

**OHIO BOARD OF DIETETICS  
MINUTES OF THE BOARD MEETING  
AUGUST 7, 2015  
31<sup>st</sup> Floor, Board Room, Vern Riffe Center  
Columbus, Ohio 10:00 A.M.**

**AGENDA ITEM #1 – CALL TO ORDER**

**BOARD MEMBERS PRESENT:** Christopher Taylor, John Ridgway, Joseph Nigh, Judith Nagy

**OTHERS PRESENT:** Patricia McKnight, Ohio Academy of Nutrition and Dietetics liaison (Consumer Protection Coordinator); Donald Davis, Compliance Specialist; Karen Morrison, OBD Executive Secretary; Steve Kochheiser, Assistant Attorney General; and Samantha Minardo, Intermittent Clerk.

**ABSENT:** Susan Finn

Chairman Taylor called the meeting to order at 10:08 a.m., noting that a quorum was in attendance. Mr. Taylor welcomed the group. He congratulated Judith Nagy for recently being designated as a Fellow of the Academy of Nutrition and Dietetics, which is a prestigious recognition at the national level.

**AGENDA ITEM #2 – APPROVAL OF MINUTES OF MAY 1, 2015**

The minutes of the May 1, 2015 regular Board meeting were presented to the Board by the Executive Secretary and they were reviewed and approved as submitted. The following motion was made:

**RESOLUTION #1**

**John Ridgway moved and Joseph Nigh seconded a motion to approve the minutes of the May 1, 2015 regular Board meeting as submitted by the Executive Secretary.**

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

<b>Christopher Taylor</b>	<b>yes</b>
<b>John Ridgway</b>	<b>yes</b>
<b>Judith Nagy</b>	<b>yes</b>
<b>Joseph Nigh</b>	<b>yes</b>

**AGENDA ITEM #3 – APPROVAL OF MINUTES OF JUNE 1, 2015**

The minutes of the June 1, 2015 special Board meeting were presented to the Board by the Executive Secretary and they were reviewed and approved as submitted. The following motion was made:

**RESOLUTION #2**

**Joseph Nigh moved and John Ridgway seconded a motion to approve the minutes of the June 1, 2015 regular Board meeting as submitted by the Executive Secretary.**

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

<b>Christopher Taylor</b>	<b>yes</b>
<b>John Ridgway</b>	<b>yes</b>
<b>Judith Nagy</b>	<b>yes</b>
<b>Joseph Nigh</b>	<b>yes</b>

**AGENDA ITEM #4 – APPROVAL OF LICENSES**

Ms. Morrison presented to the Board, the names of 26 individuals who were issued a Limited Permit license between April 29, 2015 and June 30, 2015 during Fiscal Year 2015. The 26 Limited Permits expire on October 31, 2015. The following motion was made:

**RESOLUTION #3**

**John Ridgway moved and Judith Nagy seconded a motion to place upon the minutes of the August 7, 2015 meeting the names of 26 individuals who were issued a Limited Permit during Fiscal Year 2015 since the May 1, 2015 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:**

<b>Christopher Taylor</b>	<b>yes</b>
<b>John Ridgway</b>	<b>yes</b>
<b>Judith Nagy</b>	<b>yes</b>
<b>Joseph Nigh</b>	<b>yes</b>

Ms. Morrison presented to the Board, the names of 6 individuals who were issued a Limited Permit license for the period between July 1, 2015 and August 7, 2015 for Fiscal Year 2016. All 6 Limited Permits expire on October 31, 2015. The following motion was made:

**RESOLUTION #4**

**John Ridgway moved and Judith Nagy seconded a motion to place upon the minutes of the August 7, 2015 meeting the names of 6 individuals who were issued a Limited Permit license for Fiscal Year 2016 between July 1, 2015 and August 7, 2015. The 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:**

