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Hearing Date: 10/2/2019

Today's Date: 10/17/2019

Agency: State Medical Board of Ohio

Rule Number(s): 4731-31-01 and numerous Dietetics rules in Chapter 4759 (Please see attached Summary of the October 2, 2019 Public Hearing Regarding Proposed Changes to the Ohio Administrative Code in which the hearing examiner lists all rules and summarizes all testimony and comments.

If no comments at the hearing, please check the box. ☐

List organizations or individuals giving or submitting testimony before, during or after the public hearing and indicate the rule number(s) in question.

1. Pat McKnight, MS, RDN, LD, Ohio Academy of Nutrition and Dietetics
2. Michael Tiso, M.D.
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Hearing Summary Report

Consolidated Summary of Comments Received

Please review all comments received and complete a consolidated summary paragraph of the comments and indicate the rule number(s).

Please see attached Summary of the October 2, 2019 Public Hearing Regarding Proposed Changes to the Ohio Administrative Code in which the hearing examiner summarizes all testimony and comments.

Hearing Summary Report

Incorporated Comments into Rule(s)

Indicate how comments received during the hearing process were incorporated into the rule(s). If no comments were incorporated, explain why not.

The comments regarding proposed rule 4731-31-01 were not incorporated because the proposed rule follows the statutory direction in R.C. 3707.521, R.C. 3707.511, and R.C. 3313.539 which require that a licensing agency adopt rules that a health care professional (defined as an individual other than a physician who is licensed to practice a health care profession) meet minimum education requirements. Further, R.C. 3707.521 states that a licensing agency may adopt rules establishing continuing education requirements in this area as well. The comments received suggest that either it is unnecessary for the Medical Board to promulgate a rule or that the Medical Board must treat physicians and physician assistants the same in the rule. However, the above cited statutes clearly differentiate between physicians and health care professionals and therefore the proposed rule does as well.

The multiple comments received opposing the proposed rescinding of rule 4759-3-04 were not incorporated because the Medical Board believes that rescinding this rule is necessary due to North Carolina Dental antitrust issues. The rule favors one private organization representing one type of market participant making it the only stakeholder to receive official liaison status and an official role in the discussions of a public decision-making body making decisions affecting all market participants. This places the Medical Board in jeopardy of violating antitrust laws as articulated in the U.S. Supreme Court decision in *North Carolina State Bd. of Dental Exam'rs v. FTC*, 135 S.Ct. 1101 (2015). Further, there is no statutory authority for this rule.

The comment by Pat McKnight and Kay Mavko regarding an incorrect reference to an external document in rule 4759-6-03 was incorporated and the change requested was made in a revised filing on September 27, 2019.

RECEIVED:
October 9, 2019

SUMMARY OF THE OCTOBER 2, 2019 PUBLIC HEARING REGARDING PROPOSED CHANGES TO THE OHIO ADMINISTRATIVE CODE

Pursuant to Section 119.03, Ohio Revised Code, a public hearing was held on October 2, 2019, to hear comments concerning proposed changes to the administrative rules of the State Medical Board of Ohio ("Board"). Kimberly Lee, Hearing Examiner, presided.

PURPOSE OF THE HEARING

The following rules are applicable to assessing and clearing youth athletes to return to play following a concussion:

- 4731-31-01** Requirements for assessing and granting clearance for return to practice or competition: *Current rule to be rescinded and new rule adopted to add requirements for physician assistants*

The following rules applicable to dietitians are proposed to be rescinded:

- 4759-1-01** Public notice of rule adoption.
- 4759-1-02** Notice of board meetings.
- 4759-1-03** Personal information systems.
- 4759-3-01** Duties of board members.
- 4759-3-02** Executive secretary/executive director.
- 4759-3-03** Minutes of board meetings.
- 4759-3-04** Cooperation and communication with professional organizations.
- 4759-3-05** Advisory committees.
- 4759-3-06** Parliamentary procedures.
- 4759-3-07** Adjudication hearings.
- 4759-4-05** Licensure by reciprocity.
- 4759-4-06** Status categories.
- 4759-4-07** Failure to maintain licensure.
- 4759-4-10** Prorated initial license fee.
- 4759-7-01** Filing of complaints.
- 4759-8-01** Representatives; appearances communications; applicability.
- 4759-8-02** Filing request for hearing.
- 4759-8-03** Notice of hearings.
- 4759-8-04** Authority and duties of attorney hearing examiners.
- 4759-8-05** Consolidation.
- 4759-8-06** Intervention.
- 4759-8-07** Continuance of hearing.

