

**OHIO BOARD OF DIETETICS
MINUTES OF THE BOARD MEETING
November 7, 2008
Board Room 31st Floor, Vern Riffe Center
Columbus, Ohio
10:00 A.M.**

DRAFT

AGENDA ITEM #1 – CALL TO ORDER

BOARD MEMBERS PRESENT: James Mermis, Vandadean Rogers, Kay Soltesz, Mary Frances (Francie) Astrom, Marsha Dumm

OTHERS PRESENT: Kay Mavko, OBD Executive Secretary; Pat McKnight, Ohio Dietetic Association liaison; Donald Davis, OBD Compliance Specialist; Kristen Starr, Assistant Attorney General; Dietetic Interns from Mount Carmel Dietetic Internship including, Kate Benedict, Angela Lau, Maria Palumbo, Marissa Pappadakes, Gayle Shrode, Diane Weaver, Emily Wise, and Ruyan Xu.

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

The Board members and staff introduced themselves and the Mount Carmel interns told the Board about themselves and their interest in dietetics. Ms. Mavko reviewed the Mission and Vision of the Board and explained how the meeting would be structured.

AGENDA ITEM #2– APPROVAL OF MINUTES OF THE SEPTEMBER 19, 2008 MEETING

The minutes of the September 19, 2008 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

Mary Frances Astrom moved and Vandadean Rogers seconded a motion to approve the minutes of the September 19, 2008 regular Board meeting as submitted by the Executive Secretary.

The motion was approved with vote as follows:

| | | | |
|-------------------------|------------|----------------------------|------------|
| James Mermis | yes | Kay Soltesz | yes |
| Vandadean Rogers | 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 19 individuals to the Board who were issued a Limited Permit license including one duplicate limited permit license between 9/19/2008 and 11/6/2008.

RESOLUTION #2

Mary Frances Astrom moved and Vandadean Rogers seconded a motion to place upon the minutes of the November 7, 2008 meeting the names of 19 individuals who were issued a Limited Permit during Fiscal Year 2009, 5 with the expiration date of October 31, 2008 and 14 with the expiration date of April 30, 2009 issued since the September 19, 2008 meeting of the Board. The list included one Limited Permit holder who was issued a duplicate license, and 4 who were issued second limited permits that are supervised secondary to failing the examination once. 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:

| | | | |
|-------------------------|------------|----------------------------|------------|
| James Mermis | yes | Kay Soltesz | yes |
| Vandadean Rogers | yes | Mary Frances Astrom | yes |
| | | Marsha Dumm | yes |

Ms. Mavko presented the names of 59 individuals who were issued a license for Fiscal Year 2008 between September 19, 2008 and November 6, 2008. The list included 53 initial licenses, 4 reinstatements, and 2 duplicate licenses. The following motion was made:

RESOLUTION #3

Kay Soltesz moved and Mary Frances Astrom seconded a motion to place upon the minutes of the November 7, 2008 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 2009 since the September 19, 2008 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:

| | | | |
|-------------------------|------------|----------------------------|------------|
| James Mermis | yes | Kay Soltesz | yes |
| Vandadean Rogers | yes | Mary Frances Astrom | yes |
| | | Marsha Dumm | yes |

AGENDA ITEM # 4 – DISCUSSION OF PERTINENT LEGISLATIVE ISSUES

Pat McKnight and Kay Mavko reported that HB 580 has had no official activity since the last Board meeting, however ODA and OBD staff continue to monitor the legislative activities – especially over the next two months that will conclude the 127th General Assembly.

Beginning in January the Ohio House will be controlled by the Democrat party and the Senate by the Republicans.

Ms. McKnight reported that there has been no recent activity on the Diabetes bills. It is possible that there will be hearings during the last two months of the legislative session. There will be a Diabetes Legislative event on Wednesday 11/12/2008.

Ms. Mavko reported that the Ohio Legislative Service (LSC) commission contacted many of the health regulatory boards to determine the cost of adapting the e-licensing system to collect more information from licensees regarding their specific practice and special areas of interest, special competency, and formats of practice. They asked us to provide a list of potential responses from which a licensee could choose to report the information so that they can estimate the cost to implement such a project. Legislation related to this issue is being considered.

