



**Ohio Board of Dietetics**  
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October 2009 Volume XXXI, FY 2010



OHIO BOARD OF DIETETICS

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## OBD's FY 2010-2011 Budget Takes a Hit ! So Changes Must be Made...

By law OBD is required to be self-supporting from revenues collected from the issuance of licenses. Each budget cycle the agency must request appropriation of those revenues through the budget process in the legislature.

During deliberations on the FY 2010-2011 Ohio Budget Bill (HB 1) the Ohio Board of Dietetics appropriations were reduced by almost \$38,000 (11%) from the past years level - even though the Board's revenues over the past 22 years have consistently exceeded revenues. The excess revenues have / or will be taken from the agency to help balance the State Budget.

Because expenses have increased steadily while our appropriations have been reduced, the Board must make some changes to existing services, and delay intended projects. Some of the changes that will directly affect licensees include:

- The Communiqué newsletter will be mailed to licensees only once per year - with the annual license renewal application. Check the website as other issues of the Communiqué will be posted there at least 2 other times per year.
- The number of regular Board meetings is reduced from 6 to 5 per year. See the website for the FY 2010 dates.
- Hard copies of the Laws and Rules Governing the Practice of Dietetics in the State of Ohio will not be printed for general distribution to licensees. You can print them from the website.
- The Board's plans to move to credit card payment and on-line renewal in 2010-2011 have been postponed. (The start up costs of over \$8,500 are simply not available in this budget)
- Travel by staff is being reduced...which may result in fewer educational presentations being provided for licensees, and severely limited continuing education for Board members and staff.

Additional cost saving measures are being taken in order to operate within our reduced appropriations, and so that we can continue to focus on the core mission of protecting the public by regulating the practice of dietetics, issuing licenses and maintaining a high level of customer service.

## **THANKS TO JIM MERMIS !**

The Board and staff want to express our sincere appreciation to Jim Mermis, (Upper Arlington) who completed his term as Public Member on June 30, 2009. During his 5 years of service Jim thoughtfully represented Ohio consumer interests, while maintaining a respectful appreciation for the dietetics profession. He served on the Rules Committee, and was appointed as Vice Chairman and then Chairman.

## ANNUAL ENFORCEMENT ACTIVITIES FY 2009

### 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
<b>Total: 75 / 91 (83%)</b>	<b>75</b>

#### 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
<b>Total: 16 / 91 (17%)</b>	<b>16</b>

**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**

**090BD55-(Williston, OH)**

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

**090BD68-(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

### 090BD06 (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.

### 090BD19 (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.

### 090BD51 (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.

### 090BD57 (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.

### 090BD57 (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.

### 090BD58 (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.

### 090BD59 (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.

## THE BOARD WELCOMES L. LEAH REIBEL

Governor Strickland appointed L. Leah Reibel to serve as the Public Member of the Ohio Board of Dietetics for the 7/1/09 - 6/30/14 term. Ms. Reibel is the principle in a Worthington, OH litigation and commercial law firm that specializes in representing the rights of individuals. She has been an active member of professional and community organizations at the State and National level. The Board members and staff look forward to working with her as she represents consumer interests on the Board.

## DIETETIC PRACTICE SECTION IS NOW ON OBD WEBSITE

Recently the OBD website [www.dietetics.ohio.gov](http://www.dietetics.ohio.gov) has been revised and re-organized. In it's new streamlined design there is a section on "Dietetic Practice" where many Guidelines, Bulletins and other references for practice related topics are now located.

Dietitians and dietetic technicians may be particularly interested in the information on Supervision, Competency Assessment, and the Nutrition Care Process that has been posted to support the Board's recent Administrative Rule revisions. Links to related references, resources and sample practice tools are also posted, and new ones will be added in the future. Check in often for new information!