

NORTH CAROLINA BOARD OF DIETETICS/NUTRITION  
BOARD MEETING  
9:00 AM  
1135 KILDAIRE FARM ROAD, SUITE 200  
CARY, NC 27511

**[ELECTRONIC ONLY MEETING]**

OPEN MINUTES: March 23, 2021

Board Members Present: Ananya Sen, Patricia Pitts, Analia Camarasa  
Director: Charla Burill, Executive Director  
Ex-Officio: Marnie Jones, Administrative Specialist  
Guests: Traci Hobson, ANA (formerly BCNS) legislative representative,  
Jaime Higginbotham

**Call to Order**

Dr. Sen called the meeting to order at 9:01 A.M. A quorum was present. Dr. Sen asked if there were any conflicts. None declared. Patricia Pitts motioned to approve the agenda as presented. Analia Camarasa seconded the motion. All approved.

**21 NCAC 17. 0502 COMPLAINTS**

Charla refreshed the discussion of whether the Board wanted the Investigation Committee to have the power to dismiss or close complaints or issue a non-disciplinary letter of caution. The Board discussed the use of electronic voting between meetings, and Charla advised that Henry's position has been in the past, that any electronic voting should be unanimous, as best practice. Members felt that with the ability to utilize electronic voting, the Investigation Committee should only have authority to make recommendations for an electronic vote, or a vote at an official board meeting.

**21 NCAC 17. 0503**

- Note, the lettering is off in this section.
- (p)(1) – Remove “Reopen investigation” as it is unnecessary with “Conduct Investigation...”
- (d)(2) Adjust members of the Investigation Committee to say “Members of the Board...”
- (r) – Regarding removing the requirement of notifying the respondent of a complaint. Charla indicated that at times it may be better to not have to cause unnecessary stress for a respondent by notifying the respondent of an unfounded complaint. Present rules require a summary report be sent to both the Complainant and the Accused Party. Discussion ensued as Dr. Sen and Patricia both noted that it may be valuable even still, for a respondent to know a complaint had been submitted against them, no matter how unfounded it may be at the time. Several seemingly frivolous complaints could accumulate into a bigger issue. Charla will look into the practice of other like-minded Boards such as Medical and Nursing to see if they require notification to the respondent. For now, Board members preferred inserting back in that the Accused Party would also receive notification of the complaint, even if only at the point of closure.

**21 NCAC 17. 0504**

- All ok as is.

**21 NCAC 17. 0505**

- Discussion regarding proper notice, what it entails, how to contact someone, certified mail, etc. Licensees are required to keep the Board informed of an address change within 30 days of the change. No changes noted.

**21 NCAC 17. 0506**

- Request for Hearing. Charla reported that we've never had a situation like this, and the Board discussed when a situation like this would come into play. No changes noted.

**21 NCAC 17. 0507**

- Charla read GS 150B – 2(6) which defines a “person aggrieved.” Charla clarified that the Board is not the highest level a person can seek remedy; aggrieved persons have remedies higher up in the court system.

**21 NCAC 17. 0508**

- Notice of hearing. Dr. Sen discussed how we send notice. Discussion of how this would work and what a suspension under GS 150B-3 means. No further questions/changes.

**21 NCAC 17. 0509**

- Contested Case. No comments.

**21 NCAC 17. 0510**

- No comments.

**21 NCAC 17. 0511**

- Informal Resolution. No comments.

**21 NCAC 17. 0512**

- Petition for Intervention. Marnie Jones and Charla discussed “who” would be intervening in this situation. Discussed why denial of intervention might happen. No changes/further comments.

**21 NCAC 17. 0513**

- Types of Intervention. No comments.

**21 NCAC 17. 0514**

- Disqualification of Board members. Noted this section is particular to contested cases, but regarding other matters, including hearings, a Board member can always recuse themselves. This is why we discuss conflict of interest at every meeting.

**21 NCAC 17. 0515**

- Subpoenas. No comments

**Next meeting set for April 27th at 3PM**

Next to review:

- 6 more rules under 500 series

- Follow-up on 503 regarding notification of complaints, and also insertion addressing recommendation from Investigation Committee being addressed through electronic voting.
- 303 – Supervision to discuss Board’s concerns

**Public Comment** –Dr. Sen

Dr. Sen asked if there was any public comment. Traci Hobson thanked the Board for working with the ANA and indicated they will likely have comments when the Board discusses 303 – Supervision.

Charla reviewed the full rules process, comment period, and likely timeline for everyone’s benefit.

Analia motioned to adjourn the meeting. Patricia seconded the motion. All approved. Meeting adjourned at 10:42 AM.