

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

MINUTES: October 29, 2018

Board Members Present: Shelia Garner Link, Kayla Saunders, Christina Wilson, Ananya Sen, Amanda Holliday, Analia Camarasa (*via conference call*), Kim Iles (*via conference call*)

Director: Charla Burill, Executive Director

Ex-Officio: Marnie Jones, Administrative Specialist

Guests: Judy Stone (Legislative Liaison for BCNS) - *via conference call*

Call to Order – Shelia Garner Link

The meeting was called to order at 9:42 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 if there were any conflicts of interest. None declared.

Shelia asked the Board if there were any changes to the agenda. None declared. The agenda was adopted unanimously.

Secretary's Report – Christina Wilson

The August 2018 minutes were reviewed electronically prior to the meeting. Kayla Saunders motioned to approve the August 2018 minutes as reviewed electronically. Dr. Ananya Sen seconded the motion. Shelia asked if there was any discussion on the motion. None declared. All approved.

Welcome to New Board Members – Shelia Garner Link

Dr. Sen joined the Board in the newly created physician position, and Amanda Holliday joins the Board filling the LDN position as an Educator. The new Board members introduced themselves and all Board members and staff introduced themselves as well. Shelia reminded the Board that we abide by Robert's Rules for Small Organizations.

Charla reviewed the information in each of the letters of evaluation of Statement of Economic Interest for Dr. Sen and Amanda. Dr. Sen's letter revealed no conflicts of interest, and Amanda's letter indicated that there was a potential for a conflict of interest as she is serving on the Board responsible for the licensing, oversight, and discipline of dietitians and nutritionists and she is a member of the profession. Charla also reminded the Board about their prohibition on accepting gifts, and that when an actual or potential conflict of interest is sited, it shall be recorded in the minutes, and brought to the attention of all of the Board as often as necessary.

Charla reminded the new Board members that they must complete their required Ethics training within six months of appointment. Shelia reminded all board members that their review of materials electronically

prior to each meeting is critical, and their electronic acknowledgment of review or receipt of the materials is expected.

Treasurer Report – Kim Iles

The Cash Flow Report, Budget Report, Savings Report, and Investment Report for both August and September 2018 were reviewed electronically prior to the meeting. Kim reviewed highlights from the reports and asked if there were any questions or feedback. There was a brief discussion of why the Board has outside counsel in addition to Charla. Charla noted that Mr. Jones is not on retainer, and only bills for actual time spent on Board matters. Charla consults him only when necessary to support her work and on occasion may seek opinion for matters the Board may request. Amanda motioned to approve the financial reports as presented. Dr. 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 August 13, 2018, there have been one hundred forty new licensees, two new Provisional licensees, zero licensees have gone Inactive, and one licensee has relinquished. The total number of Active licensees is 3,140 and six Provisional licensees.
- **Renewal Update** - Technical changes are to be made in advance of renewal season. They include defaulting to a “Yes” answer if a licensee has other out-of-state licenses, and displaying those licenses within their application. The process will still allow them to add/edit the out of state licenses they have on file. Additionally, the system will no longer “kick” licensees who are ONLY reporting out of state licenses (and no other legal issues) to the Admin queue for review. Administratively these type of renewals will be audited for review. It is noted that a separate legal question, regarding discipline in another state, should be answered ethically and should be the indicator of discipline in another state.
- **Online LN application** – Marnie reported that the online process for LN applicants is ready to go, barring any changes made in today’s meeting. We will tell our technical partner to push it live once all approve.
- **Website platform migration** – Marnie moved all content and documents to the new platform, and after one final review, it should be ready to push live in the coming month. New content changes may come out of today’s meeting and will be incorporated. Charla continues to work on updating various guidelines and other documents that need alignment with the new law.
- **Board Meeting Dates** - The Board discussed meeting dates going forward. Monday is a very difficult day for Dr. Sen to attend, due to commitments at work. However, Analia indicates Wednesdays would be difficult for her to attend in person. All meetings will still begin at 9:30 am and take place at the NCBDN conference room at 140 Preston Executive Dr. Cary, NC. Ultimately, it was agreed to move meetings to Wednesdays, and thus, the dates going forward will be:
 - November 28, 2018
 - December 19, 2018
 - January 16, 2019
 - February 13, 2019
 - March 13, 2019
 - April 24, 2019
 - May 22, 2019
 - June 19, 2019

