



**DIRECTOR'S REPORT  
TO THE OHIO BOARD OF DIETETICS  
FOR FISCAL YEAR 2007**

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Prepared by Kay Mavko, MS, RD, LD  
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 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**

During 2007 the Board reviewed and revised its mission, and then developed a vision statement that were adopted by the Board to guide the activities of the agency.

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 2007 the Board held six regular meetings, 6 case review committee meetings, 1 Special Meeting, 1 Goal setting meeting, 0 hearings, 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  
David Holben, Athens – Dietitian Educator Member  
\*\*Members re-appointed after completion of first term.

**Current Board Members and Terms:**

Claire Adkins, Akron – Dietitian Member** -- Chairman	8/1/2000 to 6/30/2003 7/1/2003 to 6/30/2008
Cynthia Blocksom, Cincinnati – Dietitian Member	7/1/2002 to 6/30/2007
James Mermis, Columbus – Vice Chairman, 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.

**FY2007 Staff:**

Tamara Spencer – Secretary (hired November, 2006)  
Beth Shaffer – Compliance Specialist  
Kay Mavko – Executive Secretary / Director  
Rebecca Wehner – Intermittent Clerk

Over 3,100 Dietitian licenses are issued annually, which includes issuance of 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 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) Ms. Mavko attended the annual Council on Licensure, Enforcement and Regulation Meeting in Alexandria Virginia.
- 2) No Board members or staff attended the annual American Dietetic Association meeting in Hawaii due to the distance and possible perception issues that could arise.
- 3) Ms. Blocksom attended the Citizen Advocacy Center annual meeting in Williamsburg, Virginia.

#### Ohio Activities:

- 1) The Board and staff continue to spend a significant amount of time and effort related to House Bill 117 in the 126<sup>th</sup> 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, which was re-named this year to Boards and Commissions Management Group. 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) Kay Soltesz, Beth. Shaffer and Kay Mavko attended the Ohio Dietetic Association annual meeting. Ms. Mavko presented a first draft of a guideline that the Board is developing related to Order Writing in order to elicit input from dietetic practitioners. A lot of input was received and development continues.
- 4) 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 28, 2007. The conference was an excellent opportunity for the dietitians, dietetic technicians and students to learn about nutrition related legislation and issues, and to network with legislators and legislative staff.
- 5) Kay Mavko participated on the Health Science Careers Futuring Panel for the development of a vision for the Health Sciences career field that is critical for health career employees in the future.

**Agency Activities:**

- 1) The OBD Communique' was published three times in FY 2007 and updated licensees about Board member appointments, license verification, legislative matters (including the proposed criminal records check for applicants), the Quia website, 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 2007 staff spoke to 19 dietetic programs, 3 dietetic technician programs, staff dietitians at 1 hospital, the ODA Legislative workshop, the Ohio Dietetic Association Annual meeting, 3 district Dietetic Association meetings Ohio Kidney Conference meeting, the annual Ohio Department of Health meeting, the Franklin County WIC staff meeting, and the Ohio Assisted Living Association annual meeting. These presentations reached over 750 persons.
- 3) Two dietetic interns spent time at the OBD office learning about regulation and licensure.
- 4) All application types were reviewed and revised.
- 5) Over 2,000 persons used the educational website (Quia) to complete jurisprudence continuing education requirements for the odd numbered year license renewal requirement. Use of the on-line education modules was convenient for licensees and somewhat eased the administrative burden for processing FY 08 renewal applications.
- 6) 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. Tamara Spencer was hired in November to fill the vacancy.
- 7) The OBD website was updated with current information and links to the on-line Quia jurisprudence modules.

- 8) Staff completed the required planning for Bird Flu Pandemic as required by Ohio Emergency Management Agency (EMA).
- 9) Staff developed a transition document that provides a brief analysis of OBD activities and highlights current issues of importance to the Board. This document was used during the transition from the Taft to Strickland administration.

**III. LICENSURE / EXAMINATION ACTIVITY**  
**FISCAL YEAR 2007 LICENSURE ACTIVITY**

<b>LICENSES / PERMITS ISSUED</b>	<b>FY 2007</b>	<b>FY 2006</b>
Initial Licenses *	176	149
Reactivations	25	21
Renewals**	2919	3065
Reinstatement of lapsed or disciplined licenses	26	23
Limited Permits ***	87	106
<b>Totals</b>	<b>3233</b>	<b>3364</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 07 and those renewing timely for FY08.

\*\*\* 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 2007</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- 8/15/07)	\$ 47.50
Duplicate license or permit	\$ 20

**FY 2007 REVENUE**

	<b>FY 2006</b>	<b>FY 2007</b>
License Application Fees	\$ 24,790.00	\$ 28,630.50
Renewal Fees	\$ 315,452.50	\$ 277,525.00
Late Fees	\$ 6,175.00	\$ 4,892.50
Limited Permit Fees	\$ 7,150.00	\$ 5,655.00
Miscellaneous (Public records requests, dup ID cards, etc.)	\$ 641.76	\$ 440.00
<b>Total Revenue Posted</b> *, **, ***	<b>\$ 354,209.26</b>	<b>\$317,142.50</b>

Note: \* Some revenue posted for FY 07 applies to licenses issued in FY 06 or FY 08.

