



**DIRECTOR'S REPORT
TO THE OHIO BOARD OF DIETETICS
FOR FISCAL YEAR 2011**

Table of Contents

I.	HISTORY AND ORGANIZATION	PAGES	2-4
II.	2011 HIGHLIGHTS	PAGES	4-5
III.	2011 LICENSURE / EXAMINATION ACTIVITY	PAGE	6
IV.	2011 REVENUE / EXPENDITURES	PAGES	6-7
V.	ENFORCEMENT ACTIVITY	PAGES	7-8
VI.	SUMMARY OF BOARD DISCIPLINARY ACTIONS	PAGE	9
VII.	ATTACHMENTS		
	Organizational Chart Attachment A	PAGE	10

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Executive Secretary, Ohio Board of Dietetics

I. HISTORY AND ORGANIZATION

The five-member Ohio Board of Dietetics was created by Am. Sub.H.B, 570 of the 116th General Assembly and began operations July 1, 1987. The function of the Board is to regulate the profession of dietetics in the State of Ohio pursuant to Chapter 4759 of the Ohio Revised Code.

MISSION STATEMENT

Mission – “The mission of the Ohio Board of Dietetics is to effectively protect the public by regulating the practice of dietetics through licensure, and by fairly and consistently enforcing the laws and rules governing nutritional practices.”

Vision – “The vision of the Ohio Board of Dietetics is to be recognized and respected as protecting the nutritional health of Ohio citizens by providing efficient and effective licensure of dietitians; enforcing applicable laws, rules and practice standards; and supporting professional ethics and competency in order to assure the provision of scientifically based nutritional practice.”

SCOPE OF PRACTICE

Ohio has enacted a mandatory licensure law requiring everyone who practices dietetics as defined in the law to be licensed, unless specifically exempted. “The practice of dietetics” means any of the following, as specified in Section 4759.01 (A) of the Revised Code:

- 1) Nutritional assessment to determine nutritional needs and to recommend appropriate nutritional intake, including enteral and parenteral nutrition;
- 2) Nutritional counseling or education as components of preventative curative, and restorative health care;
- 3) Development, administration, evaluation, and consultation regarding nutritional care standards.

BOARD MEMBERS AND MEETINGS

Board members are appointed by the Governor for five-year terms. The Board is comprised of three dietitians, one public member, and one dietetic educator who holds a doctoral degree. The Board usually holds six regular meetings per year, and holds sub-committee or other meetings as needed. Meetings are usually held in the Vern Riffe Center in Columbus and are open to the public. In FY 2011 the Board held six regular meetings, 6 case review committee meetings, 6 rules committee meetings, 6 Education committee meetings, 6 application review committee meetings and one rule review. There were no Notices of Opportunity for Hearing issued. There were no Administrative hearings.

Board members are paid an hourly rate for the performance of official Board business. This rate is established by the General Assembly and currently is \$19.55 per hour. The Board member’s initial appointment date determines the hourly rate. Additionally, all Board members are

reimbursed at the state per diem rate for travel, and miscellaneous expenses. Board members may also purchase health, vision, and dental insurance as a benefit of their employment.

Past Board Members:

Carol McGlaughlin, Cleveland – Dietitian Member**
Margaret Horvath, Youngstown – Dietitian Member
Edith Lerner, Cleveland – Dietetic Educator Member
Cheryl Boyce, Columbus – Public Member
Anita Howe, Cincinnati – Dietitian Member
Mable Hardeman Edwards, Columbus – Public Member
Bradley Sinnott, Columbus – Public Member
Susan Rudge, Oxford – Dietetic Educator Member
Darlene Rogers, Youngstown – Public Member
Anne Coble Voss, Columbus – Dietitian Member
Alice Giffin, Wooster – Dietitian Member
Tonda Hollenback, Bowling Green – Public Member
James G. Behnke, Middletown – Dietitian Member
Roberta S. Hurley, Columbus – Dietitian Educator Member
Lori Mooney, Dublin - Dietitian Member**
Jonathan Hughes, Dublin – Public Member**
Lorna Fuller, Cleveland – Dietitian Member
David Holben, Athens – Dietitian Educator Member
Cynthia Blocksom, Cincinnati – Dietitian Member
James Mermis, Columbus – Public Member
Claire Adkins, Akron - Dietitian Member**
**Members re-appointed after completion of first term.
Vandadean Rogers, Dayton – Dietitian Member

