



**DIRECTOR'S REPORT
TO THE OHIO BOARD OF DIETETICS
FOR FISCAL YEAR 2014**

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Executive Secretary, Ohio Board of Dietetics

I. HISTORY AND ORGANIZATION

The five-member Ohio Board of Dietetics was created by Am. Sub. H.B, 570 of the 116th General Assembly and began operations July 1, 1987. The function of the Board is to regulate the profession of dietetics in the State of Ohio pursuant to Chapter 4759 of the Ohio Revised Code.

MISSION STATEMENT

Mission – “The mission of the Ohio Board of Dietetics is to effectively protect the public by regulating the practice of dietetics through licensure, and by fairly and consistently enforcing the laws and rules governing nutritional practices.”

Vision – “The vision of the Ohio Board of Dietetics is to be recognized and respected as protecting the nutritional health of Ohio citizens by providing efficient and effective licensure of dietitians; enforcing applicable laws, rules and practice standards; and supporting professional ethics and competency in order to assure the provision of scientifically based nutritional practice.”

SCOPE OF PRACTICE

Ohio has enacted a mandatory licensure law requiring everyone who practices dietetics as defined in the law to be licensed, unless specifically exempted. “The practice of dietetics” means any of the following, as specified in Section 4759.01 (A) of the Revised Code:

- 1) Nutritional assessment to determine nutritional needs and to recommend appropriate nutritional intake, including enteral and parenteral nutrition;
- 2) Nutritional counseling or education as components of preventative, curative and restorative health care;
- 3) Development, administration, evaluation, and consultation regarding nutritional care standards.

BOARD MEMBERS AND MEETINGS

Board members are appointed by the Governor for five-year terms. The Board is comprised of three dietitians, one public member, and one dietetic educator who holds a doctoral degree. The Board usually holds between four and six regular meetings per year, and holds sub-committee or other meetings as needed. Meetings are usually held in the Vern Riffe Center in Columbus and are open to the public. In FY 2014 the Board held four regular meetings, 4 case review committee meetings, 4 rules committee meetings, 1 rule hearing, 4 Education committee meetings and 4 application review committee meetings. There were no Notices of Opportunity for Hearing issued and no Administrative hearings.

Board members are paid an hourly rate for the performance of official Board business. This rate is established by the General Assembly and currently is \$19.55 per hour. The Board member’s

initial appointment date determines the hourly rate. Additionally, all Board members are reimbursed at the state per diem rate for travel, and miscellaneous expenses. Board members may also purchase health, vision, and dental insurance as a benefit of their employment.

Past Board Members:

Carol McGlaughlin, Cleveland – Dietitian Member**
Margaret Horvath, Youngstown – Dietitian Member
Edith Lerner, Cleveland – Dietetic Educator Member
Cheryl Boyce, Columbus – Public Member
Anita Howe, Cincinnati – Dietitian Member
Mable Hardeman Edwards, Columbus – Public Member
Bradley Sinnott, Columbus – Public Member
Susan Rudge, Oxford – Dietetic Educator Member
Darlene Rogers, Youngstown – Public Member
Anne Coble Voss, Columbus – Dietitian Member
Alice Giffin, Wooster – Dietitian Member
Tonda Hollenback, Bowling Green – Public Member
James G. Behnke, Middletown – Dietitian Member
Roberta S. Hurley, Columbus – Dietitian Educator Member
Lori Mooney, Dublin - Dietitian Member**
Jonathan Hughes, Dublin – Public Member**
Lorna Fuller, Cleveland – Dietitian Member
David Holben, Athens – Dietitian Educator Member
Cynthia Blocksom, Cincinnati – Dietitian Member
James Mermis, Columbus – Public Member
Claire Adkins, Akron - Dietitian Member**
Vandadean Rogers, Dayton – Dietitian Member
Kay Soltesz, Bowling Green - Dietitian Educator Member
Dorothy Clarke, Dayton – Dietitian Member
Mary Frances Astrom, Athens – Dietitian Member
Marsha Dumm, Circleville - Dietitian Member

