



Ohio Revised Code

Section 4759.07 Disciplinary actions.

Effective: January 21, 2018

Legislation: House Bill 49 - 132nd General Assembly

(A) The state medical board may, in accordance with Chapter 119. of the Revised Code, refuse to issue, review, or renew, or may suspend, revoke, or impose probationary conditions upon any license or permit to practice dietetics, if the applicant has:

- (1) Violated sections 4759.02 to 4759.10 of the Revised Code or rules adopted under those sections;
- (2) Knowingly made a false statement in an application for licensure or license renewal;
- (3) Been convicted of any crime constituting a felony in this or any other state;
- (4) Been impaired in ability to perform as a licensed dietitian due to the use of a controlled substance or alcoholic beverage;
- (5) Been convicted of a misdemeanor committed in the course of work as a dietitian in this or any other state;
- (6) A record of incompetent or negligent conduct in the practice of dietetics.

(B) For purposes of this division, any individual who holds a license or permit issued under this chapter, or applies for a license or permit to practice dietetics, is deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

For purposes of division (A)(4) of this section, if the board has reason to believe that any individual who holds a license or permit issued under this chapter or any applicant for a license or permit suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual



compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician qualified to conduct such examination and chosen by the board.

Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or permit or deny the individual's application and shall require the individual, as a condition for initial, continued, reinstated, or renewed licensure, to submit to treatment.

Before being eligible to apply for reinstatement of a license or permit suspended under this division, the dietitian shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care. The demonstration shall include the following:

- (1) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;
- (2) Evidence of continuing full compliance with an aftercare contract or consent agreement;
- (3) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination.

The board may reinstate a license or permit suspended under this division after such demonstration and after the individual has entered into a written consent agreement.

When the impaired dietitian resumes practice, the board shall require continued monitoring of the dietitian. The monitoring shall include compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written



progress reports made under penalty of falsification stating whether the dietitian has maintained sobriety.

(C) One year or more after the date of suspension or revocation of a license or permit under division (A)(1), (2), (3), (5), or (6) of this section, an application for reinstatement of the license or permit may be made to the board. The board shall grant or deny reinstatement with a hearing, at the request of the applicant, in accordance with Chapter 119. of the Revised Code and may impose conditions upon the reinstatement, including the requirement of passing an examination approved by the board.