



**DIRECTOR'S REPORT  
TO THE OHIO BOARD OF DIETETICS  
FOR FISCAL YEAR 2016**

**Table of Contents**

I.	HISTORY AND ORGANIZATION	PAGE	2
II.	2016 HIGHLIGHTS	PAGE	4
III.	2016 LICENSURE / EXAMINATION ACTIVITY	PAGE	6
IV.	2016 REVENUE / EXPENDITURES	PAGE	6
V.	ENFORCEMENT ACTIVITY	PAGE	8
VI.	SUMMARY OF BOARD DISCIPLINARY ACTIONS	PAGE	8
VII.	ATTACHMENTS		
	Table of Organization	PAGE	10

Prepared by Karen Morrison, MBA, RD, LD  
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 116<sup>th</sup> 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 2016 the Board held five regular meetings, 1 Goldman hearing, 5 Case Review committee meetings, 5 Rules committee meetings, 5 Education committee meetings and 5 Application Review committee meetings. There was one Notice of Opportunity for Hearing issued which resulted in a Goldman hearing.

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  
Leah Reibel, Worthington – Public Member  
Susan Finn, Upper Arlington – Dietitian Member\*\*  
Christopher Taylor, Hilliard – Dietitian Educator Member\*\*

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

**FY 2016 Board Members and Terms:**

John Ridgway, Columbus – Dietitian Member	8/15/2012 – 6/30/2017
Judith Nagy, Hudson – Dietitian Member	7/22/2013 – 6/30/2018
Joseph Nigh, Dublin – Public Member	7/01/2014 – 6/30/2019
Susan Finn, Upper Arlington – Dietitian Member	7/01/2015 – 6/30/2020
Christopher Taylor, Hilliard – Dietitian Educator Member	7/01/2016 – 6/30/2021

**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 (up to 1,000 hours per year.). Hearing officers, court reporters and additional clerical services are contracted on a temporary basis as needed.

**FY 2016 Staff:**

Karen Morrison – Executive Secretary /Director  
Donald Davis – Program Administrator 2/Compliance Specialist  
Nicole Hopsecger – Intermittent Clerk

Over 4,000 dietitian licenses were issued during FY 2016, 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 2016 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. Morrison and Ms. Nagy attended, on behalf of the Board, the Academy of Nutrition and Dietetics conference. This annual conference is held annually for dietitians and provides the latest nutrition science information and access to the top experts.

**Ohio Activities:**

- 1) The Ohio Academy of Nutrition and Dietetics annual conference was attended by Ms. Morrison, Ms. Nagy and Mr. Taylor, on behalf of the Board.
- 2) 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.

- 3) 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.
- 4) The Board collaborated with the Ohio Academy of Nutrition and Dietetics (OAND) in sponsoring the 26th Annual Legislative Conference for dietetic practitioners on April 13, 2016 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. An additional education day, “The 7th Annual Legislative and Public Policy Day” was held on October 20, 2015 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. The presentations reached about 150 individuals.
- 5) The Board exceeded the required Minority Business Enterprise (MBE) of 15% and the Encouraging, Diversity, Growth & Equity (EDGE) of 5% for Fiscal Year 2016. The MBE expenditures were 34.57% and the EDGE expenditures were 54.31%.

#### **Agency Activities:**

- 1) The Ohio Board of Dietetics completed its fifth year of processing renewal applications on-line. There were several communications sent to inform and prepare licensees for the renewal closing date. About 98% 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 Board published the OBD Communiqué twice in FY 2016 which provided updates for 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. No printing or mailing costs were expended for this matter. The OBD Communiqué newsletters are 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 2016 staff spoke to approximately 11 groups throughout the state including undergraduate dietetic programs, dietetic internship programs, dietetic technician programs, clinical dietitians at various hospitals, food service management dietitians, OAND’s Legislative and Policy Day and OAND’s Annual Legislative Conference. These presentations reached approximately 270 individuals.

**III. LICENSURE / EXAMINATION ACTIVITY**  
**FISCAL YEAR 2016 LICENSURE ACTIVITY**

<b>LICENSES / PERMITS ISSUED</b>	<b>FY 2015</b>	<b>FY 2016</b>
Initial Licenses *	265	251
Reactivations	13	22
Renewals**	4,021	3,852
Reinstatement of lapsed or disciplined licenses	24	36
Limited Permits ***	47	38
<b>Totals</b>	<b>4,370</b>	<b>4,199</b>

- \* Initial licenses include those that are pro-rated (issued within 100 days of expiration).
- \*\* Renewals include those renewing during the late period for FY15 and those renewing timely for FY16.
- \*\*\* 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

<b><u>Fee Types</u></b>	<b><u>FY 2016</u></b>
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- 8/15/16)	\$47.50
Limited Permit	\$65.00

**FY 2016 REVENUE**

	<b>FY 2015</b>	<b>FY 2016</b>
License Application Fees	\$39,937.50	\$38,662.50
Renewal Fees	\$381,932.50	\$365,965.00
Late Fees	\$4,227.50	\$1,235.00
Limited Permit Fees	\$3,055.00	\$2,470.00
Miscellaneous (Public records , dup ID cards, etc.	\$0.00	\$427.92
<b>Total Revenue Posted *</b>	<b>\$426,097.50</b>	<b>\$408,760.42</b>
<b>Total Expenditures</b>	<b>\$276,587.58</b>	<b>\$308,034.39</b>
<b>Revenue minus expenses</b>	<b>+\$149,509.92</b>	<b>+\$100,726.03</b>

