

NORTH CAROLINA BOARD OF DIETETICS/NUTRITION
BOARD MEETING
11:00 A.M.
1135 KILDAIRE FARM ROAD, SUITE 200
CARY, NC 27511

[ELECTRONIC ONLY MEETING]

OPEN MINUTES: August 25, 2021

Board Members Present: Analia Camarasa, Ananya Sen, Patricia Pitts, Amy Beros, Christie Nicholson, Amanda Holliday, Christina Wilson

Director: Charla Burill, Executive Director

Ex-Officio: Marnie Jones, Administrative Specialist

Guests: Judy Stone, *ANA representative*, Pepin Tuma, *AND Representative* Henry Jones, *NCBDN General Counsel*, Nancy Ruberto-Beachler, *Applicant*, Jeffrey Gray, *Attorney for Ms. Ruberto-Beachler*

Call to Order – Dr. Ananya Sen

The meeting was called to order at 11:05 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. Amy Beros – Present
3. Analia Camarasa – Present
4. Christie Nicholson – Present
5. Christina Wilson – Present
6. Patricia Pitts – Present
7. And I, Dr. Sen, am present.

Dr. Sen declared there was a quorum. Dr. Sen also asked if there were any existing conflicts. Hearing none, Amanda made a motion to approve the agenda as presented. Christie seconded the motion. No further discussion. Roll call to approve motion: Amanda – Yes, Amy – Yes, Analia – Yes, Christie – Yes, Christina – Yes, Patricia – Yes, and Dr. Sen – Yes.

Secretary’s Report – Patricia Pitts

The July 2021 open and closed minutes were sent out electronically prior to the meeting. Amanda motioned to approve the minutes as presented; Christina seconded the motion. Dr. Sen asked if there was any discussion on the motion. No further discussion. Roll call to approve motion: Amanda – Yes, Amy – Yes, Analia – Yes, Christie – Yes, Christina – Yes, Patricia – Yes, and Dr. Sen – Yes.

Financial Report – Amy Beros

The July 2021 Cash Flow report, Budget report, Investment report and Savings report were shared with the Board for review electronically prior to the meeting. Amy noted that there was an amendment to the budget due to a clerical error, and also noted that there was a vendor that had not cashed their payment checks and had to be reissued payment. Charla believes this has been fixed in the books and has a new method to ensure the vendor receives the checks going forward. Amanda Holliday asked in the chat window who “Minute Press” was and Charla clarified that is the printer we use for envelopes, and postcard reminders. They are called International Minute Press. Amanda motioned to approve the financial reports as presented. Patricia seconded the motion. No further discussion. Roll call to approve motion: Amanda – Yes, Amy – Yes, Analia – Yes, Christie – Yes, Christina – Yes, Patricia – Yes, and Dr. Sen – Yes.

Public Comment – Dr. Sen

None raised.

Administrative Report – Marnie Jones

Marnie reported the total active licensee count at 3,475. Additionally, there were six Provisional licensees, and three of those were new since our last Board meeting of 7/14/21. Since the last administrative numbers report given on July 14, 2021, there had been fifty-seven new licensees. Also, since the July 14, 2021 meeting report, zero licensees had gone inactive, and one licensee had relinquished.

Marnie led the Board through setting up the next six months of Board meeting dates. All meeting are scheduled to be electronic, and begin at 11: 00 AM in order to accommodate Dr. Sen’s schedule as Chair. The dates were tentatively set as:

- September 22, 2021
- October 20, 2021
- November 17, 2021
- December 15, 2021
- January 19, 2022

- February 16, 2022

Henry Jones, the Board's General Counsel, joined the electronic meeting at 11:15 a.m.

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 for the **review of applications**, pursuant to Article 33C of Chapter 143, §143-318.18(6) and Article 5 of the Bylaws, Section 4 (8) and in addition to **consult with the Board's General Counsel**, pursuant to Article 33C of Chapter 143, §143-318.11(3); Article 5 of the Bylaws, Section 4 (3). Christie seconded the motion. No further discussion. Roll call to approve motion: Amanda – Yes, Amy – Yes, Analia – Yes, Christie – Yes, Christina – Yes, Patricia – Yes, and Dr. Sen – Yes.