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| 4759-8-08 | Motions. |
| 4759-8-09 | Filing. |
| 4759-8-10 | Service on parties. |
| 4759-8-11 | Computation and extension of time. |
| 4759-8-12 | Transcripts. |
| 4759-8-13 | Subpoenas for purposes of hearing. |
| 4759-8-14 | Mileage reimbursements and witness fees. |
| 4759-8-15 | Reports and recommendations. |
| 4759-8-16 | Exchange of documents and witness lists. |
| 4759-8-17 | Pre-hearing conference. |
| 4759-8-18 | Requirements for pre-hearing exchange of information. |
| 4759-8-19 | Status conference. |
| 4759-8-20 | Depositions and transcripts of prior testimony. |
| 4759-8-21 | Prior action by the board. |
| 4759-8-22 | Stipulation of facts. |
| 4759-8-23 | Witnesses. |
| 4759-8-24 | Conviction of a crime. |
| 4759-8-25 | Rules of evidence. |
| 4759-8-26 | Broadcasting and photographing administrative hearings. |
| 4759-8-27 | Sexual misconduct evidence. |
| 4759-8-28 | Reinstatement of license. |
| 4759-8-29 | Settlements, dismissals, and voluntary surrenders. |
| 4759-10-01 | Definitions. |
| 4759-10-02 | Procedures for accessing confidential personal information. |
| 4759-10-03 | Valid reasons for accessing confidential personal information. |
| 4759-10-04 | Confidentiality statutes. |
| 4759-10-05 | Restricting and logging access to confidential personal information in computerized personal information systems. |

The following rules applicable to dietitians are proposed to be amended or adopted as new rules:

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|-----------|--|
| 4759-2-01 | Definitions: <i>To be amended.</i> |
| 4759-4-01 | Applications: <i>Current rule to be rescinded and a new rule adopted.</i> |
| 4759-4-03 | Examination: <i>To be amended.</i> |
| 4759-4-04 | Continuing education: <i>To be amended</i> |
| 4759-4-08 | Limited permit: <i>To be amended.</i> |
| 4759-4-09 | License certificates and permits: <i>Current rule to be rescinded and a new rule adopted.</i> |
| 4759-4-12 | Consideration of military experience, education, training and term of service: <i>To be amended.</i> |
| 4759-4-13 | Temporary license for military spouse: <i>To be amended.</i> |
| 4759-5-02 | Student practice exemption: <i>To be amended.</i> |
| 4759-5-03 | Plan of treatment exemption: <i>To be amended.</i> |
| 4759-6-01 | Standards of practice in nutrition care: <i>To be amended.</i> |

- 4759-6-03** Interpretation of standards: *Current rule to be rescinded and a new rule adopted.*
4759-9-01 Severability: *To be amended.*
4759-11-01 Miscellaneous Provisions: *To be adopted as a new rule.*

TESTIMONY HEARD

Nathan Smith, Senior Counsel for the Board.
Patricia McKnight, MS, RDN, LD, Ohio Academy of Nutrition and Dietetics.
Michael Tiso, M.D.

EXHIBITS EXAMINED

Exhibit 1: Copies of the proposed rule 4731-31-01 and filing confirmation as originally filed in Package 186977 with JCARR, the Secretary of State, and the Legislative Services Commission on August 30, 2019. The rules were filed revised on October 1, 2019 in order to correct a typographical error in a Rule Detail question.

