

**OHIO BOARD OF DIETETICS
MINUTES OF THE BOARD MEETING
October 8, 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, Dorothy Clarke

OTHERS PRESENT: Pat McKnight, Ohio Dietetic Association liaison; Donald Davis, Compliance Specialist; Karen Dion, OBD Executive Secretary, Yvonne Tertel, Principal Assistant Attorney General (AAG); and Mount Carmel Dietetic Interns- Jennifer Oldfather, Andrew Arra, Megan Andrews, Abbey Maurer, Ying Wen, Shalana Daley and Rachel Webb.

Chairman Soltesz called the meeting to order at 10:07 a.m., noting that a quorum was in attendance. Ms. Soltesz welcomed and introduced incoming Assistant Attorney General Yvonne Tertel and the Mount Carmel Dietetic Interns.

AGENDA ITEM #2 - PUBLIC HEARING ON PROPOSED ADMINISTRATIVE RULES

A public hearing was held at 10:15 a.m. (and ended at 10:25 a.m.) to receive comments and testimony concerning the board's intention to consider adoption of five new administrative rules in order to comply with Ohio Revised Code 119.032.

A summary of the Rules considered follows:

New Rules

4759-10-01 Definitions

Defines terms related to the proposed rules for managing confidential personal information including access, acquisition of a new computer system, board, computer system, confidential personal information, employee of the state board, incidental contact, individual, information owner, person, personal information, personal information system, research, routine, routine information that is maintained for the purpose of internal office administration, the use of which would not adversely affect a person, system and upgrade.

- 4759-10-02 Procedures for accessing confidential personal information
- Describes criteria for accessing confidential personal information; handling requests for a list of confidential personal information; defines invalid access notification; describes the data privacy point of contact and completing a privacy impact assessment.
- 4759-10-03 Valid reasons for accessing confidential personal information
- Describes valid reasons for authorized employees of the board to access confidential personal information.
- 4759-10-04 Confidentiality statutes
- Describes federal statutes or regulations or state statutes and administrative rules which make personal information maintained by the board confidential.
- 4759-10-05 Restricting and logging access to confidential personal information in computerized personal information systems
- Describes actions that the board will take to restrict and log access to confidential personal information such as considering confidential personal information when upgrading existing computer systems or acquisition of a new computer system; and logging requirements.

There were no comments received at the Board office and no persons were present to testify.

Pending no opposition to the rule changes, it is anticipated that they will be placed on the October 25, 2010 agenda of the Joint Committee on Agency Rule Review as required, and could likely be enacted in October 2010.

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

The Board moved into recess for the administrative rules hearing.

AGENDA ITEM #3 - APPROVAL OF MINUTES OF THE JULY 30, 2010 MEETING

The minutes of the July 30, 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

Mary Frances Astrom moved and Marsha Dumm seconded a motion to approve the minutes of the July 30, 2010 regular Board meeting as submitted by the Executive Secretary.

The motion was approved with vote as follows:

Dorothy Clarke	yes	Mary Frances Astrom	yes
Kay Soltesz	yes	Marsha Dumm	yes
		Leah Reibel	yes

AGENDA ITEM #4 – APPROVAL OF LICENSES

Ms. Dion presented the names of 11 individuals to the Board who were issued a Limited Permit license between July 30, 2010 and October 7, 2010 during Fiscal Year 2011. Ten of the limited permits issued expire on October 31, 2010. One limited permit which was issued on October 1, 2010 expires on April 30, 2011. The following motion was made:

RESOLUTION #2

Marsha Dumm moved and Mary Frances Astrom seconded a motion to place upon the minutes of the October 8, 2010 meeting the names of 11 individuals who were issued a Limited Permit during Fiscal Year 2011 with the expiration date of October 31, 2010 and one limited permit expiring April 30, 2011, since the July 30, 2010 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:

Dorothy Clarke	yes	Mary Frances Astrom	yes
Kay Soltesz	yes	Marsha Dumm	yes
		Leah Reibel	yes

Ms. Dion presented the names of 65 individuals who were issued a license for Fiscal Year 2011 since July 30, 2010. The list included 56 initial licenses, 7 reinstatements, and 2 duplicate license ID cards. The following motion was made:

RESOLUTION # 3

Mary Frances Astrom moved and Leah Reibel seconded a motion to place upon the minutes of the October 8, 2010 meeting the names of 56 individuals who were issued an Initial License during Fiscal Year 2011 with the expiration date of June 30, 2011, 7 reinstatements and 2 duplicate license ID cards. 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:

