



**DIRECTOR'S REPORT
TO THE OHIO BOARD OF DIETETICS
FOR FISCAL YEAR 2009**

Table of Contents

I.	HISTORY AND ORGANIZATION	PAGES 2-3
II.	2008 HIGHLIGHTS	PAGES 4-5
III.	2008 LICENSURE / EXAMINATION ACTIVITY	PAGE 6
IV.	2008 REVENUE / EXPENDITURES	PAGES 6 - 7
V.	ENFORCEMENT ACTIVITY	PAGES 7 - 8
VI.	SUMMARY OF BOARD DISCIPLINARY ACTIONS	PAGES 9-10
VII.	ATTACHMENTS	
	Organizational Chart Attachment A	PAGE 11

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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 2009 the Board held six regular meetings, 6 case review committee meetings, 8 rules committee meetings, 6 Education committee meetings, 1 public rules hearing, 1 Administrative hearing, and 1 application review committee meeting.

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

**Members re-appointed after completion of first term.

Claire Adkins, Akron - Dietitian Member**

FY 2009 Board Members and Terms:

James Mermis, Columbus – Public Member	3/11/2005 to 6/30/2009
Vandadean Rogers, Dayton – Chairman, Dietitian Member	10/12/2005 to 6/30/2010
Kay Soltesz, Pemberville – Vice 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

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 2009 Staff:

Tamara Spencer – Secretary
Donald Davis – Compliance Specialist
Kay Mavko – Executive Secretary / Director
Diane Weaver – Intermittent Clerk

Over 3,600 dietitian licenses were issued during FY 2009, 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 2009 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) Mr. Davis attended the Annual Council on Licensure, Enforcement and Regulation meeting and completed National Certified Investigator/Inspector Training (NCIT). CLEAR provides a three-day, hands-on training and certification program in investigation and inspection techniques and procedures. The program takes the investigator through every step in the investigative process.
- 2) Ms. Mavko attended the annual American Dietetic Association meeting in Chicago, Illinois. She participated in workgroups discussing the utilization of dietetic technicians, and standards of practice for both dietitians and dietetic technicians. She shared Ohio's draft rules and existing guidelines that define the supervisory relationship and applicability to the Nutrition Care Process.

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) Kay Mavko attended the Ohio Dietetic Association annual meeting at Sawmill Creek in North West Ohio and represented the Board as a co-presenter with ADA President Martin Yadrick, Speaker of the House of Delegates Marsha Scofield on the Standards of Practice / Standards of Professional Performance - What's In it for Me? This presentation emphasized how the changed national standards were being addressed in Ohio regulations and how they would be implemented.
- 4) The Board collaborated with the Ohio Dietetic Association in sponsoring the 19th Annual Legislative Conference for dietetic practitioners on March 18, 2009 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. A second program exclusively for students was held on April 1, 2009 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 Communique' was published three times in FY 2009 and updated licensees about Board member appointments, jurisprudence programs, legislative matters (including the standards of practice changes and proposed administrative rule revisions), etc.
- 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 2009 staff spoke to 16 dietetic programs, 3 dietetic technician programs, staff dietitians at 2 hospitals, the ODA Legislative workshop, 2 district Dietetic Association meetings, National and Ohio Kidney Conference meeting, the annual Ohio Department of Health meeting, the Franklin County WIC staff meeting, and the Ohio Health Care Association annual meeting, Ohio Nutrition Council meeting, North East Ohio Council on Renal Nutrition meeting, and the Dietary Solutions Company annual staff 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 licenses. The rest of the application types may be downloaded from the website.
- 5) The OBD website was updated with current information and links. Key information about the rules changes and new links to reference material that will support education about the revised standards and supervision rules will be expanded in FY 2010.
- 6) The Standards of Practice Rules (section 6-01 OAC) were amended during FY 2009 in order to be consistent with the revised Standards of Practice and Standards of Professional Performance of the American Dietetic Association that were released in spring of 2008. A workgroup of licensees, dietetic technicians, nutrition assistants, and other interested parties was engaged by the Board and made recommendations to the rules committee about the content of the rules.

