

**OHIO BOARD OF DIETETICS
MINUTES OF THE BOARD MEETING
August 25, 2006
Board Room, 31st floor, Vern Riffe Center
Columbus, Ohio**

AGENDA ITEM #1 – CALL TO ORDER

BOARD MEMBERS PRESENT: Cynthia Blocksom, Claire Adkins, Vandadean Rogers, Jim Mermis.

OTHERS PRESENT: Kay Soltesz, newly appointed Educator Board member, Beth Shaffer, OBD Compliance Specialist; Kay Mavko, OBD Executive Secretary; Pat McKnight, Ohio Dietetic Association liaison; Barbara Pfeiffer, Assistant Attorney General; Julie Kobus, Dietetic Intern from Kent State University.

The meeting was called to order at 10:05 a.m. by Chairman Blocksom. Ms. Blocksom welcomed, and introduced Kay Soltesz, PhD, RD, LD who was recently appointed to replace Dave Holben as Educator Board member. Claire Adkins introduced Ms. Kodus. Each Board member and staff then introduced themselves and shared information about their background and role with the Board.

AGENDA ITEM #2 – APPROVAL OF MINUTES OF THE MAY 19, 2006 MEETING

The minutes of the May 19, 2006 regular Board meeting were presented to the Board by the Executive Secretary and they were reviewed and approved as corrected. The following motion resulted:

RESOLUTION #1

Claire Adkins moved and Vandadean Rogers seconded a motion to approve the minutes of the May 19, 2006 regular Board meeting as submitted by the Executive Secretary and corrected.

The motion was approved with vote as follows:

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

AGENDA ITEM #3 – APPROVAL OF LICENSES

Ms. Mavko presented the names of 28 individuals who were issued a Limited Permit license between May 19, 2006 and the end of the fiscal year on June 30, 2006. The Limited Permits issued all had expiration dates of October 31, 2006. The following motion was made:

RESOLUTION #2

Claire Adkins moved and James Mermis seconded a motion to place upon the minutes of the August 25, 2006 meeting the names of 28 individuals who were issued a Limited Permit during Fiscal Year 2006 with the expiration date of October 31, 2006 since the May 19, 2006 meeting of the Board and prior to the end of the fiscal year on June 30, 2006. 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:

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

RESOLUTION #3

Vandadean Rogers moved and James Mermis seconded a motion to place upon the minutes of the August 25, 2006 meeting, the names of 5 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 May 19, 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	James Mermis	yes
Claire Adkins	yes		
Vandadean Rogers	yes		

RESOLUTION #4

Claire Adkins moved and Vandadean Rogers seconded a motion to place upon the minutes of the August 25, 2006 meeting the names of 21 individuals who were issued a Limited Permit during Fiscal Year 2007 with the expiration date of October 31, 2006 since the May 19, 2006 meeting of the Board. The names appear on the list presented to the Board by the Executive Secretary. (See attached list labeled Resolution #4)

The motion was approved with vote as follows:

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

RESOLUTION #5

Claire Adkins moved and Vandadean Rogers seconded a motion to place upon the minutes of the August 25, 2006 meeting, the names of 36 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 May 19, 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 #5)

The motion was approved with vote as follows:

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

AGENDA ITEM # 4 – UPDATE ON LICENSE RENEWAL

Ms. Mavko reported the Interim License Renewal statistics for Fiscal Year 2007 as follows: OBD mailed 3,205 renewal applications April 5-7, 2006. To date, 3,121 licenses have been renewed, 39 expired licenses are being docketed for follow-up investigation. Fifty-four licensees requested to change to inactive status during the renewal period, and 43 let their licenses expire with reason. 2 individuals were reported as deceased.

There are currently 78 individuals who remain as licensed dietitians who are not also Registered Dietitians and who must meet continuing education requirements directly through the Board.

This year staff began using supervision functions within the CAVU licensing system. We have entered the contact information for all dietitians who reported supervision of persons claiming exemption 4759.10 (B) Dietetic Technicians, and 4759.10 (E) Baccalaureate degree graduates. 252 Dietetic Technicians, and 191 Dietetic Technicians Registered were reported working under exemption 4759.10 (B). 97 Baccalaureate degree graduates, and 1 baccalaureate degree graduate who is also a Dietetic Technician Registered were reported to be working under exemption 4759.10 (E). The total number reported is 541.

