not be issued to a person who has failed the examination two or more times.

(G) The licensed dietitian who provides direct supervision of a person who has failed the examination and holds a limited permit shall provide sufficient guidance and direction to enable the person to perform competently and to protect the public.

(1) The licensed dietitian shall document a supervision plan for the limited permit holder to include goals for competencies and shall periodically document the limited permit holder's progress. Documentation shall include, but is not limited to, dates of conferences, supervisory notes, written evaluations and recommendations. Documentation should be maintained in the licensed dietitian's records and be available upon request of the board.

(2) Direct supervision means that the licensee providing the supervision needs to be readily available by telecommunication, or in person and the licensee must review the work of the supervisee at least every ~~fourteen~~ seven days. When reviewing the work of a supervisee, the licensee shall comply with standards for professional responsibility and practice set forth in Chapter 4759-6 of the Administrative Code.

(H) It is the licensed dietitian's responsibility to supervise the limited permit holder and to adequately document that supervision. Failure to do so shall be considered a violation of the minimal standards of care for the licensed dietitian and may result in discipline of the licensed dietitian by the state medical board.