

## MINUTES OF THE BOARD OF DIETITIAN/NUTRITIONIST EXAMINERS

DATE: February 26, 2016

TIME: 10:00 AM CST

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

MEMBERS PRESENT: Jacqueline Daughtry, LDN, Chair – Presiding Officer  
Abbie Derrick Kozomara, LDN - Secretary  
Samuel Sisley, LDN  
Susan Brantley, LDN  
Virginia Carney, LDN

MEMBER(S) ABSENT: Jennifer White, Consumer Member

STAFF PRESENT: Michael Sobowale, Unit Director  
Zandra Pickett, Board Administrator  
Jamie L Formont, Assistant General Counsel  
Nichelle Dorroh, Office of Investigations  
Vanessa Crutcher, Financial Officer

### **1. Call to Order**

With a quorum present, Ms. Daughtry called the meeting to order at 10:00 AM. Mrs. Daughtry welcomed Mr. Samuel Sisley to the board. Thereafter, a roll call of all board members and administrative staff present was taken.

### **2. Election of Board Officers**

Upon a motion moved by Ms. Brantley, seconded by Ms. Carney, the Board voted for Ms. Jacqueline Daughtry to continue as Board Chair. The motion passed. Upon a motion moved by Ms. Carney, seconded by Ms. Kozomara, the Board voted for Ms. Susan Brantley as Secretary. The motion passed. Ms. Daughtry accepted to continue as board chair and also thanked Ms. Kozomara for her past service to the Board as board secretary.

### **3. Minutes**

Mr. Sisley made a motion, seconded by Ms. Brantley, to approve the minutes of the September 11, 2016 board meeting as recorded. The motion carried.

## **2. Office of General Counsel Report**

Jamie Formont, Assistant General Counsel, reminded members about the Conflict of Interest policy. She 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 conflicts with their responsibilities to the Board. She presented the following report from the Office of General Counsel (OGC):

### **A. Litigation**

There were no open cases in the Office of General Counsel to be presented.

### **B. Legislation**

Ms. Formont reported that the legislature is currently in session but the only pending legislation that she is aware of pertaining to the Board is the legislation to extend the Board for an additional six (6) years from the sunset hearing.

### **C. Rules**

There were no pending rules or regulations pertaining to the Board in the Office of General Counsel for presentation.

### **D. Discussion of Case Law: North Carolina State Board of Dental Examiners v. FTC**

Ms. Formont discussed this anti-trust case which concerns competition laws. She discussed that Boards cannot take actions that limit competition unless it is to achieve a public objective. She stated that, pursuant to the Supreme Court's decision in this case, the State is not changing the way its boards operate nor is it looking to change the makeup of the board. Ms. Formont advised the Board that it does not meet the qualifications for active supervision and stated that state boards will continue to be appropriately advised, should they come across a situation which may potentially violate the anti-trust law.

### **E. Changes to Lapsed License Policy**

Ms. Formont discussed the changes to the Board's lapsed license policy. She stated that current policy allows a licensee to work on an expired license for three (3) months before assessment of civil penalties for this violation. The revised policy would only allow for a licensee to work on an expired license for sixty (60) days, after which civil penalties will

be assessed in an Agreed Citation. This change would match with current statutory language. Also, current policy allows a licensee to work on an expired license for (1) license renewal cycle after the license has expired before the matter is referred to the Office of General Counsel (OGC) for discipline. Licenses are renewed biennially. A change to this policy would allow for only six (6) months of lapsed license practice, after which a referral will be made to OGC to assess for discipline. Upon a motion by Ms. Carney and seconded by Ms. Brantley, the Board voted to approve the changes to the Board's lapsed license policy. The motion passed.

### **3. Investigative and Disciplinary Reports**

Ms. Nichelle Dorroh, Disciplinary Coordinator in the Office of Investigations presented the report. Currently, there are two (2) open cases in the Office of Investigations. There is one (1) practitioner currently being monitored following Board disciplinary action.