**III. LICENSURE / EXAMINATION ACTIVITY
FISCAL YEAR 2009 LICENSURE ACTIVITY**

LICENSES / PERMITS ISSUED	FY 2009	FY 2008
Initial Licenses *	178	170
Reactivations	17	19
Renewals**	3,303	3179
Reinstatement of lapsed or disciplined licenses	27	28
Limited Permits ***	79	109
Totals	3,604	3,505

* Initial licenses include those that are pro-rated (issued within 100 days of expiration).

** Renewals include those renewing during the late period for FY 09 and those renewing timely for FY10.

*** 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 2009</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- 8/15/09)	\$ 47.50
Duplicate license or permit	\$ 20
Limited Permit	\$ 65

FY 2009 REVENUE

	FY 2009	FY 2008
License Application Fees	\$ 26,752.50	\$ 28,645.00
Renewal Fees	\$ 313,642.50	\$ 310,287.50
Late Fees	\$ 6,365.00	\$ 4,940.00
Limited Permit Fees	\$ 5,135.00	\$ 7,280.00
Miscellaneous (Public records , dup ID cards, etc.)	\$ 438.78	\$ 340.00
Total Revenue Posted *	\$ 352,333.78	\$351,492.50
Total Expenditures	\$302,830.00	\$321,870.49
Revenue minus expenses	+\$49,403.78	+\$29,622.01

FY 2009 Expenditures were reduced significantly due to spending controls imposed by executive orders reducing operations spending, and travel for FY 2009. The balance of funds remaining (\$49,403.78) was swept from the 4K9 fund to help balance the FY2009 budget deficit in the General Revenue Fund.

FY 2009 EXPENDITURES

	FY 2009	FY 2008
Budgeted Appropriations	\$348,964.00	\$ 342,501.10
Personal Service (Cat. 500 & 510)	\$243,948.00	\$ 247,907.09
Supplies and Maintenance (Cat. 520)	\$58,881.00	\$ 61,502.60
Equipment (Cat. 530)	0.00	\$ 1,657.80
Subsidies & Shared Rev. (Cat. 550)	0.00	\$0.00
Prior Year Encumbrances	\$6,132.25	\$ 10,803
Total Expenses	\$302,830.00	\$ 321,870.49

V. ENFORCEMENT ACTIVITY

COMPLAINTS INVESTIGATED in FY 2009

FISCAL YEAR	2005	2006	2007	2008	2009
Cases to Start	17	19	17	14	14
New Cases	92	100	93	90	72 *
Total Cases	109	119	110	104	86
Cases Closed	90	102	96	90	73
Cases Pending	19	17	14	14	13

*includes 7 LP expired cases counted as one case

75 (83%) of cases investigated were against those qualified for licensure

16 (17%) of cases investigated were against those not qualified for a license

SUMMARY OF BOARD ACTIONS TAKEN OR INITIATED IN FY 2009

CITATIONS / NOTICE OF OPPORTUNITY FOR HEARING	0
HEARINGS HELD	1
CONSENT AGREEMENTS ENTERED	1
LICENSED WITH ADVISORY LETTERS	7
FINAL ADJUDICATION ORDER ISSUED	1
CEASE AND DESIST LETTERS	2

CATEGORIES OF 91 INVESTIGATED CASES – FISCAL YEAR 2009

**ALLEGATIONS REGARDING THOSE WHO MEET
QUALIFICATIONS FOR LICENSURE - FY 2009**

UNLICENSED PRACTICE	7
UNLICENSED PRACTICE/FAILED TO RENEW	47 + (7LP)
FAILURE TO MEET CONTINUING EDUCATION REQUIREMENTS	0
STANDARDS OF PRACTICE VIOLATION – COMPETENCY	2
STANDARDS OF PRACTICE VIOLATION – CONDUCT	0
FAILURE TO TAKE EXAMINATION IN A TIMELY MANNER	0
MORAL CHARACTER VIOLATION	10
FAILURE TO MEET LICENSURE QUALIFICATIONS	1
FELONY / MISDEMEANOR CONVICTION	1
Total: 75 / 91 (83%)	75

