

TENNESSEE BOARD OF DIETITIANS/NUTRITIONISTS MEETING
MINUTES

Date: September 2, 2021

Time: 9:00 a.m., CST

Location: Health Related Boards
Iris Room
665 Mainstream Dr
Nashville, TN 37243

Members Present: Patrick Parham, Citizen Member
Queen Esther Cox-Taliaferro, Dietitian/Nutritionist, Secretary
Jamie L. Bailey, Dietitian/Nutritionist, Chair
Loveday E. Nwobilor, Dietitian/Nutritionist, Member
Jennifer Earnest, Dietitian/Nutritionist, Member

Members Absent: James Burkard, Dietitian/Nutritionist, Member

Staff Present: Kimberly Wallace, Executive Director
Danielle DeShane, Board Administrator
Eric Winters, Board Attorney

Call to Order

Jamie Bailey called the meeting to order at 9:02 AM CST. A roll call of the Board Members and Board staff present was initiated by Kimberly Wallace, Unit 3 Director.

Public Comments

The public was notified of the opportunity to make a comment on items listed on today's agenda. No public comment was made at this time.

Conflict of Interest

Board Attorney, Eric Winters, went over the Conflict of Interest statement with the Board Members, as follows: If you have a personal or financial interest in the outcome of any issue or matter before this board which may suggest a bias on your part, you are asked to state that interest

on the record so that a determination can be made as to whether there exists a need for recusal. You are reminded that it is the duty of this board to protect the health, safety, and welfare of the citizens of Tennessee and that the administration of this solemn responsibility is dependent upon avoiding even the appearance of impropriety.

Mr. Winters also reviewed the open meetings act, as follows: which states Committee business may only be discussed by the committee members during the meeting. Members should not discuss the committee's business at any time other than during the open Committee meeting. The prohibition applies to phone calls, emails, and text messages. Committee members should also ensure that all comments during the meeting are stated for all to hear: private conversations between or among members during the meeting are inappropriate.

Review Minutes from March 5, 2021 Meeting

Mr. Parham made a motion to approve the Minutes from the March 5, 2021, Board Meeting as written, with a second by Ms. Cox-Taliaferro. There was no discussion on the motion. The motion passed unanimously.

Investigations/Disciplinary Reports

Ms. Kimberly Wallace gave the report for currently monitored practitioners and investigative reports.

CURRENTLY MONITORED PRACTITIONERS AS OF 02/24/2021

Total # Currently Monitored Practitioners	1
Reprimand	1
Probation	0
Suspended	0
Revocation	0
Surrendered	0

Period: 2021 Calendar Year

COMPLAINTS

New Complaints	
Malpractice/Negligence	1
Unprofessional Conduct	2
Total # New Complaints	3
Closed Complaints	
Closed Insufficient	0
Total # Closed Complaints	0
Open Complaints	3
Total # Currently Open Complaints	3

Financial Report

Mr. Matt McSpadden was present to provide the Board with the preliminary FY2021 Year End financial report, with highlights as follows:

Total Expenditures \$73,329.77

Board Fee Revenue \$103,247.12

Current Year Net \$29,917.35

Cumulative Carryover \$312,334.69

Mr. McSpadden reviewed options and presented scenarios for a possible fee reduction due to the cumulative carryover balance exceeding the recommended amount in the administrative policy.

Ms. Taliaferro made a motion to approve the option to decrease the renewal fee to \$5.00, decrease the application fee to \$10.00, and decrease the license fee to \$5.00. A second was made by Mr. Nwobilor.

Discussion: Mr. Parham was in favor of reducing the fees when possible and the Board concurred. Mr. Nwobilor would like to see the Board somewhere in the middle of the proposed fee range.

The Board discussed communication to licensees that this is not a permanent fee decrease.

The motion passed unanimously.

The Board chose option to decrease fees as follows:

- Decrease Renewal Fee to: \$5
- Decrease Application Fee to: \$10
- Decrease License Fee to: \$5

Public Comment: Marilyn Holmes, licensed Dietitian/Nutritionist, made a public comment that her concern would be that for new dietitians coming on, if the fees are extremely low, they may be concerned about experiencing a larger increase in the future and she would prefer to see a moderate decrease rather than an extreme decrease.