Exhibit 2: Copies of the proposed rules and filing confirmation as originally filed in Package 186865 with JCARR, the Secretary of State, and the Legislative Services Commission on August 30, 2019. The rules were filed revised on September 27, 2019 in order to correct the Rules Summary and Fiscal Analysis for rules 4759-4-04, 4759-4-08, and 4759-4-13 and to correct the title of an external document referenced in rule 4759-6-03. Package 186865 includes the proposed new and amended rules for dietitians.

Exhibit 3: Copies of the proposed rules and filing confirmation as originally filed in Package 186760 with JCARR, the Secretary of State, and the Legislative Services Commission on August 30, 2019. Package 186760 includes the proposed rescission of rules regarding dietitians.

Exhibit 4: Copies of the proposed rules and filing confirmation as originally filed in Package 186797 with JCARR, the Secretary of State, and the Legislative Services Commission on August 30, 2019. Package 186797 includes the proposed rescission of rules regarding dietitians.

Exhibit 5: Copy of the Notice of Public Hearing showing that it was posted on the Register of Ohio on August 30, 2019.

Exhibit 6: Copies of the address portion of e-mails sent to persons and organizations pursuant to their standing request to be notified when the Medical Board proposes rules.

Exhibit 7: Copy of the notice regarding the proposed rules and hearing which was emailed to all physicians, physician assistants, licensed dietitians, and dietetics limited permit holders with active Ohio licenses.

Exhibit 8: Copies of written comments or requests for information received by the Board prior to the hearing regarding proposed rule 4731-31-01:

Exhibit 8(A): September 18, 2019 letter from the Ohio Association of Physician Assistants.

Exhibit 8(B): September 10 and 16, 2019 emails from John Bruketa and Dr. Congeni with a reply from Mr. Smith

Exhibit 8(C): September 24, 2019 email from Jennifer Hayhurst, Director of Regulatory Affairs, Ohio State Medical Association, with a reply from Mr. Smith

Exhibit 8(D): September 27, 2019 email from Deborah Moore, Ph.D., Senior Director of Compliance and Sports Medicine, Ohio High School Athletic Association

Exhibit 8(E): September 12 and September 16 emails from Michael Tiso, M.D.

Exhibit 9: Copies of written comments or requests for information received by the Board prior to the hearing regarding the proposed dietetics rules in Chapter 4759 of the Ohio Administrative Code:

Exhibit 9(A): September 27, 2019 letter from Patricia McKnight, MS, RDN, LD, and Kay Mavko, MS, RDN, LD, from the Ohio Academy of Nutrition and Dietetics

Exhibit 9(B): September 17, 2019 email from Andrea K. JeVenn, Med, RD, LD, CNSC

Exhibit 9(C): Letter from Rachel Riddiford, MS, RD, LD, FAND, Director of Clinical Nutrition, Dayton Children's Hospital

Exhibit 9(D): September 18, 2019 letter from Emily R. B. Block, NDTR

Exhibit 9(E): Letter dated October 24, 2019 from Christine Haar, M.D., RDN, LD

Exhibit 10: September 29, 2019 letter from Debra Memmer, MS, RD, LD, regarding the proposed rescission of rule 4759-03-04.

Exhibit 11: September 29, 2019 letter from Cynthia P. Blocksom, Med., RDN, LD, MCHES, FAND, regarding proposed rescission of rule 4759-03-04.

PROCEDURAL MATTERS

The record was held open until 5:00 p.m. on October 2, 2019, for the purpose of receiving additional written comments concerning the proposed changes to the Ohio Administrative Code. Exhibits 10 and 11 were received on October 3 and October 4, 2019, respectively, but are included in this report in the interest of having all comments considered by the Board.

