

**OHIO BOARD OF DIETETICS
MINUTES OF THE BOARD MEETING
May 21, 2010
Board Room 31st Floor, Vern Riffe Center
Columbus, Ohio 10:00 A.M.**

AGENDA ITEM #1 – CALL TO ORDER

BOARD MEMBERS PRESENT: Kay Soltesz, Mary Frances (Francie) Astrom, Marsha Dumm, Leah Reibel, Vandadean Rogers

OTHERS PRESENT: Pat McKnight, Ohio Dietetic Association liaison; Kristen Starr, Assistant Attorney General; Donald Davis, Compliance Specialist; Karen Dion, OBD Executive Secretary.

Chairman Soltesz called the meeting to order at 10:06 a.m., noting that a quorum was in attendance. Ms. Soltesz noted that Ellen Kohls, summer intern, was scheduled to be in attendance but was not able to attend.

AGENDA ITEM #2 – APPROVAL OF MINUTES OF THE FEBRUARY 26, 2010 MEETING

The minutes of the February 26, 2010 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

Leah Reibel moved and Vandadean Rogers seconded a motion to approve the minutes of the February 26, 2010 regular Board meeting as submitted by the Executive Secretary.

The motion was approved with vote as follows:

| | | | |
|-------------------------|------------|----------------------------|------------|
| Vandadean Rogers | yes | Mary Frances Astrom | yes |
| Kay Soltesz | yes | Marsha Dumm | yes |
| | | Leah Reibel | yes |

The minutes were ratified to support the reimbursement for Don Davis' attendance of the Council on Licensure Enforcement and Regulation training. The minutes of the meeting are filed in the official record at the Board office. The following motion resulted:

RESOLUTION #2

Leah Reibel moved and Marsha Dumm seconded a motion to support the reimbursement for Don Davis' attendance of the Council on Licensure Enforcement and Regulation training.

The motion was approved with vote as follows:

Vandadean Rogers yes
Kay Soltesz yes

Mary Frances Astrom yes
Marsha Dumm yes
Leah Reibel yes

AGENDA ITEM #3 – APPROVAL OF LICENSES

Ms. Dion presented the names of 7 individuals to the Board who were issued a Limited Permit license between February 26, 2010 and May 21, 2010 board meetings. Each of the limited permits issued expires on October 31, 2010.

RESOLUTION #3

Mary Frances Astrom moved and Vandadean Rogers seconded a motion to place upon the minutes of the May 21, 2010 meeting the names of 7 individuals who were issued a Limited Permit during Fiscal Year 2010 with the expiration date of October 31, 2010 since the February 26, 2010 meeting of the Board. 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:

Vandadean Rogers yes
Kay Soltesz yes

Mary Frances Astrom yes
Marsha Dumm yes
Leah Reibel yes

Ms. Dion presented the names of 38 individuals who were issued a license for Fiscal Year 2010 since the February 26, 2010 Board meeting. The list included 35 initial licenses, 1 reinstatement, 2 reactivations, and 1 no-fee duplicate license ID card, which was the result of a typographical error in the licensee’s name. The following motion was made:

RESOLUTION # 4

Mary Frances Astrom moved and Leah Reibel seconded a motion to place upon the minutes of the May 21, 2010 meeting, the names of 38 dietitians who met qualifications, pursuant to Section 4759.06 ORC, and who were issued a license by the Executive Secretary during Fiscal Year 2010 since the February 26, 2010 meeting of the Board, and whose names appear on the list presented to the Board by the Executive Secretary. (See attached list labeled Resolution #4)

The motion was approved with vote as follows:

Vandadean Rogers yes
Kay Soltesz yes

Mary Frances Astrom yes
Marsha Dumm yes
Leah Reibel yes

AGENDA ITEM # 4 – REPORT ON SUPERVISION VERIFICATION PROJECT

Since the 2/26/10 Board meeting, two items were posted on the Ohio Board of Dietetics website. These were the Supervision of Exempt Practitioner Verification Letter and the Supervision of Exempt Practitioner Form. The outstanding 57 persons who had not yet responded to the Boards request for information were contacted by telephone and referred to the two items posted. As of 5/20/2010 there were 22 persons who did not respond.

