

**OHIO BOARD OF DIETETICS
MINUTES OF THE BOARD MEETING
July 20, 2007
Board Room, 31st Floor, Vern Riffe Center
Columbus, Ohio**

AGENDA ITEM #1 – CALL TO ORDER

BOARD MEMBERS PRESENT: Claire Adkins, Cynthia Blocksom, James Mermis, Vandadean Rogers,

ABSENT: Kay Soltesz due to schedule conflict

OTHERS PRESENT: Beth Shaffer, Compliance Specialist; Kay Mavko, Executive Secretary; Pat McKnight, Ohio Dietetic Association liaison; Aaron Epstein, Assistant Attorney General; Rebecca Wehner, OBD Intermittent Clerk

The meeting was called to order at 10:12 A.M. by Chairman Adkins.

AGENDA ITEM # 2 – APPROVAL OF MINUTES OF THE JUNE 15, 2007 MEETING

The minutes of the June 15, 2007 Board meeting were presented to the Board by the Executive Secretary and they were reviewed and approved as corrected. The following motion resulted:

RESOLUTION # 1

Cynthia Blocksom moved and Vandadean Rogers seconded a motion to approve the minutes of the June 15, 2007 Board meeting as submitted by the Executive Secretary.

The motion was approved with vote as follows:

Claire Adkins	yes		
Cynthia Blocksom	yes		
Vandadean Rogers	yes	James Mermis	yes

A copy of the minutes of the June meeting is on file in the OBD office.

AGENDA ITEM # 3– APPROVAL OF LICENSES

Ms. Mavko presented the names of 16 individuals who were issued Limited Permit licenses between June 15, 2007 and June 30, 2007.

RESOLUTION # 2

Cynthia Blocksom moved and Vandadean Rogers seconded a motion to place upon the minutes of the July 20, 2007 meeting the names of 16 individuals who were issued a Limited Permit during Fiscal Year 2007 with the expiration date of October 31, 2007 since the June 15, 2007 meeting of the Board. The names appear on the list presented to the Board by the Executive Secretary. (See attached list labeled Resolution #2)
The Limited Permit for Vibhuti Patel is included in the list and was renewed and suspended indefinitely with conditions per consent agreement approved by the Board effective 6/15/2007.

The motion was approved with vote as follows:

Claire Adkins	yes		
Cynthia Blocksom	yes		
Vandadean Rogers	yes	James Mermis	yes

Ms. Mavko presented the names of 3 individuals who were issued a license for Fiscal Year 2007 between June 15, 2007 and June 30, 2007. The following motion was made:

RESOLUTION # 3

Cynthia Blocksom moved and James Mermis seconded a motion to place upon the minutes of the July 20, 2007 meeting, the names of 3 dietitians who met qualifications, pursuant to Section 4759.06 ORC, and who were issued a license by the Executive Secretary during Fiscal Year 2007 since the June 15, 2007 meeting of the Board, and whose names appear on the list presented to the Board by the Executive Secretary. (See attached list labeled Resolution #3)

The motion was approved with vote as follows:

Claire Adkins	yes		
Cynthia Blocksom	yes		
Vandadean Rogers	yes	James Mermis	yes

Ms. Mavko presented the names of 9 individuals who were issued Limited Permit licenses during Fiscal Year 2008 between June 30, 2007 and July 19, 2007.

RESOLUTION # 4

Cynthia Blocksom moved and Vandadean Rogers seconded a motion to place upon the minutes of the July 20, 2007 meeting the names of 9 individuals who were issued a Limited Permit during Fiscal Year 2008 with the expiration date of October 31, 2007 since the June 15, 2007 meeting of the Board. The names appear on the list presented to the Board by the Executive Secretary. (See attached list labeled Resolution #4)

The motion was approved with vote as follows:

Claire Adkins	yes		
Cynthia Blocksom	yes		
Vandadean Rogers	yes	James Mermis	yes

Ms. Mavko presented the names of 22 individuals who were issued a license for Fiscal Year 2008 between July 1, 2007 and July 19, 2007. The following motion was made:

RESOLUTION # 5

James Mermis moved and Cynthia Blocksom seconded a motion to place upon the minutes of the July 20, 2007 meeting, the names of 22 dietitians who met qualifications, pursuant to Section 4759.06 ORC, and who were issued a license by the Executive Secretary during Fiscal Year 2008 since the June 15, 2007 meeting of the Board, and whose names appear on the list presented to the Board by the Executive Secretary. (See attached list labeled Resolution #5)

The motion was approved with vote as follows:

Claire Adkins	yes		
Cynthia Blocksom	yes		
Vandadean Rogers	yes	James Mermis	yes

AGENDA ITEM # 4– FY 2008 LICENSE RENEWAL - INTERIM REPORT

Ms. Mavko presented the end of FY 2007 license report as of June 30, 2007.

