

**OHIO BOARD OF DIETETICS
MINUTES OF THE BOARD MEETING
January 19, 2007
Room East B, - 31st Floor, Vern Riffe Center
Columbus, Ohio**

AGENDA ITEM #1 – CALL TO ORDER

BOARD MEMBERS PRESENT: Cynthia Blocksom, James Mermis, Vandadean Rogers, Kay Soltesz

ABSENT: Claire Adkins was absent due to illness. Beth Shaffer, OBD Compliance Specialist was absent due to a pre-scheduled vacation.

OTHERS PRESENT: Kay Mavko, OBD Executive Secretary; Pat McKnight, Ohio Dietetic Association liaison; Barbara Pfeiffer, Assistant Attorney General; Uryna Gerber, Bekah Sommer, Chelsea Moorhead, Kayla Turner, Carey Neumeier, Jaime Spichler, Bluffton University Dietetics students.

The meeting was called to order at 10:10 A.M. by Chairman Blocksom. Ms. Blocksom welcomed the Bluffton University students and the Board members introduced themselves and explained the mission and functions of the Board.

AGENDA ITEM #2 – APPROVAL OF MINUTES OF THE NOVEMBER 17, 2006 MEETING

The minutes of the November 17, 2006 regular Board meeting were presented to the Board by the Executive Secretary and they were reviewed and approved as presented. The following motion resulted:

RESOLUTION #1

James Mermis moved and Vandadean Rogers seconded a motion to approve the minutes of the November 17, 2006 regular Board meeting as submitted by the Executive Secretary.

The motion was approved with vote as follows:

Cynthia Blocksom	yes	James Mermis	yes
Vandadean Rogers	yes	Kay Soltesz	yes

AGENDA ITEM #3 – APPROVAL OF LICENSES

No Limited Permit licenses were issued between November 17, 2006 and January 18, 2006.

Ms. Mavko presented the names of 33 individuals who were issued a license for Fiscal Year 2007 between November 17, 2006 and January 18, 2007. The list included 24 initial licenses, 3 reinstatements, 2 reactivations, and 4 duplicate licenses. The following motion was made:

RESOLUTION #2

Kay Soltesz moved and James Mermis seconded a motion to place upon the minutes of the January 19, 2007 meeting, the names of 33 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 November 17, 2006 meeting of the Board, and whose names appear on the list presented to the Board by the Executive Secretary. (See attached list labeled Resolution #2)

The motion was approved with vote as follows:

Cynthia Blocksom	yes	James Mermis	yes
Vandadean Rogers	yes	Kay Soltesz	yes

AGENDA ITEM # 4– DISCUSSION OF FY 2008 LICENSE RENEWAL APPLICATIONS

Ms. Mavko asked the Board members to review a rough draft of FY 2008 license renewal application. She suggested that the FY 2007 application be used as a template for the FY 2008 form, but that it should include two distinct changes. The Continuing Education section that was used during FY 2006 renewal was inserted in this draft for review. It worked well then and could be used again this year, since this year is just the second time that Jurisprudence continuing education must be reported by licensees. Staff also suggested that question #4 in the Legal Section be modified to include “in lieu of formal disciplinary action” in the question. Consensus of the board was that both changes were appropriate and that the Application Committee should review the form more closely and prepare it for review at the March meeting.

AGENDA ITEM # 5 – SECOND DRAFT OF LICENSE WALL CERTIFICATE ISSUANCE POLICY

Ms. Mavko presented the Board with re-drafts of policies 4.1 A - Change of Address and Name Changes and 4.1 B - Issuance of Dietitian License Wall Certificates and the associated revised forms. After review of the policies and forms, the Board approved the materials and the following motions resulted:

RESOLUTION #3

James Mermis moved and Vandadean Rogers seconded a motion to approve and adopt Policy and Procedure 4.1 A - Change of Address and Name Changes and the revised form that supports the policy and procedure.

