

**OHIO BOARD OF DIETETICS
MINUTES OF THE BOARD MEETING
September 14, 2007
Board Room, 31st Floor, Vern Riffe Center
Columbus, Ohio**

AGENDA ITEM #1 – CALL TO ORDER

BOARD MEMBERS PRESENT: Claire Adkins, James Mermis, Vandadean Rogers, Kay Soltesz

ABSENT: Dietitian Members position vacant – waiting for appointment

OTHERS PRESENT: Beth Shaffer, Compliance Specialist; Kay Mavko, Executive Secretary; Pat McKnight, Ohio Dietetic Association liaison; Aaron Epstein, Assistant Attorney General; Stacey Carr, Kent State University Dietetic Intern.

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

AGENDA ITEM # 2 – APPROVAL OF MINUTES OF THE JULY 20, 2007 MEETING

The minutes of the July 20, 2007 Board meeting were presented to the Board by the Executive Secretary and they were reviewed and approved as presented. The following motion resulted:

RESOLUTION # 1

James Mermis moved and Vandadean Rogers seconded a motion to approve the minutes of the July 20, 2007 Board meeting as submitted by the Executive Secretary.

The motion was approved with vote as follows:

Claire Adkins	yes	Vandadean Rogers	yes
James Mermis	yes	Kay Soltesz	yes

A copy of the minutes of the July meeting is on file in the OBD office.

AGENDA ITEM # 3– APPROVAL OF LICENSES

Ms. Mavko presented the names of 24 individuals who were issued Limited Permit licenses between July 20, 2007 and September 14, 2007.

RESOLUTION # 2

James Mermis moved and Kay Soltesz seconded a motion to place upon the minutes of the September 14, 2007 meeting the names of 24 individuals who were issued a Limited Permit during Fiscal Year 2008 with the expiration

date of October 31, 2007 since the July 20, 2007 meeting of the Board. The 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:

Claire Adkins	yes	Vandadean Rogers	yes
James Mermis	yes	Kay Soltesz	yes

Ms. Mavko presented the names of individuals who were issued a license for Fiscal Year 2008 between July 20, 2007 and September 14, 2007. The following motion was made:

RESOLUTION # 3

Vandadean Rogers moved and James Mermis seconded a motion to place upon the minutes of the September 14, 2007 meeting, the names of 34 dietitians who met qualifications, pursuant to Section 4759.06 ORC, and who were issued a license by the Executive Secretary during Fiscal Year 2008 since the July 20, 2007 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:

Claire Adkins	yes	Vandadean Rogers	yes
James Mermis	yes	Kay Soltesz	yes

AGENDA ITEM # 4– FY 2008 LICENSE RENEWAL – FINAL REPORT

Ms. Mavko presented the end of FY 2008 license renewal report and Year end FY 2007 licensure statistics

Licenses issued for FY 2007 (as of June 30, 2007)

Initial Licenses	171
Pro-rated Initial Licenses	25
Reactivations	25
Reinstatements	26
Limited Permits	87
Renewed licenses issued in FY2007	2919*
Late Renewal Fees Paid	103
Duplicate Licenses	26 (includes 5 no-charge)

* includes late renewals for FY 07 and renewals paid and issued in FY07 for FY08

As of the end of the renewal late period:

Licenses Expired with Reason	67
Requested Inactive Status	62
Expired without Reason / docketed 8/22/07	45
Licenses Reported as Deceased	1

A total of 3140 licenses renewed during the renewal period and late period (through 8/15/2007)

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

AGENDA ITEM # 5 – ENFORCEMENT

Ms. Shaffer presented the Enforcement report for the period of July 20, 2007 through September 14, 2007 including Quarterly statistics. There were 18 open cases pending and 6 were closed at the July Board meeting. Since then 56 cases have been opened - including 45 cases of expired licenses docketed at the end of the renewal late period. Therefore, the total number of cases now open is 68. A summary of completed and pending cases was provided, and is attached to the minutes of this meeting.

Ms. Shaffer also presented the revised Annual Enforcement Report statistics for FY 2007, which is included in the DRAFT Directors Annual Report, and in the Fall Communique' newsletter.

AGENDA ITEM # 6 -- STATUS OF BOARD ACTIONS

Ms. Shaffer reported that the Ethics Committee of the American Dietetic Association (ADA) acknowledged the letters that they received from the Board regarding Ms. Deanna Printz and Ms. Vibhuti Patel.

SKIPPED - AGENDA ITEM # 7 & 8 – EXECUTIVE SESSION – ENFORCEMENT and FINDINGS, ORDERS ACTIONS

As a courtesy to Ms. McKnight who needed to leave early, the Executive Secretary requested that Agenda Items # 7 - Executive Session and #8 - Findings, Orders, and Actions be skipped at this time and moved until after the Lunch break. The Board agreed by consensus, and proceeded with agenda items # 9-15, then # 7 & 8 and finished with #16 & 17.