SUMMARY OF THE EVIDENCE

1. Nathan Smith, Senior Counsel for the Board, identified Exhibits 1 through 9. He testified with respect to the notice that the Board provided to the public and interested parties

regarding the proposed rule changes and with respect to other procedural matters. He testified that proposed rule 4731-31-01 was filed revised on October 1, 2019 in order to correct a typographical error in a Rule Detail question. He further testified that proposed rules 4759-4-04, 4759-4-08, and 4759-4-13 were filed revised on September 27, 2019 in order to correct an error in the Rules Summary and Fiscal Analysis question but not in the rule itself. Finally, Mr. Smith testified that proposed rule 4759-6-03 was filed revised on September 27, 2019 to correct an error in the title of a referenced external document. (Transcript (“Tr.”) at 9-13)

Comments Regarding Proposed Rule 4731-31-01

2. By letter dated September 18, 2019, Elizabeth W. Adamson, Executive Director of the Ohio Association of Physician Assistants (“OAPA”), provided comments in Exhibit 8A regarding her concerns that proposed rule 4731-31-01 “places a higher standard on the requirements for PAs to participate in this process than their supervising physician or ANY physicians licensed to practice in Ohio, regardless of their specialty.” (Emphasis in original) Ms. Adamson further stated:

Section (A) of the proposed rule infers that all licensed physicians in Ohio (MD or DO) be they dermatologist, ophthalmologists, gynecologist, neurologist, orthoped or family practitioner, “meets the minimum education requirements to assess and clear athletes for return to practice or competition.” OAPA believes it is fair to conclude this statement to be true based solely on the fact that all physicians receive training in performing a basic neurological examination (which would include recognition of the signs of head injury or concussion) during their generalist entry-level education in medical school. Inasmuch as all PAs are trained in the physician model and are required to be trained to perform a basic neurological examination during their generalist entry-level PA program, OAPA believes it would be fair to presume PAs also “meet the minimum education requires to assess and clear athletes for return to practice or competition”. It’s quite clear the Board does not agree with this presumption.

OAPA believes the proposed rule appears to place a higher standard of training on PAs than their supervising physicians to participate in the process of caring for injured athletes by specifically requiring in subsection (B)(2) that the physician assistant has completed education and training in detecting concussion..., and in subsection (B)(3) the physician assistant has maintained competency through the completion of continuing education in the detection of concussion..., Whereas, the proposed rule appears to imply that any physician licensed in Ohio who chooses to participate in the process need only rely on their basic medical training of performing a neurological examination, and in accordance with subsection (A)(1) of the proposed rule comply with the “Consensus statement on concussion in sport issued by the 5th international conference on concussion in sports held in Berlin October 2016”. There is no reference to any prerequisite education or training beyond the physician’s entry

level education and/or required continuing education after reading the consensus statement referred to in paragraph (A)(1) of the rule.

OAPA believes OAC 4731-31-01 should be written in a manner in which it complies with all the requirements of ORC 3313.539, 3707.511 and 3707.521. Any further the proposed rule should be written to recognize and be consistent with two very important tenants of ORC 4730:

- 1) PAs diagnose and treat: 4730.01(C)
- 2) PAs provide services delegated to them in accordance with their supervision agreements and are within the normal scope and expertise of their supervising physicians: 4730.19, 4730.20(A) & (A)(8) and 4730.21(C)

Therefore, OAPA is suggesting the following changes to the proposed rule 4731-31-01:

4731-31-01 Requirements for assessing and granting clearance for return to practice or competition.

(A) A physician holding a current license to practice medicine and surgery or osteopathic medicine and surgery issued under Chapter 4731. of the Revised Code meets the minimum education requirements to assess and clear athletes for return to practice or competition under section 3313.539 or 3707.511 of the Revised Code.

~~(1) A physician shall diagnose and treat concussions and determine the return to play protocol for athletes under section 3313.539 or 3707.511 of the Revised Code in accordance with the "Consensus statement on concussion in sport issued by the 5th international conference on concussion in sport" held in Berlin, October 2016." (Available from the website of the state medical board of Ohio at med.ohio.gov.)~~

~~(2) A physician shall use the model form developed by the Ohio youth sports concussion and head injury return to play guidelines committee to document written clearance for the return to practice or competition. The model form may be found on the state medical board of Ohio's website at med.ohio.gov.~~

(B) A physician assistant holding a current license issued under Chapter 4730. of the Revised Code may assess and clear a youth to return to practice or competition under section 3313.539 or 3707.511 of the Revised Code if all of the following requirements are met:

