

**OHIO BOARD OF DIETETICS
MINUTES OF THE BOARD MEETING
June 15, 2007
West C & D, 31st Floor, Vern Riffe Center
Columbus, Ohio**

AGENDA ITEM #1 – CALL TO ORDER

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

ABSENT: James Mermis due to business conflict

OTHERS PRESENT: Beth Shaffer, Compliance Specialist, Kay Mavko, Executive Secretary; Pat McKnight, Ohio Dietetic Association liaison; Aaron Epstein, Assistant Attorney General Rebecca Wehner, OBD Intermittent Clerk

The meeting was called to order at 9:35 A.M. by Chairman Adkins. Ms. Adkins welcomed Ms. Wehner and the Board members introduced themselves.

AGENDA ITEM # 2 – APPROVAL OF MINUTES OF THE MARCH 15, 16 AND 21, 2007 MEETINGS

The minutes of the March 15, 16 and 21, 2007 Board meetings were presented to the Board by the Executive Secretary and they were reviewed and approved as corrected. The following motion resulted:

RESOLUTION # 1

Cynthia Blocksom moved and Vandadean Rogers seconded a motion to approve the minutes of the March 15, 16 and 21 Board meetings as submitted by the Executive Secretary.

The motion was approved with vote as follows:

Claire Adkins	yes		
Cynthia Blocksom	yes		
Vandadean Rogers	yes	Kay Soltesz	yes

A copy of the minutes of each of the March meetings is on file in the OBD office.

AGENDA ITEM # 3– APPROVAL OF LICENSES

Ms. Mavko presented the names of 24 individuals who were issued a Limited Permit license between March 16, 2007 and June 15, 2007. One was issued with an advisory letter.

RESOLUTION # 2

Cynthia Blocksom moved and Vandadean Rogers seconded a motion to place upon the minutes of the June 15, 2007 meeting the names of 24 individuals who were issued a Limited Permit during Fiscal Year 2007 with the expiration date of October 31, 2007 since the March 16, 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:

Claire Adkins	yes		
Cynthia Blocksom	yes		
Vandadean Rogers	yes	Kay Soltesz	yes

Ms. Mavko presented the names of 39 individuals who were issued a license for Fiscal Year 2007 between March 16, 2007 and June 15, 2007. The list included 28 initial licenses, 1 reinstatement, 3 reactivations. One license was issued with an advisory letter. The following motion was made:

RESOLUTION # 3

Cynthia Blocksom moved and Kay Soltesz seconded a motion to place upon the minutes of the June 15, 2007 meeting, the names of 39 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 March 16, 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 #3)

The motion was approved with vote as follows:

Claire Adkins	yes		
Cynthia Blocksom	yes		
Vandadean Rogers	yes	Kay Soltesz	yes

AGENDA ITEM # 4– FY 2008 LICENSE RENEWAL - INTERIM REPORT

Rebecca Wehner, Intermittent Clerk 1 presented the following information regarding license renewal as of Thursday June 14, 2007.

On or after April 16, 2007 a total of 3,320 applications for renewal were mailed to dietitians actively licensed. As of June 14, 2007 1,921 renewal applications have been returned for processing. One thousand nine hundred twenty-one renewal applications have been processed with 1,647 licenses issued to date. One hundred forty-six are incomplete for information, and 106 applications are currently being processed. Thirteen

licensees requested Inactive status, 3 chose Expired status and 4 applications are currently classified as problems due to failure to pay fees or other reasons which will require special handling.

Many of the incomplete applications are awaiting evidence of completion of jurisprudence continuing education. A number of licensees who took on-line jurisprudence modules did the on-line version of the same module that they submitted during 2005 renewal. So we have had to return their applications and direct them to take another module or submit another approved program certificate.

When comparing progress to date between this time in 2006 and 2007, we are behind in processing by about 120.

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

Ms. Mavko additionally noted that to date 2777 persons have completed Jurisprudence module quizzes using the Quia website.

AGENDA ITEM # 5 --DISCUSSION OF PERTINENT LEGISLATIVE ISSUES

Ms. Mavko reported that **HB 104 – Criminal Records Check** bill is progressing through hearings. A minor change in language has been made via amendment offered. The bill continues to move forward.

