

**OHIO BOARD OF DIETETICS  
MINUTES OF THE BOARD MEETING  
November 16, 2012  
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:** Marsha Dumm, Leah Reibel, Susan Finn, Christopher Taylor, and John Ridgway

**OTHERS PRESENT:** Pat McKnight, Ohio Dietetic Association liaison; Donald Davis, Compliance Specialist; Karen Dion, OBD Executive Secretary; Charissa Payer, Senior Assistant Attorney General; Katherine Bockbrader, Senior Assistant Attorney General.

Chairman Dumm called the meeting to order at 10:05 a.m., noting that a quorum was in attendance. Ms. Dumm welcomed the group.

**AGENDA ITEM #2 – APPROVAL OF MINUTES OF THE SEPTEMBER 21, 2012 MEETING**

The minutes of the September 21, 2012 regular Board meeting were presented to the Board by the Executive Secretary and they were reviewed and approved as submitted. The following motion resulted:

**RESOLUTION #1**

**Christopher Taylor moved and John Ridgway seconded a motion to approve the minutes of the September 21, 2012 regular Board meeting as submitted by the Executive Secretary.**

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

<b>Marsha Dumm</b>	<b>yes</b>	<b>Christopher Taylor</b>	<b>yes</b>
<b>Leah Reibel</b>	<b>not present</b>	<b>John Ridgway</b>	<b>yes</b>
<b>Susan Finn</b>	<b>yes</b>		

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

Ms. Dion presented the names of 11 individuals to the Board who were issued a Limited Permit license between September 21, 2012 and November 9, 2012 during Fiscal Year 2013. The Limited Permits expire on April 30, 2013. The following motion was made:

**RESOLUTION #2**

Christopher Taylor moved and John Ridgway seconded a motion to place upon the minutes of the November 16, 2012 meeting the names of 11 individuals who were issued a Limited Permit during Fiscal Year 2013 since the September 21, 2012 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:

Marsha Dumm	yes	Christopher Taylor	yes
Leah Reibel	not present	John Ridgway	yes
Susan Finn	yes		

Ms. Dion presented the names of 66 individuals who were issued a license for the period between September 21, 2012 and November 9, 2012 for Fiscal Year 2013. The list included 63 initial licenses and 3 reinstatements. The following motion was made:

**RESOLUTION #3**

John Ridgway moved and Christopher Taylor seconded a motion to place upon the minutes of the November 16, 2012 meeting the names of 66 individuals who were issued a license for Fiscal Year 2013 between September 21, 2012 and November 9, 2012. There were 63 initial licenses and 3 reinstatements. The 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:

Marsha Dumm	yes	Christopher Taylor	yes
Leah Reibel	not present	John Ridgway	yes
Susan Finn	yes		

**AGENDA ITEM # 4 – ENFORCEMENT REPORT- DON DAVIS**

Mr. Davis presented the Enforcement Report with statistics for the period of September 22, 2012 through November 16, 2012. The enforcement statistics indicate that the period started with 64 open cases, 3 were closed at the September 21, 2012 Board meeting. Nine cases were opened resulting in a pending caseload of 70 cases.

A summary of completed and pending cases was provided.

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

**AGENDA ITEM #5 – FIVE YEAR RULE REVIEW**

Ms. Dion brought to the Board, draft language, as an addition to the administrative rules. The language indicates that Board’s standards and rules are to be consistent with the Centers for Medicare and Medicaid, the Federal Register and the Academy of Nutrition and Dietetics. After discussion the Board unanimously agreed on the specific language and to place the language in OAC 4759-6-02 (C) (3).