The motion was approved with vote as follows:

Cynthia Blocksom	yes	James Mermis	yes
Vandadean Rogers	yes	Kay Soltesz	yes

RESOLUTION #4

James Mermis moved and Kay Soltesz seconded a motion to approve Policy and Procedure 4.1B - Issuance of Dietitian Wall Certificates and the revised form that supports the policy and procedure.

The motion was approved with vote as follows:

Cynthia Blocksom	yes	James Mermis	yes
Vandadean Rogers	yes	Kay Soltesz	yes

Staff will follow-up with implementation of the new policies and procedures and posting of the revised forms.

AGENDA ITEM #6 – BOARD REPORTS

Board Chairman – Ms. Blocksom had no report.

Directors Report – Ms. Mavko

1. Due to the end of the legislative session and the change in administration, there are a lot of appointments being made. The Director of Boards and Commissions has been assigned. Mr. Aarron Pickrell, Governor Strickland’s Chief Operating Officer will be responsible for the Boards and Commissions. Malik Hubbard and Richard Bartolomei will also be working with Mr. Pickrell. The Board Directors met with Mr. Pickrell and he indicated that he wants to keep the lines of communication between the governor’s office and the Boards and Commissions open, and that he does not plan any major overhaul of the structure at this time. He intends to have a representative of the Governor’s office present at our monthly meetings to facilitate communication.
2. Ms. Mavko presented the Director’s report for FY 2006 to the Board. The following motion was made:

RESOLUTION # 5

James Mermis moved and Kay Soltesz seconded a motion to approve the FY 2006 Director's Annual Report for the Ohio Board of Dietetics as presented by Ms. Mavko.

The motion was approved with vote as follows:

Cynthia Blocksom	yes	James Mermis	yes
Vandadean Rogers	yes	Kay Soltesz	yes

A copy of the report is attached to the minutes of the meeting. Copies will be sent to the Governor's office and other agencies as required.

3. Prior to the end of the 126th legislative session HB 685 dropped the \$50 per rule fee that was being proposed. That cost was a significant concern to the Board as we will be reviewing and revising our administrative rules in 2008.
4. Due to the new OAKS time reporting system that is now in place, the agency is required to use different time reporting processes. Board members will need to sign a time sheet at each Board meeting in order to document attendance and for staff to submit payroll. The new time sheet was presented to the Board members, and will be used at upcoming meetings.
5. The Strickland administration has established revised Ethics requirements and issued Executive Order 2007-01S. It sets limits on gifts, requires ethics training and compliance, establishes a program for vendors to certify that they will comply with the ethics laws, and promotes increased access to government meetings and decisions. Until such time as the official Ethics Training classes are developed and presented Board, members and staff will be expected to read the executive order and follow it to the best of their ability. Ms. Mavko presented each member with a copy of the order, asked them to read it at their leisure, and then to turn in a signed copy of the order at the next Board meeting.
6. Financial Disclosure forms – should have been received by all Board members. The completed forms must be turned in to the Ethics Commission by April 17, 2007 or significant penalties apply. Ms. Mavko presented each Board member with a copy of their calendar 2006 reimbursements for inclusion with their completed financial disclosure forms. The completed report should be turned in to Ms. Mavko by April 1 so that she may file them with the Ethics Commission by the due date. Or, if Board members prefer to file themselves, please provide a copy of the report to Ms. Mavko by April 1 for agency records.
7. Ms. Mavko shared two recent program announcements from entities that received education by this Board on appropriate use of title and the practice of dietetics and incorporated or changed their advertising to comply with the dietetic practice act.

8. The Board has received an e-mail from a licensee working in renal dialysis who is concerned about the lack of authorization for dietitians to write orders in dialysis facilities. She has volunteered to assist the Board with efforts to resolve this dilemma. Members of the Board expressed their appreciation for her interest and expertise and asked Ms. Mavko to contact her and arrange for her input to be included by the subcommittee that is addressing order writing.