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 was included in the Communique' that the Board is mailing to renewed license ID cards in order to begin to educate licensees and educators of dietitians about this pending legislation. No persons have contacted the Board about the legislation either in support or opposition.

Diabetes Cost Reduction Act HB 137 and SB 99 have been not had hearings.

Ms. McKnight reports that proponents of the legislation are frustrated because hearings have not begun.

School Wellness Bills

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 foods and wellness** legislation has been introduced in the form of HB 254 co-sponsored by Rep. Peterson (R) and Rep. Strahorn (D). The bill includes 3 key areas – Nutrition Environment, Local School Wellness Policies, and State Level Infrastructure. The legislation is designed to preserve local control and choice and flexibility for school districts while providing guidance toward student wellness in the school environment. The bill will enable schools to provide consistent messages related to health and wellness throughout Ohio school districts.

Ms. McKnight provided the Board with a summary of the bill. It is assigned to the House Education Committee. A copy of the summary is attached to the minutes of the meeting.

HB 148 proposing the Registration of Alternative Practitioners has been introduced and is almost identical to the previous bill from the 126th General Assembly Sub – HB 117-version 6. The current bill has had no official activity and no hearings have been scheduled yet. A copy of the bill was provided for the Board members and Ms. Mavko prepared an updated “Talking Points” document that summarizes some of the Board’s concerns with the proposed legislation. A copy is attached to the minutes of the meeting.

HB 130 is a large **Department of Rehabilitation and Correction (DRC)** bill that includes a section that would potentially require each Board to define the crimes that are substantially related to an applicant’s fitness and ability to perform the duties and responsibilities of the profession or occupation that could result in denial or revocation of a license. Boards were concerned that we would be unable to identify all substantially related crimes from other states, or even in Ohio’s criminal codes, and that it is important that each Board consider the offenses in each applicant’s case to determine if the offense relates. DRC personnel did not know that applicants for a license have the right to a hearing, and appeals if denied. The legislation also attempts to separate Boards’ moral turpitude sections and gross immorality from language that may equate it to a felony offense.

Mike Miller and Mark Keeley met with DRC and the Sponsors’ Legislative staff to discuss the concerns and to offer suggestions for amending section 4743.06 of the bill. It was agreed that only the statutes that combined the moral turpitude and gross immorality with felonies would be changed and the other Boards’ language would be left alone. Only those boards that are authorized to deny licensure or certification for particular offenses without offering an opportunity for a hearing pursuant to Chapter 119 ORC will have to define those offenses. All parties agreed to the suggestions made and LSC will draft amendments or changes as needed.

A copy of the draft language suggested and an e-mail describing the meeting are attached to the minutes of the meeting.

Ms. Mavko reported that **HB 200 proposing the licensure of Home Health Care Workers** creating a license through the Department of Health and sponsored by Rep. Boyd (D) has been introduced and assigned to the Health Committee. It does not appear to affect the practice of dietetics.

AGENDA ITEM # 6 --DISCUSSION OF DRAFT GUIDELINE – ORDER WRITING

Staff presented the Board with an updated draft of the Order Writing Guideline. The key issue related to limiting dietitians from writing orders is that order writing appears to be the practice of medicine as defined within the Medical Practice Act, and is not a medical task that can be delegated. After discussion of the document and its potential impact in the workplace the Board directed staff to set a meeting with concerned dietitians who have contacted the Board about this issue. A small group of dietitians with someone from each of the following areas of practice - long term care, hospital, dialysis, will meet to review and respond to the draft document. Staff will coordinate the meeting.

The 6-15-07 version of the draft guideline is attached to the minutes of the meeting. The Board also suggested that staff provide copies of the draft if individuals request input on the issue of writing diet and nutrition orders.

AGENDA ITEM # 7 – ENFORCEMENT REPORT / STATUS OF BOARD ACTIONS

Ms. Shaffer presented the Enforcement report for the period of March 16, 2007 through June 15, 2007. There are currently 28 open cases pending. Five cases were closed at the March 16, 2007 meeting and 18 cases opened since that date. A summary of completed and pending cases was provided, and is attached to the minutes of this meeting.

