

NORTH CAROLINA BOARD OF DIETETICS/NUTRITION
BOARD MEETING
9:00 A.M.
1135 KILDAIRE FARM ROAD, SUITE 200
CARY, NC 27511

[ELECTRONIC ONLY MEETING]

OPEN MINUTES: November 18, 2022

Board Members Present: Amanda Holliday, Analia Camarasa, Ananya Sen, Karen Thomas, Sarah Thomas, Patricia Pitts, Christie Nicholson

Director: Charla Burill, Executive Director

Ex-Officio: Marnie Jones, Administrative Specialist

Guest: Henry Jones, *General Counsel*

Call to Order – Amanda Holliday

The meeting was called to order at 9:03 a.m. A quorum was present. Roll call for attendance: Analia – present, Christie – present, Karen – Present, Patricia – Present, Sarah – Present, Amanda – Present.

The agenda was sent out to the Board electronically for review. Christie made a motion to approve the agenda as presented. Patricia seconded the motion. Roll call to approve motion: Analia – Yes, Christie – Yes, Karen – Yes, Patricia – Yes, Sarah – Yes, Amanda – Yes.

Amanda asked if there were any existing conflicts. None reported. Amanda reminded the Board of best practices under the newly adopted Electronic Meetings Policy.

Secretary's Report – Patricia Pitts

The October 2022 open and closed minutes were provided for electronic review prior to the meeting. Dr. Sen motioned to approve the October 2022 minutes noted; Christie seconded the motion. Amanda asked if there was any discussion on the motion. No further discussion. Roll call to approve motion: Analia – Yes, Dr. Sen – Yes, Christie – Yes, Karen – Yes, Patricia – Yes, Sarah – Yes, Amanda – Yes.

Treasurer's Report –Christie Nicholson

The October 2022 Cash Flow report, Budget report, Investment report, and Savings report were shared with the Board for review electronically prior to the meeting. Dr. Sen motioned to approve the financial reports as presented. Analia seconded the motion. Charla noted that between the October and November meetings, she sought an electronic vote to roll CDs that were coming due into new CDs in a laddered approach. Majority vote confirmed action; note, we are then ratifying that action today. Roll call to approve motion: Analia – Yes, Dr. Sen – Yes, Christie – Yes, Karen – Yes, Patricia – Yes, Sarah – Yes, Amanda – Yes.

- Henry Jones, General Counsel joined the call at 9:12 a.m.

Public Comment – Amanda Holliday

None raised.

Administrative Report – Marnie Jones

Marnie reported the total active licensee count at 3,968. Additionally, there were seven Provisional licensees, two of whom were new since our October 17, 2022 meeting. Also since the last administrative numbers report given on October 17, 2022, there had been sixty-two new licensees, zero licensees had gone inactive, and zero licensees had relinquished.

Marnie detailed for the Board that the new fees that have gone into effect as of November 1, 2022 due to the passage of the rule revisions in 21 NCAC 17 .0113, have also been implemented on our web-based licensure system and are being charged appropriately. The new Renewal fee of \$95 was published in a previous newsletter, however, it will be announced again to stakeholders via email before the renewal season. The late fee remains the same at \$75 and will be charged between April 1 – May 31, 2023.

Closed Session

Christie motioned to close the meeting for discussion regarding **complaints** and **investigations**, pursuant to Article 33C of Chapter 143, §143-318.11(7); Article 5 of the Bylaws, Section 4 (7), as well as closure for the **review of applications**, pursuant to Article 33C of Chapter 143, §143-318.18(6) and Article 5 of the Bylaws, Section 4 (8). In addition, the motion closes the meeting to **consult with legal counsel** under Article 33C of Chapter 143-318.11(3) and Article V Section 4 (3) of the Bylaws. Analia seconded the motion. No further discussion. Roll call to approve motion: Analia – Yes, Dr. Sen – Yes, Christie – Yes, Karen – Yes, Patricia – Yes, Sarah – Yes, Amanda – Yes.

Legal Consultation – Henry Jones

Henry Jones provided the Board with an update on the Beachler hearing. The Hearing will be continued on a second day that is yet to be set by the judge. Henry also provided guidance on other current legal matters and investigative matters.

The Investigation report was reviewed; see the report for details.

Christie motioned to reopen the meeting. Patricia seconded the motion. No discussion. Roll call for approval: Analia – Yes, Dr. Sen – Yes, Christie – Yes, Karen – Yes, Patricia – Yes, Sarah – Yes, Amanda – Yes.

Open Session - Amanda Holliday

- No motions related to closed session.

Rules Discussion – Amanda Holliday

For the rules published July 15, 2022 and August 15, 2022, the Board received comments back from the Rules Review Commission attorney, Lawrence Duke. The Board and staff worked to provide a response to each point raised and make edits as needed. The document with Attorney Duke's comments, and the Board's responses, was reviewed by the full Board electronically prior to this meeting.

Karen noted her concern with the comment from the RRC that pertained to the use of the words “authorize and approve,” as Karen felt strongly that the word “approve” should remain. The Board discussed the various meanings of these words and ultimately, felt both words should remain and asked Charla to edit the response document to say this. The Board also agreed that should Mr. Duke still have concerns with keeping the language as-is, that Charla should also note for him that the Board would be amenable to editing the language, but perhaps there was a better suggestion.

Board's intent is to continue to work on editing the rules until they can be submitted without objection from the RRC.

- Patricia had to leave the call at 12:08 p.m.

Christie motioned to approved the rule amendments as discussed, with the clarification on keeping the word “approve.” Karen seconded the motions. No discussion. Roll call for approval: Analia – Yes, Dr. Sen – Yes, Christie – Yes, Karen – Yes, Sarah – Yes, Amanda – Yes.

Unfinished/New Business - Amanda Holliday

- None raised.

Public Comment – Amanda Holliday

- None raised.

Analia motioned to adjourn the meeting at 12:12 p.m. Karen seconded the motion. No further discussion. Roll call to approve motion: Analia – Yes, Dr. Sen – Yes, Christie – Yes, Karen – Yes, Amanda – Yes, Sarah – Yes.