Executive Director's Report – Charla Burill

- **LN Application** – Charla walked through the LN application edits, which had been sent out electronically for review.
 - Amanda asked for clarification on how the Board would view the “Anatomy/Physiology” coursework requirement as this has been an issue with her UNC students/applicants. Judy Stone indicated she will try to find out more about what the BCNS is requiring in this area.
 - Charla indicated that she has done additional research into the legal question asked on all applications for the NCBDN which asks applicants to disclose all charges, including dismissals (as well as convictions, etc.). With the advent of our new background check requirement it has become evident that asking about charges, when they may have been dismissed presents issues related to applicants misunderstanding the request, what information SBI allows the Board to reveal to applicants, and how the Board may handle the receipt of information related to charges. Thus there is concern that we need to clarify this question for applicants. The discussion on the table was whether the Board (1) keeps the question as-is, (2) change the question to ask only about “Pending” charges or (3) moving forward, does not ask about charges at all, just convictions.
 - Dr. Sen felt strongly that “pending” charges indicate a present concern, something that may be going on with the practitioner at the more current time, rather than past mistakes that may have been corrected. As a licensed medical practitioner, she felt this was of more concern when dealing with patient/public safety.
 - Analia indicated she feels that it is unfair to collect personal information about “charges” as they are not yet convictions, and if dismissed, we have unfairly collected this information.
 - The Board also had discussion around placing more structure around what the Board and staff do with the information received and how it is processed. Charla indicated we have an office policy in place, however it could be reviewed to be clearer if desired.
 - Analia made a motion to table the issue regarding changing the question language to “pending charges.” Christina seconded the motion. Sheila asked for further discussion regarding the motion. Dr. Sen discussed her concern for the vulnerable population being treated and how not being aware of pending charges may mask a practitioner issue that could put patients at risk. Amanda asked that we be mindful about indicating specific reasons why we are tabling the issue; i.e. what information are we seeking to better assist the board in making this decision? Would the Board like Charla to talk to other nutrition boards, instead of the other health professions she has already contacted? Kim commented that she does not feel we need to check with other nutrition boards because she feels the NCBDN operates differently and very diligently in this state and is afraid the comparison to other state nutrition boards would not be apples to apples. She does agree with reviewing the protocol with how the collected information is handled. Analia commented that she would like to clarify what the rules and guidelines would be before asking about pending charges. Charla reminded the Board that the current legal question is worded such that all applicants must report ALL charges as-is, and asking about only “pending” charges, actually narrows the scope of what is being asked for.
 - Charla read and re-read the proposed language she developed to narrow the current question. It reads, **“Do you have any pending criminal charges, and/or have you ever been convicted, indicted, found guilty, plead no contest, or entered a guilty plea of a misdemeanor or felony (including DWI, DUI, careless and reckless driving, or any offense involving serious injury or death) other than**

a minor traffic violation (Do not report any arrest, charge, or conviction that has been expunged.) Yes No”

