

**BOARD OF DIETITIAN/NUTRITIONIST EXAMINERS  
MINUTES**

DATE: March 15, 2013

TIME: 10:00 AM CST

LOCATION: 227 French Landing  
Heritage Place, Metro Center  
Ground Floor, Poplar Conference Room  
Nashville, TN 37243

MEMBERS PRESENT: Janet Skates, LDN, Chair  
Kim Pryor, LDN  
Virginia Carney, LDN  
Jacqueline Daughtry, LDN  
Abbie Derrick Kozomara, LDN

MEMBER(S) ABSENT: Jennifer White, Consumer Member

STAFF PRESENT: Marva Swann, Board Director  
Angela Lawrence, Board Administrator  
Mark Cole, Assistant General Counsel  
Juanita Stone, Disciplinary Coordinator

With a quorum being present, Ms. Skates called the meeting to order at 10:05 AM. Mark Cole who replaces Anthony Czerniak as Assistant General Counsel was introduced to the Board.

**Office of General Counsel Report**

Rules

There are currently no rules and regulations pertaining to the Board of Dietitian/Nutritionist Examiners in process at the Office of General Counsel.

Dietitians/Nutritionist Examiners  
March 15, 2013

## Litigation

There are currently no cases in the Office of General Counsel open pertaining to the Board of Dietitian/Nutritionist Examiners.

## Legislation

There was no update on any pending legislation.

## **Minutes**

Ms. Carney made a motion seconded by Ms. Daughtry to approve the minutes of the September 14, 2012 Board meeting as presented. The motion carried.

## **Investigative and Disciplinary Reports**

There were three (3) open complaints at the beginning of the year. One (1) additional complaint was received in August. All four (4) were closed leaving no open complaints in investigations at the time of this meeting. There is one (1) practitioner currently being monitored following Board disciplinary action of a revocation of license.

## **Applicant Interview**

### Lauren Lea, DN

Ms. Lea, DN is requesting to be licensed in Tennessee by reciprocity from the State of Florida. The Board reviewed her application due to a non-disclosed DUI conviction. After review and discussion, Ms. Carney made a motion seconded by Ms. Kozomara to approve Ms. Lea for licensure. The motion carried.

## **Correspondence and Discussion (Old & New Business)**

- A. Follow up Response to Debra Shiba's April 2012 Inquiry—Ms Shiba sent an inquiry to the Board to clarify that “a non-licensed individual can not develop a therapeutic dietary regimen (recommend/order/instruct with regards to medical nutrition, therapy, nutritional supplementation) in Tennessee. She wanted to know specifically if an LDN

Dietitians/Nutritionist Examiners  
March 15, 2013

could co-sign a non-licensed individual and if dietitians fell under the “practitioners of medicine” since they are not listed in the statute. The Board opined that pursuant to §63-25-105 “no therapeutic dietary regimen may be developed unless pursuant to the appropriate orders and/or referral of a licensed practitioner of medicine, osteopathy, chiropractic, dentistry or podiatry when incidental to the practice of their respective professions.” Mr. Czerniak and Ms. Skates drafted a response to Ms. Shiba’s inquiry. Ms. Shiba was advised that persons employed in a hospital or nursing home, as defined in §68-11-201 and subject to licensure by the Tennessee Board for licensing health care facilities, are not required to be licensed by the Board of Dietitians/Nutritionists under the Dietetics/Nutrition Practice Act. The Board of Licensing Health Care Facilities would govern these individuals. Further, the rules and regulations of the Tennessee Board of Dietitians/Nutritionists do not address charting or co-signing of a non-licensed individual’s work by a licensed dietitian and lastly, dietitians are not practitioners of medicine.

