

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: April 21, 2022

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

Staff Present: Charla Burill, Executive Director, Marnie Jones, Admin. Specialist

Guests: Traci Hobson, Dana Reed, Scarlett Keane, Karen Davis, Pepin Tuma

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. Patricia Pitts – Present
2. Analia Camarasa – 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. Analia seconded the motion. No discussion. Roll call to approve motion: Patricia – Yes, Analia – Yes, Dr. Sen – Yes.

Charla highlighted the remaining issues and noted that the RRC has not yet provided any preliminary feedback on the rules regarding Complaints, Investigations, and Hearings. Charla noted that after the March meeting, additional discussion was needed regarding the list of conditions noted under Rule 21 NCAC 17.0104.

Public Comment – Dr. Sen

Traci Hobson summarized areas of concern, and introduced Dana Reed, indicating Ms. Reed brought historical reference/knowledge to the discussion, having worked with BCNS (the ANA) for a long time. Traci's main concerns were noted as:

1. Incorporating the BCNS competency list into the rules in its entirety; this was never intended as a required competency list and it is also not static and changes over time.
2. Concerns with the term “real-time” to be discussed.
3. Countersigning on all notes is a concern.

Pepin thanked the BCNS members as well as the NCBDN Board for working through this process productively.

Karen Davis recapped her background and noted that as a supervisor herself, providing co-signature on every note would be burdensome.

All discussed the requirements of a student to be supervised for work that may not lawfully be provided otherwise, unless supervised (i.e. providing MNT without a license cannot be done unless under direct supervision). Additional discussion regarding examples of the process BCNS supervisors use. Concerns raised regarding doing the intake/assessment without conferring directly with a supervisor; Patricia and Dr. Sen noted that often students don't know what to ask or not ask if not being guided by their supervisor and may miss things even on intake, thus, it is not any less important than the MNT being provided later. Concerns discussed regarding students exercising independent clinical judgment without supervision.

Discussion regarding other health professions and how they may/may not handle supervision, specifically direct supervision. Charla noted that NCBDN's General Counsel had previously suggested the Board's current definition of “direct supervision” is diluted compared to how other health professions would define that term. Further discussion regarding not allowing a service, for which a license is required to be provided, to be delegated to someone who cannot legally provide it.

Pepin provided the following in the chat box as an example of a rule from another profession that provides clarity as to what one cannot do:

- (7) Duties or functions that an occupational therapist or occupational therapy assistant may not delegate to non-licensed personnel include, but are not limited to, the following:
 - (a) Interpretation of referrals or orders for occupational therapy services.
 - (b) Evaluative procedures.
 - (c) Development, planning, adjusting or modification of treatment procedures.
 - (d) Acting on behalf of the occupational therapist or occupational therapy assistant in any matter related to direct client care which requires judgment or decision making.

Additional Language for PTs (Wisconsin) for analogous consideration:

<https://casetext.com/regulation/wisconsin-administrative-code/agency-physical-therapy-examining-board/chapter-pt-5-physical-therapist-assistants-unlicensed-personnel-and-students/section-pt-502->

supervision-of-unlicensed-personnel

- Pepin left the call at 4:01 p.m.

“Real-Time” as used in .0104 – Concerns raised by BCNS that their supervisors would not be able to meet the requirement of “real-time” or “contemporaneous with” language as required by supervision of student’s activities. Suggestion of using “within a reasonable time.” Dana also suggested “in a timely fashion.” Much discussion was had regarding the importance of the supervisor authorizing nutrition care to the extent such care requires clinical judgement.

- Pepin returned to the call at 4:25 p.m.

Traci suggested that no additional description may be needed and to leave it as: “evaluates, authorizes, and approves all medical nutrition therapy provided by the student or trainee supervised.” Pepin noted that he has seen the importance of being more specific instead of being less specific. North Dakota law may have some specific language that could guide language here. Charla, Pepin, and Traci agreed to consult further after this meeting to discuss revising language.

List of disease states – as noted in proposed .0104 (k)(3)(c)

Traci noted BCNS concerns as stated previously. She provided the following suggestions in the chatbox to discuss:

- Removing the list and simply requiring clinical exposure to a “broad range of disease states”.
- Removing the long list and replacing it with a shorter list that is systems-based.
- Hybrid of first two suggestions - require exposure to a “broad range of systems-based imbalances that cause/contribute to a variety of disease states/conditions”
- Changing “including” to “may include” if the committee feels strongly about keeping the full list (see language in BCNS’s 2022 CNS SPE Competencies).

Dana noted that BCNS does not want people specializing in one area and that they encourage exposure to a wide range of areas. The Board discussed the importance of a baseline of competency, as well as a specific list in order to ensure objective review of applications.

Charla, Pepin, and Traci again agreed to consult further after this meeting.

Adjourn- Analia motioned to adjourn the meeting. Patricia seconded. No further discussion. Roll call to approve motion: Analia – Yes, Patricia – Yes, Dr. Sen – Yes. Meeting adjourned at 5:04 p.m.