

**OHIO BOARD OF DIETETICS  
MINUTES OF THE BOARD MEETING  
September 27, 2002  
Verne Riffe Center  
Columbus, Ohio**

**AGENDA ITEM #1 – CALL TO ORDER**

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

Jonathan Hughes was unable to attend due to illness.

**OTHERS PRESENT:** Beth Shaffer, OBD Compliance Specialist; Kay Mavko, OBD Executive Secretary; Kelley Haddox, Assistant Attorney General; Pat McKnight, Ohio Dietetic Association Liaison; Ohio Dietetic Association;

The meeting was called to order at 10:30 a.m. Ms. Mavko noted that Ms. Fuller would be late. A quorum was present for purposes of conducting business.

**AGENDA ITEM #2 – APPROVAL OF MINUTES OF THE JULY 26, 2002 MEETING**

The minutes from the September 26, 2002 meeting were reviewed and were approved as submitted. The following motion resulted:

**RESOLUTION #1**

**David Holben moved and Cynthia Blocksom seconded a motion to approve the minutes of the July 26, 2002 Board meeting as submitted.**

**The motion was approved with vote as follows:**

<b>Claire Adkins</b>	<b>yes</b>	<b>David Holben</b>	<b>yes</b>
		<b>Cynthia Blocksom</b>	<b>yes</b>

**AGENDA ITEM #3 – APPROVAL OF LICENSES**

Ms. Mavko presented the names of 27 individuals who were issued limited permits since the July 26, 2002 meeting of the Board. The following motion was made:

**RESOLUTION #2**

**David Holben moved and Cynthia Blocksom seconded a motion to place upon the minutes of the September 27, 2002 meeting the names of 27 individuals who were issued limited permits with an expiration date of October 31, 2002 during FY 2003 since the July 26, 2002 meeting of the Board and whose 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:**

<b>Claire Adkins</b>	<b>yes</b>	<b>David Holben</b>	<b>yes</b>
		<b>Cynthia Blocksom</b>	<b>yes</b>

Ms. Mavko presented the names of 35 persons who were issued a license during FY 2003 Since the July 26, 2002 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 September 27, 2002 meeting, the names of (35) dietitians who met qualifications, pursuant to Section 4759.06 ORC, and who were issued a license by the Executive Secretary during Fiscal Year 2003 since the July 26, 2002 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:**

<b>Claire Adkins</b>	<b>yes</b>	<b>David Holben</b>	<b>yes</b>
		<b>Cynthia Blocksom</b>	<b>yes</b>

**AGENDA ITEM #4 – FY 03 LICENSE RENEWAL REPORT**

Ms. Mavko reported that FY 2003 license renewal went very well. In April 3,131 renewal applications were mailed, with 9 returned as undeliverable. All initially undeliverable mail was resolved.

The end of year FY 2002 and FY 2003 licensure reports are attached to the minutes of the meeting. At the close of FY 2002 a total of 3,322 licenses were issued including 3,005 renewals, 105 initial licenses, 43 pro-rated initial licenses, 126 limited permits, 25 reactivated licenses, 18 reinstated licenses, and 10 duplicates. Total license revenue deposited was \$270,293.20 including \$22.20 in public records fees.

For FY 2003 to date 3,009 persons have renewed, and 77 renewed with a late fee. Sixty-three licensees have changed to inactive status. Of the 96 expired licensees 30 were docketed for alleged unlicensed practice, and 20 remain expired without reason. There are 97 non-registered dietitians who hold active licenses and who are required to report their continuing education directly to the board.

Ms. Fuller arrived at 10:45 a.m.

## **DISCUSSION OF LEGAL QUESTIONS ON RENEWAL FORM**

Ms. Mavko reported that this year an attorney raised a question about legal questions # 4 and 5 on the license renewal form. (A copy of the FY 03 license renewal form is attached to the minutes of the meeting.) As currently worded, the questions appear to require a licensee who is aware that a complaint has been submitted to answer “yes”. Because the application is a public document this could result in disclosure of potential allegations that may never result in charges. The purpose of the question is really to see if actions, charges, or complaints have been filed in other jurisdictions.

