

NORTH CAROLINA BOARD OF DIETETICS/NUTRITION
RULES COMMITTEE MEETING
3:00 PM
1135 KILDAIRE FARM ROAD, SUITE 200
CARY, NC 27511

[ELECTRONIC ONLY MEETING]

OPEN MINUTES: March 17, 2022

Board Members Present: Ananya Sen, Amanda Holliday, Analia Camarasa, Patricia Pitts

Director: Charla Burill, Executive Director

Guests: Traci Hobson, ANA legislative representative, Pepin Tuma, Academy legislative representative

Absent: Marnie Jones

Call to Order

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 (not a Committee member, but joining out of interest/expertise)
2. Patricia Pitts-Present
3. And I, Dr. Sen, am present.

Dr. Sen declared there was a quorum of the Rules Committee. Dr. Sen also asked if there were any existing conflicts. Hearing none, Patricia made a motion to approve the agenda as presented. Dr. Sen seconded the motion. No discussion. Roll call to approve motion: Patricia – Yes, Dr. Sen – Yes.

Please note the following:

- Amanda stepped out of the meeting at 3:36pm→returned 3:51pm→left meeting at 4:11pm
- Analia joined meeting at 3:30pm
- Pepin Tuma joined meeting at 3:30pm

21 NCAC 17. 0101 DEFINITIONS, ACRONYMS, AND INITIALISMS

- Formatting based changes reviewed and definitions such as “Nutrition monitoring or evaluation” moved up to be in alphabetical order
- Charla reviewed the recommendation to change the definition of “Nutrition assessment” to the following:

(7)"Nutrition assessment" means: the evaluation of the nutrition needs of individuals and groups ~~by licensed dietitians/nutritionists and licensed nutritionists~~[CB1] based upon ~~biochemical, anthropometric, nutrigenomic, physical, and food and diet history data to determine nutritional needs~~ and the ongoing, dynamic, and systematic process of obtaining, verifying, and interpreting biochemical, anthropometric, physical, nutrigenomic, and dietary data to make decisions about the nature and cause of nutrition related problems and order..."

Committee members were agreeable to change.

- Charla reviewed the recommendation to remove the word “quick” from the “swallow screen” definition to reduce unnecessary wording. History of why the word “quick” was used was shared by Charla (as a way to ensure scope of practice with screening process did not invade SLP practices). Members were agreeable to remove “quick”.

21 NCAC 17 .0103 QUALIFICATIONS FOR LICENSURE

- Formatting based changes reviewed, nothing changing material noted.

21 NCAC 17. 0104 APPLICATIONS

Charla reviewed the following recommendations:

- The recommendation of changing “real time” verbiage (section k):
Charla reviewed why verbiage was questioned since some concern was voiced on it being vague. Discussion held by all members on why “real time” captured what was felt to be a clear meaning. Analia mentioned how it could be defined with specific measurements such as 24 hours, etc. Dr. Sen mentioned how this would then lead to even further definition to count the timeframe exactly (business vs. weekend days). Patricia agreed with Dr. Sen and asked Amanda how timeframe is defined within UNC dietetic internship. Amanda explained how feedback is generally based on the rotation’s policy and encouraged to be given within same day. Charla mentioned “real time” has been used by at least one other known profession in NC. Members decided to keep current verbiage.
- The recommendation of removing “clearly”: Patricia asked why this was a focus and Charla replied verbiage typically ending in -ly is considered unnecessary.
- Formatting based changes reviewed when listing chronic systemic disorders (section k):
Charla mentioned list is exact verbiage from BCNS standards. Analia asked about ACEND’s current list along with recommending malnutrition be added to the list as one of the chronic systemic disorders.. Patricia shared concerns of using malnutrition since based on inpatient/outpatient experiences malnutrition comes with strict definitions often based on AND’s Nutrition Focused Physical Findings/Nutrition Focused Physical Exam. Committee members agreeable to keep chronic systemic disorders verbiage as is.
- Next reviewed was the statement concerning what populations should be included in students’ experience to encourage inclusivity yet prevent redundant verbiage (section k). Charla shared ACEND’s statement for example. Members were agreeable with using ACEND like verbiage to help ensure students see a diverse range of patients across the life cycle.
- Charla recommended condensing down statement addressing “evaluation of applicant” (section k) and the listed out statutory terminology which basically fall within the new definition of nutrition services. The recommendation was to refer to the definition of nutrition services by citing it within the statement (21 NCAC 17 .0101 (10)) and then apply it to the list of chronic diseases in ((3)(C)) noting the concern that many times LN applicants have indicated they have not had experience with multiple disease states, which has been a significant

concern for the Board given it is licensing them to do MNT. Members were agreeable with this.

