

**OHIO BOARD OF DIETETICS
MINUTES OF THE BOARD MEETING
November 14, 2014
31st Floor, Board Room, Vern Riffe Center
Columbus, Ohio 10:00 A.M.**

AGENDA ITEM #1 – CALL TO ORDER

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

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.

Chairman Finn called the meeting to order at 10:04 a.m., noting that a quorum was in attendance. Ms. Finn welcomed the group and welcomed our most recently appointed board member, Joseph Nigh, Esq.

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:

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

AGENDA ITEM #3 – APPROVAL OF LICENSES

Ms. Morrison presented the names of 10 individuals to the Board who were issued a Limited Permit license between August 1, 2014 and November 7, 2014 during Fiscal Year 2015. Two of the ten Limited Permits expired on October 31, 2014. Eight of the ten Limited Permits expire on April 30, 2015. The following motion was made:

RESOLUTION #2

Christopher Taylor moved and John Ridgway seconded a motion to place upon the minutes of the November 14, 2014 meeting the names of 10 individuals who were issued a Limited Permit during Fiscal Year 2014 since the August 1, 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:

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

Ms. Morrison presented the names of 145 individuals who were issued a license for the period between August 1, 2014 and November 12, 2014 for Fiscal Year 2015. The list included 126 initial licenses, 6 reactivations and 13 reinstatements. The following motion was made:

RESOLUTION #3

Christopher Taylor moved and Susan Finn seconded a motion to place upon the minutes of the November 14, 2014 meeting the names of 145 individuals who were issued a license for Fiscal Year 2015 between August 1, 2014 and November 12, 2015. There were 126 initial licenses, 6 reactivations and 13 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:

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

AGENDA ITEM #4 –ELECTION OF OFFICERS FOR CALENDAR YEAR 2015

Chairman Finn indicated that the informal procedure for the election of officers for calendar 2015 is for the Board Chairman to request nominations from the floor for the leadership positions of Board Chairman and Vice Chairman. Ms. Finn called for nominations.

The following motions resulted: **RESOLUTION # 4**

John Ridgway moved and Judith Nagy seconded a motion to nominate Christopher Taylor for Chairman of the Ohio Board of Dietetics for calendar year 2015 effective January 1, 2015. Christopher Taylor accepted the nomination.

The motion was approved with vote as follows:

Susan Finn	yes	John Ridgway	yes
Joseph Nigh	yes	Judith Nagy	yes
Christopher Taylor	abstain		

RESOLUTION # 5

Judith Nagy moved and Joseph Nigh seconded a motion to elect John Ridgway as Vice-Chairman of the Ohio Board of Dietetics for calendar year 2015, effective January 1, 2015. Mr. Ridgway accepted the nomination.

The motion was approved with vote as follows:

Susan Finn	yes	John Ridgway	abstain
Christopher Taylor	yes	Judy Nagy	yes
Joseph Nigh	yes		

Chairman Finn thanked the Board members for agreeing to serve in the leadership positions during calendar year 2015. She 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 2015

Ms. Morrison described the current make-up of Board committees. The 2014 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, ODA liaison, Compliance
Specialist, Director

The consensus of the Board was to continue the same committees and member make-up for 2015. The Board members were polled for their individual interest in service on particular committees.

The following Board member committee assignments were made:

Ms. Finn	Rules Committee
Mr. Taylor	Education
Mr. Ridgway	Probable Review and Education Committees
Ms. Nagy	Education and Application Committees
Mr. Nigh	Rules 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 AND FY15 ENFORCEMENT REPORTS - DON DAVIS

Mr. Davis presented the Annual Enforcement Report for Fiscal Year 2014. There were three cease and desist letters sent, one consent agreement and 77 cases investigated. There were three investigations on unlicensed individuals.

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

Mr. Davis presented the Enforcement Report for the period of August 2, 2014 to November 14, 2014 for Fiscal Year 2015. The enforcement statistics indicate that the period started with 6 open cases and 1 case was closed at the August 1, 2014 Board meeting. One hundred and nine cases were opened resulting in a pending caseload of 114.

For the period of July 1, 2014 to August 1, 2014 for Fiscal Year 2015, the period started with 6 open cases. No cases were opened or closed prior to the August 1, 2014 meeting of the board, resulting in a pending caseload of one hundred and fourteen 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 # 6 – EXECUTIVE SESSION – ENFORCEMENT

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

RESOLUTION #6

Christopher Taylor 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:

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

The Board came out of Executive Session at 11:05 a.m.

