

NORTH CAROLINA BOARD OF DIETETICS/NUTRITION
BOARD MEETING
11:00 A.M.
1135 KILDAIRE FARM ROAD, SUITE 200
CARY, NC 27511

[ELECTRONIC ONLY MEETING]

OPEN MINUTES: September 22, 2021

Board Members Present: Analia Camarasa, Ananya Sen, Patricia Pitts, Amy Beros, Christie Nicholson, Amanda Holliday, Karen Thomas

Director: Charla Burill, Executive Director

Ex-Officio: Marnie Jones, Administrative Specialist

Guests: Traci Hobson, *ANA representative*, Henry Jones, *NCBDN General Counsel*

Call to Order – Dr. Ananya Sen

The meeting was called to order at 11:05 a.m. Dr. Sen read the following information for the Board, regarding holding electronic Board meetings.

Session Law 2020-3, entitled “An Act to Provide Aid to North Carolinians in Response to the Coronavirus Disease 2019 (Covid-19) Crisis,” sets forth, among other things, changes to the way boards may conduct meetings through simultaneous electronic means during the declaration of emergency. These changes will remain in effect until the declaration of emergency ends.

Since the Board has fully transitioned its operations to a virtual workspace, to ensure that the Board is complying with these new requirements and using best practices when meeting, please take note of the following guidelines:

1. Board members must identify themselves by name prior to speaking at any time during the meeting.
2. The Board Chair shall conduct all votes during the meeting by roll call; each voting Board member must identify himself or herself by name before casting a vote.
3. All documents to be reviewed by the Board will be distributed by electronic means in advance of the meeting.
4. Board members must announce themselves when joining or exiting the remote meeting because Board staff must accurately reflect attendance in the minutes and because the Board must maintain a quorum of participating members throughout the remote meeting.
5. All electronic chats, instant messages, texts, emails, etc. between Board members during the remote meeting are public records and must be provided to the Board’s Executive Director, as the Board’s custodian of records, at the conclusion of the remote meeting.
6. Please be mindful of your surroundings and background noise while participating in the remote meeting. When not speaking, please place your microphone on mute; and
7. Members of the public will be provided with the opportunity to watch or listen to open sessions of the remote meetings. However, Board members may continue to make motions to enter closed session, as allowed by law, to which members of the public will not have access.

To ensure a quorum, Dr. Sen asked members to recognize their presence when their name was read:

1. Amanda Holliday – Present
2. Amy Beros – Present
3. Analia Camarasa – n/a
4. Christie Nicholson – Present
5. Karen Thomas – Present
6. Patricia Pitts – n/a
7. And I, Dr. Sen, am present.

Dr. Sen declared there was a quorum. Dr. Sen welcomed new LN Board member Karen Thomas. Dr. Sen read aloud Karen's Conflict of Interest Letter, **attached** for reference. Dr. Sen also asked if there were any existing conflicts. None Reported.

Patricia Pitts joined the meeting at 11:11 a.m.

Amanda made a motion to approve the agenda as presented. Christie seconded the motion. No further discussion. Roll call to approve motion: Amanda – Yes, Amy – Yes, Christie – Yes, Christina – Yes, Patricia – Yes and Dr. Sen – Yes.

Secretary's Report – Patricia Pitts

The August 2021 open and closed minutes were sent out electronically prior to the meeting. Christie motioned to approve the minutes as presented; Amanda seconded the motion. Dr. Sen asked if there was any discussion on the motion. No further discussion. Roll call to approve motion: Amanda – Yes, Amy – Yes, Christie – Yes, Christina – Yes, Patricia – Yes and Dr. Sen – Yes.

Financial Report – Amy Beros

The August 2021 Cash Flow report, Budget report, Investment reports and Savings report were shared with the Board for review electronically prior to the meeting. Patricia motioned to approve the financial reports as presented. Christie seconded the motion. No further discussion. Roll call to approve motion: Amanda – Yes, Amy – Yes, Christie – Yes, Christina – Yes, Patricia – Yes and Dr. Sen – Yes.

Public Comment – Dr. Sen

None raised.

