

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

MINUTES: May 21, 2018

Board Members Present: Helene Edwards, Kim Iles, Shelia Garner Link, Maurene Rickards (Via Conf. Call), Cathie Ostrowski

Director: Charla Burill, Executive Director

Ex-Officio: Marnie Jones, Administrative Specialist

Guest: Robyn Smith Brown, NCDA Consumer Protection Liaison (Via Conf. Call), Rachel Jones (student observer)

*Absent: Shaynee Roper, Kayla Saunders*

**Call to Order** – Helene Edwards (for Shaynee Roper)

The meeting was called to order at 9:30 a.m. A quorum was present. Helene asked the Board if there were any conflicts of interest. None declared.

Helene asked the Board if there were any changes to the agenda. None declared. Shelia Garner Link motioned to adopt the agenda as presented. Kim Iles seconded the motion. The agenda was adopted.

**Secretary's Report** – Shelia Garner Link

The February 2018 minutes were reviewed electronically prior to the meeting. Shelia asked if there were any changes to the minutes as presented. None declared. Kim motioned to approve the February 2018 Minutes as presented. Cathie Ostrowski seconded the motion. None declared. All approved.

**Treasurer Report** – Cathie Ostrowski

The Cash Flow Report, Budget Report, Savings Report, and Investment Report for February, March and April 2018 were reviewed electronically prior to the meeting. Cathie reviewed highlights from the reports and asked if there were any questions or feedback.

- Charla noted that she has been monitoring WorldPay (our credit card processor) regarding their fees, as they have changed their billing structure after merging with SecureNet. Charla reviewed other merchants and found their fees to be higher, offering little to no savings. Also, per our technology provider, should we move to a merchant other than the one they use, we would likely incur a few thousand dollars in development costs. Charla will continue to monitor the fees, but no change is planned at this time.

Shelia motioned to approve the financial reports as presented. Kim seconded the motion. None declared. All approved.

**Administrative Specialist Report** – Marnie Jones

- Since the last Board meeting date of February 12, 2018, there have been seventy-six new licensees, five new Provisional licensees, seventy-six licensees have gone Inactive, and thirteen licensees

have relinquished. The total number of Active LDN licensees is 2,929 and seven Provisional licensees.

- The Late postcard for Expired licenses mailed out the first week in April. Thus far the Board has received 30 late fee renewals. Late renewal online closes May 31<sup>st</sup>, and thereafter licensees with a 3/31/2018 expire date, who have not renewed, will Lapse. Lapsed letters will go out to this group the first week of June, to their last known home and last known employer addresses.
- As of this Board meeting, 70 licensees remain expired.
- The Board then reviewed the next six months of meeting dates and set the following meeting dates:
  - June 18, 2018 (previously scheduled)
  - July 16, 2018
  - August 20, 2018
  - September 17, 2018
  - October 29, 2018
  - November 26, 2018
  - December 17, 2018

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

- **Office Lease** – Charla reported that the office of State Property has not gotten back to either Charla or our current landlord/building owner, Michael Edwards, with needed information on the status of our office lease. Charla worked with Mr. Edwards to restructure the lease to be in line with the information State Property previously provided regarding a “reasonable rate” for office space per square foot. In order to meet this requirement and noting that the terms offered by the State did not account for the provided internet, phone service, or unlimited conference room space, Charla drafted a draft agreement between the Board and building owner, which she proposes the Board enter as a side service agreement to the lease. Charla will send this information to the State Property office for review and consideration, but for now will proceed month to month if we continue to receive no direction on this matter from the State Property office.
- **Legislative Update reporting, HB357, In the Matter of Louisiana Real Estate** –
  - Charla reported there is a bill to clarify financial reporting for all Occupational Licensure Boards to standardize annual reports by creating a set chart of accounts for all boards to use, with an aim to create a website for public transparency. In addition, the bill would require a fiscal year of July 1 – June 30. The bill would also require a higher level audit, which will likely lead to higher auditor costs, and more stringent internal controls. Indications are this bill will pass and go into effect.
  - HB 357 – The NCAND team got a meeting with Senator Wells for 5/21/18 to brief him on the bill and work through any concerns he might have with the bill. Robyn and Charla report that NY, NJ, DC, and FL have expressed interest in HB357 as a model act.
  - Discussion raised the question that should HB357 pass, and background checks be implemented for new applicants, there is currently a significant lag time from SBI, which will slow our processing time down significantly. We may need to address some remedy in the rules if possible.
  - Charla reported that in the matter of the LA Real Estate Board, the FTC found the Real Estate Board to be participating in price fixing for appraisals, and thus impacting competition. The FTC did not seem to care about the aims of the regulation or that they were intended to protect consumers; they only focused on the impact of the regulations on competition, and the apparent lack of State supervision.
- **Board Positions** – Should HB357 pass this year, the composition of the Board will need to shift.
  - Helene and Shaynee’s first terms end on June 30, 2018. Logistically, noting the law would require two LNs to be appointed, it may make the most sense not to seek reappointment for Helene and Shaynee. Helene indicated that she would be agreeable to whatever was in

the best interest of the Board. Shaynee previously indicated she would like to continue to serve if possible, but also would be agreeable to whatever makes the most sense.