AGENDA ITEM # 8 -- STATUS OF BOARD ACTIONS

A Notice of Opportunity for Hearing with Consent Agreement in lieu of Hearing was mailed to Vihbuti Patel on March 22, 2007. Ms. Patel signed the consent Agreement on April 1, 2007. Approval of the agreement will be considered by the Board in Executive session.

Ms. Deanna Printz is scheduled to appear before the Board later in the meeting to discuss the Ethics course assigned by the Board in partial fulfillment of the conditions of the Consent Agreement into which she has entered with the Board. Her license remains on Probation through June 20, 2011.

Kim Beckley has not submitted continuing education for this year as of this date.

Sandra Hathaway has completed all coursework per adjudication order and remains on probation until June 30, 2008.

AGENDA ITEM # 9 –EXECUTIVE SESSION – ENFORCEMENT

The Board moved into Executive Session for consideration of disciplinary matters at 11:10 a.m. with a roll call vote. The following were in attendance: Ms. Adkins, Ms. Blocksom, Ms. Soltesz, Ms. Rogers, Mr. Epstein, Ms. Shaffer, and Ms. Mavko. Ms. Wehner was invited to attend.

The following motion was made:

RESOLUTION # 4

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:

Claire Adkins	yes		
Cynthia Blocksom	yes		
Vandadean Rogers	yes	Kay Soltesz	yes

The Board briefly popped out of Executive Session at 12:15 p.m. for a scheduled lunch, re-convened at 1:25 p.m. and ending at 1:55 p.m..

AGENDA ITEM #10 – FINDINGS, ORDERS, ACTIONS

RESOLUTION # 5

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

- 07OBD67 Education provided. Ceased using title “Nutritionist” while offering general non-medical nutrition information.
- 07OBD72 Insufficient evidence of Ohio practice. Non-jurisdictional.
- 07OBD78 Issue license with advisory letter for exceeding 15 day allowance. Open two secondary complaints alleging RD unlicensed practice.
- 07OBD79 Unfounded for practice. Voluntarily ceased offering nutrition assessments.
- 07OBD80 Records checked. Unfounded. License issued.

- 07OBD81 License issued with advisory letter. Letter of information to supervisor.
- 07OBD82 Unfounded for owner applicant. License reinstated. Information to file 07OBD92. Send information letter regarding unlicensed practice by employees.
- 07OBD83 Insufficient evidence of practice. Voluntarily ceased use of titles indicating practice.
- 07OBD84 Voluntarily ceased practice and use of titles. Follow-up for web changes in one month.
- 07OBD86 License issued with advisory letter for unlicensed practice. Informational letter to retired LD.
- 07OBD90 Came into compliance and appears to meet exemption 4759.10 (B)ORC. Letter to current supervising LD.
- 07OBD91 Records checked. Memo to file. Renew license.
- 07OBD92 Advisory letter for exceeding 15 day allowance and information about Ohio licensure including application provided.

The motion was approved with vote as follows:

Claire Adkins	yes		
Cynthia Blocksom	yes		
Vandadean Rogers	yes	Kay Soltesz	yes

7001 RESOLUTION # 6

Cynthia Blocksom moved and Vandadean Rogers seconded a motion to close the following case for the reason cited:

- 07OBD75 Education provided. Appears to meet exemption per §4759.10 (H) & (I) ORC.

The motion was approved with vote as follows:

Claire Adkins	yes		
Cynthia Blocksom	yes		
Vandadean Rogers	yes	Kay Soltesz	abstained

RESOLUTION # 7

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

07OBD87 Records checked. Issue renewal. Request disposition of second offense via letter.

The motion was approved with vote as follows:

Claire Adkins	yes		
Cynthia Blocksom	yes		
Vandadean Rogers	yes	Kay Soltesz	yes

RESOLUTION # 8

Cynthia Blocksom moved and Kay Soltesz seconded a motion to waive the continuing education requirement for renewal of license to practice dietetics pursuant to 4759-4-04 OAC for the applicant in case 07OBD88 if the respondent demonstrates minimum competency to practice dietetics by successfully passing the Dietitian Registration Examination offered by the Commission on Dietetic Registration that she is scheduled to take on June 22, 2007. The Board also requests that the respondent appear at the Board office to review the portfolio process and submit a sample learning plan prior to issuance of the FY 08 renewal ID card.