- ~~(1) The physician assistant is authorized to provide assessment and clearance services by a supervising physician whose normal course of practice includes the assessment and clearance of youth to return to practice or competition under section 3313.539 or 3707.511 of the Revised Code and under whose supervision the physician assistant will provide the services; (the last portion of this sentence seems to be redundant)~~
- ~~(2) The physician assistant has completed education and training in the detection of concussions, its clinical features, assessment techniques, and the principles of safe return to play protocols consistent with the consensus statement referenced in paragraph (A)(1) of this rule.~~
- ~~(3) The physician assistant has maintained competency through completion of continuing education in the detection of concussion, its clinical features, assessment techniques, and the principles of safe return to play protocols consistent with the consensus statement referenced in paragraph (A)(1) of this rule; and~~
- ~~(4) The physician assistant used the medical clearance return to play form referenced in paragraph (A)(2) of this rule.~~

(C) A PHYSICIAN OR PHYSICIAN ASSISTANT WHO PROVIDE ASSESSMENT AND CLEARANCE SERVICES FOR ATHLETES WHO HAVE SUSTAINED A SUSPECTED SPORTS-RELATED CONCUSSION SHOULD:

- (1) DIAGNOSE CONCUSSION AND DETERMINE THE RETURN-TO-PLAY TREATMENT PLANS FOR ATHLETES UNDER SECTION 3313.539 OR 3707.511 OF THE REVISED CODE CONSISTNT WITH THE "CONSENSUS STATEMENT ON CONCUSSION IN SPORT ISSUED BY THE 5TH INTERNATIONAL CONFERENCE ON CONCUSSION IN SPORT" HELD IN BERLIN, OCTOBER 2016." (AVAILABLE FROM THE WEBSITE OF THE STATE MEDICAL BOARD OF OHIO AT MED.OHIO.GOV.)**
- (2) USE THE MODEL FORM DEVELOPED BY THE OHIO YOUTH SPORTS CONCUSSION AND HEAD INJURY RETURN-TO-PLAY GUIDELINES COMMITTEE TO DOCUMENT WRITTEN CLEARANCE FOR THE RETURN TO PRACTICE OR COMPETITION. THE MODEL FORM MAY BE FOUND ON THE STATE MEDICAL BOARD OF OHIO'S WEBSITE AT MED.OHIO.GOV.**

(3) MAINTAIN COMPETENCY IN THE DETECTION OF CONCUSSION, ITS CLINICAL FEATURES, ASSESSMENT TECHNIQUES, AND THE PRINCIPLES OF SAFE RETURN TO PLAY CONSISTENT WITH THE CONSENSUS STATEMENT REFERENCED IN PARAGRAPH (C)(1) OF THIS RULE OR ANY FUTURE NATIONALLY ACCEPTED STANDARDS OR GUIDELINES CONSISTENT WITH THAT STATEMENT WHICH HAVE BEEN APPROVED BY THE STATE MEDICAL BOARD OF OHIO.

(Exhibit 8A) (Emphasis in original)

Ms. Adamson concluded her comments by requesting that proposed rule 4731-31-01 be reviewed by the Physician Assistant Policy Committee for its recommendations pursuant to Ohio Revised Code Section 4730.06(A)(2).

3. By email dated September 27, 2019, Deborah B. Moore, Ph.D., Senior Director of Compliance and Sports Medicine for the Ohio High School Athletic Association (“OHSAA”), commented that physician assistants and advance nurse practitioners are already authorized under current law, absent any education board’s policy to the contrary, to clear an athlete to return to play as they practice under standard care agreements. She further provided web addresses to the OHSAA’s concussion regulations and return to play forms. (Exhibit 8D)
4. By email dated September 16, 2019, Michael Tiso, M.D., commented that he believed that physician assistants and nurse practitioners could already clear a clear an athlete to with a possible concussion pursuant to Ohio Revised Coode Section 3313.539. (Exhibit 8E)
5. Dr. Tiso also appeared at the rules hearing and requested clarification regarding the proposed changes to rule 4731-31-01 as he thought that Ohio Revised Code Sections 3707.51 and 3313.539 allowed physician assistants to clear an athlete to return to play. He also questioned why new language for rule 4731-31-01 was being proposed. (Tr. at 21-23)

