

# BOARD OF DIETITIAN/NUTRITIONIST EXAMINERS

## MINUTES

DATE: September 28, 2006

TIME: 10:00 a.m., C.S.T.

LOCATION: 227 French Landing, Suite, 300  
Heritage Place, Metro Center  
Nashville, TN 37243

MEMBERS PRESENT: Demetra "Dee" Pratt, RD, LDN  
Gloria Brien, RD, LDN, Acting Board Chair, Board Secretary  
Jessie Fields, RD, LDN,  
Liang-chu K. Daniel, RD, LDN  
Dr. Georgina M. Awipi, RD, LDN  
Susan Hart, Citizen Member  
Robbie Bell, Director of Health Related Boards, Ex Officio

STAFF PRESENT: Pamela Pitts, Board Administrator  
Marva Swann, Unit Director  
Nicole Armstrong, Advisory Attorney  
Jerry Kosten, Rules & Regulations Manager  
Lisa Tittle, Financial Director

STAFF ABSENT: Lea Phelps, Investigations Coordinator

MEMBERS ABSENT: Liang-chu K. Daniel, LDN

With a quorum being present, Ms. Brien called the meeting to order at 10:10 a.m.

### **Conflict of Interest**

Ms. Armstrong reviewed the Conflict of Interest Policy with the Board members and reminded them of their responsibilities under the policy. She instructed Dr. Georgina Awipi, the new Board member, to sign the policy and submit it to Ms. Pitts, Board Administrator, to be placed in her file.

## **Administrative Report**

Ms. Pitts presented the following statistical information from February 28, 2006 thru September 26, 2006.

<b>Dietician/Nutritionists</b>
Active Licensees – 1127
Retired Licensees – 198
Failed to Renew – 351
Reinstate License – 15
Renewals – 249

<i>Performance Measure</i>	<i>Goal</i>	<i>Average Jan.-June</i>
Renewal Processing Time	14 days	2 days
Application Processing Time	100 days	18

Ms. Pitts reported that in the month of August, 2006, the total number of renewals was forty-two (42). Twenty one (21) licensees renewed on-line, which constituted a usage rate of 50%.

## **Disciplinary Status and Investigation Reports**

Ms. Armstrong reported that currently there is one case under review by the Office of Investigations. There are no cases currently being monitored for disciplinary compliance.

## **Office of General Counsel**

Ms. Armstrong presented the Office of General Counsel report and informed the Board that **(Rule 05-1143)** regarding criminal background checks went to rulemaking hearing on June 7, 2005; it was adopted by the Board on November 22, 2005, and was sent to the Attorney General's Office on December 27, 2005. It became effective on May 31, 2006. **(Rule 0470-1-.14, .19)** regarding advertising, titles and screening panels went to rulemaking hearing on January 18, 2006; they were adopted by the board on March 30, 2006 and sent to the Attorney General's Office for approval on April 13, 2006 where they remain today.

## **“Grant to Promote a Healthy Lifestyle”**

Ms. Pitts informed the Board that the **“Grant to Promote a Healthy Lifestyle”** expired on June 30, 2006. The grant did have a clause in the contract to be renewed, but we did not move forward with a request. Previous Board members did inquire about extending the grant with hope of the Tennessee Dietetic Association assisting with the fund. The grant was a great success for the rural areas.

## **Recess**

The Board took a 30 minute recess at 12:00 pm. and reconvened at 12:30 pm.

## **Election of Officers**

Ms. Brien opened the floor for nominations. Ms. Pratt nominated Ms. Brien for chair. Ms. Brien declined the nomination to be chair; but said she would like to remain secretary and nominated Ms. Pratt for chair. Ms. Pratt accepted nomination. Ms. Brien conducted a roll call vote with all Board members voting yes. The motion carried. Ms. Pratt nominated Ms. Brien for secretary. Ms. Brien accepted and a roll call voted was conducted with all members voting yes. The motion carried. Ms. Swann instructed the Board members that at this time the new chair Ms. Pratt would conduct the meeting.

## **2007 Board Meeting Dates**

A motion was made by Ms. Brien and seconded by Ms. Pratt to approve Board meeting dates for March 29, 2007 and September 20, 2007. The motion carried.

## **Minutes**

A motion was made by Ms. Brien and seconded by Ms. Fields to approve the minutes of March 30, 2006 as submitted. The motion carried.

## **Tennessee Dietetic Association Proposed Grant**

Stephanie Grimes, a representative with the Tennessee Dietetic Association (TDA), informed the board that TDA would like to request a training grant for all the licensed dietitian/nutritionists in the state of Tennessee. The cost of the grant would be around \$19, 500.00 and would be a one time only request. Ms. Grimes said that the American Dietetic Association (ADA) is putting forth some new guidelines and new requirements for dietitians to start an ongoing nutritional diagnosis and nutritional care process. One of the main purposes of the grant is to educate dietitians to these new regulations and guidelines. A primary goal is to standardize a nutritional diagnosis throughout the country whereby a colleague in another state would have the same diagnosis or conclusion as Tennessee. This is to make dietitians more competitive in the field with insurance companies and other entities. Nutrition diagnosis will be on all of the ADA exams starting in 2007. The grant cost would consist of training manuals that are sold through ADA and the cost of travel to all seven districts in the state of Tennessee. With all the licensed dietitian/nutritionists in the state of Tennessee learning this new method it will make them equal nationwide to all the new graduates in 2007 and the future. Ms. Bell informed the Board members that promotion of the profession is an association issue, rather than a Board issue. She also stated that Ms. Pratt possibly being one of the trainers would constitute a conflict of interest as a board member. Ms. Tittle stated that not only in a Sunset hearing will this kind of thing come up, but the contract list provided every time we do a budget hearing before the Legislature,

as well. Ms. Bell stated that the legislators are always looking at how the Boards are spending money. Ms. Bell stated that she would not feel comfortable defending this proposal before any legislative body. She felt comfortable with the last grant because it was promoting a healthy lifestyle and was in partnership with the Department of Health. Ms. Pratt said she would like to sunshine the topic for the next meeting and continue to discuss it.