**Members re-appointed after completion of first term.

FY 2014 Board Members and Terms:

Leah Reibel, Worthington – Public Member	7/01/2009 – 6/30/2014
Susan Finn, Upper Arlington – Dietitian Member	7/02/2012 – 6/30/2015
Christopher Taylor, Columbus – Educator Member	10/01/2011 - 6/30/2016
John Ridgway, Columbus – Dietitian Member	8/15/2012 – 6/30/2017
Judith Nagy, Hudson – Dietitian Member	7/22/2013 – 6/30/2018

Ohio Dietetic Association Liaison:

Patricia McKnight

Staff:

Administrative Staff includes: one Director (Executive Secretary), one Compliance Specialist (Program Administrator 2/ Investigator), and one Secretary (Administrative Professional 1). These are full-time equivalent positions. In addition, one intermittent clerical position assists with licensure renewal activities (budgeted at 1,000 hr. / yr.). Hearing officers, court reporters and additional clerical services are contracted on a temporary basis as needed.

FY 2014 Staff:

Tamara Spencer – Administrative Professional 1/Secretary
Donald Davis – Program Administrator 2/Compliance Specialist
Karen Morrison – Executive Secretary /Director

Over 4,000 dietitian licenses were issued during FY 2014, which includes renewed licenses, initial licenses, Limited Permits, and licenses that were reactivated or reinstated. Licensees must meet minimum academic requirements, complete a pre-professional experience and pass a licensure examination. Continuing education is required for license renewal.

II. FY 2014 HIGHLIGHTS

COOPERATION WITH GOVERNMENT AGENCIES & PROFESSIONAL ASSOCIATIONS

It is the Board’s general philosophy to educate and inform the public regarding the dietitian licensure law, which promotes compliance with the law.

National activities:

- 1) Mr. Davis attended, on behalf of the Board, the Council on Licensure, Enforcement and Regulation (CLEAR) annual conference. CLEAR provides a variety of presentations and knowledgeable speakers about licensure and related trends, challenges and best practices. Its membership includes individuals world-wide.
- 2) Ms. Dion attended, on behalf of the Board, the Ohio Academy of Nutrition and Dietetics conference. Ms. Nagy, a current board member, also attended. This is held annually for dietitians and provides the latest nutrition science information and access to the top experts.

Ohio Activities:

- 1) The Board and staff continue to respond to the activities of unlicensed alternative practitioners related to the development of legislation that could remove much of the Board’s authority, and would allow the unregulated practice of nutrition and dietetics by individuals who could practice without meeting any educational or pre-professional practice requirements. Since FY 2000, numerous versions of bills have been introduced by proponents who do not meet the requirements of the licensed professions in Ohio, and who appear to be seeking removal of the regulatory oversight of medicine, allied medicine specialties and nutrition practices.

The first priority of the board continues to be the health and safety of the citizens of Ohio by regulating the practice of dietetics. Therefore, it is anticipated that continued efforts and agency resources may be necessary to preserve the integrity of the dietetic practice act and the regulatory oversight of medical nutrition therapy practices.

- 2) The Board continues to work closely with the Boards and Commissions Management Group. The group addresses common issues and processes that impact the regulatory agencies, shares information that improves the individual agencies, and aids in communication with key government and legislative entities.
- 3) The Board collaborated with the Ohio Academy of Nutrition and Dietetics in sponsoring the 24th Annual Legislative Conference for dietetic practitioners on March 26, 2014 at the Vern Riffe Center. The conference was an excellent opportunity for the dietitians, and dietetic technicians to learn about nutrition related legislation and issues, and to network with legislators and legislative staff. Another program, “The 6th Annual Legislative and Public Policy Day” was held on October 8, 2013 for students and dietetic interns to expose them to the importance of politics, legislation, and the regulatory structure in their work as dietetic practitioners. The agenda included a one-hour presentation on licensure, presented by the Board. This minimized travel costs for the Board, as many programs invite a representative from the Board to present the same information on-site throughout the year.

