

**OHIO BOARD OF DIETETICS
MINUTES OF THE BOARD MEETING
May 16, 2008
East B, 31st Floor, Vern Riffe Center
Columbus, Ohio
10: A.M.**

DRAFT

AGENDA ITEM #1 – CALL TO ORDER

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

OTHERS PRESENT: Kay Mavko, OBD Executive Secretary; Pat McKnight, Ohio Dietetic Association liaison; Donald Davis, OBD Compliance Specialist, Diane Weaver, OBD Intermittent Clerk 1, Yvonne Tertel, Principal Assistant Attorney General.

The meeting was called to order at 10:08 A.M. by Chairman Mermis. Ms. Astrom was introduced as the newly appointed Board member (replacing Cynthia Blocksom), Mr. Davis as the newly hired Compliance Specialist, and Ms. Weaver as the Intermittent Clerk hired for this summer.

AGENDA ITEM #2– APPROVAL OF MINUTES OF THE MARCH 28, 2008 MEETING

The minutes of the March 28, 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

Vandadean Rogers moved and Kay Soltesz seconded a motion to approve the minutes of the March 28, 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	Claire Adkins	yes
		Mary Frances Astrom	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 7 individuals to the Board who were issued a Limited Permit license between 3/28/2008 and 5/15/2008.

RESOLUTION #2

Claire Adkins moved and Kay Soltesz seconded a motion to place upon the minutes of the May 16, 2008 meeting the names of 7 individuals who were issued a Limited Permit during Fiscal Year 2008 with the expiration date of October 31, 2008 since the March 28, 2008 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:

Claire Adkins	yes	James Mermis	yes
Vandadean Rogers	yes	Kay Soltesz	yes
		Mary Frances Astrom	yes

Ms. Mavko presented the names of 28 individuals who were issued a license for Fiscal Year 2008 between March 28, 2008 and May 15, 2008. The list included 24 initial licenses, 2 reactivations, and 2 duplicate licenses. The following motion was made:

RESOLUTION #3

Claire Adkins moved and Vandadean Rogers seconded a motion to place upon the minutes of the May 16, 2008 meeting, the names of 28 dietitians who met qualifications, pursuant to Section 4759.06 ORC, and who were issued a license by the Executive Secretary during Fiscal Year 2008 since the March 28, 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:

Claire Adkins	yes	James Mermis	yes
Vandadean Rogers	yes	Kay Soltesz	yes
		Mary Frances Astrom	yes

AGENDA ITEM #4 – FY2009 LICENSE RENEWAL INTERIM REPORT – DIANE WEAVER / KAY MAVKO

Diane Weaver reported that on 4/14 and 4/15/2008 the Board mailed 3,347 renewal applications to eligible licensees. An additional one (1) application was printed and held due to questions about whether the licensee is eligible for renewal.

As of 5/15/2008 19 batches of renewal applications have been returned and processed for a total of 978 . Twenty six (26) persons have requested a change to inactive status, 14 have elected to let their license expire, 852 license ID cards have been printed and mailed and 48 are ready to be printed on Monday. Thirty eight (38) incomplete applications are on file waiting for additional information.

Ms. Mavko reports that staff are keeping up with the return of applications and it is taking just 1-2 work days from receipt of complete applications to get them issued.

Additionally, the end of the first continuing education cycle for licensed non-registered dietitians using the portfolio process is this year. Ms. Mavko reminded the Board members that the learning logs will need to be reviewed between today's meeting and the next meeting in order to be able to renew the licenses of those who have not yet submitted their cues. The Board directed staff to review the logs in lieu of the full committee. Ms. Mavko and Mr. Davis will review the logs and report to the Board at the next meeting.

A copy of the interim license renewal report is attached to the minutes of the meeting.

