

## **MINUTES OF THE BOARD OF DIETITIAN/NUTRITIONIST EXAMINERS**

DATE: August 31, 2018

TIME: 10:00 AM CST

LOCATION: Poplar Conference Room  
665 Mainstream Drive, 1<sup>st</sup> Floor  
Nashville, TN 37243

MEMBERS PRESENT: James Burkard, LDN, Chair  
Queen Cox, LDN, Secretary  
Linda Hankins, LDN  
Jamie Bailey, LDN

MEMBER(S) ABSENT: Samuel Sisley, LDN  
Patrick Parham, Citizen Member

STAFF PRESENT: Kimberly Hodge, Interim Unit Director  
Lyndsey Boone, Board Administrator  
Eric Winters, Assistant General Counsel  
Ashley Fine, Rules Coordinator

### **Call to Order**

A roll call of all board members and administrative staff present was taken. With a quorum present, Mr. Burkard called the meeting to order at 10:04 AM.

### **Legislative Update**

Patrick Powell, the legislative liaison for Department of Health, gave an update that went over the legislation that was passed during the last legislative session that will affect the Board of Dietitian/Nutritionist Examiners. Public Chapters 611, 744, 745, 793, 754, 929, 954, and 1021 were discussed.

### **Minutes**

Ms. Cox made a motion, seconded by Ms. Bailey, to accept the February 23, 2018 minutes as written. The motion carried.

## **Applicant Interview**

### **Astrid Roman, RD**

The Board reviewed an application for licensure as a Dietitian/Nutritionist submitted by Astrid Roman, RD. Ms. Roman had a 2012 arrest and convicted in 2014 for a DUI, and per the boards policy she had to appear before the board. Ms. Roman was present to answer any questions from the members of the board. Ms. Hodge went over the boards policy and then referred back to the new 'fresh start act' that went into effect July 1, 2018. After reviewing the documentation, questions and discussion from the board, Ms. Cox made a motion, seconded by Ms. Hankins, to approve the file. The motion carried.

## **Financial Report**

Ms. Noranda French presented the Unofficial Year End Financial Report, because the fiscal office had not yet been given the official report at this time. From the expenditure/ revenue comparison it shows that in the last five years the board's income was significant compared to its expenses, which prompted the fee reduction conversation at the last year end meeting per the Health Related Boards policy 106.05. The board's cumulative carryover balance exceeds twice the three year average of operating expenditures. The board voted at the last meeting to have a fee reduction for the renewals.

## **Investigative and Disciplinary Reports**

Ms. Lori Leonard, Disciplinary Coordinator in the Office of Investigations presented the investigative and disciplinary report. There is only one licensee who is currently being monitored, it shows that she has not paid her fees and she was referred to the Attorney General's office for collections.

For the year there are four new complaints; one for falsification of records, one unprofessional conduct and two for lapsed license. Total complaints closed are seven; one was closed without sufficient evidence for discipline and the other six were closed with a letter of warning, which is a form of discipline that is not reportable to the national databank. Currently there are three complaints that are being investigated and/or reviewed by the consultant and attorneys.

## **Directors Report**

This is an Administrative Report from Kimberly Hodge, Interim Unit 3 Director. The information contained in this report will keep the Board aware of all essential activity pertaining to licensure for Dietitian/Nutritionists.

As of August 30, 2018, the Board had 1,902 licensed Dietitian/Nutritionist.

The following is the licensing activity from February 21, 2018 through August 30, 2018:

Newly Licensed – 128

Reinstatement - 15

Failed to Renewed/Expired Licenses – 54

Retired- 5

Number of Renewals Online- 51

Number of Paper Renewals – 145

The current rates for travel are, in-state lodging \$162.00, in-state meals & incidentals \$44.25 a day, the standard mileage rate is \$0.47 a mile and the Overnight meals & incidentals is \$59.00 a day. These will change in October 2018 though.

#### BOARD MEETING DATES FOR 2019

Friday, February 22, 2019

Friday, September 27, 2019.

#### **2018 Conferences**

2018 Food and Nutrition (FNCE) Conference & Expo, October 20-23, 2018 in Washington, DC; was discussed at the last meeting but was never confirmed if they were attending the meeting. Ms. Burkard made a motion, seconded by Ms. Cox, to attend the FNCE meeting.

#### **Rule Making Hearing**

Eric Winters, Assistant General Counsel, called the hearing to order and he will serve as moderator for the rule making hearing. The Board did a roll call to introduce themselves for the record. The rule making hearing is taking place pursuant to TCA § 4-5-204. The purpose of this rule making hearing is to solicit comments on rules proposed by the board in order to amend rule 0470-01-.06 Fees.

The following is a summary of the factual information on which the amended rules contained in the notice rule making hearing are based; the rule amendment will decrease the biennial renewal fee for Dietitian/Nutritionist from \$90 to \$70. Proposed rules are filed with the Office of the Secretary of State, notice is given to the public for comment and a rule making hearing is held. Upon conclusion of the hearing an adoption of the proposed rule, the rules are forwarded to the Attorney General's office for review of legality. If approved, they are then filed with the Secretary of State, which is responsible for publication and the Government Operations Committee of the General Assembly. The rules must stay in the Secretary of State's office for ninety days, the end of which time will be the effective date. If there are member of the public wishing to comment they may sign the form at the hearing to do so; there were no members of the public present that wished to speak.

