

**OHIO BOARD OF DIETETICS
MINUTES OF THE BOARD MEETING
January 7, 2005
31st Floor, Verne Riffe Center
Columbus, Ohio**

AGENDA ITEM #1 – CALL TO ORDER

BOARD MEMBERS PRESENT: Lorna Fuller, David Holben, Claire Adkins, Cynthia Blocksom

OTHERS PRESENT: Kay Mavko, OBD Executive Secretary; Pat McKnight, Ohio Dietetic Association Liaison.

ABSENT: Barbara Pfeiffer (conflict)

The meeting was called to order at 10:05 A.M.

Announcement: Ms. Mavko announced that as of January 6, 2005 Jonathan Hughes resigned from the Public Member position on the Board. He noted that increased demands in both business and personal matters require his attention and conflict with the time he has for Board activities. He asked Ms. Mavko to convey his appreciation for the experience he had as the Public Member on the Board, and stated that he would be glad to help the Board in the future if he can be of assistance in any matters. Mr. Hughes has made the Governor's office aware of his resignation and will send an official letter as soon as possible.

Ms. Fuller suggested that the Board accept Mr. Hughes resignation and the Board directed the Executive Secretary to send a note and a token of the Board's appreciation to Mr. Hughes for his 4 plus years of service.

The Board discussed the desire to request that the Governor's office expediently appoint a new Public Member so that the consumer perspective is assured. Ms. Mavko will follow up.

Due to the resignation of Mr. Hughes and Ms. McKnight's inability to attend the Board retreat scheduled for 1/8/2005 the Board directed Ms. Mavko to re-schedule the retreat for a later date.

AGENDA ITEM #2 – APPROVAL OF MINUTES OF THE NOVEMBER 12, 2004 MEETING

The minutes of the November 12, 2004 Regular Board meeting were presented by the Executive Secretary and reviewed and approved as corrected. The following motion resulted:

RESOLUTION #1

Claire Adkins moved and Cynthia Blocksom seconded a motion to approve the minutes of the November 12, 2004 regular Board meeting as submitted.

The motion was approved with vote as follows:

| | | |
|----------------------|------------|--------------------------------|
| Lorna Fuller | yes | |
| David Holben | yes | |
| Claire Adkins | yes | Cynthia Blocksom yes |

The minutes of the December 15, 2004 Special Board meeting were presented by the Executive Secretary and reviewed and approved as presented. The following motion resulted:

RESOLUTION #2

Cynthia Blocksom moved and David Holben seconded a motion to approve the minutes of the December 15, 2004 regular Board meeting as submitted.

The motion was approved with vote as follows:

| | | |
|----------------------|------------|--------------------------------|
| Lorna Fuller | yes | |
| David Holben | yes | |
| Claire Adkins | yes | Cynthia Blocksom yes |

AGENDA ITEM #3 – APPROVAL OF LICENSES

Ms. Mavko presented the names of 1 individual who was issued a Limited Permit license during fiscal year 2005 since the November 12, 2004 meeting of the Board. The following motion was made:

RESOLUTION #3

David Holben moved and Cynthia Blocksom seconded a motion to place upon the minutes of the January 7, 2005 meeting the name 1 individual who was issued a Limited Permit during fiscal year 2005 since the November 12, 2005 meeting of the Board. The name appears 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:

| | | |
|----------------------|------------|--------------------------------|
| Lorna Fuller | yes | |
| David Holben | yes | |
| Claire Adkins | yes | Cynthia Blocksom yes |

Ms. Mavko presented the names of 24 individuals who were issued a license during FY 2005 since the November 12, 2004 meeting of the Board. The following motion was made:

RESOLUTION #4

David Holben moved and Claire Adkins seconded a motion to place upon the minutes of the January 7, 2004 meeting, the names of 24 dietitians who met qualifications, pursuant to Section 4759.06 ORC, and who were issued a

license by the Executive Secretary during Fiscal Year 2005 since the November 12, 2004 meeting of the Board, and whose names appear on the list presented to the Board by the Executive Secretary. One was issued with a letter of caution. (See attached list labeled Resolution #3)

The motion was approved with vote as follows:

| | | |
|----------------------|------------|--------------------------------|
| Lorna Fuller | yes | |
| David Holben | yes | |
| Claire Adkins | yes | Cynthia Blocksom yes |

Ms. Mavko presented a summary of activity on three applications for licensure that have remained incomplete for an excessive period of time. (A copy of the summary is attached to the minutes of the meeting,)

SE – application remains incomplete for fee and photo. Received 9/5/2003. Just received a fax request to withdraw.