FY 2011 Board Members and Terms:

Kay Soltesz, Bowling Green – Chairman, Dietitian Educator Member	7/01/2006 to 6/30/2011
Mary Frances Astrom, Athens – Dietitian Member	3/28/2008 – 6/30/2012
Marsha Dumm, Circleville - Dietitian Member	9/19/2008 - 6/30/2013
Leah Reibel, Worthington – Public Member	7/01/2009 – 6/30/2014
Dorothy Clarke, Dayton – Dietitian Member	7/01/2010 – 6/30/2015

Ohio Dietetic Association Liaison:

Patricia McKnight

Staff:

Administrative Staff includes: a Director (Executive Secretary), a Compliance Specialist (Administrative Assistant 3/ Investigator), and a Secretary. These are full-time equivalent positions. In addition, one intermittent clerical position assists with licensure renewal activities (budgeted at 1,000 hr. / yr.). Hearing officers, court reporters and additional clerical services are contracted on a temporary basis as needed.

FY 2011 Staff:

Tamara Spencer – Secretary
Donald Davis – Compliance Specialist
Karen Dion – Executive Secretary /Director
Emily Sheriff – Intermittent Clerk

Over 3,500 dietitian licenses were issued during FY 2011, which includes renewed licenses, initial licenses, Limited Permits, and licenses that were reactivated or reinstated. Licensees must meet minimum academic requirements, complete a pre-professional experience and pass a licensure examination. Continuing education is required for license renewal.

II. FY 2011 HIGHLIGHTS

COOPERATION WITH GOVERNMENT AGENCIES & PROFESSIONAL ASSOCIATIONS

It is the Board's general philosophy to educate and inform the public regarding the dietitian licensure law, which promotes compliance with the law.

National activities:

- 1) Ms. Dion completed the Basic National Certified Investigator/Inspector Training (NCIT) sponsored by the Council on Licensure, Enforcement and Regulation (CLEAR). CLEAR provides a three-day training and certification program in investigation and inspection techniques and procedures, based on lecture, open discussions and video presentations. The program provides the investigator with the tools to conduct a quality professional investigation.
- 2) Ms. Dion attended, on behalf of the Board, the Food and Nutrition Conference and Exposition sponsored by the American Dietetic Association. This is held annually for dietitians and provides the latest nutrition science information and access to the top experts.

Ohio Activities:

- 1) The Board and staff continue to respond to the activities of unlicensed alternative practitioners related to the development of legislation that could remove much of the Board's authority, and would allow the unregulated practice of nutrition and dietetics by individuals who could practice without meeting any educational or pre-professional practice requirements. Since FY 2000, numerous versions of bills have been introduced by proponents who do not meet the requirements of the licensed professions in Ohio, and who appear to be seeking removal of the regulatory oversight of medicine, allied medicine specialties and nutrition practices.

The first priority of the board continues to be the health and safety of the citizens of Ohio by regulating the practice of dietetics. Therefore, it is anticipated that continued

efforts and agency resources may be necessary to preserve the integrity of the dietetic practice act and the regulatory oversight of medical nutrition therapy practices.

- 2) The Board continues to work closely with the Boards and Commissions Management Group. The group addresses common issues and processes that impact the regulatory agencies, shares information that improves the individual agencies, and aids in communication with key government and legislative entities.
- 3) The Board collaborated with the Ohio Dietetic Association in sponsoring the 21st Annual Legislative Conference for dietetic practitioners on March 16, 2011 at the Riffe Center. The conference was an excellent opportunity for the dietitians, and dietetic technicians to learn about nutrition related legislation and issues, and to network with legislators and legislative staff. Another program exclusively for students was held on November 10, 2010 for students and dietetic interns to expose them to the importance of politics, legislation, and the regulatory structure in their work as dietetic practitioners.

