

**Minutes of the Meeting of the
Louisiana Board of Examiners in Dietetics and Nutrition**

July 11, 2014

Attending:

**Paula Weeks, RD, LDN, Chairperson
Jeanine Songy Latham, MPH, RD, LDN, Vice Chairperson
Terry Compton, APRN, RN, MS, CDE, Secretary-Treasurer
Martina Musmeci Salles, MPH, RDN, LDN, FAND, Board Member/Liaison
Clare Miller, MS, RD, LDN, Board Member
Lori Roy, MS, RD, LDN, Board Member
Howard Wetsman, MD, Medical Advisor**

Paula Weeks called the meeting to order at 12:30 p.m. in the Conference Room of the Board office located at 18550 Highland Road, Suite B, Baton Rouge, Louisiana. Jolie Jones, Executive Director, was present for the entire meeting.

Roll call was conducted by Terry Compton.

PUBLIC COMMENTS:

Dr. Carol O'Neil was present at the meeting, but did not make any public comments.

AGENDA:

Motion was made by Jeanine Songy-Latham, seconded by Martina Musmeci Salles and unanimously carried, to approve the agenda as presented.

MINUTES:

Motion was made by Howard Wetsman, seconded by Lori Roy and unanimously carried, to approve the minutes of the April 3, 2014 meeting as amended to remove Lori Roy's name from being a presenter at the LDA Convention and to change the reference regarding Clare Miller, as she served on the LDA Board, not the LBEDN Board.

FINANCIAL:

a. Financial Statement for the Period Ending February 28, 2014

Members of the board reviewed the financial statement prepared by Susan Sevario, CPA, for the period ending February 28, 2014.

b. Financial Statement for the Period Ending March 31, 2014

Members of the board reviewed the financial statement prepared by Susan Sevario, CPA, for the period ending March 31, 2014.

c. Financial Statement for the Period Ending April 30, 2014

Members of the board reviewed the financial statement prepared by Susan Sevario, CPA, for the period ending April 30, 2014.

Motion was made by Lori Roy, seconded by Clare Miller and unanimously carried, to accept financial reports dated February 28, 2014 through April 30, 2014.

BOARD/STAFF ISSUES:

a. Open Meeting Laws Follow Up

Jolie Jones informed the Board that all meetings of the Board must be in person. According to the Open Meeting Laws, telephone conferences are not allowed for meetings of the Board.

b. Renewal Update

The Board was provided with an update as follows:

74.3% of licensees have renewed online (950); 12.4% of licensees have renewed by mail (158), for a total of 86.7% of licensees (1,108) renewed as of July 11, 2014.

Board members asked Jolie Jones to prepare a list of pros and cons for changing the renewal period, including cash flow, CDR card expiration date, birthday month, and staff/administrative process.

Board staff was also requested to email Dietitian board members a list of people who have not renewed on August 1st.

c. CMS Rule regarding Therapeutic Diet Orders

The Board maintains its' position on dietitians writing orders, referring back to facility policy.

d. Rules Review

Clare Miller presented suggested changes to the Board's Rules and Regulations. Board members would like to include a telehealth provision with the Rules changes. Paula Weeks appointed a committee to review the Board's Rules and Regulations and Practice Act, with Clare Miller chairing the committee and Martina Musmeci Salles and Paula Weeks participating.

e. Law Change Update

The newly formed Committee will review the information for law changes.

COMPLIANCE HEARING:

Stacie Marsh requested and appeared for a compliance hearing to appeal the Board's decision to deny reinstatement of her Dietitian/Nutritionist license. The Board denied Ms. Marsh's request to reinstate her license based on current employment listed on the Application for License as a Consultant RD.

Ms. Marsh testified that she was self-employed as a Consultant RD and failed to renew her license as of June 30, 2013.

Motion was made by Howard Wetsman, seconded by Lori Roy and unanimously carried, to move in to Executive Session at 1:45 p.m. for the following reasons:

to discuss the character, professional competence, or physical or mental health of a person, provided that such person is notified in writing at least twenty-four hours before the meeting,

for investigative proceedings regarding allegations of misconduct or any other matter now provided for or as may be provided for by the legislature.

Motion was made by Howard Wetsman, seconded by Terry Compton and unanimously carried, to come out of Executive Session at 1:48 p.m. and offer Stacie Marsh a Consent Agreement and Order to include a \$1,000.00 fine, open book examination, publication by the Board, as well as notifications to the Academy of Nutrition and Dietetics/Commission on Dietetic Registration Ethics Committee, and the National Practitioner Data Bank (NPDB).

CORRESPONDENCE:

- a. Letter dated April 30, 2014 from Gayle Waylett regarding renewal fees
Motion was made by Clare Miller, seconded by Jeanine Songy-Latham and unanimously carried, to deny Ms. Waylett's request to credit her renewal fee towards next year's renewal.

