

**OHIO BOARD OF DIETETICS  
MINUTES OF THE BOARD MEETING  
March 3, 2006  
Board Room, 31<sup>st</sup> floor, Verne Riffe Center  
Columbus, Ohio**

**AGENDA ITEM #1 – CALL TO ORDER**

**BOARD MEMBERS PRESENT:** David Holben, Cynthia Blocksom, Claire Adkins, James Mermis, Vandadean Rogers

**OTHERS PRESENT:** Kay Mavko, OBD Executive Secretary; Beth Shaffer, OBD Compliance Specialist; Barbara Pfeiffer, Assistant Attorney General; Pat McKnight, Ohio Dietetic Association Liaison.

The meeting was called to order at 10:13 a.m. by Chairman Blocksom. Ms. Blocksom was acknowledged as the new Chairman for calendar year 2006.

**AGENDA ITEM #2 – APPROVAL OF MINUTES OF THE JANUARY 27, 2006 MEETING**

The minutes of the January 27, 2006 regular Board meeting were presented to the Board by the Executive Secretary and reviewed and approved as corrected. The following motion resulted:

**RESOLUTION #1**

**Claire Adkins moved and David Holben seconded a motion to approve the minutes of the January 27, 2006 regular Board meeting as submitted by the Executive Secretary and corrected.**

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

<b>Cynthia Blocksom</b>	<b>yes</b>	<b>David Holben</b>	<b>yes</b>
<b>Claire Adkins</b>	<b>yes</b>	<b>James Mermis</b>	<b>yes</b>
<b>Vandadean Rogers</b>	<b>yes</b>		

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

Ms. Mavko presented the name of 1 individual who was issued a Limited Permit license with an expiration date of April 30, 2006 since the January 27, 2006 meeting of the Board. The following motion was made:

**RESOLUTION #2**

**Claire Adkins moved and Jim Mermis seconded a motion to place upon the minutes of the March 3, 2006 meeting the name of 1 individual who was**

issued a Limited Permit during Fiscal Year 2006 with an expiration date of April 30, 2006 since the January 27, 2006 meeting of the Board, and whose name appears 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:

David Holben	yes	Cynthia Blocksom	yes
Claire Adkins	yes	James Mermis	yes
Vandadean Rogers	yes		

### RESOLUTION #3

David Holben moved and James Mermis seconded a motion to place upon the minutes of the March 3, 2006 meeting, the names of 8 dietitians who met qualifications, pursuant to Section 4759.06 ORC, and who were issued a license by the Executive Secretary during Fiscal Year 2006 since the January 27, 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 #3)

The motion was approved with vote as follows:

Cynthia Blocksom	yes	David Holben	yes
Claire Adkins	yes	James Mermis	yes
Vandadean Rogers	yes		

### AGENDA ITEM # 4 – REVIEW OF FINAL VERSION OF FY 2007 RENEWAL APPLICATION

A final draft of the FY 2007 renewal application was presented to the Board incorporating the changes suggested at the January meeting. Upon close inspection, a few additional edits were suggested and the application approved by the Board as follows:

### RESOLUTION #4

James Mermis moved and Vandadean Rogers seconded a motion to approve the FY 2007 dietitian license renewal application as presented by the Executive Secretary with suggested edits, and to prepare the application for mailing to licensees.

The motion was approved with vote as follows:

Cynthia Blocksom	yes	David Holben	yes
Claire Adkins	yes	James Mermis	yes
Vandadean Rogers	yes		

**AGENDA ITEM # 5 – SECOND REVIEW OF REVISIONS TO GUIDELINE D**

Staff brought back another draft of proposed revisions to Guideline D – Unlicensed Assistive Personnel in which suggestions from the January meeting were incorporated. A misunderstanding resulted in the need for numerous corrections, and additional re-editing and formatting were suggested. A third draft will be presented at the May meeting.

**AGENDA ITEM # 6 – ENFORCEMENT REPORT – Beth Shaffer**

Ms. Shaffer reported that for the period of January 27, 2006 through March 3, 2006 there are currently 11 open cases pending. Thirty-one cases were closed at the January 27, 2006 meeting and 1 case opened since that date. A summary of recently 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**

**Sandra Hathaway** – Ms. Shaffer reviewed the work of Ms. Hathaway as required in the Board’s 9/13/2005 adjudication order, and her report will be discussed in executive session.