Dorothy Clarke	yes	Mary Frances Astrom	yes
Kay Soltesz	yes	Marsha Dumm	yes
		Leah Reibel	yes

AGENDA ITEM # 5 – DISCUSSION OF MDS 3.0 SECTION L

The Minimum Data Set (MDS) version 3.0, Section L (Oral/Dental Status) has generated several inquiries to the Board regarding which parts are appropriate for licensed dietitians to complete. After brief discussion, it was determined that steps 1, 2, and 5 are appropriate for the dietitian to complete, provided that the individual facility chooses to delegate that task to the dietitian. However the Board determined that steps 3 and 4 were outside the scope of practice for dietitians. If asked to complete steps 3 and 4, the Board is advising dietitians to refer the task to nursing or speech therapy.

The topics of order writing and protocols were discussed. After discussion, the Board remains firm on their current position that Ohio dietitians do not have order writing privileges. The diet order is not a delegatable task. The physician must write the order and the dietitian can write recommendations. If protocols are set by individual facilities, the Board does not have jurisdiction over the protocols and does not review them. The Board will advise dietitians that although a protocol is in place, this does not stop a person from filing a complaint against a dietitian for acting outside the scope of their practice. If there is no protocol set by a facility or if the dietitian is working outside the protocol, these are grounds for concern.

AGENDA ITEM # 6-- ENFORCEMENT REPORT – DON DAVIS

Mr. Davis presented the Enforcement Report with statistics for the period of July 30, 2010 through October 7, 2010. The enforcement statistics indicate that the period started with 7 open cases, 5 were closed at the July 30, 2010 Board meeting, 58 cases were opened resulting in a pending caseload of 60 cases.

A summary of completed and pending cases was provided. Follow-up was provided and brief discussion ensued regarding 1 particular pending case FY 09, to enable the Board to decide how to proceed.

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

The Board briefly broke for lunch.

AGENDA ITEM #7 - EXECUTIVE SESSION – ENFORCEMENT

The Board moved into Executive Session at 12:35 p.m. with the following motion:

RESOLUTION # 4

Marsha Dumm moved and Mary Frances Astrom 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:

Dorothy Clarke	yes	Mary Frances Astrom	yes
Kay Soltesz	yes	Marsha Dumm	yes
		Leah Reibel	yes

The Board came out of executive session at 1:15 p.m.

AGENDA ITEM # 8 – FINDINGS, ORDERS, AND ACTIONS

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

RESOLUTION # 5

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

11OBD03	Moral character, unfounded
11OBD04 - 11OBD34	Licenses expired without reason, unfounded
11OBD35	Unlicensed practice, unfounded
11OBD36 – 11OBD58	Licenses expired without reason, unfounded
11OBD59	Unlicensed practice, unfounded
11OBD60	Moral character, unfounded

The motion was approved with vote as follows:

Dorothy Clarke	yes	Mary Frances Astrom	recused
Kay Soltesz	yes	Marsha Dumm	yes
		Leah Reibel	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 July, August and September 2010 including Allotments, Expenditures and Revenues to date. She reported that the available budget is \$234,694.

Routine expenditures occurred during the period including \$33,187 in July, \$19,580 in August and \$17,810 in September 2010.

Revenues of \$41,155 in July, \$9,047 for August and \$3,834 for September were reported in OAKS. Ms. Dion noted that 2 late renewal penalty fees totaling \$95.00 were placed into an incorrect revenue account line item in OAKS. The treasurer’s office was notified and referred our inquiry to the state accounting office. Total revenue for FY 2011 \$54,036.50.

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

RESOLUTION # 6

Marsha Dumm moved and Leah Reibel seconded a motion to approve expenditures as presented for July, August and September 2010 and to accept the Financial Report as submitted to the Board by the Executive Secretary.

The motion was approved with vote as follows:

Dorothy Clarke	yes	Mary Frances Astrom	yes
Kay Soltesz	yes	Marsha Dumm	yes
		Leah Reibel	yes

Ms. Dion sought input from the Board as to her participation in the American Dietetic Association’s (ADA) Annual Food and Nutrition Conference and Expo, held in Boston, MA from November 6-9, 2010.