**ALLEGATIONS OF UNLICENSED PRACTICE OR NOT MEETING
CRITERIA OF EXEMPTION BY THOSE WHO DO NOT MEET
QUALIFICATIONS FOR LICENSURE - FY 2009**

SUPPLEMENT SALES	0
WELLNESS CENTERS	0
ALTERNATIVE	4
WEIGHT LOSS PROGRAMS	0
FITNESS / PERSONAL TRAINER	8
DIETETIC TECHNICIAN {EXEMPTION 4759.10(B)}	0
BS IN DIETETICS {EXEMPTION 4759.10(E)}	0
OTHER LICENSED PROFESSIONALS	4
MISCELLANEOUS	0
Total: 16 / 91 (17%)	16

**FISCAL YEAR 2009 ANNUAL ENFORCEMENT REPORT
ACTIONS TAKEN OR INITIATED BY THE BOARD
July 1, 2008-June 30, 2009**

ADJUDICATION ORDER

Nicole DiBattista DelGrosso (L#5750) – Concord, OH

A hearing was held on 11/3/2008 in response to a Notice of Opportunity for Hearing issued 6/11/2008. As a result of that hearing, an Adjudication Order was issued on 2/3/2009 that revoked Nicole DiBattista DelGrosso's license to practice dietetics. Said revocation was based on findings that Ms. DiBattista engaged in the sale of Ephedra and Ephedrine products in the course of practice as a licensed dietitian and was criminally convicted of a Felony of the fourth degree for these acts. Additionally, Ms. DiBattista DelGrosso recommended, prescribed, and sold injectable Cyanocobalamin (Vitamin B-12) in the course of practice as a licensed dietitian and was criminally convicted of a Misdemeanor of the first degree for these acts. Additional violations of the dietitian licensure laws and regulations included acting outside the scope of practice as a dietitian, failing to provide professional service with respect for the unique needs and values of individual clients, failing to act in a manner that maintains the integrity of the profession, failing to adhere to the standards of professional practice as a dietitian, and failing to protect society and the profession of dietetics.

NOTICE OF OPPORTUNITY FOR HEARING

None.

CONSENT AGREEMENTS

Marla Kae Murphy-Cantu (L#6336)- Kettering, OH

Consent Agreement effective 1/23/2009 based on allegations of unlicensed practice of dietetics. Voluntarily ceased practice until appropriately licensed. Conditions of Consent Agreement met and initial license issued 1/30/2009.

CEASE AND DESIST LETTERS

09OBD55-(Williston, OH)

Cease and Desist Letter mailed 12/10/2008 for inappropriate use of title indicating the practice of dietetics. Ceased using inappropriate title

09OBD68-(Concord, OH)

Cease and Desist letter mailed 4/2/2009 and then personally served on April 28, 2009 for inappropriate use of title “dietitian” by unlicensed individual.

ADVISORY LETTERS

09OBD06 (RD)- Columbus, OH

License issued with advisory letter mailed 9/2/2008 for failing to be licensed to practice dietetics in the State of Ohio.

09OBD19 (RD)- Mentor, OH

License issued with advisory letter mailed 9/2/2008 for failing to be licensed to practice dietetics in the State of Ohio.

09OBD51 (RD)- Youngstown, OH

License issued with advisory letter mailed 9/8/2008 for failing to be licensed to practice dietetics in the State of Ohio.

09OBD57 (LP)- Greenfield, OH

Limited permit issued with advisory letter mailed 11/10/2008 for failing to have supervision agreement in place after failed RD exam.

09OBD57 (LD)- Westerville, OH

Advisory letter mailed 11/10/2008 to supervisor of limited permit holder for failing to have supervision agreement in place for employee who failed RD exam.

09OBD58 (RD)- Tallmadge, OH

License issued with advisory letter mailed 11/10/2008 for failing to be licensed to practice dietetics in the State of Ohio.

09OBD59 (RD)- Athens, OH

License issued with advisory letter mailed 12/12/2008 for failing to be licensed to practice dietetics in the State of Ohio.

Ohio Board of Dietetics
Organizational Chart
2009
(as of 6/29/2009)

