

4759-2-01 **Definitions.**

The following meanings apply to all rules promulgated by the ~~Ohio board of dietetics~~state medical board of Ohio, unless a specific paragraph explicitly defines or uses the word or term in a different manner.

(A) "Nutritional assessment" means the integrative evaluation of nutritionally relevant data to develop an individualized nutritional care plan. These data may include:

- (1) Nutrient intake;
- (2) Anthropometric measurements;
- (3) Biochemical values;
- (4) Physical and metabolic parameters;
- (5) Socio-economic factors;
- (6) Current medical diagnosis and medications; and
- (7) Pathophysiological processes.

The mere collection of these data for use in assessment is not nutritional assessment and does not require a dietitian licensed under section 4759.06 of the Revised Code.

(B) "Nutritional counseling" means the advising of individuals or groups regarding nutritional intake by integrating information from the nutritional assessment with information on food and other sources of nutrients and meal preparation consistent with cultural background and socioeconomic status.

The distribution by an individual of written information prepared by a licensee is not nutritional counseling, and any person distributing the written information need not be licensed under section 4759.06 of the Revised Code.

(C) "Nutritional education" means a planned program based on learning objectives with expected outcomes designed to modify nutrition-related behaviors. This does not prohibit an individual from providing general non-medical nutrition information if the person does not violate division (B) of section 4759.02 of the Revised Code.

(D) "Nutritional care standards" means policies and procedures pertaining to the provision of nutritional care in institutional and community settings.

- (E) "Nutritional care" means the application of the science of nutrition in the health and disease of people.
- (F) "Board" means the ~~Ohio board of dietetics~~ state medical board of Ohio.
- (G) "Commission" means "The Commission on Dietetic Registration."
- (H) "The Academy": means "The Academy of Nutrition and Dietetics."
- (I) "Medical nutrition therapy" means the use of specific nutrition services to treat, or rehabilitate an illness, injury, or condition. Medical nutrition therapy includes nutrition assessment, intervention, education, and counseling.
- (J) "Council on postsecondary accreditation" is synonymous with "Commission on recognition of post-secondary accreditation."
- (K) For purposes of division (B)(2) of section 4759.02 of the Revised Code, the terms "~~Nutritionist~~", "Nutritionist," "Nutrition counselor" and like terms tend to indicate the person is practicing dietetics.
- (L) "High nutritional risk" means, but is not limited to, an individual to whom one or more of the following apply:
- (1) Has a diagnosis of or presence of risk factors for malnutrition, dehydration, anemia, malabsorption disorders, vitamin and mineral deficiencies;
 - (2) Receives enteral or parenteral nutrition;
 - (3) Has pressure ulcer(s), open wounds(s), or non-healing wound(s);
 - (4) Significantly low albumin or hemoglobin levels, or elevated blood urea nitrogen and electrolyte imbalances;
 - (5) Severe chewing or swallowing problems;
 - (6) Consistently poor food/fluid intakes;
 - (7) Individuals who are less than ninety per cent of standard weight for height, or who exhibit significant weight changes as defined by accepted practice guidelines;
 - (8) Decreased activities of daily living (ADL);
 - (9) Decreased cognitive ability;
 - (10) A pregnant female who was fifteen years of age or less at the time of conception;

(11) Infants who are small for gestational age, or a pre-term infant of low birth weight.

(M) "General non-medical nutrition information" means information on the following:

- (1) Principles of good nutrition and food preparation;
- (2) Food to be included in the normal daily diet;
- (3) The essential nutrients needed by the body;
- (4) Recommended amounts of the essential nutrients;
- (5) The actions of nutrients on the body;
- (6) The effects of deficiencies or excesses of nutrients; or
- (7) Food and supplements that are good sources of essential nutrients.