- Shelia called for a vote on the motion made previously by Analia. 1 for; 5 opposed; motion failed.
- Dr. Sen made a second motion to move forward with changing the language to indicate “pending charges” as noted by Charla above (in **bold**), and asked Charla to look further into other nutrition Boards and other NC health-related occupational licensing boards and report back at the November 2018 meeting about findings at which point we could revisit the language. Kayla Saunders seconded the motion. All approved.
- **Form A-3, Form A-4, and Form A-5** - Charla reviewed the remaining documents with the board. Amanda raised the question about what will be done with the ratings asked for on Form A5 and if a supervisor reports a “N” (Needs improvement) how do we accept that as meeting the requirement, or will it not? Amanda was also concerned with ensuring we know *how* a person was evaluated (in what manner, with what tools, etc.). Charla asked Judy Stone what the BCNS does when a supervisor reports an “N” (Needs improvement) or “NA” (Not Applicable). Judy reported that she can seek that information from the people who actually review the applications and report back to us. Judy is concerned that the discussion seems to indicate there is not a lot of comfort/trust in the supervisor’s evaluation.
- The group discussed further the option of adding a column to the right of the supervisor’s rating that allows for space for comment by the supervisor, and that we need to ask that all “N” or “NA” answers by a supervisor, be qualified with a statement. It is further discussed that adding a rating option of “D” (Does not Meet Requirement) would add a more definitive option for supervisors to distinctly indicate someone did not meet that competency under them.
- Judy indicated that the BCNS will be making the question asking if there is a personal relationship between the applicant and the supervisor more prominent and indicated that going forward, that this will no longer be allowed.
- Amanda makes a motion to accept forms A-3, A-4, and A-5 and the LN application, with these changes to A5:
 - Add a “D” (“Does not Meet”) Rating option
 - Add a column to the right of the Rating column to allow elaboration on an N, D, or NA rating.
- Dr. Sen seconded the motion; all approved.
- **Audit/Annual Reports** – Charla submitted all annual reports. The audit was sent out electronically for Board review. Dr. Sen motioned to ratify the electronic approval of the Audit; Amanda seconds. All approved.
- **Rule changes** – Charla reported that rule development needs to begin soon, and will begin working with the committee on this.
- **Anonymous Complaints** – Charla has been holding onto an anonymous complaint awaiting Board direction on whether to proceed. Many years ago the Board accepted anonymous complaints, however in more recent years the Board adopted a policy to NOT accept anonymous complaints, as it did not allow the Executive Director to gather more information nor have enough information if needed, to refer to a prosecutor. Charla posed the question on whether we continue to not accept anonymous complaints or allow it. The Board had discussion on the pros and cons of accepting anonymous complaints, and ultimately felt while the Board cannot really “act” on an anonymous complaint, if by chance one is received despite indicating they are not accepted, Charla can use it as a touchpoint - noting the requirement in the Rules to inform a Respondent of a complaint when a complaint is closed or dismissed - to educate using the revised Guideline A if needed.

- **Guideline A** – This revised version was sent out for review electronically prior to the meeting. Kayla motioned to approve the revised Guideline A as presented electronically; Christina Wilson seconded the motion. All approved.
- **Licensure event at FNCE** – Charla will table this discussion until November due to time constraints.
- **New Board Member Training** – Charla will schedule time with all four new Board members by using a Doodle poll and Zoom meeting tools.
- **Health Insurance** – Charla reported the increase in Health insurance costs for staff members has gone up very minimally, and fits within the budgeted amount. The HR committee approved the increase as it fell within budget.

Unfinished Business – Charla Burill

- Investment/Savings – Charla will table this discussion until November due to time constraints.

New Business – Charla Burill

- Amanda has a point of discussion for the November meeting regarding the changes to the future education model as it pertains to RD students, specifically the hours requirement as it pertains the statute and rules.

Kayla 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).

Judy Stone left the conference call line. Kim and Analia remained on the line.

Investigation Committee Report – Charla Burill

- Reviewed the Investigation Committee Report for actions taken.
- Dr. Sen motioned to reopen the meeting. No discussion regarding the motion. Kayla seconded the motion; all approved.

Christina motioned to ratify the actions of the Complaint/Investigation Committee; no discussion regarding the motion. Kayla seconded the motion. All approved ratifying the actions of the Complaint/Investigation Committee.

Analia asked if there had been any progress in approving licensure for both herself and Christina. Charla indicated that in discussions with Judy, they prioritized the finalization of the LN application forms to ensure they were clear on what was being asked of applicants. Although materials have already been provided by both Analia and Christina, it is still unclear whether they will need to provide additional materials to support the supervised practice hours reported. Further development on the “alternative realm” and whether the Board will support this, needs to be done. Shelia requested that both Analia and Christina do their best to complete the newly adopted application and supplemental materials as best they can to help ensure consistency moving forward.

Christina motioned to adjourn the meeting at 2:23 p.m. Dr. Sen seconded the motion; All approved.