

**OHIO BOARD OF DIETETICS
MINUTES OF THE BOARD MEETING
July 30, 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; Ellen Kohls, summer clerk/intern.

Chairman Soltesz called the meeting to order at 10:03 a.m., noting that a quorum was in attendance. Ms. Soltesz welcomed and introduced incoming Board member, Dorothy Clarke.

AGENDA ITEM #2 – APPROVAL OF MINUTES OF THE MAY 21, 2010 MEETING

The minutes of the May 21, 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 May 21, 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 #3 – APPROVAL OF LICENSES

Ms. Dion presented the names of 20 individuals to the Board who were issued a Limited Permit license between May 21, 2010 and June 30, 2010 during Fiscal Year 2010. Each of the limited permits issued expires on October 31, 2010. The following motion was made:

RESOLUTION #2

Marsha Dumm moved and Mary Frances Astrom seconded a motion to place upon the minutes of the July 30, 2010 meeting the names of 20 individuals who were issued a Limited Permit during Fiscal Year 2010 with the expiration date of October 31, 2010 since the May 21, 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 13 individuals to the Board who were issued a Limited Permit license between July 1, 2010 and July 23, 2010 during FY 2011. Each of the limited permits issued expires on October 31, 2010. The following motion was made:

RESOLUTION #3

Marsha Dumm moved and Mary Frances Astrom seconded a motion to place upon the minutes of the July 30, 2010 meeting the names of 13 individuals who were issued a Limited Permit during Fiscal Year 2011 with the expiration date of October 31, 2010. 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

Ms. Dion presented the names of 7 individuals who were issued an initial license for Fiscal Year 2010 since the May 21, 2010 Board meeting. The following motion was made:

RESOLUTION # 4

Marsha Dumm moved and Mary Frances Astrom seconded a motion to place upon the minutes of the July 30, 2010 meeting the names of 7 individuals who were issued an Initial License during Fiscal Year 2010 with the expiration date of June 30, 2010. The names appear on the list presented to the Board by the Executive Secretary. (See attached list labeled Resolution #4)

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 36 individuals who were issued a license for Fiscal Year 2011 since July 1, 2010. The list included 23 initial licenses, 3 reinstatements, 9 reactivations, and 1 duplicate license ID card. The following motion was made:

RESOLUTION # 5

Marsha Dumm moved and Mary Frances Astrom seconded a motion to place upon the minutes of the July 30, 2010 meeting the names of 36 individuals who were issued an Initial License during Fiscal Year 2011 with the expiration date of June 30, 2011. The names appear on the list presented to the Board by the Executive Secretary. (See attached list labeled Resolution #5)

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 – OHIO REVISED CODE 1347.15 PROPOSED RULE AND POLICY

ORC 1347.15 contains requirements to follow when accessing Confidential Personal Information (CPI). Agencies were to develop a proposed rule and policy in regards to accessing and protecting CPI. The Board reviewed the proposed rule and policy. Brief discussion ensued with minimal questions. Concerns were raised about the impact on daily activities of the office staff regarding logging access of CPI. Pending the Boards approval of the Proposed Rule, it will be filed for review through the Joint Committee on Agency Rule Review (JCARR). The following motion resulted:

RESOLUTION # 6

Mary Frances Astron moved and Leah Reibel seconded a motion to place upon the minutes of the July 30, 2010 meeting the approval of the ORC 1347.15 Proposed Rule and Policy for the Ohio Board of Dietetics.

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 – FY 2011 RENEWAL UPDATE

An update on the status of the renewal process was given by Ms. Kohls, summer clerk. Applications totaling 3,451 were mailed on 4/16/2010. As of 7/29/2010 3,383 renewal applications were received for processing. After the June 30, 2010 deadline, the Board sent a reminder letter and duplicate application to licensees who failed to return a completed application, either to renew, inactivate or place their license in expired status. A final attempt to contact these licensees will be made prior to August 15, 2010 when their license has officially lapsed and would need to be reinstated. There are 88 outstanding applications as of 7/29/2010.

