



**Ohio Board of Dietetics**  
**77 South High Street, 18th Floor, Columbus, OH 43215-6119**  
**Phone: (614) 466-3291 Fax: (614) 728-0723**  
**Website: [www.dietetics.ohio.gov](http://www.dietetics.ohio.gov) e-mail: [obd.contact@exchange.state.oh.us](mailto:obd.contact@exchange.state.oh.us)**

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OHIO BOARD OF DIETETICS

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Desktop/communiqué 2/09

## FY 2009 Annual License Renewal Report

The annual period for renewing dietitian licenses ended with a total of 3207 individuals renewing, 26 persons requesting expired status, and 62 requesting inactive status. Fifty-two cases where licenses expired without reason were docketed by the Board for investigation into the circumstances.

As of September 29, 2008 the Board has now determined that 41 of those licensees have moved out state, or for other reasons are no longer practicing. To date, 3 licensees reinstated without evidence of unlicensed practice and 3 reinstated with advisory letters for continuing to practice on their expired licenses for a short period of time, and 2 – 3 other persons have indicated that although they are not practicing they intend to reinstate.

The Board makes an effort to follow-up on the licenses that expire without reason in order to be sure that dietitians are not practicing unlicensed. Prompt follow-up on these cases reduces the need for the Board to take severe disciplinary actions, and limits the risk for employers of dietitians who may have neglected to renew. Medicare and Medicaid penalties for unlicensed practice can be significant and expensive for institutions that employ unlicensed health professionals.

## New OBD Approved Jurisprudence Programs are Posted on the Board website!

This Winter, programs that have been approved by the Board to meet the Jurisprudence continuing education requirement are now posted on the OBD website. The Board has developed one free new on-line module (available through the Quia website) on the Laws and Rules related to Personal Trainers and Fitness. Other providers whose programs have been approved by the Board to meet the requirement are also posted.

Don't forget that any licensee intending to renew their license next year (2009) will need to provide evidence with their renewal application of completing at least one continuing education unit in Ohio Board of Dietetics Jurisprudence (Law) related continuing education. **Please do not send certificates in before renewal.**

## SUMMARY OF BOARD ACTIONS TAKEN OR INITIATED IN FY 2008

CITATIONS/NOTICE OF OPPORTUNITY FOR HEARING	5
HEARINGS HELD	1
CONSENT AGREEMENTS ENTERED	2
LICENSED WITH ADVISORY LETTERS	10
FINAL ADJUDICATION ORDER ISSUED	1
CEASE AND DESIST LETTERS	1

## CATEGORIES OF 100 INVESTIGATED CASES – FISCAL YEAR 2008

<b>ALLEGATIONS REGARDING THOSE WHO MEET QUALIFICATIONS FOR LICENSURE</b>	
UNLICENSED PRACTICE/APPLICANT	10
UNLICENSED PRACTICE/LICENSE EXPIRED WITHOUT REASON	45+(7LP)
FAILURE TO MEET CONTINUING EDUCATION REQUIREMENTS	1
STANDARDS OF PRACTICE VIOLATION-COMPETENCY	3
STANDARDS OF PRACTICE VIOLATION-CONDUCT	2
FAILURE TO TAKE EXAMINATION IN A TIMELY MANNER	0
MORAL CHARACTER VIOLATION	9
FAILURE TO MEET LICENSURE QUALIFICATIONS	2
FELONY / MISDEMEANOR CONVICTION	1
<b>Total: 74/104 (71%)</b>	<b>74</b>

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

SUPPLEMENT SALES	6
WELLNESS CENTERS	2
ALTERNATIVE	3
WEIGHT LOSS PROGRAMS	2
FITNESS/PERSONAL TRAINER	10
DIETETIC TECHNICIAN {EXEMPTION 4759.10(B)}	1
BS DIETETICS {EXEMPTION 475910(E)}	1
OTHER LICENSED PROFESSIONALS	5
MISCELLANEOUS	0
<b>Total: 30/104 (29%)</b>	<b>30</b>

**FISCAL YEAR 2008 ANNUAL ENFORCEMENT REPORT  
ACTIONS TAKEN OR INITIATED BY THE BOARD  
July 1, 2007-June 30, 2008**

**NOTICES OF OPPORTUNITY FOR HEARING**

**Robert lafelice (L#1966) – Concord**

Based on allegation of submitting an incomplete renewal application for failure to pay late fee, a Notice of Opportunity for Hearing was issued 9/17/07 proposing to deny application for renewal of FY 2008 license to practice dietetics.