<b>Christopher Taylor</b>	<b>yes</b>
<b>John Ridgway</b>	<b>yes</b>
<b>Judith Nagy</b>	<b>yes</b>
<b>Joseph Nigh</b>	<b>yes</b>

Ms. Morrison presented to the Board, the names of 16 individuals who were issued a license for the period between April 29, 2015 and June 30, 2015 for Fiscal Year 2015. The list included 13 initial licenses, 1 reactivation and 2 reinstatements. The following motion was made:

**RESOLUTION #5**

**John Ridgway moved and Judith Nagy seconded a motion to place upon the minutes of the August 7, 2015 meeting the names of 16 individuals who were issued a license for Fiscal Year 2015 between April 29, 2015 and June 30, 2015. There were 13 initial licenses, 1 reactivation and 2 reinstatements. The names appear on the list presented to the Board by the Executive Secretary. (See attached list labeled Resolution #5)**

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

<b>Christopher Taylor</b>	<b>yes</b>
<b>John Ridgway</b>	<b>yes</b>
<b>Judith Nagy</b>	<b>yes</b>
<b>Joseph Nigh</b>	<b>yes</b>

Ms. Morrison presented to the Board, the names of 81 individuals who were issued a license for the period between July 1, 2015 and August 7, 2015 for Fiscal Year 2016. The list included 66 initial licenses, 10 reactivations and 4 reinstatements. The following motion was made:

**RESOLUTION #6**

John Ridgway moved and Judith Nagy seconded a motion to place upon the minutes of the August 7, 2015 meeting the names of 81 individuals who were issued a license for Fiscal Year 2016 between July 1, 2015 and August 7, 2015. There were 66 initial licenses, 10 reactivations and 4 reinstatements. The names appear on the list presented to the Board by the Executive Secretary. (See attached list labeled Resolution #6)

The motion was approved with vote as follows:

Christopher Taylor	yes
John Ridgway	yes
Judith Nagy	yes
Joseph Nigh	yes

**AGENDA ITEM #5 - ENFORCEMENT REPORT FY15 - DON DAVIS**

Mr. Davis presented the Enforcement Report for the period of May 1, 2015 through June 30, 2015 for Fiscal Year 2015. The enforcement statistics indicate that the period started with 4 open cases and 1 case was closed at the May 1, 2015 Board meeting, resulting in a pending caseload of 3.

Mr. Davis presented the Enforcement Report for the period of July 1, 2015 through August 7, 2015 for Fiscal Year 2016. The enforcement statistics indicate that the period started with 3 open cases and 3 cases were opened, resulting in a pending caseload of 6.

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 – EXECUTIVE SESSION – ENFORCEMENT**

The Board moved into Executive Session at 10:30 a.m. with the following motion:

**RESOLUTION #7**

Joseph Nigh moved and John Ridgway 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:

Christopher Taylor	yes
John Ridgway	yes
Judith Nagy	yes
Joseph Nigh	yes

The Board came out of Executive Session at 11:20 a.m.

**AGENDA ITEM #7 – FINDINGS, ORDERS, AND ACTIONS**

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

**RESOLUTION #8**

**John Ridgway moved and Judith Nagy seconded a motion to close the following cases for the reasons cited:**

**16OBD01                      Moral character; letter of caution**

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

<b>Christopher Taylor</b>	<b>yes</b>
<b>John Ridgway</b>	<b>recused</b>
<b>Judith Nagy</b>	<b>yes</b>
<b>Joseph Nigh</b>	<b>yes</b>

**STATUS OF BOARD ACTIONS**

There were no board actions to report.

**AGENDA ITEM #8 - CONFIDENTIALITY UPDATE**

The Consumer Protection Specialist, Pat McKnight, reported that she met with Senator Gardner's aide and gave her information related to our prospective legislative changes. Ms. McKnight will update the Board on any activity with this possible statutory change.