PH – Application received 6/14/2004 and remains incomplete for payment of partial fee. Applicant verbally requested withdrawal but is unwilling to put request in writing.

SU- Application received 8/13/2003 and remains incomplete for social security number. Recent e-mail contact with applicant indicated that individual has moved to another state to practice and no longer wants Ohio licensure. Staff will seek written request to withdraw.

After discussion about the three situations, the Board moved to approve withdrawal of SE and PH applications based on the information received, and to approve withdrawal of SU’s application when written request is received by OBD. The following motion resulted:

RESOLUTION #5

David Holben moved and Cynthia Blocksom seconded a motion to approve the withdrawal of applications for Janet Sehn and Kelly Phillips based on their requests, and to approve withdrawal of Rebecca Subbiah’s application once a written request is received.

The motion was approved with vote as follows:

| | | |
|----------------------|------------|--------------------------------|
| Lorna Fuller | yes | |
| David Holben | yes | |
| Claire Adkins | yes | Cynthia Blocksom yes |

AGENDA ITEM #4—ENFORCEMENT REPORT

For the period of November 12, 2004 through January 7, 2005 there are currently 47 open cases pending. 23 cases were closed at the November 12, 2004 meeting. A summary of recently completed and pending cases was provided. The quarterly enforcement statistics were reviewed and data indicates that the number of cases investigated by the board during the first two quarters of FY 2005 are slightly lower than for the first two quarters of FY 2004.

STATUS OF BOARD ACTIONS

The Board is still reviewing the material presented by Amy Jenkins at the September meeting. Records related to case 04OBD93 are ready to be reviewed by expert in long term care. Compliance Specialist has organized the documents with priority for efficient use of expert time.

AGENDA ITEM #5 —EXECUTIVE SESSION - ENFORCEMENT

The Board moved into Executive Session at 10:50 a.m. with a roll call vote. The following were in attendance: Mr. Holben, Ms. Blocksom, Ms. Fuller, Ms. Adkins, Ms. Shaffer, and Ms. Mavko.

The following motion was made:

RESOLUTION # 6

Cynthia Blocksom moved and Claire Adkins seconded a motion to move into Executive Session pursuant to Ohio Revised Code 121.11 (G)(3), for the purpose of discussing matters pertaining to investigations of charges, complaints against licensees, and consultation with legal counsel.

The motion was approved with roll call vote as follows:

| | | | |
|----------------------|------------|-------------------------|------------|
| David Holben | yes | Lorna Fuller | yes |
| Claire Adkins | yes | Cynthia Blocksom | yes |

Executive Session concluded at 12:30 p.m.

AGENDA ITEM #6 – FINDINGS, ORDERS, and ACTIONS

The following findings, orders, and actions resulted from the Executive Session held for the consideration of enforcement matters:

RESOLUTION # 7

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

04OBD89 Insufficient evidence.

05OBD63 Caution letter to LD, informational letter to licensed nursing home administrator, cease and desist letter to nutrition care technician, and copy of informational letter to dietitian

Licenses expired without reason

05OBD04 Reinstated with letter of caution 11/22/2004
05OBD09 Practicing in PA only
05OBD40 No longer practicing dietetics – home with children

The motion was approved with roll call vote as follows:

| | | | |
|-------------------------|------------|----------------------|------------|
| David Holben | yes | Lorna Fuller | yes |
| Cynthia Blocksom | yes | Claire Adkins | yes |

AGENDA ITEM #7 – DISCUSSION OF PERTINENT LEGISLATIVE MATTERS

Removing authority of the Ohio Board of Dietetics – No new legislation (to replace the previous HB 188 has been introduced. However, it is imperative that dietitians continue to be pro-active in their efforts to communicate with members of the legislature about their work as recognized nutrition experts.

Naturopathic licensure –No new legislation has been introduced.

School foodservice standards bills- Ms. McKnight continues to work with representatives from Rep. Peterson’s office, Rep. Ray Miller’s office, Rep. Shirley Smith’s office, the Ohio School Nutrition Association, school dietitians and other interested parties to develop legislation that will make changes to achieve the goal of improving school nutrition.