**Peachy Seiden (L#949) - Cincinnati**

Based on allegation of unlicensed practice of dietetics and use of title RD LD between 9/9/03 and 7/1/07, a Notice of Opportunity for Hearing was issued 9/14/07 proposing to refuse to reinstate license. A Consent Agreement was offered in lieu of Hearing.

**Nicole DiBattista (L#5750) – Mentor**

Notice of Opportunity for Hearing was issued 10/1/07 proposing to revoke license for acting outside the scope of practice by prescribing, selling and/or administering dangerous drugs constituting a record of incompetent or negligent conduct in the practice of dietetics. Additionally, for advertising information that is not factual and misleading and for failures to document recommendations for dietary supplementation, the rationales for these recommendations, the plans for outcomes monitoring, and the adverse reactions individually and collectively, and for providing information to clients that is confusing, misleading or not factual constituting a record of incompetent or negligent conduct in the practice of dietetics. Finally, for failing to provide professional service with respect for unique needs and values of an individual client, by failing to act in a manner that maintains the integrity of the dietetics profession, and by failing to adhere to the standards of professional competence. Notice Rescinded 6/11/08.

**Nicole DiBattista (L#5750) – Mentor**

Notice of Opportunity for Hearing was issued 6/11/08 proposing to revoke license for being convicted of a Felony of the fourth degree for acts engaged in the course of work as a dietitian and for being convicted of a Misdemeanor of the first degree for acts engaged in the course of work as a dietitian. Additionally, proposing to revoke license for acting outside the scope of practice as a dietitian by prescribing, selling, and/or administering dangerous drugs and for failing to provide professional service with respect for unique needs and values of an individual client, by failing to act in a manner that maintains the integrity of the dietetics profession, and by failing to adhere to the standards of professional competence.

**Andrea Cox – Dayton**

Based on allegation of unlicensed practice of dietetics and use of title RD LD between 9/1/06 and 9/12/07, a Notice of Opportunity for Hearing was issued 11/21/07 to determine potential violation of Section 4759.02 of ORC.

## ADJUDICATION ORDER

### Robert lafelice (L#1966) – Concord

Notice of Opportunity for a Hearing was issued proposing to deny application for renewal of FY 2008 license to practice dietetics. Hearing was not requested. “Goldman” Administrative Hearing held 11/16/07, and based on Findings of Fact and Conclusions of Law, the Ohio Board of Dietetics refused to renew FY 2008 license to practice dietetics for failure to complete application by not paying the required fees. Adjudication order mailed 11/21/07.

## CONSENT AGREEMENTS

### Peachy Seiden (L#949) - Cincinnati

Consent Agreement effective 9/14/07 based on allegations in the Notice of Opportunity for Hearing mailed 9/14/07. License issued with conditions and immediately suspended for 60 days, stayed 45 days for time lapsed since ceasing practice. Conditions met. License reinstated 9/29/07.

### Andrea Cox – Dayton

Consent Agreement effective 1/25/08 based on allegations of unlicensed practice of dietetics and use of title RD LD. Agreed to cease the use of RD LD and similar terms, advertising that implied the practice of dietetics, claims of exemption from licensure and providing educational or professional credentials that inaccurately indicates ability to practice dietetics.

## CEASE AND DESIST LETTERS

### 080BD78 (RD)-Concord

Cease and Desist letter mailed 1/29/08 for prior unlicensed practice of dietetics. Ceased practice of dietetics and reinstated license 3/10/08.

## **ADVISORY LETTERS**

### **070BD78 (RD)- Ft. Wayne, IN**

License issued with advisory letter mailed 6/18/07 for failing to be licensed to practice dietetics in the State of Ohio and exceeding 15 day RD exemption.

