



State Medical Board of Ohio

**DIETETICS ADVISORY COUNCIL MEETING**  
**MAY 10, 2021** via live-streamed video conference

<b>Members:</b> Judy Nagy, MEd, RDN, LD, FAND Susan Finn, PhD, RDN, LD, FAND David Reiersen Mary-Jon Ludy, PhD, RDN, FAND Carmen Clutter	<b>Staff:</b> Jill Reardon, Deputy Director of External Affairs Benton Taylor, Board Parliamentarian Brycen Hatfield, Administrative Assistant
---------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------

Ms. Reardon called the meeting to order at 2:03 p.m.

**Minutes Review:** Ms. Reardon asked for a motion to approve the draft minutes of the Council's March 8, 2021 meeting.

**Ms. Finn moved to approve the draft minutes of the March 8, 2021 meeting of the Dietetics Advisory Council. Ms. Ludy seconded the motion. The motion carried.**

**Legislative Update:**

**House Bill 110:** Ms. Reardon stated that the Board's original budget request, previously granted in the Executive version, remained unchanged and was passed in the House. The bill was sent to the Senate to complete the committee process.

Ms. Loucka provided testimony before the Senate Health Committee. Ms. Reardon noted that the Board will continue to advocate for the initial request and continue to monitor the language throughout the process.

**House Bill 122:** Ms. Reardon reported House Bill 122 passed out of the House and is pending hearing in the Senate. This bill will permit certain health care professionals to provide Telehealth services according to specific conditions and standards.

**Senate Bill 131, House Bill 203:** Ms. Reardon stated that this bill and its companion bill would permit reciprocity by occupational licensing authority to issue a license or government certification to an applicant who currently holds a license, government or private certification in another state. Ms. Reardon noted that both bills are similar, and the language is nearly identical to bills that were in the legislature last year, one of which was Senate Bill 246. Ms. Reardon added House Bill 203 has had 2 hearings [in the house state and local government] and the policy team will continue to analyze the impact of the language throughout this process.

**Ohio Academy of Nutrition and Dietetics Update:** Ms. Mavko reported the current medical nutrition therapy rule is in the process of being rescinded and OAND has submitted comments on the rescission. Ms. Mavko added the current rule would be replaced with a new rule under the same number, but the name will change to “Services provided by a dietitian”. Ms. Mavko noted that certain provisions under the current rule will be incorporated in the new rule such as coverage, payment policy, payment level and coding numbers.

Ms. Mavko stated additions to the rule include lactation counseling services. Ms. Mavko said another addition is the provision that would permit dietitians that write medical or nutritional services in federally qualified health centers and rural clinics to become billing or pay to providers. Ms. Mavko stated a hearing was held last Friday and she has not received a response to her inquiry about any comments that may have been submitted. Ms. Mavko noted the rule is expected to be enacted on July 1.

Ms. Mavko stated an amendment sponsored by a lactation consultants’ group has been circulated but not introduced. Ms. Mavko noted the amendment proposes to license lactation consultants and issue a license or certification for lactation educators within the nursing board. Ms. Mavko relayed the amendment contains a strict prohibition section that may pose a conflict with dietitians that are IBCLC or CLC certified and use the term “lactation consulting” personally or in advertisement. Ms. Mavko opined that while lactation consulting is not under the current scope of dietetic practice or licensure, it is a component of nutrition services and medical nutrition therapy. Ms. Mavko proposed in the event the licensure amendment passes the Medical Board should consider examining the scope of practice and adding or developing rules in support of it and that further discussions with the nursing board may be warranted.

Ms. Mavko stated that a hearing was scheduled for May 27 on a proposed Medicaid rule that would consolidate provider credentialing, in the Department of Medicaid. Ms. Mavko explained that the intent of the rule was to make it easier on rural providers and facilities. Ms. Mavko stated that a potential problem with the bill would be the ability to reapply for credentialing in the event one is denied. Ms. Mavko added that while this rule does not specifically relate to licensure, our licensees are the potential providers that seek to provide Medicaid services. OAND will continue to gather information and will provide comments.

**Rule Review Update:** Ms. Reardon stated that administrative rules as they pertain to Dietetics Rules on Continuing Education, Limited Permit and Standards of Professional Performance, will continue to be monitored as they move through the rules process. Ms. Reardon voiced her appreciation to Ms. McKnight, Ms. Mavko for the work they did on the rules and the changes they proposed. Ms. Reardon noted that the rules have completed the public comment period and were filed with the Ohio Common Sense Initiative (CSI). A public hearing on the rules is expected to take place on May 17<sup>th</sup>. Ms. Reardon stated anyone that is interested in attending the hearing either to watch or provide comments would be provided a link. Ms. Mavko added that the Academy would be submitting comments for support, on all those rules and thanked Ms. Reardon for her assistance throughout the rule process.

**Presentation on Nutrition Education:** Mr. Reiersen stated that he oversees a portfolio of basic needs and the stable family programming initiative for United Way. Mr. Reiersen explained that basic needs include food, shelter, and access to services. Mr. Reiersen shared that United Way has a total investment of \$3.4M, that funds 65 programs through grants. Mr. Reiersen noted that these programs include food pantries, housing agencies, and other services such as transportation, charitable

pharmacy, or access to supportive services. Mr. Reiersen added that \$700K of the total investment in programs focused on access to healthy foods and nutrition-based community outreach. Mr. Reiersen stated when a family is experiencing instability, it is no longer necessarily seen as food insecurity, where they go to a food pantry. They are seeing a transition to a holistic wraparound supportive case management experience, where to stabilize the family, the family can obtain nutrition education, access to fresh produce, healthy food and may include rent, utilities, and other services. Mr. Reiersen closed the presentation with a campaign video for Mid-Ohio Food Collective.

Ms. Reardon thanked Mr. Reiersen for his very powerful presentation and stated that she will be reaching out to other members of council for future presentations.

**Renewal of licensees:** Ms. Reardon reported there are 620 licensed dietitians. Ms. Reardon stated there had been a lot of confusion about license renewals after that with the legislature extended the renewal dates. Ms. Reardon stated Ms. McKnight informed her that information regarding renewals was posted on the OAND website. In addition, Ms. Ludy confirmed that the organization sent renewal information to all the organization's licensees.

Ms. Reardon stated she will respond to emails from Ms. McKnight and Ms. Ludy concerning the number of licensees who have not renewed. In addition, Ms. Reardon encouraged council members to continue to reach out to their organization's licensees about license renewal.

**Appointments to Council:** Ms. Reardon stated applications are under review and interviews being conducted for the 2 council member seats whose terms have expired. Ms. Reardon added in the interim rules permit the 2 members to continue serving until appointments are made or up to 60 days.

Ms. Reardon introduced new staff member, Brycen Hatfield to council. Mr. Hatfield will fill the role previously held by Ms. Lynch. Ms. Reardon informed council they should expect to receive emails from Mr. Hatfield in the future.

**2021 Meeting Schedule:** Ms. Reardon stated that council will meet again on August 9, 2021.

**Adjourn:** Ms. Reardon asked for a motion to adjourn.

**Ms. Finn moved to adjourn the meeting. Mr. Clutter seconded the motion.** All Committee members voted aye. The motion carried.

The meeting adjourned at 2:51 p.m.

bs