The motion was approved with vote as follows:

Claire Adkins	yes		
Cynthia Blocksom	yes		
Vandadean Rogers	yes	Kay Soltesz	yes

RESOLUTION # 9

Cynthia Blocksom moved and Kay Soltesz seconded a motion to issue a Notice of Opportunity for Hearing to the respondent in case 07OBD88 if she fails or fails to sit for the Dietitian Registration Examination offered by the Commission on Dietetic Registration on June 22, 2007. The notice will propose to deny renewal of the FY08 license based on failure to meet the continuing education requirements pursuant to 4759-4-04 OAC. The Board also will issue a Consent Agreement in lieu of hearing with conditions. The conditions of the Consent Agreement shall include providing evidence of completion of continuing education hours for the past 5 year continuing education cycle submitted to the Board using the portfolio process, and the Board will establish a new 5 year continuing education cycle for the

respondent who will then be required to submit continuing education to the Board pursuant to 4759-4-04 ORC.

The motion was approved with vote as follows:

Claire Adkins	yes		
Cynthia Blocksom	yes		
Vandadean Rogers	yes	Kay Soltesz	yes

RESOLUTION # 10

Cynthia Blocksom moved and Vandadean Rogers seconded a motion to issue an advisory letter to the respondent in 07OBD89 that includes an assignment to submit a paper to the Board reviewing section 4759.10 (E) relating the key components of the exemption. Additionally, the Board directed staff to open a complaint against the supervising LD who failed to verify the credentials of the respondent and who failed to claim supervision of the respondent on the LDs' annual license renewal applications. The letter should direct the LD supervisor to cease and desist any further failure to verify credentials of persons supervised in the practice of dietetics pursuant to 4759.10 (E) or failure to report them on applications for licensure as required.

The motion was approved with vote as follows:

Claire Adkins	yes		
Cynthia Blocksom	yes		
Vandadean Rogers	yes	Kay Soltesz	yes

RESOLUTION # 11

Staff reported that upon a review conducted 4/19/07 of the practice of Sandra Hathaway 04OBD93. There were no current violations that appeared to rise to the level of discipline. Cynthia Blocksom moved and Kay Soltesz seconded a motion for staff to schedule the next periodic review of the practice of Sandra Hathaway in six months from the date of this meeting.

The motion was approved with vote as follows:

Claire Adkins	yes		
Cynthia Blocksom	yes		
Vandadean Rogers	yes	Kay Soltesz	

RESOLUTION # 12

Cynthia Blocksom moved and Vandadean Rogers seconded a motion to approve the consent agreement signed by Vibhuti Patel in lieu of a Hearing in case 07OBD73 to be effective 6/15/2007.

The motion was approved with vote as follows:

Claire Adkins yes
Cynthia Blocksom yes
Vandadean Rogers yes

Kay Soltesz

AGENDA ITEM # 9 – BOARD REPORTS

Board Chairman – Ms. Adkins – Ms. Adkins acknowledged that Ms. Blocksom’s term on the Board is scheduled to end 6/30/2007. She thanked Ms. Blocksom for her service on the Board and wished her well in her professional and personal endeavors.

Ms. Blocksom did acknowledge that she would be willing to attend the July meeting if a replacement has not been appointed.

ODA Liaison Report – Ms. McKnight

1. Ms. McKnight indicated that the Ohio Dietetic Association is supportive of any and all of the 4 candidates who have expressed interest and submitted their applications for the upcoming dietitian member vacancy.
2. Pat McKnight reported that the next Public Policy Legislative workshop is scheduled for March 5, 2008.

Directors Report – Ms. Mavko

1. Ms. Mavko reported that the implementation of the OAKS financial systems will occur at the end of the FY2007 fiscal year. Staff are scheduled for training. The end of year reports and fiscal reports will be a challenge due to the cut over and implementation.
2. Ms. Mavko reported that the Governor’s order to freeze wages for exempt employees will affect Ms. Shaffer and her. Ms. Spencer should receive a cost of living adjustment as scheduled.
3. All full time Board staff attended the Ethics training sponsored by the Ethics Commission in response to the Governors Executive order. It was an excellent program. There is still no word on when Board members will be scheduled to attend.

