

**OHIO BOARD OF DIETETICS
MINUTES OF THE BOARD MEETING
January 18, 2013
East B, 31st Floor, Vern Riffe Center
Columbus, Ohio 10:00 A.M.**

AGENDA ITEM #1 – CALL TO ORDER

BOARD MEMBERS PRESENT: Leah Reibel, Susan Finn, Christopher Taylor, John Ridgway and Marsha Dumm

OTHERS PRESENT: Pat McKnight, Ohio Academy of Nutrition and Dietetics liaison; Donald Davis, Compliance Specialist; Karen Dion, OBD Executive Secretary; and Charissa Payer, Senior Assistant Attorney General.

Chairman Reibel called the meeting to order at 10:07 a.m., noting that a quorum was in attendance. Ms. Reibel welcomed the group.

AGENDA ITEM #2 – PUBLIC RULES HEARING ON PROPOSED ADMINISTRATIVE RULES

The Board moved into recess for the administrative rules hearing.

A public hearing was held at 10:07 a.m. (and ended at 10:21 a.m.) to receive comments and testimony concerning the board's intention to consider adoption of nine amended administrative rules in order to comply with Ohio Revised Code 119.032.

A summary of the proposed amendments considered follows:

- | | | |
|-----------|---------------------------------------|---|
| 4759-1-01 | <u>Public notice of rule adoption</u> | name change from the ohio dietetic association to the ohio academy of nutrition and dietetics |
| 4759-1-02 | <u>Notice of board meetings</u> | website address changed to www.dietetics.ohio.gov ; replace the word “mailed” with “electronically disseminated”; name change from the ohio dietetic association to the ohio academy of nutrition and dietetics |
| 4759-4-02 | <u>Pre-professional experience</u> | name change from the American dietetic association to the academy |

of nutrition and dietetics; add semi-colon after “predecessors” and after “or” second line from the bottom.

4759-4-06	<u>Status Category</u>	change June thirty to June thirtieth
4759-4-09	<u>Limited certificates and permits</u>	add the word “new” after each and omit license identification card (B) second sentence changed to read: Permit identification cards shall bear the signature of the chairman and/or executive secretary
4759-5-01	<u>Supervision of persons claiming exemption</u>	name change from the American dietetic association to the academy of nutrition and dietetics
4759-6-02	<u>Standards of professional performance</u>	4759-6-02 C3 add to the first sentence “and be designated to deliver services as approved by their facility. The authority and privilege to practice within the scope shall be consistent with the standards of practice of the Academy of Nutrition and Dietetics and other regulatory agencies such as, but not limited to, the Centers for Medicare and Medicaid Services (CMS) guidelines as published in the Federal Register.
4759-6-03	<u>Interpretation of standards</u>	name change from the American dietetic association to the academy of nutrition and dietetics
4759-9-01	<u>Severability</u>	change 4759-9 to 4759-10

There were several comments received at the Board office in favor of the proposed changes and there was one testimony presented by Pat McKnight, MS, RD, LD, State Policy Representative of the Ohio Academy of Nutrition and Dietetics, and was also in favor of the changes.

Pending no opposition to the rule changes, it is anticipated that they will be placed on the agenda of the Joint Committee on Agency Rule Review as required.

A full transcript of the hearing was taken and is available through the Ohio Board of Dietetics.

AGENDA ITEM #3 –APPROVAL OF MINUTES OF THE NOVEMBER 16, 2012 MEETING

The minutes of the November 16, regular Board meeting were presented to the Board by the Executive Secretary and they were reviewed and approved as submitted. The following motion resulted:

RESOLUTION #1

Susan Finn moved and Christopher Taylor seconded a motion to approve the minutes of the November 16, 2012 regular Board meeting as submitted by the Executive Secretary.

The motion was approved with vote as follows:

Leah Reibel	yes	John Ridgway	yes
Susan Finn	yes	Marsha Dumm	yes
Christopher Taylor	yes		

AGENDA ITEM #4– APPROVAL OF LICENSES

Ms. Dion presented the names of 4 individuals to the Board who were issued a Limited Permit license between November 16, 2012 and January 11, 2013 during Fiscal Year 2013. The Limited Permits expire on April 30, 2013. The following motion was made:

RESOLUTION #2

Christopher Taylor moved and John Ridgway seconded a motion to place upon the minutes of the November 16, 2012 meeting the names of 4 individuals who were issued a Limited Permit during Fiscal Year 2013 since the November 16, 2012 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:

Leah Reibel	yes	John Ridgway	yes
Susan Finn	yes	Marsha Dumm	yes
Christopher Taylor	yes		

