

MINUTES OF THE BOARD OF DIETITIAN/NUTRITIONIST EXAMINERS

DATE: September 11, 2015

TIME: 10:00 AM CST

LOCATION: Poplar Conference Room
665 Mainstream Drive, 1st Floor
Nashville, TN 37243

MEMBERS PRESENT: Jacqueline Daughtry, LDN, Chair – Presiding Officer
Abbie Derrick Kozomara, LDN, Secretary
Virginia Carney, LDN
Kim Pryor, LDN
Susan Brantley, LDN

MEMBER(S) ABSENT: Jennifer White, Consumer Member

STAFF PRESENT: Michael Sobowale, Unit Director
Lakita Taylor, Board Manager
Zandra Pickett, Board Administrator
Mark Cole, Assistant General Counsel
Jamie Formont, Assistant General Counsel
Nichelle Dorroh, Office of Investigations
Vanessa Crutcher, Division Fiscal Officer
Mark Waters, Deputy General Counsel
Ben Simpson, Office of Legislative Affairs

1. Call to Order

With a quorum present, Ms. Daughtry called the meeting to order at 10:01 AM.

2. Minutes

Ms. Kozomara wanted an amendment to the Board consultant's last name to be changed from "Basley" to "Balsley". There being no other amendments noted, Ms. Carney made a motion, seconded by Ms. Brantley, to approve the minutes of the March 13, 2015 Board meeting as amended. The motion carried.

3. Ratifications

Ms. Brantley made a motion, seconded by Ms. Carney, to approve the list of 73 newly-licensed practitioners and 18 license reinstatements. The motion carried.

DIETITIANS/NUTRITIONIST

Baxter Kerri	Hackley Christie Jo	Nunes Kathleen Reck
Bojang Melody D.	Hamlin Catherine	Partida Samantha
Boles Suzanne Marie	Hardy Laura	Prichett Chelsea Guetherman
Bridges Allison	Harrison Tiffany	Raburn Lacey
Campbell Debra	Haynie Mallory	Reber Cecelia Marie
Carr Lynsey Ramey	Hewey Jennifer	Rivera-Gonzalez Noelia
Chan Hing Wan	Hillenbrand Krista Lynn	Rockett Amanda
Claussen Jan Ruth	Hodges Stacy Sheco	Ruppert Mackenzie R.
Coen Amy Lynn	Hoese Whitney	Sanks Samantha Marie
Cohen Cari Nichole	Hoover Alexandra Constantine	Slatky Janessa Rochelle
Colwell Barbara Sue	Hyland Heidi	Smith Beth Ann
Crilly Meredith Ann	Jones Lauren Kristine	Stancil Angela Joyce
Curran Hannah Elizabeth	Khalsa Siri-Datar Kaur	Stewart Kelly Mcdougal
Dragutsky Erin	Kiker Dana Michelle	Tremaine Kathryn Breckenridge
Edwards Kristi Lynn	Kiser Ashley J.	Walker Candace Hope
Elser Kayla	Laws Jacquelyn	Walker Jennifer C
Foster Amelia Lauren	Li Yang	Walker Linda Mccarty
Fox Valerie N.	Littrell Jennie	Weand Carol
Fritz Sarah C.	Mcfarland Stacha Leann	Weis Ivy Marie
Gagel Catherine	Mcgann Countney	West Crystal Danielle
Gray Kellie	Meadows Michelle Nicole	Westmoreland Teresa April
Gray Lauren Michelle	Miller Michelle Ann	Wilkins Kiely
Green Allison Nicole	Morris Carolyn	Zuehlsdorff Cheryl
Greenwood Rosemary Viola	Neely Leigh Ann	
Griffin Christie M	Nelson Diedra	

REINSTATEMENTS: DIETITIANS/NUTRITIONIST

Cheek Vanessa Baker	Mabry Glenda Barker	Rouleau Mary Helen
Crawford Heather Renee	Nelson Paula J.	Schuessler Linda D.
Fogarty Kathleen Annette	Pace Anna Marie	Schwartz Emily
Hicks Anna Kathleen	Paulus Kimberly H.	Seabolt Lynn Allen
Lloyd Carol Anne	Price Amanda Lee	Terry Mary Susan Tindell
Lynch Jamie Whoric	Pritschet Sara Jordan	Weaver Mary Ann

4. Office of General Counsel Report

Jamie Formont, advisory attorney to the board, discussed the Sunshine Open Meetings Act and the Conflicts of Interest policy. Notice of all matters to be discussed by the Board are to be publicly posted within statutory timeframes and Board members are required to disclose the existence or appearance of a conflicting interest in any matter coming before the Board so that a determination may be made regarding the need for recusal, in case of a conflict.

A. Litigation

There were no orders to be presented for ratification.

B. Legislation

There was no new legislation to report.

C. Rules

There were no pending rules for presentation.

D. Agreed Citations

Upon review by the Board, a motion was made by Ms. Carney, seconded by Ms. Kozomara, to approve the following Agreed Citations:

Mary Susan Tindell Terry DN #433

Ms. Terry agreed to pay civil penalties in the amount of \$300.00 for working on a lapse license.