### **080BD07 (RD)- Westlake**

License issued with advisory letter mailed 9/14/07 for failing to be licensed to practice dietetics in the State of Ohio.

### **080BD17 (RD)- Cleveland**

License issued with advisory letter mailed 9/5/07 for practicing dietetics as a “Medical Nutrition Therapist” without having a current, valid license to practice dietetics in Ohio.

### **080BD38 (RD)- Hudson**

License issued with advisory letter mailed 10/10/07 for practicing dietetics as a “Medical Nutrition Therapist” without having a current, valid license to practice dietetics in Ohio.

### **080BD58 (RD)- Cincinnati**

License reinstated with advisory letter mailed 9/5/07 for practicing dietetics as “RD Nutrition Coach” without having a current, valid license to practice dietetics in Ohio.

### **080BD66 (RD)- Kent**

License issued with advisory letter mailed 11/2/07 for providing nutritional counseling at a Nutrition Outreach Program without having a current, valid license to practice dietetics in Ohio.

### **080BD68 (LP)- Decatur, IN**

Limited Permit issued with advisory letter mailed 11/8/07 for practicing dietetics as a “Dietitian” without having a current, valid license to practice dietetics in Ohio.

### **080BD83 (RD)- Columbus**

License issued with advisory letter mailed 2/8/08 for practicing dietetics as a “Dietitian” without having a current, valid license to practice dietetics in Ohio.

## **ADVISORY LETTERS WITH CONDITION**

### **080BD80 (RD)- Findlay**

License issued with advisory letter upon completion of condition and mailed 2/1/08 for practicing dietetics as “Nutrition Associate” when not qualified for exemption 4759.10(E)ORC.

### **080BD87 (RD)- Cincinnati**

Licensed issued with advisory letter upon completion of condition and mailed 8/4/08 for practicing dietetics as a “Registered Dietitian” without having a current, valid license to practice dietetics in Ohio.

## Marsha Dumm is Appointed to the Board

Governor Ted Strickland has appointed Marsha Dumm, of Circleville to the Ohio Board of Dietetics Dietitian Member position recently vacated by Claire Adkins. Marsha has served as a clinical (neonatal) dietitian for Grant and Riverside Hospitals in Columbus since 1992, and as a clinical instructor for The Ohio State University since 2006. She also serves as an adjunct faculty member at Ohio University. Marsha received a bachelor's degree from Ohio University in 1973 and a master's degree from The Ohio State University in 1992.

### STANDARDS OF PRACTICE MEMORANDUM

The American Dietetic Association's Quality Management Committee has recently approved the 2008 Standards of Practice in Nutrition Care and Standards of Professional Performance (SOP/SOPP) for both the RD and DTR, and the Ohio Board of Dietetics is consequently examining the Administrative Rules regarding the Standards of Practice for Dietitians in the State of Ohio.

The Board has agreed to engage a workgroup comprised of representatives from interested and affected parties, including dietitians practicing in different settings, dietetic technicians, nutrition associates and healthcare association representatives. This group of diverse-minded professionals is reviewing the new standards and assessing compatibility with current Standards of Practice Rules in the Ohio Administrative Code (OAC). Once the workgroup has thoroughly explored the issue, it will make recommendations to the Board on how the ADA/SOP/SOPP can be used to advance the Ohio Standards of Practice Rules. The Board, in turn, will consider these recommendations as it implements a public process of rule making to strengthen Ohio Standards of Practice.

This notice is intended to serve as a reminder that state law has jurisdiction over professional association guidelines, and dietetic professionals should continue to practice according to current Laws and Rules Governing the Practice of Dietetics in the State of Ohio. In the event of rule proposal, amendment, or rescission, the Board will issue reasonable public notice regarding rule changes and will provide public hearing information.

If you would like current information regarding the standards of practice for dietitians or the scope of practice for dietetic technicians and nutrition associates, please visit the Ohio Board of Dietetics website [www.dietetics.ohio.gov](http://www.dietetics.ohio.gov), and review the Laws and Rules Governing the Practice of Dietetics in the State of Ohio and Guidelines A and G.