AGENDA ITEM #7—FINANCIAL REPORT

The financial report was presented for the months of November and December of FY 2007 including Allocations and Appropriations, Expenditures, and Revenues to Date. Expenditures for the month of November 2006 were \$18,711.82 and for December 2006 were \$18,490.04 . Total expenditures to date for FY 2007 were \$138,812.44.

Revenues collected respectively for the months of November and December 2006 were \$3,640.00 and \$1,505.00, for a FY 2007 total revenue to date of \$59,477.50.

A mid-year comparison was included in this financial report, comparing the December 29, 2006 to December 30, 2005 expenses and revenue. It was noted that mid-year revenue for 2006 was \$59,477 versus \$81,466 collected at the same point in 2005. However, the Board was reminded that the 2005 figure was artificially inflated due to the large number of late renewal fees and late fees that were collected in the late summer and fall of 2005. The 2006 figure of \$59,477 is more in line with the projected revenues for this point in the fiscal year. Expenses as of December 29, 2006 were \$138,762 versus \$155,963 for December 30, 2005.

RESOLUTION # 6

Kay Soltesz moved and Vandadean Rogers seconded a motion to approve expenditures as presented for November and December 2006 and to accept the financial report as submitted to the Board by the Executive Secretary.

The motion was approved with vote as follows:

Cynthia Blocksom	yes	James Mermis	yes
Vandadean Rogers	yes	Kay Soltesz	yes

A copy of the financial report is attached to the minutes of the meeting.

Ms. Mavko reported that the Quia subscription is due for renewal. She reported that the website has been very useful for posting of Board approved jurisprudence continuing education programs, and that over 700 quizzes have been taken by licensees to date. Ms. Mavko requested that the Board approve renewal of the subscription to the Quia website. The following motion resulted:

RESOLUTION # 7

James Mermis moved and Vandadean Rogers seconded a motion to approve expense of \$297.00 for renewal of the subscription to the Quia website for the posting of Board approved jurisprudence continuing educational modules.

The motion was approved with vote as follows:

Cynthia Blocksom	yes	James Mermis	yes
Vandadean Rogers	yes	Kay Soltesz	yes

FY 2008-2009 BUDGET PREPARATION

Ms. Mavko reported that the initial budget submission has been approved by the Board's budget analyst - including the extended request for funds for payroll. Staff have not heard from OBM since the new administration has taken office, so we anticipate that our budget submission will stay as presented - at least for the time being.

AGENDA ITEM #8 – DISCUSSION OF MISSION STATEMENT, VISION STATEMENT, GUIDING PRINCIPLES, OBJECTIVES

The Board members and staff reviewed the draft mission and vision statements that were developed at the November meeting. The statements were further refined and consensus was reached on the content of the statements.

The following motions resulted:

RESOLUTION # 8

James Mermis moved and Kay Soltesz seconded a motion to approve adoption of the following mission statement for the Ohio Board of Dietetics:

The mission of the Ohio Board of Dietetics is to effectively protect the public by regulating the practice of dietetics through licensure, and by fairly and consistently enforcing the laws and rules governing nutritional practices.

The motion was approved with vote as follows:

Cynthia Blocksom	yes	James Mermis	yes
Vandadean Rogers	yes	Kay Soltesz	yes

RESOLUTION # 9

Kay Soltesz moved and James Mermis seconded a motion to approve adoption of the following vision statement for the Ohio Board of Dietetics:

The vision of the Ohio Board of Dietetics is to be recognized and respected as protecting the nutritional health of Ohio citizens by providing efficient and effective licensure of dietitians; enforcing applicable laws, rules and practice standards; and supporting professional ethics and competency in order to assure the provision of scientifically based nutritional practice.

The motion was approved with vote as follows:

Cynthia Blocksom	yes	James Mermis	yes
Vandadean Rogers	yes	Kay Soltesz	yes

The Board continued to work on developing guiding principles for its activities by brainstorming various principles and values that guide the Board and staff in our activities. The draft list of values and principles will be provided to Board members at the next meeting for further discussion.

