

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: April 21, 2023

Board Members: Amanda Holliday, Analia Camarasa, Ananya Sen, Sarah Thomas, Patricia Pitts, Maggie King

Staff: Laryssa Smith, *Executive Director*, Marnie Jones, *Board Administrator*

Guest(s): Henry Jones & Weldon Jones, *NCBDN General Counsel*, Jim Beachler

Absent: Christie Nicholson

Call to Order – Amanda Holliday

The meeting was called to order at 9:08 a.m. A quorum was present. Amanda asked if there were any existing conflicts. No conflicts raised. Note, the standard conflict of interest letter for new Board member, Maggie King, has not yet been received. It will be read at the next Board Meeting.

The agenda was sent out to the Board electronically for review. Dr. Sen made a motion to approve the agenda as presented. Patricia seconded the motion. Roll call to approve agenda:

- Analia – Approve (& present)
- Dr. Sen – Approve (& present)
- Patricia – Approve (& present)
- Sarah – Approve (& present)
- Amanda - Approve (& present)

Secretary's Report – Patricia Pitts

The HR committee minutes from January 27, 2023, and the HR committee minutes from February 13, 2023 as well as the regular March 2023 meeting minutes, were provided for electronic review prior to the meeting. Dr. Sen motioned to approve the minutes presented. Sarah seconded the motion. Amanda asked if there was any discussion on the motion. No further discussion. Roll call to approve motion: Analia – Yes, Dr. Sen – Yes, Patricia – Yes, Sarah – Yes, Amanda – Yes.

Treasurer's Report – Amanda Holliday (for Christie Nicholson)

The March 2023 Cash Flow report, Budget report, Investment report, and Savings report were shared with the Board for review electronically prior to the meeting. Amanda noted that Laryssa and Marnie will be meeting regarding budget planning for FY 2023-2024 next week. Dr. Sen motioned to approve the financial reports as presented. Analia seconded the motion. No further discussion. Roll call to approve motion: Analia – Yes, Dr. Sen – Yes, Patricia – Yes, Sarah – Yes, Amanda – Yes.

Public Comment – Amanda Holliday

-N/A

Administrator Report – Marnie Jones

Marnie reported the total active licensee count at 3,838. Additionally, there were seven Provisional licensees. Since the last administrative numbers report given on March 17, 2023, there had been fifty-one new licensees, eighty-two licensees had gone inactive, and ten licensees had relinquished.

Marnie noted that 98 licensees are left Expired from the recent renewal season. Reminder emails will go out through April and May, and then the orange late postcard will mail to all who expire on March 31, 2023.

Amanda asked that the June 2023 Board meeting, originally scheduled for June 23, 2023, be rescheduled. The board agreed to move it to June 9, 2023. Marnie will send out and post the change.

Closed Session

Patricia motioned to close the meeting for discussion regarding **legal consultation**, pursuant to Article 33C of Chapter 143, §143-318.11(3); Article 5 of the Bylaws, Section 4 (3), as well as closure for the **discussion of applications**, pursuant to Article 33C of Chapter 143, §143-318.18(6) and Article 5 of the Bylaws, Section 4 (8). In addition, closure for **Investigations**, pursuant to Article 33C of Chapter 143, §143-318.11(7); Article 5 of the Bylaws, Section 4 (7). Dr. Sen seconded the motion. No further discussion. Roll call to approve motion: Analia – Yes, Dr. Sen – Yes, Patricia – Yes, Sarah – Yes, Amanda – Yes.

- There were no members of the public to move to the waiting room.
- Maggie King joined the Board meeting at 9:23 a.m. Amanda introduced Ms. King, who has been appointed to fill the LN Board member vacancy. All welcomed and introduced themselves to Ms. King.

Legal Consultation – Henry Jones and Weldon Jones

- **Administrative Hearing** – Henry detailed the final steps of the ALJ process for the Board. It is now time for the Board to decide on a Final Agency decision, based upon the Official Record, proposals for Decision from Judge Lassiter, and submitted exceptions by Mr. Gray. All were provided to the Board electronically for review prior to this meeting.

