

**OHIO BOARD OF DIETETICS  
MINUTES OF THE BOARD MEETING  
March 16, 2007  
Board Room, - 31<sup>st</sup> Floor, Vern Riffe Center  
Columbus, Ohio**

**AGENDA ITEM #1 – CALL TO ORDER**

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

**OTHERS PRESENT:** Kay Mavko, OBD Executive Secretary; Pat McKnight, Ohio Dietetic Association liaison; Tammi Platfoot, Miami Valley Dietetic Intern.

The meeting was called to order at 10:05 A.M. by Chairman Adkins. Ms. Adkins welcomed Ms. Platfoot and the Board members introduced themselves and explained the mission and functions of the Board.

**AGENDA ITEM #2 –SUBCOMMITTEE MEETINGS**  
**AGENDA ITEM #7 – DISCUSSION OF DRAFT GUIDELINE**  
**AGENDA ITEM #13 --REPORT FROM SUBCOMMITTEES**

The Rules and Education subcommittees both met at 9:00 A.M. prior to the regular Board meeting. The Rules committee reviewed a first draft of a proposed guideline on diet and nutrition order writing. The committee recommended to the Board that staff continue to edit the draft, and incorporate suggestions made in committee. Ms. Mavko is scheduled to discuss the topic at the upcoming Ohio Dietetic Association Annual meeting and requested direction from the Board on how to proceed. The Board requested that Ms. Mavko send out the second draft as soon as it is ready and the Board members agreed to provide additional input. The presentation for the April ODA meeting can then be prepared from the updated draft. At ODA the material will be presented as a draft and the Board will seek input from licensees. Ms. Mavko will report back at the May meeting, incorporating the input and changes.

The Education subcommittee reviewed 1 learning log and learning plan. The plan and log both were incomplete. Additionally, the committee reviewed and approved the slide presentations prepared by staff on Approving Weight Control Programs, and Top 10 Questions on Dietetic Licensure that are being used for Jurisprudence continuing education programs.

**AGENDA ITEM #3 – APPROVAL OF MINUTES OF THE JANUARY 19, 2007 MEETING**

The minutes of the January 19, 2007 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 January 19, 2007 regular Board meeting as submitted by the Executive Secretary.**

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

<b>Claire Adkins</b>	<b>yes</b>		
<b>Cynthia Blocksom</b>	<b>yes</b>	<b>James Mermis</b>	<b>yes</b>
<b>Vandadean Rogers</b>	<b>yes</b>	<b>Kay Soltesz</b>	<b>yes</b>

**AGENDA ITEM #4- APPROVAL OF LICENSES**

Ms. Mavko presented the names of 3 individuals who were issued a Limited Permit license between January 19, 2007 and March 15, 2007.

**RESOLUTION #2**

**James Mermis moved and Cynthia Blocksom seconded a motion to place upon the minutes of the March 16, 2007 meeting the names of 3 individuals who were issued a Limited Permit during Fiscal Year 2007 with the expiration date of April 30, 2007 since the January 19, 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 motion was approved with vote as follows:**

<b>Claire Adkins</b>	<b>yes</b>		
<b>Cynthia Blocksom</b>	<b>yes</b>	<b>James Mermis</b>	<b>yes</b>
<b>Claire Adkins</b>	<b>yes</b>	<b>Kay Soltesz</b>	<b>yes</b>

Ms. Mavko presented the names of 26 individuals who were issued a license for Fiscal Year 2007 between January 19, 2007 and March 16, 2007. The list included 16 initial licenses, 3 reinstatements, 3 reactivations, and 4 duplicate licenses. The following motion was made:

**RESOLUTION #3**

**Cynthia Blocksom moved and Kay Soltesz seconded a motion to place upon the minutes of the March 16, 2007 meeting, the names of 26 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 January 19, 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 #2)**

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

<b>Claire Adkins</b>	<b>yes</b>		
<b>Cynthia Blocksom</b>	<b>yes</b>	<b>James Mermis</b>	<b>yes</b>
<b>Vandadean Rogers</b>	<b>yes</b>	<b>Kay Soltesz</b>	<b>yes</b>

**AGENDA ITEM # 5– DISCUSSION OF FY 2008 LICENSE RENEWAL APPLICATIONS**

The application review committee met to review the FY 2008 renewal application and all other application forms. Changes discussed at the January Board meeting were incorporated, and technical changes made.