AGENDA ITEM # 5 – UPDATE ON BACKGROUND CHECK PROCEDURES AND DRAFT RULE(S)

Ms. Mavko reported that the implementation of the requirement for background checks for first time license applicants has been going pretty smoothly. The information that we posted on the website has been adequate for the most part to inform potential applicants about the process, and there has been little confusion.

Additionally, a copy of the draft criminal records check rule was presented to the Board with the suggestion that records retention schedule for the reports be one year from the date of the receipt of the report in the Board office (as evidenced by the receipt date stamp). The Board agreed that the draft rule appears to be complete, and suggested that it be submitted as a new rule later this year when the standards of practice rules are ready to be updated. Meanwhile, the Board directed staff to follow the content of the rule as policy. A copy of the draft rule is attached to the minutes of the meeting.

AGENDA ITEM #6 – DISCUSSION OF PERTINENT LEGISLATIVE ISSUES

HB 254 – The Ohio School Wellness Legislation – Ms. McKnight reports that HB 254 has had a substitute bill accepted by the committee. The purpose of the bill is to ensure that Ohio's children have access to a high quality nutrition and physical activity environment.

SB 99/ HB137 the Diabetes Cost Reduction Act is assigned to the House Health Committee where Representative Wachtman is the Chairman. He has been unwilling in the past when he was in the Senate Health Committee to move the bill. The proponents

are hoping to work with Speaker Husted to see the legislation as a priority, and to encourage hearings in the House Health Committee.

HB 148 – Alternative and Complementary Practitioners – there has been no official activity related to this bill.

Newsweek magazine has done an article on raw milk and the proposed federal legislation to allow the sale of raw milk across state lines between states that permit it's sale to consumers. The Ohio Raw Milk bill – HB52 / SB95 has not moved in the legislature, and faces opposition from numerous health related groups.

AGENDA ITEM # 7 – DISCUSSION OF ADA STANDARDS OF PRACTICE CHANGES

The American Dietetic Association's Quality Management Committee has recently revised the Standards of Practice and Standards of Professional Performance for Registered Dietitians (SOP/SOPP). They have also developed SOP and SOPP for Dietetics Technicians Registered, and a definition of the supervision required for Dietetic Technicians Registered by the Registered Dietitian. The revisions stress the team interaction of RDs and DTRs so there is shared understanding in practice.

Key differences from the 2005 SOP/SOPP and the 2008 version include:

- The term "Supervision" was defined - indicating that the DTR works under the supervision of the Registered Dietitian
- Standards describe a "minimum" level of competence rather than the previous "competent" level of practice
- DTR standards now clearly show a supportive relationship between the DTR and the RD where the standards were similar previously
- The DTR's participation in nutritional screening is discussed now where it was not previously
- Nutrition Assessment is deemed to be the professional responsibility of the RD and the DTR assists with the collection of relevant data
- Nutritional Diagnosis is deemed to be the professional responsibility of the RD with support from the DTR in data collection
- The RD plans and selects nutrition interventions as appropriate and may assign certain interventions to the DTR such as medical food supplements, education, and meal planning. Previously DTR's implemented interventions for uncomplicated patients.
- Previously the DTR monitored progress for uncomplicated instances of common conditions – now the DTR participates in nutrition monitoring under the supervision of the RD.
- Previously there was one combined SOPP for the RD and the DTR. Now there is a set for each professional

Chapter 4759.05 of the Revised Code specifies:

“The Ohio board of dietetics shall:

(A) Adopt, amend, or rescind rules pursuant to ‘Chapter 119. of the Revised Code to carry out the provisions of this chapter, including rules governing the following:

*** (8) Standards of professional responsibility and practice for persons licensed under this chapter that are consistent with those standards of professional responsibility and practice adopted by the American dietetic association;”

Therefore, it is essential that the Board review ADA’s new SOP/SOPP and potentially revise, amend, or rescind the existing Administrative Rules contained in section 4759-06 of the Ohio Administrative Code in order to be consistent.

