

**OH IO BOARD OF DIETETICS  
MINUTES OF THE BOARD MEETING  
October 2, 2009  
Board Room 31<sup>st</sup> Floor, Vern Riffe Center  
Columbus, Ohio 10:00 A.M.**

**AGENDA ITEM #1 – CALL TO ORDER**

**BOARD MEMBERS PRESENT:** Kay Soltesz, Mary Frances (Francie) Astrom, Marsha Dumm, Leah Reibel (arrived at 10:25 am)

**BOARD MEMBERS ABSENT:** Vandadean Rogers was absent due to illness.

**OTHERS PRESENT:** Pat McKnight, Ohio Dietetic Association liaison; Melissa Wilburn, Assistant Attorney General; Donald Davis, Compliance Specialist; Kay Mavko, OBD Executive Secretary; Judy Dayton, RD, LD, Perrysburg; University of Cincinnati Dietetic Interns including - Nikki Underwood, Tori Fischbach, Megan Knapp, Stephanie Mundick, Jill Merrill, Joanna Dietrich, Mandy Duncan, Debby Tippett, Rob Dreger, Jason Roberts, Judy Dayton.

Acting Chairman Soltesz called the meeting to order at 10:05 a.m., noting that a quorum was in attendance, and that Ms. Reibel would be a few minutes late due to a work conflict. Ms. Soltesz welcomed the University of Cincinnati interns. Each Board member introduced themselves and described their role on the Board, and each intern introduced themselves also.

Ms. Mavko also described for the interns how the Board books are organized and how the meeting will proceed. The materials in section #1 have also been updated to include the newly revised Guidelines, Bulletins, Questions and Answers and motions.

**AGENDA ITEM #2 – APPROVAL OF MINUTES OF THE JULY 17, 2009 MEETING**

The minutes of the July 17, 2009 regular Board meeting were presented to the Board by the Executive Secretary and they were reviewed and approved as submitted with minor corrections.

The following motion resulted:

**RESOLUTION #1**

Mary Frances Astrom moved and Marsha Dumm seconded a motion to approve the minutes of the July 17, 2009 regular Board meeting as submitted by the Executive Secretary.

The motion was approved with vote as follows:

Kay Soltesz	yes	Mary Frances Astrom	yes
		Marsha Dumm	yes

The minutes are filed in the official record at the Board office.

**AGENDA ITEM #3 -- APPROVAL OF LICENSES**

Ms. Mavko presented the names of 22 individuals to the Board who were issued a Limited Permit license between July 17, 2009 and October 1, 2009. Each of the limited permits issued expires on October 31, 2009.

**RESOLUTION #2**

**Marsha Dumm moved and Mary Frances Astrom seconded a motion to place upon the minutes of the October 2, 2009 meeting the names of 22 individuals who were issued a Limited Permit during Fiscal Year 2010 with the expiration date of October 31, 2009 since the July 17, 2009 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 motion was approved with vote as follows:**

<b>Kay Soltesz</b>	<b>yes</b>	<b>Mary Frances Astrom</b>	<b>yes</b>
		<b>Marsha Dumm</b>	<b>yes</b>

Ms. Mavko presented the names of 59 individuals who were issued a license for Fiscal Year 2010 since the July 17, 2009 Board meeting. The list included 42 initial licenses (one of which was issued with an advisory letter), 7 reinstatements, 6 reactivations, 2 duplicate license ID cards, and 2 duplicate license ID cards issued with no charge due to printing errors. The following motion was made:

**RESOLUTION # 3**

**Mary Frances Astrom moved and Marsha Dumm seconded a motion to place upon the minutes of the October 2, 2009 meeting, the names of 59 dietitians who met qualifications, pursuant to Section 4759.06 ORC, and who were issued a license by the Executive Secretary during Fiscal Year 2010 since the July 17, 2009 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:**

<b>Kay Soltesz</b>	<b>yes</b>	<b>Mary Frances Astrom</b>	<b>yes</b>
		<b>Marsha Dumm</b>	<b>yes</b>

**AGENDA ITEM # 4 -- FY 2010 LICENSE RENEWAL FINAL REPORT**

Ms. Mavko reported that on April 16 & 17, 2009 staff mailed 3,407 dietitian license renewal applications to eligible licensees. As of 9/30/2009 2,811 individuals renewed timely, 104 renewed with a late fee. In August, 46 licenses expired without reason and cases were docketed for each. One failed to renew due to incomplete application and that

case was also docketed. Forty eight licensees requested inactive status, 34 let their licenses expire with reasons provided, and 4 were reported as deceased during renewal. After renewal, another licensee was reported as deceased.