AGENDA ITEM # 9--DISCUSSION OF PERTINENT LEGISLATIVE ISSUES

Ms. Mavko reported that there has been no official activity on HB 148 the Alternative / Complementary Practitioners bill.

HB 104 / Criminal Background Checks is awaiting the scheduling of Fall committee Hearings. It is anticipated that the bill will continue to move once the legislative session and committee meeting get into full swing.

The omnibus Corrections legislation **HB 130** / which would require each Board to determine which **criminal offenses are “substantially related to” a person’s fitness for licensure** is still having amendment language drafted. Early suggestions for a one paragraph amendment became 40 pages of text when the Legislative Service Commission drafted the amendment that did not solve the problem. Board representatives working as proponents of amendment have submitted a new two paragraph suggestion to LSC and are awaiting their re-drafting. If an acceptable amendment can not be reached, the Boards (including OBD) would likely oppose the bill due to the burden it would place on the Boards and the inherent problems associated with the requirement.

Ms. McKnight reported that the Budget bill which included language that enacts all of the major components of **HB 118** (Senator R. Gardner) requiring **physical education** also requires establishing a state coordinator position for physical education. That position has not yet been appointed.

Governor Strickland has indicated that he is still in support of the **Diabetes Cost Reduction bill** and will on a case by case basis consider supporting other insurance mandate legislation that makes sense for Ohio. Ms. McKnight reported that there are no hearings set yet for the Fall to hear testimony on the bill.

Ms. McKnight reports that she has been in contact with Representative Setzer to encourage her to schedule hearings in the House Education committee for **HB254 the School Wellness legislation**. She has also met with representatives of the national School Based Health Association in hopes of increasing support for the legislation by the Ohio affiliate.

Ms. McKnight and Ms. Mavko met with Roger Fouts and Sue Feldman from the Ohio Department of Jobs and Family Services to discuss the proposed rules being drafted for the Money Follows the Person program and they were very receptive to the suggestions made.

AGENDA ITEM # 10 – BOARD REPORTS

Board Chairman – Ms. Adkins – Ms. Adkins had no report other than to indicate that a new dietitian member has not yet been appointed by the Governor’s office.

ODA Liaison Report – Ms. McKnight

1. Ms. McKnight reminded the Board that the 2008 Ohio Legislative Conference will be held March 5, 2008 at the Riffe Center. The ODA Annual meeting for 2008 will be April 24 and 25 at the Roberts Center, Wilmington, Ohio.
2. Ms. McKnight will be bringing 8 Mount Carmel College of Nursing Dietetic Interns to the November board meeting.

Directors Report – Ms. Mavko

1. Ms. Mavko reported that the implementation of the OAKS financial systems continues to be challenging. Payments for end of FY07 expenses have not all been processed for our agency yet. Central Service Agency (CSA) is still working to catch up. Although no reports have been available to us yet, Director Mavko is scheduled to attend a reports training on 9/17/2007 that will hopefully yield access to some reports. It was a challenge to put together the financial report for this meeting and the information is based on hand calculations.
2. The Board member replacing Cynthia Blocksom has not yet been appointed. Malik Hubbard indicated that background checks were being done on the candidate(s) and that the appointment would occur soon.
3. Ms. Mavko shared information about a website “Sense about Science” that promotes evidence based good science for the public.
4. Ms. Mavko shared the Combined Charitable Campaign materials that Tammi Spencer, our agency coordinator for this year, received. Board members choosing to contribute can turn the materials in within the next two weeks.
5. Ms. Mavko noted that the fees for taking the Registration Examination for dietitians (RD exam) are increasing from \$175.00 to \$200.00 effective January 1, 2008.
6. The Ohio Ethics Commission is planning more presentations for future dates. All of our current members have attended, but when our new member gets appointed we will schedule for that person to attend.
7. A draft of the Fall Communique’ was shared with Board members and input requested. The annual enforcement statistics and actions will be included. Staff will target October for mailing.
8. The licensing Boards and Commissions in Ohio have entered into a Memorandum of Understanding with the Department of Administrative Services Office of Information Technology staff regarding the E-License System Services. The agreement formalizes an arrangement between the two groups to deliver specific

services, with specific levels of support of the Board's E-License system. A copy of the agreement is filed with the minutes of the meeting

9. Beth Shaffer has continued to work on the revisions of Guideline F and a copy was provided to the Board for its review. The Board approved use of the draft document by staff and suggested seeking input from dietitians and other interested parties practicing in the sports area and she is collecting that input.