Ms. Dion presented the names of 37 individuals who were issued a license for the period between November 16, 2012 and January 11, 2013 for Fiscal Year 2013. The list included 26 initial licenses, 2 reactivations and 9 reinstatements. The following motion was made:

RESOLUTION #3

Christopher Taylor moved and John Ridgway seconded a motion to place upon the minutes of the January 18, 2013 meeting the names of 37 individuals who were issued a license for Fiscal Year 2013 between November 16, 2012 and January 11, 2013. There were 26 initial license, 2 reactivations and 9 reinstatements. The 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:

Leah Reibel	yes	John Ridgway	yes
Susan Finn	yes	Marsha Dumm	yes
Christopher Taylor	yes		

AGENDA ITEM # 5 – ENFORCEMENT REPORT- DON DAVIS

Mr. Davis presented the Enforcement Report with statistics for the period of November 17, 2012 through January 18, 2013. The enforcement statistics indicate that the period started with 70 open cases, 63 were closed at the November 16, 2012 Board meeting. One case was opened resulting in a pending caseload of 8 cases.

A summary of completed and pending cases was provided.

A copy of the Enforcement Report is attached to the minutes of this meeting.

AGENDA ITEM #6 – FIVE YEAR RULE REVIEW

Ms. Dion discussed the five year rule review process. She stated that there were rules inadvertently omitted from the filing on December 18, 2012. These include two rules from Chapter 4759-3 and the rules in Chapter 4759-10. The Board previously reviewed these rules. Ms. Dion will file the rules and a public hearing will be held at the March 8, 2013 board meeting.

AGENDA ITEM # 7 – EXECUTIVE SESSION – ENFORCEMENT

The Board moved into Executive Session at 10:43 a.m. with the following motion:

RESOLUTION #4

Susan Finn moved and Christopher Taylor seconded a motion for the Board to move into Executive Session pursuant to Revised Code Section 121.22(G) purposes of deliberation on matters pertaining to enforcement.

The motion was approved with roll call vote as follows:

Leah Reibel	yes	John Ridgway	yes
Susan Finn	yes	Marsha Dumm	yes
Christopher Taylor	yes		

The Board came out of Executive Session at 11:05 a.m.

AGENDA ITEM #8 – FINDINGS, ORDERS, AND ACTIONS

Following Executive Session the following findings, orders and actions were made:

RESOLUTION #5

Christopher Taylor moved and Marsha Dumm seconded a motion to close the following cases for the reasons cited:

13OBD67-73	Unlicensed practice unfounded
13OBD74	Unfounded

The motion was approved with vote as follows:

Leah Reibel	yes	John Ridgway	yes
Susan Finn	recused	Marsha Dumm	yes
Christopher Taylor	yes		

STATUS OF BOARD ACTIONS

There were no board actions to report.

AGENDA ITEM # 9 – FINANCIAL REPORT

The financial report was presented by Ms. Dion for the months of November and December 2012 including Allotments, Expenditures and Revenues to date. She reported that the available budget is \$166,972.01 after encumbrances.

Routine expenditures occurred during the period including \$24,277.98 in November and \$19,345.26 in December 2012.

Revenues of \$3,902.60 for November and \$2,670.00 for December 2012 were reported in OAKS. Total revenue for FY 2013 is \$95,377.60.

A copy of the financial report is attached to the minutes of the meeting. The following motion was made:

RESOLUTION # 6

John Ridgway moved and Christopher Taylor seconded a motion to approve expenditures as presented for November and December 2012 and to accept the Financial Report as submitted to the Board by the Executive Secretary.

The motion was approved with vote as follows:

Leah Reibel	yes	John Ridgway	yes
Susan Finn	yes	Marsha Dumm	yes
Christopher Taylor	yes		

AGENDA ITEM # 10– BOARD REPORTS

Chairman Reibel had no updates at this time.

ODA LIAISON – Pat McKnight

Ms. McKnight discussed that the Ohio Academy of Nutrition and Dietetics remains in the process of designing a logo, therefore currently there is no letterhead for the Ohio Academy.

Ms. McKnight informed the Board that the annual Legislation and Public Policy Advocacy Day for dietitians will be held on April 17, 2013. This day includes lunch with the legislators. After brief discussion, it was decided that the credit for jurisprudence would be transferred to the Board via the sign in sheet. Certificates will be printed for the attendees records but they are not to mail them to the Board as proof of attendance.

Ms. McKnight expressed concern that the issue of diabetes is not receiving the attention it needs to educate the public. She is considering getting a letter from the Diabetes Association to the Governor's Office.

Ms. McKnight also expressed concern that the details, of the Insurance Exchange have not been released. There was discussion about whether the details have been finalized. Ohio insurance companies will need to know what to include in benefits packages.

