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REGULATORY BOARD REVIEW

The Board of Licensed Dietitians

AUDIT OVERVIEW

The Profession of Dietetics Can Be Regulated More Economically Through a Lesser Form of Regulation and Within Another State Agency or Multi-professional Board

The West Virginia Board of Licensed Dietitians Is In Compliance With Most of the General Provisions of Chapter 30



WEST VIRGINIA LEGISLATIVE AUDITOR

PERFORMANCE EVALUATION & RESEARCH DIVISION

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EXECUTIVE SUMMARY

Issue 1: The Profession of Dietetics Can Be Regulated More Economically Through a Lesser Form of Regulation and Within Another State Agency or Multi-professional Board.

The Legislative Auditor finds no reason to change his previous recommendations that a lower form of regulation be used to regulate the dietetic profession. Since the Board of Licensed Dietitians (Board) verifies that licensees are certified through the American Dietetic Association (ADA) and have met the ADA's continuing education requirements, the Board's credential is no different than the national credential. The primary value to having the Board is to address inquiries and clarification on various issues and to resolve complaints against licensees, since the ADA does not have a complaint resolution process. The nature of this profession does not lead to many complaints. The Board has received one formal complaint since 2006 which was not of serious concern. Most states have regulations governing dietetics; however, the majority of states do not regulate this profession through a separate, stand-alone board as West Virginia does. Instead, most states have the regulatory function of the dietetics profession within a state agency, such as an agency similar to the West Virginia Department of Health and Human Resources (DHHR), a multi-professional licensing agency ("umbrella" board) or the Board of Medicine. The Legislative Auditor contends that having licensees pay for a license that mirrors a national credential and to pay for board members per diem, office and utility expenses for an office that has no staff present most of the time and that has a relatively low volume of concerns is unnecessary and inefficient. The Legislative Auditor has in the past recommended that the Legislature consider creating an "umbrella" board for various licensing boards. If the Legislature chooses not to create an umbrella board, consideration should be given to other options, such as placing the Board within a state agency such as the Bureau for Public Health (BPH) or the Board of Medicine, or terminating the Board and regulate this profession strictly through legislation as is done in the state of Virginia.

Since the Board of Licensed Dietitians (Board) verifies that licensees are certified through the American Dietetic Association (ADA) and have met the ADA's continuing education requirements, the Board's credential is no different than the national credential.

Most states have regulations governing dietetics; however, the majority of states do not regulate this profession through a separate, stand-alone board as West Virginia does.

Issue 2: The West Virginia Board of Licensed Dietitians Is In Compliance With Most of the General Provisions of Chapter 30.

The Board of Licensed Dietitians has complied with most of the general provisions of Chapter 30 of the West Virginia Code, except for submitting annual reports in a timely manner, keeping a complete register, and providing Board accessibility. The Board is financially self-sufficient and is complying with its continuing education requirements.

Recommendations

1. *The Legislative Auditor recommends that the Legislature consider a more economical and efficient mechanism to regulate dietetics rather than a stand-alone board. The following options should be considered:*

- a) Place the current licensure process and board within another state agency or board.*
- b) Establish a certification process within another state agency or board.*
- c) Establish a registration process within another state agency or board.*
- d) Enact statutory language specifying the requirements of a dietitian with appropriate penalties for violators. A state agency could be responsible to oversee violations.*

2. *The Legislative Auditor recommends that the Legislature consider creating a multi-professional “umbrella” board to regulate dietetics and other professions.*

3. *The Legislative Auditor recommends that the Board of Licensed Dietitians fully comply with §30-1-12(b) by submitting an annual report to the governor and to the Legislature each year.*

4. *The Legislative Auditor recommends that the Board of Licensed Dietitians create a register that is in compliance with §30-1-12(a).*

5. *The Legislative Auditor recommends that the Board of Licensed Dietitians fully comply with §30-1-12(c) by having its address listed in the Governmental section of the Charleston area telephone book.*

6. *The Legislative Auditor recommends that continuing education requirements mirror that of the Commission on Dietetic Registration since the Commission on Dietetic Registration certification is required for licensure in the state.*

OBJECTIVE, SCOPE & METHODOLOGY

This Regulatory Board Review of the Board of Licensed Dietitians is required and authorized by the West Virginia Performance Review Act, Chapter 4, Article 10 of the *West Virginia Code*, as amended. The purpose of the Board is to protect the public interest through its licensure and professional discipline of dietitians and to provide a professional environment that encourages the delivery of quality nutritional information and medical nutrition therapy within the State of West Virginia.

Objective

The purpose of this audit is to determine if the Board is necessary for protecting the public interest and whether or not the Board is operating in compliance with the provisions of Chapter 30 of the *West Virginia Code* and other applicable laws and rules.

Scope

The scope of this audit is fiscal years 2006 to 2009.

Methodology

Information compiled in this report has been acquired through communication with and documentation from the Board. Documents obtained from the Board included annual reports, board minutes, board procedures for investigating and resolving complaints, and board and licensee rosters. The Legislative Auditor's Office gathered and evaluated information from other state agencies included the Secretary of State's Office, the State Auditor's Office, and the Legislative Information and Research Center. Information was obtained from previous reports of the Legislative Auditor. Information concerning national dietetic registration was obtained from the American Dietetic Association and the Commission on Dietetic Registration. Finally, information regarding the licensing practices of other state dietetic boards was obtained through direct contact and via internet resources. Every aspect of this review complied with Generally Accepted Government Auditing Standards (GAGAS).

ISSUE 1

The Profession of Dietetics Can Be Regulated More Economically Through a Lesser Form of Regulation and Within a State Agency or Multi-professional Board.

Issue Summary

The Legislative Auditor maintains his recommendations of past reports that a lower form of regulation be used to regulate the dietetic profession, such as certification or registration. However, if licensure is maintained, the Legislative Auditor contends that using a separate, stand-alone board is not economical. A primary function of the Board is to verify that licensees are certified through the American Dietetic Association (ADA) and have met the ADA's continuing education requirements. Therefore, the Board's credential is no different than the national credential. The primary value of the Board is to address inquiries and clarification on various issues and to resolve complaints against licensees, since the ADA does not have a complaint resolution process. The nature of this profession does not lead to many complaints. The Board has received one formal complaint since 2006 concerning whether a licensed dietitian should have permitted a diet technician to prescribe/calculate tube feedings.¹ Having licensees pay for a license that mirrors a national credential and to pay for board members per diem, office and utility expenses for an office that has no staff present most of the time and that has a relatively low volume of concerns is inefficient and wasteful. Most states have recognized these inefficiencies and have either placed the regulation of dietetics within a multi-professional licensing board ("umbrella" board) or within a state agency equivalent to the State's Department of Health and Human Resources (DHHR) or the Board of Medicine. The Legislative Auditor has in the past recommended that the Legislature consider creating an umbrella board for various licensing boards. If the Legislature chooses not to create an umbrella board, consideration should be given to other options, such as placing the Board within a state agency such as the Bureau for Public Health within DHHR or the Board of Medicine, or terminating the Board and regulate this profession in a state agency using a lower form of regulation such as certification or registration.