**RESOLUTION #4**

**Christopher Taylor moved and John Ridgway seconded a motion to accept the wording in the proposed rule amendment in 4759-6-02 (C) (3) of the Ohio Administrative Code as**

*“The licensee shall adhere to acceptable standards for that licensee's area of practice and be designated to deliver services as approved by their healthcare facility. The authority and privilege to practice within the scope shall be consistent with the standards of practice of the Academy of Nutrition and Dietetics and the Centers for Medicare and Medicaid Services (CMS) guidelines as published in the Federal Register.”*

<b>Marsha Dumm</b>	<b>yes</b>	<b>Christopher Taylor</b>	<b>yes</b>
<b>Leah Reibel</b>	<b>yes</b>	<b>John Ridgway</b>	<b>yes</b>
<b>Susan Finn</b>	<b>yes</b>		

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

The Board moved into Executive Session at 11:15 a.m. with the following motion:

**RESOLUTION #5**

**Leah Reibel moved and John Ridgway seconded a motion for the Board to move into Executive Session pursuant to Revised Code Section 121.22(G) purposes of deliberation on matters pertaining to enforcement.**

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

<b>Marsha Dumm</b>	<b>yes</b>	<b>Christopher Taylor</b>	<b>yes</b>
<b>Leah Reibel</b>	<b>yes</b>	<b>John Ridgway</b>	<b>yes</b>
<b>Susan Finn</b>	<b>yes</b>		

The Board came out of Executive Session at 11:38 a.m.

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

Following Executive Session the following findings, orders and actions were made:

**RESOLUTION #6**

Christopher Taylor moved and Susan Finn seconded a motion to close the following cases for the reasons cited:

13OBD03-63	Unlicensed practice unfounded, expired without reason
13OBD65	Unfounded for moral character
13OBD64	Unfounded for moral character

The motion was approved with vote as follows:

Marsha Dumm	yes	Christopher Taylor	yes
Leah Reibel	recused	John Ridgway	yes
Susan Finn	yes		

**STATUS OF BOARD ACTIONS**

There were no board actions to report.

**AGENDA ITEM # 8 – FINANCIAL REPORT**

The financial report was presented by Ms. Dion for the months of September and October 2012 including Allotments, Expenditures and Revenues to date. She reported that the available budget is \$217,782.22 after encumbrances.

Routine expenditures occurred during the period including \$30,427.58 in September and \$25,328.78 in October 2012.

Revenues of \$4,035.00 for September and \$6,760.00 for October 2012 were reported in OAKS. Total revenue for FY 2013 is \$88,805.00.

A copy of the financial report is attached to the minutes of the meeting. The following motion was made:

**RESOLUTION # 7**

Susan Finn moved and Leah Reibel seconded a motion to approve expenditures as presented for September and October 2012 and to accept the Financial Report as submitted to the Board by the Executive Secretary.

The motion was approved with vote as follows:

Marsha Dumm	yes	Christopher Taylor	yes
Leah Reibel	yes	John Ridgway	yes
Susan Finn	yes		

**AGENDA ITEM # 9 – ELECTION OF OFFICERS FOR CALENDAR YEAR 2013**

Chairman Dumm indicated that the informal procedure for the election of officers for calendar 2013 is for the Board Chairman to request nominations from the floor for the leadership positions of Board Chairman and Vice Chairman. Ms. Dumm called for nominations.

The following motions resulted:

**RESOLUTION # 8**

**Christopher Taylor moved and John Ridgway seconded a motion to nominate Leah Reibel for Chairman of the Ohio Board of Dietetics for calendar year 2013 effective January 1, 2013. Ms. Reibel indicated that she would accept the nomination.**

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

<b>Marsha Dumm</b>	<b>yes</b>	<b>Christopher Taylor</b>	<b>yes</b>
<b>Susan Finn</b>	<b>yes</b>	<b>John Ridgway</b>	<b>yes</b>

**RESOLUTION # 9**

**Christopher Taylor moved and John Ridgway seconded a motion to elect Susan Finn as Vice-Chairman of the Ohio Board of Dietetics for calendar year 2013, effective January 1, 2013. Ms. Finn accepted the nomination.**

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

<b>Marsha Dumm</b>	<b>yes</b>	<b>Christopher Taylor</b>	<b>yes</b>
<b>Leah Reibel</b>	<b>yes</b>	<b>John Ridgway</b>	<b>yes</b>

Chairman Dumm thanked the Board members for agreeing to serve in the leadership positions during calendar year 2013. She indicated that it is traditional for the incoming Chairman to make committee appointments at this time, and asked Ms. Dion to describe the current committees and their make-up.

