

NORTH CAROLINA BOARD OF DIETETICS/NUTRITION  
BOARD MEETING  
9:30 AM  
140 PRESTON EXECUTIVE DRIVE, SUITE 205-C  
CARY, NC 27513

MINUTES: December 19, 2018

Board Members Present: Shelia Garner Link, Ananya Sen, Kim Iles, Christina Wilson, Amanda Holliday, Kayla Saunders, Analia Camarasa (*via conference call*)

Director: Charla Burill, Executive Director

Ex-Officio: Marnie Jones, Administrative Specialist

Guests: Henry Jones, NCBDN Legal Counsel, Judy Stone (Legislative Liaison for BCNS) (*via conference call*), Brittany McAllister (*via conference call*), various other members of the public unidentified (*via conference call*)

**Call to Order** – Shelia Garner Link

The meeting was called to order at 9:35 a.m. A quorum was present. Shelia asked the Board if there were any changes to the agenda. None declared. The agenda was adopted unanimously.

Shelia asked the Board if there were any conflicts of interest. None declared.

**Secretary's Report** – Christina Wilson

The November 2018 minutes were reviewed electronically prior to the meeting. Kim Iles motioned to approve the November 2018 minutes as presented electronically; Kayla Saunders seconded the motion. Shelia asked if there was any discussion on the motion. None declared. All approved.

Henry Jones, NCBDN General Legal Counsel was introduced to the Board members and staff, and likewise the Board and staff introduced themselves. Many new Board members have been appointed in the past year.

**Treasurer Report** – Kim Iles

The Cash Flow Report, Budget Report, Savings Report, and Investment Report for November 2018 were reviewed electronically prior to the meeting. Kim reviewed highlights from the reports and asked if there were any questions or feedback. Amanda Holliday motioned to approve the financial reports as presented. Christina seconded the motion. Shelia asked if there was further discussion regarding the motion. None declared. All approved.

**Administrative Specialist Report** – Marnie Jones

- **Numbers Report** - Since the last Board meeting date of November 28, 2018, there have been fourteen new licensees, zero new Provisional licensee, one licensee has gone Inactive, and three licensees have relinquished. The total number of Active licensees is 3,137 and two Provisional licensees.
- **Renewal Update** – The final fixes to the renewal system are being pushed live this week by our vendor.

### **Executive Director's Report** – Charla Burill

- **LN Application Requirement** – While the Board adopted an official application at its October 2018 meeting, some applicants are not complying with the requirement of using the NCBDN application documents if they became a CNS prior to 2018. Some cite recency issues, as well as supervisor availability or lack of information to complete the forms as required.
- Henry clarified, that the language in the law states the Board determines the application. If the application, as determined by the Board, in this case adopted in October 2018, is incomplete, it cannot be accepted.
- Kim asked Shelia and Henry about the beginnings of the licensure law in 1992 and how applications were accepted; however, it was noted that since the applicants were approved by endorsement, it is not a comparable situation.
- Amanda commented that the way they handle acceptance/review of prior learning is via transcript and syllabus. If syllabus is not available for time period when class was taken, current syllabus is requested.

Note: Dr. Ananya Sen joined the meeting in person at 10:10 a.m.

- Both Dr. Sen and Shelia expressed that they feel applicants must complete the application documents or they will not be accepted. If there are deficiencies noted or lack of full completion, they will need to be addressed and remedied by the applicant.
- Shelia noted that the law reads that applicants are applying to “practice medical nutrition therapy” and thus it is not unreasonable to ensure their training reflects this ability.
- Various alternatives for applicants were discussed such as an interview, simulation, colleague recommendations, additional documents, and case studies. It was reminded to the Board that there is already language on the application that indicates should the application itself be insufficient to determine whether an applicant has completed the requirements for licensure, that supplemental materials may be requested.
- The Board agreed that it would still indicate on the application that applicants who became a CNS in 2018 and forward may utilize their CNS forms.
- There was discussion regarding what constitutes a “Complete Application” and as discussed, an application is complete when an applicant has provided all required documents that the committee would need to determine fitness, such as the application itself, A2, A3, A4, A5, A6, transcripts, and Form C2, if applicable. The CBC need not be completed and returned for review of application, however it must be complete before issuance.
- Analia Camarasa commented that over the years, requirements and standards change. Many applicants would not have known that they could have been eligible for licensure in NC as it was not available, thus they may not be able to provide the required information.
- Amanda commented that her concern isn’t as much about documentation of hours, but ensuring competency.
- The Board discussed how it currently reviews Category C.
- The Board had discussions about the pros and cons of a possible grandfathering rule/regulation.
- The Board and staff had further conversation about how to proceed with incomplete applications.
- The Board discussed the dilemma of not being able to adopt Rules without having two licensed nutritionists on the Board as that is provided in the statute.
- Judy was asked how many anticipated CNS’s may apply in North Carolina. She was unsure, but provided a rough estimate of 20-25.
- Henry advised that the statute says “Rulemaking” cannot happen without two LNs on the Board; thus he advised that the Board can have discussions, draft language, but cannot adopt the Rules until two LN’s are on the Board.