**AGENDA ITEM #7 —EXECUTIVE SESSION - ENFORCEMENT**

The Board moved into Executive Session at 11:05 a.m. with a roll call vote. The following were in attendance: Ms. Blocksom, Ms. Adkins, Dr. Holben, Mr. Mermis, Ms. Rogers, Ms. Pfeiffer, Ms. Shaffer, and Ms. Mavko.

The following motion was made:

**RESOLUTION # 5**

**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:**

<b>Cynthia Blocksom</b>	<b>yes</b>	<b>David Holben</b>	<b>yes</b>
<b>Claire Adkins</b>	<b>yes</b>	<b>James Mermis</b>	<b>yes</b>
<b>Vandadean Rogers</b>	<b>yes</b>		

At approximately 1:00 pm the Board briefly broke for lunch and then re-convened at 1:50 pm.

**AGENDA ITEM #8 --FINDINGS, ORDERS, and ACTIONS**

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

**RESOLUTION # 6**

**David Holben moved and Claire Adkins seconded a motion to close the following cases for reasons cited:**

**05OBD79      Ceased offering nutritional counseling and statement “RD on staff”. Respondents appear to meet exemption for free dissemination of literature Section 4759.10(G) ORC. Send letters of understanding to respondents and informational letter to school.**

**06OBD79      Unfounded. Share information with Chiropractic Board.**

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

<b>Cynthia Blocksom</b>	<b>yes</b>	<b>David Holben</b>	<b>yes</b>
<b>Claire Adkins</b>	<b>yes</b>	<b>James Mermis</b>	<b>yes</b>
<b>Vandadean Rogers</b>	<b>yes</b>		

**RESOLUTION # 7**

**David Holben moved and Vandadean Rogers seconded a motion that the information reviewed in case #05OBD83 appears to constitute a program of weight control requiring approval from a licensed dietitian or physician pursuant to section 4759.10(J) ORC.**

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

<b>Cynthia Blocksom</b>	<b>yes</b>	<b>David Holben</b>	<b>yes</b>
<b>Claire Adkins</b>	<b>yes</b>	<b>James Mermis</b>	<b>yes</b>
<b>Vandadean Rogers</b>	<b>yes</b>		

**RESOLUTION #8**

**James Mermis moved and Vandadean Rogers seconded a motion for the Board to engage the services of an expert dietitian consultant to review records related to case 06OBD93.**

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

<b>Cynthia Blocksom</b>	<b>yes</b>	<b>David Holben</b>	<b>yes</b>
<b>Claire Adkins</b>	<b>yes</b>	<b>James Mermis</b>	<b>yes</b>
<b>Vandadean Rogers</b>	<b>yes</b>		

Ms. Mavko will attempt to engage the services of the consultant who was previously contracted, and who is familiar with the types of records and clients served by the respondent. If that individual is not available, another qualified dietitian will be consulted.

## **AGENDA ITEM # 9—DISCUSSION OF PERTINENT LEGISLATIVE MATTERS**

### **HB 66 – Budget Bill – Transfer and consolidation of regulatory boards**

The Budget Corrections Bill is expected to be introduced into the House of Representatives Finance Committee within the next few days, and it is expected to include language either enabling the proposed transition and consolidation of Boards and Commissions or stopping the proposal. There have been mixed messages from various sources in the Senate and House indicating that there may be confusion about the recommendations made by the Transition Team within their report. Ms. McKnight reports that the Ohio Dietetic Association and other professional associations are continuing to lobby against the proposed consolidation, and in favor of SB 222 which would stop the consolidation.

Staff will continue to monitor this issue and update the Board.

### **SB 222 – Proposal to Eliminate the Consolidation of Regulatory Boards**

Senators K. Coughlin and R. Gardner introduced SB 222 which proposes to eliminate the transition and consolidation of the 20 Regulatory Boards that was incorporated into HB66 – Budget Bill. It would also restore appropriations for the 20 agencies that were removed from the FY 2007 Budget Bill

It is unlikely that this legislation will be the vehicle that would stop Board consolidation at this point. It is more likely that removing it from the Budget corrections bill would be feasible.

### **Sub HB 117 (Reidelbach) and SB 98 (Clancy)**

Companion bills Sub HB 117- version 4 and Sub SB 98 have had no official activity since the November meeting. However, staff has become aware that a substitute bill is being discussed with Legislators and the media and that it purportedly will include some type of oversight for the unlicensed practitioners.