Active Licenses	2598
Active in Renewal	584
Active in Renewal Incomplete	141
Unprocessed Envelopes Received in Office	49
Requested Inactive Status	57
Requested Expired Status	30
Reported as Deceased	0
LD Applications pending for issuance in FY2008	10
LP Applications pending for issuance in FY 2008	3

Rebecca Wehner, Intermittent Clerk 1 presented the following information regarding license renewal as of Thursday July 19, 2007.

Active	3015
Active in Renewal	139
Active in Renewal – Incomplete	98
Unprocessed envelopes in office	0
Problems – No check	3
Requested Inactive Status	64
Requested Expired Status	35
Reported as Deceased	0

Copies of the reports are attached to the minutes of the meeting.

AGENDA ITEM # 5 – LICENSURE ISSUES

Request for Flex of Continuing Education Hours

Ms. Mavko presented the Board with a copy of a letter of concern submitted by licensee Janet Bolland, MS, RD, LD to the Commission on Dietetic Registration (CDR). The letter is a request for CDR to consider the development of a “flex period” at the end of the Professional Development 5 Year cycle that hours in excess of the 75 required could be moved into the next reporting cycle. Ms. Bolland understands that our licensure law requires continuing education consistent with that required by CDR but wanted to make the Board aware of her request. She has said that she will keep the Board abreast of any response received from CDR. A copy of her letters are attached to the minutes of the meeting.

Request for Waiver of Late Fee

Ms. Mavko presented to the Board a request from a licensee for waiver of the late fee for renewal of a license after June 30. The licensee received a notice from the board that her FY07 license was expired and that if she intends to renew a late fee will be charged. The licensee contacted the board office indicating that she believed the application and fee were mailed in May. To date, OBD has not received either an original application or fee.

Although staff explained that the late fee is required the licensee is appealing to the board for a waiver of the late fee. Along with the letter she provided a copy of the renewal application and a copy of a check with a May date. A bank statement was also provided which lists the licensee’s checks cleared during April, May, and June - but is missing the check number that she reported that she used for the renewal fee

The board reviewed the information provided, and the applicable sections of law and rules (Sections 4759.08 (A) (5) and Section 4759-4-06 (C) OAC) and determined that it lacks authority to waive the late fee in this situation. Staff was directed to provide this information to the licensee, and to remind her that if the original application and fee are

delivered to the Board office and they are timely postmarked an appropriate refund will be made.

Follow-up of Fiscal Year 2007 Audit of Licenses Issued to Out of State Residents

During renewal FY 2007 an audit of 100 licensees who reside outside of Ohio but hold an active Ohio license was conducted. The audit resulted in identifying 8 persons who were living out of Ohio for long periods of time and who had no expressed intent to practice. The Board directed staff to contact each of the licensees and explain the requirement that licensees “reside in the state or perform or plans to perform dietetic services within the state”. Additionally, staff explained the options for inactive and expired status, and asked to express intent on future license renewal applications if they intended to renew.

During the FY 2008 renewal Ms. Shaffer followed up on the 8 persons identified in the 2007 audit. Of those renewing, 6 chose inactive or expired status. Only two renewed for FY 2008 and still did not express intent to practice in Ohio on the renewal application, however each expressed verbal indications that they may return to Ohio to practice in the future. (See file memos for specific information)

The Board suggested that a similar audit be repeated in 5-6 years rather than to try to monitor during renewal each year.

AGENDA ITEM # 6 – ENFORCEMENT

Ms. Shaffer presented the Enforcement report for the period of June 15, 2007 through July 20, 2007 including Quarterly statistics. There are currently 18 open cases pending. Fifteen cases were closed at the June 15, 2007 meeting and 5 cases opened since that date. A summary of completed and pending cases was provided, and is attached to the minutes of this meeting.

Ms. Shaffer also presented a draft of Annual Enforcement Report statistics for FY 2007. The year started with 17 cases carried over from FY 2006. There were 93 new cases opened, 110 cases investigated, 96 cases closed and the year ended with 14 cases carried over to FY 2008. Sixty-nine percent of the cases investigated were allegations against those meeting qualifications for dietitian licensure and 31% were against those who do not meet qualifications for dietitian licensure in Ohio. A draft of the Actions Taken or Initiated by the Board was also presented and reviewed by the Board. Suggestions were made and a corrected report will be provided to the Board at the next meeting.