### **Budget Discussion**

Lisa Tittle, Financial Director, informed the Board that right now would not be a good time to ask for additional monies. This year's financial report shows that the year will close out with a considerable deficit estimated to be \$56,802. In 2006 the deficit was directly attributed, in total to the cost of the \$60,000.00 grant to promote a healthy lifestyle and the decrease in initial licensure fees. In 2005 there was a deficit which was because of increased professional service fees such as witness and court reporters. Ms. Tittle informed the board that if they want to again consider requesting a grant of this magnitude, they need to reconsider their fee structure. She reminded the Board that it takes time to get a fee increased, and that the Board's surplus revenue should not be completely depleted. Ms. Tittle informed the Board that a grant of \$19,500.00 dollars would not be in their best interest. Ms. Armstrong reminded the Board that they are limited as to how its money can be spent. Under Tennessee law, revenue should only be spent in the furtherance of the Board's duty to license and regulate the practice of dietitian and nutritionists in the state of Tennessee. Last year's grant, in her opinion, was approved by the Commissioner because it would help further the state's initiative to promote a healthy life style for Tennesseans. It was also Ms. Armstrong's opinion that training is too far away from the Board's duty to license and regulate the profession.

### **Applicant File Review**

**Carrie Williams-** Ms. Williams' file was presented to the board for approval for initial licensure. Ms. Williams was previously licensed in Georgia prior to applying for a Tennessee license. When she applied for a license in Georgia, upon reviewing her application it was discovered that she was working in Georgia without a license. Ms. Williams was penalized with a fine of \$500.00 dollars by an Agreed Order. After compliance she was approved for a license and has not had further problems. When Ms. Williams applied for licensure in Tennessee when asked she failed to disclose that she had been disciplined in another state. Ms. Pitts received a verification letter from Georgia in which she was notified that Ms. Williams had been disciplined. Ms. Pitts asked for a written statement from Ms. Williams explaining the falsification. She stated that since it had been by Agreed Order, she did not realize she had been penalized. Once Ms. Williams complied with the agreed order she has since had a successful career. Ms. Brien made a motion; and Dr. Awipi seconded the motion to approve Ms. Williams for licensure. The motion passed.

**Yvonne Satterfield-** Ms. Satterfield is applying for reinstatement of her license. She failed to renew her license May 31, 1999. At that time she worked in Memphis City Schools from January 1984 to present, as a supervisor. Ms. Satterfield did not explain her job duties on the reinstatement application. Ms. Pitts sent her a deficiency letter requesting that she explain her

job duties and responsibilities. Ms. Satterfield said she reviewed menus. The supervisor was then asked to give a more detailed explanation of her job duties. Her supervisor said that Ms. Satterfield's duties includes monitoring school cafeterias, providing technical assistance to the nutrition managers, assuring compliance to USDA guidelines, state, and local policy and procedures. However, her supervisor did state that her responsibilities do not include any involvement with medical instructions regarding interpretations of diet menus. Ms. Satterfield revealed that she was reviewing menus and that she conducted daily cafeteria appraisals to evaluate school food preparation, services, record keeping, organization, promotions, sanitation, and to ensure a safe working environment for the employees and customers; and that she assisted with training for managers, assistant managers, and employees; she coordinated food service operations according to Federal, State, and Board policies. At this time the administrative office decided that she should be assessed civil penalties for practicing on a lapsed license and requested she pay the maximum penalty of \$300.00; she disputed. Ms. Armstrong said that under the Board's law there are several exemptions from licensure. Ms. Pratt said by her own admission Ms. Satterfield was involved with the school breakfast program, the nutritional program which is affiliated with all schools and it seems as if she was giving direction to other dietitians under her supervision. Ms. Brien felt that she was in violation of the Statutes according to her duties. Dr. Awipi stated that although she too works in a school system she is also a Registered Dietitian. Ms. Brien said that it was Ms. Satterfield's contention that she didn't have to be licensed. Ms. Armstrong said if the Board finds that her reinstatement application is complete and in order, they can reinstate her license and send her file to Investigations. Ms. Brien made a motion; and Ms. Fields seconded the motion to reinstate Ms. Satterfield's license and send the file to Investigations. The motion carried.

**Aric Trent**-Mr. Trent's file was presented before the Board for approval for initial licensure. Mr. Trent has been licensed in Kentucky since 2004. Prior to Mr. Trent getting a license in Kentucky, he was convicted of DUI's in 2001 and 2002. Mr. Trent complied with the court orders and received a certificate of completion of an Alcohol and Drug class. Mr. Trent has obtained a masters degree in nutrition and is now a president of a nutritional association. He's also in a supervisory position at his current job. Ms. Brien made a motion; Ms. Fields seconded the motion to approve Mr. Trent for licensure. The motion carried.

### **Ratifications**

A motion was made by Ms. Fields and seconded by Ms. Brien to approve the newly licensed and reinstated dietitian/nutritionists. The motion carried.

### **Adjournment**

There being no further business, the meeting was adjourned at 12:40 p.m.

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Board Chair, Demetra "Dee" Pratt