Brief discussion concluded that since the FY11 renewal process has started, the renewal application requires completion of supervision information and the updated information would be obtained on the application.

AGENDA ITEM # 5 – FY 2011 RENEWAL UPDATE

Ms. Dion discussed the hiring of a dietetic student into the Clerk 1 position to assist with renewal and gain experience working in the OBD office this summer during the renewal period. The Board had the funds available due to the cost savings resulting from the change in Executive Secretary position.

An update on the status of the renewal process was given. Applications totaling 3,451 were mailed on 4/16/2010. As of 5/20/2010 1,223 renewal applications were received for processing.

A copy of the FY11 License Renewal Interim Report is attached to the minutes of this meeting.

AGENDA ITEM # 6-- ENFORCEMENT REPORT – DON DAVIS

Mr. Davis presented the Enforcement Report with statistics for the period of February 26, 2010 through May 21, 2010. The enforcement statistics indicate that the period started with 16 open cases, 9 were closed at the February 26, 2010 Board meeting, 6 cases were opened resulting in a pending caseload of 13 cases.

A summary of completed and pending cases was provided. Follow-up was provided and brief discussion ensued regarding 3 particular pending cases FY 08 and 09, to enable the Board to decide how to proceed.

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

STATUS OF BOARD ACTIONS

There were no board actions to report.

AGENDA ITEM #7 - EXECUTIVE SESSION – ENFORCEMENT

The Board moved into Executive Session at 11:05 a.m. with the following motion:

RESOLUTION # 5

Marsha Dumm moved and Leah Reibel seconded a motion for the Board to move into Executive Session pursuant to Revised Code Section 121.22, for the purpose of considering the investigation of charges or complaints against licensees or regulated individuals under the Board’s jurisdiction.

The motion was approved with roll call vote as follows:

| | | | |
|------------------------|------------|----------------------------|------------|
| Vandaeon Rogers | yes | Mary Frances Astrom | yes |
| Kay Soltesz | yes | Marsha Dumm | yes |
| | | Leah Reibel | yes |

The Board came out of executive session at 11:55 a.m.

AGENDA ITEM # 8 – FINDINGS, ORDERS, AND ACTIONS

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

RESOLUTION # 6

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

- 08OBD71** **Appears to have come into compliance**
- 08OBD75** **Insufficient evidence of violation**
- 10OBD05** **Came into compliance, letter to dietetic school**
- 10OBD55** **No response from respondent**
- 10OBD71** **Moral character, unfounded**
- 10OBD72** **Unlicensed practice, unfounded**
- 10OBD73** **Unlicensed practice, unfounded**
- 10OBD74** **Moral character, unfounded**

The motion was approved with vote as follows:

| | | | |
|------------------------|------------|----------------------------|----------------|
| Vandaeon Rogers | yes | Mary Frances Astrom | recused |
| Kay Soltesz | yes | Marsha Dumm | yes |
| | | Leah Reibel | yes |

RESOLUTION # 7

Marsha Dumm moved and Vandadean Rogers seconded a motion to close the following case for the reason cited:

10OBD76 Moral character, unfounded

The motion was approved with vote as follows:

| | | | |
|-------------------------|------------|----------------------------|------------|
| Vandadean Rogers | yes | Mary Frances Astrom | yes |
| Kay Soltesz | yes | Marsha Dumm | yes |
| | | Leah Reibel | yes |

RESOLUTION # 8

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

08OBD74 Review: Unlicensed practice

The motion was approved with vote as follows:

| | | | |
|-------------------------|------------|----------------------------|----------------|
| Vandadean Rogers | yes | Mary Frances Astrom | recused |
| Kay Soltesz | yes | Marsha Dumm | yes |
| | | Leah Reibel | yes |

The Board briefly broke for lunch.

AGENDA ITEM # 9 -- DISCUSSION OF PERTINENT LEGISLATIVE ISSUES

Updates on legislation previously introduced into the 128th Legislative Session and that is being followed by the Board were discussed. The legislative report is attached to the minutes of the meeting.

