

**OHIO BOARD OF DIETETICS
MINUTES OF THE BOARD MEETING
September 19, 2008
Board Room 31st Floor, Vern Riffe Center
Columbus, Ohio
10: A.M.**

AGENDA ITEM #1 – CALL TO ORDER

BOARD MEMBERS PRESENT: Vandadean Rogers, Kay Soltesz, Mary Frances (Francie) Astrom, Marsha Dumm (newly appointed / not yet voting)

BOARD MEMBERS ABSENT: James Mermis was absent due to schedule conflict.

OTHERS PRESENT: Kay Mavko, OBD Executive Secretary; Pat McKnight, Ohio Dietetic Association liaison; Donald Davis, OBD Compliance Specialist; Kristen Starr, Assistant Attorney General; Dietetic Interns from University of Cincinnati including Sarah Tarabichi, Jill Backscheider, Andrea Maly, Amanda Diddle, Julie Weber, Kristin Resch, Laura Davis, Lindsay Greiner, Jennifer Ruehle, Emily Holthaus

The meeting was called to order at 10:10 A.M. by Vice-Chairman Rogers. Marsha Dumm, MS, RD, LD was introduced as the newly appointed dietitian member replacing Clair Adkins. Her appointment has not been finalized so she will be participating in an observational role at this meeting, and is unable to vote.

The Board members and staff introduced themselves and the University of Cincinnati interns told the Board about themselves and their interest in dietetics. Ms. Mavko reviewed the Mission and Vision of the Board and explained how the days meeting would be structured.

AGENDA ITEM #2– APPROVAL OF MINUTES OF THE JULY 18, 2008 MEETING

The minutes of the July 18, 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

Kay Soltesz moved and Francie Astrom seconded a motion to approve the minutes of the July 18, 2008 regular Board meeting as submitted by the Executive Secretary.

The motion was approved with vote as follows:

Vandadean Rogers	yes	Kay Soltesz	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 17 individuals to the Board who were issued a Limited Permit license including one duplicate limited permit license between 7/18/2008 and 9/18/2008.

RESOLUTION #2

Francie Astrom moved and Kay Soltesz seconded a motion to place upon the minutes of the September 19, 2008 meeting the names of 17 individuals who were issued a Limited Permit during Fiscal Year 2009 with the expiration date of October 31, 2008 since the July 18, 2008 meeting of the Board, including one Limited Permit holder who was issued a duplicate license. 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:

Vandadean Rogers	yes	Kay Soltesz	yes
		Mary Frances Astrom	yes

Ms. Mavko presented the names of 60 individuals who were issued a license for Fiscal Year 2008 between July 18, 2008 and September 18, 2008. The list included 39 initial licenses, 4 reactivations, 8 reinstatements and 9 duplicate licenses. The following motion was made:

RESOLUTION #3

Francie Astrom moved and Kay Soltesz seconded a motion to place upon the minutes of the September 19, 2008 meeting, the names of 60 dietitians who met qualifications, pursuant to Section 4759.06 ORC, and who were issued a license by the Executive Secretary during Fiscal Year 2009 since the July 18, 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:

Vandadean Rogers	yes	Kay Soltesz	yes
		Mary Frances Astrom	yes

Licensure renewal issue

Ms. Mavko sought direction from the Board on a renewal application that was received with late fee and was incomplete for employment information. After receiving two written notices, and leaving multiple voice messages, the applicant finally responded on September 17 to an e-mail indicating that she is not employed. The Board directed staff to issue the renewal with an advisory letter.

AGENDA ITEM #4 – FY2009 LICENSE RENEWAL FINAL REPORT - KAY MAVKO

Director Mavko 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. The application was then subsequently mailed.

Three thousand and seventy four licensees renewed timely (before 6/30/2008) and 133 renewed with late fee during the late period for a total renewed of 3207. Twenty six licensees requested Expired status, 62 requested Inactive status, 1 person was reported deceased, and 52 licenses expired without reason and were docketed for investigation.

Of the 52 licenses expired without reason, 3 licensees have already reinstated with advisory letters for evidence of practice, 2 have reinstated without evidence of practice, and staff anticipate that 2-3 more will reinstate without evidence of practice based on information provided during telephone calls. Probable Review will recommend that an additional 41 cases be closed from this group for various reasons and no evidence of unlicensed practice.

During the renewal period the average processing time was 2.6 days.

The Board members expressed their satisfaction at the overall renewal effort this year, and the efficient processing of renewal applications by staff.