The enforcement reports will be included in the Director’s Annual Report which will be forthcoming and information from the reports will be included in the Fall Communique’ newsletter.

AGENDA ITEM # 7 -- STATUS OF BOARD ACTIONS

Kimberley Beckley (04OBD03) timely submitted 20.5 continuing education units to the Board using the portfolio process as required for compliance with probationary conditions that require her to submit at least 15 per year.

AGENDA ITEM # 8 – EXECUTIVE SESSION – ENFORCEMENT

The Board moved into Executive Session for consideration of disciplinary matters at 11:15 A.M.. with a roll call vote. The following were in attendance: Ms. Adkins, Ms. Blocksom, Mr. Mermis, Ms. Rogers, Mr. Epstein, Ms. Shaffer, and Ms. Mavko. Ms. Wehner was also invited to attend.

The following motion was made:

RESOLUTION # 6

Cynthia Blocksom moved and James Mermis seconded a motion to move into Executive Session pursuant to Ohio Revised Code 121.22 (G)(1), for the purpose of discussing matters pertaining to investigations of charges, complaints against licensees and regulated individuals, and consultation with legal counsel.

The motion was approved with roll call vote as follows:

Claire Adkins	yes		
Cynthia Blocksom	yes		
Vandadean Rogers	yes	James Mermis	yes

AGENDA ITEM # 9 – FINDINGS, ORDERS, ACTIONS

Following Executive Session the following findings, orders, and actions were taken by the Board.

RESOLUTION # 7

Cynthia Blocksom moved and James Mermis seconded a motion to waive the continuing education requirements for renewal of the FY 2008 license for the respondent in case # 07OBD88 based upon the respondent taking and passing the RD examination in June 2007. Education on the portfolio process was provided by staff, and the respondent developed a sample Learning Plan for the next 5 year continuing education cycle that was reviewed by Board staff and appeared to be complete and appropriate demonstrating that the respondent now understands the process. The renewed license will be issued 7/20/2007 and the case closed.

The motion was approved with roll call vote as follows:

The motion was approved with vote as follows:

Claire Adkins	yes		
Cynthia Blocksom	yes		
Vandadean Rogers	yes	James Mermis	yes

AGENDA ITEM # 10--DISCUSSION OF PERTINENT LEGISLATIVE ISSUES

Ms. Mavko reported that the House Healthcare Access & Affordability Committee and the Senate Health, Human Services and Aging Committee are traveling to five locations outside of Columbus to solicit public testimony about problems with the current healthcare system and proposals for change. The schedule of dates and locations was provided to the Board members.

Ms. Mavko and Ms. McKnight reported that they will be meeting with the legislative contact person in the Department of Commerce in late summer to discuss **HB 148**.

Ms. McKnight reported that the Budget bill includes language that enacts all of the major components of **HB 118** (Senator R. Gardner) requiring daily **physical education** instruction in grades kindergarten to six, requiring completion of one unit of physical education in grades seven to twelve, requiring physical education teachers to be licensed in their subject area, and establishing a state coordinator position for physical education. The General Assembly no longer has to approve the physical education curricula.

The language in Senator D. Miller's bill (**SB 93**) creating **May as Nutrition and Physical Fitness month** was also in the Budget bill language that was approved.

Larry Stelzer reported to Ms. McKnight that **HB 193** requires a licensing agency to grant a **professional license or certificate to a member of the uniformed service** whose license or certificate has expired because of the member's service. Staff will get a copy of the legislation, determine what effect it may have and provide a copy of the legislation to the Board at the September meeting.

AGENDA ITEM # 11 – BOARD REPORTS

Board Chairman – Ms. Adkins – Ms. Adkins acknowledged that Ms. Blocksom's term on the Board concluded on June 30, 2007 but that she graciously agreed to attend the 7/20/2007 meeting. (as permitted by 4759.03 ORC) since a new Board member has not yet been appointed by the Governor's office.

ODA Liaison Report – Ms. McKnight

1. Ms. McKnight indicated that the Ohio Dietetic Association’s Legislative committee meets annually and will be doing so on August 30, 2007. They are restructuring the committee positions and will be establishing a Public Policy panel. Cynthia Blocksom has agreed to become the ODA licensure contact person (now that she is retired from the Board), Gregory Avellana will focus on Medicaid and reimbursement issues, Anne Weidenbenner will focus on Public Health issues, Judy Stang on Aging, and Jan Ritter will follow school nutrition issues.

