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21 March 2017

House Finance Subcommittee on State Government & Agency Review

Chair Faber
Ranking Member Patterson
Rep. Arndt
Rep. Butler

Rep. Gavarone
Rep. Kelly
Rep. Ramos

1 Capitol Square
Columbus, OH 43215

Dear Chair Faber, Ranking Member Patterson, and committee members,

I am writing to tell you my story because it so directly relates to a key part of the state budget bill. Specifically, I want to urge you to pass the part that empowers business owners like me to challenge anti-competitive practices of state agencies. My livelihood and the health of my clients depends on it.

I have a passion for helping people understand what their bodies need and helping them find transformative healing through nutrition. Inspired by the healing of my own and my daughters' low-grade illnesses, I wanted to offer professional services to women who want to avoid medications and address their health needs through natural, food-based approaches. In 2011, I completed a 10-month training with the Nutritional Therapy Association (NTA) and received my nutritional therapy practitioner (NTP) certificate. Maintaining this certification requires 24 hours of continuing education every two years. I have also since become an instructor for NTA's hybrid distance-education program. While some of the education is done online and by conference call, the intensive in-person weekend workshops must be held in Ann Arbor, Michigan because of Ohio's restrictive dietetics laws (Ohio Rev. Code chapter 4759). These laws have also severely curtailed my practice with individual clients.

In 2014, the Ohio Board of Dietetics sent me a letter commanding me to stop offering individualized health assessments and guidance (see attached). Using their overbroad scope of practice, this board of practicing dietitians is preventing me and other alternative health practitioners from offering *any* individualized health guidance based on food or nutrition.

As you probably know, this is nearly identical to the situation in *North Carolina State Board of Dental Examiners v. FTC*, 135 S. Ct. 1101 (2015). Like the dentist board in North Carolina, I believe the Ohio Board of Dietetics is run by

“active market participants” and is flaunting anti-trust protections. The result is that my business has atrophied and Ohioans are missing out on safe, effective health choices from many practitioners like me.

A common theme you have no doubt heard across the political spectrum is a deep desire for people to have the freedom to choose how they pursue health. Regardless of how this plays out at the federal level, I want my state to be at the forefront of expanding this freedom.

Sincerely,

Janelle L. JohnsonGrove, NTP
SageFire Wellness, www.sagefirewellness.com



OHIO BOARD OF DIETETICS

77 SOUTH HIGH STREET, 18TH FLOOR
COLUMBUS, OH 43215-6119

Ph: (614) 466-3291 Fax: (614) 728-0723
www.dietetics.ohio.gov

March 17, 2014

Janelle Johnson-Grove
6231 Montgomery Road
Cincinnati, OH 45213

Ms. Johnson-Grove:

It has come to the Ohio Board of Dietetics attention through a complaint filed in our office that you have been offering "Nutrition Counseling" and providing individualized meal plans on your Sage Fire Wellness website and that you are not currently licensed as a dietitian in Ohio.

The State of Ohio has a mandatory licensure law governing the practice of dietetics in Ohio that was enacted in 1987. One must be licensed or appropriately exempted to engage in the practice of dietetics or hold self forth as if able to practice dietetics in Ohio. Chapter 4759 of the Ohio Revised Code specifies:

Section 4759.01(A) "The practice of dietetics" means any of the following:

- (1) **Nutritional assessment** to determine nutritional needs and to recommend appropriate nutritional intake, including enteral and parenteral nutrition;
- (2) **Nutritional counseling** or education as components of preventive, curative, and restorative health care;
- (3) Development, administration, evaluation, and consultation regarding nutritional care standard

In the State of Ohio anyone can provide general non-medical nutrition information to their clients. I have enclosed some information that will further clarify this information and how it may relate to your company.

The Board requests that you cease offering "Nutrition counseling" and providing individualized nutrition plans. The Board requests the following information in writing within fifteen (15) days from the date of this letter:

- 1) A copy of any and all revisions to your website and brochures.

Enclosed for your convenience is a copy of the website mentioned. Please contact the Board office if you have any questions or if anything in this letter is untrue.

Sincerely,

Donald Davis
Compliance Specialist, Ohio Board of Dietetics

Enclosures: Website copies, Bulletin #6, Bulletin #8

Karen Dion, MBA, RD, LD
Executive Secretary

Susan Finn, PhD, RD, LD, FADA
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Christopher A. Taylor PhD, RD, LD
Vice Chairman, Educator Member

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OHIO BOARD OF DIETETICS

77 SOUTH HIGH STREET, 18TH FLOOR
COLUMBUS, OH 43215-6119 - (614) 466-3291

www.dietetics.ohio.gov

RECEIVED

OCT 22 2013

OHIO BOARD OF DIETETICS

COMPLAINT FORM

PERSON REGISTERING COMPLAINT:

Name:

Address:

Phone:

COMPLAINT REGISTERED AGAINST:

Name:

Address:

Phone:

Home

Work

State the nature of your complaint : (Include dates of alleged offenses, locations of alleged offenses, names of witnesses, and copies of documents relevant to your complaint.)