The response that was submitted to LSC was reviewed with the Board, and staff requested the members input. Two suggestions were made and will be forwarded to LSC.

A copy of the initial inquiry and the response is attached to the minutes of the meeting.

AGENDA ITEM # 5 -- ENFORCEMENT REPORT – DON DAVIS

Mr. Davis presented the Enforcement Report for FY 2008 period from September 19, 2008 through November 6, 2008. The enforcement statistics indicate that the period started with 61 open cases, 41 were closed at the September Board meeting, and since then 4 cases have been opened, resulting in a pending caseload of 24 open cases.

A summary of completed and pending cases was provided. A copy of the Enforcement Report is attached to the minutes of this meeting.

ANNUAL ENFORCEMENT REPORT – DON DAVIS

A draft of the Annual Enforcement report for FY 2008 was provided to the board at the September meeting. Since that meeting we discovered that there were some errors in the original report. The number of cases were initially mis-counted. A corrected report is provided to the Board at this meeting and a request made to the Board to re-approve the 2008 Annual Enforcement Report.

The following motion resulted:

RESOLUTION # 4

Kay Soltesz moved and Vandadean Rogers seconded a motion to approve corrections made to the Annual Enforcement Report as submitted by the Compliance Specialist, and to incorporate the corrected version into the Annual Directors Report for FY 2008.

The motion was approved with vote as follows:

| | | | |
|-------------------------|------------|----------------------------|------------|
| James Mermis | yes | Kay Soltesz | yes |
| Vandadean Rogers | yes | Mary Frances Astrom | yes |
| | | Marsha Dumm | yes |

AGENDA ITEM # 6 --BOARD REPORTS

CHAIRMAN – Mr. Mermis had no report today.

ODA LIAISON – Pat McKnight -

1. There are two ODA sponsored Advocacy Days planned for 2009. They are scheduled for April 1st (when legislators will be scheduled to talk with students and dietetic interns) and March 18th (for dietitians following the format that has been used for the past number of years). As usual Ms. Mavko will update attendees on licensure related information.
2. Ms. McKnight reported that as a cost cutting measure the American Dietetic Association Public Policy Workshop will be offered February 6-8, 2009 electronically rather than in Washington D.C to interested members without charge. It will use formats that let attendees hear about issues and engage in online dialogue with speakers.

Attendees will learn how to be effective advocates for the profession and be encouraged to apply what they learn with their state's congressional delegations.

3. Ms. McKnight and interested parties are working on details of HB 254 – School Nutrition / Wellness bill in preparation for the next legislative session.
4. SB99 / HB 137 the Diabetes bill may get a hearing in the Senate Health committee later this month which is chaired by Senator Stivers.

DIRECTORS REPORT – Kay Mavko

1. Board members should have received a copy of the final Auditor of State management letter for their review. A copy of the report and Director Mavko’s response are on file in the OBD office.
2. A draft of the FY 2008 Directors Annual Report was e-mailed to Board members for their review prior to the November meeting. Suggestions for corrections will be incorporated. The Board made the following motion approving the FY 2008 Directors report as corrected:

RESOLUTION # 5

Kay Soltesz moved and Vandadean Rogers seconded a motion to approve the FY 2008 Directors Annual Report with suggested corrections included and as submitted by Ms. Mavko.

The motion was approved with vote as follows:

| | | | |
|-------------------------|------------|----------------------------|------------|
| James Mermis | yes | Kay Soltesz | yes |
| Vandadean Rogers | yes | Mary Frances Astrom | yes |
| | | Marsha Dumm | yes |

3. Ms. Mavko reported to the Board members that Central Services and State Accounting will be more closely scrutinizing and may even deny travel reimbursement requests submitted later than 30 days from the last day of travel. It is important to submit reimbursement requests as soon as possible following Board related travel.
4. Ms. Mavko reported that residents of the Riffe Building (including OBD staff) have recently been given the opportunity to sign up for the e-Notify System – which is an automatic notification system that will provide employees in the Capitol Square area with immediate information on downtown security incidents and guidance on how to best handle the situations. It provides information by e-mail, land line and cell phone to those who subscribe.
5. Don Davis shared information from Basic Investigator Training and the Council on Licensure, Enforcement and Regulation meeting that he attended in September, and announced that he passed the associated Basic Investigator Training examination. Ms. Mavko also shared information from the American Dietetic Association Food and Nutrition Conference and Expo that she attended in October. Both staff members expressed thanks to the Board for supporting their attendance at these professional meetings. Ms. Mavko additionally noted that she was able to network with various dietetic technician and dietetic educator groups at the meeting about how Ohio intends to incorporate the newly revised standards for registered dietitians and dietetic technicians registered into Ohio Administrative Rules.