AGENDA ITEMS #8 & 12 – BOARD REPORTS

Chairman – Lorna Fuller -- Ms. Fuller acknowledged that this meeting will be her last at chairman of the Board and thanked the Board and staff for their support. Ms. Mavko expressed the staff and Board’s appreciation for Ms. Fuller’s leadership and passed on the signature stamp to Mr. Fuller.

Ms. Fuller called for the nomination of Board members for the Chairman and Vice Chairman positions. The following motions resulted:

RESOLUTION #8

Claire Adkins moved and Cynthia Blocksom seconded a motion to elect David Holben as Chairman of the Ohio Board of Dietetics for the calendar year 2005, effective at the close of the January Board meeting.

The motion was approved with vote as follows:

| | | | |
|---------------------|------------|-------------------------|------------|
| Lorna Fuller | yes | Claire Adkins | yes |
| David Holben | yes | Cynthia Blocksom | yes |

RESOLUTION #9

Claire Adkins moved and David Holben seconded a motion to elect Cynthia Blocksom as Vice - Chairman of the Ohio Board of Dietetics for the calendar year 2005, effective at the close of the January Board meeting.

Following the election of officers the Board discussed the continued utilization of the current standing committees. It was determined that the committees would continue and the following motion resulted:

RESOLUTION #10

David Holben moved and Cynthia Blocksom seconded a motion to continue utilization of the following standing committees: Probable Review Panel, Application Review Committee, Continuing Education / Professional Development Review Committee, and Rules Review Committee.

The motion was approved with vote as follows:

| | | | |
|---------------------|------------|-------------------------|------------|
| Lorna Fuller | yes | Claire Adkins | yes |
| David Holben | yes | Cynthia Blocksom | yes |

Following discussion regarding Board member interest in committee membership Mr. Holben suggested that the following appointments to the standing committees for calendar 2005:

Probable Review Panel – Cynthia Blocksom, Beth Shaffer, Kay Mavko,
Barbara Pfeiffer

Application Review Committee – Claire Adkins, Beth Shaffer, Kay Mavko,
Barbara Pfeiffer

Continuing Education Committee – David Holben, Lorna Fuller, Kay Mavko

Rules Committee – Public member (when appointed), Pat McKnight,
Beth Shaffer, Kay Mavko, Barbara Pfeiffer

There were no objections to the proposed committee appointments and the following motion resulted.

RESOLUTION #11

David Holben moved and Cynthia Blocksom seconded a motion to appoint the committee members as discussed and stated and noted above in the minutes of the meeting.

The motion was approved with vote as follows:

| | | | |
|---------------------|------------|-------------------------|------------|
| Lorna Fuller | yes | Claire Adkins | yes |
| David Holben | yes | Cynthia Blocksom | yes |

ODA Liaison – Pat McKnight –

1. Ms. McKnight reported that preparations for the March 16, 2005 15th Annual Legislation and Public Policy Workshop are progressing on schedule. The registration flyer was provided to Board members, and registration may be sent by mail or accomplished on-line at the ODA website. Ms. Mavko will speak on behalf of the Board, and Board members are encouraged to attend.
2. February 16, 2005 the Ohio Diabetes Coalition is planning a Diabetes Day at the Verne Riffe Center for state employees and legislators. The Central Ohio Diabetes Association, Kidney Foundation, Heart Association, Riffe center Employee Health Nurses, and Columbus area dietitians Shirley Kindrick and Stacey Raptis will have displays and offer diabetes screenings and education.

Director's Report – Kay Mavko

1. Ms. Mavko reported that she has had a preliminary meeting with Bruce Sinmaz to review the agency website for updating and re-design. It is suggested that we divide the site into two sections, one for licensees and the other for the general public. Work will continue to get it up to date, and user friendly.
2. In preparation for renewal, Ms. Mavko is suggests that the Board require zip plus four on all license applications. CAVU name and address lists used for mailings search by zip and are not as easy to use if some licensees only provide the 5 digit zip code. Staff have recently had to look up over 350 zip plus four zip codes that were missing. The consensus of the Board was to incorporate the change into all applications, and forms that call for zip codes.
3. Due to the inability of the ODA liaison and the resignation of the public member, the Board retreat scheduled for 1/8/2005 is cancelled. The Board discussed re-scheduling and it was determined that April 28 or 29, 2005 will be targeted. Ms. Mavko will plan the rescheduled meeting.
4. Ms. Mavko reported that the Commission on Dietetic Registration informed OBD that the retired RD status will be discontinued effective June 1, 2005. All individuals who were accepted as retired registered as of May 31, 2005 will maintain the status for life.