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

AGENDA ITEM # 5 –REPORT ON CONTINUING EDUCATION FOR LD-NON RD LICENSEES

Ms. Mavko reported that of the 70 licensees who were expected to submit Learning Logs in order to complete their Professional Development Portfolio, and be eligible to renew their FY 09 license 4 issues remain needing direction from the Board.

All four issues were discussed and resulted in the Board recommending acceptance of the Portfolios and renewal of the licenses with advisory letters for the three who submitted renewal applications and met the continuing education requirements using the portfolio process, but were late. The fourth individual did not submit a renewal application or the required learning logs. The Board directed staff to advise the individual that if and when they seek reinstatement they will need to provide evidence of cumulative continuing education, in the professional development portfolio format prior to issuance of a license, and to remind the person that if the license is not reinstated within two years of its expiration, they will have to meet the full requirements for a license (education, pre-professional experience and testing).

LD non-RD CEU AUDIT REPORT

Ms. Mavko reported that an audit was conducted on the Portfolios of 5% of the LD non- RD licensees who submitted a completed portfolio to the Board that included an approved Learning Plan and Learning Log(s). A letter of notification was mailed to the randomly selected licensees and they were given 30 days to submit the certificates of attendance materials. One of the licensees selected had already submitted the materials with the Learning Log, and was still notified of audit and offered the opportunity to submit additional information if needed.

All individuals audited successfully provided the appropriate certificates and documentation within the 30 day period to satisfy the Director's belief that they were authentic and accurately reflected the logged activities. Each licensee audited was notified that the requirements of the audit were met.

A copy of the audit report is attached to the official minutes of the meeting.

AGENDA ITEM #6 – DISCUSSION OF PERTINENT LEGISLATIVE ISSUES

Pat McKnight and Kay Mavko reported that HB 148/580 has had no official activity since the last Board meeting. ODA and their new Legislative Agent continue to monitor legislation activity in the Statehouse and will be especially diligent after the November elections.

Ms. McKnight reported that there has been no recent activity on the Diabetes bills, or HB 254 the Competitive Foods / Childhood Obesity bill. They are hoping to see some movement in the Fall before the end of the legislative session depending on the outcome of the November elections.

AGENDA ITEM # 7 – INTERIM REPORT - STANDARDS OF PRACTICE WORKGROUP

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.

The Board has engaged a workgroup of interested and affected parties to make recommendations to the Board about the SOP/SOPP. The first meeting was held on July 31 and a second meeting on August 27, 2008. Copies of the minutes of those meetings

were provided to the Board members for their review. It appears that the workgroup is on track to provide recommendations to the Board at the November Board meeting.

A copy of the minutes of the SOP/SOPP workgroup is attached to the minutes of the Board meeting.

AGENDA ITEM # 8 -- ENFORCEMENT REPORT – DON DAVIS

Mr. Davis presented the Enforcement Report for FY 2009 period from July 18, 2008 through September 18, 2009. The enforcement statistics indicate that the period started with 15 open cases, 5 were closed at the July Board meeting, and since then 51 cases have been opened, resulting in a pending caseload of 61 open cases.

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

ANNUAL ENFORCEMENT REPORT – DON DAVIS

A draft of the Annual Enforcement report for FY 2008 was provided to the board including Summary of Board Actions Taken or Initiated in FY 2008, and Categories of 100 Investigated Cases for FY 2008. One hundred cases were investigated with 77% of the allegations against individuals meeting qualifications for a dietitian license and 23% against those not eligible for dietitian licensure.

The Summary of Enforcement Actions taken by the Board for FY 2008 indicates that the Board issued 1 Adjudication Order, and 5 Notices of Opportunity for Hearing. The Board entered into 2 Consent Agreements, and issued 1 Cease and Desist letter. Eight Advisory letters were issued in cases where the alleged violation and response did not rise to the level of requiring formal discipline, and two additional advisory letters with conditions were issued.

There were no additions or corrections to the reports from the Board members or Counsel and the following motion resulted:

RESOLUTION # 4

Kay Soltesz moved and Mary Frances Astrom seconded a motion to approved the Annual Enforcement Report as submitted by the Compliance Specialist, and to incorporate it into the Annual Directors Report that will be forthcoming.

The motion was approved with vote as follows:

Vandadean Rogers	yes	Kay Soltesz	yes
		Mary Frances Astrom	yes

STATUS OF BOARD ACTIONS

Kimberley Beckley's probation ended June 30, 2008, her continuing education requirements have been met, and a letter informing her of same sent.

Sandra Hathaway has completed all Board assigned coursework per Adjudication Order and her probation ended June 30, 2008. Her Professional Development Portfolio is complete, her license renewed and letter indicating same sent.

