

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

MINUTES: March 13, 2019

Board Members Present: Shelia Garner Link, Kim Iles, Christina Wilson, Amanda Holliday  
*Present Via Conference Call: Ananya Sen, Kayla Saunders, Analia Camarasa*

Director: Charla Burill, Executive Director

Ex-Officio: Marnie Jones, Administrative Specialist

Guests: Judy Stone (Legislative Liaison for BCNS) (*via conference call*),  
Brittany McAllister (*via conference call*), Anna Jackson (*Dietetic Intern*)

**Call to Order** – Shelia Garner Link

The meeting was called to order at 9:38 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 members to ensure they are reviewing the materials electronically prior to the meeting in order to expedite Board matters.

Kim Iles introduced Anna Jackson, dietetic intern at Appalachian State who is working with Kim during this time. Anna is present to observe.

**Secretary's Report** – Christina Wilson

The January 2019 minutes were reviewed electronically prior to the meeting. Kim motioned to approve the January 2019 minutes as presented electronically; Analia Camarasa seconded the motion. Shelia asked if there was any discussion on the motion. None declared. All approved.

The minutes from the Rules Committee meeting held on March 7, 2019 were sent out prior to the Board meeting for review. Kim motioned to approve the Rules Committee minutes as presented. Christina seconded the motion. No further discussion was had regarding the motion. All approved.

**Treasurer Report** – Kim Iles

The Cash Flow Report, Budget Report, Savings Report, and Investment Report for both January 2019 and February 2019 were reviewed electronically prior to the meeting. Kim reviewed highlights from the reports and asked if there were any questions or feedback. Christina motioned to approve the financial reports as presented. Ananya Sen 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 January 16, 2019, there have been forty-five new Category A licensees, one new Category F licensee, zero new Provisional licensees,

seventy-eight licensees have gone Inactive, and eight licensees have relinquished. The total number of Active licensees is 3,110 and two Provisional licensees.

- **Renewal Update** – As of March 13, 2019, there are 1,084 licensees still left to renew. Licensees will receive weekly emails until the last several days and then will likely receive daily reminders, as renewal this year closes on a weekend and there will be no technical assistance available. The first week of April will bring the mailing of the orange “late renewal” notification postcard.

9:48 am Robyn Smith-Brown joined the conference call line.

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

**Rules Committee Report** – Charla noted that the Rules Commission Attorney completed her pre-review of the proposed rule changes that had been being worked on in committee for the last several months. The attorney did not have issue with the rules in their current draft form. The Rules committee put forth a recommendation to move forward with submission to the Rules Review Commission for publication and comment period.

Kim motioned to move forward with publication of the Rules, as edited and sent prior to this meeting, in the April 15<sup>th</sup> register to be published for 60 days with a public hearing to occur prior to official Board adoption.

Shelia asked if there was any further discussion regarding the motion. None heard. All approved. No dissent.

Charla noted she had a March 25<sup>th</sup> deadline to get them in for the 4/15 publication.

Amanda 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. All guests left the meeting.

#### **Executive Director’s Report, Con’t.** – Charla Burill

##### **LN Application Review**

- **Applicant Davis** – Applicant Davis had been previously reviewed and instructed to resubmit additional detail. All resubmission materials were sent electronically to the Board for review prior to this meeting.

Kayla Saunders left the online call @ 10:36am.

- The Board collectively expressed concern in the following areas:
  - Specificity of descriptions; disease states; client encounters;
  - The manner in which her supervisor actually evaluated her work; and
  - The discrepancies noted in the number of hours worked with her supervisor.
- The Board agreed that the application could not be accepted as presented, and asked Charla to draft a letter to be reviewed with the academic review committee prior to sending to Ms. Davis requesting clarification on the above noted items.
- **Applicant Florio** – Application materials for this new Category F applicant were sent to the Board prior to this meeting for review. The Board initially noted that although it is not specifically stated on the form (but will be included in revised regulations) applications must be typed. Marnie is working to add this request to the top of each form. The Board agreed that there was not enough substantive information in Ms. Florio’s application to determine if she had met the statutory requirements. The Board directed Charla to draft a letter to applicant Florio requesting greater detail and organization of her application materials.

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

Charla contacted guests to indicate that they could rejoin the now open meeting. Judy rejoined. Anna returned to the room. Brittany did not rejoin.

