



**DIRECTOR'S REPORT
TO THE OHIO BOARD OF DIETETICS
FOR FISCAL YEAR 2006**

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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

The purpose of the dietitian licensure law is to protect the public from harmful, incompetent, or negligent nutritional practices. The Board accomplishes its mission as follows:

- Establishes standards of professional responsibility and practice for Ohio dietitians
- Issues licenses and limited permits
- Investigates complaints and determines disciplinary action
- Administers a minimal competency examination
- Requires continuing education to ensure competent practice of dietitians

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 2006 the Board held six regular meetings, 6 case review committee meetings, 1 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, meals, 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

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

Current Board Members and Terms:

David Holben, Athens – Dietitian Educator Member	7/7/2001 to 6/30/2006
Cynthia Blocksom, Cincinnati – Dietitian Member, Chairman	7/1/2002 to 6/30/2007
Claire Adkins, Akron – Dietitian Member**, Vice Chairman	8/1/2000 to 6/30/2003
	7/1/2003 to 6/30/2008
James Mermis, Columbus – Public Member	3/11/2005 to 6/30/2009
Vandadean Rogers – Dietitian Member	10/12/2005 to 6/30/2010
Kay Soltesz, Pemberville – Dietitian Educator Member	7/01/2006 to 6/30/2011

Ohio Dietetic Association Liaison:

Patricia McKnight

Staff:

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

FY2006 Staff:

Penny Rogers – Office Assistant 3 (resigned 6/2006)
Beth Shaffer – Compliance Specialist
Kay Mavko – Executive Secretary / Director
Marisa Giarrana, Kate Benedict – Intermittent Clerk

Over 3,000 licenses are issued annually, which includes issuance of approximately 125 Limited Permits. Licensees must meet minimum academic requirements, complete a pre-professional experience and pass a licensure examination. Continuing education is required for license renewal.

II. 2006 HIGHLIGHTS

COOPERATION WITH GOVERNMENTAL 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. Shaffer and Mr. Mermis attended the annual Council on Licensure, Enforcement and Regulation Meeting in Phoenix.
- 2) Ms. Mavko attended the American Dietetic Association Food and Nutrition Conference and Expo in St. Louis.
- 3) Ms. Mavko and Ms. Adkins attended the Citizen Advocacy Center annual meeting in Orlando.
- 4) Mr. Holben and Ms. Mavko attend the Public Policy Workshop in Washington D.C. sponsored by the American Dietetic Association.

Ohio Activities:

1) The Board and staff continue to spend a significant amount of time and effort related to House Bill 117 in the 126th General Assembly (previously HB 314 and HB 188). The legislation would remove much of the Board's authority, and would allow the unlicensed practice of nutrition and dietetics by individuals who could practice with no educational or practice requirements, or oversight. Additionally, it permits much of the practice of medicine, dentistry, nursing, pharmacy, chiropractic, psychology, and OT/PT/AT. The bill was 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 practitioners.

The bill has changed over time with various versions introduced or considered. Each version has been unacceptable in that none includes education, training, or oversight requirements that would provide protection for the public.

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 practices.

2) The Board continues to work closely with the ad-hoc group of Ohio Regulatory Boards. The group addresses common issues and processes that impact the regulatory agencies, and works together to share information that will improve the individual agencies.

3) Sub. H.B. 66 (budget bill FY 2006-2007) was passed by the 127th General Assembly establishing the legislature's intent to transfer and then consolidate 20 regulatory boards,

including the Ohio Board of Dietetics, into the departments of Commerce, Health and Safety. The bill removed the operating budget requests for FY 2007 for each affected agency.

As required by the legislation, the transition team met numerous times between July 1 and December 31, 2005 and submitted their report to the Governor, Speaker of the House and President of the Senate. They were charged with developing a plan to ensure a smooth and timely consolidation and transition of the 20 regulatory boards (including OBD). The legislation required the transition to occur effective with the July 1 start of the FY 07 fiscal year. No appropriations had been made for FY 07 for the affected boards, so continued operations of the agencies were in jeopardy.

Although the transition team report indicated that the transition could be attained, they recommended that transition occur over at least three years. The team suggested a change from the original proposal that would have split up the Boards amongst the Health, Commerce and Safety departments, and recommended instead that all 20 be transferred to the Department of Commerce.

The transition team report did not identify any cost savings or any increased efficiencies. It recommended continued staffing levels during the suggested 3-year transition period, and recommended continued funding for all 20 agencies at the current levels. Additionally, the team identified that substantial information technology (IT) costs would occur to transition the Boards and would result in the long-term IT operational costs remaining at about the current level.

Despite the transition team report, the Taft administration placed language in HB 530 – Budget Corrections Bill that continued the consolidation.

