



To: Finance Subcommittee on Health and Medicaid
Bob D. Hackett, Chair

5/16/2019

My name is Kay Mavko, MS, RDN, LD and I am appearing here on behalf of the Ohio Academy of Nutrition and Dietetics which represents over 4,000 dietitians practicing in Ohio. We are seeking an amendment to HB 166 - FY 2020-2021 operating budget as a legislative remedy to clarify the authority for dietitians to engage in order writing in various health care settings in Ohio.

The Centers for Medicare and Medicaid Services (CMS) has recognized that hospitals can save significant health care dollars, improve efficiency, and enhance patient outcomes if dietitians are granted authority to write diet orders and other nutrition related orders in hospitals and other health care facilities.

In the 2014 Federal Register/ Vol.79, NO.91 CMS changed the requirements for "Food and Dietetic Services" at § 482.28(b)(1) and (2) within the Conditions of Participation to increase flexibility. The changes permit a qualified dietitian (or other qualified nutrition professional) to order therapeutic diets - including Total Parenteral Nutrition (TPN), dietary supplements, and nutrition related laboratory tests in order to monitor and adjust nutritional therapy.

Upon implementation of the CMS changes, U.S. health care facilities now have the flexibility either to do nothing, or to appoint individual qualified dietitians to the medical staff and grant them specific diet ordering privileges, or to authorize ordering privileges without appointment to the medical staff. The privileges are granted through the hospital or health care facilities medical staff governance rules, regulations, and bylaws.

Since 2014 Ohio dietitians have tried to become privileged in various settings. However, Ohio pharmacists and health care facility leaders have questioned the authority of dietitians to write orders – especially for TPN (which is considered to include dangerous drugs. The reason is because dietitians are not included in Ohio's Pharmacy Practice Act 4759.01 (I) as "licensed health professionals authorized to prescribe drugs". Pharmacists have refused to accept orders for TPN from dietitians and some dietitians are totally being denied any order writing privileges by their Medical staff.

The Ohio Academy of Nutrition and Dietetics is proposing an amendment to HB 166 (sponsored by Senator Hackett) that would modify the Ohio Revised Code in three areas to clarify that dietitians in Ohio may be granted order writing privileges consistent with CMS regulations, state laws, and facility rules, and by-laws.

The amendment would:

1. Add dietitians to the list of prescribers in Pharmacy Practice Act

4729.01(I)(6) "A dietitian, to the extent that the dietitian is authorized by division (A) (4) of 4759.01 of the Revised Code to order enteral and parenteral nutrition";

2. Add order writing to the scope of practice section of Dietetic Practice Act

4759.01 "the practice of dietetics means": ***

(A)(4) "To the extent authorized by section 4759.## of the Revised Code, the ordering of diets, including therapeutic diets, and the ordering of enteral and parenteral nutrition in consultation with a licensed health professional authorized to prescribe drugs.

3. Add a new section to the Dietetic Practice Act describing the types of orders authorized

4759.## " A dietitian may do the following regarding an individual receiving care in a hospital, long-term care facility, or other similar setting if the dietitian has been granted the appropriate clinical privileges by the medical staff of the hospital, facility, or setting in accordance with rules, regulations, or bylaws:

- (A) Order diets, including therapeutic diets;
- (B) Order nutrition related laboratory tests to monitor nutrition interventions and modify nutrition interventions as appropriate;
- (C) Order enteral or parenteral nutrition in consultation with a licensed health professional authorized to prescribe drugs, as defined in section 4729.01 of the Revised Code, other than another dietitian."

(We suggest that the new section ## above be placed at 4759.14 ORC.)

We have discussed our proposal with interested parties and are not aware of any objections.

We ask that you approve the proposed amendment to HB 166 on behalf of dietitians, hospitals, health care facilities, and Ohio patients who would all benefit from this legislative fix.

Thank you for your time, attention, and thoughtful consideration of our request.