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

- **“Other Evidence”** – Charla reviewed that Judy had requested discussion regarding furthering the ideas around how CNS applicants who completed their experiences many years ago, would be able to demonstrate that they met the statutory requirements even though they may not have the proof as required by the application. Judy feels the purpose of the law was to license additional qualified practitioners to provide medical nutrition therapy to the citizens of NC; however, there is a group of applicants who will not be able to provide the type of documentation the Board has asked for in its most recent application. Judy would like the Board to develop a guidance document for this group of potential applicants to assist them in providing alternate documentation. Judy indicated that she understands the application form asks for a lot more detail than what the BCNS Board used to require in the past, therefore applicants will not/may not be able to provide this documentation. Judy also commented that based on the revised rules, if MNT must be supervised by a licensed supervisor in NC (if student is working with NC patients), there may be an issue with applicants who did not meet this requirement. Judy expressed that this level of documentation is more than other states require.
- 11:26 a.m. Cindy Schwalb joined the call.
- 11:34 a.m. Robyn Smith Brown rejoined the call.
- 11:37 a.m. Analia rejoined the call.
- Charla stressed that although the Board may consider other documentation, the Board needs to be satisfied that applicants have met the statutory requirements. The Board has no legal authority to waive demonstration of having met the statutory requirements.
- The Board members discussed with Judy their experiences thus far with applications and that several have not been detailed, proof read, professional, etc. Specifically, what seems to be lacking is detailed substantiation of supervised practice. Judy will work to educate potential applicants.
- **Licensure Exam-** During discussions with the Rules Committee, Charla noted that we will need to begin to address the need that we could potentially be asked to administer the CNS exam, and how to go about contracting to do so. Also, knowing that the eventual change in AND's requirements to become an RD, we may need to address the fact that State law will not coincide with the requirements for becoming an RD.
- **SBI Reports** - Initially, SBI informed Charla that the Board cannot give a copy of any applicant's CHRI to the applicant. Upon reviewing the law, Charla found that this seemed to be in conflict with Federal law that indicates applicants should be given a chance to correct their CHRI and /or defend themselves, by giving them a copy. At this point, SBI has retracted initial direction and indicated via email that a new policy will be forthcoming.
- **FBI Audit** – The NCBDN has been informed that there will be an FBI audit done on the criminal background check process implemented by the Board in 2018. This will take place on March 27<sup>th</sup> and is intended to be educational in nature. In preparation for the audit, Charla has drafted a policy to assist the Board with the above noted directional change. The policy was reviewed in the meeting by the Board and details how the Board shall handle a situation when an applicant's self-reported criminal history differs from what is returned through an SBI background check. Amanda made a motion to accept the Criminal History Record Information Discrepancy Policy as presented; Christina seconded the motion. No further discussion was had. All approved.

- **Board Guideline Documents – Guideline B & C** – Charla noted these two documents require revision, but due to impending rule changes she will work through those revisions at a later date.
- **Reviews/Review Process** – Charla reminded the HR committee that the review process for staff members is coming up. Review period ends March 31<sup>st</sup>, and Charla hopes to have reviews completed by May. Marnie will submit her self-review to Charla, and Charla will submit hers to the HR Committee.

**Unfinished Business** – Charla Burill

- **Banking Investments** – Our Wells Fargo representative has retired and while we have been informed of this, no new representative has made contact. The Board agreed to explore other options for investments and banking and Charla has met twice with a representative from PNC Bank in this regard. She feels their options are competitive with Wells Fargo and they are located nearby if needed. The Board agreed it would be wise to have each representative meet with the Board at a future meeting before making any decisions.

**New Business** – Charla Burill

- **Military Licensure 93B-15.1** – This is the fee exemption for military trained dietitians or spouses of military. The law read “military spouse” and as such is not specifically defined (i.e. veteran spouse, reservist, national guard, etc.?) Charla inquired with multiple Boards as to their interpretation of this law and who it applies to and all agreed that the intention of the law when passed was to provide relief for active duty spouses should they move to accommodate their spouses active duty service. Thus, the Board agreed that its position on this matter is that the applicant will need to satisfy the requirements of providing proof of the following: active licensure in another state, marriage certification, and spouse’s active duty orders. This would include National Guard or Reservists, if they were specifically being called up to active duty. Charla indicated a rule may help clarify guidance, but for now the Board can determine that this is its position. Dr. Sen made a motion that the exemption under G.S. 93(B)15-1 was intended to apply to active duty spouses. Amanda seconded the motion. No further discussion was had. All approved.

**The Board took a break at 12:32 pm until 12:45 pm.**

**12:46 pm the Board reopened the meeting. Analia and Dr. Sen were present via conference call.**

Kim motioned to close the Board meeting for discussion regarding complaints, and investigations, pursuant to Chapter 143, Article 33C, §143-318.11(7); Article 5 of the Bylaws, Section 4 (7). Christina seconded the motion. Shelia called for any discussion on this motion. None declared. All approved closing the meeting pursuant to Chapter 143, Article 33C, §143-318.11(7); Article 5 of the Bylaws, Section 4 (7).

All guests left the call and the room.

**Investigation Committee Report** – Charla Burill

- Charla reviewed the Investigation Committee Report.
- The status of Complaints and Investigations appear in the Complaint/Investigation Report.

Kim motioned to reopen the meeting. Christina seconded the motion; All approved.

Kayla motioned to ratify the actions of the Investigation Committee and the recommendations determined by the Board in closed session. Analia seconded the motion. All approved.

Dr. Sen asked for clarification on future Board meetings dates, and the Board agreed to set future meeting dates at its next meeting. Amanda asked that we discuss Charla's impending FMLA due in August so that she may better understand how it is covered. As Charla has had three other FMLA periods, staff assured the Board a plan would be made and discussed at future meetings.

Kim made a motion to adjourn the meeting at 2:21 pm, and Amanda seconded the motion. All Approved.