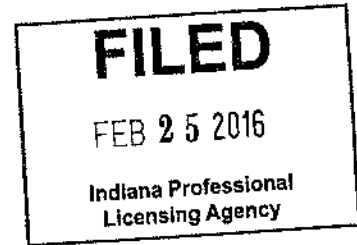


BEFORE THE INDIANA DIETITIANS  
CERTIFICATION BOARD  
CAUSE NO.: 2015 DCB 0017

IN THE MATTER OF THE LICENSE OF: )  
 )  
MEGAN MARIE IOTT-BARNES, R.D. )  
LICENSE NO.: 37001703A )



**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

The Indiana Dietitians Certification Board (“Board”) held an administrative hearing on February 9, 2016, at the Indiana Government Center South, 402 West Washington Street, Room W064, Indianapolis, Indiana for the purpose of considering Megan Iott-Barnes, R.D.’s (“Petitioner”) request to review the Board’s imposition of a civil penalty for failure to complete continuing education before her renewal date. The Petitioner appeared in person and waived right to counsel. The State was not represented.

The Board, after considering the evidence presented at the hearing and taking official notice of its file in this matter, hereby issues the following Findings of Fact, Conclusions of Law and Order:

**FINDINGS OF FACT**

1. The Petitioner, whose mailing address filed with the Indiana Professional Licensing Agency is 10865 Pleasant View Lane, Fishers Indiana 46038, is a certified dietitian holding certification number 37001703A.
2. The Indiana Professional Licensing Agency sent and Petitioner received timely notice of the date, time, and location of the hearing pursuant to Ind. Code § 4-21.5-3.

3. The Board is empowered to hold this administrative hearing pursuant to Ind. Code § 4-21.5-3.
4. The Petitioner renewed her dietitian certification on active status during the 2014 renewal period.
5. As a part of the application for renewal the Petitioner certified that she had completed thirty (30) hours of continuing education.
6. The Board conducted an audit of continuing education compliance after its 2014 renewal period.
7. Petitioner was one of those chosen to be audited.
8. Petitioner was only able to prove that she had completed eighteen (18) hours of continuing education required under 830 IAC 1-2-6 (a)(3).
9. The Board created a tiered civil penalty schedule where individuals needing 11-20 hours were assessed a civil penalty of \$450.00 and individuals needing 10 or less hours were assessed a civil penalty of \$300.00.
10. The Board imposed a civil penalty of \$450.00 and the requirement to complete the twelve (12) remaining hours of continuing education.
11. The Petitioner timely appealed that decision requesting that the civil penalty be reduced.
12. At hearing, the Petitioner provided proof of two and a half (2.5) more hours of continuing education that had been taken during the proper time frame.

#### **ULTIMATE FINDINGS OF FACT**

1. The Petitioner has failed to show that she completed the continuing education required by 830 IAC 1-2-6 (a)(3).

2. The Petitioner's proof of having completed more continuing education hours in the required time period and originally submitted places her in the lower tier of the Board's civil penalty schedule.

### **CONCLUSIONS OF LAW**

1. 830 IAC 1-2-6 (a)(3) requires dietitians to complete thirty (30) hours of continuing education every 2 years.
2. Ind. Code § 25-1-4-5 allows for the Board to impose a civil penalty not to exceed \$1000.00.

### **ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board by a vote of 6-0 orders the following:

1. The Petitioner shall pay a civil penalty of \$300.00 within twenty-one (21) days from the date of service of this Order. A check made in the amount of the civil penalty assessed should be made payable to the Indiana Professional Licensing Agency and mailed or delivered to the following address:

Indiana Dietitians Certification Board  
402 West Washington St. Room W072  
Indianapolis, IN 46204

2. The Petitioner shall complete nine and a half (9.5) hours of continuing education within six (6) months of the December 10, 2015 Notice of Non-Compliance and submit proof of compliance to the Board.
3. Failure by the Petitioner to comply with this order will result in a suspension of the Petitioner's dietitian certification until the terms have been completed.

SO ORDERED this 25<sup>th</sup> of February, 2016.

INDIANA DIETITIAN CERTIFICATION BOARD

By: Maureen Bennett  
for Joann Burnett  
Chair, Indiana Dietitian Certification Board

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**CERTIFICATE OF SERVICE**

I certify that a copy of the "Findings of Fact, Conclusions of Law, and Order" has been duly served upon:

Megan Marie Iott-Barnes, R.D.  
10865 Pleasant View Lane  
Fishers, IN 46038  
**Service by U.S. Mail**

2-25-16  
Date

Donna Moran  
Donna Moran, Litigation Specialist

Indiana Dietitian Certification Board  
Indiana Government Center South  
402 West Washington St., Room W072  
Indianapolis, IN 46204  
Phone: 317-234-2060  
Fax: 317-233-4236  
Email: [pla3@pla.in.gov](mailto:pla3@pla.in.gov)

**Explanation of Service Methods**

Personal Service: by delivering a true copy of the aforesaid document(s) personally.

Service by U.S. Mail: by serving a true copy of the aforesaid document(s) by First Class U.S. Mail, postage prepaid.

Service by Email: by sending a true copy of the aforesaid document(s) to the individual's electronic mail address.