Pursuant to § 3123.50 each Board shall require each application for a license, or renewal of a license to include the applicants social security number. Therefore the request for social security number was added to renewal applications.

All application types were revised and reviewed individually with the full Board. Minor suggestions were made and will be incorporated.

The applications were approved as amended by the Board and copies of each will be prepared and put into use by April 1, 2007.

The following motion resulted:

**RESOLUTION #4**

**Cynthia Blocksom moved and Kay Soltesz seconded a motion to approve the revisions to FY 2008 Renewal, Initial license, Limited Permit, Reinstatement, and Reactivation applications.**

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

<b>Claire Adkins</b>	<b>yes</b>		
<b>Cynthia Blocksom</b>	<b>yes</b>	<b>James Mermis</b>	<b>yes</b>
<b>Claire Adkins</b>	<b>yes</b>	<b>Kay Soltesz</b>	<b>yes</b>

Copies of the revised applications are attached to the minutes of the meeting.

**AGENDA ITEM #6 --DISCUSSION OF PERTINENT LEGISLATIVE ISSUES**

Ms. Mavko reported that **HB 104 – Criminal Records Check** bill was introduced into the Ohio House by Representative Core and is scheduled for hearings next week. The bill proposes that 14 Ohio regulatory boards (including the Ohio Board of Dietetics) may require both BCII and FBI records checks prior to licensure of new license applicants. If enacted the Board would need to promulgate rules - including one about the process and

how far back an already completed check could be used. There appears to be support for the bill and no identified opposition at this time.

A brief article about HB 104 will be included in the 'Communique' that will accompany renewal applications in order to begin to educate licensees and educators of dietitians about this pending legislation.

**Diabetes Cost Reduction Act HB 98 and SB 99** have been introduced into the Ohio legislature and requires that private insurance carriers and HMOs cover diabetes supplies, self-management education, including MNT.

Ms. McKnight reports that a joint bill may be introduced that will have bipartisan sponsors and will be the vehicle that the proponents will support. Governor Strickland has expressed support for the issue. The hearing process is just beginning.

Senator Dale Miller and Representative Ted Celeste introduced **SB 93 and HB 105 designating May as Nutrition and Physical Fitness month** in order to promote healthy lifestyle for citizens in Ohio. The Ohio Dietetic Association reports that they are in support of the bill.

**SB 94 – Requires State Universities to Guarantee Completion of a College degree in the specified time period for the program** and has been assigned to the Education committee. There was some discussion regarding whether this bill would have any effect on dietetic education, but it was the consensus of the Board that it would not. Staff will not monitor it further.

**SB 95 – Commercial Sale of Raw Milk** bill was introduced again and has hearings scheduled. The Ohio Dietetic Association reports that they are opposing the legislation due to public safety concerns surrounding the consumption of non-pasteurized milk.

**SB 118 (Senator R.Gardner)** requires **physical education standards** and an ODE staff person to coordinate physical education programming for the schools in Ohio. **SB 131 (Senator Teresa Fedor)** requires the Ohio Dept of Education to set **nutrition curriculum standards** for physical education, nutrition and dental care. The **school food and beverage standards** legislation is still being developed and will be in the Peterson/Strahorn bill.

### **Money Follows the Person**

The Ohio Dept of Job and Family Services grant that will implement the transition of people in long term care out of institutions when appropriate arrangements can be made. ODA is represented on the task force developing the processes to assure that access to nutritional care services is included and is adequate.