### **HB 349 – Pawpaw as State Fruit**

Ms. Mavko reported that HB 349 proposing to adopt the pawpaw as the state fruit as introduced by Representative Jimmy Stewart has had no activity

### **SB 113 - Diabetes Cost Reduction Act**

The Ohio Dietetic Association is continuing to support the Diabetes Cost Reduction Act. This legislation is in its 12<sup>th</sup> year. There was a press conference on 3/1/06 about the

issue. Pat McKnight will be meeting soon with Senators Stivers and Harris to discuss the importance of the legislation.

**HB 267 – Eliminates the regulatory board’s ability to discipline licensees for any felony.** The ability for regulatory boards to discipline for “any felony” is eliminated. Both misdemeanors and felonies are substituted with “criminal offense that is substantially related to” the profession. The bill also requires that each Board then define the offenses in rule. The bill is very lengthy, with sections for pertinent to each agencies statutes. The AG’s office sent out a copy of the key language in a nicely condensed e-mail. A copy was reviewed with the Board members and is attached to the minutes of the meeting.

**SB 160 – Cultural Competency legislation** – This bill would require instruction in cultural competency for physicians to be eligible for a license to practice. The bill remains controversial and has had only 1 hearing (sponsor testimony by Rep. Ray Miller). The Health Committee had many questions of the sponsor at that time. It does not appear likely to go forward at this time.

**HB 419 – Health Care Coverage for Amino Acid Infant Formulas** – This bill has had no action in the Health Committee since the last Board meeting.

**SB 232 – Open Meetings Legislation** – indicates that one can not circumvent the open meetings act by pre-arranged e-mail correspondence. It also holds that e-mail is a public record. Staff will follow.

**HB 95 - School Foods** – has had no activity. The interested parties including the Ohio Dietetic Association have been hosting informational breakfasts for legislators to discuss the issue behind the intent to improve foods in Ohio schools. Ms. McKnight reported that the breakfasts have been a pretty good way to discuss the issues, and network with interested parties. The next breakfast will be held on April 5, 2006.

## **AGENDA ITEM # 10—BOARD REPORTS**

### **Board Chairman – Ms. Blocksom – No report**

#### **ODA Liaison – Pat McKnight**

1. Ms. McKnight reported that plans are in place for the 16<sup>th</sup> Annual Legislation and Public Policy Workshop scheduled for March 30, 2006. Senator Coughlin has agreed to speak to the attendees and will likely be able to update us on the Board consolidation efforts or plans for SB 222 which would remove the consolidation plans.
2. Ms. McKnight reported that Senator Kevin Coughlin was nominated by ODA for the Legislator of the Year Award from the Ohio Health Advocacy Network. He received the award at Ohio Health Day in February.

3. Ms. McKnight reported that Representative McGregor contacted her for thoughts and guidance regarding a potential draft of a bill that would license naturopaths in Ohio.

### **Directors Report – Kay Mavko**

1. All but one of the Board members financial disclosure reports have been turned in to Ms. Mavko for filing. There is plenty of time before the April 17 deadline. Ms. Mavko will pay by ISTV when she knows that all have been filed.
2. The OCSEA contract has been ratified. Travel reimbursement for mileage has increased to 40 cents per mile and lodging to \$80 per night effective March 1, 2006. Ms. Mavko will e-mail new travel reimbursement request forms to each Board member that incorporates the new mileage calculations. The contract also includes 3%, 3.5%, and 3.5% pay increases over the three-year period.
3. A draft of articles for the Spring Communique' that will be mailed out with renewal applications were reviewed with the Board. Suggestions were made and will be incorporated into the newsletter.
4. The Board discussed ideas for new jurisprudence modules and plans to publish at least one by the fall of this year. Suggested topics include: supervision of exempt practitioners, dietitian approval of weight control programs, and order writing.
5. Ms. Mavko represented the Board at a meeting recently that was sponsored by the Ohio Department of Education (ODE) and the Ohio Board of Regents. They are in the initial stages of developing Human Services Career Field Technical Content standards for Ohio College Tech Prep and career-technical education programs. We discussed the curricular structures that will guide the secondary and post-secondary human services programs, provided information about state and national professional education structures, and worked on a vision for Ohio's Human Services Career Field structure.

The meeting was attended by educators, licensing board representatives, practitioners, ODE and OBR staff. A brief review of the concepts was discussed with the Board and is attached to the minutes of the meeting.

6. Ms. Mavko was asked to speak to the Ohio State University College of Allied Medical Professions Graduate class in Health Policy. We discussed dietitian's efforts to seek licensure in Ohio, the history of our Board, and the legislative challenges that have occurred over the lifetime of our agency. The class was small and included students from various health professions, but was enthusiastic and seemed to understand how the experience could apply to other health professions as well.