The Board has agreed to engage a workgroup of interested and affected parties to make recommendations to the Board about the SOP/SOPP. Ms. Mavko presented a list of potentially interested groups to the Board, and the members made recommendations for persons who might participate. Staff will coordinate the meetings and workgroup. When the Rules subcommittee meets later in the meeting they will propose the charge for the SOP/SOPP workgroup, and proposed dates to start to meet.

AGENDA ITEM # 8 -- ENFORCEMENT REPORT – KAY MAVKO / DON DAVIS

The enforcement report was prepared by Kay Mavko and Don Davis, since this is the first Board meeting that Mr. Davis has attended as staff.

Ms. Mavko presented the Enforcement report for the period of March 28, 2008 through May 16, 2008. Nine cases were closed at the March Board meeting and since then 4 cases have been opened, resulting in a pending caseload of 17 open cases.

The comparison of enforcement statistics between 2nd Quarter 2008 and 2nd Quarter 2007 indicate that the number of new cases has increased (+10), number of cases closed has also increased (+19), resulting in a lower number (-12) of pending cases for this same time period.

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

STATUS OF BOARD ACTIONS

Kimberley Beckley continues on probation through June 30, 2008 and her continuing education submission is monitored. She has remained in compliance with the terms of

her adjudication order to date. The last 15 hours of continuing education are due June 30, 2008.

Sandra Hathaway has completed all Board assigned coursework per Adjudication Order and continues on Probation until June 30, 2008. She has submitted her amended Learning Plan for approval by the Board in anticipation of submitting her corresponding Learning Log that will include the assigned coursework.

AGENDA ITEM # 9 – EXECUTIVE SESSION – ENFORCEMENT

The Board moved into Executive Session at 11:20 A.M. with the following motion:

RESOLUTION # 4

Claire Adkins moved and Vann Rogers 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:

Claire Adkins	yes	James Mermis	yes
Vandadean Rogers	yes	Kay Soltesz	yes
		Mary Frances Astrom	yes

The Board came out of executive session at 12:00 Noon.

AGENDA ITEM # 10 – FINDINGS, ORDERS, AND ACTIONS

RESOLUTION # 5

Kay Soltesz moved and Claire Adkins seconded a motion to close the following cases for the reasons cited:

08OBD36	FY 08 Expired license relocated to VA
08OBD50	FY 08 Expired license relocated to NY
08OBD51	FY 08 Expired license. Reinstated license.
08OBD82	Ceased offering services that constitute the practice of dietetics
08OBD87	Issue license with advisory letter and condition – written paper to Board and letter to internship

The motion was approved with vote as follows:

Claire Adkins	yes	James Mermis	yes
Vandadean Rogers	yes	Kay Soltesz	yes
		Mary Frances Astrom	yes

AGENDA ITEM # 11– BOARD REPORTS

CHAIRMAN – James Mermis – No report

ODA LIAISON – Pat McKnight - Next year (2009) ODA will try to have two Advocacy Days. One on April 1st when legislators will meet to talk with students and dietetics interns, and another planned for March 18th for Dietitians following the format that has been used for the past number of years.

A number of ODA members are interested in being appointed to the Board. Pat will send recommendations to the Governor’s office for the Dietitian member position that Claire Adkins will be retiring from in June. Hopefully, a timely appointment will be made. Ms. Adkins has said that she would be available for the July meeting if a replacement has not been appointed.

DIRECTORS REPORT – Kay Mavko

1. The Auditor of State will begin auditing in June. This visit is rather unexpected, as the last time the agency was audited staff was told that the auditors would not be back until 2009. It is anticipated that it will take three weeks. The timing is difficult because it is scheduled to coincide with the peak renewal period.
2. DAS has informed the agencies using E-licensing that we will not be billed for maintenance for FY09 – however we will be going to a monthly billing for IT services – including the IT support that Bruce Sinmasz provides. Overall, IT costs for the agency should be about the same for the next fiscal year.
3. Staff are not requesting any additional end of year purchases, except for the small back up, color printer fax machine that was approved at the last Board meeting. Due to the Governor’s restrictions on IT purchases, the usual replacement of computers will be delayed.
4. The new OAKS Time and Attendance System will go live next week across all state agencies. All staff members will be entering their own time into OAKS – except for Board members. Ms. Mavko will enter time for Board members. Agency policies regarding signing in, and timekeeping will be updated to reflect the new system.