CONFERENCE(S):

CLEAR

- a. **Report from Martina Salles on New Board Member Training**

Martina Salles gave an oral report the board regarding the CLEAR New Board Member training.

FARB

- a. **Comprehensive Regulatory Training for Board Members**

Board members requested more information about the training, specifically about the cost and if the Speech Board is interested participating.

EXECUTIVE SESSION:

Motion was made by Lori Roy, seconded by Howard Wetsman and unanimously carried, to move in to Executive Session at 3:30 p.m. for the following reasons:

to discuss the character, professional competence, or physical or mental health of a person, provided that such person is notified in writing at least twenty-four hours before the meeting,

for investigative proceedings regarding allegations of misconduct or any other matter now provided for or as may be provided for by the legislature.

Motion was made by Terry Compton, seconded by Lori Roy and unanimously carried, to come out of Executive Session at 3:42 p.m. to make the following motions:

a. Complaint #2013-03

Motion was made by Howard Wetsman, seconded by Martina Musmeci Salles and carried, to dismiss complaint #2013-03 based on recommendation of the Board's legal counsel. Opposed: Clare Miller.

b. Complaint #2014-02

Motion was made by Terry Compton, seconded by Lori Roy and unanimously carried to release respondent for successful completion of the Consent Agreement and Order.

c. Complaint #2014-03

Motion was made by Howard Wetsman, seconded by Martina Musmeci Salles and unanimously carried to dismiss complaint #2014-03, as respondent has removed the words "nutritional support" from website.

d. New Complaints

Complaint #2014-06

Motion was made by Clare Miller, seconded by Jeanine Songy-Latham and unanimously carried to send a letter to respondent noting that he cannot call himself a dietitian or nutritionist. Recused: Martina Musmeci Salles and Howard Wetsman.

Complaint #2014-07

Motion was made by Lori Roy, seconded by Clare Miller and unanimously carried to send a letter to respondent. Recused: Martina Musmeci Salles and Howard Wetsman.

Complaint #2014-08

Motion was made by Terry Compton, seconded by Clare Miller and unanimously carried to send a letter to George Papale, the Board's legal counsel, to review this complaint. Recused: Martina Musmeci Salles.

Complaint #2014-09

Motion was made by Howard Wetsman, seconded by Lori Roy and unanimously carried to send a letter to respondent outlining the use of the term "nutritionist" and the list of penalties. Recused: Martina Musmeci Salles.

The Board requested that staff create a checklist for staff to work through complaints. Could include something like "Did individual call themselves nutritionist or dietitian?"

Complaint #2014-10

Motion was made by Jeanine Songy-Latham, seconded by Howard Wetsman and unanimously carried not to accept complaint #2014-10. Recused: Martina Musmeci Salles.

Complaint #2014-11

Motion was made by Terry Compton, seconded by Clare Miller and unanimously carried to send a letter regarding the use of "Nutrition Coach" and notifying that there is a licensure law in Louisiana. Use the normal letter, but remove the response and attorney threat. Note that the board has the powers of subpoena, oath, etc.

Lori Roy will prepare a list of what terms the Board considers to be a facsimile of "Dietitian" and "Nutritionist" for consistency.

e. Review of Applications

Motion was made by Lori Roy, seconded by Terry Compton and unanimously carried, to accept and approve the applications for the **LDN License** for the following:

Schultis, Jessica Therese	2542	Blalock, Olivia	2541
Decuir, Dana	2544	Mize, Virginia Blair Wright	2545
Jenkins, Brandi	2546	Williams, Amanda	2547
Bailey, Carolyn	2550	Guyette, Bobbie	2555
Frederickson, Jessica L.	2556	Menapace, Jeanette	2560

Motion was made by Howard Wetsman, seconded by Terry Compton and unanimously carried, to accept and approve the applications for the **Provisional LDN License** for the following:

Hargis, Andrea	2543	Clark, Christina	2548
Houston, Tamara	2549	Hennigan, Abigail	2551
Lichtenstein, Karen	2552	Porta, Natalie	2553
McAlister, Brittni	2554	Fradella, Michele Elisabeth	2557
Norris, Eric Michael	2558	King, Erin	2559

Motion was made by Terry Compton, seconded by Martina Musmeci Salles and unanimously carried, to **upgrade** the following licenses:

Burkhardt, Amanda	2532	Hill, Carly	2465
Porta, Natalie	2553		

Motion was made by Clare Miller, seconded by Lori Roy and unanimously carried, to **reinstate** the following licenses:

Herring, Theresa	790	Desormeaux, Wendy A.	1760
O'Brien, Jane	490	Roberts, Ashley Hebert	2094
Burnell, Trionne	1719		

Motion was made by Howard Wetsman, seconded by Martina Musmeci Salles and unanimously carried, to adjourn the meeting at 4:00 p.m.



Paula Weeks, MS, RD, LDN
Chairperson



Terry Compton, APRN, RN, MS, CDE
Secretary-Treasurer