It was suggested that when the application committee meets in January that they closely review the legal questions.

## **AGENDA ITEM #5—CONTINUING EDUCATION AUDIT REPORT**

The licensed, non-registered dietitians who report their continuing education directly to the board were audited. As of July 29, 2002 when the audit was completed, 30 have met or exceeded their requirements for the current reporting period. Seventeen have reported no continuing education, 21 have between 1-49 hours, 9 have 50-59 hours, and 16 have between 60-74 hours.

All licensed non-registered dietitians audited received notification of the current number of hours approved for this reporting period, and preliminary information that the process would be changing next summer to be consistent with the professional development portfolio model.

## **DISCUSSION ABOUT PLANNING FOR PROFESSIONAL DEVELOPMENT TRAINING**

Staff is beginning to plan for the spring training sessions for non-registered licensed dietitians. We plotted the home addresses of non-registered dietitians on a map of Ohio in an attempt to determine reasonable locations to hold training sessions. It is apparent that Cleveland, Youngstown, Canton, Cincinnati, Dayton, Columbus, Mansfield will be desirable locations for training. Additionally, holding a training session in Bowling

Green, and somewhere in Athens or Hocking counties should provide reasonable access for licensees living in the northwest and southeast parts of Ohio.

It was suggested that we might want to plot the licensee's business location to see if the distribution is significantly different.

Staff will look for public locations that are free to hold training sessions. Mr. Holben suggested that we might wish to consider broadcasting the training on educational closed circuit television. Ms. Mavko will follow-up and continue planning.

### **AGENDA ITEM # 6— ENFORCEMENT REPORT**

Ms. Shaffer presented the enforcement report for the period of July 26 , 2002 through September 27, 2002. There are currently 48 cases pending. Ten cases were closed at the July 26, 2002 meeting and 36 cases opened since that meeting. (This includes 30 expired licenses docketed for investigation)

The board was provided with a copy of a recent letter sent to the attorney representing the respondent in case #02OBD04. The case was closed at the July board meeting. It was sent in response to the attorneys query about the status of the case. The letter also informs the respondent that the board ordered a follow-up visit in six months after the closure of the case to determine if the respondent appears to continue to meet minimum standards of practice.

A copy of the letter is attached to the minutes of the meeting.

Ms. Shaffer provided the board with a copy of an article regarding alternative therapy provided by Andrea L. Stern, who received a cease and desist letter from the board last year. The article appears to be responsive to the board's request for her to cease holding herself forth to practice. A copy of the article is included in the minutes of the meeting.

Board members were provided with a copy of the article "Where to Get Professional Nutrition Advice", by Stephen Barrett, M.D. and "Why "Nutritionist" Licensing is important", also by Dr. Barrett. The articles address how to find persons with reliable credentials, and review some of the non-accredited schools and credentials that are used in the marketplace.

### **AGENDA ITEM #7—EXECUTIVE SESSION**

The Board moved into Executive Session at 11:22 a.m. with a roll call vote. In attendance were the following: Ms. Adkins, Ms. Fuller, Mr. Holben, Ms. Blocksom, Ms. Shaffer, Ms. Mavko, Ms. Haddox. The following motion was made:

**RESOLUTION #4**

**Lorna Fuller moved and David Holben 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:**

<b>Claire Adkins</b>	<b>yes</b>	<b>David Holben</b>	<b>yes</b>
<b>Lorna Fuller</b>	<b>yes</b>	<b>Cynthia Blocksom</b>	<b>yes</b>

The board moved out of executive session at 12:05 p.m.

