

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

MINUTES: September 18, 2019

Board Members Present: Shelia Garner Link, Kim Iles (*joined at 9:50 am*)
Present Via Conference Call: Analia Camarasa, Christina Wilson, Amanda Holliday, Ananya Sen (joined at 9:48 am)

Ex-Officio: Marnie Jones, Administrative Specialist

Guests: Brittany McAllister (Director of Legislative & Regulatory Affairs)
(*via conference call*)

Absent: Charla Burill, Kayla Saunders

Call to Order – Shelia Garner Link

The meeting was called to order at 9:35 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 members if there were any conflicts of interest to report. None declared.

Shelia discussed Board attendance and read Executive Order #34 which indicated Board members appointed by the Governor should be meeting, at minimum, 75% of all regularly scheduled Board meetings. The Board adopted this guideline in its Bylaws. In the last year, two Board members have not been meeting the 75% attendance criteria - Dr. Ananya Sen and Christina Wilson. Shelia asked the Board to be mindful of this attendance requirement, as all perspectives are crucial to Board business as is ensuring there is a quorum.

Secretary's Report – Analia Camarasa

The July 2019 Board meeting minutes as well as the August 2019 Legal Advisory meeting minutes were reviewed electronically prior to the meeting. Analia noted that the word "Closed" needed to be added to the top of the August Closed minutes. Amanda Holliday motioned to approve the July and August 2019 open and closed minutes, with the noted addition of the word "closed" to the top of the August closed minutes. Christina seconded the motion. Shelia asked if there was any discussion on the motion. None declared. All approved.

Administrative Specialist Report – Marnie Jones

- **Numbers Report** - Since the last Board meeting date of July 17, 2019, there have been one hundred one new Category A licensees, five new Provisional licensees, zero licensees have gone Inactive, and five licensees have Relinquished. The total number of Active licensees is 3,232 and nine Provisional licensees.
- Marnie noted that the Board has received a new reporting requirement from the Secretary of State's office to report on number of Board appointees and their gender. This report was due September 1st and was submitted.

9:48 am – Dr. Sen joined the conference call
9:50 am – Kim Iles joined the meeting in person

Shelia re-reviewed the attendance discussion noted above for the benefit of the joining members.

Treasurer Report – Kim Iles

The Cash Flow Report, Budget Report, Savings Report, and Investment Report for July and August 2019 were reviewed electronically prior to the meeting. Kim reviewed highlights from the reports. Kim noted that the vendor named “Celito” is the phone service provider who will be billing separately from our rent going forward, as the landlord is no longer including this in their service (and has reduced our rent accordingly). Kim noted that investments made more than usual this month but as always, it is a cyclical performance, and the Board still has an outstanding task of reviewing our investment provider in the coming months. Per the budget report, while some areas have gone above budgeted costs, at this point we are still aiming to be on target for the year. Analia motioned to approve the financial reports as presented. Christina seconded the motion. Shelia asked if there was further discussion regarding the motion. None declared. All approved.

Executive Director’s Report – Marnie Jones and Shelia Garner Link (for Charla Burill)

- H770 – Marnie gave background as to the passage of H770 and the implications to our agency. There is a new reporting requirement, as well as edits to the CHRI use policy as presented. The appropriate edits to our website will be made in accordance with its passage.
- S553 – At this time, there appears there will be a new requirement of occupational licensure agencies to report on all CEU’s administered, how they are administered, and where. There has been much discussion amongst the OLBs regarding the best way to fulfill this new requirement. Marnie read an opinion from the Asst. AG’s office regarding further clarification. This reporting will largely be fulfilled by Charla upon her return from maternity leave.
- The Final Audit has been received and shared electronically with all Board members. Hard copies are also available in the room. It was requested that all Board members review and be prepared to approve at the October meeting.

10:00 am – Henry Jones, General Counsel, arrived in the Board room for discussion.

Kim motioned to close the meeting for consultation with the Board’s attorney as well as review of applications, under NCGS §143-318.11 (a)(3), § 143-318.18 (6) and Article 5 of the Bylaws, Section 4 (3) & (8). Amanda Holliday seconded the motion. All approved.

Brittany McAllister left the call for the closed meeting.

Davis matter:

Mr. Jones reviewed the Davis application history and most recent inquiry from Ms. Davis regarding her request for the Board to view her supervisors, Dr. Erlandsen and Dr. Schwartz, who both hold a Naturopathic Doctorate degree, to be equivalent to a supervisor described in under N.C. Gen. Stat. § 90-357.5(c)(2), as “. . . an individual with a doctoral degree conferred by a United States regionally accredited college or university with a major course of study in human nutrition, foods and nutrition, dietetics, community nutrition, public health nutrition, nutrition education, nutrition, nutrition science, clinical nutrition, applied clinical nutrition, nutrition counseling, nutrition and functional medicine, nutritional biochemistry, nutrition and integrative health, or an equivalent course of study, with a reasonable threshold of academic credits in nutrition and nutrition sciences as described in subdivision (1) of this subsection.”

After much discussion, the Board agreed that Shelia will issue Ms. Davis a letter indicating our willingness consider the equivalency question at hand, the importance of this decision setting a precedence, and that the Board will view her application on hold until the time the Board can offer further guidance and clarity regarding her inquiry.

