

**OHIO BOARD OF DIETETICS
MINUTES OF THE BOARD MEETING
March 11, 2005
31st Floor, Verne Riffe Center
Columbus, Ohio**

AGENDA ITEM #1 – CALL TO ORDER

BOARD MEMBERS PRESENT: David Holben; Cynthia Blocksom; Lorna Fuller arrived at 9:47 a.m.

OTHERS PRESENT: Kay Mavko, OBD Executive Secretary; Beth Shaffer, OBD Compliance Specialist; Barbara Pfeiffer, Assistant Attorney General; Pat McKnight, Ohio Dietetic Association Liaison.

ABSENT: Claire Adkins, (schedule conflict)

The meeting was called to order at 8:45 a.m. lacking a quorum. Agenda topics were discussed that did not require action, and a quorum was achieved at 9:47 a.m. when Ms. Fuller arrived.

Announcement: Ms. Mavko announced that Mr. James J. Mermis will be appointed by the Governor to the Public Member position on the Board effective 3/11/2005.

AGENDA ITEM #7 --ENFORCEMENT REPORT

Ms. Shaffer reported that for the period of January 7, 2005 through March 11, 2005 there are currently 49 open cases pending. Four cases were closed at the January 7, 2005 meeting and 6 cases opened since that time. A summary of recently completed and pending cases was provided. The current data indicates that 44 open cases are categorized as allegations regarding applicants and licensees, and 5 open cases allege unlicensed practice by those who do not met qualifications for licensure.

A copy of the enforcement report is on file with the minutes of the meeting.

Ms. Shaffer reported that an error was made in the cases closed at the November meeting and reported at the January 7, 2005 meeting. Eight cases of limited permits expiring on October 31, 2004 without reason were opened on November 1, 2004 investigated, and closed at the November 12, 2004 meeting. However, the cases were not reflected in the open cases reported. Therefore, corrections have been made to both the November and January enforcement reports, and to the minutes of the January 2005 meeting.

Kay Conley has responded to the cease and desist letter that was sent to her on January 14, 2005 and indicates that she agrees not to practice dietetics pursuant to exemption 46759.10 (E) ORC without appropriate supervision of a licensed dietitian.

A copy of Ms. Conley's letter is attached to the minutes of the meeting.

AGENDA ITEM #4 – REPORT FROM APPLICATION REVIEW/REVISION COMMITTEE

The application review committee met on February 16, 2005 and reviewed and revised the FY 2006 renewal application as well as other application types. Suggestions for changes to each application were reviewed in detail with the Board. Many suggestions for continued revision of the renewal application were provided by the Board members. Due to the large number of suggestions and the impending deadline for printing of renewal applications, Ms. Mavko was directed to incorporate the suggested changes, and then to e-mail a sample of the revised renewal application to the members for their approval.

The other application types will be reviewed for a second time at the April meeting.

AGENDA ITEM #2 – APPROVAL OF MINUTES OF THE JANUARY 7, 2005 MEETING

The minutes of the January 7, 2005 Regular Board meeting were presented by the Executive Secretary and reviewed and approved as presented. The following motion resulted:

RESOLUTION #1

Cynthia Blocksom moved and Lorna Fuller seconded a motion to approve the minutes of the January 7, 2005 regular Board meeting as submitted.

The motion was approved with vote as follows:

Lorna Fuller	yes
David Holben	yes
Cynthia Blocksom	yes

AGENDA ITEM #3 – APPROVAL OF LICENSES

Ms. Mavko presented the names of 31 individuals who were issued a license during FY 2005 since the January 7, 2005 meeting of the Board. The following motion was made:

RESOLUTION #2

Cynthia Blocksom moved and Lorna Fuller seconded a motion to place upon the minutes of the March 11, 2005 meeting, the names of 31 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

Ms. Mavko will continue to monitor the progress of the bill, and will cooperate with representatives of the Governor’s office and other regulatory Boards to attempt to maintain an optimum regulatory structure, Board and agency for those practicing dietetics in Ohio.