21 NCAC 17 .0106 GRANTING LICENSE WITHOUT EXAMINATION

- Formatting-based changes reviewed, no material changes noted.

21 NCAC 17 .0108 DISAPPROVED APPLICATION

- Formatting-based changes reviewed, no material changes noted.

21 NCAC 17 .0110 LICENSURE CERTIFICATE

- Formatting-based changes reviewed, no material changes noted.

21 NCAC 17 .0113 FEES

- Charla discussed why the Board has been encouraged to increase Examination Fee from \$150 to \$200 since the amount closely reflects the minimum cost of one of the Board recognized exams. This is the statutory maximum amount. It was noted that generally applicants have paid the exam provider directly, but this could be challenged. The additional fee changes had previously been discussed.

21 NCAC 17 .0114 CODE OF ETHICS FOR PROFESSIONAL PRACTICE AND CONDUCT

- Formatting based changes reviewed
- Analia expressed concern about patient vs. client wording and the need for verbiage to be consistent. Charla shared what each word's definition was and looked through past NCBDN documents, which showed both client or patient have been used. Decision was made to keep both words present.

21 NCAC 17 .0302 REQUIREMENTS

- Formatting based changes reviewed, no material changes noted

21 NCAC 17 .0303 SUPERVISION

- Charla discussed the recommendation of changing "nutrition services" → "medical nutrition therapy" since this is the service for which a license is required in the state of North Carolina. Members agreeable to this change/
- Formatting-based changes reviewed: deleting "student or trainee" (section 3) as now already captured in section 2.
- Members agreed to keep "real time" verbiage
- Charla reviewed recommendation for clarity regarding "responsibility for clinical record keeping." Discussion was held where Dr. Sen mentioned the potential for using "all" meant any documentation made within the chart/EMR. Dr. Sen made the recommendation to only capture notes where encounters are made. The statement was updated to reflect this ("countersigning all clinical encounter notes") and members were agreeable with change.

21 NCAC 17 .0304 RECORDS AND REPORTS

- Formatting-based changes reviewed, no material changes noted.

21 NCAC 17 .0401 INDIVIDUALS AIDING THE PRACTICE OF DIETETICS/NUTRITION

- Formatting-based changes reviewed, no material changes noted.
- Removal of any verbiage ending in -ly,

21 NCAC 17 .0402 INDIVIDUALS PROVIDING NUTRITION INFORMATION

- Formatting-based changes reviewed.
- Dr. Sen recommended more inclusive pronouns such as their/themselves to replace him /her, himself/herself. Verbiage was agreeable with committee members.
- Charla reviewed the recommendation to change "state" to "State" concerning section b, bullet 6, as this seems to be the intent:

"(6) The person provides the nutrition information on food, food materials, nutraceuticals, dietary supplements, or other goods in accordance with federal, ~~state~~ State, and local laws, regulations, and ordinances, including but not limited to G.S. 90, Article 25."

Charla explained capitalizing the "s" ensures reference only to North Carolina and not all US states. Members agreeable to change.

21 NCAC 17 .403 TELEPRATICE

- Charla encouraged the verbiage to change from "nutrition services" to "medical nutrition therapy" to ensure comprehension that the latter via telepratice requires licensure in North Carolina and practicing without it is a violation.
- Additional verbiage changes with "patient/client."

In conclusion, Charla stated rules document will be reformatted based on today's discussion/revisions and be ready for tomorrow's (3/18/2022) Board meeting.

Public Comment –Dr. Sen

Dr. Sen asked if there was any public comment. Traci Hobson indicated she had no comment at present.

Adjourn-Analia motioned to adjourn the meeting. Patricia agreed. No further discussion. All approved. Meeting adjourned at 4:55PM.