

**OHIO BOARD OF DIETETICS
MINUTES OF THE BOARD MEETING
February 6, 2015
31st 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: Pat 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; in addition 2 guests arrived at 1:00 p.m.- Kay Mavko of the Academy of Nutrition and Dietetics; Cameron McNamee, Legislative Liaison of the Pharmacy Board.

ABSENT: Judith Nagy

Chairman Taylor called the meeting to order at 10:05 a.m., noting that a quorum was in attendance. Mr. Taylor welcomed the group.

AGENDA ITEM #2 – APPROVAL OF MINUTES OF AUGUST 1, 2014

The minutes of the August 1, 2014 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

John Ridgway moved and Christopher Taylor seconded a motion to approve the minutes of the August 1, 2014 regular Board meeting as submitted by the Executive Secretary.

The motion was approved with vote as follows:

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

AGENDA ITEM #3 – APPROVAL OF LICENSES

Ms. Morrison presented the names of 2 individuals to the Board who were issued a Limited Permit license between November 7, 2014 and February 6, 2015 during Fiscal Year 2015. Both Limited Permits expire on April 30, 2015. The following motion was made:

RESOLUTION #2

John Ridgway moved and Joseph Nigh seconded a motion to place upon the minutes of the February 6, 2015 meeting the names of 2 individuals who were issued a Limited Permit during Fiscal Year 2015 since the November 14, 2014 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	Susan Finn	yes
Joseph Nigh	yes		

Ms. Morrison presented the names of 35 individuals who were issued a license for the period between November 12, 2014 and February 3, 2015 for Fiscal Year 2015. The list included 32 initial licenses, 1 reactivation and 2 reinstatements. The following motion was made:

RESOLUTION #3

John Ridgway moved and Joseph Nigh seconded a motion to place upon the minutes of the February 6, 2015 meeting the names of 35 individuals who were issued a license for Fiscal Year 2015 between November 12, 2015 and February 3, 2015. There were 32 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 #3) The motion was approved with vote as follows:

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

AGENDA ITEM #4 - ENFORCEMENT REPORT FY15 - DON DAVIS

Mr. Davis presented the Enforcement Report for the period of November 15, 2014 to February 6, 2015 for Fiscal Year 2015. The enforcement statistics indicate that the period started with 114 open cases and 109 cases were closed at the November 14, 2014 Board meeting. Three cases were opened resulting in a pending caseload of 8.

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 – EXECUTIVE SESSION – ENFORCEMENT

The Board moved into Executive Session at 10:25 a.m. with the following motion:

RESOLUTION #4

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	Susan Finn	yes
Joseph Nigh	yes		

The Board came out of Executive Session at 11:00 a.m.

AGENDA ITEM #6 – FINDINGS, ORDERS, AND ACTIONS

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

RESOLUTION #5

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

14OBD71	Failure to maintain licensure; licensure denied failed to meet requirements
14OBD71	Failure to meet licensure requirements; license denied
15OBD110	Moral character; unfounded
15OBD111	Unlicensed practice; advisory letter sent
15OBD112	Misuse of title; came into compliance

The motion was approved with vote as follows:

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

STATUS OF BOARD ACTIONS

There were no board actions to report.

AGENDA ITEM #7 - CONFIDENTIALITY UPDATE

The Consumer Protection Specialist, Pat McKnight, reported that conversations have been started between the Ohio Academy of Nutrition and Dietetics' lobbyist and a potential sponsor of a bill. The proposed bill would include modifying or adding statutory language in regards to the

confidentiality of complaints and investigations. Language for the confidentiality statute was discussed. There will be ongoing discussion at future meetings.

AGENDA ITEM #8 –CUSTOMER SERVICE STANDARDS SURVEY

In accordance with ORC § Sec. 121.91 (A), the board developed customer service standards. These will be used for each position, as all of the positions have a substantial amount of contact with the public. The customer service standards are attached to the minutes of the meeting and will be posted on the Ohio Board of Dietetics website. The board also developed a course of action for the customer service standards to be measured based on surveys to our customers. A survey on survey monkey will be developed and five-hundred licensees will be surveyed annually. Non-licensees will be given the opportunity to complete the survey as well. The survey will begin February 2015 and each February thereafter. The customer service standards survey is attached to the minutes of the meeting. There were no changes proposed at the Board meeting.