Gottfried matter:

The Board then discussed the matter concerning Christina Wilson's supervisor, Dr. Gottfried, to determine equivalency with North Carolina statutory requirements for a licensed physician.

The Board agreed that it appeared that Dr. Gottfried would be able to become licensed as a physician in North Carolina. Marnie will work with Charla to draft a letter for Ms. Wilson indicating this research has concluded and the Board determined it has met the objective of verifying Dr. Gottfried's credentials as determined at the July Board meeting.

LN Applications – Board sought legal counsel as to how it should proceed with review of LN applications noting some rules had gone into effect.

Kim raised a dire concern that the application and the application process for Category F applicants is not working, and has caused the Board's Education Committee and Board itself an enormous amount of time in review without resulting in providing the Board with the information it needs to make a confident decision.

Amanda agreed to spearhead the drafting of a new application, basing it on the statute, and not from the previous CNS forms. It was asked if Christina and Analia could be a part of that drafting to ensure the LN point of view is represented. This group agreed to meet on October 3 from 10am-3pm in a work session to develop a starting point for required elements.

After much discussion regarding the application and how to move forward, Henry advised the Board of the following:

- Effective today, all applications in the pipeline and time stamped prior to September 18th, 2019, may be reviewed IF they are not contingent upon regulations .0101 and .0303 being approved.
- Effective today, no new Category F applications will be accepted until the new application is approved.

Rules Discussion

Henry recapped the objections heard at the RRC meeting regarding regulations .0101 and .0303.

The Board agreed it could not make an informed decision about what the draft language to reconcile regulation .0303 should be and it must wait to hear more suggestions from other stakeholders.

Henry left the meeting at 1:15pm. A motion was made by Amanda to reopen the meeting; Dr. Sen seconded the motion. All agreed.

The Board took a ten minute break.

During the reopened meeting, the following were on the phone: Analia, Christina, Amanda, Dr. Sen, Brittany McAllister, and Cindy Schwalb. Marnie and Shelia were present in the room; Kim Iles left the room but then joined via phone.

Shelia recapped the Rules discussion. Rule .0101 would be a grammatical change and .0303 presented more of a challenge. Much discussion was had and no decision on language was determined. Many points of

view were discussed and Shelia indicated that Henry was waiting for Ms. Faires to offer suggestions as she had requested a copy of any version the Board was considering. Brittany McAllister noted that the BCNS would also like to submit suggested language and asked if they would they be allowed to do so. Shelia indicated that yes, the Board office would accept suggestions from BCNS, and to please send those to the office email of info@ncbdn.org in Charla's absence.

In regards to LN applications Amanda, Education Committee member, motioned that the LN application be reviewed and as soon as possible with the aim of having a draft available to review for the October meeting. No second is needed. All approve.

Board appointments – Marnie indicated that both Shelia and Kim will be coming off the Board in June of 2020. Shelia ends her second term serving, and Kim had indicated, due to professional obligations, she will not seek a second term. These positions will need to be filled by LDN's, one in the private practice realm and one in the clinical realm.

Unfinished Business – Marnie Jones (for Charla Burill)

- N/A

New Business – Marnie Jones (for Charla Burill)

- Public Comment from Brittany McAllister on behalf of BCNS.
 - Brittany asked several questions of the Board. She indicated applicants for LN licensure need some basis to work from and that they are noticing that the guidance is not based on statute or rules. Kim asked for examples of this. Brittany mentioned the issue before the Board with Ms. Davis and determining equivalency of doctorate degrees. Shelia detailed that the Board has already discussed this matter and is moving into action to clarify this question. Brittany also raised the question about defining who/where patients can come from. Shelia briefly recapped that the Board has determined to revise its application in order to provide some of the clarity that is being asked for, and that our hope is to bring clarity to the documents not only for the Board but also for applicants.
- Marnie was asked by Charla to make the Board aware of a letter received by the Board raising concerns about RDN's being approached by CNS candidates to provide supervision. Marnie read a redacted version of the letter to the Board.

HR Committee – Shelia Garner Link

In the essence of time, Shelia simply recapped that the HR committee has been exploring and researching the structure, pay, and benefits of other similar organizations. Several organizations that Shelia researched indicated that they used a consultant company called CAI to perform a review of their organization. She notes that this, of course, comes at a cost. Shelia will continue the discussion via email in order to continue with Board business today.

Brittany left the call at 1:56 pm.

Analia 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.

Investigation Report – Marnie Jones (for Charla Burill)

Marnie reviewed the actions noted and recommendations in the Investigation Report. Marnie noted that a letter from an anonymous prisoner was received at the Board and while not a complaint that we can act on,

Dr. Sen, with Board agreement, suggested a copy of it be sent to the sheriff's office in that township. Marnie will ensure that is taken care of.

Amanda motioned to reopen the meeting. Christina seconded the motion; all approved.

Amanda motioned to ratify the actions in the Investigation report. Dr. Sen seconded the motion; all approved.

Analía motioned to adjourn the meeting at 2:26 p.m.; Christina seconded the motion. All approved.