RESOLUTION # 7

Mary Frances Astrom moved and Leah Reibel seconded a motion to approve Ms. Dion’s participation in the ADA annual conference in Boston, Massachusetts on November 6-9, 2010 and to reimburse for all usual and necessary expenses.

The motion was approved with vote as follows:

Dorothy Clarke	yes	Mary Frances Astrom	yes
Kay Soltesz	yes	Marsha Dumm	yes
		Leah Reibel	yes

AGENDA ITEM # 10 -- DISCUSSION OF PERTINENT LEGISLATIVE ISSUES

Updates on legislation previously introduced into the 128th Legislative Session and that are 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:

Ms. McKnight reported that **SB 210 (the school nutrition bill)** passed in June 2010. She announced there will district (regional) trainings set up in the schools to train dietitians, school food service workers, or others, to implement this law. The implementation of this new law is effective next school year (2011), for 613 school districts. Ms. McKnight sought the Board’s input regarding the trainings and if they could count for FY 2012 jurisprudence continuing professional education. The Board members agreed that the trainings would be approved for jurisprudence. Ms. Dion will prepare certificates for these trainings and will also retain a copy of each trainings sign-in sheet.

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.

Ms. Dion attended a meeting on September 30 in which the State of Ohio Medical Board and the Ohio Association of Acupuncture and Oriental Medicine were present. The content of the meeting was informative and the board remains unsettled with the language as to how herbs will be used. After brief discussion, all agreed that Ms. Dion and Ms. McKnight will meet with the Mr. Miller of the Medical Board to discuss concerns. Mr. Miller has agreed to adjust some of the language in the proposed bill.

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

AGENDA ITEM # 11 --BOARD REPORTS

CHAIRMAN – Chairman Soltesz commented that the Strategic Planning Meeting from October 7 was a productive session and generated much discussion amongst the group. The strategic planning document will be presented for approval at the December 10 board meeting. Chairman Soltesz thanked the group for their active participation.

ODA LIAISON – Pat McKnight

The Ohio Dietetic Association's Legislative Day for undergraduates and graduate students will take place on November 10, 2010 at the Vern Riffe Center.

Historically this event has been extremely well-attended and very informative for all in attendance.

DIRECTORS REPORT – Karen Dion

1. Future Board meeting dates were discussed. The next meeting is December 10, which will include the attendance of 14 Bluffton University Dietetic Students. Board meeting dates for 2011 will be discussed at the December meeting.
1. Ms. Dion discussed a meeting which was held with Ms. DeBolt from the Medical Board to discuss the inquiries the Board has received on order writing privileges. Discussion detailed in Agenda Item #5.
2. Ms. Dion presented the updated brochure “Facts Consumers Need to Know About Licensed Dietitians in Ohio.” The Board discussed the content of the brochure and it was determined that it needs to be simplified into a one-sided fact sheet. Ms. McKnight discussed the brochure that the Ohio Dietetic Association developed. The Education committee will discuss at next meeting as to the recommendation of how to proceed. The Board wanted to relay information to communicate to consumers, policymakers, etc.
3. Ms. Dion reported that to extend the exemption to practice dietetics from 15 days to 30 days if due to background check delays, chapter 4759-4-11 would need to be changed. The Board feels it is not necessary to open up the law at this time, for only one revision.
4. Ms. Dion shared an anonymous letter received at the Board office which contained questionable statements of concern from a licensee. Ms. Dion would have contacted the person to address any concerns if it was not an anonymous complaint.
5. Ms. Dion informed the board that she attended four OAKS trainings since the last board meeting. The trainings consisted of information about the upcoming improvements to the OAKS system in accessing data necessary for business operations.

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 was scheduled to discuss the order writing and protocol topics. The topics were presented before the full board as discussed in Agenda Item #5.

Each committee provided a brief report.

EDUCATION COMMITTEE – The Education committee reported that they reviewed three learning logs. Two learning logs were approved and Ms. Dion will follow up with the other licensee’s documents.

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

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:

December 10

AGENDA ITEM #15 - ADJOURNMENT

A motion was made to adjourn the meeting. There was consensus by the Board to adjourn the October 8, 2010 meeting of the Ohio Board of Dietetics at 3:30 p.m.

Respectfully submitted,

Karen Dion, Executive Secretary
Ohio Board of Dietetics

Date _____

Kay Soltesz, Chairman
Ohio Board of Dietetics

Date _____

Witness

Date _____