

**OHIO BOARD OF DIETETICS  
MINUTES OF THE BOARD MEETING  
June 17, 2011  
Board Room 31<sup>st</sup> Floor, Vern Riffe Center  
Columbus, Ohio 10:00 A.M.**

**AGENDA ITEM #1 – CALL TO ORDER**

**BOARD MEMBERS PRESENT:** Mary Frances (Francie) Astrom, Marsha Dumm, Leah Reibel, Dorothy Clarke and Kay Soltesz

**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 Emily Sheriff, summer clerk.

Chairman Astrom called the meeting to order at 10:06 a.m., noting that a quorum was in attendance. Ms. Astrom welcomed the group.

**AGENDA ITEM #2 – APPROVAL OF MINUTES OF THE APRIL 15, 2011 MEETING**

The minutes of the April 15, 2011 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 Kay Soltesz seconded a motion to approve the minutes of the April 15, 2011 regular Board meeting as submitted by the Executive Secretary.**

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

<b>Mary Frances Astrom</b>	<b>yes</b>	<b>Kay Soltesz</b>	<b>yes</b>
<b>Marsha Dumm</b>	<b>yes</b>	<b>Leah Reibel</b>	<b>yes</b>
<b>Dorothy Clarke</b>	<b>yes</b>		

**AGENDA ITEM #3 – APPROVAL OF LICENSES**

Ms. Dion presented the names of 17 individuals to the Board who were issued a Limited Permit license between April 15, 2011 and June 10, 2011 during Fiscal Year 2011. The limited permits expire on October 31, 2011. The following motion was made:

**RESOLUTION #2**

**Marsha Dumm moved and Kay Soltesz seconded a motion to place upon the minutes of the June 17, 2011 meeting the names of 17 individuals who were issued a Limited Permit during Fiscal Year 2011 since the April 15, 2011 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:**

<b>Mary Frances Astrom</b>	<b>yes</b>	<b>Kay Soltesz</b>	<b>yes</b>
<b>Marsha Dumm</b>	<b>yes</b>	<b>Leah Reibel</b>	<b>yes</b>
<b>Dorothy Clarke</b>	<b>yes</b>		

Ms. Dion presented the names of 22 individuals who were issued a license for the period of April 15, 2011 through June 16, 2011 for Fiscal Year 2011. The list included 21 initial licenses and 1 reactivation. The following motion was made:

**RESOLUTION # 3**

**Marsha Dumm moved and Leah Reibel seconded a motion to place upon the minutes of the April 15, 2011 meeting the names of 22 individuals who were issued an Initial License during Fiscal Year 2011 with the expiration date of June 30, 2011. There were 21 initial licenses and 1 reactivation since the April 15, 2011 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>Mary Frances Astrom</b>	<b>yes</b>	<b>Kay Soltesz</b>	<b>yes</b>
<b>Marsha Dumm</b>	<b>yes</b>	<b>Leah Reibel</b>	<b>yes</b>
<b>Dorothy Clarke</b>	<b>yes</b>		

**AGENDA ITEM # 4 – ENFORCEMENT REPORT- DON DAVIS**

Mr. Davis presented the Enforcement Report with statistics for the period of April 16, 2011 through June 17, 2011. The enforcement statistics indicate that the period started with 8 open cases, 7 were closed at the April 15, 2011 Board meeting. Five cases were opened resulting in a pending caseload of 6 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 # 5 – FINANCIAL REPORT**

The financial report was presented by Ms. Dion for the months of April and May 2011 including Allotments, Expenditures and Revenues to date. She reported that the available budget is \$49,674.42.

Routine expenditures occurred during the period including \$25,278.13 in April 2011 and \$30,723.71 in May 2011.

Revenues of \$6,155.00 for April 2011 and \$110,385.00 for May 2011 were reported in OAKS. Total revenue for FY 2011 \$188,434.00.

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

**RESOLUTION # 4**

**Leah Reibel moved and Dorothy Clarke seconded a motion to approve expenditures as presented for April 2011 and May 2011 and to accept the Financial Report as submitted to the Board by the Executive Secretary.**

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

<b>Mary Frances Astrom</b>	<b>yes</b>	<b>Kay Soltesz</b>	<b>yes</b>
<b>Marsha Dumm</b>	<b>yes</b>	<b>Leah Reibel</b>	<b>yes</b>
<b>Dorothy Clarke</b>	<b>yes</b>		

**AGENDA ITEM # 6 -- DISCUSSION OF PERTINENT LEGISLATIVE ISSUES**

Ms. Dion discussed HB 259 (Alternative Health Services) which was introduced on June 14, 2011. The Board discussed similar concerns that have been addressed with previous versions of the bill. This bill will be monitored for any activity and the Board will respond as appropriate.