The Legislative Auditor maintains his recommendations of past reports that a lower form of regulation be used to regulate the dietetic profession, such as certification or registration. However, if licensure is maintained, the Legislative Auditor contends that using a separate, stand-alone board is not economical.

Most states have recognized these inefficiencies and have either placed the regulation of dietetics within a multi-professional licensing board ("umbrella" board) or within a state agency equivalent to the State's Department of Health and Human Resources (DHHR) or the Board of Medicine.

¹*This appears to have been more of a need for clarification than a complaint.*

Background

The purpose of this *Regulatory Board Review* is to determine whether or not the Board of Licensed Dietitians is necessary for the protection of the public health and safety. In determining the need for the Board, a primary consideration is the extent to what significant and discernable adverse effects on public welfare would occur if the Board were abolished. In addition, the review considers whether the basis or facts that necessitated the initial licensing or regulation of a profession or occupation have changed, or if the conditions have arisen that would warrant increased, decreased, or the same amount of regulation.

In January of 2001, the Legislative Auditor issued a report on the Board of Licensed Dietitians indicating that the continuation of the Board was not necessary to protect the public. The basis for the finding was that there was a low risk of harm to individuals from the profession, the Board of Licensed Dietitians duplicates to a great extent the nationally accepted credential of “Registered Dietitian” offered by the American Dietetic Association (ADA).

In January of 2001, the Legislative Auditor issued a report on the Board of Licensed Dietitians indicating that the continuation of the Board was not necessary to protect the public.

The Number of Licensed Dietitians in the State Has Grown Over the Years

The mission of the Board of Licensed Dietitians is to protect the public interest through its licensure of dietitians and to provide a professional environment that encourages the delivery of quality nutritional information and medical therapy within the State of West Virginia. The practice of “medical nutrition therapy” or “nutrition therapy” is defined by West Virginia Code §30-35-2(e) as:

... nutritional diagnostic assessment and nutrition therapy services for the purpose of disease management.

The mission of the Board of Licensed Dietitians is to protect the public interest through its licensure of dietitians and to provide a professional environment that encourages the delivery of quality nutritional information and medical therapy within the State of West Virginia.

West Virginia Rule §31-2-2(2.3) defines “nutrition therapy” as:

... the intervention and treatment of a disease or medical condition through the modification of nutrient or whole-food intake to achieve optimal clinical outcomes and includes specialized nutrition therapy and nutrition counseling services.

According to the Board, licensed and registered dietitians are proficient in the science of nutrition. They are required to hold degrees in nutrition, dietetics, public health or related field such as biochemistry, medicine or a nutrition sociality in family or consumer sciences issued by accredited colleges and universities. Dietitians manage food service systems for institutions such as hospitals and schools, promote sound eating habits through education, and conduct research. Many dietitians specialize in becoming a clinical dietitian, community dietitian, management dietitian, or consultant. The Board went on to state that there are positions, such as Diet Technicians and Certified Dietary Managers, that assist with menu selections, instruct cooks as to food consistency for patients, record food allergies, and conduct routine nutritional screening and assessments. However, these parameters are established by a licensed dietitian and medical staff. Any duty covered under the Code, limited to a licensed dietitian would not be permitted for anyone else.

The Board stated in its 2009 Annual Report that there are a total of 365 licensees, 258 in the state of West Virginia and 107 located out of state. Table 1 shows that the number of licensed dietitians has increased each year from 2007 to 2009.

According to the Board, licensed and registered dietitians are proficient in the science of nutrition. They are required to hold degrees in nutrition, dietetics, public health or related field such as biochemistry, medicine or a nutrition sociality in family or consumer sciences issued by accredited colleges and universities.

The Board stated in its 2009 Annual Report that there are a total of 365 licensees, 258 in the state of West Virginia and 107 located out of state. Table 1 shows that the number of licensed dietitians has increased each year from 2007 to 2009.

Table 1
West Virginia Licensed Dietitians 2007-2009

	FY 2007	FY 2008	FY 2009
WV Residents	237	248	258
Out-of-State	99	102	107
Total	336	350	365

Source: West Virginia Board of Licensed Dietitians

The Board's License Duplicates the National Registration

In order for someone to be a licensed dietitian in the state of West Virginia, verification of being a registered dietitian by the Commission on Dietetic Registration (CDR) is required. The CDR is the credentialing agency for the ADA. The CDR certifies registered dietitians and protects the public through credentialing and assessment processes that assure the competence of registered dietitians and dietetic technicians. The CDR's certification programs are fully accredited by the National Commission for Certifying Agencies (NCCA), the accrediting arm of the Institute for Credentialing Excellence based in Washington, D.C.

In order for someone to be a licensed dietitian in the state of West Virginia, verification of being a registered dietitian by the Commission on Dietetic Registration (CDR) is required.

The West Virginia Board of Licensed Dietitians' licensee requirements duplicate, to a great extent, the CDR requirements to become a registered dietitian: 1) completion of a baccalaureate degree, 2) completion of a minimum of 900 supervised practice hours of pre-professional experience, 3) successfully completing the CDR registration examination for dietitians, and 4) submitting a fee of \$50 dollars. The Board does not administer a separate examination for state licensure, but does charge a \$50 licensing fee. **Therefore, the primary requirement for becoming a licensed dietitian in the state of West Virginia is to have active registration through the Commission on Dietetic Registration of the American Dietetic Association.**

The West Virginia Board of Licensed Dietitians' licensee requirements duplicate, to a great extent, the CDR requirements to become a registered dietitian...Therefore, the primary requirement for becoming a licensed dietitian in the state of West Virginia is to have active registration through the Commission on Dietetic Registration of the American Dietetic Association.

Forty-Six States Regulate the Profession of Dietetics

According to the ADA, of the 46 states and 2 jurisdictions with laws governing dietetics, 34 require licensure, 13 require statutory certification, 1 requires registration, and 4 states have no regulation of dietetics. All states bordering West Virginia require some form of regulation regarding dietetics.