During the renewal period staff processed 366 incomplete applications. The average processing time for complete applications was 1.3 days, even though we only had the Intermittent Clerk with us from May 26 through June 19 and we endured severe processing issues with the E-license data base system.

Since the August docketing of licenses expired without reasons, Mr. Davis has located all but 3 of the 46 persons as of 9/30/2009 and has resolved their situations. He found no one practicing unlicensed.

A copy of the Final FY 2010 License Renewal Report is attached to the minutes of the meeting.

#### **AGENDA ITEM # 5 -- ENFORCEMENT REPORT -- DON DAVIS**

Mr. Davis presented the Enforcement Report with statistics for the period of July 18, 2009 through October 2, 2009. The enforcement statistics indicate that the period started with 15 open cases, 6 were closed at the July Board meeting, 57 cases were opened (including 46 expired without reason cases at the end of the FY 2010 renewal late period), resulting in a pending caseload of 66 cases.

A summary of completed and pending cases was provided.

A copy of the Enforcement Report is attached to the minutes of this meeting.

#### **STATUS OF BOARD ACTIONS**

No report.

#### **AGENDA ITEM #6 - EXECUTIVE SESSION -- ENFORCEMENT**

The Board moved into Executive Session at 10:55 a.m. with the following motion:

##### **RESOLUTION # 4**

**Mary Frances Astrom moved and Leah Reibel seconded a motion for the Board to move into Executive Session pursuant to Revised Code Section 121.22, for the purpose of considering the investigation of charges or complaints against licensees or regulated individuals under the Board's jurisdiction.**

**The motion was approved with roll call vote as follows:**

<b>Kay Soltész</b>	<b>yes</b>	<b>Mary Frances Astrom</b>	<b>yes</b>
<b>Leah Reibel</b>	<b>yes</b>	<b>Marsha Dumm</b>	<b>yes</b>

The Board came out of executive session at 12:10 p.m., had a brief lunch, and returned to the agenda at 1:15 pm.

**AGENDA ITEM # 7- FINDINGS, ORDERS, AND ACTIONS**

**RESOLUTION # 5**

Marsha Dumm moved and Mary Frances Astrom seconded a motion to close the following cases for the reasons cited:

- 08OBD77 No evidence of practice, other licensing Boards closing due to lack of evidence
- 09OBD68 Unlicensed practice, came into compliance
- 10OBD03 Moral character, unfounded
- 10OBD06 Unsupervised practice after failing RD exam, came into compliance
- 10OBD07 Unlicensed practice, came into compliance
- 10OBD54 Unlicensed practice, came into compliance
- 10OBD56 Moral character, unfounded
- 10OBD59 Moral character, unfounded

The motion was approved with vote as follows:

Kay Soltesz	yes	Mary Frances Astrom	yes
Leah Reibel	yes	Marsha Dumm	yes

**RESOLUTION # 6**

Marsha Dumm moved and Mary Frances Astrom seconded a motion to close the following cases for the reasons cited:

Dietitian Licenses Expired without Reason:

- 10OBD08 Not able to locate
- 10OBD09 No longer practicing dietetics in OH
- 10OBD10 Not able to locate
- 10OBD11 No longer practicing dietetics in OH
- 10OBD12 Deceased
- 10OBD13 No longer practicing dietetics in OH
- 10OBD14 Retired
- 10OBD15 No longer practicing dietetics in OH
- 10OBD16 Relocated to Colorado
- 10OBD18 Relocated to Indiana
- 10OBD19 Retired
- 10OBD20 Retired
- 10OBD21 No longer practicing dietetics in OH
- 10OBD22 No longer practicing dietetics in OH

