

NORTH CAROLINA BOARD OF DIETETICS/NUTRITION  
RULES COMMITTEE MEETING VIA CONFERENCE CALL  
1:00 PM  
140 PRESTON EXECUTIVE DRIVE, SUITE 205-C  
CARY, NC 27513

MINUTES: January 14, 2019

Board Members Present: Shelia Garner Link, Ananya Sen, Analia Camarasa

Director: Charla Burill, Executive Director

Ex-Officio: Marnie Jones, Administrative Specialist

Guests: Judy Stone

This meeting was called in order to review proposed rule changes required under HB74. These rules include 21 NCAC 17.0101; 0104; 0105; 0107; 0109; and 0303.

- Charla went through the proposed edits to Rule .101. All agreed with no additional comments.
- Charla reviewed Rule .104, under (i) regarding the recency of education requirement. Judy is concerned this alters the statute. Charla noted that she did not think it would alter the statute to provide a recency requirement, as the statute just provides for the educational requirements. Shelia was concerned with competency if education was not reasonably current. The Board's mission to ensure competency comes into play with concerns of recency; however, Shelia did not have enough data to say whether that recency should be 5 years, 7 years, etc. Dr. Sen agreed it is a fine line with allowing past education; also does not necessarily have an educated opinion on actual time frame.
- Charla noted that most universities that she corresponded with said they have recency requirements of 5-7 years.
- Judy asked whether the recency requirement could be "paired" with CE submission. For example, if someone failed to meet the recency of education requirements, can they demonstrate competence through CE's taken in the years since the education was completed.
- The group discussed the pros/cons and concerns with recency requirements and options for possible language to solve the issue.
- Analia and Shelia agreed to let Charla discuss this matter further with the Rules Review Attorneys to determine authority.
- Charla raised point (k)(2)(i) regarding relevant records. Charla just wanted to ensure the changed language appeared in both places that it should.
- 1 (d) (iii) – A wording change regarding ensuring the supervisor provides enough substantive evidence for the Board to be able to review the applicant's experience, was discussed. Judy had been confused about this pertaining to the Board, vs. pertaining to the supervisor.
- (n) (1) – Discussion on concerns that this language was too broad. The group discussed options on how to balance the need to be broad enough to allow the Board some discretion on determining true competence, yet specific enough to ensure the applicants are fairly reviewed. Judy raised the concern about applicants who may no longer have access to supervisors who have passed away, etc. and whether the applicant should be asked to provide such information from a supervisor they

can no longer reach. Discussion was had on how to delineate when the application submission “clock starts ticking.” Discussion led to confirming that after the Board’s initial review of what the applicant claims is a complete application, and issuance of the Board’s review opinion and standing of application, this would mark when the time for completing the requirements asked by the Board would begin if an applicant asked that their application be put on hold.

- No specific language was reached but considering the limited time allotted for the call, and noting that there seemed to be an agreed understanding, Charla indicated she would draft language that encompassed the Committee’s position and send it out to the Committee for review and edit.
- Next, the Committee reviewed Rule .0105. Discussion was had regarding Judy’s concern that including some of the language from the statute, but not all of it, might negate some of the statutory language. Charla did not think this was an issue, but did not that some of it was redundant, and she would review this issue with the Rules Review Commission attorneys before moving forward.
- Rule .0107 was then discussed. No issues were noted with this rule except an insertion that had been made at the end specifying LDN and LN. It was concluded that this was not necessary language, and could be deleted.
- Concerns regarding Rule .0109 were then reviewed. Judy suggested changing the language regarding not receiving renewal notice to make it more clear that if one did not update one’s address (email or physical), then the Board was not responsible for one not receiving renewal notice. Additionally concerns were addressed regarding continuing education for Diplomates of Nutrition. It was resolved to add a paragraph signaling that Diplomates would need to ensure they were maintaining the continuing education necessary to maintain their credential.
- Finally Rule .0303 was discussed. The word “delegate” was removed from lines (1) and (2). Discussion then focused on line (3) and what was meant by “direct.” Discussion referred back to the legal guidance provided by Henry, and concerns regarding remote supervision. No conclusions were drawn before members needed to get off the call.
- Charla indicated that she would send all of the drafts out to the Committee for comment and feedback, with hopes that issues regarding Rule .0303 could be resolved via electronic correspondence.

Meeting was adjourned at 3:02 p.m.