Carol Anne Lloyd DN #2146

Ms. Lloyd agreed to pay civil penalties in the amount of \$650.00 for working on a lapse license.

5. Financial Report

Ms. Vanessa Crutcher, Division Financial Officer, presented the financial report and discussed current financial projections, even though the budget close out will be at the end of October. She explained each line of the report in detail. The board’s total expenditure is \$62,064.89. The board’s revenue fee is \$90,966.72 with a projected current year net of \$28,931.83, for a total cumulative carryover of \$127,184.37. Ms. Daughtry inquired about any recommendation to the Board regarding the reported financial status. Ms. Crutcher stated the Division’s policy regarding health related boards’ carryover balances and recommended that the board wait until after the close out of the board’s finances for FY2015 to see where the board stands. Ms. Kozomara inquired about the increase in salary and wages on the report. Mr. Sobowale responded that this was due to additional staff working on the board.

6. Investigative and Disciplinary Reports

Ms. Nichelle Dorroh, Disciplinary Coordinator, presented the Office of Investigations report. Currently, there are two complaints cases pending first review which is scheduled with the board consultant and board attorney. There is one (1) practitioner currently being monitored.

7. Administrative Report

Zandra Pickett, Board Administrator, presented the administrative report. Currently, the Board of Dietitians/Nutritionist has 1659 active licensees as of September 4, 2015.

LICENSING ACTIVITIES STATUS TOTALS FOR THE MONTHS OF
MARCH 6, 2015 THROUGH SEPTEMBER 4, 2015

Dietitians/Nutritionist	
New Applications Received - 76	
New Licenses Issued – 73	Total- 331
Reinstatements – 14	Online Renewals- 204
Licenses Retired- 4	Paper Renewals- 127
Failed to Renew- 43	

For this reporting period, online renewals for Dietitians/Nutritionist constituted a usage rate of 62%.

BOARD MEMBERS

All board vacancies are currently filled. Ms. Kozomara inquired about whether there was any update from the previous board meeting discussion concerning a replacement for Ms. Jennifer White, the consumer board member. Mr. Sobowale responded that the issue of Ms. White has

been brought to the attention of the Division's liaison to the Governor's Office and a replacement for this position is still in process.

2015 Conferences

Ms. Daughtry and Ms. Brantley were approved to attend the CLEAR conference to be held at Boston Park Plaza Hotel & Towers at Sept 17-19, 2015.

2016 Board Meeting Dates

Upon discussion by the Board, a motion was made by Ms. Carney, seconded by Ms. Kozomara, to accept proposed 2016 Board Meeting dates as follows:

February 26, 2016

August 26, 2016

Sunset Review

Mr. Sobowale informed the Board that he, Mrs. Formont, and Mrs. Daughtry represented the Board at the Sunset Review hearing held before a committee of the general assembly and the outcome was the board has been extended for 6 more years.

8. Correspondence and Discussion

Ms. Formont presented correspondence received from board member, Ginger Carney, pertaining to Lactation Consultants seeking licensure in the state of Tennessee. After discussion, the board tabled the matter and asked Mrs. Carney to provide more information to the board based on questions posed to her for discussion at a later meeting.

9. Further Discussion(s)

LEGISLATIVE UPDATES

Ben Simpson, Department of Health Legislative Liaison, presented the board with legislative updates for 2015:

Public Chapter 154 - This act allows the Commissioner of Health or his designee to have electronic access to medical records in order to facilitate investigations when responding to an immediate threat to public health. Today the Commissioner of Health or his designee already has this authority but must go to the facility to review the medical records.

Public Chapter 94 - This act defines "abuse" and "neglect" for purposes of placing a person on the registry of persons who have abused, neglected, or misappropriated the property of vulnerable individuals specifically within the statutes that govern the Dept. of Health. It does not

impact the definitions within the statutes that govern the Dept. of Intellectual and Developmental Disabilities nor the Dept. of Human Services. It also increases the time within which placement on the registry may be appealed from 30 to 60 days.

Public Chapter 502- This act allows the Joint Government Operations Committee (the legislative committee that reviews all rules) to stay a rule up to 75 days instead of 60 days. Present law authorizes the Joint Government Operations Committee to consider the following factors when reviewing rules: authority, clarity, consistency, justification, necessity and reference. This act adds arbitrariness and capriciousness as two new considerations.

Public Chapter 268 - This act makes disclosures of protected healthcare information permissible in medical malpractice lawsuits.

Public Chapter 949 - This act allows for initial licensure applications to be accepted online. Currently, renewing licenses is already available online. This also makes available to the public annual inspections of health care facilities and pharmacies, similar to how nursing home inspections are already available.

10. Adjournment

With no further business to discuss, Ms. Brantley moved for an adjournment and Ms. Carney seconded the motion. The meeting adjourned at 10:48 am.

These minutes were ratified by the Board on February 26, 2016.