



State Medical Board of Ohio

**DIETETICS ADVISORY COUNCIL VIRTUAL MEETING  
March 7, 2022**

<p><b>Members:</b> Mary-Jon Ludy, PhD, RDN, FAND Ashley Pax, RDN, LD MFCS David Reiersen Stacy Shawhan, RD, CSO, LD Sharon Zwick-Hamilton, LD Susan Finn, Phd, RDN, LD, FAND <b>Other Attendees:</b> Kay Mavko</p>	<p><b>Staff:</b> Jill Reardon, Deputy Director of External Affairs Benton Thomas, Board Parliamentarian Aaron Mabe, Director of Legislative Affairs Jerica Stewart, Communications Officer</p>
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Ms. Reardon called the meeting to order at 2:02 p.m. Attendance was taken, and a quorum was present with all in attendance minus Ms. Finn.

#### Minutes Review

Ms. Reardon asked for a motion to approve the draft minutes of Council's December 6, 2021 meeting.

**Ms. Pax moved to approve the draft minutes of the December 6, 2021, meeting of the Dietetics Advisory Council. Ms. Shawhan seconded the motion.** The motion carried.

#### Legislative Update

**House Bill 60:** Mr. Mabe stated passage of this Bill would authorize the use of medical marijuana for autism spectrum disorder. Mr. Mabe reported the Bill passed out of the House and is awaiting assignment to a Senate committee.

**Senate Bill 261:** Mr. Mabe stated passage of this bill would transfer portions of the medical marijuana program from the Board of Pharmacy to the Department of Commerce, expand the types of qualifying medical condition, add the Telehealth provision and modify the requirement that a Certificate to Recommend (CTR) applicant reveal their ownership or investment interest with an entity licensed as a dispensary.

**House Bill 196:** Mr. Mabe stated this Bill would authorize the Medical Board to regulate the practice of surgical assistants. Mr. Mabe added the Bill has completed its fifth hearing, and a substitute bill was added that addressed the surgical assistants' qualification.

#### Administrative Rules Update

**House Bill 122** Ms. Reardon reported that the Telehealth Bill has been signed into law by the governor and will take effect on March 23, 2022. Ms. Reardon stated that the initial rules have been approved by

the Board. Ms. Reardon invited Council to add additional comments, that she would present to the Board at its next meeting.

Ms. Ludy commented that she supervises dietitians that conduct research on medical nutrition therapy across state lines. Ms. Ludy noted that these dieticians would be required to be licensed in both states, whereas physicians and physician assistants are not required to obtain additional licenses under the Telehealth Bill.

Ms. Shawhan shared that as a clinical dietitian she provides medical nutrition therapy to oncology patients in the Cincinnati area and approximately 50% of her patients come from Kentucky. Ms. Shawhan commented that several her patients, especially oncology patients have benefitted from telehealth visits. Ms. Shawhan added her patients have concerns and fears about COVID and other communicable diseases, and not being able to provide telehealth services puts additional burdens on her patients and hinders her practice.

Ms. Zwick-Hamilton asked why dietitians were excluded from the Telehealth bill? Ms. Reardon replied the Board was not sure what the legislative intent was for not specifically mentioning dietitians in the telehealth bill.

Ms. Mavko stated that the Ohio Academy of Nutrition and Dietetics (OAND) has provided comments to the Board. Ms. Mavko added that OAND's interpretation of the rule are in opposition with the Medical Board's interpretation. Ms. Mavko noted that a new section was added to the Telehealth Bill, granting doctors, physician assistants and clinical nurse practitioners the authority to practice Telehealth across state borders. Ms. Mavko emphasized that the rule was silent on other healthcare professionals, and dietitians, were in essence granted the same authority.

Ms. Mavko stated that OAND has met with Representative Frazier, the Bill's sponsor to discuss this matter. According to Ms. Mavko, Mr. Frazier stated it was not his intent to exclude certain healthcare professionals from the Bill. Ms. Mavko added that Mr. Frazier has agreed to take legislative action in the event the Medical Board's interpretation of the law in the new rule stands.

Ms. Reardon added that council will have additional opportunities to submit comments to the Board and added the Board will review all comment before the rules are finalized.

### **Ohio Academy of Nutrition and Dietetics (OAND) Update**

Ms. Mavko reported that its annual meeting, OAND would provide information to their members about the Ohio Physicians Health Program (OPHP's), One Bite program. Ms. Mavko added that the OPHP slide presentation, shared with Council members at the last meeting will be available on the OAND website.

### **Partners in Professionalism**

Ms. Stewart explained that the Partners in Professionalism Program (PIPP) was introduced in 2007 where it became part of an Ohio medical school's curriculum. Ms. Stewart added that the program sought to teach students about the workings of the Medical Board from the licensure process to legislation that affects their profession and the disciplinary process.

Ms. Stewart stated the Medical Board would like to expand the program and offer it to our other medical professionals. Ms. Stewart extended an invitation for Council to take advantage of the specialized presentations that PIPP has to offer.

### **Presentation by council member Stacey Shawhan**

Ms. Shawhan gave a presentation on her role as an outpatient oncology dietician. Ms. Shawhan stated that she provides medical nutrition therapy to people who are undergoing cancer treatment. Ms. Shawhan explained that oncology patients experience a wide variety of side effects from their treatment plan, which make it hard to stick to the same meal plan day in and day out. Ms. Shawhan added because of this each patient is given an individualized dietary recommendation.

### **Council Member Update**

Ms. Reardon stated that Ms. Finn's term on council will expire in April, and she will not seek reappointment. Ms. Reardon noted that applications for appointment to Council were made available on the Board's website.

### **Next Meeting & Highlights**

Ms. Reardon announced Council will meet again on April 11, 2022.

Ms. Reardon stated that that Ms. Pax will give a presentation on her experience as a dietician within a facility.

Ms. Reardon stated that staff enforcement attorney, James Roach would provide a presentation on the Board's enforcement process. Ms. Reardon added she would provide Mr. Roach's slides to Council in advance.

### **Adjourn**

Ms. Reardon asked for a motion to adjourn.

**Ms. Shawhan moved to adjourn the meeting. Dr. Ludy seconded the motion.** All Committee members voted aye. The motion carried.

The meeting adjourned at 2:57 p.m.

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