According to the ADA, of the 46 states and 2 jurisdictions with laws governing dietetics, 34 require licensure, 13 require statutory certification, 1 requires registration, and 4 states have no regulation of dietetics.

Table 2
Type of Regulation of Dietetics by State*

Type of Regulation	Number of States	States
Licensure	34	<i>Alabama, Alaska, Arkansas, District of Columbia, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, West Virginia</i>
Certification	13	<i>Connecticut, Delaware, Hawaii, Indiana, Missouri, Nevada, New York, Oregon, Utah, Vermont, Virginia, Washington, Wisconsin</i>
Registration	1	<i>California</i>

Source: Commission on Dietetic Registration, Michigan Board of Dietetics and Nutrition, and South Carolina Panel for Dietetics.

** Includes the District of Columbia and Puerto Rico.*

A Stand-alone Board Is the Least Economical Way to Regulate the Dietetic Profession

More states have recognized that regulating the dietetic profession using a stand-alone board is not economical. As shown in Table 3, there are 35 states and jurisdictions that regulate dietetics by having the board administered within a state agency. Of those 35 states, 16 regulate the profession through a multi-professional “umbrella” board, 15 uses a health-related state agency and 4 regulate dietitians through the Board of Medicine.

For West Virginia’s surrounding states, the states of Kentucky and Ohio regulate the dietetic profession using stand-alone boards, Pennsylvania uses an umbrella board, and Maryland regulates dietitians through a health-related state agency. The state of Virginia has no board or state agency specifically overseeing the dietetic profession. Instead, Virginia has statutory language that prohibits a person from advertising themselves as a dietitian or nutritionist if they do not qualify. They cannot use those terms alone or in combination with the terms “licensed,” “certified,” or “registered” unless they meet statutory requirements, which include being registered with the Commission on Dietetic Registration of the ADA. Willful violation of the law is a Class 3 misdemeanor.

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Table 3
Regulatory Agency of Dietetic Regulation by State*

Regulatory Agency	Number of States	States
“Stand-Alone” Board	10	<i>Alabama, Arkansas, Kentucky, Louisiana, Minnesota, North Carolina, North Dakota, Ohio, Oregon, West Virginia</i>
Within a State Agency:		<i>Alaska, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Mexico, New York, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin</i>
“Umbrella” Board-- 16 Health-related Agency-- 15 Board of Medicine-- 4	35	
States With Regulations In Statute Only**	3	<i>California, Nevada, Virginia</i>
States Without Regulation	4	<i>Arizona, Colorado, New Jersey, Wyoming</i>

Source: Commission on Dietetic Registration

* Includes the District of Columbia and Puerto Rico

** States prohibit through statute the usage of certain titles without national registration.

The Use of Multi-professional Boards Has Increased

Several states have developed large multi-profession “umbrella” boards over recent years. An umbrella board is typically a division or agency that provides administrative support to a host of licensing boards and commissions covering a wide range of trades and professions. Typically, an umbrella board will have two or more professional licensing boards under one executive director, who will have his or her own support staff who will process applications, administer examinations, issue licenses and conduct investigations when warranted. The staff can administer related professions or a variety of professions. The number of licensing boards within an umbrella board will determine the number of executive directors and support staff that is needed. The size of certain boards may also determine how many boards an executive director oversees. For example, the state of Missouri has a professional registration division within its Department of Insurance, Financial Institutions and Professional Registration that oversees 39 licensing boards and commissions. The Professional Registration Division has 216 employees, including 14 executive directors, with as many as 6 boards and commissions to one executive director.

One advantage of an umbrella board is that costs and the number of staff are lower than when each profession is regulated separately. This is particularly true for professions that have a relatively small number of licensees. The greater efficiency will also result in lower licensing fees because of the larger number of combined licensees. There would also be more uniformity in practices and accessibility.

Conclusions

The Legislative Auditor finds that since the Board verifies that licensees are registered through the ADA and have met the ADA's continuing education requirements, the Board's credential simply duplicates the national credential. The primary value to having the Board is to address inquiries and resolve complaints. However, the Legislative Auditor finds that there has not been what would be called a formal complaint against a licensee in several years. This is not to say that issues do not arise concerning dietitians, it simply suggests that these issues are of a nature that they can be effectively resolved by the institutions in which licensees are employed. Moreover, it is not economical for licensees to have to pay for the expenses of a board that has no staff most

An umbrella board is typically a division or agency that provides administrative support to a host of licensing boards and commissions covering a wide range of trades and professions... For example, the state of Missouri has a professional registration division within its Department of Insurance, Financial Institutions and Professional Registration that oversees 39 licensing boards and commissions.

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of the time and that does not face many concerning issues. Although the Board has benefited significantly from the unusual arrangement of having its chairperson work as its executive director without compensation, when the chairperson steps down, the Board will not be able to pay for an executive director and remain financially stable without a significant increase in license fees. In the past, the Board has discussed merging with other boards in order to reduce costs. **Therefore, the Legislative Auditor concludes that regulating the dietetic profession through a stand-alone board is inefficient and unnecessary.**

Over recent years medical insurance providers, such as Medicaid and PEIA, have provided coverage for dietetic services; however, the coverage specifies the services must be provided by licensed or registered dietitians. Therefore, some type of regulation would be in the best interest of the public. However, there are several regulatory alternatives for the Legislature to consider that are more efficient than a stand-alone board. These are listed below.

Regulatory Alternatives for the Dietetic Profession

- a) Maintain the current licensure process and the Board, but have it within another state agency, board, or in an umbrella board.
- b) Reduce the form of regulation by establishing a certification process within another state agency or board. This process would verify that a licensee is registered with the ADA, places these names on a certification list, and provides a certification certificate. There would be restrictions on what titles cannot be used by anyone not certified by the State. The Board could serve in an advisory capacity for complaint resolutions, etc.
- c) Reduce the form of regulation further by creating a registration process within another state agency or board. This process would verify that a licensee is registered with the ADA, places these names on a registration list, and provides a registration certificate. There would be no restriction on the use of any title. The Board could serve in an advisory capacity for complaint resolutions, etc.
- d) Reduce regulations still further by having statutory language specifying that individuals cannot hold themselves out to be a dietitian unless they are registered with the

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Commission on Dietetic Registration within the ADA. An appropriate penalty can be imposed for violators. A state agency or board could be held responsible to oversee any violation of the statutory code. This option would result in the termination of the Board outright.

The Bureau for Public Health or the Board of Medicine would be appropriate state agencies to consider having the regulatory function of the dietetic profession. The Legislative Auditor makes the following recommendations.