The **Ohio Budget bill HB 119** will have hearings in March and April. Ms. Mavko reports that based on the Office of Budget and Management recommendations she requested \$691,465 for the FY 08-09 biennium.

**AGENDA ITEM #8 –EXECUTIVE SESSION #1 – ENFORCEMENT**

The Board moved into executive session for consideration of an enforcement issue scheduled separate from the usual enforcement matters.

The Board moved into Executive Session at 11:45 a.m. with a roll call vote. The following were in attendance: Ms. Blocksom, Mr. Mermis, Ms. Soltesz, Ms. Rogers, Ms. Pfeiffer, and Ms. Mavko. Ms. McKnight was also asked to participate in this matter.

The following motion was made:

**RESOLUTION # 5**

**Cynthia Blocksom 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:**

<b>Claire Adkins</b>	<b>yes</b>		
<b>Cynthia Blocksom</b>	<b>yes</b>	<b>James Mermis</b>	<b>yes</b>
<b>Vandadean Rogers</b>	<b>yes</b>	<b>Kay Soltesz</b>	<b>yes</b>

Executive session #1 ended at 12:00 noon.

**AGENDA ITEM #9 – BOARD REPORTS**

**Board Chairman – Ms. Adkins** – Ms. Adkins had no report.

**ODA Liaison Report – Ms. McKnight**

1. Action for Healthy Kids sponsored a meeting with stakeholders and Dr. Joe Thompson the past Surgeon General from Arkansas. He came to Ohio to share his experience with school nutrition issues. Arkansas is the state that developed legislation to attack child nutrition issues from multiple angles, and has positively improved various indicators. The visit was very informative and Dr. Thompson indicated that he would be willing to continue to work with Ohio to develop successful legislation, and policies.

2. Pat McKnight reported that Stacey Raptis (a dietitian previously licensed in Ohio who was actively in legislation issues here) has moved to Texas and is continuing to be involved in legislative matters there.
3. The American Dietetic Association and CMS have been discussing concerns related to the lack of a defined scope of practice for dietetic technicians and a perceived need for a clearer definition of the supervision of dietetic technicians by dietitians. ADA has been surveying the state regulatory agencies, and collecting information on this topic. Ohio has pretty clear descriptions of the scope of practice for dietetic technicians, dietetic technicians registered, and nutrition assistants communicated in Guideline G. The supervision relationship and requirements are described in Guideline A.

ODA and Board staff will continue to monitor and provide input into this national effort and will report to the Board on any potential conflicts with existing law or rules.

#### **Directors Report – Ms. Mavko**

1. Ms. Mavko presented the Board with a draft of the spring Communique' that will accompany license renewal applications. One additional article regarding HB 104 will be added.
2. Ms. Mavko reported that the OAKS time reporting system seem to be working well. One of the Board members still has an unresolved payroll issue, and one is uncertain on how to access the payroll earnings statement. Ms. Mavko will follow up with both issues.
3. Ms. Mavko collected the signed copies of the Executive Order 2007-01S regarding Ethics. 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 are expected to read the executive order and follow it to the best of their ability. Official Board member training is being organized by the Governor's Office.
5. Ms. Mavko reminded the Board members that Financial Disclosure forms must be turned in to the Ethics Commission by April 17, 2007 or significant penalties apply. 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.

6. The Board received a post card from Dr. David Holben, previous Educator Board member. He is in Vancouver, Canada as a Fulbright Scholar working at the Center for Sustainable Community Development studying various components of those who receive food from emergency food programs. He is sharing the experience on an internet blog. The site information was provided for the Board members who are interested in checking-in on him.

he will work at the Centre for Sustainable Community Development and explore

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

Ms. Shaffer presented the Enforcement report for the period of January 19, 2007 through March 16, 2007. There are currently 15 open cases pending. Twenty-eight cases were closed at the January 19, 2007 meeting and 9 cases opened since that date. A summary of completed and pending cases was provided.