- B. Criminal Convictions Policy—Lindsay Vaughn, Assistant General Counsel drafted a policy as to how applicants with criminal convictions will be handled by the Board. After review by the Board, Ms. Daughtry made a motion seconded by Ms. Kozomara to adopt the policy as presented with the amendment of replacing physical therapist or physical therapist assistant with dietitian/nutritionist. The motion carried. It will placed on the Board’s website.
- C. Pictures on Website—the Board delegated Ms. Carney to select pictures to be used in lieu of the current one on the Board’s website.
- D. Declaration of Citizenship Form—the Board was given a form to review as a FYI of the “Declaration of Citizenship” that has been added to the applications of all Health Related Boards.
- E. Ask a Dietitian on Department of Health’s website—no action taken
- F. Proposed CMS rule change to expand dietitian order writing privileges—the Board had discussion of upcoming changes to the CMS rules which would give Registered Dietitians more privileges in writing therapeutic dietary regimens. It was concluded that it would have no affect for Tennessee dietitians as the State statutes can supersede Federal law.

Dietitians/Nutritionist Examiners  
March 15, 2013

The Tennessee Dietetic Association would have to lobby the Legislature for a change in the law. As it stands, dietitians are advised to follow their hospital's directives.

- G. Licensure of Public Health Dietitians—a discussion was held regarding the licensure of public health dietitians. Public health registered dietitians do not have to be licensed if working in public health; however, they do have to be licensed if they are holding another position, such as consulting in addition to their job in public health.
- H. Dietitian in Private Practice—the Board received an inquiry as to whether a dietitian in private practice needed referrals from a physician. Mr. Czerniak's response was that a dietitian in private practice should have a physician's referral.
- I. Request from Intern for Documentation of Internship to be used for Loan Deferment—No action taken. Not applicable for DN licensure.
- J. Lactation Consultant Licensure—Ms. Carney informed the Board that the United States Lactation Consultant Association was pursuing licensure for lactation consultants and wanted to link with Dietitian Boards. The Board opined that it would be best if lactation consultants formed their own board for licensure.
- K. Whistle Blower Confidentiality—an inquiry was presented regarding whether a complainant could remain anonymous. Juanita Stone, Disciplinary Coordinator with the Office of Investigations informed the Board that everything involving the case would be confidential if the case is settled before notice of charges is filed. The name of the person reporting the complaint would therefore not be revealed; however, if notice of charges is filed and the case becomes a contested case, the Office of Investigations loses control of confidentiality. The name of the person reporting the complaint would be revealed in discovery.

### **Correspondence Review Policy**

The Board directed the administrative staff to send all inquiries to the Board Chair for review and comment before inquiries are answered. In the event, the Chair is unavailable; another Board designee would review the inquiries.

### **Ratifications**

Dietitians/Nutritionist Examiners  
March 15, 2013

Ms. Daughtry made a motion seconded by Ms. Pryor to approve the list of new licenses. The motion carried.

NEW LICENSES

KATHERINE JADE ARDUINI  
ASHLEY NOEL BALDNER  
CARMEN REGINA BESHIRE  
ANDREW SCOTT BROMLEY  
SARAH B CANALE  
GINGER L CHILDS  
ALEXANDRA MARIA CONSTANTINE  
MONICA LEIGH COOPER  
MOIRA COLLEEN CUMMINS  
HANNAH DAIELLE DISTERDICK  
DENA NICOLE COURISSEAU  
SUZANNE ELIZABETH EMERY  
SUZANNE MARIE FAIR  
JOSTEN MICHAELA FISH  
JENNIFER KARCH FLEISCHER  
MELISSA DAWN FRAZIER  
MICHELLE ANN GRABOWSKI  
SHERRY JEAN HAMILTON  
JESSICA HART HARRIS  
CHRYSTAL LEE HAYES  
JENNIFER RENEE HEIDEL  
MEGHAN LEAH HELBICK  
RENEE LETITIA HENDRICK  
SHANNON CARROLL HENNINGHEIL DAVID  
HERRINGTON  
STACY LOUELLA HEWLETT  
ANNE MARTIN HOGAN  
LAURA VIRGINIA HUDSPETH  
CANDICE DENISE JACKSON  
EMILY NICOLE JOKISCH  
JENNIFER HAILEY JONES  
AUDREY E JUSTUS  
CASEY LYNN KATZ