HB 117 (Reidelbach) and SB 98 (Clancy) – Companion bills have been introduced into the Ohio House and Senate proposing to allow the provision of complementary and alternative health care services by unlicensed individuals. The legislation would severely impact OBD by modifying the scope of dietetic practice as occurring only when performed by an actively licensed dietitian, changing licensure from mandatory to voluntary, permitting the use of titles other than dietitian that indicate the practice of dietetics, and allowing the entire scope of dietetic practice by all unlicensed persons whether they are trained in nutrition or dietetics or not. The legislation also modifies the scope of practice of numerous specifically designated licensed medical professions also permitting the unlicensed practice of their scopes of practice. The legislation incorporates policy language for the State of Ohio that is dangerous public policy.

Following review of the bill by the Board members the following motion regarding HB 117 / and SB 98 was made:

RESOLUTION # 4

The Ohio Board of Dietetics opposes HB 117 and SB 98 in their current forms and directs the Executive Secretary to represent the Board in testimony, lobbying, meetings, and discussions regarding the legislation.

The motion was approved with vote as follows:

Lorna Fuller	yes
David Holben	yes
Cynthia Blocksom	yes

SB 95 (R. Miller) – School Food Service Standards – has been introduced and proposes to establish nutritional standards for food sold to students in public elementary schools and to prohibit the sale of certain beverages to students in all public schools except under specified conditions. The legislation is in the same form as previously introduced, and is not in a format that is acceptable to many of the interested parties. The Ohio Dietetic Association is working with the sponsor and interested groups to amend the bill into a workable form.

SB 94 (R. Miller)- Telemedicine services – has been introduced and addresses the provision of and insurance coverage for telemedicine services in Ohio. The bill is of interest to the Board in that it may be precedent setting for health care providers in Ohio, including dietitians.

HB 9 (Oelslager) – Public Records Law – has been introduced and proposes to revise the public records laws in Ohio that apply to public access to records and the “sunshine” provisions. It establishes training requirements for public officials, and addresses various

other issues regarding records like exemption, redaction, timeliness of response, denial of a request, etc. The bill is of interest to the Board in that the agency is subject to the public records laws.

Copies of the bills are attached to the minutes of the meeting. Staff will monitor the activities related to the legislation and report to the Board.

AGENDA ITEM # 6 --FINANCIAL REPORT – Kay Mavko

The financial report was presented for the months of January and February including Allocations and Appropriations, Expenditures, Revenues to Date. Expenditures as of February 28, 2005 totaled \$215,698 and revenue deposited is \$53,889.

A copy of the Testimony provided on behalf of the Board to the House Agriculture and Development Subcommittee of the Finance and Appropriations Committee was circulated to the Board members. A copy is attached to the minutes of the meeting.

RESOLUTION #5

Ms. Blocksom moved and Ms. Fuller seconded a motion to approve expenditures as presented for the months of January and February 2005 and to accept the financial report as submitted to the Board by the Executive Secretary.

The motion was approved with vote as follows:

Lorna Fuller	yes
David Holben	yes
Cynthia Blocksom	yes

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

Ms. Mavko noted that the Ohio Dietetic Association Annual meeting will occur in April and requested that the Board approve attendance by staff and Board members who are available to attend as representatives of the Board. Ms. Mavko will be a speaker. Mr. Holben requested approval to attend as a representative. The following motion resulted:

RESOLUTION #6

Cynthia Blocksom moved and Lorna Fuller seconded a motion to approve participation in the Ohio Dietetic Association Annual meeting April 14 and 15, 2005 in Columbus Ohio and to reimburse for all usual and necessary travel expenses.

The motion was approved with vote as follows:

Lorna Fuller	yes
David Holben	yes
Cynthia Blocksom	yes

AGENDA ITEM #8—EXECUTIVE SESSION - ENFORCEMENT

The Board moved into Executive Session at 10:00 a.m. with a roll call vote. The following were in attendance: Mr. Holben, Ms. Blocksom, Ms. Fuller, Ms. Pfeiffer, Ms. Shaffer, and Ms. Mavko.