Directors Report – Ms. Mavko

1. Ms. Mavko reported that the implementation of the OAKS financial systems has been a challenging time. Payments for end of FY07 expenses have not all been processed for our agency yet and new expenses either. CSA is working to catch up. So far we are “flying by the seat of our pants” and revising our agency fiscal processing as we go. No reports are available yet to monitor expenses paid but should be forthcoming soon.
2. Ms. Mavko reported that Miami Hospital called with some concerns about the limitations of their electronic charting system related to electronic signature titles for Limited Permit dietitians. Their system does not permit the use of the LP and number as we require. Their system does link the name and title (Limited Permit) together, and as long as adequate records are maintained in the institution to link the LP number with the person the consensus of the Board was that the system would be adequate.

This is an issue that may increase with more institutions adopting electronic charting.

3. The Board member replacing Cynthia Blocksom has not yet been appointed. Malik Hubbard indicated that background checks were being done on the candidate(s) and that the appointment would occur soon.
4. Ms. Mavko reported that two new personal computers were purchased and have been installed to replace older models that she and Ms. Shaffer have been using, and that were exhibiting operating problems.

AGENDA ITEM #12 – FINANCIAL REPORT

The financial report was presented for the months of May and June FY 2007 including Allocations and Appropriations, Expenditures, and Revenues to Date. Expenditures for the month of May 2007 were \$18,105.81 and for June 2007 were \$19,261.54 . Total expenditures for FY 2007 (including encumbrances for FY 07 bills not yet invoiced or processed) were \$279,473.48.

Revenues collected respectively for the months of May and June 2007 were \$106,760.00 and \$135,790.00, for FY 2007 total revenue received of \$317,302.50.

RESOLUTION # 10

James Mermis moved and Vandadean Rogers seconded a motion to approve expenditures as presented for March and April 2007 and to accept the financial report as submitted to the Board by the Executive Secretary.

The motion was approved with vote as follows:

Claire Adkins	yes		
Cynthia Blocksom	yes		
Vandadean Rogers	yes	James Mermis	yes

Ms. Mavko reviewed the Revenue Summary Report for FY 2007 noting that the OBD revenue versus disbursements showed a net gain of \$37,829.02 in the 4K9 fund for year end. Also April, May, June revenues compared to the same time period last year were \$14,928 lower. It appears that dietitians are again delaying renewal of their licenses - most likely because of the Jurisprudence continuing education requirement. It is anticipated that this will result in a significant shift of revenue to the early months of the FY 2008 period.

Additionally, Ms. Mavko reported that approximately \$46,725 of revenue deposited in the early days of July, 2007 using the new OAKS Financial system may have been credited to the accounts of the Respiratory Care Board, due to errors in account information in crosswalks provided to the Board, or to posting issues within the system. DAS/CSA and the Treasurer's offices are aware of the problem and will correct. OBD staff will monitor our revenue accounts once we can access relevant reports.

A copy of the Financial Report is attached to the minutes of the meeting.

AGENDA ITEM # 13 & # 14 SUBCOMMITTEE MEETINGS AND REPORTS

The **Education Subcommittee** met and reviewed 9 Professional Development Learning Logs and Learning Plans. Four were complete and 5 will be returned to licensees for revisions.

The Rules Subcommittee met and began the review process on the following administrative rules making suggestions for revisions to the following rules:

4759-2-01 Definitions
4759-3-02 Executive Secretary
4759-3-03 Minutes of Board meetings

At the next meeting of the subcommittee the following rules will be reviewed:

- 4759-3-07 Adjudication Hearings
- 4759-4-04 Continuing Education
- 4759-4-06 Status Categories

The subcommittee meetings are scheduled as follows:

- July 31, 2007 1:00 pm
- Sept 10, 2007 10:00 am
- November 9, 2007 10:00 am
- December (target date to file rules)
- Rules Public hearing scheduled for January 17 –18 with Board meeting

Staff continue to follow-up with coordination of the subcommittee meetings, and preparation of the rule revisions.

AGENDA ITEM # 15 – UPCOMING MEETINGS

The following dates are planned for Regular Meetings of the Board for the remainder of 2007.

- September 14, 2007
- November 16, 2007

AGENDA ITEM # 16 -- ADJOURNMENT

A motion was made to adjourn the meeting. There was consensus by the Board. The July 20, 2007 meeting of the Ohio Board of Dietetics adjourned at 3:45 p.m.

Respectfully submitted,

_____ Date _____
Kay Mavko, Executive Secretary
Ohio Board of Dietetics

_____ Date _____
Claire Adkins
Chairman, Ohio Board of Dietetics

_____ Date _____
Witness