**Appointment of Board Committees for Calendar Year 2013**

Ms. Dion described the current make-up of Board committees. The 2012 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 2013. The Board members were polled for their individual interest in service on particular committees.

The following Board member committee assignments were made:

Ms. Dumm	Rules Committee
Ms. Reibel	Rules Committee
Ms. Finn	Probable Review and Education Committees
Mr. Taylor	Education
Mr. Ridgway	Application and Rules Committee
Ms. McKnight	Rules Committee

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

### **AGENDA ITEM # 10– BOARD REPORTS**

Chairman Dumm welcomed Susan Finn to the Board for her first meeting. She has been appointed with a term ending on 06/30/2015. Ms. Dumm also discussed the upcoming conference for Ohio Better Birth Outcomes. Ms. Dion will send the email to the Board if anyone is able to attend.

#### **ODA LIAISON – Pat McKnight**

Ms. McKnight discussed the Policy Day for students and interns held on October 23, 2012. There were 105 people in attendance. A one hour licensure presentation was included to avoid universities having to set time aside for Ms. Dion to present to them, and also to decrease travel expenses for the Board.

Ms. McKnight informed the Board that the annual Legislation and Public Policy Advocacy Day for dietitians will be held on April 17, 2013. This day includes lunch with the legislators.

Ms. McKnight briefly discussed the Academy's monthly telephone conference on licensure in which Cynthia Blocksom participates. No new information was reported.

Ms. McKnight also discussed sequestration and shared an article with the group. She also discussed the Patient Centered Medical Home (PCMH) and provided an informative handout for the group. Mr. Taylor indicated that OSU may be working on a grant for submission to test outcomes and cost-benefits of having a Registered Dietitian on board in the PCMH.

#### **DIRECTORS REPORT – Karen Dion**

Ms. Dion reported that in fulfillment of the Board's request, the Ohio Board of Dietetics 25 year licensure poster was presented as a poster session for the annual Academy's Food and Nutrition Conference and Expo (FNCE). The conference was held October 6-9, 2012.

Ms. Dion briefly discussed the Survey of Agency Compliance with Customer Service Standards Requirements per ORC 121.91. The survey was completed and submitted. In the future the Board may consider expanding on these requirements in the policy and procedure manual.

Ms. Dion sought the board's input regarding the non-Registered Dietitians (RD) and the Professional Development Portfolio. To save costs of printing and mailing, the Learning Codes, Learning Plan and Learning Activity Log pages have been posted on the website. The Board agreed that notifying the non-RD's via e-mail is more cost-effective than printing and mailing a fifty page packet. The information will also be stated in the next Communique newsletter.

Ms. Dion stated that the Earnable Hours for Staff and Board Members was submitted to the Governor's Office, as requested of all Boards and Commissions. A copy was shared with the Board members.

Ms. Dion provided an update from the Boards and Commissions Management Group. The Governor's Office representative provided information that the problem of human trafficking needs to have attention dedicated to it because it is a growing problem in Ohio. A one-hour training is being developed by the Department of Health. Each Board will be expected to provide this as an option to their licensees for one hour continuing education credit. Legislation has not been passed for this yet.

Ms. Dion sought the Boards input regarding a "request for applications" to present at the Ohio Health Care Association. It was decided that an application would not be submitted.

Ms. Dion shared with the group the "quiz" to be used after giving a licensure presentation to students and interns. The Board agreed with using the quiz to make sure the key points are understood. The Board did not have any changes to the quiz.

Ms. Dion shared with the Board inquiries about individuals requesting "exemption from licensure" as well as "scope of practice" questions related to certain job duties. These were brought to the Board's attention to increase awareness that the Board does get various inquiries and what those inquiries pertain to.

