

LSC Redbook

Analysis of the Executive Budget Proposal

Board of Dietetics

*Maggie Priestas, Budget Analyst
Legislative Service Commission*

February 2009

TABLE OF CONTENTS

OVERVIEW..... 1
Agency Overview..... 1
Appropriation Overview 1
Fee Revenues and Fund 4K90 2
ANALYSIS OF EXECUTIVE PROPOSAL..... 4
Licenses 4
Investigation and Enforcement Statistics..... 5
Continuing Education 5

ATTACHMENTS:

- Catalog of Budget Line Items
- Budget Spreadsheet By Line Item

Board of Dietetics

- Non-GRF agency; funded by fee revenues
- Continuation budget
- Over 3,200 active licenses

OVERVIEW

Agency Overview

The Board of Dietetics was established in 1987 to regulate the practice of nutrition and dietetics. The Board issues licenses and limited permits for dietitians and establishes standards for education, preprofessional training, and examination. The Board also sets standards of practice for dietitians, investigates complaints, holds administrative hearings, determines appropriate disciplinary actions, and monitors continuing education compliance among licensees. Over 3,200 licenses and limited permits issued by the Board are currently active.

The Board's governing authority consists of five members appointed by the Governor, including three dietitians, a dietitian educator who holds a doctoral degree, and a member of the public who is not, and never has been, a dietitian. Members are appointed for five-year terms and may serve only one full term. The Board meets about six times a year. In addition to travel reimbursement, board members receive annual compensation of about \$2,700 for the performance of official board business.

The Board's daily operations are the responsibility of an executive secretary who is appointed by the five-member governing authority. Including the Executive Secretary, the Board has three full-time employees with an annual budget of \$348,964 in FY 2009. The Board receives no General Revenue Fund (GRF) money; it is entirely supported by fees.

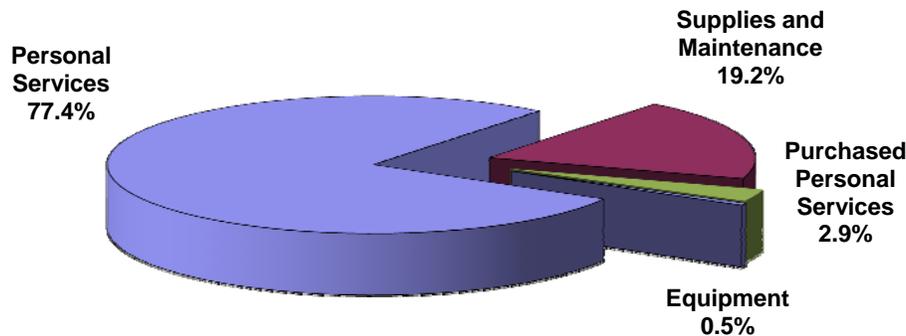
For the FY 2010-FY 2011 biennium, licensing and enforcement activities will continue to be a priority. The Board will also continue to enforce the continuing education requirement to ensure that licensees are educated on the laws governing the practice of dietetics.

Appropriation Overview

The executive recommends flat funding at the FY 2009 level of \$348,964 for FY 2010 and FY 2011. The Board will be able to maintain its current operations, including its three employees, in the next biennium.

As a regulatory agency, personal services is the largest expense category for the Board. As seen in the chart below, 77.4% of the executive budget recommendations for the biennium are for personal services, 19.2% for supplies and maintenance, 2.9% for purchased personal services, and 0.5% for equipment.

**Executive Budget Recommendations
by Expense Category, FY 2010-FY 2011**



As with many other licensing boards and commissions, the Board receives centralized administrative support services provided by the Central Service Agency (CSA) of the Department of Administrative Services. Services made available through CSA include items such as budget development, Controlling Board request preparation assistance, management consultation, procurement, fiscal processing, human resources, and payroll. These centralized services help increase overall efficiency. The Board pays CSA for services rendered. In FY 2008, the Board paid \$8,109 in CSA charges. These payments are included in the supplies and maintenance category.

Fee Revenues and Fund 4K90

The Board issues dietitian licenses and limited permits. Table 1 below shows the current fee amount for each type of license. Licenses issued by the Board are required to be renewed annually. Limited permits are issued for six months and once expired, may be reissued for another six months. Application and license renewal fee increases last occurred in FY 2004.

License Type	Fee Amount
Initial License	\$125
License Renewal	\$95
Limited Permit	\$65

Fee revenues collected by the Board are deposited into the Occupational Licensing Regulatory Fund (Fund 4K90), which was established by H.B. 152 of the 120th General Assembly. About 26 occupational licensing and regulatory boards and commissions, including the Board of Dietetics, use Fund 4K90 as an operating account into which receipts are deposited and from which expenses are paid. Each licensing

board or commission is generally expected to be self-sufficient, i.e., generating enough revenue to cover its expenses.

Table 2 below shows the Board's annual revenues and expenditures from FY 2004 through FY 2011 as well as the net of revenues less expenditures. As seen from the table, in FY 2010, the Board's expenditures are expected to exceed its revenues for the first time since FY 2004. While this trend is expected to continue through FY 2011, the Board does not intend to increase license fees in the FY 2010-FY 2011 biennium.