Marnie moved Judy Stone and Pepin Tuma to the virtual waiting room to close the electronic meeting at 11:21 a.m.

The Board received Legal Guidance from Mr. Jones, and then met with applicant Nancy Ruberto-Beachler and her attorney, Jeff Gray.

Amy Beros left the call at 12:16 p.m.

Additionally, the Board received legal guidance from Mr. Jones on their level of insurance coverage for Directors & Officers, as well as Mr. Jones direction on Guideline B.

Henry Jones left the call at 1:15 pm.

< Break 1:15 pm to 1:25 pm >

Application Review

The Board reviewed two applications for Category F licensure, Applicant Beck and Lara.

Amanda motioned to reopen the session. Christina seconded the motion. No discussion. Roll call for approval: Amanda – yes, Analia – yes, Christie – yes, Christina – Yes, Dr. Sen – yes. The meeting was reopened at 2:40 pm.

Marnie moved Judy Stone and Pepin Tuma back into the open virtual meeting.

Executive Report, Continued... - Charla Burill

Actions related to closed session:

1. Amanda motioned to adopt the draft of Guideline B as presented with Henry's approved edits. Analia seconded the motion. No further discussion. Roll call to approve motion: Amanda – yes, Analia – yes, Christie – yes, Christina – yes, Dr. Sen – yes
2. Amanda motioned to renew the D&O policy at its current level of \$2 million in total coverage. Analia seconded the motion. No further discussion. Roll call to approve motion: Amanda – yes, Analia – yes, Christie – yes, Christina – yes, Dr. Sen – yes
3. Christie motioned to approve the applications of Vanessa Lara and Laura Beck, with the request that given the independent nature of a number of the LN supervised practice experiences this Board has reviewed, the Board task the Rules Committee with further exploring the legal definition of supervised practice to provide better clarity in the Rules. Amanda seconded the motion. No further

discussion. Roll call to approve motion: Amanda – yes, Analia – yes, Christie – yes, Christina – yes, Dr. Sen – yes

The Board was unable to complete all items on its agenda and maintain a quorum. Charla suggested we may need to recess and continue this meeting at a later date. Most Board members indicated they could reconvene on Monday, August 30th at 3pm.

Public Comment - Dr. Sen
- N/A

At 2:52 pm, Christie motioned to recess the meeting and reconvene at 3pm on August 30, 2021. Amanda seconded the motion. No further discussion. Roll call to approve motion: Amanda – yes, Analia – yes, Christie – yes, Christina – yes, Dr. Sen – yes

NORTH CAROLINA BOARD OF DIETETICS/NUTRITION
BOARD MEETING
3:00 P.M.
1135 KILDAIRE FARM ROAD, SUITE 200
CARY, NC 27511

[ELECTRONIC ONLY MEETING]

OPEN MINUTES: August 30, 2021 **[Meeting continued from recess of meeting on August 25, 2021]**

Board Members Present: Analia Camarasa, Ananya Sen, Amanda Holliday, Christina Wilson
Director: Charla Burill, Executive Director
Ex-Officio: Marnie Jones, Administrative Specialist
Guests: Judy Stone, *ANA representative*, Traci Hobson, *ANA representative*

Call to Order – Dr. Ananya Sen

The meeting was called to order at 3:07 p.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:

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

1. Amanda Holliday – Present

2. Amy Beros – n/a
3. Analia Camarasa – Present
4. Christie Nicholson – n/a
5. Christina Wilson – Present
6. Patricia Pitts – n/a
7. And I, Dr. Sen, am present.

Dr. Sen declared there was a quorum. She also asked if there were any existing conflicts. None heard. No agenda needed approval as this meeting was a continuation from the recessed meeting that began on August 25, 2021.