**AGENDA ITEM #8– FINDINGS, ORDERS, and ACTIONS**

The following findings, orders, and actions resulted from the Executive Session held during the meeting:

**RESOLUTION #5**

**David Holben moved and Lorna Fuller seconded a motion to close the following complaints:**

- 01OBD103**    **Appears to have come into compliance with exemption 4759.10(H) & (I) ORC. Informational letter to nutrition society.**
  
- 02OBD76**    **Unfounded. Appears to be in compliance with exemption 4759.10 (H)&(I)ORC.**
  
- 02OBD82**    **Ceased practice.**
  
- 03OBD01**    **Records checked. Unfounded. Limited permit issued. Recheck records prior to issuance of initial license.**
  
- 03OBD05**    **Reactivated license with letter of caution; informational letter to supervisor.**
  
- 03OBD06**    **License issued with letter of caution; informational letter to human resources.**
  
- 03OBD39**    **License reinstated with letter of caution; informational letter to supervisor.**
  
- 03OBD40**    **Records checked. Unfounded. Limited permit issued. Recheck records prior to issuance of initial license.**
  
- 03OBD18**    **Reinstated 9/23/02 with letter of caution.**

- 03OBD19      Reinstated 9/10/02 with letter of caution.**
- 03OBD21      Reinstated 8/27/02 with letter of caution.**
- 03OBD13      Relocated to Korea.**
- 03OBD34      No longer practicing dietetics in Ohio.**
- 03OBD36      No longer practicing in Ohio, lives in Kentucky.**
- 03OBD37      Practicing claiming exemption for 4759.10(C) at VA Hospital.**

**The motion was approved with vote as follows:**

<b>Claire Adkins</b>	<b>yes</b>	<b>David Holben</b>	<b>yes</b>
<b>Lorna Fuller</b>	<b>yes</b>	<b>Cynthia Blocksom</b>	<b>yes</b>

The board moved to the Ohio Board of Dietetics office on the 18<sup>th</sup> floor of the Riffe Center for lunch. A brief demonstration of the proposed on-line license verification system was conducted. Suggestions for modifications were made and will be incorporated.

**AGEND ITEM #9—PENDING LEGISLATION**

Mr. Vierow, legislative aide to the Ohio Dietetic Association was unable to attend the board meeting today. He did submit a legislative status report and copies were provided to the board members. It is noted that the first 11 pages include health-related bills.

**Ohio Healthcare Workforce Shortage Task Force Report**

Board members were provide with a copy of the pre-publication text of “Caring for Ohioans: Rebuilding the Health Care Workforce in Ohio” which is being published by the Ohio Healthcare Workforce Shortage Task Force. Ms. Mavko noted the sections that were pertinent to licensure issues. A copy of the publication is attached to the minutes of the meeting.

**HB 314**

No significant activities have occurred regarding HB 314. A meeting between Rep. Reidelbach, Chairman Williams, Ms. Mavko, and Ms. McKnight that was scheduled for September 3, 2002 was cancelled by Rep. Reidelbach following the change in leadership

of the Commerce and Labor committee that occurred in late August. Representative Williams was removed as chairman of the Commerce and Labor committee, and Representative Ron Young is the newly appointed Chairman.

Ms. Mavko met briefly with Barry Spears, legislative aide to Rep. Young, and provided him with updated information related to HB 314. There was no indication of whether or not the committee will hold further hearings this fall on HB 314.

At 1:30 p.m. Ms. Adkins had to leave the meeting, and the role of Chairman was assumed by Ms. Fuller. A quorum of members was present to continue to conduct business.

### **AGENDA ITEM #10 – BOARD REPORTS**

**Chairman – Claire Adkins** No report.

### **ODA Liaison – Pat McKnight**

Ms. McKnight reported that the Ohio Dietetic Association board meeting will be held in Columbus on October 4, 2002. She will be seeking dietitians to work as legislative contacts for the legislators in the revised districts.

Ms. McKnight will be bringing the Mount Carmel dietetic interns to the morning portion of the November meeting.