AGENDA ITEM #7 – FINANCIAL REPORT

The financial report was presented for the months of September and October 2008 including Allotments, Expenditures (September only), and Revenues to Date. Expenditures for the month of September were \$22,673.55 but expenditures for October were not yet available. Revenues for September were \$5,790.00 and \$6,170.00 for October resulting in total revenue to date of \$72,040.50.

RESOLUTION # 6

Mary Frances Astrom moved and Vandadean Rogers seconded a motion to approve expenditures as presented for September and October 2008 and to accept the Financial Report as submitted to the Board by the Executive Secretary.

The motion was approved with vote as follows:

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|-------------------------|------------|----------------------------|------------|
| James Mermis | yes | Kay Soltesz | yes |
| Vandadean Rogers | yes | Mary Frances Astrom | yes |
| | | Marsha Dumm | yes |

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

AGENDA ITEM # 8 – SUBCOMMITTEE MEETINGS

The Education subcommittee met to review Continuing Education / Professional Development Learning Plans and Learning Logs. The Rules committee did not meet. A brief report was provided later in the meeting. (See Agenda item # 13)

The Board briefly adjourned for lunch and afterward excused the Mount Carmel interns before reconvening and moving into Executive Session. The Board reconvened at 12:40 p.m.

AGENDA ITEM # 9 – EXECUTIVE SESSION – ENFORCEMENT

The Board moved into Executive Session at 12:41 p.m. with the following motion:

RESOLUTION # 7

Kay Soltesz moved and Mary Frances Astrom 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:

| | | | |
|-------------------------|------------|----------------------------|------------|
| James Mermis | yes | Kay Soltesz | yes |
| Vandadean Rogers | yes | Mary Frances Astrom | yes |
| | | Marsha Dumm | yes |

The Board came out of executive session at 1:05 p.m..

AGENDA ITEM #10 – PRESENTATION ON CHIROPRACTIC EDUCATION – DR. WARE

Dr. Jeffrey Ware, D.C., D.A.B.C.I., Dean of Chiropractic Affairs at Logan College of Chiropractic and Kelly Caudill, Director of the Ohio State Chiropractic Board visited with the Board to discuss the education of chiropractors – especially as related to nutrition. Dr. Ware discussed the chiropractic curriculum at Logan College and as required by the Council on Chiropractic Education (CCE). He outlined the courses required and reviewed the academic credentials of the faculty at his institution to demonstrate the type and quality of education provided at colleges of chiropractic. The Board members and staff had questions about the content of courses especially as related to food and food science, which is integral to helping clients translate nutritional prescriptions and advice into daily meal and food choices.

The Board members thanked Dr. Ware for sharing his information and for traveling to meet with them.

A copy of the written material provided is attached to the minutes of the meeting.

AGENDA ITEM # 11 – FINDINGS, ORDERS, AND ACTIONS

RESOLUTION # 8

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

Licenses expired without reason

- 09OBD09 Relocated to California
- 09OBD15 Dead end; not able to locate licensee with available information
- 09OBD17 Relocated to Colorado
- 09OBD37 No longer practices dietetics in OH; lives in IL
- 09OBD47 Reinstated; no evidence of practice

Advisory Letters

- 09OBD57 Advisory letter to respondent and supervisor for practice without supervisory agreement in place
- 09OBD58 Initial license issued with advisory letter for unlicensed practice

The motion was approved with vote as follows:

| | | | |
|-------------------------|------------|----------------------------|------------|
| James Mermis | yes | Kay Soltesz | yes |
| Vandadean Rogers | yes | Mary Frances Astrom | yes |
| | | Marsha Dumm | yes |

RESOLUTION # 9

Kay Soltesz moved and Vandadean Rogers seconded a motion to approve the written request from Andrea Kinkela to withdraw her application for a Limited Permit license as she no longer intends to practice dietetics in Ohio.