\*\* A number of dietitians did not renew timely by June 30, 2007 due to the relatively new jurisprudence continuing education requirements, therefore anticipated FY07 revenues were reduced by over \$10,000. Those revenues shifted to FY 08.

\*\*\* Due to the cut-over to OAKS financials, \$14,250 in revenue that normally would have been deposited in FY07 was shifted to FY08. Therefore, posted FY07 revenues are low and the revenue shifted to FY08.

**FY 2007 EXPENDITURES**

	<b>FY 2006</b>	<b>FY 2007</b>
Payroll / Purchased Services	\$ 245,351	\$ 220,832.99
Maintenance	\$ 52,752	\$ 48,402.18
Equipment	\$ 0	\$ 0.00
Other	\$ 85	\$ 160.00
Prior Year Encumbrances	\$ 8,346	\$ 7,862.79
<b>Total Expenses</b>	<b>\$ 306,534</b>	<b>\$ 317,302.50</b>
<b>Net Over Revenue</b>	<b>\$ 46,209</b>	<b>\$ -\$160.00</b>
<b>Budgeted Appropriations</b>	<b>\$ 329,687</b>	<b>\$330,320.00</b>

**V. ENFORCEMENT ACTIVITY  
COMPLAINTS INVESTIGATED**

<b>FISCAL YEAR</b>	2003	2004	2005	2006	2007
Cases to Start	20	20	17	19	17
New Cases	82	108	92	100	93
Total Cases	102	128	109	119	110
Cases Closed	82	111	90	102	96
Cases Pending	20	17	19	17	14

76 (69%) of cases were against those qualified for licensure

34 (31%) of cases were against those not qualified for a license

**SUMMARY OF BOARD ACTIONS TAKEN OR INITIATED IN FY 2007**

<b>CITATIONS / NOTICE OF OPPORTUNITY FOR HEARING</b>	<b>1</b>
<b>HEARINGS HELD</b>	<b>0</b>
<b>CONSENT AGREEMENTS</b>	<b>4</b>
<b>LICENSED WITH ADVISORY LETTERS</b>	<b>8</b>
<b>FINAL ORDER</b>	<b>0</b>
<b>CEASE AND DESIST LETTERS</b>	<b>4</b>

**CATEGORIES OF 110 INVESTIGATED CASES – FISCAL YEAR 2007**

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

UNLICENSED PRACTICE / APPLICANT	8
UNLICENSED PRACTICE / LICENSE EXPIRED WITHOUT REASON	39+6LP
FAILURE TO MEET CONTINUING EDUCATION REQUIREMENTS	2
STANDARDS OF PRACTICE VIOLATION – COMPETENCY	3
STANDARDS OF PRACTICE VIOLATION – CONDUCT	2
FAILURE TO TAKE EXAMINATION IN A TIMELY MANNER	1
MORAL CHARACTER VIOLATION	12
FAILURE TO MEET APPLICATION REQUIREMENTS FOR RENEWAL	2
FELONY CONVICTION	1
<b>Total: 76/110 (69%)</b>	<b>76</b>

**ALLEGATIONS OF UNLICENSED PRACTICE OR NOT MEETING  
CRITERIA OF EXEMPTION BY THOSE WHO DO NOT MEET  
QUALIFICATIONS FOR LICENSURE FY 2007**

SUPPLEMENT SALES	3
WELLNESS CENTERS	0
ALTERNATIVE	5
WEIGHT LOSS PROGRAMS	2
FITNESS / PERSONAL TRAINER	10
DIETETIC TECHNICIAN {EXEMPTION 4759.10(B)}	4
BS IN DIETETICS {EXEMPTION 4759.10(E)}	3
OTHER LICENSED PROFESSIONALS	5
MISCELLANEOUS	2
<b>Total: 34/110 (31%)</b>	<b>34</b>

**FISCAL YEAR 2007 ANNUAL ENFORCEMENT  
ACTIONS TAKEN OR INITIATED BY THE BOARD  
July 1, 2006-June 30, 2007**

**NOTICE OF OPPORTUNITY FOR HEARING**

**Vibhuti Patel (LP #10196) - Findlay**

Based on allegations of knowingly making a false statement (answered “not applicable” regarding employment, while employed) on the previous and the current applications for a limited permit; and making false statements in written statements (accompanying the current application), a Notice of Opportunity for Hearing was mailed 3/22/07 proposing to take disciplinary action against current, active limited permit and proposing to deny application for a renewed limited permit to practice dietetics. A Consent Agreement was offered in lieu of hearing.

