

**OHIO BOARD OF DIETETICS  
MINUTES OF THE BOARD MEETING  
DECEMBER 4, 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, Susan Finn

**OTHERS PRESENT:** Patricia McKnight, Ohio Academy of Nutrition and Dietetics liaison (Consumer Protection Coordinator); Natalie Stephens, Ohio Academy of Nutrition and Dietetics; Donald Davis, Compliance Specialist; Karen Morrison, Executive Secretary; and Melissa Wilburn, Assistant Attorney General.

**ABSENT:** Judith Nagy

Chairman Taylor called the meeting to order at 10:13 a.m., noting that a quorum was in attendance. Mr. Taylor welcomed the group.

**AGENDA ITEM #2 – APPROVAL OF MINUTES OF AUGUST 7, 2015**

The minutes of the August 7, 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**

**Joseph Nigh moved and John Ridgway seconded a motion to approve the minutes of the August 7, 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>Joseph Nigh</b>        | <b>yes</b> |
| <b>Susan Finn</b>         | <b>yes</b> |

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

Ms. Morrison presented to the Board, the names of 2 individuals who were issued a Limited Permit license between August 8, 2015 and December 1, 2015 during Fiscal Year 2016. The 2 Limited Permits expire on April 30, 2016. The following motion was made:

**RESOLUTION #2**

John Ridgway moved and Susan Finn seconded a motion to place upon the minutes of the December 4, 2015 meeting the names of 2 individuals who were issued a Limited Permit during Fiscal Year 2016 since the August 7, 2015 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:

|                    |     |
|--------------------|-----|
| Christopher Taylor | yes |
| John Ridgway       | yes |
| Joseph Nigh        | yes |
| Susan Finn         | yes |

Ms. Morrison presented to the Board, the names of 118 individuals who were issued a license for the period between August 8, 2015 and December 1, 2015 for Fiscal Year 2016. The list included 103 initial licenses, 5 reactivations and 10 reinstatements. The following motion was made:

**RESOLUTION #3**

John Ridgway moved and Susan Finn seconded a motion to place upon the minutes of the December 4, 2015 meeting the names of 118 individuals who were issued a license for Fiscal Year 2016 between August 8, 2015 and December 1, 2015. There were 103 initial licenses, 5 reactivations and 10 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:

|                    |     |
|--------------------|-----|
| Christopher Taylor | yes |
| John Ridgway       | yes |
| Joseph Nigh        | yes |
| Susan Finn         | yes |

**AGENDA ITEM #4 – ELECTION OF OFFICERS FOR CALENDAR YEAR 2016**

Chairman Taylor indicated that the informal procedure for the election of officers for calendar 2016 is for the Board Chairman to request nominations from the floor for the leadership positions of Board Chairman and Vice Chairman. Mr. Taylor called for nominations. The following motions resulted:

**RESOLUTION # 4**

Joseph Nigh moved and Susan Finn seconded a motion to nominate John Ridgway for Chairman of the Ohio Board of Dietetics for calendar year 2016 effective January 1, 2016. John Ridgway accepted the nomination.

The motion was approved with vote as follows:

|                    |         |
|--------------------|---------|
| Susan Finn         | yes     |
| John Ridgway       | abstain |
| Joseph Nigh        | yes     |
| Christopher Taylor | yes     |

**RESOLUTION # 5**

Joseph Nigh moved and Susan Finn seconded a motion to elect Judith Nagy as Vice-Chairman of the Ohio Board of Dietetics for calendar year 2016, effective January 1, 2016. Ms. Morrison accepted the nomination in Ms. Nagy's absence.

The motion was approved with vote as follows:

|                    |     |
|--------------------|-----|
| Susan Finn         | yes |
| John Ridgway       | yes |
| Christopher Taylor | yes |
| Joseph Nigh        | yes |

Chairman Taylor thanked the Board members for agreeing to serve in the leadership positions during calendar year 2016. He indicated that it is traditional for the incoming Chairman to make committee appointments at this time, and asked Ms. Morrison to describe the current committees and their make-up.