Ms. Mavko verified that all but one of the Ohio licensed dietitians listed also are expired or inactive. Ms. Mavko spoke to the one person who holds an active Ohio license and who has recently changed to retired RD status - she indicates that she intends not to renew her license for FY 2006.

5. Chairman Fuller has received an inquiry about the feasibility of the Board issuing limited permit licenses that would expire 6 months from the actual date of issuance, rather than with the two April 30 and October 31 expiration dates. The Board and staff briefly discussed the potential administrative changes necessary, and directed Ms. Mavko to investigate the feasibility and impact. She will report back to the Board at the March 2005 meeting.
6. A final copy of Bulletin #8 – General Non-medical Nutrition Information has been added to section 1 of Board members books for their reference. It was approved at the September meeting and is available for use.
7. The draft of the FY 2004 Directors Annual Report was provided to the Board and Ms. Mavko requested that edits, changes, or corrections be e-mailed to her in order to get it finalized.

AGENDA ITEM # 9 --FINANCIAL REPORT – Kay Mavko

The financial report was presented for the months of November and December including Allocations and Appropriations, Expenditures, Revenues to Date. Expenditures as of December 31, 2004 totaled \$162,257 and revenue deposited is \$50,117. A mid-fiscal year comparison of disbursements, revenues and gain/loss indicates that the Board is negative \$111,673 at this point in the year. This negative position is customary at this point in the fiscal year as the agency receives the majority of its income through license renewal activities in April, May, and June. Comparing mid-FY 2005 to mid-FY2004 revenues are basically the same, expenses are up slightly, and the agencies overall negative cash position is slightly increased. However, projected revenue from renewal fees (increased in FY 2005) will more than make up the current deficit.

RESOLUTION #12

Ms. Adkins moved and Ms. Blocksom seconded a motion to approve expenditures as presented for the months of November and December and to accept the financial report as submitted to the Board by the Executive Secretary.

The motion was approved with vote as follows:

| | | | |
|----------------------|------------|-------------------------|------------|
| David Holben | yes | Jonathan Hughes | yes |
| Claire Adkins | yes | Cynthia Blocksom | yes |

A copy of the financial report is filed with the minutes of the meeting.

AGENDA ITEM #10 – REPORT FROM CITIZEN ADVOCACY CENTER MEETING – Claire Adkins, Kay Mavko

Ms. Mavko and Ms. Adkins reviewed highlights of the Citizen Advocacy Center meeting that they attended in October. Various topics including the role of healthcare oversight bodies, impact of mandatory reporting, consumer considerations in website development, vision for healthcare systems, reviewing how well disciplinary programs work, role of boards in promoting high quality practice, and CAC proposed roadmap to continued competence were some of the topics reviewed. A copy of Ms. Mavko's notes are attached to the minutes of the meeting.

Both M. Mavko and Ms. Adkins appreciated the opportunity to attend and felt that the content of the meeting was worthwhile.

AGENDA ITEMS #11 & 12-SUBCOMMITTEE MEETINGS AND REPORTS

The education subcommittee met to review 1 professional development learning plan and will defer it's report to the March meeting.

No other subcommittees met.

AGENDA ITEM #13 – UPCOMING MEETINGS

The proposed meeting dates for calendar 2005 are as follows:

| | |
|---------------------------------------------------|--------------------|
| January 7, 2005 | July 15, 2005 |
| March 11, 2005 | September 16, 2005 |
| May13, 2005 (re-scheduled to April 28 & 29, 2005) | November 18, 2005 |

AGENDA ITEM # 14 ADJOURNMENT

A motion was made to adjourn the meeting. There was consensus by the Board. The January 7, 2004 meeting of the Ohio Board of Dietetics adjourned at 3:45 p.m.

Respectfully submitted,

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

_____ Date _____
Lorna Fuller
Chairman, Ohio Board of Dietetics

_____ Date _____
Witness