Applications – Amanda Holliday

Applicant Nilan is prepared for Education Committee review; the Education Committee scheduled their review for 4/26 at 3pm.

Investigation Report – Amanda Holliday (& Staff as needed)

Please see the Investigation report for full details.

- Henry provided guidance for matter Case 2023-0199 as the respondent has hired an attorney.
- The Board was given the follow-up documentation to review, provided by the applicant in the matter LIDG-WQH3TK and discussed next steps.
- Amanda noted for the Board that she, Laryssa, and Henry continue to explore the role of having patient investigators assist in cases going forward.

Analia motioned to reopen the meeting at 10:52 a.m. Sarah seconded the motion. No discussion. Roll call for approval: Analia – Yes, Dr. Sen – Yes, Maggie – Yes, Patricia – Yes, Sarah – Yes, Amanda – Yes.

- Public member Jim Beachler was moved out of the waiting room, stated his name for the minutes and joined the meeting at 10:53 a.m.

Open Session - Amanda Holliday

- Henry spoke to the matter before the Board in the hearing for Nancy Ruberto Beachler. He reviewed the trajectory of the case for background. He noted that the Official Record, the Proposal for Decision, the Exceptions submitted by Mr. Gray, and Counsel’s pleading were all provided for Board review. He reviewed the important findings (in short summary) that came from Judge Lassiter’s proposal:
 - The Dental Board case does not affect this Board.
 - The Petitioner had the burden of proof.
 - The Board correctly applied the law under the claim of reciprocity.
 - The Board correctly applied the capital “S” issue as meaning North Carolina.
 - The Board did not act arbitrarily or capriciously in these matters.
- Henry then summarized the various routes the Board could now take, including accepting the proposal in full, accepting with changes, not accepting, etc.
- Dr. Sen motioned to adopt Judge Lassiter’s Proposal for Decision in its entirety, including the findings of fact and conclusions of law, and that this constitute the Board’s final agency decision in this matter, and that this decision be reduced to writing and delivered to Ms. Beachler. Analia seconded the motion. No further discussion. Roll call to approve: Analia – Yes, Dr. Sen – yes, Sarah – yes, Maggie – Yes, Amanda – yes.

Updated documents per rule passage on March 15, 2023

Documents already used by the Board administratively, were updated to reflect the final rules that passed on March 15, 2023. Category F documents A3, A5, and A7, Guideline A, Cat F Supplemental document, & Guideline C. They were all provided for Board review prior to the meeting. Dr. Sen motioned to approve all mentioned documents. Sarah seconded the motion. No discussion. Roll call to approve: Analia – Yes, Dr. Sen – yes, Sarah – yes, Maggie – Yes, Amanda – yes.

- Jim Beachler left the call at 11:01 a.m.

SEP Policy review

Laryssa noted that in consultation with Loren Hawley (auditor) and Amanda, the SEP policy has been updated to clarify it pertains to “fiscal year” and that contributions are made per paycheck, not annually. Policy provided for review. Dr. Sen motioned to approve the SEP Policy as presented. Analia seconded the motion. Roll call to approve: Analia – Yes, Dr. Sen – yes, Sarah – yes, Maggie – Yes, Amanda – yes.

Physician Member

Amanda noted that a resume for a physician member to replace Dr. Sen has been included materials for review since March. Analia motioned to put forward Dr. Wischmeyer’s CV to the Governor’s office to replace Dr. Sen at the end of her term. Sarah seconded the motion. No discussion. Roll call to approve: Analia – Yes, Dr. Sen – yes, Sarah – yes, Maggie – Yes, Amanda – yes.

Unfinished/New Business - Amanda Holliday

- A reminder to Analia and Christie that their Ethics training has expired and must be updated as soon as possible. Maggie was reminded that she must complete her Ethics training within 6 months of appointment.

Public Comment – Amanda Holliday

- N/A

Dr. Sen motioned to adjourn the meeting at 11:19 a.m. Sarah seconded the motion. No further discussion.
Roll call to approve: Analia – Yes, Dr. Sen – yes, Sarah – yes, Maggie – Yes, Amanda – yes.