- The Board determined that procedurally, they will only accept the NCBDN adopted application forms for applicants for Cat F who became CNS's prior to 2018, and the Board will continue review of applicants, if complete, even while Rules are being drafted. It was recognized that some applicants may not be able to submit the forms entirely complete, but that applicants should be advised to attempt to complete the application documents as best they can and the Board would consider alternative documentation that may be used to supplement where an application is lacking. Shelia commented that although arduous, the learning process has been very beneficial for all involved.

**Supervisor Responsibility – Charla Burill & Henry Jones**

- Charla asked Henry to give his legal opinion on the issue of supervisor responsibility. Henry indicated that while there is no absolute answer, he feels the General Assembly felt there was something specific in the language difference between “Direct Supervision” as used in the student exemption section §90-368(2) and just “Supervision” as used in the section regarding provisional licensure. Henry further provided the legal definition of “Direct” under Employment Law, as daily on-site, close-contact where the supervisor is able to respond quickly to the needs of the client. Charla commented that the BCNS supervisory experience is more geared towards non-direct supervision.
- Judy commented on the differences in an RD and CNS internships and the clinical consequences being different as these two groups may work in different clinical settings.
- Henry commented that the supervisor must still meet the statutory requirements; but the word direct and the definition of that word defines what the relationship can look like. For example, you may qualify statutorily as a supervisor, but if you cannot provide direct supervision, the student is not meeting the exemption of being supervised directly.

**Supervisory Relationships – Charla Burill & Henry Jones**

1. Henry advised that legally, there is no rule or statute that specifically prohibits a familial relationship with a supervisor, however in his opinion, it is not a good idea and is generally held to be ethically frowned upon. However, without authority in the law, the Board cannot draw the line at this time until a rule is written prohibiting this type of supervisory relationship.

The Board recessed for a lunch break from 11:55 a.m. to 12:25 p.m.

Kim motioned to close the meeting for review of applications under NCGS §143-318.18 (6), Exceptions to the Open Meeting Act, and Article 5 of the Bylaws, Section 4 (8). Christina seconded the motion. All approved.

The Board resumed meeting at 12:25 p.m. The first topic to be revisited was LN Applicant review, and because Board member Analia Camarasa was being reviewed first, she was asked to leave the meeting.

Below is an overview of what occurred in closed session:

Applicants Camarasa, Wilson, Spear and Duerr were discussed at length.

Shelia called for a vote of approval or denial for applicant Analia Camarasa:

Shelia – Approval  
 Amanda – Abstain  
 Dr. Sen – Deny  
 Kayla – Approved  
 Kim – Approved

Christina – Approved

Applicant Camarasa’s application for Category F licensure as an “LN” was approved with the condition that a letter of ethical concern be provided to Analia and made part of her file.

Shelia called for a vote of approval or denial for applicant Christina Wilson:

Shelia – Approved

Amanda – Approved

Dr. Sen – Approved

Kayla – Approved

Kim – Approved

Christina – Approved

Applicant Wilson’s application for Category F licensure as an “LN” was approved.

The Board discussed Applicant Nicole Spear. Charla was directed to advise Applicant Spear of the need of submitting the Board-adopted forms as best she could, and then the Board would review her submission.

The Board discussed Applicant Rebecca Duerr. The Board determined that they believed Rebecca should complete 155 hours in Nutrition Monitoring and Evaluation to meet the statutory requirement in this area. The Board agreed that once Charla spoke with Rebecca about this request, the Education Committee could to continue the discussion on the Board’s behalf to reach a mutually agreeable solution if Rebecca could provide proof of additional completed hours in Monitoring and Evaluation.

It was determined that for any hours to be done in the future to supplement, if done under a different supervisor, an A4 form from Rebecca’s supervisor would be required before commencement of the hours.

A motion was made by Kim to reopen the meeting. Christina seconded the motion. All approved.

Charla contacted both Judy Stone and others that they could rejoin the now open meeting. Judy rejoined.

#### **Executive Director’s Report, Continued....**

- **DWI procedure revision** – To clarify the ability of staff vs. Board clearance for conviction related reporting from applicants and licensees, Charla provided a revised draft version of the DWI policy that encompassed all convictions. The revised policy detailed the number of convictions, years passed, and clarified at what level only staff could clear, vs. what would require Board approval. A redacted example of a Form C2 conviction report was reviewed, and Charla demonstrated how the new matrix would be implemented in this particular case.
- A motion to approve the Conviction Record Guideline as presented was made by Christina and seconded by Kayla. All approved.

The Board had a brief discussion regarding the Integrated Functional Medicine certification that had been discussed previously. Judy commented that as far as she was aware, RD’s have always been able to obtain IFM certification, and only more recently have CNS’s been able to obtain this certification.

#### **Unfinished Business** – Charla Burill

- Postponed until January 2019

#### **New Business** – Charla Burill

- Postponed until January 2019

**Investigation Committee Report** – Charla Burill

- Postponed until January 2019

Kim motioned to adjourn the meeting at 3:00 p.m. Christina seconded the motion; All approved.