Legislation that was brought to the attention of the Board members included:

HB 442 - Alternative practitioners legislation - Rep. Kenny Yuko sponsor—This bill has been introduced into the House Commerce and Labor Committee of which he is the Chairman. Sponsor testimony was heard on March 23, 2010. Proponent testimony was heard on May 18, 2010 and opponent testimony was heard on May 25. Karen Dion testified on behalf of the Board, in opposition. Pat McKnight also testified on behalf of the Ohio Dietetic Association.

The Board discussed the bill and it's continued lack of requirements for any minimum education, training, competency testing, oversight, or standards of practice for persons who would be permitted to engage in activities that currently require a license.

Copies of the proponent testimonies are attached to the minutes of the meeting. Copies of the opponent testimonies were emailed to all Board members after the last meeting.

Ms. McKnight expressed concern that **SB210 and HB 373 - the school nutrition bills** are silent to requiring qualifications for school food service directors. The association is seeking to have the bills include dietitians, dietetic technicians, registered or certified SNS school nutrition services professionals. Discussion took place about the May 18, 2010 hearing on SB 210 which included amendments to the bill.

SB 265- Acupuncturists-to allow to practice with herbs – Sen. Kirk Schuring sponsor This bill has been introduced into the Senate Health, Human Services and Aging Committee. There are concerns about some of the practices listed in the bill, regarding the various use of herbs.

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

AGENDA ITEM # 10 --BOARD REPORTS

CHAIRMAN – Chairman Soltesz did not have any new information to report.

ODA LIAISON – Pat McKnight

1. The Ohio Dietetic Association's Legislative Day for dietitians took place on March 17, 2010 and the legislative day for students occurred on April 21. Both events were well attended, with the April 21 event at full capacity.

ADA's Public Policy Workshop was March 22, 2010 in the affiliate states and will be held via webinar similar to last year's meeting.

The ODA annual meeting was held on the evening of April 8 and all day April 9, 2010. The meeting was also well attended and received positive evaluations. On behalf of the Board, Ms. Dion and Ms. Dumm were in attendance.

DIRECTORS REPORT – Karen Dion

1. Ms. Dion reviewed the Ethics Commission training schedule for 2010, and reminded the Board members that they are required to attend in 2010 if they did not go in 2009. Leah Reibel and Karen Dion are currently scheduled to attend an Ethics training session.
2. Ms. Dion followed up on the development of an agency e-mail list through OIT. A link was added to the OBD website titled “Join Mailing List”. The Board is

also updating their database with the email addresses obtained from the renewal applications.

3. Ms. Dion reminded the Board members that Board member Training Webinars are available from the Council on Licensure Enforcement and Regulation and that the module on Roles and Responsibilities of a Board member was presented on March 31, 2010 from 2-3pm. Marsha Dumm and Leah Reibel attended. Ms. Dion requested a copy of the module from the webinar, to review the content. She will keep the board members updated on future opportunities for training.
- 4 Ms Dion provided an update on the inquiry from the Genetic Counselors association. Since their original inquiry, OBD has not received correspondence from the Genetic Counselors.

Previously, the Lactation Consultants association had a similar inquiry. In following up with them, OBD found that the Lactation Consultants are not in a position to proceed at this time.

5. Ms. Dion reported that she has submitted documentation and obtained approval via the Union and Department of Administrative Services, to close the office on November 26, 2010. All staff would use a Cost Savings Day. The Board members were in agreement, due to a history of extremely low call volume on the day after Thanksgiving. A message will be posted on the OBD website one month prior, to notify licensees of the closure.
6. Ms. Dion presented information about the recent YMCA collaboration with UnitedHealth. The UnitedHealth Group will reimburse YMCA's offering the Diabetes Prevention Program. When the initial report of the collaboration was released, many dietitians expressed concern that the individuals providing the nutrition education may be in violation of ORC 4759. Ms Dion contacted individuals at the Columbus and Dayton YMCA's for additional information about the implementation of the program and responsibilities and training of the educators. Both parties ensured Ms. Dion that they are fully aware of the licensure law for dietetics and that the educators would be providing general information to groups. Any individual requesting or requiring information beyond that will be referred to a dietitian.
7. Ms. Dion reported on the ORC 1347.15 (B) training. Each agency needs to develop a proposed rule and policy regarding Confidential Personal Information. There is a model rule template to use. The proposed rule and policy will be sent to the Board members prior to the July 30, 2010 meeting, to review. Kristen Starr has provided input to Ms. Dion upon reviewing the draft documents. A copy of the model rule template is attached to the minutes of the meeting.
8. Ms. Dion introduced the Ohio Department of Taxation's request to licensing agencies to provide licensee's social security numbers for tax enforcement