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TO BE RESCINDED

4759-4-01 **Applications.**

- (A) Each applicant for initial licensure or renewal shall file a completed application with the board which demonstrates compliance with sections 4759.05 and 4759.06 of the Revised Code and this chapter.
- (B) Applications shall be completed in ink, signed by the applicant, accompanied by the appropriate fee and by such evidence, statements or documents as specified or required. An electronic signature may be used on applications submitted on-line.
- (C) The executive secretary/executive director, in consultation with staff, shall formulate the content of application forms to be used by applicants to the board. The board shall approve the content of the forms prior to their use. Applicants shall only submit applications on the forms approved by the board.

Each form shall contain, prior to the signature of the applicant, a statement that any applicant who knowingly makes a false statement on the application is guilty of a misdemeanor of the first degree under section 2921.13 of the Revised Code.

- (D) Each applicant who is not a registered dietitian (RD) must forward an academic transcript from all degree granting institutions of higher education directly to the board or submit an official "student issued" copy.
- (E) For the purpose of proving accreditation of a course of study at a foreign institution, an applicant shall have the applicant's academic credentials independently validated as equivalent by an accreditation agency that is recognized by the "Council for Higher Education Accreditation," or its predecessors, or have the applicant's academic credentials independently validated by an agency specializing in education evaluations which is acceptable to the board. A copy of the validation shall be attached to the application as part of the application.
- (F) A licensee shall notify the board of a change of address providing at least a new address, telephone number, and signed request for the change. A licensee shall notify the board of a change of name by providing legal evidence of the name change and a signed request for the change.
- (G) All applications, statements and documents submitted shall become the property of the board.

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4759-4-01

Applications.

- (A) Each applicant for initial licensure or renewal of a license or limited permit shall submit to the board an application which demonstrates compliance with sections 4759.05 and 4759.06 of the Revised Code and this chapter. This application shall be submitted under oath in the manner determined by the board, and provide such other facts and materials as the board requires. No application shall be considered submitted to the board until the appropriate fee has been received by the board. Application fees are not refundable.
- (B) No application for a license or permit submitted to the board shall be considered complete until the applicant has complied with the requirements of rule 4731-4-02 of the Administrative Code and the board has received the results of the criminal records checks.
- (C) If an applicant fails to complete the application process within six months of initial application filing, the board may notify the applicant in writing of its intention to consider the application abandoned. If no response to that notice is received by the board within thirty days, the board shall consider the application as abandoned and no further processing shall be undertaken with respect to that application.
- (D) Each applicant who is not a registered dietitian (RD) must forward an academic transcript from all degree granting institutions of higher education directly to the board or submit an official "student issued" copy.
- (E) For the purpose of proving accreditation of a course of study at a foreign institution, an applicant shall have the applicant's academic credentials independently validated as equivalent by an accreditation agency that is recognized by the "Council for Higher Education Accreditation," or its predecessors, or have the applicant's academic credentials independently validated by an agency specializing in education evaluations which is acceptable to the board. A copy of the validation shall be attached to the application as part of the application.
- (F) A licensee shall notify the board of a change of address providing at least a new address, telephone number, and signed request for the change. A licensee shall notify the board of a change of name by providing legal evidence of the name change and a signed request for the change.
- (G) All applications, statements and documents submitted shall become the property of the board. No application being investigated under section 4759.07 of the Revised Code, may be withdrawn without approval of the board.

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4759-4-03 **Examination.**

- (A) As a prerequisite to the issuance of an initial license, the applicant shall provide evidence of passing the examination designated in paragraph (B) of this rule.
- (B) The board selects and approves of the examination for dietitians offered by "The Commission On Dietetic Registration".

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4759-4-04

Continuing education.

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

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

(1) Be a registered dietitian; or

(2) If 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."

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~~ state medical board of Ohio 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~~ Each applicant for renewal; ~~reactivation; or reinstatement~~ restoration 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~~: site at the following link: <https://med.ohio.gov/>.

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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 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 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.
- (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. 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 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.