AGENDA ITEM #11 – FINANCIAL REPORT

The financial report was presented for the months of July and August 2007 including Allocations and Appropriations, Expenditures, and Revenues to Date. Due to the lack of reports available, the figures included in this report are calculated on best guess information, and much of the reporting was done by hand. Expenditures for the month of July and August 2007 are totaled together and were \$9,806 for operations, and at least \$51,688 for payroll and fringes.

Revenue collected for July was \$57,047.50 and for August was \$8,290.00. July revenue was a bit higher than usual because the old CAS system was closed down a couple of days early for the transition to OAKS, and those revenues deposited in July.

RESOLUTION # 4

James Mermis moved and Vandadean Rogers seconded a motion to approve expenditures as presented for July and August 2007 and to accept the financial report as submitted to the Board by the Executive Secretary.

The motion was approved with vote as follows:

Claire Adkins	yes	Vandadean Rogers	yes
James Mermis	yes	Kay Soltesz	yes

Ms. Mavko reviewed the Revenue Summary Report for FY 2007 noting that the OBD revenue versus disbursements showed a net gain of \$37,829.02 in the 4K9 fund for year end. Also April, May, June revenues compared to the same time period last year were \$14,928 lower. It appears that dietitians are again delaying renewal of their licenses - most likely because of the Jurisprudence continuing education requirement. It is anticipated that this will result in a significant shift of revenue to the early months of the FY 2008 period.

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

AGENDA ITEM # 12 – DRAFT OF DIRECTORS ANNUAL REPORT

A draft of the Director's Annual Report was provided to the board members for their review prior to the meeting, and suggestions and edits incorporated. The report will be submitted to the Governor's office and other agencies as required or appropriate.

The following motion was made:

RESOLUTION # 5

James Mermis moved and Vandadean Rogers moved to approve the Directors Annual Report for FY 2007 as submitted by the Director.

The motion was approved with vote as follows:

Claire Adkins	yes	Vandadean Rogers	yes
James Mermis	yes	Kay Soltesz	yes

AGENDA ITEM # 13 AGENCY GOAL SETTING

Ms. Mavko provided each of the Board members and staff with a copy of the Opportunities, challenges and action steps developed by group consensus. The Board members were asked to prioritize them and staff will develop a strategy plan for the November meeting based on the compiled prioritization.

AGENDA ITEMS #14 & 15- SUBCOMMITTEE MEETINGS AND REPORTS

The **Education Subcommittee** met and reviewed 6 Professional Development Learning Logs and Learning Plans. Five were approved and 1 will be returned to the licensee for revision.

The subcommittee also reviewed and approved a draft of a letter that staff is proposing be mailed to update the licensees about the status of their portfolio submissions to date, and reminding them that the five year cycle ends June 30, 2008. A copy of the letter was provided to the full board for their review also.

The subcommittee also approved an application for approval of Jurisprudence Educational Program presented by Kay Mavko at the Kidney Foundation of Ohio 32nd Annual Renal Symposium, on September 20, 2007 in Cleveland Ohio. Ms. Mavko also requested that her presentation on Diet and Nutrition Order Writing at the North East Ohio Renal Nutrition Group also on September 20, 2007 be approved for Jurisprudence Education. The committee approved both presentations.

The Rules Subcommittee met and continued discussion on review of the following administrative rules making suggestions for revisions to the following rules:

4759-2-01 Definitions
4759-3-02 Executive Secretary
4759-3-03 Minutes of Board meetings

4759-3-07 Adjudication Hearings
4759-4-04 Continuing Education
4759-4-06 Status Categories

Upcoming subcommittee meetings are scheduled as follows:

October 10, 2007 (moved to October 12, 2007 at 10:00 am

November 9, 2007 10:00 am

December (target date to file rules)

Rules Public hearing scheduled for January 17 –18 with Board meeting

Staff continue to follow-up with coordination of the subcommittee meetings, and preparation of the rule revisions.

AGENDA ITEM # 7 – EXECUTIVE SESSION

The Board moved into Executive Session for consideration of disciplinary matters at 1:30 P.M... with a roll call vote. The following were in attendance: Ms. Adkins, Mr.Mermis, Ms. Rogers, Mr. Epstein, Ms. Shaffer, and Ms. Mavko. Ms. Carr was also invited to attend.

The following motion was made:

RESOLUTION # 6

Kay Soltesz moved and James Mermis seconded a motion to move into Executive Session pursuant to Ohio Revised Code 121.22 (G)(1), for the purpose of discussing matters pertaining to investigations of charges, complaints against licensees and regulated individuals, and consultation with legal counsel.