Agency Activities:

- 1) The Ohio Board of Dietetics completed its third year of processing renewal applications on-line. There were several communications sent to inform and prepare licensees for the renewal closing date. About 95% of licensees renewed their license on-line,. The vast majority of the licensees were satisfied with the on-line renewal process. All constructive comments will be considered for future updates.
- 2) The Ohio Board of Dietetics updated its website in accordance with Executive Order 2013-05K the Veterans Executive order and House Bill 488 to provide information to veterans about prioritizing their applications, services for their spouse, and waiving jurisprudence requirements for military members called to active duty. Rules 4759-4-12 and 4759-4-13 of the OAC were implemented by June 30, 2014. The Board published the OBD Communiqué once in FY 2014 which updated licensees on several topics including the on-line licensure renewal process, Board member appointments, jurisprudence programs and enforcement statistics. Since FY 2011, the OBD Communiqué is sent only via email and no printing or mailing costs were expended for this matter. The OBD Communiqué is also available on the website. Several other communications were sent to licensees in mass emails, in regards to the on-line renewal, supervision updates and potential violations.
- 3) Staff continue to provide presentations on licensure, regulation, and enforcement to Ohio dietetic programs, dietetic technician programs, and to professionals working in the field. In FY 2014 staff spoke to 13 facilities throughout the state including undergraduate

dietetic programs, dietetic internship programs, dietetic technician programs, clinical dietitians at various hospitals and food service management dietitians. Additional presentations were given at the ODA Legislative workshop, the ODA Legislation and Public Policy Day for students and interns. These presentations reached approximately 300 individuals.

**III. LICENSURE / EXAMINATION ACTIVITY
FISCAL YEAR 2014 LICENSURE ACTIVITY**

LICENSES / PERMITS ISSUED	FY 2013	FY 2014
Initial Licenses *	240	238
Reactivations	16	22
Renewals**	3,632	3,679
Reinstatement of lapsed or disciplined licenses	30	27
Limited Permits ***	86	39
Totals	4,004	4,005

* Initial licenses include those that are pro-rated (issued within 100 days of expiration).

** Renewals include those renewing during the late period for FY13 and those renewing timely for FY14.

*** The Ohio Board of Dietetics accepts passing of the Registration Examination for dietitians that is sponsored by the Commission on Dietetics Registration (CDR) as one of the requirements for licensure in Ohio. Limited Permit licenses are issued to dietitians who have completed the education and practice requirements but have not yet passed the examination.

IV. REVENUE / EXPENDITURES

State professional licensing boards are required to be financially self-supporting from revenue generated through license fees. Licensure and renewal fees are deposited into the 4K9 rotary fund that was established for the professional boards and commissions

<u>Fee Types</u>	<u>FY 2014</u>
Initial License	\$125.00
Reactivation of Inactive license	\$125.00
Reinstatement of lapsed, revoked, or suspended license	\$180.00
License Renewal	\$95.00
Late fee (applies to renewal applications postmarked between 7/1- 8/15/13)	\$47.50
Limited Permit	\$65.00

FY 2014 REVENUE

	FY 2013	FY 2014
License Application Fees	\$35,085.00	\$35,672.50
Renewal Fees	\$336,490.00	\$339,910.00
Late Fees	\$4,275.00	\$4,797.50
Limited Permit Fees	\$5,590.00	\$2,535.00
Miscellaneous (Public records , dup ID cards, etc.)	\$200.46	\$0.00
Total Revenue Posted *	\$381,640.46	\$382,915.00
Total Expenditures	\$321,969.00	\$329,723.00
Revenue minus expenses	+ \$59,671.46	+ \$53,192.00

FY 2014 EXPENDITURES

	FY 2013	FY 2014
Budgeted Appropriations	\$330,592.00	\$330,592.00
Personal Service (Cat. 500 & 510)	\$257,266.49	\$263,711.74
Supplies and Maintenance (Cat. 520)	\$64,702.33	\$66,010.76
Equipment (Cat. 530)	\$ 0.00	\$0.00
Subsidies & Shared Rev. (Cat. 550)	\$0.00	\$0.00
Prior Year Encumbrances	\$18,402.50	\$6,618.93
Total Expenses	\$321,969.00	\$329,722.50

