

NORTH CAROLINA BOARD OF DIETETICS/NUTRITION
BOARD MEETING
9:00 A.M.
1135 KILDAIRE FARM ROAD, SUITE 200
CARY, NC 27511

[ELECTRONIC ONLY MEETING]

OPEN MINUTES: June 17, 2022

Board Members Present: Analia Camarasa, Ananya Sen, Karen Thomas, Amanda Holliday, Christie Nicholson, Patricia Pitts

Director: Charla Burill, Executive Director

Ex-Officio: Marnie Jones, Administrative Specialist

Guest: Henry Jones, General Counsel, Traci Hobson, ANA

Absent: Amy Beros

Call to Order – Dr. Ananya Sen

The meeting was called to order at 9:08 a.m. Dr. Sen read the following information for the Board, regarding holding electronic Board meetings.

Session Law 2020-3, entitled “An Act to Provide Aid to North Carolinians in Response to the Coronavirus Disease 2019 (Covid-19) Crisis,” sets forth, among other things, changes to the way boards may conduct meetings through simultaneous electronic means during the declaration of emergency. These changes will remain in effect until the declaration of emergency ends.

Since the Board has fully transitioned its operations to a virtual workspace, to ensure that the Board is complying with these new requirements and using best practices when meeting, please take note of the following guidelines:

1. Board members must identify themselves by name prior to speaking at any time during the meeting.
2. The Board Chair shall conduct all votes during the meeting by roll call; each voting Board member must identify himself or herself by name before casting a vote.
3. All documents to be reviewed by the Board will be distributed by electronic means in advance of the meeting.
4. Board members must announce themselves when joining or exiting the remote meeting because Board staff must accurately reflect attendance in the minutes and because the Board must maintain a quorum of participating members throughout the remote meeting.
5. All electronic chats, instant messages, texts, emails, etc. between Board members during the remote meeting are public records and must be provided to the Board’s Executive Director, as the Board’s custodian of records, at the conclusion of the remote meeting.
6. Please be mindful of your surroundings and background noise while participating in the remote meeting. When not speaking, please place your microphone on mute; and
7. Members of the public will be provided with the opportunity to watch or listen to open sessions of the remote meetings. However, Board members may continue to make motions to enter closed session, as allowed by law, to which members of the public will not have access.

To ensure a quorum, Dr. Sen asked members to recognize their presence when their name was read:

1. Amanda Holliday- Present
2. Analia Camarasa – Present
3. Karen Thomas –Present
4. Patricia Pitts - Present
5. And I, Dr. Sen, am present.

Dr. Sen declared there was a quorum. Dr. Sen asked if there were any existing conflicts. None reported.

Amanda made a motion to approve the agenda as presented. Analia seconded the motion. No further discussion. Roll call to approve motion: Amanda – Yes, Analia – Yes, Karen – Yes, Patricia – Yes, and Dr. Sen – Yes.

- Christie Nicholson joined the meeting.

Secretary’s Report – Patricia Pitts

The May 2022 open and closed minutes were provided for electronic review prior to the meeting. Amanda motioned to approve the minutes as presented; Analia seconded the motion. Dr. Sen asked if there was any discussion on the motion. No further discussion. Roll call to approve motion: Amanda – Yes, Analia – Yes, Karen – Yes, Patricia – Yes, Christie – Yes, and Dr. Sen – Yes.

Treasurer’s Report – Charla Burill (for Amy Beros)

The May 2022 Cash Flow report, Budget report, Investment report, and Savings report were shared with the Board for review electronically prior to the meeting. Charla noted for the Board that legal fees are still trending higher due to public records requests and the current LN application appeal. Application numbers continue to be higher than budgeted.

Amanda motioned to approve the financial reports as presented. Christie seconded the motion. No discussion. Roll call to approve motion: Amanda – Yes, Analia – Yes, Karen – Yes, Patricia – Yes, Christie – Yes, and Dr. Sen – Yes.

Public Comment – Dr. Sen

None raised.

Administrative Report – Marnie Jones

Marnie reported the total active licensee count at 3,649. Additionally, there were nine Provisional licensees, three of which were new since our May 20, 2022 meeting. Also since the last administrative numbers report given on May 20, 2022, there had been thirty-two new licensees, zero licensees had gone inactive, and eight licensees had relinquished. Marnie reported that there are approximately sixty-two licensees Lapsed from the past renewal season. Lapsed letters were sent the first week of June to last known home addresses, and last known employer addresses. Several have been returned as undeliverable, but if a forwarding address was provided, Marnie forwards the letters to the new address.

The Board discussed setting the next set of Board meeting dates. The following dates were set:

- July 22, 2022
- August 19, 2022
- September 23, 2022
- October 21, 2022
- November 18, 2022

- December 9, 2022

Marnie will send out meeting invites, post them to the NCBDN website, and record the dates with the Secretary of State's office as required.

- Henry Jones joined the meeting.

Executive Director Report – Charla Burill

Amanda motioned to close the meeting for discussion regarding **complaints** and **investigations**, pursuant to Article 33C of Chapter 143, §143-318.11(7); Article 5 of the Bylaws, Section 4 (7), as well as closure to **consult with legal counsel** under Article 33C of Chapter 143-318.11(3) and Article V Section 4 (3) of the Bylaws. Christie seconded the motion. No further discussion. Roll call to approve motion: Amanda – Yes, Analia – Yes, Karen – Yes, Patricia – Yes, Christie – Yes, and Dr. Sen – Yes.