Ms. Dion discussed House Bill 251 (Acupunturists Practicing with Herbs) which has been introduced. There is sponsor and proponent testimony to occur on June 22, 2011.

Ms. McKnight discussed the School Nutrition Bill, Senate Bill 210. She informed the Board that the Senate put in to change “lowfat milk” to “milk”. In addition, “Community Schools” are being exempt from Body Mass Index. The definition of Community Schools is not clear at this point.

Ms. McKnight discussed Senate Bill 118 (sponsor Senator Cates) which is an amendment that gives the schools the option to obtain Body Mass Index information. The bill passed the Senate with no opposition and passed the House Health Committee.

Ms. McKnight mentioned Senate Bill 171 and stated that we are not mentioned in the bill.

Ms. Dion reported that there are no updates to House Bill 169 (sponsor Representative Williams) which is related to criminal offenses that are substantially related to the professional practices of the licensee. There are no updates to report.

Ms. Dion briefly reported that there are no updates to Senate Bill 123 (sponsor Senator Bacon). This bill would require that the Ohio e-License Center web site include information submitted by certain health professionals to their licensing boards regarding the characteristics of their professional practice. There were no significant concerns with the Bill.

## **AGENDA ITEM # 7 --BOARD REPORTS**

### **CHAIRMAN – Francie Astrom**

Chairman Astrom announced that Kay Soltesz will have fulfilled her five-year term position on the Board as the PhD Educator position. Ms. Soltesz was thanked for her knowledge and contribution as a Board member.

### **ODA LIAISON – Pat McKnight**

Ms. McKnight reported that there is currently no coding for nutrition services through Medicaid. Medicare has a Medical Nutrition Therapy code, but it does not work for Medicaid reimbursement.

Ms. McKnight also discussed the concept of the Medical Home. She will be attending a Medicaid Medical Home meeting next week.

Ms. McKnight also discussed the upcoming Board Member vacancy as of July 1, 2011. There have been no updates as to the status of filling the position.

Ms. McKnight stated that the Ohio Dietetic Association has created Registered Dietitian bookmarks for distribution.

### **DIRECTORS REPORT – Karen Dion**

Ms. Dion reported that she testified on Senate Bill 153, for the state budget. The testimony occurred on May 4, 2011 before the Senate Finance Committee. The testimony included the amendments from the House of Representatives to support the on-line renewal implementation. Given the economic situation of the State, the Board was pleased with the proposed budget for FY 2012 and FY 2013.

Ms. Dion reported that new Board members usually participate in a Board Member Training webinar, sponsored by the Council for Licensure Enforcement and Regulation (CLEAR). Dorothy Clarke attended the webinar on May 27, 2011. Registration for the webinar was paid through the Board.

Ms. Dion reported that the biennial audit took place mid-February to mid-March and the final report has been issued. The final report will result in Ms. Dion developing a policy to review expenditures on a monthly basis. Previously they were reviewed every other month. There were no other written recommendations.

Ms. Dion reported on jurisprudence presentations given by the Director and the Compliance Specialist since the last Board meeting.

April 18, 2011	Case Western Reserve University (interns)
April 22, 2011	University of Akron (undergraduates)
April 29, 2011	Christ Hospital (interns)
May 4, 2011	Fresenius Medical Care, Independence
May 10, 2011	National Kidney Foundation Symposium (dietitians)
May 19, 2011	Ohio University (undergraduates)
June 6, 2011	Youngstown State University (interns)

Ms. Dion discussed a question received by a licensee regarding the Nutrition Care Process (NCP) and charting. The licensee was asking if it is a requirement by the Board to document in the nutrition care process format. It was discussed that Chapter 4759-6 of the Ohio Administrative Code does not mandate that charting be completed in the Nutrition Care Process format. However if the facility mandates that format, the employee would chart accordingly. If it is used, it has to be used correctly. Chapter 4759-6-01 is the rule that the Board would refer to if there was a complaint about a licensee and the Nutrition Care Process.

