

**BOARD OF DIETITIAN/NUTRITIONIST EXAMINERS  
MINUTES**

DATE: September 18, 2008

TIME: 10:00 a.m. C.D.T

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

MEMBERS PRESENT: Demetra Pratt, D/N, Chair  
Liang-chu K. Daniel, D/N  
Gwendolyn Blackman, D/N  
Janet Skates, D/N  
Georgina M. Awipi, D/N  
Carol Miller, Consumer

MEMBERS ABSENT: (NONE)

STAFF PRESENT: Marva Swann, Board Director  
Tomica Walker, Board Administrator  
Ernie Sykes, Assistant General Counsel  
Lucy Bond, Assistant General Counsel  
Alison Cleaves, Deputy General Counsel  
Juanita Stone, BIV Disciplinary Coordinator  
Denise Moran, BIV Director  
Libby Miller, HRB Director  
Carol Kennedy, Criminal Background Check Unit Director

GUEST: John Williams, Tennessee Dietetic Association

With a quorum being present, Ms. Pratt called the meeting to order at 10:05 a. m. Carol Miller, the Board's new Consumer member was introduced and welcomed.

Mr. Sykes introduced Ms. Lucy Bond who will be taking over as attorney for the Board.

**Conflict Of Interest**

Mr. Sykes instructed Board members of their responsibilities under the Conflict of Interest Policy.

**Office of General Counsel Report**

Mr. Sykes presented the following OGC Report:

### Rules

- **Advertising, Titles, and Screening Panels—(Tenn. Comp. R. & Regs. 0470-1-.14, .19)** these amendments went to rulemaking hearing on January 18, 2006; they were adopted by the Board on March 30, 2006 and sent to the Attorney General for approval on April 13, 2006. They became effective on March 14, 2007.

### Litigation

- The office of General Counsel currently has two open disciplinary cases pertaining to the Board of Dietitian and Nutritionist Examiners.

Mr. Sykes gave the Board a detailed overview of Board member functions and obligations as well as the OGC's case management and litigation process. He also explained the rulemaking process.

### **Investigative And Disciplinary Reports**

Juanita Stone presented the Board's Investigative report. There were six complaints at the end of calendar year 2007. Two new complaints were received in February and one in July of 2008. Of these nine complaints, one was closed with no action and four were referred to OGC, leaving four open complaints at the time of this meeting.

There are no dietitian/nutritionists being monitored for disciplinary action at this time.

Denise Moran, Bureau of Investigations Director, presented a detailed explanation of the investigative process. She stated that complaints are triaged with the most severe complaints given priority. A Board consultant and the Board's attorney review all complaints. The Board consultant is a licensed practitioner in the field. Complaints are either closed with no action taken, closed by a letter of warning or reprimand, or sent to OGC for further prosecutorial action. The goal is to, if possible, close a complaint within two months.

Complaints can be filed anonymously. Persons who want to file a complaint can find directions on the Department of Health's website. There is also a toll free telephone number.

### **Agreed Citation**

Alison Cleaves, OGC Deputy General Counsel, addressed the Board regarding the agreed citation as it would relate to a licensee practicing on a lapsed license. The Board currently does not require continuing education.

Ms. Cleaves stated that she was not asking the Board to change their policy with regard to the lapsed license but wanted to clarify, that if the Board were seeking civil penalties for policy violations, this would be formal discipline, subject to listing on the Department of Health website on the monthly Disciplinary Action Report (DAR). She asked that the Board enforce their policy by using the agreed citation rather than a demand letter as has been used in the past. The agreed citation is a legal document that would outline the licensee's rights and privileges under the law.

After discussion, Ms. Daniel made a motion seconded by Ms. Skates to change "fine" to "civil penalty" in the lapsed license policy and enforce the policy by use of an agreed citation with the understanding that such action would be considered formal discipline reported on the website. The motion carried.

Ms. Bond is to make the change to the policy, a copy of which will be introduced for approval at the next meeting.

### **File Review Process**

Pursuant to rule 0470-1-.07 (3) the Board may delegate authority to the Board's administrator to preliminarily approve applicant files for licensure. The Board meets twice per year. The administrative staff requested guidance as to how to proceed.