Administrative Report – Marnie Jones

Marnie reported the total active licensee count at 3,522. Additionally, there were six Provisional licensees. Since the last administrative numbers report given on August 25, 2021, there had been forty-seven new licensees. Also, since the August 25, 2021 meeting report, zero licensees had gone inactive, and zero licensees had relinquished.

Executive Director Report – Charla Burill

Amy motioned to close the 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), as well as closure for the **review of applications**, pursuant to Article 33C of Chapter 143, §143-318.18(6) and Article 5 of the Bylaws, Section 4 (8) and in addition **to consult with the Board's General Counsel**, pursuant to Article 33C of Chapter 143, §143-318.11(3); Article 5 of the Bylaws, Section 4 (3). Amanda seconded the motion. No further discussion. Roll call to approve motion: Amanda – Yes, Amy – Yes, Christie – Yes, Christina – Yes, Patricia – Yes and Dr. Sen – Yes.

Marnie moved Traci Hobson to the virtual waiting room to close the electronic meeting at 11:20 a.m. Analia Camarasa joined the electronic closed session meeting at 11:11 a.m.

Application Review

The Board reviewed the draft letter response written to respond to Applicant Ruberto-Beachler.

Henry Jones, the NCBDN's General Counsel, joined the closed session at 11:30 a.m.

The Board addressed the email received from Ms. Cindy Schwalb on September 20, 2021. Ms Schwalb's email indicated many concerns. As requested by the sender, the email had been shared with the entire Board on September 21, 2021.

Henry Jones left the closed session at 12:32 p.m.

Investigation Report – Charla Burill

Charla reviewed the cases before the Board on the Investigation report. See report for details.

Amy Beros left the call at 12:45 p.m.

Patricia Pitts left the call at 1p.m.

Amanda motioned to reopen the meeting. Analia seconded the motion. No discussion. Roll call approval: Amanda – yes, Analia – Yes, Christie – Yes, Karen – yes, Dr. Sen – yes. The Board reopened the meeting at 1:10 p.m. and took a five-minute break and restarted at 1:15 p.m. Marnie readmitted Traci Hobson to the open meeting.

Executive Report, Continued... - Charla Burill

Actions related to closed session:

1. Amanda motioned to close public complaint 0184, noting the Board's concerns for potential of harm when providing care aimed at a healthy population, to clients with medical conditions. Christie seconded the motion. No further discussion. Roll call to approve motion: Amanda – yes, Analia – yes, Christie – yes, Karen – yes, Dr. Sen – yes
2. Analia motioned to approve issuance of the letter presented addressed to applicant Nancy Ruberto-Beachler responding to the questions presented by her and her attorney at the August 2021 meeting. Amanda Seconded the motion. No further discussion. Roll call to approve motion: Amanda – yes, Analia – yes, Christie – yes, Karen – yes, Dr. Sen – yes

Category C & F Form revisions – The Category C forms had not been updated since the passage of the law in 2018, as they have been rarely used since the law was amended. Changes were made to update the Category C forms in line with the current statute and rules, and also to make them appear more consistent with the supplemental Category F forms. The change to one Category F form addressed clarification of language asking about whether a supervisor provided direct supervision if they supervised a student providing care to patients in NC. A “n/a” option was now included. Charla reviewed each change in both the Category C forms and F form with the Board; the forms had been provided for electronic review. Amanda motioned to approve the forms with changes as presented. Christie seconded the motion. No discussion. Roll call to approve motion: Amanda – yes, Analia – yes, Christie – yes, Karen – yes, Dr. Sen – yes.

Audit – Charla Burill

-Charla reported that our auditor, Loren Hawley, is delayed due to an influx of other Boards and their sooner deadlines. However, she has assured us that she is on track to ensure the NCBDN receives the final audit before the October 31st deadline.

Rules Committee – The Rules Committee met on September 20, 2021 and talked at length about supervision and possible suggestions for language in .303 and .104. They did not finish discussion on other matters and as such will meet again on October 25, 2021.