AGENDA ITEM #9 – ELECTION OF OFFICERS FOR CALENDAR 2007 AND ASSIGNMENT OF COMMITTEES

Chairman Blocksom indicated that the informal procedure for the election of officers for calendar 2007 is for the Board Chairman to request nominations from the floor for the leadership positions of Board Chairman and Vice Chairman. Ms. Blocksom called for nominations.

The following motions resulted:

RESOLUTION # 10

Kay Soltesz moved and Vandadean Rogers seconded a motion to elect Claire Adkins as Chairman of the Ohio Board of Dietetics for calendar year 2007 effective at the close of the January Board meeting. Although Ms. Adkins was not in attendance at the meeting, she indicated to the Director that if she was nominated she would accept the nomination.

The motion was approved with vote as follows:

Cynthia Blocksom	yes	James Mermis	yes
Vandadean Rogers	yes	Kay Soltesz	yes

RESOLUTION # 11

Vandadean Rogers moved and Kay Soltesz seconded a motion to elect James Mermis as Vice-Chairman of the Ohio Board of Dietetics for calendar year 2007, effective at the close of the January Board meeting. Mr. Mermis accepted the nomination.

The motion was approved with vote as follows:

Cynthia Blocksom yes
Vandadean Rogers yes

James Mermis yes
Kay Soltesz yes

Chairman Blocksom thanked the Board members for agreeing to serve in the leadership positions during calendar year 2007. She indicated that it is traditional for the incoming Chairman to make committee appointments at this time. Because Ms. Adkins was unable to attend the meeting, she asked Ms. Mavko to attend to this duty. Ms. Mavko indicated that she discussed the potential committee assignment with Ms. Adkins on the telephone and felt comfortable acting on her behalf.

Appointment of Board Committees for Calendar Year 2007

Ms. Mavko described the current make-up of Board committees. The 2006 committees included the following:

- Probable Review Panel: Board Vice-chairman, AAG, Compliance Specialist, Director
- Application Review: Dietitian member, Compliance Specialist, AAG, Director
- Continuing Education / Professional Development: Educator member, Director, Dietitian member
- Rules Committee: Public member, Dietitian member, ODA liaison, Compliance Specialist, Director

The consensus of the Board was to continue the same committees and member make-up for 2007. The Board members were polled for their individual interest in service on particular committees.

The following Board member committee assignments were made:

- Mr. Mermis – Probable Review Panel
- Ms. Blocksom – Application Review committee
- Ms. Rogers – Continuing Education / Professional Development committee
- Ms. Soltesz – Continuing Education / Professional Development committee
- Ms. McKnight – Rules committee
- Ms. Adkins – Rules committee

Ms. Mavko agreed to coordinate committee meetings and agendas as required for the work of the committees.

Ms. Blocksom was thanked for her service as Board Chairman for calendar 2006 and was presented with the name stamp used during her tenure as a small token of appreciation.

AGENDA ITEM # 10 – ENFORCEMENT REPORT / STATUS OF BOARD ACTIONS

Ms. Mavko presented the Enforcement Report on behalf of Ms. Shaffer who was not in attendance. Ms. Mavko reported that for the period of November 17, 2006 through

January 18, 2007 there are currently 34 open cases pending. Seven cases were closed at the November 17, 2006 meeting and 3 cases opened since that date. A summary of completed and pending cases was provided. A copy of the enforcement report is on file with the minutes of the meeting.

Status of Board Actions

The cease and desist letter ordered at the November 16, 2006 meeting was mailed to **Bonnie Janoczko** and a response has been received indicating that she has ceased unlicensed practice and use of title.

The consent agreement between the Board and **Deanna Printz** was effective 11/20/2006 and her license was issued with probationary conditions that she will complete and ethics course within 6 months (5/20/2007), summarize the course and present the summary to the Board.