But licensees and the professional associations (including the Ohio Dietetic Association) did not sit back and wait for enactment of the Budget Corrections bill. They worked together and actively lobbied the leadership and members of the legislature with the real facts regarding the consolidation proposal. This finally resulted in its removal from HB 530 late in the process. This left the Boards as independent agencies, and each agency's proposed budgets were reinstated and appropriated.

Staff participated in the data gathering and monitoring of the transition team efforts during the process and in communicating information to licensees and the public.

4) Two Board members, two staff, and Ms. McKnight (ODA liaison to the Board) attended the Ohio Dietetic Association annual meeting. Ms. McKnight and Ms. Mavko presented brief updates on legislative matters affecting the practice of dietetics in Ohio, including Sub HB 117.

5) The Board collaborated with the Ohio Dietetic Association in sponsoring the annual Legislative Conference for dietetic practitioners and students that was held at the Riffe Center on March 30, 2006. The conference was an excellent opportunity for the Board to inform licensees about nutrition related legislation and issues.

Agency Activities:

- 1) The OBD Communique' was published twice in FY 2006 and updated licensees about the Quia website that the Board has subscribed to in order to assist licensees in meeting the jurisprudence continuing education requirements. Information about Board members, board disciplinary activities, legislative activities that could effect dietetic practice, changes in renewal applications, and the potential consolidation of regulatory boards (including OBD) was also reviewed with licensees. Additionally, the newsletter is mailed to the other U.S. dietitian licensing boards.
- 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 2006 staff spoke to 15 dietetic programs, 1 graduate program in Health Policy, 4 dietetic technician programs, and staff dietitians at 2 hospitals, the ODA Legislative workshop, the Ohio Dietetic Association Annual meeting, Ohio Dietetic Educators meeting, 2 district dietetic association meetings and the annual Ohio Department of Health WIC symposium. These presentations reached over 400 persons.
- 3) Four dietetic interns spent time at the OBD office learning about regulation and licensure. One student spent part of her culminating experience at the Board office.
- 4) All application types were reviewed and revised.
- 5) Use of the new CAVU licensing software was expanded to include the recording of supervision of exempt dietetic technicians and nutrition associates by licensed dietitians. This information was previously kept in a separate excel spreadsheet.
- 6) The Board subscribed to an educational website (Quia) to aid licensees in completing the required jurisprudence continuing education that is required when renewing a license on odd numbered years. This should ease the administrative burden for processing FY 08 renewals.
- 7) The semi annual audit of the agency occurred in FY 2006, and no major deficiencies were reported.
- 8) Upon retirement of the Office Assistant, the position was reviewed and reclassified to a Secretary position to more closely match the needs of the agency.
- 9) The OBD website was updated and redesigned to be more user-friendly for the general public and licensees.
- 10) Guideline D – Unlicensed Assistive Personnel and Bulletin #7 – Dietitian Licensure Relative to Food, Nutritional, Pharmaceutical Industry Employment were reviewed and revised.
- 11) Staff updated our agency Disaster Plan and also began planning for Bird Flu Pandemic as required by Ohio Emergency Management Agency (EMA).

12) Staff developed a transition document that provides a brief analysis of OBD activities and highlights current issues of importance to the Board. This document is intended to aid the new Governor and his staff during the transition of administrations.

13) An audit of approximately 100 license files for dietitians licensed in Ohio but who reside in other states was conducted. 13 individuals we found to have no clearly stated intent to practice. Staff communicated with each of the 13 persons to educate them about the law and expired and inactive status options. Staff will follow-up by more closely scrutinizing renewal applications of out of state dietitians who do not clearly express intent to practice in Ohio.

III. LICENSURE / EXAMINATION ACTIVITY

FISCAL YEAR 2005 / 2006 LICENSURE ACTIVITY

LICENSES / PERMITS ISSUED	FY2005	FY 2004
Initial Licenses	124	149
Reactivations	18	21
Renewals	3009	3065
Reinstatement of lapsed or disciplined licenses	22	23
Limited Permits	124	106
Totals	3297	3364

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 2006</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 application postmarked between 7/1- 8/15)	\$47.50
Duplicate license or permit	\$ 20

FY 2006 REVENUE

	FY 2006	FY 2005
License Application Fees	\$ 24,790.00	\$ 23,600.00
Renewal Fees	\$ 315,452.50	\$263,085.00
Late Fees	\$ 6,175.00	\$ 4,750.00
Limited Permit Fees	\$ 7,150.00	\$ 5,330.00
Miscellaneous (Public records requests, dup ID cards, etc.)	\$ 641.76	\$ 420.00
Total Revenue Posted	\$ 354,209.26	\$297,206.00

Note: * Some revenue posted for FY 2006 applies to licenses issued in FY 2005 or FY 2007.

** An increased number of dietitians did not renew timely by June 30, 2005 due to the new continuing education requirements, therefore anticipated FY05 revenues were reduced by over \$25,000. Those revenues shifted to FY 2006.