Discuss legislation and take action if needed

Legislative Liaison, Ms. Olivia Spears, presented the 2021 legislative summaries as follows:

Public Chapter 37 prohibits agencies subject to sunset review from promulgating rules or adopting policies to exempt members solely by virtue of their status as members.

Public Chapter 153 creates a new definition of “store-and forward telemedicine services” to include the use of asynchronous computer-based communications between the healthcare provider and the patient for the purpose of diagnoses, consultation, or treatment of a patient at a distant site where there may be no in-person.

Public Chapter 179 authorizes unlicensed graduates of certain medical training programs to provide telehealth services, provided they maintain the same existing standards for telehealth that licensed providers must meet.

Public Chapter 242 authorizes records custodians to petition a court for injunctive relief from individuals making frequent public records requests with the intent of disrupting government operations, following a fifth(5th) public records request. A records custodian can only petition a court if they notify the person in writing stating the specific conduct may constitute intent to disrupt government operations and that the person continues to do so. The individual upon a court enjoinder would not be able to make public requests at the agency for up to one (1) year.

Public Chapter 291 requires the attorney general and reporter to not approve an emergency rule if the emergency rule does not meet the statutory criteria for adoption of the rule.

Public Chapter 328 requires that starting December 1, 2023, state agencies submit a report of their effective rules to the chairs of the government operations committee every eight (8) years. The report is required to include a brief description of the department's operations that each chapter affects, as well as each rule and its administrative history, which would include the original promulgated date and the dates the rule was last amended, if applicable. Additionally, the report would include a determination of each rule on whether it adheres to current state or federal law or court rulings, should be amended or repealed, reviewed further, or continue in effect without amendment. Lastly, if there are any intentionally false statements in the report, the government operations committee would have the ability to vote to request the general assembly to remove a rule or suspend the department's rulemaking authority for any reasonable period of time.

Public Chapter 357 authorizes an exception to existing telehealth requirements governing healthcare providers in Tennessee. In doing so, it allows individuals licensed in another state to practice telehealth in Tennessee while providing healthcare services on a volunteer basis through a free clinic.

Public Chapter 453 requires public or private entities or businesses that operate a building open to the general public to post signage regarding public restroom access in certain situations. Specifically, this applies to entities or businesses that have restroom policies allowing either biological sex to use any public restroom within their building. The act includes requirements for language, size, location, and even color for the signage. The act excludes unisex, single occupant restrooms or family restrooms intended for use by either sex.

Public Chapter 513 prohibits the Governor from issuing an executive order and a state agency, department or political subdivision from promulgating, adopting, or enforcing an ordinance or resolution that requires a person to receive an immunization, vaccination, or injection for the SARS-COV-2 virus or any variant of the SARS-COV-2 virus. It also deletes the previous override during an epidemic or immediate threat of an epidemic of an objection against vaccination that was made on the basis of religious tenets. The law prohibits requiring the COVID-19 vaccine to attend k-12 schools. The prohibition against requiring vaccines does not apply to governmental entities subject to federal or state statute or rule that prohibits the entity from requiring medical treatment for those who object on religious ground or right of conscience. The law also does not apply to students or a public institution or higher education delivering healthcare services when the student is participating in/fulfilling requirements of a program in medicine, dentistry, pharmacy, or another healthcare profession.

Public Chapter 531 limits an agency's authority to promulgate rules without a public hearing. There are exceptions to the public hearing requirement. These exceptions include emergency rules, rules that are nonsubstantive modifications to existing rules (like clerical updates), rules that repeal existing rule, or rules that eliminate or reduce a fee described by an existing rule.