The motion was approved with roll call vote as follows:

Claire Adkins	yes	Vandadean Rogers	yes
James Mermis	yes	Kay Soltesz	yes

AGENDA ITEM # 8 – FINDINGS, ORDERS, ACTIONS

Following Executive Session the following findings, orders, and actions were taken by the Board

RESOLUTION # 7

Vandadean Rogers moved and James Mermis seconded a motion to close the following cases for the reasons cited:

- 07OBD74 Issue Limited Permit and use ITIN number to identify the applicant.
- 07OBD85 Came into compliance with written approval of a general program of weight control pursuant to section 4759.10 (J) ORC.
- 08OBD07 Issue license with advisory letter. Information letter to supervisor and LD who co-signed.
- 08OBD08 Unfounded. License issued. Memo to file. Re-check records prior to issuance of initial license.
- 08OBD09 Unfounded. License issued. Memo to file. Re-check records prior to issuance of initial license
- 08OBD11 Board accepted applicant request to withdraw renewal application. No evidence of practice or intent to practice found. License expired with reason.
- 08OBD58 License reinstated with advisory letter for unlicensed practice.

The motion was approved with roll call vote as follows:

Claire Adkins	yes	Vandadean Rogers	yes
James Mermis	yes	Kay Soltesz	yes

RESOLUTION # 8

Vandadean Rogers moved and James Mermis seconded a motion to close the following expired license cases for the reasons cited:

- 08OBD17 Reinstated with advisory letter for unlicensed practice
- 08OBD19 Relocated to TX
- 08OBD30 No longer practicing dietetics in Ohio, withdrew incomplete application filed 8/28/07
- 08OBD39 No longer practicing dietetics in Ohio

The motion was approved with roll call vote as follows:

Claire Adkins	yes	Vandadean Rogers	yes
James Mermis	yes	Kay Soltesz	yes

RESOLUTION # 9

Kay Soltesz moved and Vandadean Rogers seconded a motion to ratify issuance of a Notice of Opportunity for Hearing proposing to deny reinstatement of license to practice with a Consent Agreement in lieu of hearing as presented to the Board regarding case 08OBD06 for allegedly violating Sections 4759.02 (A) & (B) of the Ohio Revised Code.

The motion was approved with roll call vote as follows:

Claire Adkins	yes	Vandadean Rogers	yes
James Mermis	yes	Kay Soltesz	yes

RESOLUTION # 10

Kay Soltesz moved and Vandadean Rogers seconded a motion to approve the Consent Agreement signed by the respondent on September 10, 2007 in lieu of hearing in case 08OBD06. The consent agreement will become effective September 14, 2007.

The motion was approved with roll call vote as follows:

Claire Adkins	yes	Vandadean Rogers	yes
James Mermis	yes	Kay Soltesz	yes

The respondent in case 08OBD06 was revealed to be Peachy Seiden, RD from Cincinnati, Ohio.

RESOLUTION # 11

Kay Soltesz moved and Vandadean Rogers seconded a motion to issue a Notice of Opportunity for Hearing as presented to the Board regarding case 08OBD12 for allegedly violating Sections 4759.02 (A)(1) of the Ohio Revised Code and 4759-4-01 (B) of the Ohio Administrative Code.

The motion was approved with roll call vote as follows:

Claire Adkins	yes	Vandadean Rogers	yes
James Mermis	yes	Kay Soltesz	yes

The respondent in case 08OBD12 was revealed to be Robert W. Iafelice, Concord, Ohio

RESOLUTION # 12

Kay Soltesz moved and Vandadean Rogers seconded a motion to issue a Notice of Opportunity for Hearing as presented to the Board regarding case 07OBD76 for allegedly violating Sections 4759.07 (A)(1) & (6) of the Ohio Revised Code and 4759-6-01 (D), (E),(1)(3),& (4), K (1),(2), & (3) and (H)(1) of the Ohio Administrative Code.

The motion was approved with roll call vote as follows:

Claire Adkins	yes	Vandadean Rogers	yes
James Mermis	recused	Kay Soltesz	yes

The respondent in case 07OBD76 was revealed to be Nicole DiBattista, North Royalton, Ohio.

AGENDA ITEM # 16 – UPCOMING MEETINGS

The following dates are planned for Regular Meetings of the Board for the remainder of 2007.

November 16, 2007

The Board members discussed proposed dates for Regular Board meetings in 2008 and agreed on the following dates:

January 25, 2008

March 28, 2008

May 16, 2008

July 11 or 18, 2008 (To be determined)

September 19, 2008

November 7, 2008

AGENDA ITEM # 17 -- ADJOURNMENT

A motion was made to adjourn the meeting. There was consensus by the Board. The September 14, 2007 meeting of the Ohio Board of Dietetics adjourned at 4:15 p.m.

Respectfully submitted,

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

_____ **Date** _____
Claire Adkins
Chairman, Ohio Board of Dietetics

_____ **Date** _____
Witness