

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: December 9, 2022

Board Members Present: Amanda Holliday, Analia Camarasa, Ananya Sen, Karen Thomas, Sarah Thomas, Patricia Pitts, Christie Nicholson

Director: Charla Burill, Executive Director

Ex-Officio: Marnie Jones, Administrative Specialist

Guest: Henry Jones, *General Counsel*

Call to Order – Amanda Holliday

The meeting was called to order at 9:04 a.m. Amanda reminded the Board of best practices under the newly adopted Electronic Meetings Policy. A quorum was present.

Amanda asked if there were any existing conflicts. Charla noted that when the Board discusses the investigation report, Analia will abstain from voting in the matter she is personally familiar with.

The agenda was sent out to the Board electronically for review. Dr. Sen made a motion to approve the agenda as presented. Christie seconded the motion. Roll call to approve motion: Analia – Yes, Dr. Sen – Yes, Christie – Yes, Karen – Yes, Sarah – Yes, Amanda – Yes.

Secretary's Report – Amanda Holliday (for Patricia Pitts)

The November 2022 open and closed minutes were provided for electronic review prior to the meeting. Dr. Sen motioned to approve the November 2022 open and closed minutes; Analia 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, Christie – Yes, Karen – Yes, Sarah – Yes, Amanda – Yes.

Treasurer's Report – Amanda Holliday

The November 2022 Cash Flow report, Budget report, Investment report, and Savings report were shared with the Board for review electronically prior to the meeting. 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, Christie – Yes, Karen – Yes, Sarah – Yes, Amanda – Yes.

- Henry Jones, General Counsel joined the call at 9:12 a.m.

Public Comment – Amanda Holliday

None raised.

Administrative Report – Marnie Jones

Marnie reported the total active licensee count at 3,996. Additionally, there were seven Provisional licensees, one that was new since the November 18, 2022 meeting. Also since the last administrative numbers report given on November 18, 2022, there had been twenty-eight new licensees, zero licensees had gone inactive, and zero licensees had relinquished.

Marnie led the Board to set the next 6 months of Board meeting dates. All will begin at 9 a.m. and be conducted electronically. Board Meeting Dates:

- January 20, 2023
- February 17, 2023
- March 17, 2023
- April 21, 2023
- May 19, 2023
- June 23, 2023

Charla noted for the Board that since the Board's fees had changed as of November 1, 2022, there were approximately nine applicants who have open applications pending that have not paid their fees yet; this means that if they follow through and pay the licensure fees, the system will charge them as the pending fee was prior to November 1, 2022. The Board agreed this is fine and these applicants should not be subject to the new fees if their application had been started prior to November 1st.

Closed Session

Karen 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). In addition, the motion closes the meeting to **consult with legal counsel** under Article 33C of Chapter 143-318.11(3) and Article V Section 4 (3) of the Bylaws. Christie seconded the motion. No further discussion. Roll call to approve motion: Analia – Yes, Dr. Sen – Yes, Christie – Yes, Karen – Yes, Sarah – Yes, Amanda – Yes.

Legal Consultation – Henry Jones

Henry Jones provided the Board with a recap on the second session of the Beachler hearing, occurring on December 5, 2022. Henry also provided guidance on other current legal and investigative matters.

- Analia left the call at 10:00 a.m.

The Investigation report was reviewed; see the report for details. Applicant Gilbreath's application was reviewed.

Dr. Sen motioned to reopen the meeting. Patricia seconded the motion. No discussion. Roll call for approval: Dr. Sen – Yes, Karen – Yes, Patricia – Yes, Sarah – Yes, Amanda – Yes.

No members of the public entered the open meeting.

Open Session - Amanda Holliday

Motions related to the closed session:

1. Dr. Sen motioned to close public case 2022-1098 with the sending of the proposed closure letter. Karen seconded the motion. No discussion. Roll call for motion: Dr. Sen – Yes, Karen – Yes, Patricia – Yes, Sarah – Yes, Amanda – Yes.

2. Karen motioned to approve continuing to process the applications of SOPK-YK0AHD and RAYF-XKHO8F with issuance of the proposed cautionary letters in each matter. Dr. Sen seconded the motion. No discussion. Roll call for motion: Dr. Sen – Yes, Karen – Yes, Patricia – Yes, Sarah – Yes, Amanda – Yes.
3. Karen motioned to approve applicant Gilbreath for licensure, pending her background check. Dr. Sen seconded the motion. No discussion. Roll call for motion: Dr. Sen – Yes, Karen – Yes, Patricia – Yes, Sarah – Yes, Amanda – Yes.

Rules Discussion – Amanda Holliday

For the rules published July 15, 2022 and August 15, 2022, the Board received a second set of comments back from the Rules Review Commission attorney, Lawrence Duke. The email with Attorney Duke's comments, was reviewed and discussed by the full Board electronically prior to this meeting and on-screen comment by comment during the meeting.

In discussion of the definition of "Nutrition Education" in .0101, Amanda provided an alternate definition as used by the eNCPT. Charla will work to incorporate this language to see if it satisfies Mr. Duke concerns for specificity. Charla reviewed the rules comments further and noted Henry's direction that perhaps the Board could withhold .0114 and .0302 from the 12/15/22 RRC meeting if the language could not be agreed upon with RRC staff before. Charla and Henry hope to discuss further with Mr. Duke in order to come to proposed language that would be agreeable to all.

Patricia motioned to approve all edits discussed today for proposed rules 21 NCAC 17. 0101, 21 NCAC 17. 0104, 21 NCAC 17. 0108, 21 NCAC 17. 0110, 21 NCAC 17. 0112, 21 NCAC 17. 0304,¹ & 21 NCAC 17. 0401, withholding approval of 21 NCAC 17. 0114, and 21 NCAC 17. 0302 for further discussion with RRC and General Counsel Mr. Jones. Dr. Sen seconded the motion. No discussion. Roll call for motion: Dr. Sen – Yes, Karen – Yes, Patricia – Yes, Sarah – Yes, Amanda – Yes.

Unfinished/New Business - Charla Burill

- A reminder to Pat and Analia that their Ethics training has expired. They must complete as soon as possible. Calendar invites have been sent to everyone else with their expire dates.
- Due to Karen's participation at the hearing on December 5th, she is eligible for mileage and per diem (as would all Board members if work completed on behalf of the Board outside of regularly scheduled meetings.) The Board agrees Karen should receive reimbursement. Due to Amanda's regular position being with the state via UNC, she will abstain from receiving any per diem or travel for her participation.

Public Comment – Amanda Holliday

- None raised.

Dr. Sen motioned to adjourn the meeting at 11:38 p.m. Sarah seconded the motion. No further discussion. Roll call to approve motion: Dr. Sen – Yes, Patricia – Yes, Sarah – Yes, Amanda – yes.

¹ This is addressed as 303 in comments from RRC but we believe it to be for 304.