Overall renewal has gone very smoothly this year. Having the Intermittent Clerk position filled from April through September 8 allowed us to keep up with the renewal application processing and catch up on projects that needed to be done.

AGENDA ITEM #5 – FOLLOW UP ON AUDIT FOR INTENT TO PRACTICE IN THE STATE

About 100 FY 2007 active out of state license files were pulled after renewal to review the records to see if the licensees reported employment in Ohio. Those who reported employment in Ohio were excluded leaving 29 files of individuals who had no clear intent to practice in Ohio. Each remaining record was reviewed for state of residence, last state of residence, states of licensure, last reported employment, and last evidence of employment in Ohio.

The results of the review were provided to the Board members. 13 individuals were found to have no evidence of intent to practice for between .06 to 13 years.

Beth Shaffer, Compliance Specialist recommended that the 13 individuals be contacted by telephone to establish if they intend to practice in Ohio, and to educate them about the law and the expired / inactive status. If intent is expressed a memo to file will be made, and if no intent is expressed the file will be marked for review during renewal FY 08. At that point the Board will review in light of the requirement that licensees demonstrate intent to practice in the state.

The Board discussed the audit, directed staff to contact the 13 individuals who have no apparent intent to practice and stressed that an educational approach should be taken when contacting licensees. Staff will follow-up and report at the October meeting.

A copy of the preliminary audit is attached to the minutes of the meeting.

AGENDA ITEM # 6 – ENFORCEMENT REPORT – Beth Shaffer

Ms. Shaffer reported that for the period of May 19, 2006 through August 25, 2006 there are currently 23 open cases pending. Eleven cases were closed at the May 19, 2006 meeting and 15 cases 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 reported the timely receipt of notification of satisfactory completion of “Geriatric Nutrition” by Ms. Hathaway. This fulfills the current portion of the continuing education requirement imposed to date as a condition of her Board ordered probation.

AGENDA ITEM #7 – DRAFT OF ANNUAL ENFORCEMENT REPORT

A draft of the annual enforcement report for FY 2006 was provided to the Board for its review. The report indicates that during FY 06 100 cases were opened, 119 total cases investigated, 102 cases closed, and 17 cases were pending at the end of the fiscal year. Of complaints investigated 99 (83%) involved individuals who meet qualifications for licensure and 20 (17%) involved those who do not meet qualifications for a license.

The official actions take by the Boar during FY 2006 were summarized and include 2 final orders, 1 consent agreement, 1 cease and desist letter, 5 letters of caution, and 1 letter of caution with conditions.

The content and format of the report was accepted by the board and will be incorporated into the Annual Board report which will be presented at the November meeting. A copy of the draft enforcement report is attached to the minutes of the meeting.

AGENDA ITEM #8 —EXECUTIVE SESSION - ENFORCEMENT

The Board moved into Executive Session at 11:20.m. with a roll call vote. The following were in attendance: Ms. Blocksom, Ms. Adkins, Mr. Mermis, Ms. Rogers, Ms. Soltesz, Ms.Shaffer, and Ms. Mavko.

The following motion was made:

RESOLUTION # 6

Claire Adkins 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:

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

At approximately 12:45 pm the Board briefly broke for lunch and then re-convened at 1:35

AGENDA ITEM #9 –FINDINGS, ORDERS and ACTIONS

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

Claire Adkins moved and Vandadean Rogers seconded a motion to accept the consent agreement proposed by the Probable Review Panel to the respondent in case 006OBD94.

The motion was approved with vote as follows:

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

RESOLUTION # 8

Claire Adkins moved and James Mermis seconded a motion to close case # 06OBD94 as a result of compliance to the consent agreement offered and ratified by the Board.

The motion was approved with vote as follows:

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

RESOLUTION #9

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

- 06OBD90 Came into compliance with written approval of a general program of instruction for weight control pursuant to 4759.10 (J) ORC.
- 06OBD95 Ceased holding self forth to practice. Appears to be offering non-medical nutrition information and be in compliance with 4759.10 (B) ORC. Send letter of understanding to respondent and gym. Follow-up in 3 months.
- 05OBD85 LPN ceased alleged practice.
- 05OBD90 Insufficient information of alleged unlicensed practice. MT appears to meet supplement sales exemption. Send letter of understanding and copy to Medical Board.