Comments Regarding Proposed Rule 4759-3-04 and Rule 4759-6-03

6. By letter dated September 27, 2019, Patricia McKnight, MS, RDN, LD, State Policy Representative for the Ohio Academy of Nutrition and Dietetics (“OAND”), and Kay Mavko, MS, RDN, LD, State Regulatory Specialist for the OAND, provided comments in Exhibit 9A regarding the proposed rescission of rule 4759-3-04 and regarding proposed rule 4759-6-03. In regard to the prosed rescission of rule 4759-3-04, Ms. McKnight and Ms. Mavko commented that the Board appeared “to be conflating the need for ‘consistency, fairness, and efficient functioning’ with an attempt to limit input from OAND and other professional organizations.” They further wrote that the inconsistencies exist among Board committees and advisory counsel which limits the efficiency of the Board’s Dietetics Advisory Council as:

There are no available internal management rules, policies or procedures governing the operation of SMBO committees and advisory councils.

The advisory council agendas differ in structure and content from each other and SMBO staff appear to be the only ones determining/ approving content of the DAC agenda. Only the DAC has no member of the medical board serving on its council;

Not all councils have a chair person elected or appointed from amongst the members (the DAC and RCAC do not). Most committees are led by a medical board member but staff members chair the DAC meetings, and control the discussion - NOT council members.

Attendees from the public (OAND) are restricted by SMBO staff from speaking or volunteering comments that are germane to DAC discussions. This stifles participation and constrains efficient sharing of information.

(Exhibit 9A)

Ms. McKnight and Ms. Mavko requested that rule 4759-3-04 not be rescinded and further wrote:

It is important that all sectors of the profession and market participants have equal access to communication with the DAC so that fully informed recommendations can be made to guide the SMBO. The language in the originally circulated amendments to rule 4759-3-04 (attached) requires the board to maintain and foster communication with all professional associations (included OAND and any other stakeholders who represent licensees). It does not elevate any one organization over another – and should not subject SMBO to allegations of violating federal anti-trust laws.

(Exhibit 9A)

In regard to proposed rule 4759-6-03, Ms. McKnight and Ms. Mavko provided the following suggestions:

Proposed 4759-6-03 includes an incorrect reference to the "Revised 2017 Standards of Practice in Nutrition Care and Standards of Professional Performance for Nutrition and Dietetics Technicians Registered". The standards of professional performance referred to in the chapter should apply to dietitians who are licensed by the board (not nutrition and dietetic technicians registered who are not licensed by the board).

The rule should be changed to the correct reference which is "Revised 2017 Standards of Practice in Nutrition Care and Standards of Professional Performance for Registered Dietitian Nutritionists".

Also the rule states that the standards are available "from the website of the state medical board at the following link: <https://www.med.ohio.gov/>." but **there is currently no link to any standards published on the website. The proper link should be established.**

(Exhibit 9A)(Emphasis in original)

7. Ms. McKnight also provided comments at the hearing. Ms. McKnight discussed a closed Board investigation into an unlicensed health coach and expressed her opinion that the Board was wrong to close the investigation. She explained that it was important to have the liaison position in rule 4759-3-04 due to the professional association having a relationship with the members who report issues as the Dietetic Advisory Council would not know about such issues. Ms. Knight also commented that the Board "isn't doing what they are supposed to do for us." She further stated that, while members of the council may be members of the profession, they do not know what is happening in Ohio or other states. Finally, Ms. McKnight stated that she and Ms. Mavko are not permitted to speak at the council meeting but that the Board has allowed them to add items to the agenda. (Tr. at 15-21)
8. By email dated September 17, 2019, Andrea K. JeVenn, Med, RD, LD, CNSC, expressed her concerns regarding the proposed rescission of rule 4759-3-04. She wrote that the liaison position has existed for more than 30 years and enhanced communication between the Ohio Board of Dietetics, OAND, and the Academy of Nutrition & Dietetics. Ms. JeVenn further wrote, "Members of the current DAC are appointed by the medical board to provide input and make recommendations to the medical board for their individual perspectives as dietitians – not to communicate the issues of my profession," and that "[i]t is important to have the profession represented at the meetings to maintain the open communication between the current DAC and OAND." (Exhibit 9B)
9. By undated letter, Rachel Riddiford, MS, RD, LD, FAND, Director of Clinical Nutrition at Dayton Children's Hospital, requested that the Board not rescind rule 4759-3-04 as the liaison position improves communication. She further wrote:

