

BOARD OF DIETITIAN/NUTRITIONIST EXAMINERS

MINUTES

DATE: November 22, 2005

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

LOCATION: Cumberland Room
Ground Floor, Cordell Hull Building
425 Fifth Avenue North
Nashville, TN 37247-1010

MEMBERS PRESENT: Deborah Walker, Secretary
Jessie Fields
Gloria Brien
Demetra "Dee" Pratt
Liang-chu K. Daniel
Susan Hart
Robbie Bell, Ex Officio Member

STAFF PRESENT: Pamela Pitts, Board Administrator
Marva Swann, Unit Director
Nicole Armstrong, Advisory Attorney
Jerry Kosten, Rules & Regulations Manager
Elisha Hodge, Assistant General Counsel Attorney

STAFF ABSENT: Lea Phelps, Investigations

With a quorum being present, Ms. Walker called the meeting to order at 10:15 a.m.

Conflict of Interest

Ms. Armstrong reviewed the Conflict of Interest Policy with the Board Members and reminded the members of their responsibilities under the policy and instructed each new Board Member to sign the policy and submit the policy to Pamela Pitts, Board Administrator to be placed in their file.

Administrative Report

Ms. Pitts presented the following statistical information:

Dietician/Nutritionists
Active Licensees – 1091
Retired Licensees – 186
Failed to Renew – 305

<i>Performance Measure</i>	<i>Goal</i>	<i>Average Jan.-June</i>
Renewal Processing Time	14 days	2 days
Application Processing Time	100 days	23 days

Ms. Pitts reported that in the month of October 2005, the total number of renewals on line was 31. Nine licensees renewed on-line, which constituted a usage rate of 13%. Ms. Pitts informed the Board of upcoming projects, which includes be a newsletter for the Board once a year. Ms. Bell informed the Board Members that the Administrative Office will be moving in the Spring of 2006.

Disciplinary Status and Investigation Reports

Ms. Armstrong reported that currently there are three cases under review by our Office of Investigations. There are cases currently being reviewed for disciplinary compliance.

Office of General Counsel

Ms. Armstrong presented the Office of General Counsel report and informed the Board that (Rule 0470-1-.06 regarding decreasing the initial license fee from \$110.00 to \$55.00 became effective July 16, 2005. There are two cases currently in the Office of General Counsel.

Agreed Order

Elisha Hodge presented an agreed order for Maurice Saliba. Mr. Saliba has never held a license as a Dietitian/Nutritionist in the State of Tennessee; however, on October 27, 2001, he appeared on Channel 3, WRCB and referred to himself as a Nutritionist throughout the news segment. Tenn.Code Ann. (63-25-104.) prohibits any person to engage in the practice of dietetics/nutrition or to use such titles as “dietitian/nutritionist,” “licensed dietitian,” “licensed nutritionist,” unless such person holds a license and otherwise complies with the provision of this chapter and the rules and regulations adopted by the Board. Ms. Bell explained the process for agreed orders and contested cases to all new Board Members. Mr. Saliba was assessed a civil penalty in the amount of \$500.00 plus \$100.00 cost. Ms. Walker asked for a motion to accept or deny the agreed order. A motion was made by Ms. Pratt and seconded by Ms. Daniel to accept the agreed order. A roll call vote was conducted with all Board Members voting yes. The motion carried.

Rule Making Hearing

Jerry Kosten, Rules and Regulations Manager, presented to the Board a Notice of Rulemaking Hearing to be held January 18, 2006 regarding Advertising and Screening Panels. A motion was made by Ms. Walker and seconded by Ms. Daniel to accept the rule making hearing for Advertising. The motion carried. A motion was made by Ms. Brien and seconded by Ms. Pratt to accept the rule making hearing for Screening Panels. The motion carried.

Roll Call Vote

Jerry Kosten presented a roll call vote for the June 7, 2005 rule making hearing regarding criminal background checks for all newly licensed Dietitian/Nutritionists. A motion was made by Ms. Walker and seconded by Ms. Fields to adopt the mandatory criminal background check. A roll call vote was conducted with all Board Members voting yes. The motion carried.

Ratifications

A motion was made by Ms. Walker and seconded by Ms. Pratt to approve the newly licensed and reinstated Dietitian/Nutritionists. The motion carried.

File Review

Anna Corcoran – Ms. Corcoran's file was reviewed because she had a previous conviction in 1997 of a misdemeanor violation for disturbing the peace and possession of alcohol. Ms. Corcoran complied with the court order to attend an alcohol safety class. A motion was made by Ms. Pratt and seconded by Ms. Walker to approve Ms. Corcoran for a license. A roll call vote was conducted with all Board Members voting yes. The motion carried.

Rachel White- Ms. White's file was reviewed because she had a previous conviction in 2000 of a misdemeanor for driving while impaired (DWI). Ms. White complied with the court order to pay \$500.00 penalty. Ms. White has recently completed her education to obtain a Dietitian/Nutritionists degree and recently passed the American Dietetic Association (ADA) Exam. One of the requirements for licensure in Tennessee is to show proof of passing the ADA Exam, and show proof of the required Commission on Dietetic Registration (CDR) card that is awarded upon passing the exam. Ms. White recently passed the exam; therefore, she will not receive her CDR card for several more weeks. A motion was made by Ms. Walker and seconded by Ms. Brien to approve Ms. White for a license upon proof that she has met all requirements. A roll call vote was conducted with all Board Members voting yes. The motion carried.

Minutes

A motion was made by Ms. Walker and seconded by Ms. Hart to approve the board meeting minutes of March 11, 2005 and October 12, 2005 as submitted. The motion carried.

Election of Officers

A motion was made by Ms. Fields to nominate Ms. Walker for Board Chair; Ms. Brien seconded. A roll call vote was conducted; all Board members voted yes. The motion carried.

A motion was made by Ms. Walker to nominate Ms. Brien for Board Secretary; Ms. Pratt seconded. A roll call vote was conducted; all Board Members voted yes. The motion carried.

Adjournment

There being no further business, the meeting was adjourned at 11:55 a.m.

Board Chair, Deborah Williams-Walker