10OBD23 Relocated to Indiana  
 10OBD24 Retired  
 10OBD25 No longer practicing dietetics in OH  
 10OBD26 Retired  
 10OBD27 No longer practicing dietetics in OH  
 10OBD28 Relocated to Michigan  
 10OBD29 Not able to locate  
 10OBD31 Reinstated 8/28/09  
 10OBD32 Relocated to North Carolina  
 10OBD33 No longer practicing dietetics in OH  
 10OBD35 No longer practicing dietetics in OH  
 10OBD36 Deceased  
 10OBD38 No longer practicing dietetics in OH  
 10OBD39 Reinstated 9/21/2009  
 10OBD40 No longer practicing dietetics in OH  
 10OBD41 No longer practicing dietetics in OH  
 10OBD42 No able to locate  
 10OBD43 No longer practicing dietetics in OH  
 10OBD44 No longer practicing dietetics in OH  
 10OBD45 Relocated to New York  
 10OBD46 No longer practicing dietetics in OH  
 10OBD47 No longer practicing dietetics in OH  
 10OBD48 Relocated to Maryland  
 10OBD49 No longer practicing dietetics in OH  
 10OBD51 No longer practicing dietetics in OH  
 10OBD53 Relocated to North Carolina

The motion was approved with vote as follows:

Kay Soltesz	yes	Mary Frances Astrom	yes
Leah Reibel	yes	Marsha Dumm	yes

#### RESOLUTION #7

Leah Reibel moved and Mary Frances Astrom seconded a motion to approve the Consent Agreement as presented by the Ohio Board of Dietetics to the respondent in case # 10OBD04 effective 10/2/2009.

The motion was approved with vote as follows:

Kay Soltesz	yes	Mary Frances Astrom	yes
Leah Reibel	yes	Marsha Dumm	yes

#### RESOLUTION #8

Marsha Dumm moved and Mary Frances Astrom seconded a motion for the Board to issue a Notice of Opportunity for Hearing as presented to the Board to the respondent in case 10OBD55 for allegedly violating Section(s)

**4759.06(A)(8) of the Ohio Revised Code and Rule 4759-4-04 (D) of the Ohio Administrative Code.**

**The motion was approved with vote as follows:**

<b>Kay Soltesz</b>	<b>yes</b>	<b>Mary Frances Astrom</b>	<b>yes</b>
<b>Leah Reibel</b>	<b>yes</b>	<b>Marsha Dumm</b>	<b>yes</b>

**AGENDA ITEM #8 – FINANCIAL REPORT**

The financial report was presented for the months of July and August 2009 including Allotments, Expenditures and Revenues to date. Expenditures for the month of July \$32,245.54 and for August expenditures were \$27,521.22. Year-end expenses for FY 2009 of \$5,861 were included in the totals. The OAKS reports do not separate encumbered expenses out, so I hand calculated them for this report. Of the \$6,132.25 encumbered for FY 2009 goods and services, all expensed have been paid. Over encumbered funds that will expire on November 1 total \$479.25, and those dollars will be swept to the GRF.

June revenue totaled \$46,595.00. July's revenue report reflected revenue deposits of \$9,477.50 which did not balance with OBD's records. Upon investigation, it appears that the Treasurer's office did not completely approve OBD deposit #391 for \$543.50, so it did not appear in the monthly report total. The true monthly total for July should have been \$10,020.00. The Treasurer's office was contacted and the error will be corrected. Ms. Mavko will follow-up to make sure that the correction is made. Total revenue for FY 2010 to date is \$56,615.00.

Ms. Mavko shared a letter that the agency received from Auditor of State, Mary Taylor that indicates that due to decisions made as part of budget bill (HB1), the auditor's office will be forced to conduct annual audits of 67 agencies, including OBD, and to bill the agencies directly for the costs. Previously, the biennially audited agencies, and the costs were paid by funds appropriated to the Department of Administrative Services (DAS).

When the Auditor's office was approached about what that cost would be they indicated that they did not know and referred Ms. Mavko to DAS. DAS provided that the estimated hours required to audit OBD is 240 and that the fee for FY 2010 would be \$65/per hour and \$75/per hour for FY 2011. That calculates to a cost to OBD of \$15,600 for FY 2010 and \$16,800 for FY 2011.

Ms. Mavko expressed concern about this unfunded mandate that will result in significant expense for which the Board has not budgeted. Other Boards and affected agencies have expressed concern, and the Board and Commissions Management Group has spoken to representatives of the Governor's office to see if a solution to this can be found. They indicated that they would look into the situation and keep the Board's informed.

A copy of the letter is attached to the minutes of the meeting.