The following motion was made:

RESOLUTION # 7

Cynthia Blocksom moved and Lorna Fuller 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
Cynthia Blocksom	yes		

Executive Session concluded at 12:00 noon.

AGENDA ITEM # 9 – FINDINGS, ORDERS, and ACTIONS

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

RESOLUTION # 8

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

- 03OBD68 Insufficient evidence of practice. Open new case on third person.**
- 05OBD63 Kay Conley. Cease and Desist letter mailed 1/14/05. Ceased unlicensed practice. Came into compliance with exemption per section 4759.10 (E)ORC.**
- 05OBD74 Letter of caution for failure to report supervision of 4-year graduate.**
- 05OBD75 Application withdrawn.**
- 05OBD76 License issued with letter of caution.**
- 05OBD78 Records checked. Unfounded. License issued.**
- 05OBD08 Retired and not practicing dietetics, RD dropped**
- 05OBD10 No longer practicing dietetics in Ohio, employed outside field**
- 05OBD15 Relocated to Indiana**
- 05OBD16 Relocated to New York**
- 05OBD19 Reinstated without evidence of violation**
- 05OBD20 Relocated to Florida**
- 05OBD21 No longer practicing in Ohio – lives and practices in Kentucky**

- 05OBD23 No longer practicing in Ohio – lives and practices in Kentucky
- 05OBD25 No longer practicing in Ohio – lives in Georgia
- 05OBD 26 Relocated to Indiana
- 05OBD27 Non longer practicing dietetics in Ohio – lives in KY,
RD dropped
- 05OBD28 No longer practicing dietetics in Ohio
- 05OBD29 NO longer practicing dietetics in Ohio – at home Mom,
RD dropped
- 05OBD30 No longer practicing dietetics in Ohio
- 05OBD 31 No longer practicing dietetics in Ohio
- 05OBD32 No longer practicing dietetics in Ohio
- 05OBD33 Relocated to Michigan
- 05OBD35 No longer practicing dietetics in Ohio – homemaker
- 05OBD 36 No longer practicing dietetics in Ohio – lives in PA
- 05OBD37 No longer practicing dietetics in Ohio (since Apr. 2004)
- 05OBD38 No longer practicing dietetics in Ohio
- 05OBD39 Retired and not practicing dietetics
- 05OBD41 Retired and not practicing dietetics
- 05OBD42 No longer practicing dietetics in Ohio
- 05OBD44 No longer practicing dietetics in Ohio - lives and practices
in PA
- 05OBD46 No longer practicing dietetics in Ohio – RD dropped
- 05OBD47 No longer practicing dietetics in Ohio – works in cosmetic
factory
- 05OBD48 Relocated to Illinois
- 05OBD50 NO longer practicing dietetics in Ohio – Indiana only
- 05OBD52 No longer practicing dietetics in Ohio – Indiana only
- 05OBD54 No longer practicing dietetics in Ohio
- 05OBD55 Retired and not practicing dietetics
- 05OBD57 No longer practicing dietetics in Ohio

The motion was approved with vote as follows:

David Holben	yes	Lorna Fuller	yes
Cynthia Blocksom	yes		

RESOLUTION # 9

Cynthia Blocksom moved and Lorna Fuller seconded a motion to issue a notice of opportunity for a hearing as presented to the Board regarding case #05OBD73 for allegedly violating Sections(s) 4759.07(A)(2) and 4759.07(A)(3) of the Ohio Revised Code.

The motion was approved with roll call vote as follows:

David Holben	yes	Lorna Fuller	yes
Cynthia Blocksom	yes		

RESOLUTION # 10

Cynthia Blocksom moved and Lorna Fuller seconded a motion to issue a notice of opportunity for a hearing as presented to the Board regarding case #04OBD93 for allegedly violating Section 4759.07(A)(6) of the Ohio Revised Code, and Sections 4759-6-01(E)(1)(a)and(d), 4759-6-01(E)(4), and 4759-6-01(H)(1) of the Ohio Administrative Code.