### **4. Financial Report**

Ms. Vanessa Crutcher, Division Financial Officer, presented the board's financial report. At the close of fiscal year 2015, the Board had revenue of \$ 88,049 with expenditures of \$50,048. Added to the fiscal year 2014 carryover, the Board currently has a cumulative carryover of \$136,253. Upon question by Ms. Daughtry on whether the Board needs a recommendation regarding its cumulative carryover balance, Ms. Crutcher stated that she would suggest for the Board to review its closing statement for fiscal year 2016 prior to embarking on a discussion about reduction in fees. She advised the Board currently does not meet the threshold to begin this discussion, pursuant to the formula stated in the policy for health regulatory boards on fee reductions.

### **5. Applicant Interviews**

Nicholas Eno, DN – Mr. Eno is seeking initial licensure as a Dietitian/Nutrition Examiner. The Board reviewed his file due to finding of a conviction for Operating While Impaired (OWI) on his criminal background check. Mr. Eno was not present. After review and discussion, Ms. Kozomara made a motion, seconded by Ms. Brantley to approve Mr. Eno for a license. The motion carried.

### **6. Correspondence/ Other Discussion**

Ms. Daughtry provided an update to the Board on the discussion with the chairman of the House Government Operations Committee pertaining to an applicant with Certified Nutrition Specialist (CNS) credential who was trying to apply for a license in Tennessee but is currently prohibited from obtaining licensure in the State without meeting additional requirements contained in the Board's rules. Ms. Daughtry reported that a task force will be initiated at a later date by the Office of Representative Faison, Chair of the House Government Operations Committee between representatives of the Board and CNS to discuss the issue further.

## **7. Administrative Report**

Zandra Pickett, Board Administrator, presented the administrative report. As of February 4, 2016, there are 1704 active dietitians/nutritionists licensees.

### LICENSURE STATUS TOTALS FOR THE MONTHS OF SEPTEMBER 4, 2015, THROUGH FEBRUARY 15, 2016

<b>Dietitians/Nutritionist</b>	
New Applications Received - 82	Online Renewals- 167
Newly Licensed - 79	Paper Renewals- 96
Reinstatements - 4	Total Renewals - 263
Licenses Retired- 8	
Failed to Renew- 33	
Temporary Licenses Issued - 2	

### **TSAC Orders**

There was none to report for this period.

### **Board Composition**

Ms. Carney and Ms. Daughtry were both re-appointed to the Board. Also, an appointment has been made to replace the expired/vacant consumer board member position. The Board's office is awaiting receipt of a signed oath of office and other paperwork from the appointed board member. Once received, this appointee will be able to join the Board.

### **2016 Conferences**

Upon a motion by Ms. Carney, and seconded by Ms. Brantley, the Board voted to send Ms. Jacqueline Daughtry to the Tennessee Academy of Nutrition and Dietetics (TAND) 2016 Annual Meeting on March 21, 2016 in Nashville, Tennessee. The motion carried.

Upon a motion by Ms. Brantley, seconded by Ms. Kozomara, the Board voted to approve Mr. Samuel Sisley and Ms. Virginia Carney to attend the 2016 Council on Licensure, Enforcement and Regulation (CLEAR) conference in Portland, Oregon from September 14-17, 2016. The motion carried. Upon a motion by Ms. Carney, and seconded by Ms. Kozomara, the Board voted to send any interested board member who is available to attend as an alternate, should any of the afore-mentioned board members be unable to attend. The motion carried.

The Board decided to table approval of nominees to attend the Food and Nutrition Conference taking place in Boston, Massachusetts from October 15-18, 2016 to the August 26 meeting.

## **2017 Board Meeting Dates**

Ms. Pickett presented the following proposed dates for board meetings in 2017 for approval:

February 24, 2017

September 29, 2017

Upon a motion by Ms. Kozomara, and seconded by Ms. Carney, the board voted to approve these dates for year 2017 board meetings. The motion passed.

## **Agreed Citation**

### **Crystal Cronick Vanmeter, LDN, Respondent**

Mr. Sobowale presented an Agreed Citation on Crystal Cronick Vanmeter, LDN #2443 for ratification. This respondent practiced on an expired license for eighteen months (18) months and pursuant to the Board's lapsed license policy, an Agreed Citation was issued for this violation. Ms. Vanmeter agreed to pay assessed civil penalties in the amount of nine hundred (\$900.00) dollars and the violation will be reported to health licensees' disciplinary database and also appear on the Health Department's website. Upon a motion by Ms. Brantley, and seconded by Ms. Kozomara, the board voted to ratify the Agreed Citation. The motion passed.