Recommendations

1. *The Legislative Auditor recommends that the Legislature consider a more economical and efficient mechanism to regulate dietetics rather than a stand-alone board. The following options should be considered:*

- a) Place the current licensure process and board within another state agency or board.*
- b) Establish a certification process within another state agency or board.*
- c) Establish a registration process within another state agency or board.*
- d) Enact statutory language specifying the requirements of a dietitian with appropriate penalties for violators. A state agency could be responsible to oversee violations.*

2. *The Legislative Auditor recommends that the Legislature consider creating a multi-professional “umbrella” board to regulate dietetics and other professions.*

The Bureau for Public Health or the Board of Medicine would be appropriate state agencies to consider having the regulatory function of the dietetic profession.

Issue 2

The West Virginia Board of Licensed Dietitians Is In Compliance With Most of the General Provisions of Chapter 30.

The West Virginia Board of Licensed Dietitians is in satisfactory compliance with most of the general provisions of Chapter 30 of the West Virginia Code. They are important for the effective operation of the Board. The Board is in compliance with the following provisions:

- The Chair or Chief Financial officer must attend an orientation session conducted by the State Auditor (§30-1-2a(b));
- The Board has adopted an official seal (§30-1-4);
- The Board meets at least once annually (§30-1-5(a));
- The Board's complaints are investigated and resolved with due process (§30-1-5(b)); (30-1-8);
- Rules have been promulgated specifying the investigation and resolution procedure of all complaints (§30-1-8(h));
- The Board must be financially self-sufficient in carrying out its responsibilities (§30-1-6(c));
- The Board has established continuing education (§30-1-7a);
- The roster has been prepared and maintained of all licensees that includes name, and office address (§30-1-13).

The West Virginia Board of Licensed Dietitians is in satisfactory compliance with most of the general provisions of Chapter 30 of the West Virginia Code.

The Board Is Financially Self-Sufficient

Financial self-sufficiency of regulatory boards is required by West Virginia Code §30-1-6(c). As shown in Table 4, the Board's end-of-year balances from FY 2006 through FY 2009 have been stable and show that the Board is currently self-sufficient.

Table 4 Board Revenues and Expenditures 2006-2009				
	FY 2006	FY 2007	FY 2008	FY 2009
BOY Cash Balance	\$28,290	\$37,362	\$38,917	\$42,316
Revenues	\$31,875	\$18,740	\$18,675	\$18,705
Expenditures	\$25,022	\$19,192	\$17,298	\$23,506
EOY Cash Balance	\$35,143	\$36,910	\$40,293	\$37,516

Source: Legislative Auditor's Digest of Revenue Sources in West Virginia FY 2006 to FY 2009

The Board Has Received One Complaint Since 2006

During FY 2009, one complaint was received by the Board. This dealt with a diet technician who was trying to calculate tube feedings for a patient at a hospital. There was no investigation necessary and the situation was handled by a clarification letter sent from the Board to the contracting dietitian. According to the Board's complaint section of annual reports from 2006 to 2009, the Board discusses inquiries and calls concerning licensee verification.

The Board Is Complying With Continuing Education Requirements

According to the 2001 report, continuing education hours were previously being approved by the American Dietetic Association and the standards were set by the same association. A recommendation was made that the Board begin complying with the statutory requirement by maintaining its own continuing education requirements. The recommendation was also made that the rule be amended to ensure continuing education be approved by the Board, not the Association. Amended rules were filed with the Secretary of State's Office on August 29, 2000.

The continuing education requirements are listed under West Virginia Legislative rule §31-1-7. The rule states:

According to the Board's complaint section of annual reports from 2006 to 2009, the Board discusses inquiries and calls concerning licensee verification.

*Every person licensed under West Virginia Code shall...
Complete a minimum of twenty (20) hours of continuing professional education activities every two (2) years in compliance with the Board's rule Continuing Professional Education Requirements 31 CSR 5.*

The Commission on Dietetic Registration, the national accrediting organization for registered dietitians, requires 75 units of approved continuing professional education every five years, whereas the Board requires licensees to complete a minimum of 20 hours of continuing professional education every two years. If the Board's continuing education requirements were extrapolated out to five years, one could conclude that the Board's continuing education requirements would equal 50 units for every five years. Since the Board requires CDR certification for licensure, it would make sense that the continuing education be the same or similar in order to require the same number of units for continuing education over the same period of time.

According to the Board, as renewals are received, the Board's chairperson checks the application for completion and determines if it is that dietitian's year to report continuing education units and determines if the units are approved units. If the chairperson identifies anything that may look suspicious, the licensee in question is called for verbal clarification.

The Board may request an audit of a person who has a history of questionable units or the failure to report on the renewal application. The selected names are sent to the Board's professional inquiries liaison, who is the Director of the Dietetic Program at West Virginia University. Upon receipt, the liaison scrutinizes each record for accuracy and approval of the event and number of units. If the liaison has any questions, those are brought to the attention of the Board.

The Commission on Dietetic Registration, the national accrediting organization for registered dietitians, requires 75 units of approved continuing professional education every five years, whereas the Board requires licensees to complete a minimum of 20 hours of continuing professional education every two years.

Annual Reports Are Not Timely Submitted

On or before the first of January of each year Chapter 30 Boards are required by §30-1-12(b) to,

... submit to the Governor and to the Legislature a report of its transactions for the preceding two years, an itemized statement of its receipts and disbursements for that period, a full list of names of all persons licensed

or registered by it during that period, statistical reports by county of practice, by specialty if appropriate to the particular profession, and a list of any complaints which were filed against persons licensed by the board, including any action taken by the board regarding those complaints. The report shall be filed with the Secretary of State and with the legislative librarian.

As of October 2009, the most recent annual report that the Legislative Reference and Information Center had received from the Board was for 2006. After later consultation with the Legislative Reference and Information Center, the Legislative Auditor discovered that the Board submitted annual reports for fiscal years 2007 and 2008 on February 12, 2010. It was also discovered that the Board had not submitted the FY 2006 annual report until September 2008. This un-timely manner of submitting annual reports is not in accordance with statute.

As of October 2009, the most recent annual report that the Legislative Reference and Information Center had received from the Board was for 2006.

The Board's Register Is Incomplete

The Board has compiled a register of applicants, but it is incomplete. According to WVC §30-1-12(a):

The secretary of every board shall keep a record of its proceedings and a register of all applicants for license or registration, showing for each the date of his or her application, his or her name, age, educational and other qualifications, place of residence, whether an examination was required, whether the applicant was rejected or a certificate of license or registration granted, the date of this action, the license or registration number, all renewals of the license or registration, if required, and any suspension or revocation thereof.

