

NORTH CAROLINA BOARD OF DIETETICS/NUTRITION
BOARD MEETING
6:30 PM
1135 KILDAIRE FARM ROAD, SUITE 200
CARY, NC 27511

[ELECTRONIC ONLY MEETING]

OPEN MINUTES: May 5, 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,

Call to Order

Dr. Sen called the meeting to order at 6:35 P.M. A quorum was present. Dr. Sen asked if there were any conflicts. None declared. Analia Camarasa motioned to approve the agenda as presented. Patricia Pitts seconded the motion. All approved.

21 NCAC 17. 0503

- Charla refreshed the Rules Committee of the discussion of whether the Board felt all respondents in a complaint case should receive notice of the complaint, even if the complaint is unfounded or misdirected. At the last Rules Committee meeting, the Board asked Charla to review the regulations of other boards and Charla provided the research electronically. It appears the Medical Board, Respiratory Care Board, and Dental Board do. The Nursing Board does also if a case is created. The Board agreed to leave the Rule as-is and to notify respondents even if complaint is unfounded.
- Charla also followed up on a previous discussion regarding electronic voting and clarified that since the ability to resolve matters between meetings via electronic voting is addressed in our Bylaws, she does not believe we need to put it in a rule at this point. The Committee agreed.

21 NCAC 17. 0516 – Witnesses

- No concerns/changes.

21 NCAC 17. 0517 – Final Decision

- No concerns/changes.

21 NCAC 17. 0518 – Proposals for Decision

- No concerns/changes.

21 NCAC 17. 0519 – Disciplinary Costs

- No concerns. Dr. Sen noted that this rule is important should any case in the future become unusually expensive to investigate and prosecute.

21 NCAC 17. 0520 – Drug Testing

- Charla gave background to the Committee on this issue - a few years ago the Board encountered its first case involving a licensee and drug use. Charla developed a process in alignment with some of the best practices of the Nursing Board and Medical Board. The language in this proposed rule reflected that process that evolved as the Board worked through that matter. The Board discussed at length the level and appropriateness of asking applicants about drug/alcohol dependencies, treatment for such cases, etc. and how that balanced with the Board's duty to protect the public. All agreed that while this section of the regulations looked appropriate that the Board may want to address the language of its legal questions going forward. This would be a separate future discussion.

21 NCAC 17. 0303 - Supervision

- Charla recapped the Board's concerns in this area specifically related to a recent applicant case in which the Board felt the applicant, during her time in supervised practice, did not appropriately disclose to patients and the public that she was in fact a student under supervision, and that her services were not reimbursable by insurance. This led the Board to develop serious concerns with the way students may be representing themselves in practice. Charla proposed language under .303 (6) which would require students or trainees to utilize a title that clearly identified their status as a student to the patient.
- Further, the Board discussed their long-standing issue with the word "periodically" addressing how often the supervisor must observe the trainee. Charla reviewed the historical path of this section indicating that the definition of "Direct Supervision" had been watered down from the initial draft as the Board worked to compromise with the ANA (formerly BCNS) on language ANA would support. Dr. Sen discussed how practice without close supervision would never be acceptable in the medical profession and that our goal is to have qualified practitioners treating the citizens of North Carolina. This cannot be done if a trainee is practicing on their own and merely "checking in" with a supervisor a few times a month. This does not meet the true nature of a "supervised practice" if the supervisor is supposedly taking responsibility for the care of all patients.
- Analia described real world "supervisor-for-hire" businesses that she has come across that offer as much as "180+ supervised hours/month with a corresponding 4 hours of check in time." The Board was very concerned that these type of practices exist.
- The Board discussed what solutions might exist to ensure applicants get a quality experience. They discussed the prevalence of applicants who "set up their own practice" and then just hire someone to sign off on their work; again, the Board does not feel this is true supervised practice where the student is learning the art of patient interaction, care plans, and modifications, and where a supervisor is taking responsibility for the services and MNT provided. There was discussion about how a student gets so much more out of an experience when the patients belong to the supervisor; discussion was had about perhaps specifying that a student must see patients of the supervisor would help alleviate some concerns. In addition, there could be some validity to requiring co-signature of clinical notes as it would ensure review of all patient care.
- Patricia noted that RDN's are held to very strict guidelines regarding these types of requirements during supervised practice; if all are being licensed to do the same work, this creates a disparity in training.
- Analia reminded the Board that in the past there used to be concern that there were not enough qualified providers to act as supervisors, but now, with the unprecedented use of telehealth, this seems to be less of an issue. More RDs and MDs are trained in Integrative Health, so access to supervisors is better.

Public Comment –Dr. Sen

Dr. Sen asked if there was any public comment. Traci Hobson thanked Charla for her review of the rules review process earlier in the discussion, as well as for the conversation regarding supervision. Traci mentioned that the North Dakota law ensures that “onsite” includes “virtual.” Traci said she will follow-up with Analia regarding the programs she was seeing online about supervision programs.

Charla clarified what the Board would like for her to look into and indicated that the next meeting would focus on supervision. Charla will aim to formulate language that addresses the Board’s concern regarding students setting up their own practices and supervisors not actually reviewing all patient records in order to maintain responsibility for patients.

Marnie worked with the Board to determine the next meeting date, which will be June 23, 2021 from 3:30-5pm.

Patricia motioned to adjourn the meeting. Analia seconded the motion. All approved. Meeting adjourned at 8:31 P.M.