Legal Consultation – Charla Burill & Henry Jones

Charla asked Henry to join today's meeting to review the status of the Beachler hearing, as well as the request for a declaratory ruling and other investigative matters.

Investigation report reviewed; see report for details.

Amanda motioned to open the meeting at 11:06 am. Analia seconded the motion. No further discussion. Roll call to approve motion: Analia – Yes, Amanda – Yes, Christie – yes, Karen – yes, Dr Sen – Yes.

- Traci Hobson joined the open meeting.

Actions related to closed session:

1. Regarding public case 2021-0187, Amanda motioned to authorize Charla to send the proposed letter which confirms that the Board will issue a declaratory ruling in forty-five days. Analia seconded the motion. No further discussion. Roll call to approve motion: Amanda – Yes, Analia – Yes, Karen – Yes, Christie – Yes, and Dr. Sen – Yes.
2. Amanda motioned to continue processing the license application in case ROBI-L5ECO1 with the issuance of a non-disciplinary letter presented at today's meeting. Analia seconded the motion. No further discussion. Roll call to approve motion: Amanda – Yes, Analia – Yes, Karen – Yes, Christie – Yes, and Dr. Sen – Yes.

Budget Review – Charla Burill

Charla reviewed the proposed budget, as well as a comparison column used to demonstrate changes to the proposed budget should the regulatory changes go into effect.

Charla reviewed two different Cyber Crimes policies to determine approval and budget appropriately. The NCBDN's previous policy covered \$1 million in Ransomware coverage. The same policy has dropped to only \$50k in coverage this year. Thus, Charla worked with the insurance provider to obtain a quote on a different Cyber Crime policy that would offer the same 1 million in coverage for ransomware as previously held. This policy is approx. \$1k more in premium to obtain. The Board discussed and ultimately wanted to have Charla ask the provider for something in the middle, for example, a policy with \$500k in coverage. To be able to move forward in a timely fashion, Charla was directed to budget \$2k for the policy in the budget, while she looks at alternatives.

1. Karen motioned to approve the Hiscox policy unless a policy with adequate coverage at a lower cost is secured before July 1st. Christie seconded the motion. No discussion. Roll call to approve motion: Amanda – Yes, Karen – Yes, Christie – Yes, and Dr. Sen – Yes.
 2. Amanda motioned to adopt the proposed budget with the Cyber Crime policy set at \$2k. Christie seconded the motion. No discussion. Roll call to approve motion: Amanda – Yes, Karen – Yes, Christie – Yes, and Dr. Sen – Yes.
- Traci left the call at 11:35 a.m.
 - Patricia rejoined the call at 11:39 am.

Proposed Rules review– Charla Burill

Charla and the Rules Committee, together with input from BCNS and the Academy, have been working diligently for several months and the proposed rules have been submitted to the Board for final review for several weeks in preparation for adoption. Changes related to definitions, applications, and supervision that had been concurred upon by Charla, the BCNS, and the Academy were brought to the Board’s attention for any comments/discussion and changes – no additional changes suggested by the Board.

Last items for discussion that had not been previously noted:

- In .0101, the Board discussed rearranging the latter part of (8) so that the list of items the hours *cannot* be, is clearer.
 - Also in .0101, Charla noted that the rule currently does not define “Therapeutic Diets” and proposed using the standard Academy definition here. This had been discussed with BCNS and the Academy.
 - In .0104, in order to more efficiently be able to refund applicants who do not intend to complete applications, we must be under the six-month (180 days) threshold set by our credit card merchant. Thus, it would need to be lowered in order to be able to refund the applicant in our merchant system. After discussion, the Board agreed they would change six months to four months. By refunding by credit card this also reduces the risk of returned checks due to address change.
- Traci Hobson returned to the call at 11:58 a.m.
- Traci indicated they could make that new time frame work.
 - In .0303 (1) fix the start of the sentence to read “together with the supervisee” to match tense/language below.
- Pat stepped off the call at 12:12 pm.

Charla is shooting for submission to the RRC by 6/23, which would hopefully mean publication by July 15th. Henry will also review and if there are any technical, non-substantive changes, they can be submitted during the process. Anything material will come back for Board review.

1. Christie motioned to adopt the proposed rules as presented. Amanda seconded the motion. Dr. Sen asked if there is any discussion from Traci Hobson at this time. Traci thanked the Board for the opportunity to be involved and provide input. Roll call for approval: Amanda – Yes, Christie – yes, Karen – Yes, Dr. Sen – Yes.

Charla discussed possible dates for the public rules hearing. It will be virtual and Dr. Sen will need to preside.

New Business - Charla Burill

- The Board must reach a determination on who will run for Board positions at the July meeting. It is proposed that the slate for July be as follows:
 - o Chair – Amanda Holliday
 - o Vice Chair – Dr. Sen
 - o Treasurer – Christie Nicholson
 - o Secretary – Patricia Pitts

Charla will send out the slate to all for review and provide input, as some are not on the call any longer.

Unfinished Business - Charla Burill

- n/a

Public Comment - Dr. Sen

- n/a

Amanda motioned to adjourn the meeting at 12:30 pm. Christie seconded the motion. No further discussion. Roll call to approve motion: Amanda – Yes, Christie – Yes, Karen – Yes, and Dr. Sen – Yes.