Public Chapter 532 authorizes the joint government operations committee to stay an agency's rule from going into effect for a period of time not to exceed ninety (90) days. If the government operations committee determines that subsequent stays are necessary, then the joint committee may issue consecutive stays, each for an additional ninety (90) day period, so long as such stays do not extend beyond the fifth legislative day of the year following the year in which the rule is filed with the secretary of state. The initial stay may be done by either the house or senate government operations committee. A stay is effective when the respective committee files written notice with the secretary of state, and the respective committee shall specify the length of effectiveness of the stay.

Administrator's Report

Ms. Kimberly Wallace presented the administrative report to the Board, as follows:

PERIOD: As of 08/23/2021

Total # Currently Licensed	2,119
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LICENSE STATUS

PERIOD: February 26, 2021 to August 23, 2021

New Licenses Issued	109
Temporary Licenses Issued	1
Reinstatements	13
Renewals - Total	437
<i>Number of Paper Renewals</i>	86
<i>Number of Online Electronic Renewals</i>	351
<i>Licenses Renewed Online as % of Total Renewals</i>	76%
Retired Licenses	5
Failed to Renew/Expired Licenses	66
Closed/Withdrawn	8

BOARD MEETING DATES FOR 2022

- March 3, 2022
- September 8, 2022

Ms. Wallace reminded attendees that they do have the option to renew and apply online and can reach out to the Board with licensure questions at 615-532-5090 or Unit3HRB.Health@tn.gov.

Receive report &/or request from Office of General Counsel

Mr. Winters reviewed the OGC report with the Board, in that there is currently no disciplinary activity or rule activity at this time, and the legislative items were provided by Olivia Spears.

Applicant Interviews/File Reviews

There were no applicant interviews or file reviews for the Board to review at the meeting.

Ratification List-Newly licensed, Reinstated Licenses, Closed/Withdrawn Files

Newly Licensed

4057 Bailey Anna Patricia
4075 Bandyopadhyay Reeta
4067 Barber Lauren Mckenzie
3990 Bickline Julie
3994 Bolognino Amanda Marie
4030 Bordessa Kristin
3979 Branner Christopher
4036 Brown Jacquelyn
4052 Brown K'Layn Brooke
4027 Brown Louise
3954 Buckley Lida
3986 Burroughs Lisa Reily Mrs
4007 Byrd Meredith Marie
4086 Carter Madison Ruby
4062 Carver Mckenzie Elizabeth
4059 Cecil Breanna
4028 Cimperman Maxine Mary
3999 Clements Olivia
3967 Colyer Joyce
4020 Crawford Jennifer
4082 Craze Dylan
4058 Dani Chrismole Sara
3993 Demarco Marissa
4009 Dixon Tory
4045 Dorchak Courtney Smith
4051 Earnhardt Anne

4023 Edwards Stacy
4000 England Maria
4011 Faria Destin Nichole
4024 Feldman Isabel
4047 Ferguson Mollie Rae
4031 Ferreira Jennifer
4054 Fonseca Constance F
4022 Fowler Lauren Nicole
4013 Gale Michalea Joy
3978 Gardner Samantha Marie
4079 Gaston Stephanie
4002 Gray Fredrick Tawone
3946 Gussler Erin
4010 Haddock Mary Keith
3957 Haigh Lynn Marie
3962 Hansen Kayla Ms.
4061 Hickman Rachel
4048 Hodge Caroline Wells
4084 Honan Natalie A.
3998 Huff Kayla
3950 Iacono Laura Lillian
3982 Imfeld Kara
4017 Kirk Austin Mr.
4001 Kluzek Alisha
3976 Knight Alison
4091 Krager Kelsea D Ms.
4038 Leaber Mary Wood
4039 Logan Brittany
4056 Lopez Katharine Renee Mrs.
4080 Lynch Makayla Renee
4066 Mcreynolds Anna Katherine Mrs.
4094 Micallef Brianna
4025 Michel Stephanie
3992 Miller Rebecca Miss
3991 Moir Kirby
3984 Molinares Alisson
4076 Murray Amelia
3985 Nesta Lisa M
4029 Ortiz Erin
4042 Parker Alisha Marie
4111 Parks Morgan Worley
4037 Pass Samantha Christine
4008 Patel Neha Girish
4003 Pazdziorko Nicole

