

NORTH CAROLINA BOARD OF DIETETICS/NUTRITION
BOARD MEETING
9:00 A.M.
140 PRESTON EXECUTIVE DRIVE, SUITE 205-C
CARY, NC 27513

[ELECTRONIC ONLY MEETING]

OPEN MINUTES: October 21, 2020

Board Members Present: Christina Wilson, Amanda Holliday, Analia Camarasa, Ananya Sen, Patricia Pitts

Director: Charla Burill, Executive Director

Ex-Officio: Marnie Jones, Administrative Specialist

Guests: Brittany McAllister, BCNS representative, Jonathan Posey, Council of Holistic Health Educators, Brett Ewan, Crossfit LLC, Karen Davis, Stakeholder

Absent: Amy Beros, Christie Nicholson

Call to Order – Dr. Ananya Sen

The meeting was called to order at 9:04 a.m. A quorum was present.

Dr. Sen asked the Board if there were any changes to the agenda. None declared. Amanda Holliday motioned to approve the agenda as presented. Christina Wilson seconded the motion. All approved. Dr. Sen asked if there were any conflicts of interest. None declared.

Secretary's Report –Analia Camarasa

The September 2020 open minutes and October 2020 Rule Committee minutes were reviewed electronically prior to the meeting. Patricia Pitts motioned to approve the minutes as presented; Amanda seconded the motion. Dr. Sen asked if there was any discussion on the motion. None declared. All approved.

Financial Report – Charla Burill (for Amy Beros)

The September 2020 Cash Flow report, Budget report, Investment reports and Savings report were shared with the Board for review electronically prior to the meeting. Charla asked if there were any comments on the highlighted items. Amanda motioned to approve the financial reports as presented. Christina seconded the motion. No further discussion. All approved.

Administrative Report – Marnie Jones

The total active licensee count is 3,369. Additionally, there is one Provisional licensee. Since the last administrative numbers report given on September 23, 2020, there have been thirty new licensees, and zero new provisional licenses issued. Also, since the September 23, 2020 meeting report, zero licensees have gone inactive, and three licensees have relinquished.

Executive Director Report – Charla Burill

Amanda motioned to close the Board meeting for discussion regarding complaints, and investigations, pursuant to Article 33C of Chapter 143, §143-318.11(7); Article 5 of the Bylaws, Section 4 (7). Patricia seconded the motion. No further discussion was raised. All approved.

Brittany McAllister, Jonathan Posey, Brett Ewan, and Karen Davis left the call.

There were no new applications to review.

Investigation Report - Charla Burill

Charla reviewed the September investigation report with the Board. See report for details.

Charla addressed two additional investigative matters regarding an inquiry as to possible unlicensed practice and a reinstatement applicant who may have practiced without a license.

Amanda motioned to reopen the meeting. Analia seconded the motion. All agreed.

There were no motions to make coming out of closed session.

Brittany McAllister, Brett Ewan, Jonathan Posey, and Karen Davis rejoined the meeting.

Executive Report, Continued... - Charla Burill

Audit – Charla Burill

The final Audit for 2019-2020 was shared electronically with the Board prior to this meeting. Charla noted a few highlights to be aware of; legal fees were higher than in most recent years, no late fees were collected due to the pandemic crisis, the Board incurred unbudgeted costs for temporary background checks due to the pandemic, bank fees have gone up, and liabilities that are not accounted for in our annual budget are significant for employee unused vacation time and unearned renewal fee revenue. Charla noted that with the move to a virtual office, hopefully costs will come down in the coming year. Charla asked if there were any further questions about the audit. Amanda motioned to accept the final audit as presented. Patricia Pitts seconded the motion. All approved.

Annual Reports – Charla Burill

With the approval of the Audit, Charla will now send required state reports to meet the October 31, 2020 deadline under 93B-2.

Supervision of Unlicensed Persons – Charla Burill

At the September meeting the Board had discussed the situation of an unlicensed person possibly providing MNT under the supervision of a licensed physician. Charla had been directed to reach out to the attorney for the Medical Board regarding a position statement on the Medical Board's website addressing licensed physicians delegating tasks to unlicensed personnel. Charla provided the Board with the response from the NC Medical Board's attorney affirming his view that a licensed physician cannot delegate an activity that requires a license to an unlicensed provider – i.e. a physician cannot delegate the provision of MNT, which requires a license, to an unlicensed person under his or her supervision. Charla also shared that under NCGS § 90-368(4) the Dietetics Practice Act aligns with the Medical Board's position – that one cannot delegate MNT, for which a licensed is required, to an unlicensed individual.

NCGS § 90-368(4) Persons and practices not affected, (4) A person aiding the practice of dietetics or nutrition if the person works under the direct supervision of a licensed dietitian/nutritionist, licensed nutritionist, or other licensed health care practitioner whose licensed scope of practice includes the practice of dietetics or nutrition and the person performs **only support activities** that do not require formal academic

training in the basic food, nutrition, chemical, biological, behavioral, and social sciences that are used in the practice of dietetics or nutrition.

The Board discussed making it clearer through guidance and rules that while nutrition support activities can be delegated by an MD, MNT cannot, because a license is required to provide MNT.

Virtual Office – Charla Burill

Our landlord has been notified that we plan to terminate the lease without penalty effective December 31, 2020. Charla has contracted with a Virtual Office for mail and other services as of November 1, to provide an overlap. The Post Office Box proved to not be sufficient for many entities that require a street address for the NCBDN. Marnie has been working with the State Archives to log and move all paper files as needed, scan files to create electronic records, as well as work with State Surplus to manage the office equipment that will be returned to them.

Covid-19 Updates – Charla Burill

With no change in the Governor's Executive Order, the Board continues to support its position as posted on the website.

Unfinished Business – Charla Burill

N/A

New Business – Charla Burill

- Dr. Sen asked the Board members to share any resources they are aware of that are working to combat food insecurity that has been exacerbated by the ongoing pandemic. The Board members all agreed to send Marnie their resources to compile and share for use in their practices or professional circles.

Public Comment

- Karen Davis asked for clarity regarding the Supervision of Unlicensed Persons as noted earlier and whether this applied to students completing their hours for supervised practice to qualify for licensure. Charla explained that no, students providing MNT under direct supervision for licensure purposes is addressed under § 90-368(2), but the discussion earlier in the meeting is aimed at persons who are not licensed, nor enrolled in a program to obtain hours, or seeking hours for licensure under § 90-368(4).
- No further public comment raised.

Analia motioned to adjourn the meeting at 10:45 a.m. and Christina seconded the motion. All Approved.