A consent agreement between the Board and **Cassie Whittington** that was approved 11/17/06 and ratified at the 11/17/06 meeting with conditions. Her license was issued and suspended with conditions, which were met. Her license was then reinstated 11/21/06.

Michelle Boltz and **Patty Fulmer** were sent cease and desist letters as ordered by the Board, and both have responded indicating that they will cease the failure to check credentials of persons claiming exemption.

The Board members, staff and students briefly left the meeting for lunch. Afterwards, the students left for the day.

AGENDA ITEM #11 —EXECUTIVE SESSION - ENFORCEMENT

The Board moved into Executive Session at 1:25 p.m. with a roll call vote. The following were in attendance: Ms. Blocksom, Mr. Mermis, Ms. Soltesz, Ms. Rogers, Ms. Pfeiffer, and Ms. Mavko.

The following motion was made:

RESOLUTION # 12

James Mermis moved and Vandadean Rogers 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:

Cynthia Blocksom	yes	James Mermis	yes
Vandadean Rogers	yes	Kay Soltesz	yes

AGENDA ITEM #12 – FINDINGS, ORDERS and ACTIONS

Upon returning to open session the Board proposed the following findings, orders, and actions:

RESOLUTION # 13

James Mermis moved and Vandadean Rogers seconded a motion to close the following cases for the reasons cited:

- 06OBD89 Ceased holding self forth to practice dietetics. Appears to be offering non-medical nutrition information and appears to be in compliance now with 4759.02 (B) ORC. Follow-up at the gym in 3 months.
- 07OBD06 Personal Trainer ceased use of title and holding self forth to practice. Unfounded for practice. Letter to ISSA.
- 07OBD48 Bonnie Janoczko. Response to cease and desist letter received. CDM ceased unlicensed practice of dietetics and use of title. Informational letter to employer.
- 07OBD60 Cassie Whittington. Consent agreement ratified and approved 11/17/06. Conditions met. License issued, and suspended. Reinstated 11/21/06.
- 07OBD61 Michelle Boltz. Response to cease and desist letter received. LD ceased failing to verify credentials for supervising persons claiming exemption.
- 07OBD62 Patty Fulmer. Response to cease and desist letter received. LD ceased failing to verify credentials for persons claiming exemption. Letter to clarify Registered vs. Licensed sent.
- 07OBD63 Insufficient evidence of violations.
- 07OBD64 Records checked. Unfounded. License reactivated.
- 07OBD65 Unfounded. Education provided.

The motion was approved with vote as follows:

Cynthia Blocksom	yes	James Mermis	yes
Vandadean Rogers	yes	Kay Soltesz	yes

RESOLUTION # 14

James Mermis moved and Vandadean Rogers seconded a motion to close the following expired license cases for the reasons indicated:

- 07OBD08 No longer practicing dietetics in Ohio – at home**
- 07OBD09 Deceased – March 2006**
- 07OBD10 Relocated to MI and no longer practicing dietetics in Ohio**
- 07OBD11 Reinstated: no evidence of practice. Letter re: change of address with license board sent**

- 07OBD13 No longer practicing dietetics in Ohio**
- 07OBD15 No longer practicing dietetics in Ohio – changed to Information Technology**

- 07OBD16 Relocated to VA**
- 07OBD17 IN PA. No longer practicing dietetics in Ohio**
- 07OBD19 Reinstated without evidence of practice**
- 07OBD21 Relocated to CO**
- 07OBD22 Relocated to KY**
- 07OBD23 Relocated to PA**
- 07OBD25 Relocated to CA**
- 07OBD24 No longer practicing dietetics in Ohio – stay at home Mom**
- 07OBD27 Relocated to CA**
- 07OBD37 Relocated to Philadelphia, PA**
- 07OBD41 No longer practicing dietetics in Ohio – selling vaccines**
- 07OBD42 No longer practicing dietetics in Ohio**
- 07OBD34 Withdraw intent to reinstate. Relocate to PA**

The motion was approved with vote as follows:

Cynthia Blocksom	yes	James Mermis	yes
Vandadean Rogers	yes	Kay Soltesz	yes

AGENDA ITEM #13 – DISCUSSION OF PERTINENT LEGISLATIVE ISSUES

There has been no official activity related to **Sub HB 117 – Alternative and Complementary Practices** since the last meeting of the Board. Because the 126th legislative session is over, the bill has died.