After discussion, the Board delegated authority to the Board administrator, Tomica Walker, and requested that she contact a Board member if necessary to discuss preliminary approval of files pending approval by the Board.

### **Policy Regarding Equivalent Major Course of Study**

Rule 0470-1-.04 (1) (a) states, in part, that in order to become a Licensed Dietitian/Nutritionist, an applicant must have a degree in food and nutrition, dietetics, or an equivalent major course of study approved by the Board. The Board discussed adopting a policy recognizing an equivalent major course of study for Licensed Dietitian Nutritionist (LDN) applicants who have taken and passed the registered dietitian exam and received proof from the Commission on Dietetic Registration (CDR). The CDR verification is a prerequisite for becoming a LDN in Tennessee. Applicants may take the CDR exam without having a degree in dietetics or food and nutrition if their college transcript indicates that they have the nine hundred (900) hours in dietetics or food and nutrition and have completed an approved practicum. The Board would like a policy drafted to indicate that, by taking and passing the CDR exam, is the equivalent of a degree in dietetics or food and nutrition.

Ms. Bond is to present a draft of the policy for the Board's review prior to its next meeting.

### **Applicant File Review**

Karen Adler—the Board reviewed Ms. Adler's file to determine if she is eligible to be issued a temporary permit to practice as a dietitian/nutritionist. The Board directed Ms. Walker to send Ms. Adler a letter requiring her to submit proof from the American College Testing program (ACT)

that she has applied for and been granted permission to take the CDR examination after which she can be issued a temporary permit to practice as a dietitian/nutritionist.

Jessica Bennett—the Board reviewed Ms. Bennett’s file to determine if her education, without a degree in dietetics or food and nutrition, could be considered the equivalent of a degree in dietetics or food and nutrition. Since Ms. Bennett does have the CDR verification, Dr. Awipi made a motion seconded by Ms. Blackman to approve Ms. Bennett for licensure. The motion carried.

Katherine Irwin—the Board reviewed Ms. Irwin’s file to determine if her education, without a degree in dietetics or food and nutrition, could be considered the equivalent of a degree in dietetics or food and nutrition. Since Ms. Irwin does have the CDR verification, Ms. Skates made a motion seconded by Dr. Awipi to approve Ms. Irwin for licensure. The motion carried.

### **Minutes**

Ms. Blackman made a motion seconded by Ms. Carol Miller to approve the minutes of the March 27, 2008 meeting. The motion carried.

### **Administrator’s Report**

Ms. Walker presented the board’s administrative report:

- 1247 active licenses

Board activity from March 1, 2008 thru August 29, 2008

- New licenses—48
- Retired licenses—11
- Reinstated licenses—5
- Renewals—278
- Failed to renew—23

### **Board Members**

Ms. Carol Miller joins the Board as our Consumer member. There are currently no vacancies.

### **Newsletter**

The administrative office is working on a newsletter. Suggestions for newsworthy items are welcome.

### **Financial Report**

Ms. Libby Miller discussed the financial report. The Board was concerned with the decrease of the Board’s financial surplus and discussed how to prevent an increase in licensure fees. The Board requested a more detailed accounting as to how the Board’s funds are being spent.

### **Continuing Education**

The Board questioned whether it could implement a rule requiring continuing education.

### **Criminal Background Checks**

Ms. Carol Kennedy explained the criminal background check process with regard to the electronic scan and the fingerprint cards. Tennessee applicants are instructed to go to a Cogent center to have an electronic scan done and out of state applicants are sent a fingerprint card to be sent to the TBI for processing. Electronic scans take from eight to ten business days to process while fingerprint cards may take from four to six weeks to process. If a fingerprint card is rejected twice, many boards are requiring licensees to come to Tennessee to have their fingerprints scanned by Cogent.

The Board indicated that they want to encourage applicants who live in bordering states to come to a Cogent center in Tennessee to have their fingerprints scanned in order to expedite the licensure process.

### **Adjournment**

With there being no further business, the meeting was adjourned a 1:50 p.m.

**These minutes were ratified at the March 5, 2009 meeting.**