AGENDA ITEM #12 – FINANCIAL REPORT

The financial report was presented for the months of March and April 2008 including Allocations and Appropriations, Expenditures, and Revenues to Date. Due to the lack of reports available, the figures included in this report are calculated again on best guess information, and much of the reporting was done by hand. Operational Expenditures for the month of March were \$2,875.07 and for April were \$2,990.40 excluding payroll. Payroll expense third quarter was \$57,446.56 and fourth quarter to date was \$21,787.91 (including the \$9,215.77 retirement pay-out of benefits for the Compliance Specialist).

Revenue collected for March was \$1,890.00 and for April was \$24,185.00 resulting in a total revenue for FY 2008 to date of \$111,753.00.

2009 APPROPRIATIONS

A draft of proposed Appropriations and Allocations plan for Budget year FY2009 was also presented to the Board. Minimal changes to the budget accounts are planned for the next fiscal year.

FY 2010 – 2011 BUDGET PREPARATION

Ms. Mavko reported that budget preparation for FY 2010-2011 will be done using the OAKS system and that training will occur at the end of June. The Budget module will be available shortly after the first of the new fiscal year.

RESOLUTION # 6

Claire Adkins moved and Mary Frances Astrom seconded a motion to approve expenditures as presented for March and April 2008 and to accept the financial report as submitted to the Board by the Executive Secretary.

The motion was approved with vote as follows:

Claire Adkins	yes	Vandadean Rogers	yes
James Mermis	yes	Kay Soltesz	yes
		Mary Frances Astrom	yes

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

AGENDA ITEMS # 13 & 14 - SUBCOMMITTEE MEETINGS AND REPORTS

The **Continuing Education / Professional Development Committee** met and reported that they approved the American Dietetic Association webinar program Risky Business: Protecting Yourself in a Litigious World for 2 hours of Ohio Board of Dietetics approved Jurisprudence Education for the May 20, 2008 program .

The Committee reviewed 10 Learning Logs that were approved as submitted, approved 2

Learning amended Learning Plans as submitted, and will be returning 2 Learning Logs as incomplete.

Because there will not be another board meeting prior to the end of the Non-RD licensed dietitians continuing education period, the committee recommended to the Board that it approve either the review of the portfolios by staff, or approve additional meeting(s) for the committee to meet to review the portfolios. Based on consensus of the Board, staff will review the portfolios so that minimal expense is incurred and maximum efficiency in timely review of the materials continues.

The **Rules Committee** met briefly and reported that it is suggesting that the SOP/SOPP workgroup hold a meeting of the entire group of interested parties on one of the following days: potentially follow up with meetings scheduled for July 25 or 28, and August 18 or 25.

It was also suggested by the committee that a location that is easily accessible and has free parking be used. Ms. McKnight volunteered to host the meeting at Mount Carmel.

Ms. Adkins graciously volunteered to help lead the workgroup as an interested party, even though her Board member appointment will expire soon.

AGENDA ITEM # 15 - UPCOMING MEETINGS

The tentative meeting dates for the remainder of calendar year 2008 are:

July 18, 2008

September 19, 2008

November 7, 2008

AGENDA ITEM # 16 - ADJOURNMENT

A motion was made to adjourn the meeting. There was consensus by the Board. The May 16, 2008 meeting of the Ohio Board of Dietetics adjourned at 3:10 p.m.

Respectfully submitted,

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

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

_____ **Date** _____
Witness