Ms. Mavko requested Board approval to purchase a portable Global Positioning System for use by staff when traveling and during investigations. This equipment would help reduce mileage and time spent during travel by car, especially when road conditions are bad and accidents require redirection. The estimated cost is under \$250.00. The following motion resulted:

**RESOLUTION # 9**

**Mary Frances Astrom moved and Marsha Dumm seconded a motion to purchase a global positioning system for staff use when traveling and for investigations for a cost of \$250 or less.**

**The motion was approved with vote as follows:**

<b>Kay Soltesz</b>	<b>yes</b>	<b>Mary Frances Astrom</b>	<b>yes</b>
<b>Leah Reibel</b>	<b>yes</b>	<b>Marsha Dumm</b>	<b>yes</b>

**RESOLUTION #10**

**Mary Frances Astrom moved and Marsh Dumm seconded a motion to approve expenditures as presented for July and August 2009 and to accept the Financial Report as submitted to the Board by the Executive Secretary.**

**The motion was approved with vote as follows:**

<b>Kay Soltesz</b>	<b>yes</b>	<b>Mary Frances Astrom</b>	<b>yes</b>
<b>Leah Reibel</b>	<b>yes</b>	<b>Marsha Dumm</b>	<b>yes</b>

**AGENDA ITEM # 9 --BOARD REPORTS**

**CHAIRMAN – Ms. Rogers was absent so there was no report.**

**ODA LIAISON – Pat McKnight**

1. The Ohio Dietetic Association's Legislative Day for dietitians is planned for March 17, 2010 and for students is scheduled for April 21st. ADA's Public Policy Workshop is March 22, 2010 and the ODA annual meeting will be held on the evening of April 8 and all day April 9, 2010.
2. The American Diabetes Association is sponsoring Diabetes Day on October 13, 2009 at the Ohio Statehouse featuring Governor Mike Huckabee.

**DIRECTORS REPORT – Kay Mavko**

1. Ms. Mavko reported that the Board staff hosted 2 Dietetic Interns from Case Western Reserve for a total of 8 days in August. They both reported having a good experience.

2. The Ohio Re-Entry Coalition was created by HB1 - Budget Bill and is a coalition chaired by the Ohio Department of Rehabilitation and Corrections. Its overriding goals are to reintegrate offenders into society, reduce recidivism and maintain public safety. The coalition intends to eliminate barriers to employment in the form of collateral sanctions that result from felony convictions by operation of law at the time of conviction and those consequences that result because of a later event or discretionary decision.

The coalition is exploring the basis behind absolute bars to professional licensure and practice as well as the ability of licensing boards to deny or permanently deny licenses based on criminal convictions.

Tom Dilling, from the Nursing Board (Previously Director of the Medical Board) is an appointee to the Coalition, and is collecting data to discuss with the group.

Ms. Mavko and Mr. Davis reviewed licensure and enforcement data for the past 3 fiscal years and reported the information to Mr. Dilling on the number of licenses issued, as compared to the number of criminal convictions reported and the number of license related actions taken by the board as a result of the criminal reports.

FY 2007 - of 3,176 licenses issued or renewed, 9 criminal actions reported resulted in 1 license being issued with a consent agreement including coursework in Ethics, and 1 Notice of Opportunity for Hearing.

FY 2008 - of 3,479 licenses issued, 8 criminal actions reported resulted in 0 disciplinary actions or license denials or revocations.

FY 2009 - of 3,560 licenses issued 8 criminal actions reported resulted 0 disciplinary actions or license denials. 1 license was revoked in FY 2009 as a result of a criminal action that occurred in FY 2007, with conviction reported in FY2008 which resulted in administrative hearing and adjudication in FY 2009.

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

3. Ms. Mavko was happy to report that Central Services Agency will not be moving to the Department of Administrative Services office space in the Rhodes tower as was planned earlier.
4. OBD staff revised the website and re-organized the materials posted there. A section on Dietetic Practice is now included where guidelines and bulletins, standards of practice, supervision information and competency assessment materials can be easily accessed.