The motion was approved with vote as follows:

| | | | |
|-------------------------|------------|----------------------------|------------|
| James Mermis | yes | Kay Soltesz | yes |
| Vandadean Rogers | yes | Mary Frances Astrom | yes |
| | | Marsha Dumm | yes |

AGENDA ITEM #12 – RECOMMENDATIONS FROM THE STANDARDS OF PRACTICE WORKGROUP

Pat McGinty, RD,LD; Shannon Rodman-Costlow, Nutrition Associate; and Theresa Bell, RD, LD presented recommendations to the Board from the Standards of Practice Workgroup. The committee was charged with reviewing the new ADA Standards of Practice (SOP) and Standards of Professional Performance (SOPP) for registered dietitians and dietetic technicians registered and comparing them with the current Standards of Practice Administrative Rules contained in section 4759-6 of the Ohio Administrative Code (OAC).

Eighteen recommendations were made and the rationale described. The over-arching theme of the recommendations was that the relationship between the RD/LD and DTR/DT/NA team should be maintained, strengthened, and further defined in the OAC. All exempt practitioners (DTR/DT/NA) should be expected to practice competently at minimum standards and those who practice beyond the minimum should be expected to demonstrate initial and on-going competency if they are assigned tasks that exceed minimum levels. Competency assessment can be determined in various ways, and is the responsibility of the supervising dietitian.

The workgroup affirmed that the dietitian is responsible for the Nutrition Care Process – and definitions of the key components should be defined in the administrative rules. The rules must be flexible during the transition from the old methods of dietetic practice through the implementation of the nutrition care process model in order to accommodate dietetic practitioners re-tooling.

The workgroup made recommendations for particular terms to be defined, and particular definitions to be preserved in the rules. They also suggested that the Board develop education materials including a jurisprudence module to strengthen the LDs supervision of exempt practitioners once the new rules are in place.

The Board members asked questions and thanked the members of the workgroup for their efforts to date. Now the recommendations will be reviewed by staff and the Rules committee will begin to draft proposed rule amendments and new rules where necessary.

A complete copy of the recommendations is attached to the minutes of the meeting.

AGENDA ITEMS # 13 - SUBCOMMITTEE MEETINGS AND REPORTS

The **Continuing Education / Professional Development Committee** met and reported that they reviewed and approved 14 new Learning Plans and 1 Learning log for the next continuing education cycle 7/1/2008 – 6/30/2013, and made suggestions on 4 of them.

The committee members also reviewed and approved a Jurisprudence program for 1 cpeu titled “Legislation is Your Business” sponsored by the Cleveland Dietetic Association that will be presented January 29, 2009 in Parma Ohio.

The rules committee did not meet but are reminded that upcoming dates for Rules Committee meetings are scheduled for:

- January 16, 2009 10:00 a.m. (same day as PRP)
- January 23, 2009 (after the Board meeting)
- February 13, 2009 1:00 p.m. (SOP/SOPP workgroup reaction)
- February 27, 2009 1:00 p.m.

AGENDA ITEM # 14 - UPCOMING MEETINGS

The tentative regular meeting dates for the remainder of calendar year 2008 are:
December 19, 2008- Special meeting – Hearing Deliberations (may be cancelled)
January 9, 2009 – Special Meeting – Alternate meeting date for hearing deliberations

Dates scheduled for Regular Board meetings in 2009 are as follows:

- | | |
|------------------|--------------------|
| January 23, 2009 | July 17, 2009 |
| March 20, 2009 | September 25, 2009 |
| May 22, 2009 | November 13, 2009 |

AGENDA ITEM # 15 - ADJOURNMENT

A motion was made to adjourn the meeting. There was consensus by the Board. The November 7, 2008 meeting of the Ohio Board of Dietetics adjourned at 3:30 p.m.

Respectfully submitted,

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

_____ **Date** _____
James Mermis, Chairman,
Ohio Board of Dietetics

_____ **Date** _____
Witness