**Appointment of Board Committees for Calendar Year 2016**

Ms. Morrison described the current make-up of Board committees. The 2015 committees included the following:

Probable Review Panel: Board Vice-chairman, AAG, Compliance Specialist,  
Director

Application Review: Dietitian member, Compliance Specialist, AAG, Director  
Continuing Education / Professional Development: Educator member, Director,  
Dietitian member

Rules Committee: Public member, Dietitian member, Ohio Academy of Nutrition and  
Dietetics liaison (Consumer Protection Coordinator), Compliance  
Specialist, Director

The consensus of the Board was to continue the same committees and member make-up for 2016. The Board members were polled for their individual interest in service on particular committees.

The following Board member committee assignments were made:

|              |  |
|--------------|--|
| Mr. Ridgway  | Rules Committee                          |
| Ms. Nagy     | Probable Review and Education Committees |
| Mr. Nigh     | Rules Committee                          |
| Ms. Finn     | Application and Rules Committees         |
| Mr. Taylor   | Education Committee                      |
| Ms. McKnight | Rules Committee                          |

Ms. Morrison agreed to coordinate committee meetings and agendas as required for the work of the committees.

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

Mr. Davis presented the Annual Enforcement Report for Fiscal Year 2015. There were two cease and desist letters sent, one consent agreement, one advisory letter and 113 cases investigated. There were two investigations on unlicensed individuals.

A copy of the Annual Enforcement Report was provided and is attached to the minutes of this meeting.

#### **AGENDA ITEM #6 – ENFORCEMENT REPORT FY16**

Mr. Davis presented the Enforcement Report for the period of August 8, 2015 to December 4, 2015 for Fiscal Year 2016. The enforcement statistics indicate that the period started with 6 open cases and 1 case was closed at the August 7, 2015 Board meeting. One hundred and four cases were opened resulting in a pending caseload of 109.

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 # 7 – EXECUTIVE SESSION – ENFORCEMENT**

The Board moved into Executive Session at 10:31 a.m. with the following motion:

**RESOLUTION #6**

Joseph Nigh moved and Susan Finn 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 |
| Joseph Nigh        | yes |
| Susan Finn         | yes |

The Board came out of Executive Session at 11:25 a.m.

**AGENDA ITEM #8 – FINDINGS, ORDERS, AND ACTIONS**

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

**RESOLUTION #7**

Joseph Nigh moved and John Ridgway moved seconded a motion to close the following cases for the reasons cited:

|             |                             |
|-------------|-----------------------------|
| 14OBD02     | License Surrendered         |
| 16OBD02     | Moral Character - Unfounded |
| 16OBD03     | Moral Character - Unfounded |
| 16OBD04     | Moral Character - Unfounded |
| 16OBD05-83  | Expired for reasons cited   |
| 16OBD83-104 | Advisory letters            |
| 16OBD105    | Moral Character - Unfounded |

The motion was approved with vote as follows:

|                    |         |
|--------------------|---------|
| Christopher Taylor | yes     |
| John Ridgway       | recused |
| Joseph Nigh        | yes     |
| Susan Finn         | yes     |

**RESOLUTION #8**

John Ridgway moved and Susan Finn seconded a motion to authorize sending a Notice of Opportunity for Hearing for case 16OBD106.

The motion was approved with vote as follows:

|                    |     |
|--------------------|-----|
| Christopher Taylor | yes |
|--------------------|-----|

|              |         |
|--------------|---------|
| John Ridgway | recused |
| Joseph Nigh  | yes     |
| Susan Finn   | yes     |

**STATUS OF BOARD ACTIONS**

There were no board actions to report.

**AGENDA ITEM #9 - FINANCIAL REPORT – FY15 ANNUAL REPORT**

The annual financial report presented by Ms. Morrison showed that after encumbrances, the board had a remainder of \$149,509.92 for FY 2015. Total revenue for FY 2015 was \$426,097.50.

The annual report is attached to the minutes of the meeting. The following motion was made:

**RESOLUTION # 9**

**Christopher Taylor moved and John Ridgway seconded a motion to approve expenditures as presented for FY15 and to accept the annual report as submitted to the Board by the Executive Secretary.**

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

|                    |     |
|--------------------|-----|
| Christopher Taylor | yes |
| John Ridgway       | yes |
| Joseph Nigh        | yes |
| Susan Finn         | yes |

**AGENDA ITEM #10 – FINANCIAL REPORT - FY16**

The financial report was presented by Ms. Morrison for the months of July – October 2015 including Allotments, Expenditures and Revenues to date. 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. She reported that the available budget is \$239,016.48.