AGENDA ITEM #7 – FINDINGS, ORDERS, AND ACTIONS

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

RESOLUTION #7

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

15OBD01	Misuse of title came into compliance
15OBD02	Moral Character, unfounded
15OBD03-104	Expired without reason, unfounded
15OBD105	Moral Character, unfounded
15OBD106	Limited Permit expired without reason, unfounded
15OBD107	Limited Permit expired without reason, unfounded
15OBD108	Limited Permit expired without reason, unfounded
15OBD109	Moral Character, unfounded

The motion was approved with vote as follows:

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

STATUS OF BOARD ACTIONS

There were no board actions to report.

AGENDA ITEM #8 – RULE 4759-6-02(C) (3)

The Board discussed inquiries 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. It is the position of the Ohio Board of Dietetics that licensed dietitians in Ohio have the authority to pursue the privileging process in accordance with CMS and based on 4759.05 of the ORC and 4759-6-02 C 3 of the OAC. The board remains aligned with the Academy of Nutrition and Dietetics and Centers for Medicare and Medicaid Services for therapeutic diet privileging. It is also the position of the Ohio Board of Dietetics that Guideline J is obsolete and shall be removed from the website.

RESOLUTION #8

Joseph Nigh moved and John Ridgway seconded a motion to clarify the Board’s position.

The motion was approved with vote as follows:

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

AGENDA ITEM #9 – CONFIDENTIALITY

The board discussed the importance of possibly adding a confidentiality chapter to ORC 4759. Wording for the confidentiality statute was discussed. There will be ongoing discussion at future meetings.

RESOLUTION #9

Joseph Nigh moved and Christopher Taylor seconded a motion to support the effort of the association to modify or add language to a statute related to the confidentiality of complaints and investigations.

The motion was approved with vote as follows:

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

AGENDA ITEM #10 – CUSTOMER SERVICE STANDARDS

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 licensed dietitians in Ohio. A survey on survey monkey will be developed and five-hundred licensees will be surveyed annually. The survey will begin February 2015 and each February thereafter. The customer service standards are attached to the minutes of the meeting.

RESOLUTION #10

Christopher Taylor moved and Judith Nagy seconded a motion to adopt Customer Service Standards in accordance with ORC § Sec. 121.91 (A).

The motion was approved with vote as follows:

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

AGENDA ITEM #11 - ANNUAL AND FY15 FINANCIAL REPORTS

The annual financial report presented by Ms. Morrison showed that after encumbrances, the board had a remainder of \$2,057.35 for FY 2014. Total revenue for FY 2014 was \$382,915.00. The annual report is attached to the minutes of the meeting.

The financial report was presented by Ms. Morrison for the months of July – September 2014 including Allotments, Expenditures and Revenues to date. She reported that the available budget is \$245,928.02 encumbrances.

Routine expenditures occurred during the period including \$19,318.69 in July, \$34,262.54 in August and \$18,314.89 in September 2014. Revenues of \$88,232.50 in July, \$9,832.52 in August and \$5,154.98 in September were reported in OAKS. Total revenue for FY 2015 is \$103,790.00.

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

RESOLUTION # 11

Christopher Taylor moved and Joseph Nigh seconded a motion to approve expenditures as presented for July – September 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:

Susan Finn	yes	John Ridgway	excused
Christopher Taylor	yes	Judith Nagy	yes
Joseph Nigh	yes		

AGENDA ITEM #12 – BOARD REPORTS

CHAIRMAN – Chairman Finn

Chairman Finn welcomed our most recently appointed board member, Joseph Nigh and led introductions of the board members and staff. There was no further information to report.

OAND LIAISON/CONSUMER PROTECTION COORDINATOR – Pat McKnight

Ms. McKnight informed the board that the 7th Legislation and Public Policy Day (for students and interns) occurred on October 14, 2014. She shared the summary report with the board. It is attached to the minutes of the meeting. The next Legislative day, which is held for dietitians, is March 25, 2015.

Ms. McKnight reported that at the national conference (The Food and Nutrition Expo and Conference held in Atlanta Georgia this fall), a summit for licensure was included. This is evidence that the Academy for Nutrition and Dietetics strongly supports licensure and is encouraging all states to obtain licensure for dietetics. The Academy sponsors one person from each state to attend the summit and the conference.

DIRECTORS REPORT – Karen Morrison

Ms. Morrison discussed the designation of “Essential Employee” in accordance with Ohio Administrative Code Section 123:1-46-01, Weather Emergencies; DAS Directive HRD-11 and Weather Emergency Procedures. The board was asked the board to make a motion to designate one staff of the board to fulfill this role, that unless otherwise directed, essential employees are to report to work during a weather emergency.