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TO BE RESCINDED

4759-4-09 **License certificates and permits.**

- (A) The board shall prepare and provide to each new licensee a license certificate and to each permittee a permit identification card. The identification card shall contain the person's name, license number and date of expiration.
- (B) Official certificates shall be signed by the chairman and be affixed with the raised seal of the board. Permit identification cards shall bear the signature of the chairman and/or the executive secretary/executive director.
- (C) Any certificate and permit identification card issued by the board shall remain the property of the board and shall be surrendered to the board on demand.
- (D) Neither the holder nor anyone else shall make any alteration on a certificate or identification card issued by the board.
- (E) The board shall notify all licensees that licenses can be verified on the board's website. Official verification letters will be issued by the board upon request only.

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4759-4-09**License certificates and permits.**

- (A) The board shall prepare and provide to each new licensee and limited permit holder a certificate signed by the board's president and secretary, and attested by its seal.
- (B) Neither the holder nor anyone else shall make any alteration on a certificate issued by the board.
- (C) Official verification letters will be issued by the board upon request only and with payment of the license verification fee specified in section 4759.08 of the Revised Code. Electronic verification of license or limited permit status shall be considered a primary source verification and shall be made available by the board..

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4759-4-12

Consideration of military experience, education, training and term of service.

(A) Eligibility for licensure.

In accordance with Chapter 5903. of the Revised Code, the board has determined that there are no military programs of training, military specialties and lengths of service that are substantially equivalent to or which exceed the educational and supervised training requirements for licensure as a dietitian.

(B) Definitions related to military service and veteran status.

- (1) "Military," in accordance with division (A) of section 5903.03 of the Revised Code, means the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state.
- (2) "Member" means any person who is serving in the military,
- (3) "Veteran" means any person who has completed service in the military, and who has been discharged under honorable conditions or who has been transferred to the reserve with evidence of satisfactory service.

(C) License renewal and continuing education.

- (1) For military members in active duty, the board shall waive the requirements of paragraph (C) of rule 4759-4-04 of the Administrative Code for jurisprudence continuing education.
- (2) In accordance with section 5903.10 of the Revised Code, a licensee whose license expired due to the licensee's service in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state, shall be eligible for renewal or restoration of the expired license at the same cost as if the license had not expired in accordance with section 4759.06 of the Revised Code, if the following conditions are met: provided the licensee presents the board with satisfactory evidence that, not more than twelve months prior to the date the evidence is submitted to the board, the licensee was honorably discharged or separated under honorable conditions

~~The licensee presents the board with satisfactory evidence that, not more than twelve months prior to the date the evidence is submitted to the board, the licensee was honorably discharged or separated under honorable conditions.~~

~~(D) Prorated initial license fee.~~

~~In accordance with division (D) of section 4759.08 of the Revised Code the board shall waive the prorated initial license fee for military service members.~~

~~(E)~~(D) Prioritizing veterans and military members licensure applications.

(1) Applications completed in accordance with section 4759.06 of the Revised Code will ~~be~~ receive priority processed processing within one to two business days ~~in accordance with rule 4731-6-35 of the Administrative Code.~~

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4759-4-13

Temporary license for military spouse.

- (A) An individual whose spouse is ordered to active military duty in this state is eligible for a temporary military spousal license to practice as a licensed dietitian in accordance with section 4759.06 of the Revised Code.
- (B) An application for a temporary military spousal license shall include the following:
- (1) Proof that the applicant is married to an active duty service member of the armed forces of the United States;
 - (2) Proof that the applicant holds a valid, unrestricted license to practice dietetics in another jurisdiction of the United States;
 - (3) Proof that the applicant's spouse is assigned to a duty station in Ohio and the applicant is also assigned to a duty station in Ohio pursuant to the ~~spouses's~~ spouse's active duty military orders; and
 - (4) The initial application fee pursuant to section 4759.08 of the Revised Code. ~~of one hundred twenty five dollars.~~
- (C) A temporary military spouse license shall expire six months after the date of issuance and is not renewable.

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Prior Effective Dates: 06/30/2014

4759-5-02

Student practice exemption.