- Kim, Shelia, Kayla and Maurene's terms continue, however, if HB 357 passes, either Kayla or Maurene will need to resign due to the need to appoint an MD in place of a public member. It was noted that the Governor's office is aware of this situation, and thus has not yet reappointed Maurene whose first term was up last year. Based on the current language in the bill, it appears that Shelia can continue to serve in in the clinical position, but per the bill's language, whoever replaces Shelia, will need to work in a licensed hospital or long-term care institution. In general, all Board members seemed agreeable to doing whatever was in the best interest of the Board.
- Whether or not the bill passes, Cathie's term is ending on June 30, 2018. The Board recommended that Amanda Holliday, who is an educator at UNC, be appointed to replace her.
- Recommendations for physicians were discussed. Cathie mentioned a possible MD named Paul Wischmeyer who works at Duke and Robyn indicated Dr. Abrahams, a surgeon at Wake Med, may have suggestions; however, for most surgeons, morning meetings may be difficult to attend.
- Charla asked the Board members to email her with interest in which positions on the Board they would like to serve for 2018-2019.
- Charla asked Maurene, Helene, and Shaynee to send her their current resumes in preparation for reappointment should the bill not pass.
- **Draft Budget** – Charla reviewed a DRAFT budget with several contingencies. Line items relating to the office lease, the bill passage changes, as well as employee reviews are all still tentative.
  - **Cathie asked Charla to look into whether our D&O policy will remain the same, given the Board members are now considered employees for tax purposes.**
- **Talks** – Charla spoke at Meredith twice, App State with Robyn, the NCAND Western district, and will be giving a talk to a renal group in Charlotte in the coming month.
- **Occupational Licensure Summit** - Charla attended this meeting last week. She reported the following:
  - There was significant discussion regarding the proposed bill addressing auditing and review of occupational licensure boards' financial reports (as previously discussed).
  - Physical Therapy was able to participate in and push through a bill that allows them to participate in a national compact.
  - Many boards have indeed moved to treating Board members as employees for IRS purposes; however, a few Boards are holding out while seeking legal advice.
  - They intend to continue to have these summits in response to the climate in the legislature.

The Board took a break at 11:40 a.m. and reconvened at 11:59 a.m.

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

- N/A

#### **New Business** – Charla Burill

- Category C applicant, Charpentier, who applied in the past, and was denied, is making efforts to continue/finish the application process based upon the guidance that was provided to her by the Board.
- Marnie noted that many new applicants indicated that their employer, Aetna, has indicated to them they are now requiring all of their RD's to get licensed in all states requiring licensure. This has resulted in many new applicants as well as out of state verifications being asked of our office.

Shelia motioned to close the Board meeting for discussion regarding employee reviews, pursuant to Chapter 143, Article 33C, §143-318.11(6); Article 5 of the Bylaws, Section 4 (6). Cathie seconded the motion. All approved closing the meeting and Charla, Marnie, and guest, Rachel Jones, left the room. Robyn left the phone call.

#### **HR Matters Discussed:**

The closed session dealt with performance reviews for Charla and Marnie. Shaynee participated via text with Cathie. Discussion centered on the excellent work of both yet concerns over no known guideline regarding salary ranges, or a wage cap for either position. Future conversation about salary range and wage cap was agreed as important to discuss prior to next performance review. Based upon current performance the Board discussed percentage salary increases. Shaynee as Board Chair was designated the individual to review results of this meeting with Charla. This closed session ended with motion by Helene, seconded by Shelia.

Charla and Marnie returned. Kim motioned to reopen the meeting, and Shelia seconded the motion. All approved.

*Note: Maurene was no longer present on the phone as of 12:45 p.m.*

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). Shelia seconded the motion. Helene 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).

#### **Investigation Committee Report** – Charla Burill

- Reviewed the Investigation Committee Report for actions taken and proposed actions.
- Charla noted an additional matter related to the licensee who had a complaint submitted against alleging drug use. In this licensee's renewal application, the licensee failed to initially acknowledge a criminal charge. Upon inquiry from the Board office, she did provide further detail, but further information was requested on April 6<sup>th</sup>. To date, her attorney has not provided any additional information. The Board indicated they would like Charla to give the attorney involved the rest of the week to reply, and then if not, to consult with Henry regarding next steps.
- Kim motioned to reopen the meeting. No discussion regarding the motion. Shelia seconded the motion; all approved.

Shelia motioned to ratify the actions and proposed actions of the Complaint/Investigation Committee; no discussion regarding the motion. Kim seconded the motion. All approved ratifying the actions of the Complaint/Investigation Committee.

Kim motioned to adjourn the meeting at 1:09 p.m. Shelia seconded the motion; all approved.