Routine expenditures occurred during the period including \$16,439.02 in July, \$43,015.27 in August, \$19,027.20 for September and \$29,417.02 in October 2015. Revenues of \$64,615.00 in July, \$4,570.00 in August, \$5,975.00 in September and \$3,860 in October were reported in OAKS. Total revenue for FY 2016 is \$79,020.00.

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

**RESOLUTION # 10**

**Christopher Taylor moved and John Ridgway seconded a motion to approve expenditures as presented for July – October 2015 (FY16) 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>Joseph Nigh</b>        | <b>yes</b> |
| <b>Susan Finn</b>         | <b>yes</b> |

**AGENDA ITEM #11 – BOARD REPORTS**

**CHAIRMAN'S REPORT - Chairman Taylor**

Chairman Taylor was asked to share his recent accomplishments in being selected to present research (in collaboration with the John Glenn College of Public Affairs) at the International Society of Behavioral Nutrition and Physical Activity symposium in South Africa this summer. The research presentation is regarding evaluating changes in food products in the marketplace and how they may have an impact on national intake estimates.

**OAND LIAISON/CONSUMER PROTECTION COORDINATOR – Pat McKnight and Natalie Stephens**

Ms. McKnight reported that on October 20, 2015, the Ohio Academy of Nutrition and Dietetics 8<sup>th</sup> Legislation and Public Policy Day was held. The event was a success. There were 101 registrants and only 4 no-shows. The students and dietetic interns represented ten colleges and universities across Ohio. Senator Gardner and Representative Ramos addressed the group. There were table top discussions on licensure and reimbursement for services. The evaluations were positive, with very few complaints or suggestions. The agenda and evaluation summary are attached to the minutes of the meeting.

Ms. McKnight reminded that the annual Ohio Academy of Nutrition and Dietetics conference will be held in Columbus in May 2016.

## **DIRECTORS REPORT – Karen Morrison**

Ms. Morrison shared the results of an Informational Technology (IT) Assessment which was conducted by the Department of Administrative Services. Two new enterprise services were introduced. These are Microsoft 365/Microsoft Licensing Administration and Ohio One Network. As a result of the unexpected higher cost, the Department of Administrative Services has included a Development Fund Assistance for Boards and Commissions for FY16-17, to offset these costs. However, it is unknown what the rate will be in FY18 when the Fund Assistance is no longer available.

The executive summary of the IT Assessment proposed that the businesses and citizens of Ohio would benefit if the Board opted to do two things. First, the adoption of the Enterprise Image Standard which will allow patches and updates to be deployed to desktops and laptops, which will keep information more secure. The second item is the procurement of statewide standard hardware to improve ongoing reliability, performance and security. This means replacing the current desktops and laptops because the enterprise image standard will perform better on newer hardware. Once the two action steps above are taken, the security, performance and reliability will meet the IT standards set forth by the state.

At this time, the board will consider replacing the desktops and laptop in the future. The board has implemented some of the suggestions from the assessment such as moving desktop files to the shared drive for more security and backup purposes.

Ms. Morrison told the group that she will email an article about dietary supplements. A copy of the article is attached to the meeting minutes.

Ms. Morrison provided a brief update on the monthly Boards and Commissions meetings. Elicense 3.0 will be rolled out to the second set of agencies during the next six months. The Board is included in this set and will be working with Elicensing 3.0 roll out after this year's renewal period.

Ms. Morrison shared a letter written to the Board. It was from an applicant requesting an application refund because she was not currently employed and could not afford to complete the FBI background check. The Board decided to grant her two options. The applicant can choose to complete the FBI background check and complete the application process or the applicant can choose not to proceed and her application fee will be forfeited. The letter is attached to the meeting minutes. The following motion was made.