Agency Activities:

- 1) The OBD Communiqué was published twice in FY 2011 and updated licensees about Board member appointments, jurisprudence programs, legislative matters and licensure renewal processes. For cost-containment purposes, beginning in FY 2011, the OBD Communiqué was sent via email and no printing or mailing costs were incurred for this matter. The OBD Communiqué is also available on the website.
- 2) Staff continue to provide presentations on licensure, regulation, and enforcement to Ohio dietetic programs, dietetic technician programs, and to professionals working in the field. In FY 2011 staff spoke to 21 facilities throughout the state including undergraduate dietetic programs, dietetic internship programs, dietetic technician programs, clinical dietitians at various hospitals and food service management dietitians. Additional presentations were given at the ODA Legislative workshop, the ODA Legislation and Public Policy Day for students and interns, district Dietetic Association meetings, the Ohio Health Care Association annual meeting, the National Kidney Foundation symposium and the Ohio Dietetic Educator Practitioners meeting. These presentations reached over 600 persons.
- 4) All application types were reviewed and revised. The reinstatement and reactivation applications will now be available by e-mail when requested by previous licensees. The rest of the application types may be downloaded from the website.
 - 1) The OBD website was updated with current information and links. There is an updated link to join our listserv, as a more cost-effective means to distribute information. Information about the rules changes and new links to reference material that will support education about the revised standards and supervision rules is available on the website.

**III. LICENSURE / EXAMINATION ACTIVITY
FISCAL YEAR 2011 LICENSURE ACTIVITY**

LICENSES / PERMITS ISSUED	FY 2011	FY 2010
Initial Licenses *	215	180
Reactivations	21	15
Renewals**	3,239	3,411
Reinstatement of lapsed or disciplined licenses	21	16
Limited Permits ***	64	67
Totals	3,560	3,689

- * Initial licenses include those that are pro-rated (issued within 100 days of expiration).
- ** Renewals include those renewing during the late period for FY 10 and those renewing timely for FY11.
- *** The Ohio Board of Dietetics accepts passing of the Registration Examination for dietitians that is sponsored by the Commission on Dietetics Registration (CDR) as one of the requirements for licensure in Ohio. Limited Permit licenses are issued to dietitians who have completed the education and practice requirements but have not yet passed the examination.

IV. REVENUES / EXPENDITURES

State professional licensing boards are required to be financially self-supporting from revenues generated through license fees. Licensure and renewal fees are deposited into the 4K9 rotary fund that was established for the professional boards and commissions

<u>Fee Types</u>	<u>FY 2011</u>
Initial License	\$ 125
Reactivation of Inactive license	\$ 125
Reinstatement of lapsed, revoked, or suspended license	\$ 180
License Renewal	\$ 95
Late fee (applies to renewal applications postmarked between 7/1- 8/15/10)	\$ 47.50
Duplicate license or permit	\$ 20
Limited Permit	\$ 65

FY 2011 REVENUE

	FY 2011	FY 2010
License Application Fees	\$ 24,507.50	\$ 27,817.50
Renewal Fees	\$ 307,705.00	\$ 324,045.00
Late Fees	\$ 5,225.00	\$ 4,940.00
Limited Permit Fees	\$ 4,160.00	\$ 4,290.00
Miscellaneous (Public records , dup ID cards, etc.	\$ 300.00	\$ 217.98
Total Revenue Posted *	\$ 348,384.00	\$ 361,310.48
Total Expenditures	\$ 293,022.73	\$ 283,812.06
Revenue minus expenses	+\$ 27,083.51	+\$ 77,498.42

FY 2011 EXPENDITURES

	FY 2011	FY 2010
Budgeted Appropriations	\$311,067.00	\$ 299,775.55
Personal Service (Cat. 500 & 510)	\$233,955.84	\$ 229,749.00
Supplies and Maintenance (Cat. 520)	\$ 59,066.89	\$ 52,426.00
Equipment (Cat. 530)	\$ 0.00	\$ 1,637.00
Subsidies & Shared Rev. (Cat. 550)	\$ 0.00	\$ 0.00
Prior Year Encumbrances	\$ 17,689.00	\$ 21,408.52
Total Expenses	\$293,022.73	\$ 283,812.06

V. ENFORCEMENT ACTIVITY

COMPLAINTS INVESTIGATED in FY 2011

FISCAL YEAR	2007	2008	2009	2010	2011
Cases to Start	17	14	14	13	5
New Cases	93	90	72 *	78	82
Total Cases	110	104	86	91	87
Cases Closed	96	90	73	86	85
Cases Pending	14	14	13	5	2