5. Ms. Mavko reported that staff will be staggering short vacations over the month of July.
6. Ms. Mavko reported that she has been very busy providing presentations since the March meeting. She presented 7 major presentations and 7 student classes. Five new slide presentations were developed with the help of Ms. Spencer's technical assistance.
7. Ms. Mavko reported that as usual the Board has budgeted for 1 staff and 1 Board member to attend the following meetings:
 - Council on Licensure Enforcement and Licensure (Sept 6-8, Atlanta)
 - Food & Nutrition Conference and Expo (Sept 29-Oct 2, Philadelphia)
 - Citizen Advocacy Council (October 29-31, Seattle)

Ms. Shaffer will attend FNCE, Ms. Mavko will attend CLEAR Board members who are interested should contact Ms. Mavko as soon as possible so that we can register and make travel arrangements.

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

AGENDA ITEM #12 – FINANCIAL REPORT

The financial report was presented for the months of March and April of FY 2007 including Allocations and Appropriations, Expenditures, and Revenues to Date. Expenditures for the month of March 2007 were \$11,649.44 and for April 2007 were \$38,878.80 . Total expenditures to date for FY 2007 were \$242,106.13.

Revenues collected respectively for the months of March and April 2007 were \$1,007.50 and \$10,102.50, for a FY 2007 total revenue to date of \$74,592.50.

RESOLUTION # 13

Vandadean Rogers moved and Cynthia Blocksom seconded a motion to approve expenditures as presented for March and April 2007 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		
Cynthia Blocksom	yes		
Vandadean Rogers	yes	Kay Soltesz	yes

Ms. Mavko presented the OAKS Budget Journal Template that was submitted on behalf of the Board to budget for FY 2008 expenses. The new format is a bit different than the previous allocations and appropriations. The Budget for FY 2008 is based on appropriations of \$342,501. A copy of the template is attached to the minutes of the meeting.

AGENDA ITEM # 13- APPEARANCE OF DEANNA PRINTZ

Ms. Deanna Printz appeared before the Board as agreed to in probationary conditions of the Consent Agreement that was effective 11/20/2006. She appeared to submit and discuss a paper summarizing the Ethical Dilemmas & Decisions course assigned by the Board.

AGENDA ITEM # 14 --REPORT OF GOAL SETTING RETREAT

The report of the Board Planning meeting was submitted by Ms. Gray and presented to the Board members to review. Staff will work on analyzing the material and develop a time line for the action steps, and goals. A copy is attached to the minutes of the meeting.

AGENDA ITEM # 15 & # 16 SUBCOMMITTEE MEETINGS AND REPORTS

The **Education Subcommittee** met and reviewed 11 Professional Development Learning Logs and Learning Plans. Five were complete and 6 will be returned to licensees for revisions.

The committee also suggested to the Board that the program “Avoiding Liability Quicksand: How to Plan Your Steps Carefully” Carolyn Buppert NP, JD and Ellen Pritchett RD as presented at FNCE in October be approved for Ohio Board of Dietetics Jurisprudence credit. The following motion resulted:

RESOLUTION # 14

Vandadean Rogers moved and Kay Soltesz seconded a motion to approve the program seconded “Avoiding Liability Quicksand: How to Plan Your Steps Carefully” Carolyn Buppert NP, JD and Ellen Pritchett RD as presented at FNCE in October for Ohio Board of Dietetics Jurisprudence credit.

The motion was approved with vote as follows:

Claire Adkins	yes		
Cynthia Blocksom	yes		
Vandadean Rogers	yes	Kay Soltesz	yes

The Rules Subcommittee met to develop a proposed schedule for meetings to review the Administrative Rules in preparation for the five-year rule review and revision requirements. The committee proposed that subcommittee meetings be scheduled as follows:

July 31, 2007 1:00 pm
Sept 10, 2007 10:00 am

November 9, 2007 10:00 am
December – estimated filing of rules
Planned date for Rules Public hearing scheduled for January 17 –18 with
Regular Board meeting

Staff will follow-up with coordination of the subcommittee meetings, and preparation of the rule revisions.

AGENDA ITEM # 17 – UPCOMING MEETINGS

The following dates are planned for Regular Meetings of the Board for the remainder of 2007.

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

AGENDA ITEM # 18 -- ADJOURNMENT

A motion was made to adjourn the meeting. There was consensus by the Board. The June 15, 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