#### **Status of Board Actions**

Ms. Shaffer also reported on the follow-up related to 3 closed cases. Staff continues to monitor the continuing education for K. Beckley per adjudication order. Sandra Hathaway remains on probation, and has completed all coursework to date as ordered in her adjudication order. The next random chart audit will be in March 2007. The follow-up ordered for 06OBD89 will occur in March 2007, and be reported at the May meeting.

#### **AGENDA ITEM # 14 – UPCOMING MEETINGS**

In the interest of time and in order to incorporate input from Ms. McKnight, the Board discussed upcoming meetings prior to the lunch break.

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

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

#### **AGENDA ITEM #10b—EXECUTIVE SESSION #2 - ENFORCEMENT**

The Board moved into Executive Session at 2:00 p.m. with a roll call vote. The following persons were in attendance: Ms. Adkins, Ms. Blocksom, Mr. Mermis, Ms. Soltesz, Ms. Rogers, Ms. Pfeiffer, and Ms. Mavko.

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:**

<b>Claire Adkins</b>	<b>yes</b>		
<b>Cynthia Blocksom</b>	<b>yes</b>	<b>James Mermis</b>	<b>yes</b>
<b>Vandadean Rogers</b>	<b>yes</b>	<b>Kay Soltesz</b>	<b>yes</b>

**AGENDA ITEM #11 – FINDINGS, ORDERS, ACTIONS**

**RESOLUTION # 7**

**Cynthia Blocksom moved and Vandadean Rogers seconded a motion to close the following cases for the reasons cited:**

- 07OBD07      Ceased appearance of holding self forth as dietitian. Appears to be in compliance with 4759.10(B) ORC.
- 07OBD52      Ceased unlicensed practice and offering to practice dietetics.
- 07OBD68      Came into compliance with 4759.10 (B) or (E) ORC. CDM ceased appearance of practice. Advisory letters to persons claiming exemption. Information letters to LNHA.
- 07OBD70      Advisory letter to new licensee. Informational letter to LNHA.
- 05OBD61      Appears to have come into compliance with title, section 4759.02 (B) and 4759.10 (F), (H) & (I) ORC.

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

<b>Claire Adkins</b>	<b>yes</b>		
<b>Cynthia Blocksom</b>	<b>yes</b>	<b>James Mermis</b>	<b>yes</b>
<b>Vandadean Rogers</b>	<b>yes</b>	<b>Kay Soltesz</b>	

**RESOLUTION # 8**

**Cynthia Blocksom moved and Kay Soltesz seconded a motion to issue a Notice of Opportunity for Hearing as presented to the Board regarding case # 07OBD73 for allegedly violating Sections(s) 4759.07 (A) (2) ORC; 4759-4-**



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

<b>Claire Adkins</b>	<b>yes</b>		
<b>Cynthia Blocksom</b>	<b>yes</b>	<b>James Mermis</b>	<b>yes</b>
<b>Vandadean Rogers</b>	<b>yes</b>	<b>Kay Soltesz</b>	<b>yes</b>

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

Ms. Mavko reported that the Office of Budget and Management suggested that the Board add sufficient funding request in the FY 2008/2009 Budget request to proceed with the development of on-line license renewal functions and lock box services required to support the implementation of the processing of renewal applications. This service is in line with the Governors Turn - Around Ohio efforts. Therefore an additional \$10,881 and \$8,681 will be added to the budget request for the next biennium.

**AGENDA ITEM # 15 - ADJOURNMENT**

**A motion was made to adjourn the meeting. There was consensus by the Board. The March 16, 2007 meeting of the Ohio Board of Dietetics adjourned at 4:45 p.m.**

**Respectfully submitted,**

\_\_\_\_\_ **Date** \_\_\_\_\_  
**Kay Mavko, Executive Secretary**  
**Ohio Board of Dietetics**

\_\_\_\_\_ **Date** \_\_\_\_\_  
**Claire Adkins**  
**Chairman, Ohio Board of Dietetics**

\_\_\_\_\_ **Date** \_\_\_\_\_  
**Witness**