Ms. Dion discussed the processing of travel expenditures, and that the fee incurred to process them, has increased. To help offset the fees, travel expenditures will be processed after every other Board meeting.

Ms. Dion stated that the name change of the national and state associations will need to be changed in the Revised Code. Ms. Dion is taking measures to determine what needs to be done.

There were several presentations on licensure since the September 21, 2012 meeting of the Board.

University of Cincinnati	10/23/2012	10 Dietetic Interns
Public Policy Day	10/23/2012	105 Dietetic Students and Interns
Kent State University	10/25/2012	18 Dietetic Interns

Bluffton University	11/05/2012	8 Dietetic Students
Kent State University	11/06/2012	28 Dietetic Students

### **AGENDA ITEM #11 – DISCUSSION OF PERTINENT LEGISLATIVE ISSUES**

HB 259 (Alternative Practitioners) – Scheduled meetings with Senators on the Senate Health Committee and Senate Leadership have concluded as of November 15. This bill will be monitored for any activity in the Senate.

Ms. Dion discussed House Bill 251 (Acupuncturists Practicing with Herbs). There has been no further movement since HB 251 was assigned to the Senate Health, Human Services and Aging Committee.

Ms. Dion brought to the Board's attention that the Ohio Chiropractic Board had added the word "clinical" before the term "nutrition" in rules pertaining to continuing education. Ms. Dion and Ms. Mavko, State Regulatory Specialist for the Ohio Academy of Nutrition and Dietetics testified at the Public Hearing on October 11, 2012. The rules are being refilled, having removed the word "clinical" before the term "nutrition".

### **AGENDA ITEM #12 – JURISPRUDENCE**

Ms. Dion discussed the jurisprudence topic for the upcoming year. The Board reviewed the module and quiz. After brief discussion, it was determined that the appropriate name for the topic was "Unlicensed Practice". Ms. Dion has not received any feedback from the item writer reviewing the module and quiz. Mr. Taylor offered that his staff would review the materials as well. Ms. Dion stated that the Human Trafficking module may need to be an option, but is awaiting further direction, as the legislation has not passed yet.

### **AGENDA ITEM #13 & #14 – SUBCOMMITTEE MEETINGS AND REPORTS**

The Education subcommittee met to review Continuing Education / Professional Development Learning Plans and Learning Logs, and one presentation for Continuing Education. The Rules committee did not have any items to discuss.

Each committee provided a brief report.

**EDUCATION COMMITTEE** -- The Education committee reported that they reviewed two learning Learning Logs, which were approved by the committee. The committee reviewed an Ethics training which was not approved for Jurisprudence. The requirement of one hour, every other year, of jurisprudence on Ohio Dietetics Law, is an extremely modest requirement. A new module is posted on the website every other year, free of charge.

**RULES COMMITTEE** – The Rules committee did not have any items to discuss.

NEW BUSINESS – There was no new business to report at this time.

AGENDA ITEM # 15 – POLICY FOR PAYROLL RECONCILIATION

Ms. Dion reviewed the Payroll Reconciliation Policy #8.1a with the Board. There were no changes requested and the Board approved the policy, which was in response to the audit management letter.

AGENDA ITEM # 16 – UPCOMING MEETINGS

Upcoming Regular Board meeting dates proposed for the upcoming calendar year include the following:

January 18, 2013  
March 8, 2013  
May 10, 2013  
July 19, 2013  
September 20, 2013  
November 8, 2013

AGENDA ITEM #17 – ADJOURNMENT

A motion was made to adjourn the meeting. There was consensus by the Board to adjourn the November 16, 2012 meeting of the Ohio Board of Dietetics at 2:27 p.m.

Respectfully submitted,

Karen Dion Date 1/18/13  
Karen Dion, Executive Secretary  
Ohio Board of Dietetics

Leah Reibel Date 1/18/13  
Leah Reibel, Chairperson  
Ohio Board of Dietetics

Susan Fenn Date 1/18/13  
Witness