**FY 2016 EXPENDITURES**

	<b>FY 2015</b>	<b>FY 2016</b>
<b>Budgeted Appropriations</b>	<b>\$342,592.00</b>	<b>\$362,872.00</b>
Personal Service (Cat. 500 & 510)	\$213,719.28	\$237,106.00
Supplies and Maintenance (Cat. 520)	\$62,868.30	\$70,929.00
Equipment (Cat. 530)	\$0.00	\$ 0.00
Subsidies & Shared Rev. (Cat. 550)	\$0.00	\$0.00
Prior Year Encumbrances	\$23,387.00	\$26,371.00
<b>Total Expenses</b>	<b>\$276,588.00</b>	<b>\$308,034.00</b>

**V. ENFORCEMENT ACTIVITY**

**COMPLAINTS INVESTIGATED - FY 2016**

<b>FISCAL YEAR</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Cases to Start	17	14	14	13	5	2	6	0	6	3
New Cases	93	90	72 *	78	82	83	77	77	113	115
Total Cases	110	104	86	91	87	85	83	77	119	118
Cases Closed	96	90	73	86	85	79	83	71	116	114
Cases Pending	14	14	13	5	2	6	0	6	3	4

117 (99%) of cases investigated were against those qualified for licensure  
1 (1%) of cases investigated were against those not qualified for a license

**SUMMARY OF BOARD ACTIONS TAKEN OR INITIATED - FY 2016**

CITATIONS/NOTICE OF OPPORTUNITY FOR HEARING	1
HEARINGS HELD	1
CONSENT AGREEMENTS ENTERED	0
LICENSED WITH ADVISORY LETTERS	23
FINAL ADJUDICATION ORDER ISSUED	2
CEASE AND DESIST LETTERS	0

**CATEGORIES OF 113 INVESTIGATED CASES – FISCAL YEAR 2016**

<b>ALLEGATIONS REGARDING THOSE WHO MEET QUALIFICATIONS FOR LICENSURE</b>	
UNLICENSED PRACTICE	1
UNLICENSED PRACTICE/FAILED TO RENEW	78
FAILURE TO MEET CONTINUING EDUCATION REQUIREMENTS	22
STANDARDS OF PRACTICE VIOLATION-COMPETENCY	0
STANDARDS OF PRACTICE VIOLATION-CONDUCT	0
FAILURE TO TAKE EXAMINATION IN A TIMELY MANNER	0
MORAL CHARACTER VIOLATION	14
FAILURE TO MEET LICENSURE QUALIFICATIONS	1
FELONY / MISDEMEANOR CONVICTION	1
<b>Total: 117/118 99%</b>	<b>117</b>

<b>ALLEGATIONS OF UNLICENSED PRACTICE OR NOT MEETING CRITERIA OF EXEMPTION BY THOSE WHO DO NOT MEET QUALIFICATIONS FOR LICENSURE</b>	
SUPPLEMENT SALES	0
WELLNESS CENTERS	0
ALTERNATIVE	0
WEIGHT LOSS PROGRAMS	1
FITNESS/PERSONAL TRAINER	0
DIETETIC TECHNICIAN {EXEMPTION 4759.10(B)}	0
BS DIETETICS {EXEMPTION 475910(E)}	0
OTHER LICENSED PROFESSIONALS	0
MISCELLANEOUS	0
<b>Total: 1/118 1%</b>	<b>1</b>

**VI. FISCAL YEAR 2016 ANNUAL ENFORCEMENT REPORT**  
**ACTIONS TAKEN OR INITIATED BY THE BOARD**  
**July 1, 2015-June 30, 2016**

**ADJUDICATION ORDER:**

**Laura Queen (LD#5115) - Lancaster, Ohio**

Voluntary surrender of license to practice dietetics based on allegations of violation of Section 4759.07(4) of the Ohio Revised Code. Effective December 4, 2015.

**Melissa Waite (LD#6479) - Blacklick, Ohio**

License to practice dietetics revoked based on allegations of violation of Section 4759-4-04(D) of the Ohio Administrative Code. Effective February 5, 2016

**NOTICE OF OPPORTUNITY FOR HEARINGS:**

**Melissa Waite (LD#6479) - Blacklick, Ohio**

Notice of Opportunity for Hearing issued December 8, 2015 for alleged violation of Section 4759-4-04(D) of the Ohio Administrative Code.

**CONSENT AGREEMENTS: None**

**CEASE AND DESIST LETTERS: None**

**ADVISORY LETTERS:**

**16OBD83-104**

Advisory letters mailed September 11, 2015 for failing to complete the jurisprudence requirement prior to license renewal.

**16OBD112**

Initial license issued with advisory letter mailed 5/17/2016 for failing to apply to be licensed to practice dietetics on time in the State of Ohio.

**VII. TABLE OF ORGANIZATION AS OF JUNE 30, 2016**