The motion was approved with vote as follows:

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

RESOLUTION # ?10

Claire Adkins moved and James Mermis seconded a motion to close the following cases for the reasons cited.

- 06OBD92 Records checked. Unfounded. Memo to file. License renewed.
- 06OBD93 Records checked. Unfounded. Memo to file. License renewed.
- 06OBD97 Records checked. Unfounded. Memo to file. License renewed.
- 06OBD98 Records checked. Unfounded. Memo to file. License renewed.
- 07OBD02 Records checked. License renewed.
- 07OBD05 Records checked. Unfounded. Memo to file. License renewed.

The motion was approved with vote as follows:

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

RESOLUTION #11

Claire Adkins moved and James Mermis seconded a motion to close case 04OBD03 regarding Kim Beckley as she has continued to comply the Board ordered continuing education requirements for the past 2 years.

The motion was approved with vote as follows:

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

AGENDA ITEM #10—DISCUSSION OF PERTINENT LEGISLATIVE MATTERS

Ms. Mavko reported that there has been no official activity on **Sub HB 117**.

Ms. McKnight reported that representatives of the Ohio Dietetic Association, School Nutrition Association, and Ohio Action for Healthy Kids met with Rep. Peterson to suggest the key content of proposed legislation regarding **Obesity and School Foods**. The group now appears to be in agreement that working together to introduce a bill that incorporates food and wellness components could be achieved by January or

February of 2007.

Ms. McKnight reports that the CMS is soliciting proposals from states to participate in the “**Money Follows the Person**” **demonstration projects** as part of the Deficit Reduction Act and the Ohio Department of Health thinks Ohio may get one of the grants.

Michigan has passed a dietitian licensure bill. Ms Mavko reported that dietitians in Michigan have contacted the office for advice in setting up their Board and licensure procedures.

Representatives of the **Ohio Lactation Consultant Association** have contacted the Board to explore potential interest in licensure for lactation consultants, seek advice and learn from the experience gained when dietitians became licensed. Senator Clancy has expressed interest in sponsoring a bill for them. Due to limited numbers of potential licensees, the group may be looking to be licensed through an existing agency (OBD, Medical Board, Nursing Board etc.)

The Board had a number of questions about the idea and suggested that representatives of the group attend a future Board meeting. Ms. Mavko will coordinate.

The Board was provided with a copy of the summer 2006 “Ohio Medicaid Provider Update” from the Ohio Department of Job & Family Services that reviews Medical Nutrition Therapy Services that may be provided by physicians and dietitians. The newsletter article describes the eligible services, providers and recipients and reviews billing requirements. A copy of the newsletter article is attached to the minutes of the meeting.

There has been no official activity to report on any other legislative matters that are followed by the Board.

AGENDA ITEM # 11—BOARD REPORTS

Board Chairman – Ms. Blocksom questioned if any Board members were interested in attending the CLEAR meeting in September and the CAC meeting in October. No Board members were able to attend CLEAR, and Ms. Blocksom expressed interest in attending CAC. Further discussion occurred regarding this matter when the financial report was presented.

ODA Liaison – Pat McKnight

1. Ms. McKnight reported that plans are in place for the 17th Annual Legislation and Public Policy Workshop scheduled for March 28, 2007.

2. **Diabetes Day** is scheduled for November 15 and will include displays and lobbying for the 12th year. The Proponents will need to look for a new sponsor to re-introduce the bill in the next legislature.

Directors Report – Beth Shaffer for Kay Mavko

1. Ms. Mavko reported on issues related to the CAVU licensing system.

On behalf of the Board and commissions served by the Central Services Agency (CSA) a letter was sent to the Director Drake of the Department of Administrative Services IT Service (DAS/ASD/IT) requesting the transfer of the IT support staff (Bruce Sinmaz) from DAS/ASD/ITS to CSA. The group feels that it would benefit the Boards that he serves by increasing accessibility for services, decrease down time related to unsolved IT issues, enhance project management of the licensing system, and decrease costs by collaboratively sharing information and solutions to system – wide problems. We are awaiting a response from Ms. Drake.