5. Ms. Mavko noted that the Council on Licensure Enforcement and Regulation has an on-line Board Member Training course that at least one past member has taken and found to be very valuable. The cost is \$65 for 1-10 attendees, and the cost is reduced for 11 and above. All Board members in attendance expressed interest in taking the course. Ms. Mavko will explore whether any of the other Boards have people interested in order to try to get the reduced price. She will report back at the November meeting.
5. Ms. Mavko shared some of the results for dietitians and dietetic technicians from the recently published Compensation Benefits Survey that was published by the American Dietetic Association. Of particular interest was the finding that holding a state license/certification is associated with lower compensation for RDs, possibly due to the nature of positions requiring licensure and/or the general economic situation in states where licensure is in force. This is not consistent with the position of many anti licensure groups who insist that licensure raises health care costs. A copy of the survey report will be forwarded to each of the Board members, and one will be on file in the Board office, for general information purposes.
6. Ms. Mavko reviewed the extensive list of end of year reports that have been completed on behalf of the agency and indicated that she was currently working on the agency Pandemic Plan that is due on October 16. A copy of the plan will be provided to the Board at the November meeting.
7. Ms. Mavko reported that she has been asked to be the Chairman of a workgroup looking at licensure issues for the American Dietetic Association. The workgroup will meet by telephone conference calls and will present a report to the Legislative and Public Policy Committee by the end of December.
8. The new Travel and Expense OAKS module implementation has gone pretty well. There are a couple of glitches to be worked out regarding proxy assignments and travel approvals, and reporting of payments made. But the entry, and payment process seems to be pretty easy and fast.
9. Ms. Mavko reported that Ms. Karundi Williams has been appointed as the Director of Government Affairs and Gubernatorial Appointments replacing Scott Elisar, who has moved to other assignments within the Governor's office. Malik Hubbard and Andrew Fries are also still working with the Boards and Commissions.
10. The agency has not yet been billed for its FY 2009 travel by state car, because the rates have not been finalized.

## **AGENDA ITEM # 10-- DISCUSSION OF LEGISLATIVE ISSUES**

HB 81 - the Diabetes Cost Reduction act has been voted out of the House Health committee in May -- and is waiting for a vote on the House floor, probably sometime in October. Dietitians are encouraged to send messages to their Representatives to support it's passage.

School Foods legislation has not yet been introduced, but with input from Ohio Business Roundtable, Ohio Action for Healthy Kids and other interested groups they are working toward a potential October introduction.

HB 60 - School Vending legislation has not been real active right now.

HB 158 - Cultural Competency legislation was introduced and would require specific education in cultural competency for specific health professionals including physicians, dentists, nurses, pharmacists, optometrists, psychologists, and social workers. Dietitians were not named in the bill and some members of the association are concerned that perhaps this exclusion separates dietitians from other health care professionals. Staff will discuss the bill with other boards legislative staff to assess the background and potential momentum of the legislation.

## **AGENDA ITEM #11 - REVIEW OF DRAFT GUIDELINE ON ORDER WRITING**

The 9-09 version of the Draft Guide to Diet and Nutrition Orders was sent to Board members prior to the meeting for their review and suggestions for revision. A number of suggestions were made, and additional ideas presented at the meeting. Staff will continue to revise the document for discussion at the November meeting.

## **AGENDA ITEM # 12 – SUBCOMMITTEE MEETINGS AND REPORTS**

The Education subcommittee met to review Continuing Education / Professional Development Learning Plans and Learning Logs. The Rules committee met to work on drafting a letter to licensees that supervise dietetic technicians and nutrition associates to share information on the recently revised administrative rules.

Each committee provided a brief report.

EDUCATION COMMITTEE – The Education committee reported that they reviewed one learning log that was re-submitted and approved.

RULES COMMITTEE – The Rules Committee discussed and defined the pertinent points to be included in a letter that staff will mail to licensees who supervise dietetic technicians and nutrition associates to update them on the new requirements for

continuing education, and competency assessment that have been included in the Supervision, Standards of Practice in Nutrition Care, and Standards of Professional Performance rules.

**AGENDA ITEM # 13 – UPCOMING MEETINGS**

Remaining dates scheduled for Regular Board meetings in 2009 are as follows:

November 13, 2009

Due to budget reductions the Board plans to meet 5 times in 2010 rather than 6. Dates proposed for calendar year 2010 include the following:

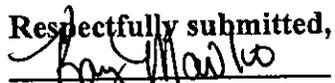
February 26  
May 21  
July 30

October 8  
December 10

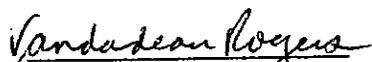
**AGENDA ITEM #14 - ADJOURNMENT**

A motion was made to adjourn the meeting. There was consensus by the Board to adjourn the October 2, 2009 meeting of the Ohio Board of Dietetics at 3:35 p.m.

Respectfully submitted,

  
Kay Mayko, Executive Secretary  
Ohio Board of Dietetics

Date 11/13/2009

  
Vandadean Rogers, Chairman,  
Ohio Board of Dietetics

Date 11/13/09

  
Witness

Date 11/13/09