### **Directors Report – Kay Mavko**

1. A draft of policy and procedure #8.5 “Checks Returned for Non-sufficient Funds” was presented to the board for its review. The policy stipulates that someone presenting a check to the board that is returned for non-sufficient funds (NSF) will be required to “buy it back” with good money and pay any processing fees that are charged to OBD. Licensees who present two or more NSF checks will no longer be able to use personal checks as a method of payment.

Policy #8.5 was reviewed, edited, and approved as corrected. The following motion resulted:

#### **RESOLUTION #6**

**Lorna Fuller moved and Cynthia Blocksom seconded a motion to approve Policy #8.5, “Checks Returned for Non-sufficient Funds” as presented and amended.**

**The motion was approved with vote as follows:**

<b>Lorna Fuller</b>	<b>yes</b>	<b>David Holben</b>	<b>yes</b>
		<b>Cynthia Blocksom</b>	<b>yes</b>

A copy of the policy and procedure is attached to the minutes of the meeting, and will be added to the agency Policy and Procedures Book.

2. Ms. Mavko reported that the Cosmetology Board is progressing as expected with the pilot implementation of the new computer licensing system. They will go live with data transfer on October 5. It appears that OBD will be implementing the new system sometime shortly after renewal next year.

CAVU and another vendor will be demonstrating a paperless licensing module to members of the licensing system committee next week. If the module look interesting, it may be added in to the project.

3. Ms. Mavko continues to work on revising the agency Disaster Plan. A meeting was called last week by Lieutenant Governor O'Connor to review the evacuation of Rhodes Tower that occurred on September 11, 2002 as a result of a perceived bomb threat. The meeting emphasized the need to complete disaster preparedness and our agency plans quickly, and to plan effectively for the resumption of business – not just evacuation of buildings.
4. The Combined Charitable Campaign is in full swing. Board members and staff were provided with pledge cards and given the opportunity to donate if so desired.
5. Director Mavko has registered to attend a workshop sponsored by the Commission on Dispute Resolution on Consensus Building through Regulatory Negotiation. It will be held in November.
6. The Ohio Joint Regulatory Boards group has engaged a subcommittee to collect policies and procedures from participating boards and review them. The subcommittee will categorize those policies that are necessary, or recommended , and to indicate those that the group feels represent best policies and procedures. The information will be distributed to all participants. The intent is to make a comprehensive collection available to all agency staff as they develop their own policies and procedures.
7. Ms. Mavko is speaking as part of a panel presentation on licensure at the Central Ohio Diabetes Association annual seminar on November 7, 2002.
8. The Fall issue of the Communique' newsletter will be prepared in October. Topics to be included include: HB 314, Administrative Rule Revisions and public hearing plans, continuing education training , changes in board members, on-line verification of licensure, publication of the consumer brochure, and the summary of board actions listing.
9. The Council on Licensure, Enforcement and Regulation (CLEAR) is developing a regulatory leadership-training program. The target audience is board and agency executives and the proposed training is targeted to last three days. The curriculum

includes creating a positive public relations program, creating an appropriate working relationship with legislators, and regulatory leadership, organizational culture and change. CLEAR is surveying member agencies to ascertain if they would be interested in attending, and to determine an appropriate fee. The board expressed interest in sending attendees, and a willingness to pay \$300-\$350 for the training. Ms. Mavko will forward our response.

**AGENDA ITEM #11—DIRECTORS ANNUAL REPORT**

Prior to the meeting the board members received a draft copy of the 2002 Directors Annual Report for their review. Corrections, and revisions were discussed and incorporated. The revised report will be finalized and submitted as required. The following motion resulted:

**RESOLUTION #7**

**David Holben moved and Lorna Fuller seconded a motion to approve the revised Directors Report for the Ohio Board of Dietetics for Fiscal Year 2002. Copies will be submitted to the Governors office and other agencies as required, and to interested parties who request it.**