The status hearing for the respondent in case 07OBD10 has again been rescheduled for December, 2008.

The hearing for the respondent in case 07OBD76 has been scheduled for November 3, 2008 due to a pending medical condition.

AGENDA ITEM # 9 --BOARD REPORTS

CHAIRMAN – Mr. Mermis is absent so Ms. Rogers is acting as Chairman today. She had no formal report but shared some information about a Dayton health and nutrition project in which she participates.

ODA LIAISON – Pat McKnight - The two Advocacy Days planned for 2009 are scheduled for 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. Ms. McKnight explained to the University of Cincinnati interns the importance of participation in the legislative process.

Ms. McKnight reported that Larry Stelzer has resigned as the Legislative Agent for the Ohio Dietetic Association. Starting in October Rich Frederick will be ODA's new Legislative Agent.

DIRECTORS REPORT – Kay Mavko

1. The Auditor of State submitted a DRAFT management letter to staff and a copy was presented to the Board for their review. There were no significant negative findings, but 2 suggestions were made. Director Mavko will file a letter of response, and the final Management report should be available at the November meeting.
2. Ms. Mavko mentioned that New Jersey is seeking dietitian licensure and their legislation has cleared the Assembly Health and Senior Services Committee.
3. Ms. Mavko requested that Board members turn in their first quarter requests for travel reimbursement before the end of September so that the expense is accounted

for in the quarter that it occurred.

4. A copy of the Information Technology Investment Report that was submitted on behalf of the Board was provided for the Board members to review. The IT plan calls for maintenance of existing software and replacement hardware and includes no new projects. A copy is included in the minutes of the meeting.
5. Ms. Mavko reported that she attended a full day MBE/EDGE training program to target 15% continued and increased MBE/EDGE purchases by all state agencies. The Board has very limited ability to meet the target spending levels as we purchase from a limited number of eligible areas. MBE/EDGE is tracking our participation using a “score card” (even though they repeatedly indicated that it is not supposed to be punitive). A reverse trade fair is scheduled for November and each agency is supposed to have a booth showcasing the types of things they want to purchase. The Boards are trying to get permission to go together and have one booth.
6. Following the last Board meeting Director Mavko contacted the Ohio State Chiropractic Board to extend the Board’s invitation to have a chiropractic educator come to a meeting and provide an update on chiropractic education- especially as it relates to nutrition. The speaker is scheduled for the November meeting.
7. Ms. Mavko reminded the Board that later in the day we will be setting tentative meeting dates for calendar 2009. She suggested that we consider establishing an extra 2008 meeting in December to deliberate upon the upcoming November Hearing.
8. Board members were provided with an opportunity to participate in the Combined Charitable Campaign.

AGENDA ITEM #10 – FINANCIAL REPORT

The financial report was presented for the months of July and August 2008 including Allotments, Expenditures, and Revenues to Date. Expenditures for the month of July were \$35,298.35 and for August were \$24,312.17 including payroll. Staff finally have both an expense report and a revenue report from OAKS that can be reconciled. Revenues for July were \$53,635.00 (still includes a large number of renewals and late renewal fees) and \$6,445.50 for August to a total revenue to date of \$60,080.50. Total expenses for FY 2008 were \$311,067.49.

FY 2010 – 2011 BUDGET PREPARATION

Ms. Mavko reported that the FY 2010 -2011 budget was submitted on time and includes funding requests for maintenance of current services with no new programs or expended requests. The flat funding request of \$348,962 for each year of the biennium is based on

FY2009 appropriations as directed by OBM. A copy of the budget request was provided for review of the Board members, and is attached to the minutes of the meeting.

REVENUE PROJECTIONS THROUGH 2011

Revenue projections for FY 2009 through 2011 were provided for the Board and indicate that projected revenues will be outstripped by expenses by 2012. Director Mavko feels confident that with good fiscal controls, and the 4K9 fund balance of \$311,067 to draw from in case of an emergency, revenues can support the requested budget through the next biennium. However, the Board should start thinking about the potential need for a fee increase for the 2012-2013 biennium.

LEGISLATIVE SERVICE COMMISSION ANNUAL AREPORT

A copy of the annual Ohio Legislative Service Commission report that was submitted on behalf of the Board was provided to the members for their review.

RESOLUTION # 5

Kay Soltesz moved and Mary Frances Astrom seconded a motion to approve expenditures as presented for July and August 2008 and to accept the Financial Report as submitted to the Board by the Executive Secretary.