The Boards using CAVU have paid \$147,00 per year for a maintenance agreement for the licensing system for which we have received minimal benefit. Last year we only used \$5,000 worth of services. CAVU is no longer supporting the version of the system that we have, and enhancements are not available. Therefore the group and DAS have determined it would be in our best interest to discontinue maintenance and direct those funds to hiring an additional 1 FTE support person in DAS who is dedicated to CAVU maintenance and development.

The Board moved to support this concept and the following motion resulted:

RESOLUTION #12

Claire Adkins moved and Vandadean Rogers seconded a motion to approve the expense related to the maintenance of the licensing system by a staff member who will be hired by DAS and the cost distributed amongst the Boards using the licensing system.

The motion was approved with vote as follows:

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

2. **Criminal Records Check legislation** has been drafted and Mike Everhart from the Optometry Board is requesting a measure of interest at this point in time. The bill would require that license applicants submit fingerprints to the Bureau of Criminal Identification and Investigation (BCII) and/or the Federal Bureau of Investigation (FBI) prior to licensure in order to determine if the individual should be granted a license.

After discussion of the draft legislation, the Board directed Ms. Mavko to express continued interest in being included in the group legislation.

3. Ms. Mavko reported that the Audit of the agency has been completed and that the official management letter will be forthcoming. No major problems were reported, however suggestions for improved timely deposits, timely expenses, and evidence of internal controls, and segregation of duties for logging expenses were made. A copy of the audit report will be mailed to the Board members by the Auditors office.
4. An agency transition document is being required by the Governor's office this year to assist in the gubernatorial transition between administrations. It is similar to the annual report and Ms. Mavko will attempt to combine the documents in order to avoid redundancy. Once the document is complete a copy will be provided to the Board.
5. Ms. Mavko reported that some licensees has expressed concern with the Board's current policy of not re-issuing license certificates when their legal names change or they need duplicate copies. They have expressed the need to have duplicate copies for their offices and report that they work in multiple locations.

The previous policy was developed to minimize the potential for fraudulent duplication and misrepresentation by unauthorized individuals. There appears to be nothing in the law or rules that would prohibit a change in policy. Issuance of duplicates or changed certificates would not be overly burdensome to staff, but security of the certificates should be considered.

After discussion, the Board agreed to consider a change in policy, and directed staff to draft a policy that permits duplicate certificates to be issued. Ms. Mavko will follow up with drafting such a policy.

6. Ms. Mavko reported that the reimbursement rate for in-state lodging has increased from \$75.00 to \$80.00 per night effective July 1, 2006. Lodging reimbursement requires a receipt and is limited to actual cost up to the maximum rate plus applicable taxes.
7. Ms. Mavko recommended and Chairman. Blocksom approved drafting of a reclassification of the Office Assistant 3 position recently vacated by Penny Rogers to a Secretary position. Ms. Mavko has drafted a revised position description and provided a copy for the Board's review. Changing the position would more closely match the knowledge and skills required to the needs of the Board. The new classification falls in the same pay range as the previous title.

The Board members reviewed the draft position description and the following motion resulted:

RESOLUTION #13

James Mermis moved and Vandadean Rogers seconded a motion to change the current Office Assistant 3 position to Secretary and to adopt the draft position description for the Secretary position as presented by the Executive Secretary.

The motion was approved with vote as follows:

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

Once the Secretary position is approved by DAS, Ms. Mavko will post the vacancy and begin the interview process.

8. Ms. Mavko reported that she attended a second Health Sciences Career Futuring Panel meeting to discuss the potential development of a vision for health careers curriculum in the high school, community college and baccalaureate degree colleges and universities. The effort is coordinated by the Ohio Board of Regents, the Ohio Department of Education and the University of Toledo.
9. Ms. Mavko provided the Board members with a copy of the House of Delegates Fact Sheet on the proposed changes in dietitian education that was published by the American Dietetic Association as of 4/19/2006. A phase 2 task force has been established to continue the process by considering the recommendation of the Dietetics Education Task Force and provide input into the process. After their recommendations are made further dialogue will be established, and if consensus occurs about the recommendations and new timeline for addressing unresolved issues will be developed. It appears that the timeline for any proposed changes to entry level educational requirements has been pushed out to 2008 – 2018. A copy of the fact sheet is attached to the minutes of the meeting.
10. Ms. Mavko provided the Board with a draft of a new policy regarding the “Use of Software, E-mail, Telephone and Cellular Phones” that is intended to replace the Boards current policy regarding computer and telephones. DAS/OIT has suggested that more comprehensive policies be used by public agencies and provided samples that Ms. Mavko used to develop the new policy. A copy was provided to the Board members for their review.