AGENDA ITEM #9 – JURISPRUDENCE FY16 RENEWAL

Ms. Morrison lead the discussion seeking the Board's input regarding the new jurisprudence module's content and collection of quiz results. There were minor changes/additions based on the Board's input. It was determined to waive the submission of the quiz results to the Board office, but rather conduct a random audit of ten percent of the licensed dietitians in Ohio to measure jurisprudence compliance. The jurisprudence module and quiz are attached to the minutes of this meeting.

AGENDA ITEM #10- FINANCIAL REPORT – KAREN MORRISON

The financial report was presented by Ms. Morrison for the months of October - December 2014 including Allotments, Expenditures and Revenues to date. She reported that the available budget is \$189,994.93 after encumbrances.

Routine expenditures occurred during the period including \$20,523.14 in October; \$17,875.10 in November; and \$28,611.56 in December 2014. Revenues of \$4,375.00 in October; \$3,115.00 in November; and \$1,755.00 in December were reported in OAKS. Total revenue for FY 2015 is \$113,035.00.

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

RESOLUTION # 6

Joseph Nigh moved and John Ridgway seconded a motion to approve expenditures as presented for October – December 2014 (FY15) and to accept the Financial Report as submitted to the Board by the Executive Secretary.

The motion was approved with vote as follows:

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

Ms. Morrison sought the boards input as to attendance at the Academy of Nutrition and Dietetics' Public Policy Workshop in Washington, D.C. on June 7-9, 2014. The Board determined that Karen Morrison will attend on the Board's behalf.

RESOLUTION #7

Joseph Nigh moved and John Ridgway seconded a motion to approve all reasonable and necessary expenditures for board members/staff for the Academy's Public Policy Workshop in June 2015.

The motion was approved with vote as follows:

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

AGENDA ITEM #11- RULE 4759-6-02(C) (3) DISCUSSION

Ms. Morrison lead a discussion related to the interpretation of Section 4759-6-02 (C) (3) of the Ohio Administrative Code related to CMS State Operations Manual §482.28 – Conditions of Participation (CoPs): Food and Dietetic Services, released in July 2014. The Legislative Liaison from the Board of Pharmacy agreed to be present for this discussion. The discussion included questions regarding whether dietitians have prescriptive authority. Chapter 4759 of the ORC is silent to order writing. Current CMS guidelines state that dietitians may be privileged (individually) by hospitals to order therapeutic diets. Therapeutic diets can range from texture modifications to Total Parenteral Nutrition (TPN). Mr. McNamee stated that TPN is classified as a "Dangerous Drug". Pharmacists are concerned that dietitians may have the authority to order TPN. The privileging process has been halted in some hospitals due to this concern. The two boards agreed to work together to issue a "Joint Guidance" document on this. The Board of Dietetics may pursue a statutory change for further clarification. The "Joint Guidance" will be drafted and finalized by both Boards.

RESOLUTION #8

Joseph Nigh moved and Susan Finn seconded a motion to continue with drafting language to clarify this matter in collaboration with the Pharmacy Board and Medical Board.

The motion was approved with vote as follows:

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

AGENDA ITEM #12 – DISCUSSION OF PERTINENT LEGISLATIVE ISSUES

Ms. McKnight discussed HB 463 which was signed by the Governor on December 19, 2014. This bill was proposed to make changes to the law governing dental professionals. Section 4715.22 (E) was added to include the provision for dental hygienists to provide General Non-Medical Nutrition Information.

AGENDA ITEM #12 – BOARD REPORTS

CHAIRMAN – Chairman Taylor

Chairman Taylor did not have information to report.

OAND LIAISON/CONSUMER PROTECTION COORDINATOR – Pat McKnight

Ms. McKnight informed the board that the Ohio Academy of Nutrition and Dietetics 25th Annual Legislation and Policy Day is scheduled for March 25, 2015. This policy day is for dietitians. The next Legislative day, which is held for students and interns is October 20, 2015.