DIRECTORS REPORT – Karen Dion

Ms. Dion informed the Board that although the bill which included the continuing education requirements for human trafficking did not pass in the 129th General Assembly, the Ohio Revised Code Chapter 4759.12, was added to address “Compliance with law regarding sanctions for human trafficking,” effective 3/22/13. This was added for all agencies.

Ms. Dion informed the board that the state and national associations name changes were included in HB 303 which passed in the 129th General Assembly. The changes include the American Dietetic Association changing to the Academy of Nutrition and Dietetics and the Ohio Dietetic Association changing to the Ohio Academy of Nutrition and Dietetics.

Ms. Payer asked the group if they would like her to present an overview of the Open Meetings Act. It would be approximately 30 minutes. The group stated they would like Ms. Payer to present this information at a future board meeting.

Ms. Dion asked Ms. Payer to explain the need to strengthen Chapter 4759 of the ORC and/or OAC regarding confidentiality related to complaints and public records. Ms. Payer briefly explained to the group and will provide an update at the next board meeting.

AGENDA ITEM #11 – DISCUSSION OF PERTINENT LEGISLATIVE ISSUES

HB 259 (Alternative Practitioners) – There was no further activity in the Senate for HB 259. The coalition felt it was effective in educating Senators about this bill.

House Bill 251 (Acupuncturists Practicing with Herbs) was passed by the Senate and 129th General Assembly in December 2012. The final version included the amended wording that the Ohio Academy of Nutrition and Dietetics and the Ohio Board of Dietetics suggested.

Ms. Dion announced that the Ohio Chiropractic Board continuing education rules which added the word “clinical” before the term “nutrition”, have been re-filed and the word clinical has been removed, as requested at the Public Hearing on October 11, 2012.

AGENDA ITEM #12 – JURISPRUDENCE

Ms. Dion informed the board that comments were received from the first item writer on the module and quiz. Changes were made and two additional reviewers, Mr. Taylor and his colleague, provided feedback and suggestions. The module and quiz will be submitted with supporting documentation, to the Commission on Dietetic Registration for the prior approval of one continuing education credit.

Ms. Dion sought input from the Board as to the upcoming Jurisprudence requirement for FY 2014 renewal. Since the renewal process is now online, it was determined that licensees would not be required to submit proof of completion to the board. There will be a question on the

renewal application if the licensee completed the requirements. Random audits will be performed to ensure compliance.

AGENDA ITEM #13 & #14 – SUBCOMMITTEE MEETINGS AND REPORTS

The Education subcommittee did not have any Continuing Education / Professional Development Learning Plans and Learning Logs to review. The Rules committee did not have any items to discuss.

Each committee provided a brief report.

EDUCATION COMMITTEE – The Education committee did not have any items for review.

RULES COMMITTEE – The Rules committee did not have any items to discuss.

NEW BUSINESS – There was no new business to report at this time.

AGENDA ITEM #15 – PRESENTATIONS SINCE NOVEMBER 16, 2012 MEETING

There was one presentation since the November 16, 2012 meeting of the Board.

January 15, 2013 Ohio State University Senior Seminar – 30 undergraduate students

AGENDA ITEM #16 – UPCOMING PRESENTATIONS

February 14, 2013	Ohio University	35 undergraduates
February 19, 2013	OSU Med Diet	30 interns
Feb 27, 2013	Columbus Public Health WIC	60 dietitians and techs
March 1, 2013	University of Akron	14 interns/18 undergraduates
March 16, 2013	SUPER SATURDAY	300 dietitians
March 20, 2013	Columbus State Community College	30 diet tech students
April 1, 2013	Case Western Reserve University	20 interns
April 17, 2013	Legislative Policy Day	100 dietitians
April 30, 2013	Kidney and Transplant Symposium	50 dietitians

May 1, 2013

OHCA presentation
with Gretchen Robinson/Cecily Burne

50 dietitians

AGENDA ITEM # 17 – UPCOMING MEETINGS

Upcoming Regular Board meeting dates proposed for the upcoming calendar year include the following:

March 8, 2013

May 10, 2013

July 19, 2013

September 20, 2013

November 8, 2013

AGENDA ITEM #18 – ADJOURNMENT

A motion was made to adjourn the meeting. There was consensus by the Board to adjourn the January 18, 2013 meeting of the Ohio Board of Dietetics at 1:34 p.m.

Respectfully submitted,



Date 3/8/13

Karen Dion, Executive Secretary

Ohio Board of Dietetics



Date 3/8/13

Leah Reibel, Chairperson

Ohio Board of Dietetics


Witness

Date 3/8/13