Ms. Dion discussed the House of Delegates survey and results. Several questions were asked about knowledge of and importance of licensure. It was determined that although the survey was fairly small, there is more education which needs to be done to provide a better understanding of Ohio licensure for dietitians.

Ms. Dion informed the Board about the Ohio Department of Health's proposal to have a class plan change to the Executive Secretary position. When the proposal was sent to all the boards and commissions, all were in agreement that it did not make sense for the boards and commissions. The proposal was based on one agency that requested the change.

The Board broke briefly for lunch.

**AGENDA ITEM #8 – EXECUTIVE SESSION - ENFORCEMENT**

The Board moved into Executive Session at 12:46 p.m. with the following motion:

**RESOLUTION #5**

**Marsha Dumm moved and Dorothy Clarke 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:**

<b>Mary Frances Astrom</b>	<b>yes</b>	<b>Kay Soltesz</b>	<b>yes</b>
<b>Marsha Dumm</b>	<b>yes</b>	<b>Leah Reibel</b>	<b>yes</b>
<b>Dorothy Clarke</b>	<b>yes</b>		

The Board came out of executive session at 1:45 p.m.

**AGENDA ITEM # 9 – FINDINGS, ORDERS, AND ACTIONS**

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

**RESOLUTION #6**

**Leah Reibel moved and Dorothy Clarke seconded a motion to close the following cases for the reasons cited:**

<b>11OBD78</b>	<b>Moral character, unfounded</b>
<b>11OBD80</b>	<b>Moral character, unfounded</b>
<b>11OBD81</b>	<b>Moral character, unfounded</b>
<b>11OBD82</b>	<b>Moral character, unfounded</b>

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

<b>Mary Frances Astrom</b>	<b>yes</b>	<b>Kay Soltesz</b>	<b>yes</b>
<b>Marsha Dumm</b>	<b>recused</b>	<b>Leah Reibel</b>	<b>yes</b>
<b>Dorothy Clarke</b>	<b>yes</b>		

**RESOLUTION #7**

**Leah Reibel moved and Kay Soltesz seconded a motion to approve a Consent Agreement as presented to the respondent in case #11OBD75, effective 6/17/2011.**

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

<b>Mary Frances Astrom</b>	<b>yes</b>	<b>Kay Soltesz</b>	<b>yes</b>
<b>Marsha Dumm</b>	<b>recused</b>	<b>Leah Reibel</b>	<b>yes</b>
<b>Dorothy Clarke</b>	<b>yes</b>		

**RESOLUTION #8**

**Leah Reibel moved and Kay Soltesz seconded a motion to approve a Consent Agreement as presented to the respondent in case #11OBD79, effective 6/17/2011.**

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

<b>Mary Frances Astrom</b>	<b>yes</b>	<b>Kay Soltesz</b>	<b>yes</b>
<b>Marsha Dumm</b>	<b>recused</b>	<b>Leah Reibel</b>	<b>yes</b>
<b>Dorothy Clarke</b>	<b>yes</b>		

**STATUS OF BOARD ACTIONS**

There were no board actions to report.

**AGENDA ITEM #10 and #11– SUBCOMMITTEE MEETINGS AND REPORTS**

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

Each committee provided a brief report.

EDUCATION COMMITTEE – The Education committee reported that they reviewed three learning logs. Three learning logs were approved by the committee.

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 #12 – ETHICS REQUIREMENT**

Ms. Dion informed the Board that meeting the Ethics Requirement can be met for Board members and Board staff, by various means such as attending sessions by the Ethics Commission, having the Board’s Assistant Attorney General discuss various topics, or by viewing the DVD provided by the Ethics Commission. Ms. Dion suggested that during each meeting a segment of the DVD can be viewed. The Board watched the introduction of the Ethics DVD after which technical difficulties occurred and the first segment could not be accessed.

**AGENDA ITEM # 13 – UPCOMING MEETINGS**

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

- August 5, 2011
- October 14, 2011
- December 9, 2011

**AGENDA ITEM #14 - ADJOURNMENT**

**A motion was made to adjourn the meeting. There was consensus by the Board to adjourn the April 15, 2011 meeting of the Ohio Board of Dietetics at 2:45 p.m.**

Respectfully submitted,  
Karen Dion Date 8-5-11.  
Karen Dion, Executive Secretary  
Ohio Board of Dietetics

Mary Frances Astrom Date 8-5-11  
Mary Frances Astrom, Chairman  
Ohio Board of Dietetics

Marsha Dion Date 8/5/11  
Witness