*includes 7 LP expired cases counted as one case

83 (94%) of cases investigated were against those qualified for licensure
 5 (6%) of cases investigated were against those not qualified for a license

SUMMARY OF BOARD ACTIONS TAKEN OR INITIATED IN FY 2011

CITATIONS / NOTICE OF OPPORTUNITY FOR HEARING	0
HEARINGS HELD	0
CONSENT AGREEMENTS ENTERED	2
LICENSED WITH ADVISORY LETTERS	4
FINAL ADJUDICATION ORDER ISSUED	0
CEASE AND DESIST LETTERS	0

CATEGORIES OF 87 INVESTIGATED CASES – FISCAL YEAR 2011

**ALLEGATIONS REGARDING THOSE WHO MEET QUALIFICATIONS
FOR LICENSURE - FY 2011**

UNLICENSED PRACTICE	4
UNLICENSED PRACTICE/FAILED TO RENEW	54LD/7LP
FAILURE TO MEET CONTINUING EDUCATION REQUIREMENTS	0
STANDARDS OF PRACTICE VIOLATION – COMPETENCY	0
STANDARDS OF PRACTICE VIOLATION – CONDUCT	1
FAILURE TO TAKE EXAMINATION IN A TIMELY MANNER	0
MORAL CHARACTER VIOLATION	15
FAILURE TO MEET LICENSURE QUALIFICATIONS	1
FELONY / MISDEMEANOR CONVICTION	0
Total: 82/87 (94%)	82

**ALLEGATIONS OF UNLICENSED PRACTICE OR NOT MEETING
CRITERIA OF EXEMPTION BY THOSE WHO DO NOT MEET
QUALIFICATIONS FOR LICENSURE - FY 2011**

SUPPLEMENT SALES	0
WELLNESS CENTERS	1
ALTERNATIVE	0
WEIGHT LOSS PROGRAMS	0
FITNESS / PERSONAL TRAINER	2
DIETETIC TECHNICIAN {EXEMPTION 4759.10(B)}	0
BS IN DIETETICS {EXEMPTION 4759.10(E)}	1
OTHER LICENSED PROFESSIONALS	1
MISCELLANEOUS	0
Total: 5/87 (6%)	5

**FISCAL YEAR 2011 ANNUAL ENFORCEMENT REPORT
ACTIONS TAKEN OR INITIATED BY THE BOARD
July 1, 2010-June 30, 2011**

ADJUDICATION ORDER (None)

NOTICE OF OPPORTUNITY FOR HEARINGS (None)

CONSENT AGREEMENTS

Regina Claudine Duncan (LP#10510)- Russell, KY

Consent Agreement effective 6/17/2011 based on allegations of unlicensed practice of dietetics. Voluntarily ceased practice until appropriately licensed. Conditions of Consent Agreement met and limited permit license issued 6/17/2011.

Laura Elizabeth Queen (LD#5115)- Pickerington, OH

Consent Agreement effective 6/17/2011 based on allegations of violation of Section 4759.06(A)(4) of the Ohio Revised Code. License reactivated July 1, 2011 and in probationary status until June 17, 2012.

CEASE AND DESIST LETTERS (none)

ADVISORY LETTERS

11OBD35 (LD)- Logan, OH

License reinstated with advisory letter mailed 8/23/2010 for failing to have an active license while practicing dietetics in the State of Ohio.

11OBD59 (LD)- Lakewood, OH

License issued with advisory letter mailed 8/27/2010 for failing to be licensed to practice dietetics in the State of Ohio.

11OBD71 (LP)- Bellevue, OH

Limited Permit issued with advisory letter mailed 1/28/2011 for failing to be licensed to practice dietetics in the State of Ohio.

11OBD72 (LD)- Genoa, OH

License issued with advisory letter mailed 2/11/2011 for failing to be licensed to practice dietetics in the State of Ohio.

License issued with advisory letter mailed 12/18/2009 for failing to be licensed to practice dietetics in the State of Ohio.

Ohio Board of Dietetics
Organizational Chart
2011
(as of 6/29/2011)