V. ENFORCEMENT ACTIVITY

COMPLAINTS INVESTIGATED in FY 2014

FISCAL YEAR	2007	2008	2009	2010	2011	2012	2013	2014
Cases to Start	17	14	14	13	5	2	6	0
New Cases	93	90	72 *	78	82	83	77	77
Total Cases	110	104	86	91	87	85	83	77
Cases Closed	96	90	73	86	85	79	83	71
Cases Pending	14	14	13	5	2	6	0	6

74 (96%) of cases investigated were against those qualified for licensure

3 (4%) of cases investigated were against those not qualified for a license

SUMMARY OF BOARD ACTIONS TAKEN OR INITIATED IN FY 2014

CITATIONS/NOTICE OF OPPORTUNITY FOR HEARING	0
HEARINGS HELD	0
CONSENT AGREEMENTS ENTERED	1
LICENSED WITH ADVISORY LETTERS	0
FINAL ADJUDICATION ORDER ISSUED	0
CEASE AND DESIST LETTERS	3

CATEGORIES OF 77 INVESTIGATED CASES – FISCAL YEAR 2014

ALLEGATIONS REGARDING THOSE WHO MEET QUALIFICATIONS FOR LICENSURE	
UNLICENSED PRACTICE	0
UNLICENSED PRACTICE/FAILED TO RENEW	61
FAILURE TO MEET CONTINUING EDUCATION REQUIREMENTS	1
STANDARDS OF PRACTICE VIOLATION-COMPETENCY	0
STANDARDS OF PRACTICE VIOLATION-CONDUCT	1
FAILURE TO TAKE EXAMINATION IN A TIMELY MANNER	0
MORAL CHARACTER VIOLATION	8
FAILURE TO MEET LICENSURE QUALIFICATIONS	1
FELONY / MISDEMEANOR CONVICTION	2
Total: 74/77 = 96%	74

ALLEGATIONS OF UNLICENSED PRACTICE OR NOT MEETING CRITERIA OF EXEMPTION BY THOSE WHO DO NOT MEET QUALIFICATIONS FOR LICENSURE	
SUPPLEMENT SALES	0
WELLNESS CENTERS	0
ALTERNATIVE	1
WEIGHT LOSS PROGRAMS	0
FITNESS/PERSONAL TRAINER	1
DIETETIC TECHNICIAN {EXEMPTION 4759.10(B)}	1
BS DIETETICS {EXEMPTION 475910(E)}	0
OTHER LICENSED PROFESSIONALS	0
MISCELLANEOUS	0
Total: 3/77 = 4%	3

**VI. FISCAL YEAR 2014 ANNUAL ENFORCEMENT REPORT
ACTIONS TAKEN OR INITIATED BY THE BOARD
July 1, 2013-June 30, 2014**

ADJUDICATION ORDER: None

NOTICE OF OPPORTUNITY FOR HEARINGS: None

CONSENT AGREEMENTS:

Laura Elizabeth Queen (LD#5115)- Pickerington, OH

Consent Agreement effective 7/23/2013 based on allegations of violation of Section 4759.06(A)(4) of the Ohio Revised Code. License renewed July 23, 2013 and in probationary status until July 23, 2015.

CEASE AND DESIST LETTERS:

14OBD74- Cincinnati, OH

Cease and Desist letter mailed 3/17/14 for unlicensed practice of dietetics by a fitness professional. Ceased practice of dietetics.

14OBD75- Cincinnati, OH

Cease and Desist letter mailed 5/1/14 for unlicensed practice of dietetics by a nutritional practitioner. Ceased practice of dietetics.

14OBD76- West Chester, OH

Cease and Desist letter mailed 4/30/14 for unlicensed practice of dietetics by a nutritional practitioner. Ceased practice of dietetics.

ADVISORY LETTERS: None

OHIO BOARD OF DIETETICS ORGANIZATIONAL CHART AS OF 6/30/2014