**AGENDA ITEM #9 –CUSTOMER SERVICE STANDARDS SURVEY**

In accordance with ORC § Sec. 121.91 (A), the board developed customer service standards. In February 2015, five-hundred randomly selected licensees were sent surveys via Survey Monkey. Since the survey has been open for six months, the board suggested closing the survey until it is time to be issued to a new group of randomly selected licensees in February 2016.

**AGENDA ITEM #10 – JURISPRUDENCE FY16 AND RENEWAL UPDATE**

The board conducted an audit of ten-percent of the licensees to monitor compliance to the jurisprudence mandate. Ms. Morrison reported that 381 licensees (approximately 10%) were randomly selected for the jurisprudence audit. Compliance for 340 licensees was verified. Forty one licensees were sent letters to submit proof of completion to the board office.

In April 2015, user ID and renewal letters were mailed to 3966 licensees for the license renewal website. As of August 7, 2015, 3674 licenses were renewed online (93%) and 21 of those renewed with a late fee (.5%). There are 92 (2.3%) licenses that have not been renewed, 14 (.3%) licenses changed to expired status and 107 (3%) licenses changed to inactive status. The remaining licensees have until August 15 to renew with a late fee. After August 15, the licenses will lapse and will have to be reinstated. Numerous attempts by telephone, email and mail, have been made to contact the remaining licensees who have not renewed.

**AGENDA ITEM #11- FINANCIAL REPORT – KAREN MORRISON**

The financial report was presented by Ms. Morrison for the months of April – June 2015 including Allotments, Expenditures and Revenues to date. She reported that the available budget is \$5.00 after encumbrances. Ms. Morrison provided the Board with detailed financial information on allotments, expenditures, revenues and encumbrances. The detailed breakdowns of the fiscal reports are attached to the minutes of this meeting.

Routine expenditures occurred during the period including \$18,126.93 in April; \$22,806.04 in May; and \$29,830.83 in June. Revenues of \$1,745.00 in April; \$155,227.50 in May; and \$151,227.50 in June were reported in OAKS. Total revenue for FY 2015 is \$426,097.50.

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

**RESOLUTION # 9**

**Joseph Nigh moved and John Ridgway seconded a motion to approve expenditures as presented for April – June 2015 (FY15) and to accept the Financial Report as submitted to the Board by the Executive Secretary.**

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

<b>Christopher Taylor</b>	<b>yes</b>
<b>John Ridgway</b>	<b>yes</b>
<b>Judith Nagy</b>	<b>yes</b>
<b>Joseph Nigh</b>	<b>yes</b>

**AGENDA ITEM #12 – LUNCH**

**AGENDA ITEM #13– TOTAL PARENTERAL NUTRITION UPDATE**

This item was previously discussed with agenda item #8.

**AGENDA ITEM #14 – DISCUSSION OF PERTINENT LEGISLATIVE ISSUES**

Ms. McKnight discussed HB 276 and the proposed new language that chiropractors can do anything they are taught in chiropractic school, which includes nutrition. She shared with the board that she met with Representative Schuring’s aide about the necessity to include language that chiropractors cannot do Medical Nutrition Therapy (MNT) or use the title “dietitian or nutritionist”. A letter will also be sent to the Chiropractic Board on behalf of the Ohio Academy of Nutrition and Dietetics, to express their concern.

Ms. McKnight also shared that she met with Representative Stivers and Representative Beatty regarding support for the Diabetes Medicare Bill. It appears that both support this bill. Stivers expressed an interest in visiting a school to observe food service standards and practices.

Ms. McKnight reported that the Centers for Medicaid and Medicare recently proposed a rule for physicians in long term care facilities to privilege dietitians to order therapeutic diets.

Ms. Morrison discussed HB 213 (renewals changing to every two years) and shared with the board the copy of the bill. The bill doubles renewal fees and continuing education if applicable, for the license being active for two years. It appears that it will also double the fee for the initial license.

Ms. Morrison provided copies of HB 276 (change in chiropractor statute) and the board had a brief discussion. In the OAC, rule 4734-1-15 is also being changed. The state policy representative for the Ohio Academy of Nutrition and Dietetics plans to call the director, Ms. Caudill about both of these issues. A letter may be sent as well by the Academy.