A copy of the FY11 License Renewal Interim Report is attached to the minutes of this meeting.

AGENDA ITEM # 6-- ENFORCEMENT REPORT – DON DAVIS

Mr. Davis presented the Enforcement Report with statistics for two periods which include: May 22, 2010 through June 30, 2010 (FY10 fourth quarter) and July 1, 2010 through July 30, 2010 (FY11 first quarter). The enforcement statistics indicate that the FY10 period started with 13 open cases, 10 were closed at the May 21, 2010 Board meeting, 7 cases were opened resulting in a pending caseload of 5 cases for FY 2010. The period in FY11 started with 5 open cases, 0 were closed, 2 cases were opened resulting in a pending caseload of 7 cases for FY 2011.

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.

AGENDA ITEM # 7 – FINANCIAL REPORT

The financial report was presented by Ms. Dion for the months of May and June 2010 including Allotments, Expenditures and Revenues to date. She reported that the available budget of \$54,335 as of 5/19/2010 was sufficient for expenditures through the remainder of FY 2010, including some accounts payable which were not received for FY 2010 but encumbered.

Routine expenditures occurred during the period including \$28,478.47 in May and \$12,711.48 in June.

Revenues of \$96,492.50 in May and \$145,470.00 for June were reported in OAKS. Ms. Dion noted that a shift of \$255.00 into May from revenue actually deposited in June. It was also noted that \$187.50 was posted in April's deposits, but the Treasurer's receipt is

dated for May 3, 2010. Additional notations include deposits totaling \$18,810 which were posted in April's deposits, though the Treasurer's receipt is dated for May 3, 2010. Total revenue for FY 2010 is \$361,310.48.

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

RESOLUTION # 7

Marsha Dumm moved and Leah Reibel seconded a motion to approve expenditures as presented for May and June 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 Council on Licensure Enforcement and Regulation's (CLEAR) basic investigator training and annual conference, which is September 20-25, 2010 in Nashville, Tennessee.

RESOLUTION # 8

Mary Frances Astrom moved and Leah Reibel seconded a motion to approve Ms. Dion's participation in the CLEAR basic investigator training and annual conference in Nashville, Tennessee on September 20-25, 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

The Board briefly broke for lunch.

AGENDA ITEM #7 - EXECUTIVE SESSION – ENFORCEMENT

The Board moved into Executive Session at 1:20 p.m. with the following motion:

RESOLUTION # 5

Marsha Dumm moved and Leah Reibel 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 1:35 p.m.

AGENDA ITEM # 8 – FINDINGS, ORDERS, AND ACTIONS

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

RESOLUTION # 6

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

10OBD75	Moral character, unfounded
10OBD77	Moral character, unfounded
10OBD78	Moral character, unfounded
11OBD01	Moral character, unfounded
11OBD02	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 -- DISCUSSION OF PERTINENT LEGISLATIVE ISSUES

Updates on legislation previously introduced into the 128th Legislative Session and that is 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 be a meeting this week to begin implementation. School boards, dietitians, school nutrition personnel are planning to attend. The meeting will entail how to provide consultation to implement the law and the increased training needed for individuals. This law affects public schools and charter schools. They will work through the district dietetic associations. The implementation of this new law is effective next school year (2011).

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 provided an update that she received a letter from the Ohio Association of Acupuncture and Oriental Medicine requesting a meeting to discuss SB 265. Ms. Dion sought input from the Board as to responding to the request. After brief discussion, all agreed that Ms. Dion should contact other Boards that were approached, and arrange a collaborative meeting.

SB 269 – Restructuring State Government Functions –Senator Tim Grendell and Senator Bill Seitz sponsors This bill was introduced into the Senate State and Local Government and Veteran's Affairs Committee on May 25, 2010. Concerns regarding this bill include language of consolidating boards and commissions, which could negatively impact the Board and its functions.

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

AGENDA ITEM # 10 --BOARD REPORTS

CHAIRMAN – Chairman Soltesz thanked Pat McKnight for submitting names of potential Board candidates to the Governor's office, which may have assisted in a very timely appointment of Dorothy Clarke.