- (A) For purposes of divisions (D)(1) and (D)(2) of section 4759.02 of the Revised Code, a student dietitian may only engage in dietetic practice as defined in ~~section 4759.01~~ (A) division (A) of section 4759.01 of the Revised Code that is a part of the academic or pre-professional program.
- (B) In order for student dietetic technicians to become qualified under the exemption for dietetic technicians contained in division (B) of section 4759.10 of the Revised Code, the board recognizes that pre-professional experiences are necessary. For this reason, dietetic practice by a student dietetic technician enrolled in a program that complies with the requirements in division (B) of section 4759.10 of the Revised Code, may be performed provided the student is actively pursuing the degree and the activity is performed under the supervision of a licensed dietitian or registered dietitian. A student dietetic technician may only engage in dietetic practice as defined in ~~section 4759.01~~ (A) division (A) of section 4759.01 of the Revised Code that is a part of the academic or pre-professional program.
- (C) When supervising a student dietitian, a dietetic intern, or a student dietetic technician the licensee is responsible for providing appropriate training and guidelines for the student's clinical experiences, including ongoing close review of medical records and monitoring of student work performance. Documentation of such should be maintained in the licensee's records.

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4759-5-03

Plan of treatment exemption.

For purposes of the exemption from licensure contained in division (F) of section 4759.10 of the Revised Code, a person when acting under the direction and supervision of a professional licensed under ~~Chapters 4701. to 4755.~~ Title 47 of the Revised Code, need not be a licensed dietitian if the person is executing a plan of treatment authorized by and within the scope of practice of the supervising licensed professional. The written plan of treatment shall include orders, goals, objectives, and appropriate treatments. Frequency of treatment and response to interventions shall be monitored and reviewed by the licensed practitioner. The licensed practitioner shall initiate the treatment plan and shall be on site when the plan is carried out by the unlicensed person.

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4759-6-01

Standards of practice in nutrition care.

The standards of practice in nutrition care provide a common understanding about the profession's minimum expectations for practice, and form a basis for self-evaluation and improvement and an expectation about nutritional care and service delivery. The standards of practice in nutrition care are comprised of four standards representing the four steps of the nutrition care process.

The "nutrition care process" is a systematic problem-solving method that dietitians may use to critically think and make decisions when providing medical nutrition therapy or to address nutrition related problems and provide safe, effective, high quality nutrition care.

The nutrition care process shall consist of four distinct, but interrelated steps including nutrition assessment, nutrition diagnosis, nutrition intervention and nutrition monitoring and evaluation.

(A) The licensee uses accurate and relevant data and information to perform nutrition assessment and identify nutrition-related problems, as the foundation for nutrition diagnosis, the second step of the nutrition care process.

- (1) "Nutrition assessment" means the same as "nutritional assessment" defined in paragraph (A) of rule 4759-2-01 of the Administrative Code.
- (2) A nutrition assessment is initiated by referral and / or screening of individuals or groups for nutrition risk factors.
- (3) The licensee systematically obtains, verifies and interprets data in order to make decisions about the nature and cause of nutrition-related problems.
- (4) Nutrition assessment is an ongoing, dynamic process that involves not only initial data collection, but also reassessment and analysis of client or community needs.
- (5) Problems that require consultation with or referral to another provider are recognized.
- (6) Documentation and communication of nutritional assessment shall be complete, relevant, accurate and timely.

(B) The licensee determines a nutrition diagnosis to identify and label specific nutrition problem(s) that the dietitian is responsible for treating.

- (1) "Nutrition diagnosis" is the identification and labeling that describes an actual occurrence, risk of, or potential for developing, a nutritional problem that dietetics practitioners are responsible for treating independently.