Ms. McKnight reported General Non-Medical Nutrition Information has been added to the dental hygienists and dental assistants scope of practice (HB 463).

Ms. McKnight reported that the association has been working with Medicaid to obtain status as an independent provider.

DIRECTORS REPORT – Karen Morrison

Ms. Morrison reported that the Ohio Board of Dietetics 2016-2017 biennial budget testimony is scheduled for February 18, 2015 at the Agriculture, Natural Resources and Development subcommittee. The Executive Recommendation was a 5.9% increase and a 2.5% increase for fiscal years 2016 and 2017 respectively. The board's analyst from the Office of Budget and Management stated that payroll was reduced to reflect current needs, not potential future needs of employees. No operations or staffing levels will be affected by the Executive Recommendation.

Ms. Morrison provided an update regarding the "E-licensing" system project. The company that won the bid for this project has been unable to meet significant deadlines and the Department of Administration Services is considering other options.

Ms. Morrison reminded the Board that the 2014 Financial Disclosure Statements are due no later than April 15, 2015. The Board is charged late fees from \$10 per day up to \$250 for reports not filed by April 15, 2015.

Ms. Morrison discussed the Board's standing request to receive the Consumer Protection Section from the Attorney General's office monthly. The request was granted approximately one year ago. Our intention was to seek any complaints related to nutrition and dietetics. The majority of the complaints are fitness club membership/payment disputes; and complaints about ordering a product that was advertised as "free" online, and automatically getting enrolled in a subscription requiring payment. The Board continues to receive and review this report monthly.

Ms. Morrison informed the Board that the 2014 Workforce Plan has been approved. Staff manuals are close to completion.

Ms. Morrison sought the Board's guidance regarding the intermittent position for the summer. It was agreed that assistance is needed approximately 2-3 days per week, or 20 hours. Information about the position was provided to Dietetic Programs and Dietetic Internships in Ohio.

Ms. Morrison updated the Board on the eligible spending with MBE/EDGE providers. Currently the Board has met the requirements for spending with MBE provider but will seek out an EDGE provider to meet the required 5% eligible spend dollars.

AGENDA ITEM #13 and #14- SUBCOMMITTEE MEETINGS AND REPORTS

A combined learning plan and learning log was reviewed. A separate learning log was reviewed also. These documents were received by the board after the November 14, 2014 meeting of the board.

The Education subcommittee reviewed two Continuing Education / Professional Development Learning Plans and one Professional Development Learning Log. 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 reported that they reviewed and requested additional information for one Professional Development Learning Plan and Learning Log. This information will be reviewed at the next Board meeting. The committee also reviewed and approved one learning log.

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 NOVEMBER 14, 2014 MEETING

OSU Careers in Dietetics class	January 20, 2015	30 undergraduates
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AGENDA ITEM #16 – AGENDA ITEMS FOR NEXT MEETING

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

- Confidentiality
- Privileging
- Budget

AGENDA ITEM #17 – EQUAL OPPORTUNITY DIVISION WEBINAR

Ms. Morrison gave the Board the opportunity to view this mandatory webinar in the Board office, as part of the meeting. For those wishing to complete the webinar on their own, Ms. Morrison forwarded the emails with the link for the webinar. She also asked that they retain their certificate of completion and inform her upon completion.

AGENDA ITEM #18 – ADJOURNMENT

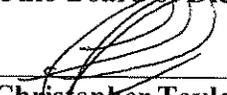
Joseph Nigh moved and John Ridgway seconded a motion to adjourn the meeting. There was consensus by the Board to adjourn the February 6, 2015 ~~November 14, 2014~~ meeting of the Ohio Board of Dietetics at 2:30 p.m. KAM
5/1/15

Respectfully submitted,



Karen Morrison, Executive Secretary
Ohio Board of Dietetics

Date 5/1/15 .



Christopher Taylor, Chairman
Ohio Board of Dietetics

Date 5/1/15



Witness

Date 5/1/15