Examples of how this communication provides vital information to the Medical Board:

- Our profession is changing education requirements over the next 5 years.
- The Academy of Nutrition and Dietetics sets forth standards of practice and regularly updates them based on new knowledge

- Our state professional association serves as a delegate to our national organization. We need to work collaboratively with other states and the national forum.

(Exhibit 9C)

10. By letter dated September 18, 2019, Emily R. B. Block, NDTR, requested that the Board not rescind rule 4759-3-04. She further wrote:

Over the past 30 years, the liaison has greatly enhanced communication between OAND, AND, and the previous Ohio Board of Dietetics. The Liaison helped keep the Board informed on educational issues, standards of practice, and other professional concerns germane to licensure and public protection. OAND believes that the need for such a position is even more significant now that the regulation of dietitians has been absorbed by the State Medical Board of Ohio (SMBO). The members of the current DAC are appointed by the Medical Board to provide input and make recommendations to the Medical Board from their individual perspectives as dietitians; their role does not include communicating matters of the profession. The Liaison, however, can highlight standard of practice, changes in education, and other topics impacting licensure. It is crucial to have the profession represented at the meetings to maintain effective communication between the current DAC and OAND.

(Exhibit 9D)

11. Debra Memmer, MS, RD, LD, and Cynthia P. Blocksom, Med., RDN, LD, MCHES, FAND, submitted written comments that also expressed their wish that the Board not rescind rule 4759-3-04 and instead maintain the liaison position due to the liaison's ability to maintain communication between the OAND and the Dietetic Advisory Council as well as to provide valuable information to the Board. (Exhibits 10 and 11)

CONCLUSION

The requirements of Chapter 119, Ohio Revised Code, have been satisfied. The Board may proceed to take action regarding the (1) proposed new rule 4759-11-01; (2) proposed rescission of rules 4759-1-01, 4759-1-02, 4759-1-03, 4759-3-01, 4759-3-02, 4759-3-03, 4759-3-04, 4759-3-05, 4759-3-06, 4759-3-07, 4759-4-05, 4759-4-06, 4759-4-07, 4759-4-10, 4759-7-01, 4759-8-01, 4759-8-02, 4759-8-03, 4759-8-04, 4759-8-05, 4759-8-06, 4759-8-07, 4759-8-08, 4759-8-09, 4759-8-10, 4759-8-11, 4759-8-12, 4759-8-13, 4759-8-14, 4759-8-15, 4759-8-16, 4759-8-17, 4759-8-18, 4759-8-19, 4759-8-20, 4759-8-21, 4759-8-22, 4759-8-23, 4759-8-24, 4759-8-25, 4759-8-26, 4759-8-27, 4759-8-28, 4759-8-29, 4759-10-01, 4759-10-02, 4759-10-03, 4759-10-04, and 4759-10-05; (3) proposed amendment to rules 4759-2-01, 4759-4-03, 4759-4-04, 4759-4-08, 4759-4-12, 4759-4-13, 4759-5-02, 4759-5-03, 4759-6-01, and 4759-9-01; and (4) proposed

rescission and adoption of the new rules 4731-31-01, 4759-4-01, 4759-4-09, and 4759-6-03,
Ohio Administrative Code.



Kimberly A. Lee
Hearing Examiner