Ms. McKnight reported that the Health Freedom Coalition of Ohio (proponents of HB 117) has hired Carrie Haughawout as a lobbyist for their group. She previously worked for the Speaker’s office.

Prior to the end of the 126th legislative session, **HB 685- Rule Making Procedure**

Legislative Review dropped the \$50 per rule fee that was being proposed. That cost was a significant concern to the Board as we will be reviewing and revising our administrative rules in 2008. Staff will continue to monitor the activity of this bill if introduced into the 127th session.

Ms. McKnight reported that Robin Harris is the Governor's new Health Aide.

AGENDA ITEM # 14 – ODA LIAISON REPORT – PAT MCKNIGHT

1. Ms. McKnight reported that the Ohio Dietetic Association is currently transitioning to the new management company (WindRae).
2. Preparations continue for the Ohio Dietetic Association Legislative Conference co-sponsored by the Board that will be held on March 28, 2007 at the Riffe Center. The brochure will soon be available on the ODA website. Board members are encouraged to attend.
3. Ms. McKnight reported that ADA has recently indicated that the Association is currently not in favor of the licensure of dietetic technicians. She has been in contact with the Washington office and intends to continue discussions with key individuals regarding this position statement.
4. Ms. McKnight also reported that the Federal government has recently had discussions with ADA regarding the scope of practice of dietetic technicians and the supervision required for their activities. It appears that nationally there is a push to define the supervision that is required.

Here in Ohio, exemption 4759.10 (B) and (E) ORC, rule 4759-5-01 and Guidelines G and A relate to the practice of dietetic technicians and nutrition assistants and the supervision of these technical assistants. It appears that we are perhaps ahead of most other states that utilize dietetic technicians in defining the supervision required. The Board expressed interest in monitoring the association's activities in developing their supervision guidelines.

AGENDA ITEM # 15 & #16 --SUBCOMMITTEE MEETINGS AND REPORTS

The Rules and Education subcommittees both met during the Board meeting and provided the following report.

Rules Subcommittee:

The Rules subcommittee reviewed numerous references and a first draft of a guide to writing diet and nutrition orders that is under development. The committee members will continue review of the materials at home, and will submit recommendations for changes and editing to staff by mid-late February. Staff will then edit and revise the document, and send the 2nd draft to all dietitian Board members for their review and consideration prior to the March meeting.

Continuing Education Subcommittee:

The Continuing Education / Professional Development committee met and reviewed 6 Learning Logs or Plans. All had minor errors and will be returned to the licensees submitting them for corrections.

AGENDA ITEM #17--UPCOMING MEETINGS

The tentative meeting dates for the remainder of calendar year 2007 were reviewed by the Board members and staff and are scheduled as follows:

	July 20, 2007
March 16, 2007	September 14, 2007
May 18, 2007	November 16, 2007

A Board and staff retreat was added to the schedule and is tentatively set for March 15, 2007. Ms. Mavko will work with a facilitator on the specifics of the retreat agenda.

AGENDA ITEM # 18 - ADJOURNMENT

A motion was made to adjourn the meeting. There was consensus by the Board. The January 19, 2007 meeting of the Ohio Board of Dietetics adjourned at 4:30 p.m.

Respectfully submitted,

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

_____ **Date** _____
Cynthia Blocksom
Chairman, Ohio Board of Dietetics

_____ **Date** _____
Witness