The register contains applicants' name, address, status of license, date of license, but only for active licenses, not for lapsed or inactive licenses. Not included are the applicants' age, education and other qualifications, whether an examination was required, all renewals of the license, and any suspensions or revocations as required in WVC §30-1-12(a).

The register contains applicants' name, address, status of license, date of license, but only for active licenses, not for lapsed or inactive licenses. Not included are the applicants' age, education and other qualifications, whether an examination was required, all renewals of the license, and any suspensions or revocations as required in WVC §30-1-12(a).

Board Accessibility

The Board is not completely fulfilling its statutory requirements regarding public accessibility. The Board has placed an address and contact telephone numbers on its website. However, in the state government section of the Charleston area telephone book a telephone number is listed but an address is not, as required in WVC §30-1-12(c). The issue of the Board's accessibility has been addressed by the Legislative Auditor in two previous Board reviews (1999, 2001).

The Board is not completely fulfilling its statutory requirements regarding public accessibility.

Conclusion

The Board of Licensed Dietitians has complied with most of the general provisions of Chapter 30 of the West Virginia Code, except for submitting annual reports as required, keeping a complete register as stated in Code, and Board accessibility. The Board is financially self-sufficient and is complying with its continuing education requirements. The Board has procedures for the due process of complaints. However, the Board has only received one complaint since 2006 which was not of serious concern. The Legislative Auditor recommends that the Board of Licensed Dietitians fully comply with all of the general provisions of Chapter 30 of the West Virginia Code.

Recommendations

3. *The Legislative Auditor recommends that the Board of Licensed Dietitians fully comply with §30-1-12(b) by submitting an annual report to the governor and to the Legislature each year.*
4. *The Legislative Auditor recommends that the Board of Licensed Dietitians keep a register that is in compliance with §30-1-12(a).*
5. *The Legislative Auditor recommends that the Board of Licensed Dietitians should fully comply with §30-1-12(c) by having its address listed in the Governmental section of the Charleston area telephone book.*
6. *The Legislative Auditor recommends that continuing education requirements mirror that of the Commission of Dietetic Registration since the Commission of Dietetic Registration certification is required for licensure in the state.*

Appendix A: Transmittal Letters

WEST VIRGINIA LEGISLATURE *Performance Evaluation and Research Division*

Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0610
(304) 347-4890
(304) 347-4939 FAX



John Sylvia
Director

May 20, 2010

Helen Lodge, RD, LD, Chairman
West Virginia Board of Licensed Dietitians
723 Kanawha Boulevard East
Charleston, WV 25301

Dear Chairman Lodge:

This is to transmit a draft copy of the Regulatory Board Review of the West Virginia Board of Licensed Dietitians. This report is scheduled to be presented during the June 7-9, 2010 interim meeting of the Joint Committee on Government Operations and the Joint Committee on Government Organizations. We will inform you of the exact time and location once the information becomes available. It is expected that a representative from your agency be present at the meeting to orally respond to the report and answer any questions the committees may have.

If you would like to schedule an exit conference to discuss any concerns you may have with the report, please notify us between May 24, and May 26. We need your written response by noon on May 28, in order for it to be included in the final report. If your agency intends to distribute additional material to committee members at the meeting, please contact the House Government Organization staff at 340-3192 by Thursday, June 3, 2010 to make arrangements.

We request that your personnel not disclose the report to anyone not affiliated with your agency. Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink that reads "John Sylvia".

John Sylvia

Enclosure

Joint Committee on Government and Finance

WEST VIRGINIA LEGISLATURE
Performance Evaluation and Research Division

Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0610
(304) 347-4890
(304) 347-4939 FAX

John Sylvia
Director



May 24, 2010

Robert C. Knittle M.S. Executive Director
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311

Dear Mr. Knittle:

The Legislative Auditor has completed a Regulatory Board Review of the West Virginia Board of Licensed Dietitians. We are writing to inform you that in Issue 1 of the report, the Legislative Auditor recommends several options, which include having the Board of Dietitians placed within the West Virginia Board of Medicine.

If your agency wishes to respond in writing, we would need the written response by 12:00 noon on May 28, 2010. Please feel free to contact myself or Chris Carney at 304-347-4890 if you have any questions or concerns. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink that reads "John Sylvia".
John Sylvia

Joint Committee on Government and Finance

WEST VIRGINIA LEGISLATURE
Performance Evaluation and Research Division

Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0610
(304) 347-4890
(304) 347-4939 FAX

John Sylvia
Director



May 24, 2010

Chris Curtis, M.P.H., Commissioner
Department of Health and Human Resources
Bureau for Public Health
350 Capital Street, Room 720
Charleston, WV 25301

Dear Mr. Curtis:

The Legislative Auditor has completed a Regulatory Board Review of the West Virginia Board of Licensed Dietitians. We are writing to inform you that in Issue 1 of the report, the Legislative Auditor recommends several options, which include having the Board of Dietitians placed within the Bureau for Public Health.

If your agency wishes to respond in writing, we would need the written response by 12:00 noon on May 28, 2010. Please feel free to contact myself or Chris Carney at 304-347-4890 if you have any questions or concerns. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink that reads "John Sylvia".
John Sylvia

c: Patsy A. Hardy, FACHE, MSN, MBA, Cabinet Secretary

Joint Committee on Government and Finance

Appendix B: Agency Responses



WEST VIRGINIA BOARD OF LICENSED DIETITIANS

723 KANAWHA BLVD, EAST
ROOM 105 – UNION BUILDING
CHARLESTON, WEST VIRGINIA 25301
Telephone: 304-926-3719 or 1-800-293-9832
FAX: 304-926-3720

e-mail: wvbold@mail.wvnet.edu

July 13, 2010

Chairman
HELEN F. LODGE, RD LD

Vice-Chairman/Treasurer
FRANK MARKUN, RD LD

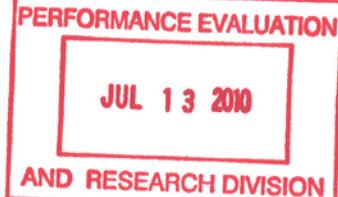
Secretary
DEE BARTOE, RD LD

Professional Inquiries Liaison
BETTY FORBES, RD LD

Investigatory Liaison
RICK CALL – Lay Member

Mr. Chris Carney
Performance Evaluation & Research Division
Building 1, Room W-314
State Capitol Complex
Charleston, West Virginia 25305

Dear Mr. Carney:



The purpose of this letter is to acknowledge the Legislative Auditor's Report of 2010 pertaining to the West Virginia Board of Licensed Dietitians.