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). Christina seconded the motion. No further discussion. Roll call to approve motion: Amanda – Yes, Analia – Yes, Christina – Yes, and Dr. Sen – Yes.

Marnie moved Judy Stone and Traci Hobson to the virtual waiting room to close the electronic meeting.

The Board reviewed the Investigation Report; see report for details.

Amanda motioned to reopen the meeting at 4:30 p.m. Christina seconded the motion. No discussion. Roll call to approve motion: Amanda – Yes, Analia – Yes, Christina – Yes, and Dr. Sen – Yes.

Marnie readmitted Judy Stone and Traci Hobson to the meeting.

Actions related to closed session:

- Amanda motioned to issue a cautionary letter to both Owen and Ernest upon their application approvals. Christina Seconded the motion. No discussion. Roll call to approve motion: Amanda – Yes, Analia – Yes, Christina – Yes, and Dr. Sen – Yes.
- Amanda motioned to offer a Consent Order to Applicant Cannon with suspension, with the suspension stayed, and probation for 10 months, the approximate period of time that the applicant practiced without a license. No discussion. Roll call to approve motion: Amanda – Yes, Analia – Yes, Christina – Yes, and Dr. Sen – Yes

Budget Modification- Charla provided an adjusted budget noting an error of an item being on the wrong line. Amanda motioned to approve the budget modification as presented. Christina second the motions. No discussion. Roll call to approve motion: Amanda – Yes, Analia – Yes, Christina – Yes, and Dr. Sen – Yes

EO 225 Waiver – Charla discussed her research with other Boards and whether they have been providing relief under the governor’s emergency waiver due to Covid-19. The Chiropractic Board has not used the waiver provisions, the PT Board has been able to deal with this issue via their compact, Occupational Therapy used a waiver request form to specifically target requests for a waiver, and the Respiratory Therapy Board did not use the waiver provisions but rather allowed people to get licensed quicker by allowing them to do the background check at a later date. Amanda motioned **to no longer extend** the waiver under EO 225. Analia seconded the motion. No discussion. Roll call to approve motion: Amanda – Yes, Analia – Yes, Christina – Yes, and Dr. Sen – Yes

Rules Committee Meeting – The board set the next Rules Committee Meeting date for September 20, 2021 from 12pm – 2pm.

Speech Pathology Board Letter – Charla drafted a response letter to the Speech Pathology Board’s request for more information regarding dietitians conducting bedside swallow screenings. The Board reviewed the letter prior to the meeting electronically. Amanda motioned to send the drafted letter in response to the Speech Pathology Board’s inquiry regarding bedside swallow screenings. Christina seconded the motion. No discussion. Roll call to approve motion: Amanda – Yes, Analia – Yes, Christina – Yes, and Dr. Sen – Yes

Category C Forms – Charla noted that the forms for the non-RD pathway to licensure, Category C, have not been updated since before the 2018 law change. Edits have been made to bring the forms in alignment with the law. The Board should be prepared to review them at the September meeting. The aim is to make the Category C forms and Category F forms consistent to the extent they can be.

Unfinished Business - N/A

New Business - N/A

Public Comment - Dr. Sen

- Judy Stone asked the Board to explain what a cautionary letter is/means, and to whom they were issued today. Charla explained that these were for two applicants before the Board under Category A.
- Judy Stone asked the Board to explain what a Consent Order was/means and to whom it was issued, an LDN or an LN applicant. Charla explained it was for an applicant before the Board under Category A.
- Judy Stone asked whether the Rules Committee will give advance notice of what they will be discussing and are there drafts of what is being proposed. Charla explained that the goal is further discussion of the Board’s concerns about supervision language and the goal of the committee would be to have some kind of draft rule come from the meeting to be put in front of the Board for review. The Rules meeting is an open meeting.

Amanda motioned to adjourn the meeting at 4:59 p.m. Christina seconded the motion. No discussion. Roll call to approve motion: Amanda – Yes, Analia – Yes, Christina – Yes, and Dr. Sen – Yes