The motion was approved with vote as follows:

Vandadean Rogers	yes	Kay Soltesz	yes
		Mary Frances Astrom	yes

Copies of the Financial Report, FY 2010-2011 Budget, and FY2008 Legislative Service Commission reports are attached to the minutes of the meeting.

The Board briefly adjourned for lunch and afterward excused the University of Cincinnati students and Pat McKnight before reconvening and going into Executive Session. The Board reconvened at 1:25 p.m.

AGENDA ITEM #11 – EXECUTIVE SESSION – ENFORCEMENT

The Board moved into Executive Session at 1:25 p.m. with the following motion:

RESOLUTION # 6

Kay Soltesz moved and Mary Frances Astrom 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 Board invited Marsha Dumm (a newly appointed Board member – not yet able to vote) to be in attendance during Executive session also.

The motion was approved with roll call vote as follows:

Vandadean Rogers **yes**

Kay Soltesz

yes

Mary Frances Astrom

yes

The Board came out of executive session at 1:45 p.m..

AGENDA ITEM # 12 – FINDINGS, ORDERS, AND ACTIONS

RESOLUTION # 7

Kay Soltesz moved and Mary Frances Astrom seconded a motion to close the following cases (originally docketed as expired licenses) for the reasons cited:

09OBD02 No longer practicing dietetics in OH, Scientist
09OBD03 Relocated to KY
00OBD04 Relocated to TX
09OBD08 Relocated to Israel
09OBD11 Relocated to FL
09OBD12 Relocated to FL
09OBD13 No longer practicing dietetics in OH – Registered Sanitarian
09OBD14 Relocated to South Carolina
09OBD16 Relocated to MS
09OBD18 No longer practicing dietetics in OH – currently a student
09OBD20 Relocated to FL
09OBD21 Relocated out of state
09OBD22 Relocated to IL
09OBD24 No longer practicing dietetics in OH
09OBD26 No longer practicing dietetics in OH
09OBD27 No longer practicing dietetics in OH
09OBD28 Relocated to MN
09OBD29 No longer practicing dietetics in OH – Professor
09OBD30 No longer practicing dietetics in OH
09OBD31 No longer practicing dietetics in OH
09OBD32 Relocated to KS
09OBD33 Reinstated; no evidence of practice
09OBD34 Relocated to CA
09OBD35 Retired and not practicing dietetics
09OBD36 No longer practicing dietetics in OH – Works in WV
09OBD38 Retired and not practicing dietetics
09OBD39 No longer practicing dietetics in OH – Currently a student
09OBD40 Retired and not practicing dietetics
09OBD41 No longer practicing dietetics in OH
09OBD42 No longer practicing dietetics in OH
09OBD45 Relocated to Washington, DC
09OBD46 Relocated to MI
09OBD48 Deceased.
09OBD49 No longer practicing dietetics in OH
09OBD50 No longer practicing dietetics in OH
09OBD52 Reinstated; No evidence of practice

09OBD53 Relocated to PA

The motion was approved with vote as follows:

Vandean Rogers	yes	Kay Soltesz	yes
		Mary Frances Astrom	yes

RESOLUTION # 8

Kay Soltesz moved and Mary Frances Astrom seconded a motion to close the following cases (originally docketed as expired licenses) who reinstated with evidence of a short period of unlicensed practice:

09OBD06	Reinstated 9/4/08, unlicensed practice, advisory letter
09OBD19	Reinstated 9/2/08, unlicensed practice, advisory letter
09OBD51	Reinstated 9/8/08, unlicensed practice, advisory letter

The motion was approved with vote as follows:

Vandean Rogers	yes	Kay Soltesz	yes
		Mary Frances Astrom	yes

RESOLUTION # 9

Kay Soltesz moved and Mary Frances Astrom seconded a motion to close case 09OBD54 as unfounded for alleged violation of moral character, license issued.

The motion was approved with vote as follows:

Vandean Rogers	yes	Kay Soltesz	yes
		Mary Frances Astrom	yes

RESOLUTION #10

Kay Soltesz moved and Mary Frances Astrom seconded a motion to approve the written request from Houda Nazek El-Asfahani to withdraw her application for a Limited Permit license as she no longer intends to practice dietetics in Ohio.

The motion was approved with vote as follows:

Vandean Rogers	yes	Kay Soltesz	yes
		Mary Frances Astrom	yes

AGENDA ITEMS # 13 & 14 - SUBCOMMITTEE MEETINGS AND REPORTS

The **Continuing Education / Professional Development Committee** met and reported that they reviewed and approved (with suggestions) 4 new Learning Plans for the next continuing education cycle 7/1/2008 – 6/30/2013.

Witness