### **RESOLUTION # 10**

**Christopher Taylor moved and John Ridgway seconded a motion for the Board to contact the applicant and explain the available options but deny the request for a refund. The motion was approved with vote as follows:**

**Christopher Taylor                      yes**

|              |     |
|--------------|-----|
| John Ridgway | yes |
| Joseph Nigh  | yes |
| Susan Finn   | yes |

**AGENDA ITEM #12 – DISCUSSION OF PERTINENT LEGISLATIVE ISSUES**

Ms. McKnight introduced Senate Bill 245 to the Board. SB 245 will allow malnutrition to be studied throughout our communities.

Ms. McKnight stated that Natalie Stephens, RD, LD will begin sharing the Academy of Nutrition and Dietetics Consumer Protection Coordinator role with her.

Ms. McKnight discussed a letter to the editor which she wrote to the Dayton Daily News, in response to the article on November 7, 2015 entitled “‘Monopolistic’ licensing boards come under new scrutiny.” The Board was contacted by the Dayton Daily News for this article and information was provided. Ms. McKnight has also provided every legislator with a fact sheet regarding this article.

Ms. McKnight reported that SB 194 is being monitored for any activity. Ms. McKnight helped to create a fact sheet and it was to all senators. Ms. McKnight also met with Senator Jones to discuss SB 194. She also helped create a fact sheet to distribute to all senators, on behalf of various healthcare associations that on the coalition.

Ms. McKnight reported that the State Chiropractic Board recently revised the scope of practice in Ohio Administrative Code Chapter 4734-1-15. House Bill 276 is being monitored as well. It is the revision of the chiropractic scope of practice in the Ohio Revised Code Chapter 4734. HB 276 was referred to committee on October 1, 2015. Representatives from the Ohio Academy of Nutrition and Dietetics have met with Representative Schuring’s aide and submitted proposed changes in the bill’s language as well.

Ms. McKnight updated the Board that she met with Senator Gardner’s aide again about the confidentiality and scope of practice issues. Language has been drafted for each issue.

Ms. Morrison discussed HB 213 (renewals changing to biennial cycle) and shared with the board the copy of the bill. Ms. Morrison testified as an interested party on November 17, 2015. The testimony outlined several questions and logistical issues which need to be clarified. Chairman Young asked that she send him all of the questions stated in the testimony, which she did send. Ms. Morrison has asked the Rules Committee to assist in drafting proposed changes to the bill.

**AGENDA ITEM #13 and #14 – SUBCOMMITTEE MEETINGS AND REPORTS**

One learning plan was reviewed by the Education Committee.

The Education subcommittee reviewed one Continuing Education / Professional Development Learning Plan. 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 one Continuing Education / Professional Development Learning Plan.

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 #15 – PRESENTATIONS SINCE AUGUST 7, 2015 MEETING**

Columbus State University            October 16, 2015            11 dietetic technician students

**AGENDA ITEM #16 – AGENDA ITEMS FOR NEXT MEETING**

The Board is planning to have a retreat to address special projects such as reviewing and updating policies and procedures; updating the vision and mission of the Board; and future opportunities.

The following meeting dates were discussed for calendar year 2016:

|                  |                        |
|------------------|------------------------|
| February 5, 2016 | 10:00 a.m. – 3:00 p.m. |
| April 15, 2016   | 10:00 a.m. – 3:00 p.m. |
| June 3, 2016     | 10:00 a.m. – 3:00 p.m. |
| October 28, 2016 | 8:00 a.m. – 5:00 p.m.  |
| December 2, 2016 | 10:00 a.m. – 5:00 p.m. |

**AGENDA ITEM #17 – ADJOURNMENT**

Joseph Nigh moved and John Ridgway seconded a motion to adjourn the meeting. There was consensus by the Board to adjourn the December 4, 2015 of the Ohio Board of Dietetics at 2:15 p.m.

Respectfully submitted,

Karen Morrison

Karen Morrison, Executive Secretary  
Ohio Board of Dietetics

2/5/16 KAM  
Date 12/4/15

Christopher Taylor

Christopher Taylor, Chairman  
Ohio Board of Dietetics

2/5/16 @  
Date 12/4/15

Witness

2/5/16 dl  
Date 12/4/15