Ms. Morrison provided copies of SB 194 (alternative practitioners) and discussed. Ms. McKnight is in the process of re-starting the coalition of health profession associations and boards who are in opposition to this bill. A letter is being drafted and will be sent to all the Senators, expressing our opposition to SB 194.

**AGENDA ITEM #15 – FY 16 RENEWAL UPDATE**

This item was addressed in Agenda Item #10.

**AGENDA ITEM #16 – BOARD REPORTS**

**CHAIRMAN – Chairman Taylor**

Chairman Taylor did not have information to report.

## **OAND LIAISON/CONSUMER PROTECTION COORDINATOR – Pat McKnight**

Ms. McKnight reported to the board that October 8, 2015 is the Ohio Academy of Nutrition and Dietetics 8<sup>th</sup> Legislation and Public Policy Day. Senator Gardner and Representative Bishoff have been invited and are currently on the agenda to address the group. There will also be table top discussions on licensure and reimbursement for services. This policy day is for students and dietetic interns.

## **DIRECTORS REPORT – Karen Morrison**

Ms. Morrison shared a letter that was sent to the Board office from the Alliance for Natural Health. It was reviewed by the Ohio Attorney General's office and was discovered to have been sent to several other state licensure boards for dietetics. No action has been taken at this time.

Ms. Morrison shared a letter that was sent to the Board office from Amy Jones, and sought their input in regards to the letter. The letter requested the board to consider privileging for diet technicians. After review and discussion, the board was in agreement that diet technicians should not have the same privileges as a licensed dietitian. Telephone orders and other diet orders are to be handled by a licensed health professional, and diet technicians are not licensed. The assistant attorney general for the board is also reviewing the letter and board's response.

Copies of both letters are attached to the minutes of this meeting.

Ms. Morrison shared that she researched other state boards experiences in regard to the processing time for out of state background checks. The findings were unremarkable and other boards also experience excessive processing times for out of state background check results. The reason for such a delay is unknown.

## **AGENDA ITEM #17 and #18– SUBCOMMITTEE MEETINGS AND REPORTS**

Four learning plans and two activity logs were reviewed. These documents were received by the board after the May 1, 2015 meeting of the board.

The Education subcommittee reviewed four Continuing Education / Professional Development Learning Plans and two Learning Activity Logs. The Rules committee did not have any items to discuss. The applications committee did not have any items to discuss.

Each committee provided a brief report.

EDUCATION COMMITTEE – The Education committee reviewed and approved four Continuing Education / Professional Development Learning Plan and two Learning Activity Logs.

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

APPLICATIONS COMMITTEE- The applications committee did not have any items to discuss.

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

**AGENDA ITEM #19 – PRESENTATIONS SINCE MAY 1, 2015 MEETING**

Miami Valley Hospital (Skype)	May 26, 2015	6 dietetic interns
Youngstown State (Skype)	June 9, 2015	10 undergraduates

**AGENDA ITEM #20 – AGENDA ITEMS FOR NEXT MEETING**

The following agenda items were requested for the next board meeting:

- Policy updates
- Retreat for goal setting for the Board

**AGENDA ITEM #21 – ADJOURNMENT**

Joseph Nigh moved and John Ridgway seconded a motion to adjourn the meeting. There was consensus by the Board to adjourn the ~~May 1, 2015~~ of the Ohio Board of Dietetics at 2:55 p.m. *Aug 7 2015 KAM*

Respectfully submitted,

  
Karen Morrison, Executive Secretary  
Ohio Board of Dietetics

*12/4/15 KAM  
VM*  
Date 8/7/15

  
Christopher Taylor, Chairman  
Ohio Board of Dietetics

*12/4/15 CT*  
Date 8/7/15

  
Witness

*12/4/15 all*  
Date 8/7/15