- (2) The nutrition diagnosis is not a medical diagnosis. It results following nutrition assessment and the clustering, analysis, and synthesis of data and demonstrates a link to determining goals for outcomes, selecting appropriate interventions and tracking progress in attaining expected outcomes.
 - (3) Documentation of nutrition diagnosis(es) shall be relevant, accurate and timely and shall be revised and updated as additional assessment data become available.
- (C) The licensee utilizes nutrition intervention as the third step in the nutrition care process to identify and implement appropriate, purposefully planned actions designed with the intent of changing a nutrition-related behavior, risk factor, environmental condition or aspect of health status for an individual, target group, or the community at large.
- (1) "Nutrition Intervention" is a specific set of activities and associated materials used to address the problem; purposely planned actions designed with the intent of changing a nutrition-related behavior, risk factor, environmental condition, or aspect of health status for an individual, target group, or the community at large. It involves selection, planning, and implementing appropriate actions to meet patient / client / group's nutrition needs.
 - (2) "Intervention planning" involves prioritizing the nutrition diagnoses, conferring with the patient / client / and / or others, reviewing practice guides and policies, and setting goals and defining the specific nutrition intervention strategy.
 - (3) "Implementation of the nutrition intervention" is the action phase that includes carrying out and communicating the plan of care, continuing data collection, and revising the nutrition intervention strategy, as warranted, based on the patient / client response.
 - (4) The licensee performs the interventions or assigns the nutrition care that other competent practitioners may provide in accordance with federal, state and local laws and regulations.
- (D) The licensee monitors and evaluates indicators and outcomes data directly related to the nutrition diagnosis, goals and intervention strategies to determine the progress made in achieving desired outcomes of nutrition care and whether planned interventions should be continued or revised.
- (1) "Nutrition monitoring and evaluation" is the fourth step of the nutrition care process. Monitoring specifically refers to the review and measurement of the patient / client / group's status at a scheduled (preplanned) follow-up point

with regard to the nutrition diagnosis, intervention plans / goals and outcomes, whereas evaluation is the systematic comparison of current findings with previous status, intervention goals, or a reference standard. Monitoring and evaluation use selected outcome indicators (markers) that are relevant to the patient / client / group's defined needs, nutrition diagnosis, nutrition goals, and disease state.

- (2) The licensee uses standard nutrition care outcome indicator(s) to measure outcomes.
- (3) Monitoring data should be compared with the nutrition prescription / goals / or reference standards to evaluate impact of the sum of all interventions on overall patient / client health outcomes.
- (4) Documentation of nutrition monitoring and evaluation shall be comprehensive, specific, accurate, relevant and timely and reflect the indicators measured, results and method for obtaining measurement. The criteria to which the indicator is compared and factors facilitating or hampering progress should be referenced in support of positive or negative outcomes. Future plans for nutrition care, monitoring and follow-up or discharge should be included.

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Interpretation of standards.

The standards in this chapter are interpreted in a manner consistent with the "Standards of practice in nutrition care" and the "Standards of professional Performance" adopted by the "Academy of Nutrition and Dietetics."

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4759-6-03

Interpretation of standards.

The standards in this chapter are interpreted in a manner consistent with the "Revised 2017 Standards of Practice in Nutrition Care and Standards of Professional Performance for Nutrition and Dietetics Technicians, Registered" adopted by the "Academy of Nutrition and Dietetics, which is available from the website of the state medical board at the following link: <https://www.med.ohio.gov/>.

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4759-9-01

Severability.

Each rule of Chapters 4759-1 to 4759-10 of the Administrative Code, and every part of each rule is declared to be an ~~independant~~ independent rule, and the holding of any rule or part thereof to be unconstitutional, void, or ineffective for any cause shall not affect the validity or constitutionality of any other rule or part thereof.

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4759-11-01**Miscellaneous Provisions.**

For purposes of chapter 4759. of the Revised Code and rules promulgated thereunder:

- (A) An adjudication hearing held pursuant to the provisions of Chapter 119. of the Revised Code shall be conducted in conformance with the provisions of Chapter 4731-13 of the Administrative Code.
- (B) The provisions of Chapters 4731-4, 4731-8, 4731-13, 4731-15, 4731-16, 4731-26, and 4731-28 of the Administrative Code are applicable to the holder of a license or limited permit issued pursuant to Chapter 4759. of the Revised Code, as though fully set forth in Chapter 4759 of the Administrative Code.

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