## **8. Ratifications**

Ms. Carney made a motion, seconded by Ms. Kozomara, to approve the list of newly licensed, reinstatements and closed files:

### **NEW LICENSES -DIETITIANS/NUTRITIONISTS**

ADAMS LAURIE	GOWER ELIZABETH	PETER-CONTESSE LINDSAY
ANDERSON MARIEL HOPE	HALL ELIZABETH	PETERSEN CARSEN MARIE
ANDREA MARY	HARRISON KARLY	POLLARD KATHLEEN
ANDREW KARA	HEFNER TARA ELAINE	PRICHARD MELISSA ANN
BEDINGFIELD SHAYNA KAY	HOWELL BRIDGETT	REARDON-PUENTES STELLA
BEECH EMILY	HUDSON ABBIE LOUISE	ROBERTSON HALEY ANN
BOWLING CHRISTINA	JESTER ASHLEY	ROGERS ELIZABETH
BRADFORD AMBER	JONES JASMINE EVELYN	ROSEBERRY SMANTHA JOY
BUMBALOUGH HEATHER	KELLY AUTUMN ROSE	ROUSE KELSEY JEAN
BURBECK TIMOTHY MASON	KNIGHT INGRID	SHADLE JILL
CARROLL BRIAN DUFF	KNOTT ALLISON LADD	STONER CATHEY LOUISE
CARTER SARAH	LEO EVELYN	TANKERSLEY ABIGAIL LEE
CASE CHERYL	LISEMBLY ERIN	TERRY JENNIFER
CASTILLO KATIE	LYND KAYLEY RAY	THEURER VANESSA ANN
CAULDER MARGARET	METZGER SABRINA	THOMAS ANNA
COLLIER LAUREN	MINKLER RIKKI	TRUEHILL TIFFANY
COOPER JAIMEE LAUREN	MITCHELL SARAH	TURNER ERIKA

Dietitians/Nutritionist Examiners Minutes

February 26, 2016

DAVIS JENNIFER	MOLLIKA SAMANTHA JOY	TURNER JASMINE NICOLLETTE
DRAKE LEAH CHRISTINE DRIGGERS JESSICA	MOORE JADE ALEXIS MUNSON ALEXANDRA MARIE	WAKEFIELD LISA MARIE WATSON DANIELLE
DYKES TANYA DANIELLE FINCHUM JULIA FORD AMBER	NANGLE JESSICA NORRIS MARGARET OCHOA AMANDA	WEAVER SAMMANTHA WEHUNT HEATHER NICOLE WERTHEIMER MARISSA FAYE
FORD LAURA GHANI ASMA GOODGAME KACI WILSON JENNIFER	OSWALD KELLEY DANIELLE PEERY MARGARET PERRY VIRGINIA	WILHELM LARON ELAINE WILHELM REBECCA WILLIAMSON DONNA

The motion carried.

**REINSTATEMENTS -DIETITIANS/NUTRITIONISTS**

CHANDLER JEREMY MICHAEL	COLVIN LINDA R HILL	MCKEL DAWN
VANMETER CRYSTAL CRONICK		

The motion carried.

**CLOSED FILES – DIETITIANS/NUTRITIONISTS**

CAVALLARO TRACEY BROWN CARLI	CHUMLEY HANNAH Y LUONGO MAIKA	BEHM VICTORIA
---------------------------------	----------------------------------	---------------

The motion carried.

**9. Correspondence/Other Board Business**

**International Board Certified Lactation Consultants’ (IBCLCs) Request Letter**

Ms. Carney discussed a letter received from IBCLCs requesting that the Board sign a letter on behalf of this organization expressing support for their efforts to obtain licensure status. This letter will be presented to policy makers and legislators as they seek licensure status through the legislative process. Upon a motion by Ms. Brantley, seconded by Mr. Sisley, the Board approved for the letter to be signed on behalf of the Board for presentation. The motion carried.

## **10. Adjournment**

With no further business to discuss, the meeting adjourned at 10:33 am.

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