As we have previously discussed, the WVBOLD would very much like to merge administrative duties, maintaining its own board, with another healthcare board or agency. As you are also aware, we have held discussions with several boards on this issue and will continue to do so. To better position the WVBOLD for either of the options and to update a couple issues, we support a few adjustments in the current law.

Again, we do not advocate for certification or any lesser form of regulation for the practice of dietetics in the State of West Virginia. Healthcare is rapidly changing and West Virginia needs to be positioned to take advantage of every opportunity for nutrition benefits.

In reference to the audit, we have verbally discussed your findings with you and Mr. Sylvia. Please see the written response attached to this letter. WVBOLD members would like to address the Joint Committee on Government Organization on July 20, 2010. We do not believe the audit positions the WVBOLD and the Legislative Auditors in adversary roles.

We would like to apprise you that a significant complaint was filed on July 2, 2010. An investigation is in progress.

We would like to commend you on the professionalism and consideration extended to the board and to me personally. The citation of our deficiencies is important to us and we will strive to correct those not already corrected.

I am most appreciative to Mr. Aaron Allred for his consideration of my Herculean schedule for April, May and into mid-June. Life is often on the fast-track for many of us but, that fast-track was a bit too fast.

Sincerely,
Helen Lodge
Helen Lodge
Board Chairman

cc: Aaron Allred, Legislative Auditor
John Sylvia, Legislative Director

**WVBOLD RESPONSE TO LEGISLATIVE AUDITOR'S
RECOMMENDATIONS** (Page 6 & 7 of Legislative Auditor's report):

1. The Legislative Auditor recommends that the Legislature consider a more economical and efficient mechanism to regulate dietetics rather than a stand-alone board. The following options should be considered:

- a) Place the current licensure process and board within another state agency or board.

REPLY:

The WVBOLD has explored options to merge administrative functions, retaining its own board - as unique to the practice of dietetics - with another healthcare board and plans to continue in that pursuit.

- b) Establish a certification process within another state agency or board.

REPLY: This would only weaken the law established by the WV Legislature in 1996.

- c) Establish a registration process within another state agency or board.

REPLY: Other healthcare professionals are governed with a licensure process, as are embalmers, massage therapists, acupuncturists, hair dressers, plumbers, and the list goes on and on. None of the above contribute more to the health and well being of an individual than counseling from a qualified nutrition professional. We recognize the need for licensing various professions - as pharmacists yet, need to point out that medical nutrition therapy often negates the need for "pills". To site one specialty, dietitians are educated in renal disease. Physicians rely upon their expertise to counsel their patients to comply with diet regimens – to improve the quality of life. Renal disease has increased tremendously over the past twenty years. Research indicates that end-stage can often be delayed by proper healthcare, with nutrition being a key component.

- d) Enact statutory language specifying the requirements of a dietitian with appropriate penalties for violators. A state agency could be responsible to oversee violations.

REPLY: The WVBOLD currently has this in place.

2. The Legislative Auditor recommends that the Legislature consider creating a multi-professional "umbrella" board to regulate dietetics and other professions.

REPLY: The WVBOLD would and has been very support of this recommendation. This "umbrella" board should be assigned by professions, as healthcare, engineers, etc.

3. The Legislative Auditor recommends that the Board of Licensed Dietitian fully comply with Chapter 30-1-12(b) by submitting an annual report to the governor and to the Legislature each year.

REPLY: Over the years the WVBOLD has been in compliance. The 2006 Annual Report was delayed, with ample reason – not excuse. See pages 4 & 5 of this report

The 2008 Annual Report was delivered (hard/bound copies and CDs) to the appropriate “library” office, located in the basement of the Capitol Building. The books, heavy by nature, were taken to the one site and they agreed to distribute them to the other entities. When the 2009 report was delivered, the person in that office stated that the 2008 had not been logged in. A replacement disk was delivered the following day. During the auditing process, Mr. Chris Carney apprised the WVBOLD that this report was not logged in. Helen Lodge, Board Chairman, went to that office immediately. The personnel recalled that it was delivered. They found it in the system and notified Mr. Carney of its existence.

With the Winter of 2009 being a fierce one, Ms. Lodge telephone Mr. Carney to obtain permission for that report to be delivered when the weather broke. He was out, due to an illness and a member of his team found this to be acceptable. Lodge and Carney communicated rather frequently and in the end, Lodge had a security guard escort her to the Legislative Auditor’s Office to carry the heavy box...special delivery.

Certainly, the WVBOLD will continue to comply with this law.

4. See page 6 of this report.

5. The Legislative Auditor recommends that the Board of Licensed Dietitians fully comply with Chapter 30-1-12 © by having its address listed in the Governmental section of the Charleston area telephone book.

REPLY: Immediately upon opening the WVBOLD office at its current location, this information was submitted to some office within the state. Too much time has passed to recall details. The WVBOLD took steps to establish a website, listing the address. A 800 number telephone was secured to give access to the Board. A WVBOLD newsletter included a photograph of the office building and address to offer a level of comfort and ownership to the West Virginia licensed dietitians. A business card, with the Board name, address, fax and e-mail was included in the mailing of one renewal of licenses.

The WVBOLD failed to check the telephone directory yearly. We have been assured that this has been corrected for the coming year's directory.

Upon being notified of this infraction, Helen Lodge contacted personnel on the State of West Virginia level. After much back and forth, being told to contact Verizon and Verizon saying to contact the State, this was – hopefully – resolved and will be listed in all state directories...under the Governmental section.

This is a good time to point out that WVBOLD has received 8-10 calls a week for the Department of Motor Vehicles – pertaining to boat licenses and car licenses. This was reported numerous times – as the number was posted on a website. Within the past few weeks, it appears to have been corrected.

6. The Legislative Auditor recommends that continuing education requirement mirror that of the Commission on Dietetic Registration since the Commission on Dietetic Registration certification is required for licensure in the state.

REPLY: It is the belief of the WVBOLD that a five year period is too long for a licensed dietitian to accumulate continuing education credits. Dietetics, as other healthcare therapies, is changing at a rapid pace. In addition, dietitians licensed in West Virginia often obtain credits not submitted to the CDR, yet approved by the WVBOLD for credit in West Virginia.

When licensure was passed in 1996 continuing education was not addressed, as determined by the Legislature. In 1999, the WVBOLD readdressed the issue and it was passed. The Senate made it quite clear that the WVBOLD would approve its own continuing education credits.