The notice of the rule making hearing included the entire text of the proposed rules and was published on March 13, 2018 on the Tennessee Administrative website. Mr. Winters asked Ms.

Hodge if there was any additional notice provided, and she sent out a mass email to the association, all licensees who opted in to receive email notification from the board and it was posted on the board's website.

The substance of the rule is as follows:

“Rule 0470-01-.06 Fees is being amended by deleting subparagraph (4)(f) in its entirety and by substituting instead the following language, so that as amended, the new subparagraph (4)(f) shall read: (f) Renewal – Biennial \$70”

There were no comments, Mr. Winters asked for a roll call vote to vote on the rules in its entirety; all board members voted ‘yes’. Next they did a vote on the economic impact statement and the regulatory flexibility analysis; all board member voted ‘yes’.

This concluded the rule making hearing and the comment period.

### **Office of General Counsel Report**

Mr. Winters reminded members about the Conflict of Interest policy. He discussed that the purpose of the discussion is to ensure that the individual interests of board members do not conflict with, or have the appearance of conflict with their responsibilities on the Board. He also touched on the Open Meetings Act, which says that committee business may only be discussed by the committee members during the meeting. He then presented the following report from the Office of General Counsel (OGC):

#### **A. Disciplinary Activity**

As of August 30, 2018 there are no open files in the Office of General Counsel, and there are no consent orders on the agenda to be presented today.

#### **B. Rule Activity**

The rule change to effectuate a fee reduction is to be voted on at the August 31, 2018 meeting.

#### **C. Legislation**

The board needs to vote on whether it would like the Director of Health Related Boards to draft a rule regarding how to handle the waiver of initial licensure fees for low income persons as outlined in Public Chapter No. 954.

Ms. Cox made a motion, seconded by Ms. Bailey, to allow the Director of Health Related Boards to draft a rule regarding how to handle the waiver of initial licensure fees for low income persons. The motion carried.

## Ratifications

Ms. Cox made a motion, seconded by Mr. Burkard, to approve the list of newly licensed and reinstated licensees. The motion carried.

### NEW LICENSES -DIETITIANS/NUTRITIONISTS

Abbott Emily	Ergish Patience	Lamar Stephanie
Ackart Elizabeth	Eskelsen Ashlee	Lee Courtney
Allen Lucinda	Farone Mary	Lehmann Tiffany
Andrus Carly	Fleischer Jennifer	Leu Jessica
Bach Kathryn	Gerhartz Rebecca	Livesay Mary Jane
Baisa Gena	Germer Emily	Martin Jenna
Bamarni Shevba	Gill Allison	Matherley Rebecca
Beavers Cassidy	Goble Brandy	Mattson Alicia
Bechtel Shelly	Gonzalez Adams	Mcgee Leah
Benson Abigail	Gosik Sara	Michael Michelle
Booth Michael	Hagan Lorie	Mize Virginia
Bowen Suzanne	Hamerlinck Danielle	Moore Stefanee
Britten Jessica	Hatch Ginny	Morales Christina
Broadrick Ashley	Hernandez Jesus	Muncie Rebecca
Brosnan Katharine	Higgins Kelsey	Murdock Kathy
Bus Kathryn	Hinds Megan	Murray Emily
Buzzell Ciera	Hobart Ann Lawson	Nejdl Christine
Cardwell Brittany	Hu Yini	Nitzsche Patricia
Carlisle Elaina	Hueter Danielle	Noel Julia Yvonne
Carter Kwynn	Hughes Abigayle	Norris Jennifer
Castile Jessica	Hunter Danielle	O'Nan Sean
Chaney Amber	Hunter Donna	Olson Dianna
Christie Miriam	Jackisch Anne	Orick Brady
Clark Theresa	Johnson Chelsea	Panjwani Reena
Coltart Emily Anne	Jordan Lacy	Park Casey
Colwell Rebekah E	Kang Michileen	Paterson Stacey
Conger Lori Michelle	Kellum Krista	Pendergrass May
Cook Katherine Elizabeth	Kenmuir Tracey	Penick Danielle
Cordes Chelsea	Kiefer Anna	Pietrzak Kelsey
Cunningham Abigail	Kingsborough Jennifer	Pisk Calle
Deming Elise	Kisner Tanya	Plunk Lisa
Dodds-Mills Glenis	Kloehn Alexander	Rabun Amanda
Donovan Ashley	Kordower Miroslava	Renzaglia Elizabeth
Edwards Holly	Kraskouskas Megan	Roberts Mallori

Rodriguez Mabel  
Rogers Samantha  
Rowberry Rachelle  
Sawyers Sarah  
Searor Stephanie  
Sharpe Rebecca  
Shoemaker Jennifer  
Sikorski Danielle  
Slagle Carly  
Starkey Kyle

Stone Krystle  
Swanson Cherkitra  
Anquinette  
Todd Lisa  
Trott Morgan  
Turbyville Tamara  
Turner Haley  
Vaughan Emily  
Weaver Laura  
Welker Amanda

West Emily  
Wikan Amanda  
Willhite Jennifer  
Willhite Alice  
Williams Mary  
Wood Allison  
Yort Mary  
Young Maggie

### **Correspondence/ Other Discussion**

There was no correspondence for discussion at this time.

### **Adjournment**

There being no other business, Ms. Bailey made a motion to adjourn the Board meeting. The motion carried.

The Board meeting was adjourned at 10:51 AM, Friday, August 31, 2018.

**These minutes were ratified by the Board on February 22, 2019.**