**The motion was approved with vote as follows:**

		<b>David Holben</b>	<b>yes</b>
<b>Lorna Fuller</b>	<b>yes</b>	<b>Cynthia Blockson</b>	<b>yes</b>

**AGENDA ITEM #12—REPORT OF RULES REVIEW COMMITTEE**

The rules review subcommittee met on August 23, 2002. A copy of the subcommittee meeting minutes is attached to the minutes of this meeting. The committee recommended changes to the following rules:

4759-4-03	Examination	Rescind (C)
4759-4-08	Limited Permit	Technical changes
4759-5-03	Supervision of Others	Title Change Add "Exemption" to all subtitles in section 4759-5
4759-5-06	Weight Control Programs	Rescind current section and replace with amended draft
4759-9-01	Severability	Technical numbering change

Additionally, the subcommittee suggested that the board develop a rule requiring law related continuing education for licensees. The board discussed the suggestion, and directed the subcommittee to draft a proposed rule and procedures for implementation. The following motion resulted:

**RESOLUTION #8**

**David Holben moved and Cynthia Blocksom seconded a motion to approve the proposed changes and corrected drafts of Administrative rules 4759-4-03; 4759-4-08; 4759-5-03; title additions to section 4759-5; 4759-5-06; and 4759-5-08 of the Ohio Administrative Code.**

**The motion was approved with vote as follows:**

		<b>David Holben</b>	<b>yes</b>
<b>Lorna Fuller</b>	<b>yes</b>	<b>Cynthia Blocksom</b>	<b>yes</b>

The subcommittee plans to meet again on October 11, 2002 to complete its proposed changes. The proposed rule revisions should be ready for filing in late November.

**AGENDA ITEM #13– FINANCIAL REPORT**

The financial report was presented for the period of July 1, 2002 through August 31, 2002 including Allocations and Appropriations, Expenditures, Revenues to date, and Comparison of Revenue and Disbursements. Expenditures as of August 31, 2002 totaled \$52,365. Expenses for the month of July were lower than usual, due to the late processing of payments as a result of end of year activities. Many of the July expenses were processed in August, which makes that month's expenses appear higher than usual. Revenue deposited through August 31, 2002 is \$22,450.

**RESOLUTION #9**

**David Holben moved and Lorna Fuller seconded a motion to approve the financial report as submitted by the Executive Secretary, including approval of the July and August expenditures.**

**The motion was approved with vote as follows:**

		<b>David Holben</b>	<b>yes</b>
<b>Lorna Fuller</b>	<b>yes</b>	<b>Cynthia Blocksom</b>	<b>yes</b>

**Budget Planning for FY 2004 – 2005**

Ms. Mavko submitted the proposed FY 2004-2005 budget, and attended a budget hearing before the Office of Budget and Management. There were a number of questions posed regarding the proposed fee increase. As a result of the review, Ms. Mavko presented another option to the board for its consideration.

Based on projected revenues, budgets, and our position in the 4K9 fund, it appears that the board could delay the proposed fee increase from FY 2004 until FY 2005 without significantly jeopardizing its fiscal reserves in the 4K9 fund. Such a change would require the director to file an amended budget. The delay may be perceived as a benefit to licensees who are also registered dietitians and who will be subject to a proposed dues increase from the American Dietetic Association that will be effective next year.

Delaying the fee increase to FY 2006 does not appear to be a viable option, as it would reduce the 4K9 reserves too drastically.