purposes. Ms. Starr provided additional information about the request and answered questions from the Board. The memo that OBD received on this issue was sent to all Board members after the meeting, to enable them to formulate an opinion. The Board is in the process of determining if the social security numbers will be shared.

9. Ms. Dion began discussion of a meeting that took place regarding advanced credentialing for dietitians. Ms. Dumm and Nancy Nevin-Folino (of Dayton Children's) requested to meet with Ms. Dion to discuss the prospects of pursuing advanced credentialing for Ohio. Ms. Dion contacted the Board of Nursing to obtain information on the steps that were taken for nurses to obtain advanced credentialing. It was suggested to contact the American Dietetic Association (ADA). Brief discussion ensued and it was determined that it was not a task to be taken on by the Board, but through ADA.

AGENDA ITEM # 11 – FINANCIAL REPORT

The financial report was presented by Ms. Dion for the months of February, March and April 2010 including Allotments, Expenditures and Revenues to date. She reported that the available budget of \$54,335 remains from the original budget of \$311,067 as of 5/19/2010.

Routine expenditures occurred during the period including \$23,652 in February, \$23,279 in March, and \$25,456 for April.

Revenues of \$1,960 in February, and \$1,870 for March and \$43,437.50 for April were reported in OAKS. Ms. Dion noted that a shift of \$375 into March from revenue actually deposited in February. It was also noted that \$187.50 was posted in April's deposits, but the Treasurer's receipt is dated for May 3, 2010. Additional notations include deposits totaling \$18,810 which were posted in April's deposits, though the Treasurer's receipt is dated for May 3, 2010. Total revenue to date is \$119,347.

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

RESOLUTION # 9

Vandadean Rogers moved and Marsha Dumm seconded a motion to approve expenditures as presented for February, March and April 2010 and to accept the Financial Report as submitted to the Board by the Executive Secretary.

The motion was approved with vote as follows:

| | | | |
|-------------------------|------------|----------------------------|------------|
| Vandadean Rogers | yes | Mary Frances Astrom | yes |
| Kay Soltesz | yes | Marsha Dumm | yes |
| | | Leah Reibel | yes |

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

AGENDA ITEM # 12 & 13 – SUBCOMMITTEE MEETINGS AND REPORTS

The Education subcommittee met to review Continuing Education / Professional Development Learning Plans and Learning Logs. The Rules committee met to discuss 4759.02 Unlicensed Practice and the 15 day exemption.

Each committee provided a brief report.

EDUCATION COMMITTEE – The Education committee reported that they reviewed and approved one learning plan and one learning log.

RULES COMMITTEE – Brief discussion of the 15 day exemption concluded that the Board may consider rule changes allowing a longer exemption if there is a delay in processing times of an application.

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

AGENDA ITEM # 14 – UPCOMING MEETINGS

Upcoming Regular Board meeting dates proposed for the remainder of calendar year 2010 include the following:

- July 30
- October 8
- December 10

AGENDA ITEM #15 - ADJOURNMENT

A motion was made to adjourn the meeting. There was consensus by the Board to adjourn the May 21, 2010 meeting of the Ohio Board of Dietetics at 3:30 p.m.

Respectfully submitted,

_____ Date _____

**Karen Dion, Executive Secretary
Ohio Board of Dietetics**

_____ Date _____

**Kay Soltesz, Chairman
Ohio Board of Dietetics**

_____ Date _____

Witness