3988 Price Olivia
4019 Rasnick-Wiseman Sarah
4049 Reidt Farrah
3913 Rogers Sarah
3989 Schoenleber Carrol
4072 Schohn Nicole
4032 Sneddon Roxie
3975 Soto Martinez Karina Nayeli
4005 Spickard Carissa Hope
4014 Starnes Rebecca
4069 Steinmetz Sarah Beth
4016 Svennevik Emily
4006 Talley Megan
4063 Tipton Emily Anderson
3997 Tumbow Sandra Gail
4040 Ulivarri Collette L
3955 Virani Narmin
4053 Volpe Lori
4015 Vopicka Sara Marie
4026 Weyenberg Kristin Carol
4088 White Madeline Virginia
4046 Winkler Heather
4034 Yangas Christina
3963 Young Amanda Kate

Reinstated

660 Bieber Virginia Holt
3741 Black Marissa
1236 Cornelius Amy Benderman
3343 Coyle Charity Elizabeth Bialik
2725 Deen Karla Diane
2115 Fowler Katherine Teague
2911 Gagel Catherine
2390 Ginder Russell Wade
3210 Mendieta Miguel Angel
3569 Olson Heidi
3203 Shannon Stephanie
1010 Sher Jill Elaina
1041 Walsh Lee Anne Carleton
3784 Banks Edwards Jessica
3792 Kramer Olivia
911 Wall Kathleen

A motion was made by Ms Cox-Taliaferro to approve the Ratification List as presented, with a second made by Ms. Earnest. There was no discussion on the motion. The motion passed unanimously.

Taskforce/Committee Reports

There were no taskforce or committee reports to present to the Board.

Discuss and take action as necessary regarding Rulemaking, Rulemaking Hearings, Rule Amendments, and Policies

There were no rule or policy related items to present to the Board.

Correspondence Review

There were no correspondence items for the Board to review in this meeting.

Conference/Event Report

There were no new conferences or event reports for this meeting. The Administrative Office is in the process of obtaining the internal approval for the attendance by Ms. Earnest at the upcoming FNCE virtual event from October 16-19, which the Board approved in a previous meeting.

Board Officer Elections

The current officers are as follows:

Board Chair: Jamie Bailey
Board Secretary: Queen Cox-Taliaferro

Mr. Parham made a motion to maintain the existing officers for 2022, with a second by Mr. Nwobilor. There was no discussion on the motion. The motion passed unanimously.

Discuss Old and New Board Business

There was no old or new business brought before the Board.

Public Comment

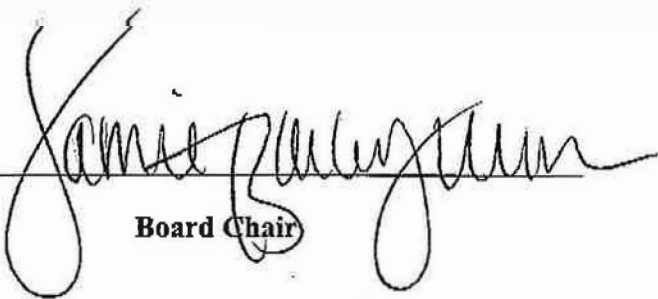
There was no request for public comment to be heard. Ms. Wallace made a reminder that public comments may also be submitted in writing and sent by mail to The TN Dietitians/Nutritionist

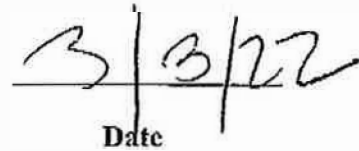
Board, 665 Mainstream Drive, Nashville, TN 37243 or comments may also be sent via email to Unit3HRB.Health@tn.gov.

Adjournment

There being no further business to be heard, Mr. Nwobilor made a motion for adjournment at 10:12AM CST with a second made by Ms. Earnest. There was no discussion on the motion. The motion passed unanimously.

The meeting adjourned at 10:12 am CST.


Board Chair


Date