After discussion, and a review of projections, the following motion was made:

**RESOLUTION #10**

**David Holben moved and Lorna Fuller seconded a motion to delay the previously proposed licensure fee increase until FY 2005. Ms. Mavko is directed to amend the budget request previously submitted to accommodate the change, and to work with the Office of Budget and Management to make the necessary revisions.**

**The motion was approved with vote as follows:**

<b>Lorna Fuller</b>	<b>yes</b>	<b>David Holben</b>	<b>yes</b>
		<b>Cynthia Blocksom</b>	<b>yes</b>

Ms. Mavko requested that the board approve supporting attendance of Kelley Haddox, Assistant Attorney General at the Federation of Associations of Regulatory Boards attorney certification seminar that will be held in Colorado Springs, on October 31-November 3, 2002. OBD will pay for her registration, and other boards will pay for other expenses. The following motion resulted:

**RESOLUTION #11**

**David Holben moved and Cynthia Blocksom seconded a motion for the board to pay the \$425 registration fee for Kelley Haddox to attend the Federation of Associations of Regulatory Boards attorney certification seminar in Colorado Springs, Colorado, on October 31 – November 3, 2002.**

**The motion was approved with vote as follows:**

<b>Lorna Fuller</b>	<b>yes</b>	<b>David Holben</b>	<b>yes</b>
		<b>Cynthia Blocksom</b>	<b>yes</b>

The Board was reminded that it budgeted for the Director and Public member to attend the Citizen Advocacy Center Annual Meeting. Mr. Hughes is unable to attend, so other

Board members were asked if they would be able to attend. No other board member is available, so Ms. Mavko will go alone. The following motion was made:

**RESOLUTION #12**

**Lorna Fuller moved and David Holben seconded a motion to approve Ms. Mavkos participation in the Citizens Advocacy Center annual meeting in San Francisco, California from November 13 – 15, 2002 and reimburse for all usual and necessary travel expenses.**

**The motion was approved with vote as follows:**

<b>Lorna Fuller</b>	<b>yes</b>	<b>David Holben</b>	<b>yes</b>
		<b>Cynthia Blocksom</b>	<b>yes</b>

Ms. Mavko requested support to attend a one-day Excel 97 course being held at Columbus State Community College and offered by the State of Ohio Lifelong Learning program. The course will assist in developing the Director's ability to prepare data tables. The following motion was made:

**RESOLUTION #13**

**Lorna Fuller moved and David Holben seconded a motion to approve \$60 registration for Ms. Mavko to attend a one day Excel Training course on December 2, 2002 at Columbus State Community College.**

**The motion was approved with vote as follows:**

<b>Lorna Fuller</b>	<b>yes</b>	<b>David Holben</b>	<b>yes</b>
		<b>Cynthia Blocksom</b>	<b>yes</b>

**AGENDA ITEM #14 – REPORT FROM CLEAR MEETING**

Ms. Blocksom and Ms. Mavko shared highlights of information from the Council on Licensure Enforcement and Regulation annual meeting that they attended September 12-15, 2002 in Las Vegas. The conference was well attended and the content was good. Some of the highlights included presentations on regulatory partnerships, recovering from the unexpected, you are the messenger, fraudulent credentials, research and regulation, effective alternatives to formal discipline, balancing public interest and client rights, establishing an effective board orientation, accreditation, regulating the regulators, and the settlement process.

Ms. Blocksom and Ms. Mavko both thanked the board for supporting their attendance, and noted that they found the meeting to be very beneficial.

**AGENDA ITEM #15-- UPCOMING BOARD MEETING DATES**

**The next regular Board meeting is scheduled for November 8, 2002.**

Board members were asked to bring their calendars with them to the November board meeting in order to establish dates for the calendar year 2003 meetings and were asked to place January 3, 2003 on their calendars as the tentative date for the first meeting.

**AGENDA ITEM # 16- ADJOURNMENT**

**A motion was made to adjourn the meeting. There was consensus by the Board. The September 27, 2002 regular meeting of the Ohio Board of Dietetics adjourned at 4:55 p.m.**

**Respectfully submitted,**

\_\_\_\_\_ Date \_\_\_\_\_  
**Kay Mavko**  
**Executive Secretary, Ohio Board of Dietetics**

\_\_\_\_\_ Date \_\_\_\_\_  
**Claire Adkins**  
**Chairman, Ohio Board of Dietetics**

\_\_\_\_\_ Date \_\_\_\_\_  
**Witness**