



**DIRECTOR'S REPORT  
TO THE OHIO BOARD OF DIETETICS  
FOR FISCAL YEAR 2010**

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## **I. HISTORY AND ORGANIZATION**

The five-member Ohio Board of Dietetics was created by Am. Sub.H.B, 570 of the 116<sup>th</sup> 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 2010 the Board held six regular meetings, 6 case review committee meetings, 6 rules committee meetings, 6 Education committee meetings, and 6 application review committee meetings. A Notice of Opportunity for Hearing was issued and rescinded. 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.

**FY 2009 Board Members and Terms:**

|  |                         |
|--|-------------------------|
| Vandadean Rogers, Dayton – Chairman, Dietitian Member                    | 10/12/2005 to 6/30/2010 |
| Kay Soltesz, Bowling Green – Vice Chairman,<br>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   |

**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 2010 Staff:**

Tamara Spencer – Secretary  
Donald Davis – Compliance Specialist  
Kay Mavko – Executive Secretary / Director (retired March 2010)  
Karen Dion – Executive Secretary / Director (as of March 1, 2010)  
Ellen Kohls – Intermittent Clerk

Over 3,600 dietitian licenses were issued during FY 2010, 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 2010 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 completed the Advanced National Certified Investigator/Inspector Training (NCIT) sponsored by the Council on Licensure, Enforcement and Regulation (CLEAR). 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. This program focused on advanced interviewing, advanced investigative analysis and advanced report development.
- 2) Ms. Mavko was asked by the President of the American Dietetic Association (ADA) to Chair a special committee that examined dietitian licensure in the United States, and issues that affect regulated dietetic practice. The committee identified recommendations for the American Dietetic Association that will support existing licensure laws as well as efforts to amend licensure statues and propose new licensure laws.

#### **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) Ms. Dion attended the Ohio Dietetic Association annual meeting at the Hyatt Regency Arena District in Columbus, Ohio on behalf of the Board. Ms. Dion was introduced as the new director of the Board and was available to answer any questions.
- 4) The Board collaborated with the Ohio Dietetic Association in sponsoring the 20th Annual Legislative Conference for dietetic practitioners on March 17, 2010 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 21, 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 three times in FY 2010 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 will only be 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 2010 staff spoke to 9 dietetic programs, 2 dietetic technician programs, staff dietitians at 2 hospitals, 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, 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 licensees. The rest of the application types may be downloaded from the website.
- 4) The OBD website was updated with current information and links. There is an updated link to join our listserve, 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 2010 LICENSURE ACTIVITY**

| <b>LICENSES / PERMITS ISSUED</b>                | <b>FY 2010</b> | <b>FY 2009</b> |
|---|----------------|----------------|
| Initial Licenses *                              | 180            | 178            |
| Reactivations                                   | 15             | 17             |
| Renewals**                                      | 3,411          | 3,303          |
| Reinstatement of lapsed or disciplined licenses | 16             | 27             |
| Limited Permits ***                             | 67             | 79             |
| <b>Totals</b>                                   | <b>3,689</b>   | <b>3,604</b>   |

\* 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

| <b><u>Fee Types</u></b>  | <b><u>FY 2010</u></b> |
|--|-----------------------|
| 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 2010 REVENUE**

|   | <b>FY 2010</b>       | <b>FY 2009 *</b>     |
|---|----------------------|----------------------|
| License Application Fees                            | \$ 27,817.50         | \$ 26,752.50         |
| Renewal Fees  | \$ 324,045.00        | \$ 313,642.50        |
| Late Fees   | \$ 4,940.00          | \$ 6,365.00          |
| Limited Permit Fees                                 | \$ 4,290.00          | \$ 5,135.00          |
| Miscellaneous (Public records , dup ID cards, etc.) | \$ 217.98            | \$ 438.78            |
| <b>Total Revenue Posted *</b>                       | <b>\$ 361,310.48</b> | <b>\$ 352,333.78</b> |
| <b>Total Expenditures</b>                           | <b>\$ 283,812.06</b> | <b>\$ 302,830.00</b> |
| <b>Revenue minus expenses</b>                       | <b>+\$ 77,498.42</b> | <b>+\$ 49,403.78</b> |

\*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 2010 EXPENDITURES**

|                                     | <b>FY 2010</b>      | <b>FY 2009</b>       |
|-------------------------------------|---------------------|----------------------|
| <b>Budgeted Appropriations</b>      | <b>\$299,775.55</b> | <b>\$348,964.00</b>  |
| Personal Service (Cat. 500 & 510)   | <b>\$229,749</b>    | <b>\$243,948.00</b>  |
| Supplies and Maintenance (Cat. 520) | <b>\$52,426</b>     | <b>\$ 58,881.00</b>  |
| Equipment (Cat. 530)                | <b>\$1,637.00</b>   | <b>\$ 0.00</b>       |
| Subsidies & Shared Rev. (Cat. 550)  | <b>\$0.00</b>       | <b>\$ 0.00</b>       |
| Prior Year Encumbrances             | <b>\$21,408.52</b>  | <b>\$ 6,132.25</b>   |
| <b>Total Expenses</b>               | <b>\$283,812.06</b> | <b>\$ 302,830.00</b> |