The motion was approved with roll call vote as follows:

David Holben	yes	Lorna Fuller	yes
Cynthia Blocksom	yes		

Discussion of 04OBD96 was tabled until the April Board meeting due to time constraints and the complexity of the matter.

Ms. Fuller left the Board meeting at 1:30 pm to attend to conflicting matter. A quorum was no longer present at the meeting so only unofficial business was discussed.

AGENDA ITEMS #10 – BOARD REPORTS

Chairman – David Holben

1. Mr. Holben thanked the Board members in attendance at today’s meeting for their participation, and discussed the need for all members to attend the entire meetings as scheduled. Last minute conflicts that result in a member being absent, late arrivals at meetings, or members leaving early can jeopardize the ability of the Board to complete scheduled business. Today’s meeting was quite rushed due to the lack of a quorum for part of the day.
2. Mr. Holben expressed his enthusiasm for the Retreat and Goal Setting meeting scheduled for April 29, 2005 and noted that the Board is disappointed that Mr. Mermis will not be in attendance due to a conflict that was scheduled prior to his appointment as Public member. Ms. Mavko noted that the meeting will be held at the Riffe Center, with particulars to follow.

ODA Liaison – Pat McKnight –

1. Ms. McKnight reported that preparations for the March 16, 2005 15th Annual Legislation and Public Policy Workshop are progressing right on schedule. Eighty to eighty-five persons are expected to attend based on current registrations. Ms. Mavko will speak on behalf of the Board, and Board members are encouraged to attend. Information regarding the proposed transfer and consolidation of the Boards, and HB 117 and SB 98 will be included.
2. February 16, 2005 the Ohio Diabetes Coalition will hold a Diabetes Day and rally 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. Lunches for Board meetings must now be purchased from the Riffe Center catering area. Staff will try to work with the catering manager to include a variety of selections.
2. License renewal preparations are on schedule. Staff will be printing renewal applications from the CAVU system for the first time. It is anticipated that renewal applications will be mailed before May 1.
3. All Board members were reminded that financial disclosure statements must be completed and turned into the Ethics Commission on or before April 15, 2005. Originals mailed to Ms. Mavko will be turned-in on April 14. If the original is mailed direct to the Ethics commission, please provide staff with a copy for the OBD files. Staff will contact those Board members with another reminder the first week of April.
4. 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 at the January meeting, and directed Ms. Mavko to investigate the feasibility and impact.

Upon the review of staff, it appears that it is administratively feasible to track issuance of Limited Permits that would expire based upon date of issuance. However, there are a lot of policy issues, and law and rule interpretations that were identified and need to be considered. A written report was provided and is attached to the minutes of the meeting. After a brief discussion, it was decided that the issue should be taken up by the Rules committee, with report and recommendations made to the full Board at a future meeting.

5. A final copy of the Directors Annual Report for FY 2004 was provided to each of the Board members. Copies have been mailed to the required offices and interested parties.

AGENDA ITEM #11 AND 12 – SUBCOMMITTEE MEETINGS AND REPORTS

Neither Rules or Education subcommittee met so there were no reports. The Application committee report was provided earlier in the meeting.

AGENDA ITEM #13 – UPCOMING MEETINGS

The proposed meeting dates for the remainder of calendar 2005 are as follows:

March 11, 2005	July 15, 2005
<u>May 13, 2005 (re-scheduled to April 28 & 29, 2005)</u>	September 16, 2005
	November 18, 2005

AGENDA ITEM # 14 ADJOURNMENT

**A motion was made to adjourn the meeting. There was consensus by the Board.
The March 11, 2005 meeting of the Ohio Board of Dietetics adjourned at 3:00 p.m.**

Respectfully submitted,

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

_____ Date _____
David Holben
Chairman, Ohio Board of Dietetics

_____ Date _____
Witness