FY 2006 EXPENDITURES

	FY 2006	FY 2005
Payroll / Purchased Services	\$ 245,351	\$230,815
Maintenance	\$ 52,752	\$ 49,891
Equipment	\$ 0	\$ 335
Other	\$ 85	\$ 77
Prior Year Encumbrances	\$ 8,346	\$ 18,623
Total Expenses	\$ 306,534	\$ 299,744
Net Over Revenue	\$ 46,209	\$ -2,443.22
Budgeted Appropriations	\$ 329,687	\$334,917

V. ENFORCEMENT ACTIVITY

COMPLAINTS INVESTIGATED

FISCAL YEAR	2002	2003	2004	2005	2006
Cases to Start	31	20	20	17	19
New Cases	85	82	108	92	100
Total Cases	116	102	128	109	119
Cases Closed	96	82	111	90	102
Cases Pending	20	20	17	19	17

99 (83%) of cases were against those qualified for licensure

20 (17%) of cases were against those not qualified for a license

SUMMARY OF BOARD ACTIONS TAKEN OR INITIATED IN FY 2005

CITATIONS / NOTICE OF OPPORTUNITY FOR HEARING	2
HEARINGS HELD	1
CONSENT AGREEMENTS	1
LICENSED WITH ADVISORY LETTERS	6
FINAL ORDER	2
CEASE AND DESIST LETTERS	1

CATEGORIES OF 119 INVESTIGATED CASES – FISCAL YEAR 2006

**ALLEGATIONS REGARDING THOSE WHO MEET
QUALIFICATIONS FOR LICENSURE**

UNLICENSED PRACTICE / APPLICANT	7
UNLICENSED PRACTICE / LICENSE EXPIRED WITHOUT REASON	65+5LP
FAILURE TO MEET CONTINUING EDUCATION REQUIREMENTS	1
STANDARDS OF PRACTICE VIOLATION – COMPETENCY	4
STANDARDS OF PRACTICE VIOLATION – CONDUCT	0
FAILURE TO TAKE EXAMINATION IN A TIMELY MANNER	0
MORAL CHARACTER VIOLATION	11
FAILURE TO MEET APPLICATION REQUIREMENTS FOR RENEWAL	4
FELONY CONVICTION	2
Total: 99/119 (83%)	99

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

SUPPLEMENT SALES	1
WELLNESS CENTERS	0
ALTERNATIVE	4
WEIGHT LOSS PROGRAMS	3
FITNESS / PERSONAL TRAINER	4
DIETETIC TECHNICIAN {EXEMPTION 4759.10(B)}	1
BS IN DIETETICS {EXEMPTION 4759.10(E)}	0
OTHER LICENSED PROFESSIONALS	4
MISCELLANEOUS	3
Total: 20/119 (13%)	20

ACTIONS TAKEN OR INITIATED BY THE BOARD FY 2006

FINAL ORDERS

Sandra Hathaway – (L#2399)- Zanesville

Based on allegations of failure to meet acceptable standards of practice for nutritional assessment and support of nursing home residents, Notice of Opportunity for Hearing was mailed on 4/6/05 proposing to revoke, suspend, or place on probation license to practice dietetics. Hearing held on 8/31/05. Adjudication Order mailed on 9/5/05 imposing probationary conditions upon license to practice dietetics through June 30, 2008, including continuing education requirements.

Mary Keller - (L# 1209) - Stow

Based on a felony conviction and allegations of failure to disclose information on application, a Notice of Opportunity for Hearing was mailed 3/28/05 proposing to revoke, suspend, refuse to issue, or place on probation license to practice dietetics. Settled by Consent Agreement effective 7/26/05: License suspended for an indefinite period of time. All but nine months stayed with conditions and limitations. Based on evidence of satisfactory completion of an Ethics course, license reinstated on 11/18/05 and placed on probation for five years or until licensee is no longer under the jurisdiction of the Common Pleas Court, which ever occurs first.

CONSENT AGREEMENT

Erin Stevens – (L # 5706 – Louisville, OH)

Based on allegations of unlicensed practice of dietetics for 8 months and use of title RD for 3 months, consent agreement offered. Consent agreement effective 7/15/05: License issued and immediately suspended for 40 days with credit of 35 days; reinstated with conditions of satisfactory completion of Board Jurisprudence assignment. License reinstated on 7/20/05.

CEASE AND DESIST LETTER

June Bindas - Cleveland

Cease and Desist letter mailed 11/21/05 based on the unlicensed practice of DTR without supervision. Ceased unlicensed practice and came into compliance with DTR exemption and LD supervision.

LICENSES ISSUED WITH ADVISORY LETTERS

06OBD73 LP applicant.....Sandy Hook, KY
06OBD75 LP applicant.....New Albany
06OBD80 LD applicant.....Hamilton
06OBD83 LP applicant.....South Solon
06OBD84 LP applicant.....Columbus
06OBD40 LD applicant.....Milford*

*with condition

Ohio Board of Dietetics Organizational Chart September 2006