The West Virginia Dietetic Association has one Board member charged with a review and approval of any West Virginia program offering CEUs – Seminars, Webinars, workshops, etc. The WVBOLD Professional Liaison works in tandem with this person to determine if the activity is to be accepted by the WVBOLD for continuing education credits.



**WEST VIRGINIA
BOARD OF LICENSED DIETITIANS**

723 KANAWHA BLVD, EAST
ROOM 105 – UNION BUILDING
CHARLESTON, WEST VIRGINIA 25301
Telephone: 304-926-3719 or 1-800-293-9832
FAX: 304-926-3720
e-mail: wvbold@mail.wvnet.edu

Chairman
HELEN F. LODGE, RD LD

Vice-Chairman/Treasurer
FRANK MARKUN, RD LD

Secretary
DEE BARTOE, RD LD

Professional Inquiries Liason
BETTY FORBES, RD LD

Investigatory Liaison
RICK CALL – Lay Member

October 26, 2007

The Honorable Joe Manchin
Governor - State of West Virginia
Governor's Office – Capital Complex
1900 Kanawha Boulevard, East
Charleston, WV 25305

Dear Governor Manchin:

Thank you for extending the time for the WVBOLD to file the July 2005 to July 2006 Biennium Report. Life sometimes becomes almost unbearable. The loss of my two dear sister – within a month – has created a void, never to be filled.

To explain, for the benefit of the Legislative Auditors, in August 2005 I underwent surgery to remove a cancerous kidney, where I was hospitalized for four days. During his time and the month of recovery, my sister picked up the mail from the Board office. We did not miss a beat in addressing all requests.

As you are aware, my sister – Mayor Melba White – was diagnosed with ovarian cancer on October 11, 2005 – nine weeks following my surgery. Chemo therapy resulted in various life threatening issues throughout the Winter, Spring and Summer.

February 2006, I sustained three broken ribs and in March 2006 a crushed vertebra. Still, during April, May, June and July 2006, I managed all 300+ Renewals of licensure for WV dietitians. I went to the Board office daily for three months. Again, all requests were met in a timely fashion. In September 2006, my sister – Betty Carson – assisted me in the review of files of each dietitian.

On September 28, 2006, as you are aware, I had 6 heart bypasses. Your call, prior to my surgery, was so very much appreciated. It gave a boost to my morale. Again, Betty picked up the mail. I had the computer brought to my hospital room so I could address the needs of the Board on a daily basis. My surgeon thought I had set up an office in my room, stating "Should I make an appointment to see you?"

Re: Board report extension
Gov. Joe Manchin
October 26, 2007
Page 2

My recovery went quite well. I was back in circulation within two weeks for my sisters and me to be honored by WV Tech. I presented at your Governor's Wellness Conference on October 14-16th, with assistance from Betty.

As you are acutely aware Melba's illness became progressively worse. In January 2007 (when I requested an extension from your office) I went to Montgomery to spend some quality time with her. January 31st my dear sister – Betty – died suddenly from a heart attack. My world went black! She was the rock of my family – a mother figure to Melba and me.

Melba's death followed on February 26th. I did well to address the needs of my family and the daily needs of WVBOLD. I still went to the office every other day. In April, May and June 2007 I managed to get through the 350+ Renewals again. The Biennium Report received spotty attention from me – finally I was told I had to take some time to recover as best I could. I lived in Montgomery from January to October – again, coming to Charleston regularly to fulfill my Board (and others as Symphony Sunday) obligations.

If grief is the price we pay for loving, then I am paying the ultimate. These girls were my life mates. We were very close sisters all our lives. I compared us to a three legged stool, each sister carrying her own weight in her own way. Suddenly, the sturdy stool lost two legs. My world fell apart! All this loss took an emotional toll, rendering me struggling to complete the daily tasks. With some grief counseling, I am attempting to establish some normalcy in my life.

I realize this is a long letter – filled with personal comments but, I don't know how to do it differently.

I would like to thank you for all the compassion you extended to my dear Melba. The calls you made to her were, indeed, so meaningful to her. We appreciated that you sent a representative to speak at her funeral. We also heard personally from Senators Rockefeller and Byrd and Congressman Rahall.

Both my sisters were such vibrant ladies – each so involved in various areas of volunteerism. Montgomery misses them greatly, as do I.

Governor, I can assure you that all functions of the Board were met except the report. The other Board members work fulltime. I felt I could not ask them to take on another task for the Board. Again, I do appreciate your understanding at this the most difficult time in my life.

Sincerely,

Helen Lodge

Helen Lodge, MA, MS, RD, LD
Board Chairman

4. The Legislative Auditor recommends that the Board of Licensed Dietitians keep a register that is in compliance with Chapter 30-112(a).

Annual Reports have included:

1997 - 1998 - License #, Name, Address, City, State, Zip, Status,	Orig. Date	Home and Work Telephone, Work Site.
1998 - 1999 - License #, Name, Address, City, State, Zip, Status,		Home and Work Telephone
1999 - 2000 - License #, Name, Address, City, State, Zip, Status,		Home and Work Telephone
2000 - 2001 - License #, Name, Address, City, County, State, Zip, Status,		Home and Work Telephone
2001 - 2002 - License #, Name, Address, City, County, State, Zip, Status		Home and Work Telephone
2002 - 2003 - License #, Name, Address, City, County, State, Zip, Status, Orig. Date,		Work Site.
2003 - 2004 - License #, Name, Address, City, County, State, Zip, Status		Home and Work Telephone.
2004 - 2005 - License #, Name, Address, City, County, State, Zip, Status		Home and Work Telephone, Work Site.
2005 - 2006 - License #, Name, Address, City, County, State, Zip, Status		Home and Work Telephone, Work Site
2006 - 2007 - License #, Name, Address, City, County, State, Zip, Status		Home and Work Telephone, Work Site.
2007 - 2008 - License #, Name, Address, City, County, State, Zip, Status, Orig. Date,		Home and Work Telephone, Work Site.
2008 - 2009 - License #, Name, Address, City, County, State, Zip, Status, Orig. Date,		Home and Work Telephone.

Page 22 of the Legislative audit states that while “the Board has compiled a register of applicants, but it is incomplete.”

At one time, the Legislative Auditor cited another board as having done a fine report. The WVBOARD just followed that model.

During the past two Legislative Auditor’s examination, this omission did not surface and no recommendation was issued. This has been an over-site of the WVBOARD. In 2008 a print-out was made that contained this information, for office purposes only. It was a huge notebook and kept in the board office. With sensitive information – age – being included, the board members, informally, thought it best to destroy the notebook at the end of that renewal cycle. A listing of all applicants was listed for the Legislative Auditors in January 2010.