Janelle claims to be a "Nutritional Therapy Practitioner" & offers "nutritional counseling" including a "health assessment" & "customized program" with "food plan" & supplements. I went to a talk of hers, "a primer on building energy" (attached) ...not only did she get her science all wrong but she recommended RAW eggs & low carbs for kids.

(You may attach separate sheets for additional comments or documents.)

If the Ohio Board of Dietetics should find grounds for an Administrative Hearing, it may be necessary for you to appear as a witness under subpoena. Would you be willing to testify? Yes ☒ no ☐

Please return to:

Ohio Board of Dietetics
South High St., 18th Floor
Columbus, OH 43215-6119
Fax (614) 728-0723

Signature of person registering complaint

Date

10/17/13

She didn't go into specifics about her "nutritional counseling, assessments or meal plans" at this talk ... she was just trying to get people to sign up for individual assessments, She did mention though that she had people bring in their lab tests & she would review their blood sugar, Zinc, "thyroid & other hormone levels" before she made recommendations about their diet.

She recommends low carb because "carbs produce free radicals" & recommends all fats including saturated because they "burn cleaner". She discourages canola oil because it "turns into a trans fat".

Documents from the talk & her website are attached. I have a witness from the talk if that is needed, but it's her individual sessions I am more concerned about.

She is becoming very well known among Cincinnati mom's groups circles ... She has been recommended to me by many people & has talked at a couple different mom's groups that I know of ... in addition at the library.

21 March 2017

To the Ohio House subcommittee on State Government & Agency Review:

My name is Michael Elmi, I'm a nutritional therapy practitioner and live in Lorain, Ohio.

I'm practically and theoretically trained to help my clients to find their own specific metabolic typing, in order to find and develop a proper diet based on natural nutrient- dense food . " You might eat all the best and highest- quality organic food, exercise regularly, drinking plenty of fluids, get sufficient rest and take the finest supplements money can buy, but you are still not going to feel well or enjoy optimum health unless you regularly obtain the nutrient balance that is right for you." (Doctor William Wolcott). Unfortunately, because the law and regulations in Ohio State it is difficult for me to have this practice as my profession and help my community for a better, healthier life and hopefully away from chronic disease.

To all of your health,

Michael Elmi, NTP.

glimofglee@yahoo.com

440-396-6903

5956 Dickinson Trail
Hamilton, OH 45011
March 14, 2017

Ohio House of Representatives
Finance Subcommittee on State Government & Agency Review
Columbus, Ohio

Dear Chair Faber and members of the committee,

I'm writing this because I've been made aware of HB 49 in your committee and how it will affect me and my nutritional therapy practice. I currently live in Liberty Township and work under a chiropractor located in Mason/Maineville area.

In this era of soaring healthcare costs, I believe all Ohioans should have as much freedom as possible to choose safe health practices that helps them achieve optimal health whether that's choosing to work with a dietitian, nutritional therapy practitioner or a health coach. With the way the law is now, the Ohio Board of Dietetics has completely cordoned off the field of nutritional advice. No one can give individualized nutritional advice without being a dietitian or working under a licensed doctor. I don't see this to protect Ohioans; it's so dieticians can have a state-sanctioned monopoly.

The budget bill (HB 49, starting at page 88, In. 5876) creates a new process where qualified health business owners like me can challenge the exclusionary practices of the Board of Dietetics. This process will help me get out from under the unnecessary government regulations that are strangling my business.

I urge you to approve this portion of the budget bill as-is. It will create more economic and healthcare freedom for people all over the state of Ohio.

Sincerely,

Terrie Bilinski NTP

March 21, 2017

Dear Chair Faber, Ranking Member Patterson & members of the House Finance Subcommittee on State Government and Agency Review,

I am writing this letter in support of passing the portion of the House Bill 49 as is. (The creation of a new legal process by which natural health practitioners of all kinds could challenge overbroad, unnecessary restrictions placed on them by state licensing agencies – like the Board of Dietetics)

I have worked with a nutritional therapist for the last several years and have seen serious improvements in my health. I have nothing against dietitians and conventional doctors, but feel there is a need and room for more alternative medical practitioners. With the exploding cost of health care, actually fixing underlying health problems makes sense financially, and I believe that nutritional therapists fill that need. It also helps that I feel better at age 57 than I ever did in my 20's, 30's and 40's.

Please approve this portion of the budget bill as is.

Thanks,

Lisa Friedman

Liberty Township, Ohio 45011