**V. ENFORCEMENT ACTIVITY**

**COMPLAINTS INVESTIGATED in FY 2010**

| <b>FISCAL YEAR</b> | <b>2006</b> | <b>2007</b> | <b>2008</b> | <b>2009</b> | <b>2010</b> |
|--------------------|-------------|-------------|-------------|-------------|-------------|
| Cases to Start     | 19          | 17          | 14          | 14          | 13          |
| New Cases          | 100         | 93          | 90          | 72 *        | 78          |
| Total Cases        | 119         | 110         | 104         | 86          | 91          |
| Cases Closed       | 102         | 96          | 90          | 73          | 86          |
| Cases Pending      | 17          | 14          | 14          | 13          | 5           |

\*includes 7 LP expired cases counted as one case

76 (84%) of cases investigated were against those qualified for licensure  
 15 (16%) of cases investigated were against those not qualified for a license

**SUMMARY OF BOARD ACTIONS TAKEN OR INITIATED IN FY 2010**

|  |          |
|--|----------|
| <b>CITATIONS / NOTICE OF OPPORTUNITY FOR HEARING</b> | <b>1</b> |
| <b>HEARINGS HELD</b>                                 | <b>0</b> |
| <b>CONSENT AGREEMENTS ENTERED</b>                    | <b>1</b> |
| <b>LICENSED WITH ADVISORY LETTERS</b>                | <b>5</b> |
| <b>FINAL ADJUDICATION ORDER ISSUED</b>               | <b>0</b> |
| <b>CEASE AND DESIST LETTERS</b>                      | <b>0</b> |

**CATEGORIES OF 91 INVESTIGATED CASES – FISCAL YEAR 2010**

**ALLEGATIONS REGARDING THOSE WHO MEET  
QUALIFICATIONS FOR LICENSURE - FY 2010**

|   |           |
|---|-----------|
| UNLICENSED PRACTICE                               | 3         |
| UNLICENSED PRACTICE/FAILED TO RENEW               | 46LD/4LP  |
| FAILURE TO MEET CONTINUING EDUCATION REQUIREMENTS | 1         |
| STANDARDS OF PRACTICE VIOLATION – COMPETENCY      | 1         |
| STANDARDS OF PRACTICE VIOLATION – CONDUCT         | 1         |
| FAILURE TO TAKE EXAMINATION IN A TIMELY MANNER    | 1         |
| MORAL CHARACTER VIOLATION                         | 19        |
| FAILURE TO MEET LICENSURE QUALIFICATIONS          | 0         |
| FELONY / MISDEMEANOR CONVICTION                   | 0         |
| <b>Total: 76 / 91 (84%)</b>                       | <b>76</b> |

**ALLEGATIONS OF UNLICENSED PRACTICE OR NOT MEETING  
CRITERIA OF EXEMPTION BY THOSE WHO DO NOT MEET  
QUALIFICATIONS FOR LICENSURE - FY 2010**

|  |           |
|--|-----------|
| SUPPLEMENT SALES                           | 0         |
| WELLNESS CENTERS                           | 0         |
| ALTERNATIVE                                | 1         |
| WEIGHT LOSS PROGRAMS                       | 0         |
| FITNESS / PERSONAL TRAINER                 | 10        |
| DIETETIC TECHNICIAN {EXEMPTION 4759.10(B)} | 0         |
| BS IN DIETETICS {EXEMPTION 4759.10(E)}     | 0         |
| OTHER LICENSED PROFESSIONALS               | 3         |
| MISCELLANEOUS                              | 1         |
| <b>Total: 15 / 91 (16%)</b>                | <b>15</b> |

**FISCAL YEAR 2010 ANNUAL ENFORCEMENT REPORT  
ACTIONS TAKEN OR INITIATED BY THE BOARD  
July 1, 2009-June 30, 2010**

**ADJUDICATION ORDER**

None

**NOTICE OF OPPORTUNITY FOR HEARING**

Notice of Opportunity for Hearing issued 10/6/2009. Rescinded 3/3/2010.

**CONSENT AGREEMENTS**

**Donnie Allen Snyder (L#6445)- Perrysburg, OH**

Consent Agreement effective 10/1/2009 based on allegations of unlicensed practice of dietetics. Voluntarily ceased practice until appropriately licensed. Conditions of Consent Agreement met and initial license issued 10/2/2009.

**CEASE AND DESIST LETTERS**

None

**ADVISORY LETTERS**

**10OBD06 (LP)- Strongsville, OH**

Limited permit issued with advisory letter mailed 10/23/2009 for failing to have supervision agreement in place after failed RD exam.

**10OBD06 (LD)- Cleveland, OH**

Advisory letter mailed 10/23/2009 to supervisor of limited permit holder for failing to have supervision agreement in place for employee who failed RD exam.

**10OBD54 (RD)- Weston, OH**

License issued with advisory letter mailed 8/21/2009 for failing to be licensed to practice dietetics in the State of Ohio.

**10OBD66 (RD)- Erlanger, KY**

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

**10OBD66 - Cincinnati, OH**

Advisory letter mailed 3/10/2010 to supervisor of dietitian for failing to be licensed to practice dietetics in the State of Ohio.

# Ohio Board of Dietetics Organizational Chart 2010 (as of 6/29/2010)