New Business -

Committee Update – With Christina Wilson’s departure, the Education committee needs one additional member. Karen Thomas agreed to fill that seat. Dr. Sen appointed Karen to this committee. The current committee rosters are as follows:

Investigations – Analia, Amy, & Christie

HR – Dr. Sen, Amanda, Amy

Education – Amanda, Karen

Rules – Analia, Dr. Sen, Patricia

Meeting Length –Some Board members have expressed that the current length of the Board meeting, at roughly 3 hours, is too long. The Board agreed to explore options to shorten or change the structure of the meeting when full Board is in attendance.

Public Comment - Dr. Sen

- Traci Hobson noted there is no public comment from her at this time.

Amanda motioned to adjourn the meeting at 1:58 p.m. Analia seconded the motion. No further discussion. Roll call to approve motion: Amanda – yes, Analia – yes, Christie – yes, Karen – yes, Dr. Sen – yes



STATE ETHICS COMMISSION

POST OFFICE BOX 27685
RALEIGH, NC 27611
PHONE: 919-814-3600

Via Email

September 3, 2021

The Honorable Tim Moore
Speaker of the House of Representatives
16 West Jones Street, Room 2304
Raleigh, North Carolina 27601-1096

**Re: Evaluation of Statement of Economic Interest Filed by Ms. Karen Thomas
Appointee to the North Carolina Board of Dietetics/Nutrition**

Dear Speaker Moore:

Our office has received **Ms. Karen Thomas'** 2021 Statement of Economic Interest as an appointee to the **North Carolina Board of Dietetics/Nutrition (the "Board")**. We have reviewed it for actual and potential conflicts of interest pursuant to Chapter 138A of the North Carolina General Statutes ("N.C.G.S."), also known as the State Government Ethics Act (the "Act").

Compliance with the Act and avoidance of conflicts of interest in the performance of public duties are the responsibilities of every covered person, regardless of this letter's contents. This letter, meanwhile, is not meant to impugn the integrity of the covered person in any way. This letter is required by N.C.G.S. § 138A-28(a) and is designed to educate the covered person as to potential issues that could merit particular attention. Advice on compliance with the Act is available to certain public servants and legislative employees under N.C.G.S. § 138A-13.

We did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The North Carolina Board of Dietetics/Nutrition is responsible for the licensing, oversight, and discipline of licensed dietitians and nutritionists. In connection with its oversight responsibilities, the Board has the authority to issue, renew, revoke, and suspend licenses, and consider complaints filed with respect to dietitians and nutritionists. The Board also approves educational criteria, clinical practice, and continuing education requirements for licensees.

The Act establishes ethical standards for certain public servants and prohibits public servants from: (1) using their positions for their financial benefit or for the benefit of their extended family or business, N.C.G.S. § 138A-31; and (2) participating in official actions from which they or certain associated persons might receive a reasonably foreseeable financial benefit, N.C.G.S. § 138A-36(a). The Act also requires public servants to take appropriate steps to remove themselves from proceedings in which their impartiality might reasonably be questioned due to a familial, personal, or financial relationship with a participant in those proceedings. N.C.G.S. § 138A-36(c).

Ms. Thomas fills the role of a member whose primary practice is community or public health dietetics/nutrition. Because she owns Holistic Digestive Solutions and is licensed by the Board, she has the potential for a conflict of interest. Therefore, Ms. Thomas should exercise appropriate caution in the performance of her public duties should issues involving her business or her certification come before the Board for official action.

In addition to the conflict standards noted above, the Act prohibits public servants from accepting gifts from (1) a lobbyist or lobbyist principal, (2) a person or entity that is seeking to do business with the public servant's agency, is regulated or controlled by that agency, or has financial interests that might be affected by their official actions, or (3) anyone in return for being influenced in the discharge of their official responsibilities. N.C.G.S. § 138A-32. Exceptions to the gifts restrictions are set out in N.C.G.S. § 138A-32(e).

When this letter cites an actual or potential conflict of interest under N.C.G.S. § 138A-24(e), the conflict must be recorded in the minutes of the applicable board and brought to the membership's attention by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the Act. N.C.G.S. § 138A-15(c).

Finally, the Act mandates that all public servants attend an ethics and lobbying education presentation. N.C.G.S. § 138A-14. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the Act.

Sincerely,



Mary Roerden, SEI Unit
State Ethics Commission

cc: Karen Thomas
Charla Burill, Ethics Liaison

Attachment: Ethics Education Guide