7. Marisa Giarrana, an Ohio University Dietetics graduate will begin as the Intermittent Clerk 1 to assist with license renewal. She will work until mid-June. We are in the process of interviewing a number of Ohio State University students who have expressed interest in filling the position for the rest of the summer. There will be a one-week cross over training period.
  
8. The subscription to the Quia website just recently started. Ms. Mavko is in the process of posting the current two jurisprudence modules to the website. Information will be provided to licensees via the OBD website and Communique' newsletter to inform them on how to access the educational modules.  
  
Use of this site should reduce the administrative burdens of grading jurisprudence quizzes, and mailing the certificates of completion.
  
9. Mr. Mermis and Ms. Rogers attended the Attorney General and Ethics Commission seminar on March 2, 2006 and found it to be informative.

**AGENDA ITEM #11—FINANCIAL REPORT- Kay Mavko**

The financial report was presented for the month of January 2006 (February reports were not yet available) including Allocations and Appropriations, Expenditures, and Revenues to Date. Expenditures for the month of January were \$36,139.90. Revenue collected for January was \$1,155.

**RESOLUTION #10**

**Claire Adkins moved and David Holben seconded a motion to approve expenditures as presented for January 2006 and to accept the financial report as submitted to the Board by the Executive Secretary.**

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

<b>Cynthia Blocksom</b>	<b>yes</b>	<b>David Holben</b>	<b>yes</b>
<b>Claire Adkins</b>	<b>yes</b>	<b>James Mermis</b>	<b>yes</b>
<b>Vandadean Rogers</b>	<b>yes</b>		

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

After the last meeting of the Board, Central Service Agency indicated to us that the group-rate subscription to Gongwers Legislative News Service was due to be renewed in February and needed to be paid quickly in order to get the reduced rate. Chairman Blockosm verbally authorized payment. Ms. Mavko is seeking full Board ratification of the expense item.

**RESOLUTION #11**

**James Mermis moved and Vandadean Rogers seconded a motion to ratify the expense of \$750.00 for renewal of the subscription to Gongwers News Service as previously authorized by Board Chairman, Cynthia Blocksom.**

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

<b>Cynthia Blocksom</b>	<b>yes</b>	<b>David Holben</b>	<b>yes</b>
<b>Claire Adkins</b>	<b>yes</b>	<b>James Mermis</b>	<b>yes</b>
<b>Vandadean Rogers</b>	<b>yes</b>		

Ms. Mavko requested approval for two staff members and two Board members to attend the Ohio Dietetic Association Annual meeting in Columbus, Ohio May 11 and 12, 2006.

**RESOLUTION #12**

**Claire Adkins moved and David Holben seconded a motion to approve participation by two staff and two Board members in the Ohio Dietetic Association Annual meeting in Columbus, Ohio May 11 and 12, 2006 and to reimburse for registration and usual travel expenses as the budget will permit.**

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

<b>Cynthia Blocksom</b>	<b>yes</b>	<b>David Holben</b>	<b>yes</b>
<b>Claire Adkins</b>	<b>yes</b>	<b>James Mermis</b>	<b>yes</b>
<b>Vandadean Rogers</b>	<b>yes</b>		

**AGENDA ITEM #12 and 13 – SUBCOMMITTEE MEETINGS and REPORTS**

The Education subcommittee met briefly and reviewed 4 Learning Logs submitted by licensed dietitians. Two of the four logs submitted were presented by dietitians whose continuing education cycles end June 30, 2006. They both successfully have completed at least a minimum of 75 cpeus using the professional development portfolio process. The other dietitian whose cycle ends has not yet submitted any ceu's but has received a letter from staff reminding the licensee that the professional development cycle ends June 30, 2006. The rest of the licensed dietitians (approximately 75) who are not Registered dietitians have cycles that end in June of 2008.

**AGENDA ITEM #14--UPCOMING MEETINGS**

The scheduled meeting dates for calendar 2006 are  
May 19, 2006                      September 15, 2006  
July 21, 2006                      November 17, 2006 (changed from original 11/10/06 date)

**AGENDA ITEM # 15 - ADJOURNMENT**

**A motion was made to adjourn the meeting. There was consensus by the Board. The March 3, 2006 meeting of the Ohio Board of Dietetics adjourned at 4:00 p.m.**

**Respectfully submitted,**

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

\_\_\_\_\_ Date \_\_\_\_\_  
**Cynthia Blocksom**  
**Chairman, Ohio Board of Dietetics**

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