After brief discussion the following motion was made:

RESOLUTION #14

James Mermis moved and Vandadean Rogers seconded a motion to approve Policy 7.2 regarding the Use of Software, Internet, E-mail, Telephone and Cellulare Phones as presented by the Executive Secretary.

The motion was approved with vote as follows:

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

AGENDA ITEM #12—FINANCIAL REPORT

The financial report was presented for the months of May and June of FY 2006 including Allocations and Appropriations, Expenditures, and Revenues to Date. Expenditures for the month of May 2006 were \$19,067 and for June 2006 were \$22,946. Total expenditures for FY 2006 were \$306,208.

Revenues collected respectively for the same months were \$88,737 and \$122,725 for a FY 2006 total of \$354,209.

A comparison of year end expenses and revenues was provided. It was noted that revenues were over \$25,000 higher than anticipated in FY 2006. This was a result of delayed or late license renewal subsequent to the jurisprudence requirements which began during the FY 2006 renewal. The increase represents a shift in revenues not collected during FY 2005. The following motion resulted:

RESOLUTION #15

Claire Adkins moved and James Mermis seconded a motion to approve expenditures as presented for May and June 2006 and to accept the financial report as submitted to the Board by the Executive Secretary.

The motion was approved with vote as follows:

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

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

Ms. Mavko requested Board approval for the Board to support Board and staff attendance at the upcoming CLEAR and CAC annual meetings. The following motion resulted:

RESOLUTION #16

James Mermis moved and Vandadean Rogers seconded a motion to approve Ms. Mavko attending the Council on Licensure, Enforcement and Regulation meeting in Alexandria, Virginia September 14-17 and to reimburse for all usual and necessary travel expenses.

The motion was approved with vote as follows:

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

RESOLUTION #17

James Mermis moved and Claire Adkins seconded a motion to approve Ms. Blocksom attending the Citizen Advocacy Council meeting in Williamsburg, Virginia October 18-20 and to reimburse for all usual and necessary travel expenses.

The motion was approved with vote as follows:

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

FY 2008-2009 Biennium Budget –

The office of Budget and management proposed flat funding appropriation limitations for FY 2008 and 2009 of 100% of FY 07 funding (\$330,320). As a result of the 3%, 3.5%, and 3% cost of living adjustments required by the OCSEA contract, increased fees from intrastate agencies that provide services to the Board, and increases in longevity pay the Executive Secretary felt it was necessary to seek a budget extension for FY 2009 of \$8,663. Ms. Blocksom approved the development of an appeal letter, and Ms. Mavko drafted the document.

Ms. Mavko provided the Board with a copy of the Budget appeal submitted on behalf of the agency. Further information will be provided as the budget process continues.

A copy of the appeal letter is attached to the minutes of the meeting.

AGENDA ITEM #13– SUBCOMMITTEE MEETINGS and REPORTS

The education subcommittee reported that it reviewed 6 Learning logs submitted by licensed dietitians. Five were adequate and 1 will be sent back for corrections.

Additionally, the professional development files will be reviewed and licensees updated as to the current status of continuing education submitted to date. Although most of the group have until June 30, 2008 to submit their learning logs the update serves as a gentle reminder that the end of the 5 year period is approaching.

AGENDA ITEM #14--UPCOMING MEETINGS

The scheduled meeting dates for the remainder of calendar 2006 are:

October 13, 2006 (changed from original Sept. 15, 2006)
November 17, 2006 (changed from original November 10, 2006 date)

Tentative Meeting Dates for calendar year 2007 were discussed by the Board members and staff and are as follows:

January 19, 2007	July 20, 2007
March 16, 2007	September 14, 2007
May 18, 2007	November 16, 2007

AGENDA ITEM # 15 - ADJOURNMENT

A motion was made to adjourn the meeting. There was consensus by the Board. The August 25, 2006 meeting of the Ohio Board of Dietetics adjourned at 4:20 p.m.

Respectfully submitted,

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

_____ **Date** _____
Cynthia Blocksom
Chairman, Ohio Board of Dietetics

_____ **Date** _____
Witness