ODA LIAISON – Pat McKnight

1. 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. Ms. Dion discussed on-line license verification for Ohio dietitians. It was brought to the Board's attention that there is a statement on the physician's license verification site which is as follows:

The above is an accurate representation of information currently maintained by the State Medical Board of Ohio as of 8/10/2010. The JCAHO and the NCQA have informed the Board that they consider this on-line license status information as fulfilling the primary source requirement for verification of licensure in compliance with their respective credentialing standards. This information is otherwise provided as a public service and no user may claim detrimental reliance thereon.

Ms. Dion sought direction from the Board and it was decided that she will pursue the steps necessary to add a similar statement for the dietitian's verification. The need for the change is to satisfy license verification on-line for audit purposes.

Currently the on-line verification for dietitian licensure states:

This is an accurate representation of information currently maintained by the Board. Information accessed through this web site is provided only as a public service, does not constitute a certification, and no user may claim detrimental reliance thereon.

2. Ms. Dion stated that the new Board member Dorothy Clarke will need to attend a Board member Training Webinar (Roles and Responsibilities of a Board member) available from the Council on Licensure Enforcement and Regulation. Ms. Dion requested a copy of the module from the webinar, for the Board member training manual. She will keep the board members updated on future opportunities for training.
3. Ms. Dion reported that OBD was one of eight boards that pursued an opportunity to use Cost Savings Days in 4 hour increments. Approval was received and staff was notified of the change.
4. The Board reports any formal actions to the Data Banks (National Practitioner Data Bank and Healthcare Integrity and Protection Data Bank NPDB-HIPDB). Since there have been no formal actions taken, the Board has received emails that we have not reported. Ms. Dion has been in contact with several individuals regarding this matter. Currently, NPDB-HIPDB has no reporting mechanism in place to report "no formal actions" for a specific time period.

5. Ms. Dion reported that the OBD staff manual is in the process of being updated. Included in the manual are any directives in place. Effective July 1, 2010, there were three new directives which include HR-D-16 Nursing Mothers; HR-D-15 Workforce Planning; and the Adoption Childbirth Leave policy.
6. Ms. Dion reported that the Office of Budget and Management's (OBM) Direct Rate Schedule indicated that state agencies will be charged \$12.00 per Travel Expense Report. This additional expense will be factored into the FY12-13 budget, but was not anticipated for the FY11 budget.
7. Ms. Dion discussed that SB 155 was informally passed on 3/24/10. This bill indicates that agencies will have to expend their funds for audits conducted. This is an unforeseen expense which will impact the Board, and the cost has not been determined.
8. Ms. Dion reported that she attended a budget guidance meeting, which indicated that the budget is due on November 1, 2010. We are to budget at 100% of the previous cycle for FY12-13.

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 met to discuss 4759.02 Unlicensed Practice and the 15 day exemption.

Each committee provided a brief report.

EDUCATION COMMITTEE – The Education committee reported that they reviewed one learning plan and two learning logs. One learning log was approved and Ms. Dion will follow up with the other 2 licensee's documents.

RULES COMMITTEE – Discussion of the 15 day exemption concluded that the Board will submit a proposed rule change to OAC 4759-4-11, allowing a longer exemption only if the delay is due to processing of an applicants background check.

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:

October 8
December 10

Chairman Soltesz brought up the need for a strategic planning meeting. All agreed that it would take place October 7 at 2 p.m. Brief discussion indicated various topics to be discussed. Ms. Dion will prepare an agenda for the meeting.

AGENDA ITEM #15 - ADJOURNMENT

A motion was made to adjourn the meeting. There was consensus by the Board to adjourn the July 30, 2010 meeting of the Ohio Board of Dietetics at 3:45 p.m.

Respectfully submitted,

_____ **Date** _____
Karen Dion, Executive Secretary
Ohio Board of Dietetics

_____ **Date** _____
Kay Soltesz, Chairman
Ohio Board of Dietetics

_____ **Date** _____
Witness