Certainly, the WVBOARD will comply with this request in all future reports.

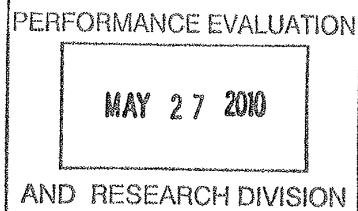


State of West Virginia *Board of Medicine*

JOHN A. WADE, JR., MD
PRESIDENT

CATHERINE SLEMP, MD, MPH
SECRETARY

101 Dee Drive, Suite 103
Charleston, WV 25311
Telephone 304.558.2921
Fax 304.558.2084
www.wvbor.org



J. DAVID LYNCH, JR., MD
VICE PRESIDENT

ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

May 27, 2010

****HAND DELIVERED****

John Sylvia, Director
West Virginia Legislature, Performance Evaluation
and Research Division
Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0610

Re: Draft Regulatory Board Review of the West Virginia Board of Licensed Dieticians

Dear Mr. Sylvia:

Thank you for the opportunity to comment on Issue 1 of your draft report on the West Virginia Board of Licensed Dieticians. I understand that in my absence our General Counsel, Deborah Rodecker, and Chris Carney, of your office, have had a discussion regarding your findings and recommendations and the position of the Board of Medicine in this matter.

I would concur with your recommendations that the Board of Licensed Dieticians move to a certification process within another state agency. I believe your review does well in capturing its current state of operation, fiscal stability and mission. National certification has all but removed one of the primary functions of this Board which calls into question the ongoing need of a Board to simply verify such certification at the state level. With little in the way of complaints or clarification it is very difficult to justify the expense and continued value as a free standing board.

As your national research points out in Table 3 (page 15), there are very few "Stand-Alone" Dietician Boards remaining. Of the 35 that function within a State Agency, 15 are involved with a Health-related Agency. In carrying this over to the administrative structure in West Virginia a logical option would be for placement within the Department of Health under the Department of Health and Human Resources.

Also note that only four (4) Dietician Boards are integrated with a Board of Medicine and I believe this is for good reason. Health related Agencies and medical boards are quite dissimilar.

John Sylvia
May 27, 2010
Page Two

As Ms. Rodecker may have pointed out in her conversation, this is not the first time the Board of Medicine has been approached on this matter. Helen Lodge, Chair of that Dietician Board, informally approached this Board in 2007 with such a request. The Executive/Management Committee of the Board in March 2007 discussed the request and rejected the idea as not being feasible from the standpoint of finance, staffing, administrative structure or mission. Nothing has changed since then to make the concept any more feasible for the Board of Medicine.

Other considerations for smaller boards would be to utilize the provisions of West Virginia Code §30-1-19 in building an administrative hub to enhance efficiencies of these boards while retaining their identity and individual mission.

"Umbrella" boards as an administrative structure may work for smaller boards as well but have not been beneficial for larger medical boards. Such boards tend to dilute board mission, "flatten" and bureaucratize functions, and work against the building of expertise and institutional knowledge vital to the effectiveness of a medical board. While conceivably less expensive to operate I believe they result in poorer quality services to the public.

Several medical boards around the country are situated in an "umbrella" board with little if any satisfaction being voiced. Most effective and successful medical boards are those that have remained free standing and able to function more adeptly in their mission to protect the public. In fact when possible, medical boards have worked to extricate themselves from such entanglements. The Federation of State Medical Boards, (FSMB), is an advocate for free standing Medical Boards as a measure of best practice. Along these lines the FSMB has developed policies speaking to Elements of Medical Boards as well as Essentials in the development of the Medical Practice Act itself. It is with pride that over the years our General Counsel, Ms. Rodecker and former Board Member, Lee Smith, M.D. were involved in the development and revision of these policies.

Finally please keep in mind that the Board of Medicine itself is currently being audited by your Division. Even if such absorption of another board were feasible, the timing would be less than optimal.

The Board of Medicine is sensitive to the problem which lies ahead for the Board of Licensed Dieticians when Ms. Lodge eventually steps down as Chair and Executive Director without compensation. We are aware that she has been the guiding light behind that Board's formation and functioning. The Board of Medicine is hopeful that this matter will be resolved in a manner that is suitable and beneficial for all concerned.

Sincerely,



Robert C. Knittle

lab



PERFORMANCE EVALUATION
MAY 27 2010
AND RESEARCH DIVISION

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BUREAU FOR PUBLIC HEALTH

Joe Manchin III
Governor

Commissioner's Office
350 Capitol Street, Room 702
Charleston, West Virginia 25301-3712
Telephone: (304) 558-2971 Fax: (304) 558-1035

Patsy A. Hardy, FACHE, MSN, MBA
Cabinet Secretary

May 27, 2010

Mr. John Sylvia, Director
Performance Evaluation and Research Division
Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0610

Dear Mr. Sylvia:

Thank you for your May 24, 2010 letter affording me the opportunity to comment on the PERD review of the Board of Licensed Dieticians.

The Bureau for Public Health supports the idea of creating an "umbrella" board for a variety of small Boards in Chapter 30 to pool their resources for administrative, investigative and complaint resolution processes.

As Commissioner for the Bureau for Public Health I do not concur with the secondary option that you propose of placing this Board of Licensed Dieticians within the Department of Health and Human Resources, and specifically within the Bureau for Public Health. The article in Chapter 30 which governs the Board of Licensed Dieticians makes no mention of the Department or the Bureau for Public Health. This agency has too much to do already in carrying out the existing statutory mandates in Chapter 16 and elsewhere in the WV Code without taking on additional duties, which are not in our jurisdiction.

We do not have the staff, the expertise, or the ability to take on the additional duties to house and administer this board within the Bureau for Public Health. We oppose the portion of the PERD report that makes that recommendation.

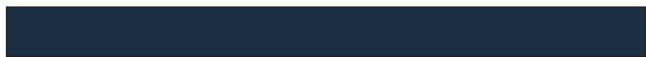
Thank you for the opportunity to comment on this report.

Sincerely,

A handwritten signature in cursive script that appears to read "Chris Curtis".

Chris Curtis, M.P.H.
Acting Commissioner

cc: Patsy A. Hardy
Shana Phares
John Law



WEST VIRGINIA LEGISLATIVE AUDITOR

PERFORMANCE EVALUATION & RESEARCH DIVISION

Building 1, Room W-314, State Capitol Complex, Charleston, West Virginia 25305

telephone: 1-304-347-4890 | www.legis.state.wv.us/Joint/PERD/perd.cfm | fax: 1-304-347-4939