

STATE BOARD NEWS -- NOVEMBER 1999 ISSUE
(State Section Only)

PHARMACISTS AND THE PRACTICE OF DIETETICS

Over the last year, the Ohio Board of Dietetics, the State agency responsible for regulating the practice of dietetics in Ohio, has made the Pharmacy Board aware of several disagreements regarding practice issues that they have had with pharmacists. Before pharmacists begin to offer, or even consider offering, nutritional components in their patient care programs, they should familiarize themselves with the laws and rules governing the practice of dietetics in Ohio. The laws governing the practice of dietetics may be found in Chapter 4759. of the Ohio Revised Code (O.R.C.) and the rules of the Dietetics Board may be found in Chapter 4759 of the Ohio Administrative Code (O.A.C.). These laws and rules are not included in the current copy of the "Drug Laws of Ohio", but may be found on the State of Ohio's home page (www.state.oh.us). Information on practice-related issues may also be available from the Dietetics Board at 614-466-3291 or at their Internet Home page (www.state.oh.us/obd).

The laws and rules relating to dietetics require that a person be licensed as a dietitian to do any of the following activities, unless they are engaged in a practice permitted by the individual's professional practice act:

- > Performing nutritional assessments;
- > Recommending nutritional intake and developing diets;
- > Engaging in nutritional counseling;
- > Recommending or modifying a medical nutrition therapy regimen;
- > Performing nutritional education;
- > Holding oneself out as a nutrition expert;
- > Providing professional nutrition training to other staff.

However, individuals not licensed as dietitians may provide a general program of weight control under exemption as outlined in O.R.C. Section 4759.10 and O.A.C. Rule 4759-5-06. These laws provide that a general program of weight control that is designed for one or more healthy population groups, is not based on an individual nutrition assessment, and does not provide medical nutrition therapy may be exempted. In order to meet the exemption, the weight control program must be approved by an Ohio licensed dietitian, Ohio licensed physician, or a registered dietitian. The approver should provide statements approving all components of the program including diet plans, written guidelines for instruction to customers, literature handouts, any products used in conjunction with the program, and advertising. The approval is in effect only if no changes have been made to the program. A copy of the approval should be available for inspection on site. The unlicensed provider may not use any title that indicates the practice of dietetics such as dietitian, nutritionist, nutrition specialist, nutrition counselor, etc.

Examples of other nutrition-related tasks that generally may not be the practice of dietetics and may not require an individual to be licensed include:

- > Disseminating printed nutrition literature (e.g. USDA Food Guide);
- > Collecting and recording nutritional intake without interpretation;
- > Reporting response to nutritional care plans;
- > Referring individuals for nutritional counseling;
- > Encouraging, supporting, and motivating for general behavior changes.

With the recent revisions to the Pharmacy Practice Act and the increasing involvement of pharmacists in direct patient care activities, it is probable that issues requiring further discussions between the professional associations and the regulatory boards will arise. However, pharmacists need to be aware that the Pharmacy Board and the Dietetics Board are in agreement that **the Pharmacy Practice Act does not support the preparation or individualization of diets for patients by pharmacists**. Pharmacists should ensure that diets that are provided to patients are those that have been reviewed and approved by a licensed dietitian.

If you have questions regarding the provision of nutrition-related services in the pharmacy setting, please contact either the Board of Pharmacy or the Board of Dietetics for further information.

DISCIPLINARY ACTIONS

The disciplinary actions listed below include only those where the individual's license to practice has been suspended, revoked, or restricted, and does not include those actions where the individual's license to practice has been placed on probation or has been reinstated without restrictions, or a monetary penalty imposed by the board.

Anyone having a question regarding the license status of a particular practitioner, nurse, pharmacist, pharmacy intern, or dangerous drug distributor in Ohio should contact the licensing board that regulates the profession or activity, as follows:

State Dental Board (614/466-2580) (www.state.oh.us/den/);

State Medical Board (614/466-3934) (www.state.oh.us/med/);

State Nursing Board (614/466-3947) (www.state.oh.us/nur/);

State Optometry Board (614/466-5115) (www.state.oh.us/opt/);

State Pharmacy Board (614/466-4143) (www.state.oh.us/pharmacy/);

State Veterinary Medical Board (614/644-5281);

Drug Enforcement Administration (1-800/230-6844).

STATE PHARMACY BOARD:

Orders of the Board:

Chesterfield Pharmacy, T.D.; Cleveland - License revoked - 09/09/99.

Joseph E. Geiser, R.Ph.; Milan, IN - License suspended indefinitely and may not be employed by or work in a facility licensed by the Board while suspended - 09/09/99.

Steven A. Goldblatt, R.Ph.; Reynoldsburg - License reinstated effective September 13, 1999 but may not serve as a preceptor or train pharmacy interns, may not serve as a responsible pharmacist, and may not destroy, or assist in the destruction of, controlled substances until September 13, 2004 - 09/09/99.

Bradley James Heim, R.Ph.; Massillon - May not serve as a preceptor or train pharmacy interns and may not serve as a responsible pharmacist for ten years - 07/14/99.

Randy J. Patrick, R.Ph.; Patriot - License reinstated effective August 18, 1999 but may not serve as a preceptor or train pharmacy interns, may not serve as a responsible pharmacist, and may not destroy, or assist in the destruction of, controlled substances until August 18, 2004 - 08/06/99.

Andrew James Ripley, R.Ph.; Triadelphia, WV - License revoked - 09/09/99.

Settlement Agreements:

Todd R. Jaros, R.Ph.; Westlake - License suspended indefinitely and may not be employed by or work in a facility licensed by the Board while suspended - 09/07/99.

John James Ragaji, R.Ph.; Akron - License suspended indefinitely and may not be employed by or work in a facility licensed by the Board while suspended - 07/13/99.

David Michael Sunshein, R.Ph.; Kettering - License suspended indefinitely and may not be employed by or work in a facility licensed by the Board while suspended - 10/04/99.

William Eaton Urfer, R.Ph.; Kalamazoo, MI - License suspended thirty days and may not be employed by or work in a facility licensed by the Board while suspended - 10/06/99.

Summary Suspensions:

James Murray Bayless, R.Ph.; Fort Thomas, KY - Effective 09/08/99.

Robert Paul Blasko, R.Ph.; Canfield Township - Effective 08/03/99.

James S. Patton, R.Ph.; Columbus - Effective 07/14/99.

Daniel Paul Poignon, R.Ph.; Toledo - Effective 09/08/99.

Raleigh L. Smith, R.Ph.; Waldo - Effective 09/08/99.

Joseph J. Zika, Jr., R.Ph.; Bronston, KY - Effective 09/08/99.

STATE MEDICAL BOARD:

The Medical Board publishes a document of legal actions taken by the Board on their Web page. To access this document, go to the Medical Board's Home page at <http://www.state.oh.us/med/> then click on *Monthly Formal Actions*. If you would like a more detailed history of a legal action for an individual practitioner, go *Back* to the Medical Board's Home page, click on the *Licensee Profile & Status* tag, then follow the instructions. Please contact the Medical Board if you have questions.