RESOLUTION #12

Susan Finn moved and Christopher Taylor seconded the motion to designate Karen Morrison as an Essential Employee as defined by the Department of Administrative Services. The motion was approved with the following vote:

Susan Finn	yes	John Ridgway	excused
Christopher Taylor	yes	Judith Nagy	yes
Joseph Nigh	yes		

Ms. Morrison informed the board that the 2014 Workforce Plan is completed as required and will be sent to all board members.

Ms. Morrison reported that the biennial budget for FY16-17 was submitted on September 10. The amount budgeted was significantly higher than FY14-15 due to ongoing rate increases in all areas. Testimony will occur within the next few months.

Ms. Morrison reminded the board that the Legislative Services Commission report was emailed to all board members on November 4, 2014. There were no questions from the board regarding this report.

Ms. Morrison informed the board that there is a mandatory upcoming training for EEO. She will forward more information about the training as she receives it.

Ms. Morrison reported that the Office of Information Technology, DAS has changed their billing to quarterly instead of monthly. This decreases our agency’s processing time for paying bills.

Ms. Morrison informed the board that the FY2015 rent cost has increased to \$12.01 per square foot. The rate will be increasing to \$15.24 by FY2016.

Ms. Morrison informed the board that there was an Ohio Shared Services rate adjustment from \$12.25 per transaction to \$9.75 per transaction for FY2015. This is due to standardization and decreased processing costs. It is planned that once accounts payable becomes more standardized, that those rates will also decrease.

Ms. Morrison reviewed the board attendance memo from the Governor's Office from August 20, 2014. The memo reiterated the Ohio Revised Code § 3.17 that board members failing to meet

the three-fifths attendance requirement during any two year period will forfeit their position on the board.

Ms. Morrison reported on the MBE (Minority Business Enterprise) scorecard. All agencies must spend 15% of their eligible expenditures with MBE vendors, per Ohio law. The Board of Dietetics exceeded 15%, spending 26.46% with MBE vendors. The Ohio Board of Dietetics was recognized at an award ceremony on September 24, 2014 at the King Arts Complex.

Ms. Morrison provided an update on the Elicense 2.0 (Versa) project. To date there is not sufficient data to determine the cost at this point. The first four boards are moving forward although the date to go live remains uncertain.

Ms. Morrison sought input from the board as to a "jurisprudence" topic for the upcoming renewal in May 2015. A one hour jurisprudence course is required biennially. The board provides a module and quiz on the OBD website to enable licensees a no cost, convenient method to complete this requirement. The topic will be related to clarifying the CMS rule on therapeutic diet order writing. The module will be posted on the OBD website mid-February.

Ms. Morrison followed through with the board's previous approval to purchase a digital check scanner. The scanner has arrived and staff will be trained on its use in the upcoming week. With limited staff, this eliminates the need to make deposits at the Treasure of State's office, and increases our availability to our customers.

AGENDA ITEM #13 – ADVANCED DEGREES

Ms. Morrison asked the board if they needed further information other than what we have, from the CNS (Certified Nutrition Specialist) executive director. The board wants to keep communication open and Ms. Morrison will be in contact if additional information is needed.

AGENDA ITEM #14 – DISCUSSION OF PERTINENT LEGISLATIVE ISSUES

There were no pertinent legislative issues to report at this time.

AGENDA ITEM #15 & #16 – SUBCOMMITTEE MEETINGS AND REPORTS

Three learning plans and one learning activity log were received by the board after the August 1, 2014 meeting of the board.

The Education subcommittee reviewed three 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 approved three Professional Development Learning Plans. They 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 #17 – PRESENTATIONS SINCE AUGUST 1, 2014 MEETING

*University of Cincinnati	October 2014	30 undergraduates
Annual Policy Day (OAND)	October 2014	105 undergraduates/interns

*SKYPE presentation

AGENDA ITEM #18 – AGENDA ITEMS FOR NEXT MEETING

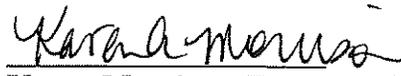
The following agenda items were requested for the next board meeting:

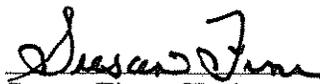
- Confidentiality
- Privileging

AGENDA ITEM #19 – ADJOURNMENT

Christopher Taylor moved and Joseph Nigh seconded a motion to adjourn the meeting. There was consensus by the Board to adjourn the November 14, 2014 meeting of the Ohio Board of Dietetics at 1:55 p.m.

Respectfully submitted,


Date 2/6/15
Karen Morrison, Executive Secretary
Ohio Board of Dietetics


Date 2/6/15
Susan Finn, Chairman
Ohio Board of Dietetics


Date 2/6/15
Witness