Table 2. Revenues and Expenditures								
	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009 (estimate)	FY 2010 (estimate)	FY 2011 (estimate)
Revenue	\$322,661	\$297,206	\$354,209	\$317,303	\$351,605	\$349,237	\$347,930	\$348,642
Expenditures	\$283,216	\$281,120	\$298,189	\$279,433	\$311,067	\$348,964	\$348,964	\$348,964
Net of Rev. & Exp.	\$39,445	\$16,086	\$56,021	\$37,870	\$40,538	\$273	(\$1,034)	(\$322)

ANALYSIS OF EXECUTIVE PROPOSAL

The Board's operations are funded by a single line item appropriation from the General Service Fund Group. Table 3 shows the Governor's recommended funding for the line item.

Table 3. Governor's Recommended Funding for the Board				
Fund	ALI and Name		FY 2010	FY 2011
General Services Fund Group				
4K90	860609	Operating Expenses	\$348,964	\$348,964

Through this one line item, the Board pays all of its expenses. The executive recommends flat funding at the FY 2009 level of \$348,964 for FY 2010 and FY 2011. The executive recommendations have fully funded the Board's request and will allow the Board to maintain its current operations and staffing level in the FY 2010-FY 2011 biennium.

Licenses

To carry out its regulatory responsibility, the Board establishes standards of practice and licenses dietitians. The Board issues dietitian licenses and limited permits. A dietetic license is available for individuals meeting academic, preprofessional, and examination requirements. A limited permit is available for individuals who have met academic and preprofessional requirements but have not yet taken the examination. From FY 2007 to FY 2008, the total number of active licenses and limited permits decreased 3.3% (see Table 4).

Table 4. Active Licenses*			
License Type	FY 2007	FY 2008	% Change
Dietitian	3,172	3,117	-1.7%
Limited Permit	87	36	-58.6%
Total	3,259	3,153	-3.3%

*Data shown is as of June 30th in each year.

Licenses issued by the Board are required to be renewed annually and are valid from July 1st through June 30th. Table 5 shows the number of licenses issued by the Board during FY 2008. The Board issued 109 limited permits during FY 2008. While Table 4 shows that there were 36 active permits as of June 30, 2008, the number of limited permits issued in FY 2008 was actually 109. The limited permit is valid for a period of six months and is not technically renewed, but reissued.

Table 5. Licenses Issued in FY 2008			
License Type	Initial	Renewal	Total
Dietetic	170	2,947	3,117
Limited Permit	109	—	109
Total	279	2,947	3,226

During the FY 2008-FY 2009 biennium, the Board worked to expand the agency web site to include online license verification through the eLicensing system. The eLicensing system is administered through CSA. Each board that participates in the eLicensing system receives a basic component of the system that includes a database of all licensees and their license status. Boards have the option of purchasing additional components of the system including initial licensure, renewal, image storing and indexing, and complaint tracking. The Board of Dietetics plans to add the renewal component as funding allows.

Effective March 24, 2008, H.B. 104 of the 127th General Assembly requires certain boards to wait to issue a license until they receive the results of a criminal record check from both the Ohio Bureau of Criminal Identification and Investigation and the Federal Bureau of Investigation. The new law has impacted the timing it takes to process an initial license application. The Board was previously able to issue a license within two weeks; it is now taking them three to four weeks.

Investigation and Enforcement

The Board's regulatory obligations also include investigating complaints about issues of incompetent, unethical, and impaired practitioners. All complaints to the Board must be submitted in writing, which are then reviewed to determine whether the Board has the legal authority to take action. The most common complaint has been for unlicensed practice. Of the 109 complaints received in FY 2008, 85 (78%) involved unlicensed practice.

In FY 2008, the Board completed over 100 investigations. The Board entered into two consent agreements with licensees who were found to be in violation of the Board's laws or rules, held one disciplinary hearing and issued one cease and desist letter, ten licenses with advisory letters, and one final adjudication order. The Board also continues to monitor two licensees with probationary conditions imposed on them.

Continuing Education

Beginning in 2005, the Board requires one continuing professional education unit for dietitians and limited practitioners in jurisprudence for renewal of a license in odd numbered calendar years (every other renewal cycle). Board approved programs in jurisprudence cover current, as well as recent changes to, laws, rules, and regulations

governing the practice of dietetics. A list of approved programs and activities is posted on the Board's web site (<http://www.dietetics.ohio.gov>).

OBD.docx / sle

General Services Fund Group

4K90 860609 Operating Expenses

2006	2007	2008	2009	2010 Executive Proposal	2011 Executive Proposal
\$306,208	\$279,473	\$311,067	\$348,964	\$348,964	\$348,964
	-8.7%	11.3%	12.2%	0.0%	0.0%

Source: GSF: License fees and other assessments collected by the state's professional and occupational licensing boards

Legal Basis: ORC 4759.03 and 4743.05 (originally established by Am. Sub. H.B. 570 of the 116th G.A.)

Purpose: This appropriation supports the general operating expenses, including payroll, supplies, and equipment for the Board of Dietetics. The Board licenses and regulates the dietetic profession in Ohio.

LSC Budget Spreadsheet by Line Item, FY 2010 - FY 2011

<i>Fund</i>	<i>ALI</i>	<i>ALI Title</i>	<i>2008</i>	<i>2009</i>	<i>As Introduced 2010</i>	<i>% Change 2009 to 2010</i>	<i>As Introduced 2011</i>	<i>% Change 2010 to 2011</i>
<i>OBD Board of Dietetics</i>								
4K90	860609	Operating Expenses	\$ 311,067	\$ 348,964	\$ 348,964	0.0%	\$ 348,964	0.0%
General Services Fund Group Total			\$ 311,067	\$ 348,964	\$ 348,964	0.0%	\$ 348,964	0.0%
Total All Budget Fund Groups			\$ 311,067	\$ 348,964	\$ 348,964	0.0%	\$ 348,964	0.0%