**CONSENT AGREEMENTS**

**Jocelyn Irwin (L# 5882) - Columbus**

Consent Agreement effective 8/25/06 based on unlicensed practice of dietetics and use of the title RD prior to application for license to practice dietetics. License issued with conditions and immediately suspended for 60 days, stayed 57 days for time lapsed since ceasing practice. Conditions met. License reinstated 8/28/06.

**Cassie Whittington (L# 5958) – Columbus**

Consent Agreement effective 11/17/06 based on unlicensed practice of dietetics and use of title RD prior to application for license to practice dietetics. License issued with conditions and immediately suspended for 20 days, stayed 17 days for time lapsed since ceased practice. Conditions met. License reinstated 11/20/06.

**Deanna Printz (L#5859-Probation) – Findlay**

Consent agreement effective 11/17/06 based on arrest and charge for theft. License issued with probationary conditions to remain in effect for up to 5 years. Coursework on Ethics was completed and presented to the Board 6/15/07.

**Vibhuti Patel (LP #10196-Expired 4/30/07; LP#10196-Suspended Indefinitely - Findlay**

Consent Agreement effective 6/15/07 based on allegations in the Notice of Opportunity for Hearing mailed 3/22/07. A limited permit license was renewed and suspended indefinitely. Conditions including passing the examination imposed for consideration of future application for licensure.

**CEASE AND DESIST LETTERS**

**07OBD48 (CDM) - Uniontown**

Cease and Desist letter mailed 11/21/06 for prior unlicensed practice of dietetics while claiming exemption from licensure under supervision to practice dietetics and use of title “Nutrition Associate” while not meeting qualifications. Ceased practice of dietetics.

**07OBD61 (LD) - Akron**

Cease and Desist letter mailed 11/21/06 for failure to verify credentials when previously supervising person claiming exemption from licensure {4759.10(E) ORC} using title “Nutrition Associate” without meeting qualifications. Ceased failure to verify credentials of persons being supervised pursuant to sections 4759.10 (B) or (E) ORC.

**07OBD62 (LD) – Akron**

Cease and Desist letter mailed 11/21/06 for self reporting failure to verify credentials when supervising person claiming exemption from licensure {4759.10(E) ORC} using title “Nutrition Associate” without meeting qualifications. Ceased failure to verify credentials of persons being supervised pursuant to sections 4759.10 (B) or (E) ORC.

**07OBD93 (LD-Inactive) - Columbus**

Cease and Desist letter mailed 6/18/07 for failure to verify credentials when previously supervising a person claiming exemption from licensure {4759.10(E)ORC} using title “Nutrition Associate” and failing to report the person on renewal application. Ceased supervision of person not meeting exemption and ceased failure to report person on renewal application.

**ADVISORY LETTERS**

**07OBD04 (DTR) - Caldwell**

Advisory letter mailed 10/16/06 for failing to establish supervisory relationship with an LD continuously while claiming exemption from licensure pursuant to section 4759.10(B) ORC. Supervisory relationship established.

**07OBD54 (Expired LP) – Dublin**

License issued with advisory letter mailed 11/2/06 for using credential RD/LD prior to having a current, valid license to practice dietetics in Ohio.

**07OBD70 (LD Applicant) - Boardman**

License issued with advisory letter mailed 3/19/07 for practicing dietetics under LD supervision, using RD credential without having current, valid license to practice dietetics in Ohio.

**07OBD78 (LD Applicant) – Warsaw, IN**

License issued with advisory letter mailed 5/3/07 for exceeding 15 days of practice {allotted to RD residing in another state to practice in Ohio without Ohio license pursuant to section 4759.02(E) ORC} prior to having a current, valid license to practice dietetics in Ohio.

**07OBD81 (LD Applicant) - Milford**

License issued with advisory letter mailed 4/20/07 for beginning practice and using title “Nutrition Assistant”, and then “RD” after passing exam without having current, valid license to practice dietetics in Ohio.

**07OBD86 (LP Applicant) – Cleveland**

Limited Permit issued with advisory letter mailed 5/25/07 for practicing dietetics under supervision with position title “clinical nutritionist” prior to having a current, valid license to practice dietetics in Ohio.

**070BD92 (RD) – Ft. Wayne, IN**

Advisory letter mailed 6/19/07 for exceeding 15 days of practice {allotted to RD residing in another state to practice in Ohio without Ohio license pursuant to section 4759.02(E)ORC} without having a current, valid license to practice dietetics in Ohio.

**ADVISORY LETTERS WITH CONDITION**

**07OBD89 (Nutrition Associate) - New Albany**

Advisory letter with condition of law-related assignment mailed 6/17/07 for practicing dietetics, using the title “Nutrition Associate” and claiming the exemption pursuant to section 4759.10(E) ORC prior to meeting the qualifications to claim the exemption. Assignment completed.

# Ohio Board of Dietetics Organizational Chart September 2006

