



Dietetic Advisory Council Minutes for August 7, 2018

The meeting was called to order at approximately 2:00 pm on Tuesday August 7, 2018

Committee members present: Rachael Pohle-Krauza, PhD, RDN, LD; Joseph Nigh, Esq; Judy Nagy, MEd, RDN, LD, FAND; Susan Finn, PhD, RDN, LD, FAND; Ashlee Pax, RDN, LD, MFCS; Carmen Clutter, MS, RDN, LD,CLC

Staff members present: Nathan Smith, Donald Davis, Tessie Pollock, and AJ Groeber

Guests: Kay Mavko, Pat McKnight and Ainsley Malone

Approval of Minutes from the June 12, 2018 Council meeting:

All council members voted to approve the proposed meeting minutes.

Update on Proposed Ohio Administrative Code Chapter 4759 Rules

Mr. Smith gave an update of the Chapter 4759 proposed rules that the advisory council had reviewed on June 12, 2018 and recommended for Medical Board approval as proposed. Mr. Smith informed the advisory council that the Policy Committee and subsequently the full Medical Board had approved the Dietetics rules as proposed with one change.

Specifically, the Policy Committee and the full Board voted to rescind Ohio Administrative Code rule 4759-3-04 (Cooperation and communication with professional organizations). This rule was proposed to be rescinded for reasons of consistency within the Board's committees and councils, fairness to licensee groups and the professional organizations for licensee groups, as well as efficiency in the operation of committees and councils. No other professional organization with licensees regulated by the Medical Board has been given a speaking role in committees or has been given an official status in an Ohio Administrative Code rule. Therefore, the rules will be filed with the Common Sense Initiative with that proposed change.

There will be several more opportunities for written and/or oral comments in the rulemaking process for these rules.

Scope of Practice – Therapeutic Diet Order Writing and Privileging for Dietitians Presentation and Discussion

Mr. Smith introduced this topic and stated that this is the initial presentation and discussion on an issue that the Dietetics Board had dealt with for years and that the Medical Board seeks to understand more thoroughly. Future discussion of this issue at subsequent advisory council meetings is anticipated. Don Davis, Kay Mako, and Ainsley Malone will be presenting on this issue.

Don Davis provided a brief history of this topic as it relates to the former Ohio Board of Dietetics, its evolution with that board, Ohio Administrative Code rule 4759-6-02 (C)(3), and the challenges associated with the rule.

Mr. Smith presented the legal landscape for dietitians in this area, including the Ohio Board of Dietetics Guideline J – Dietitian Guide to Diet and Nutrition Orders, current federal Center for Medicaid and Medicare Services (“CMS”) rules for therapeutic diets provided in hospital services and long term care services, R.C. 4759.01 which defines the practice of dietetics; R.C. 4731.34 Unauthorized Practice of Medicine, and the 2015 Joint Regulatory Statement of the State Medical Board of Ohio, the Ohio State Board of Pharmacy and the Ohio Board of Nursing regarding the use of protocols to initiate or adjust medications.

Kay Mavko of the Ohio Academy of Nutrition and Dietetics (“OAND”) presented and reviewed her agenda materials which included a Federal Register discussion of 42 CFR 482.28 which is the CMS rule on diet order writing and privileging in hospital services; OAC rule 4759-6-02(C)(3); and proposed legislation Substitute House Bill 421 from the 131st General Assembly. This bill proposed to amend state law to allow dietitians to be considered a prescriber for enteral and parenteral nutrition, and to expand the scope of practice of dietitians to include therapeutic diet order writing and enteral and parenteral nutrition under certain conditions. Ms. Mavko informed the council that OAND will move forward in the legislature with legislative language similar to this bill.

Ainsley Malone informed the advisory council about her practice as a registered dietitian in the area of parenteral nutrition. In Ohio as a dietitian, she can recommend parenteral nutrition and create the formulas, but not order it. She referenced that studies have shown the health benefits of dietitians ordering parenteral nutrition which include less delay in therapy and improved clinical outcomes. Ms. Malone stressed the need for dietitians to be able to write diet orders for parenteral nutrition.

Advisory council members directed questions to Ms. Malone on diet order writing including customized forms and the relationship to dietitians doing physical assessments. Ms. Malone and Ms. Nagy stressed the team approach among physicians, pharmacists, and dietitians in this area.

Ms. Mavko stated that OAND is not asking for any recommendation from the advisory council today, but rather would seek further input from the advisory council and the Board when the legislation is introduced in the legislature. A.J. Groeber encouraged council members to put questions and comments in writing on this issue. Mr. Groeber stated that the Medical Board is building a body of knowledge on this issue with feedback from this council. Comments should address how diet order writing by dietitians affects patient safety and process efficiency.

Mr. Smith stated that additional issues to consider are whether there are relevant Ohio Department of Medicaid regulations and what are other states doing. Advisory council members should email Mr. Smith and Mr. Davis with any questions or comments to consider relating to therapeutic diet order writing.

Ms. Pax stated that the CMS mega rule is something that should be reviewed as well. Coordination of care is also very important between the dietitian and the physicians. Ms. Finn highlighted that malnutrition exists in hospitals, and TPN and enteral feeding are ways to combat this.

Advisory Council discussion of Board for Certification of Nutrition Specialists presentation at the June 12, 2018 meeting

Mr. Smith advised that the advisory council discussion should be confined to comments on the BCNS presentation. There will be an opportunity for further discussion if and when BCNS gets legislation introduced. After some discussion among council members, discussion regarding the BCNS presentation was tabled until there is actual BCNS legislation introduced to discuss.

The Dietetic Advisory Council meeting was adjourned at approximately 3:45pm on August 7, 2018.