

NORTH CAROLINA BOARD OF DIETETICS/NUTRITION
BOARD MEETING
4:00 P.M.
140 PRESTON EXECUTIVE DRIVE, SUITE 205-C
CARY, NC 27513

MINUTES: June 17, 2019

MEETING CONDUCTED VIA TELECONFERENCE

Board Members Present: Shelia Garner Link, Kim Iles, Christina Wilson, Amanda Holliday, and Analia Camarasa

Director: Charla Burill, Executive Director

Guests: Brittany McAllister (BCNS Director of Legislative & Regulatory Affairs) (*via conference call*), Cindy Schwalb (*joined at 4:34 p.m.*)

Absent: Ananya Sen & Kayla Saunders

Call to Order – Shelia Garner Link

The meeting was called to order at 4:19 p.m. Shelia conducted a roll call to ensure a quorum was present (noted that Amanda Holliday joined at 4:22 p.m.). Shelia asked the Board members if there were any conflicts of interest to report. None declared.

Shelia stated the purpose for the meeting was to review and vote on the proposed rules published in the April 15, 2019 NC Register.

Charla had emailed all Board members all comments received regarding the rules. Shelia asked if all Board members had a chance to review such comments, and if there was any discussion. None heard.

Shelia then asked Charla to provide comment on suggested technical changes that she had sent out to the Board.

Charla reviewed her suggested technical changes based upon the comments received. Those suggested changes were as follows:

- **21 NCAC 17. 0101 – DEFINITIONS & ACRONYMS**
 - Multiple comments were received regarding the definitions of “nutrition assessment” and “nutrition counseling.” Charla indicated that she believed these concerns were misplaced as the aim of the Board is not to overstep the authority of the statute or impact the ability of unlicensed persons to provide nutrition care that does not constitute MNT, but rather to define “nutrition assessment” and “nutrition counseling,” which fall under the provision of “nutrition care services,” the scope of practice for licensees. If one is not providing medical nutrition therapy, these definitions do not pertain to unlicensed persons. These rules need to be read in conjunction with the statute. With that said, to the extent that there is concern or confusion, Charla suggested adding to the definition of “nutrition assessment,” the words “by licensed dietitians/nutritionists and licensed nutritionists” so that it would read:
 - "Nutrition assessment" means:

- (a) the evaluation of the nutrition needs of individuals and groups by licensed dietitians/nutritionists and licensed nutritionists based upon biochemical, anthropometric, nutrigenomic, physical, and food and diet history data to determine nutritional needs and ~~recommend appropriate nutrition intake order therapeutic diets, including, including~~ enteral and parenteral ~~nutrition.~~ nutrition; and
- (b) the ordering laboratory tests related to the practice of nutrition and dietetics.
- Nutrition counseling already has this language.
- Additionally, it was noted by a commenter that the acronyms were not in alphabetical order. Thus, Charla suggested reorganizing them so that they are.
- Analia questioned why the definition of MNT was deleted. Charla indicated that she believed BCNS expressed concern that this definition came from a professional association, and also because it is already defined in the statute.
- **21 NCAC 17. 0104 – APPLICATIONS**
 - Charla indicated that multiple commenters expressed concern regarding the words “or renewal” in (a) referring to renewal applications. Charla indicated that this language is there because this is the section that addresses applications in general. However, because the majority of this rule is focused on initial applications, Charla could see how commenters may be reading other requirements not applicable to renewals, to possibly pertain to renewal applications. Thus, she suggested removing “or renewal,” and inserting language in 17. 0107 regarding the simple idea that applicants must submit a completed renewal application.
 - Additionally, it was noted by commenters that there appeared to be inconsistent language in referring to the “supervised practice experience” in (j) and (k) as there was reference also to “supervised practice program.” Charla agreed with commenters that in order to be consistent with the statute, this language should be changed in both places to “supervised practice experience.”
 - It was also noted by a commenter that in reference to the supervised practice under (j)(2)(A), the word “relevant” was not present, but it was present in (k)(1). For consistency, Charla recommended inserting “relevant” in (j)(2)(A) in reference to patient/client records.
 - Finally, a commenter noted in the History Note that there was a period, where there should have been a hyphen in reference to 90-356. Thus, Charla recommended this change.
- **21 NCAC 17. 0107 PROVISIONAL LICENSE**
 - Comments were received regarding the reference to “clinical practice” rather than “supervised practice experience.” Charla explained that this language was used because this is what is used in the statute. However, she recognized that “clinical practice” is intended to refer to “supervised practice experience,” and thus for clarity, she thought this technical change may be appropriate. Thus in (a) and (b) she suggested changing “clinical practice” to “supervised practice experience.”
- **21 NCAC 17. 0109 ISSUANCE AND RENEWAL OF LICENSE**
 - Noting the concerns that were expressed regarding having reference to the renewal application in 21 NCAC 17. 0104, if this language is deleted, Charla suggested adding to the end of (d) “Each applicant for renewal shall file a completed application with the Board.”

Shelia asked if any Board members had additional comments or suggested changes for Charla. Some clarity was sought by various Board members.

Shelia then called for a motion to adopt the rules as published with the technical changes presented by Charla at this meeting. Amanda made the motion; Christina seconded it. Shelia called for further discussion. None heard. The motion carried unanimously.

Shelia thanked all for their participation, and asked if there were any final comments. Charla noted that she had spoken with Henry, the Board's outside counsel on Friday, and he had advised, with the anticipated adoption of the rules, and effective date of August 1, 2019, that the Board hold off on reviewing any new LN applications until such rules are in effect. For those applications already in review, the Board continue with its current process as anticipated at the June meeting. Further discussion can be had regarding this at next week's meeting.

No other comments were made.

Shelia called for a motion to adjourn – Analia made the motion; it was seconded by Kim.

The meeting was adjourned at 4:43 p.m.