ANDREW JARRETT KENNEY  
LINDA LANE  
ASHLEY MARIE LASSOURREILLE  
VALERIE LAYNE  
ANNALISE COLLETTE LESTER  
KRISTEN BROOKE MACKENS  
BAILEY MIRANDA MCDANIEL  
JANELLE MARIE MEEKS  
MELISSA LEIGH MEREDITH  
LISA NICOLE MILES  
AUBREY HENRY MOORE  
ELIZABETH HEESCHEN MOORE  
LAUREN GRANGER MORGAN  
JOAN DANIELLE MORRIS  
LETICIA MARIE PICKERING  
BRANDI LEE PIGG  
KRISTIN MARIE PRESSNELL  
LEAH KATHERINE ROBB  
LAURA NORWOOD SEIGENTHALER  
KELLY MARIE SHINTON  
SAMUEL JAMES SISLEY  
ASHLEY JANE SMITH  
DEBORAH LYNN SPAHN  
DANIEL R THOMAS  
HANNAH LOUISE THOMAS  
JEANNETTE MARGARET TULIS  
CHRISTINA CANNON TURNER  
ELIZABETH GENTRY UNGER  
DIANE MARY WAGNER  
OLIVIA MAUREEN WAGONER  
ELIZABETH ANNE WATHEN  
IVY MARIE WEIS  
CHRYSTAL LYNNE WELCH

Dietitians/Nutritionist Examiners  
March 15, 2013

ROBERT CHARLES WELLER  
VALERIE AGENS WHEAT  
JAN MICHELLE WHITT

JESSICA DANIELLE WOOTON  
KAREN ANN WRIGHT  
KRISTEN RENEE XION

#### REINSTATEMENTS

Ms. Kozomara made a motion seconded by Ms. Carney to approve the list of reinstatements. The motion carried.

BRENDA DARLENE BRAYAN  
KELLA SUE GERDEMAN  
KAY M. HEAD  
PATTY THORNTON POE  
KATHERINE F. ZEHNTNER

#### CLOSING ABANDONED And EXPIRED APPLICATIONS

Certified letters were sent to applicants whose files had no action for one year or older. The files of Nisha R. Satwekar and Jill M. Henderson were closed having had no response from both applicants. The file of Tami S. Schoepflin was also closed as Ms. Schoepflin responded that she no longer has need of a license.

#### **Counsel on Licensure, Enforcement and Regulation (CLEAR) Conference**

The Board voted to send Ms. Daughtry to the CLEAR conference that will be held in St. Louis Missouri October 1-5, 2013.

#### **Financial Report**

##### Report for FY2013

Total direct expenditures: \$61,124.45  
Total revenue: \$68,712.78  
Cumulative Carryover: \$42,899.53

The Board discussed with Ms. Lisa Title the possibility of reducing licensure fees. Ms. Title advised the Board that any reduction of fees at this time could result in a deficit leaving the

Dietitians/Nutritionist Examiners  
March 15, 2013

board financially non-self-sufficient. There are expenses that the Board will have to pay its share of which includes Health Related Boards moving to another location and the cost of a new data system replacement. This would leave very little room for any unexpected expenditures. The Board decided to take no action at this time regarding fees.

### **Administrator's Report**

Active licensees—1515

Board activity from 9/13/12 thru 3/8/13

New license—78

Reinstatements—5

Renewals – paper—170

Renewals-online—171

Cash Office—8

### **Board Members**

The administrative staff will attempt to contact Consumer Member, Jennifer White. It was reported that she might have moved out of state.

### **Adjournment**

With there being no further business, the meeting adjourned at 12:56 PM.

**These minutes were ratified at the September 13, 2013 meeting.**

Dietitians/Nutritionist Examiners  
March 15, 2013