

TENNESSEE BOARD OF DIETITIANS/NUTRITIONISTS

MINUTES

Date: September 7, 2023

Time: 9:00 a.m. CST

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

Members Present: Morgan Anderson, Dietitian/Nutritionist, Member
Brian Carroll, Dietitian/Nutritionist, Member
Jennifer Earnest, Dietitian/Nutritionist, Chair
Loveday E. Nwobilor, Dietitian/Nutritionist, Secretary
Emily Smith, Dietitian/Nutritionist, Member
Patrick Parham, Citizen Member

Members Absent: None

Staff Present: Kimberly Wallace, Regulatory Board Administrative Director
Lyndsey Boone, Regulatory Board Administrative Director
Kristen Moon, Associate General Counsel

Call to Order

Ms. Earnest called the meeting to order at 9:03 AM CST. New Board Members, Brian Carrol and Emily Smith were in introduced. A roll call of Board Members and Board staff present was initiated by Ms. Boone. A quorum of Board Members was present.

Discuss and consider approval of Meeting Minutes

Mr. Carroll made a motion to approve the Minutes from the March 2, 2023, Board meeting as written, with a second by Ms. Smith. There was no discussion on the motion. The motion passed unanimously by voice vote.

Receive Reports and/or Requests from the Office of Investigations

Ms. Dorsey Luther, Legal Review Coordinator, presented the investigative reports for YTD 2023, as follows:

COMPLAINTS**YTD2023**

New Complaints	
Lapsed License	1
Criminal Conviction	-
Unlicensed Practice	2
Total # New Complaints	3
Closed Complaints	
Letter of Warning	1
Total # Closed Complaints	6
Total # Currently Open Complaints	-

Receive Reports and/or Requests from the Division of Health Licensure and Regulation

Ms. Emily Godwin, Finance Director, was present to provide the Board with the preliminary Year End 2023 financial report, with highlights as follows:

- Total Expenditures \$66,699
- Board Fee Revenue \$113,205
- Current Year Net \$46,506.47
- Cumulative Carryover \$385,495.79

Ms. Godwin reviewed the proposed fee decrease that the Board previously approved on 09/02/2021; she went on to show the updated reports and the impact of what the proposed fee decrease would have created, which would have put the Board in a deficit that would cause the need to increase fees again after a short period of time.

The proposed fee changes from 09/02/2021 include:

- Renewal Fee decreased from \$70 to \$5
- Application Fee decreased from \$75 to \$10
- License Fee from \$55 to \$5

A motion was made by Ms. Smith to approve keeping the Renewal Fee unchanged at \$70 and to decrease the total Initial Application and Licensure fee to \$100, breaking it down to \$30 for the Initial Application Fee and \$70 for the License Fee. A second was made by Mr. Nwobilor. Ms. Boone mentioned other fees, such as the license verification, and duplicate licensure certificates. The Board decided that the impact of those fees is minimal and does not require any changes at this time. The motion passed unanimously by voice vote.

Discuss and take action as necessary regarding Legislation

Ms. Ellen Gose, Legislative Liaison, presented the 2023 Legislative Summary, as follows:

Public Chapter No. 55—SB680/HB895—Reeves/Hurt

This law clarifies that the Medical Assistance Act of 1968 does not require a vendor, healthcare provider, or telehealth provider group that provides healthcare services exclusively via telehealth to have a physical address or site in this state in order to be eligible to enroll as a vendor, provider, or provider group for that program. This law defines telehealth provider as two or more healthcare providers that share a common employer and provide healthcare services exclusively via telehealth. This law was effective on March 21, 2023.

Public Chapter No. 201—SB721/HB498—Massey/Martin

This law exempts a patient who is receiving an initial behavioral health evaluation or assessment from the requirement from an in-person encounter between the health care service provider, the healthcare services provider's practice group, or the healthcare system and the patient to be within sixteen months prior to the interactive visit. This law also authorizes a physician assistant who is authorized to prescribe drugs and who provides services solely via telehealth to arrange for chart review by a collaborating physician via HIAA-compliant electronic means. This law was effective on April 24, 2023.

Public Chapter No. 270—SB859/HB982—Reeves/Terry

This law protects a person's statement regarding the use or possession of marijuana to a healthcare provider through the course of a person's medical care for the purpose of obtaining medical advice on the adverse effects of marijuana with other medications or medical treatments. Under this law, such statement is not admissible as evidence in a criminal proceeding in which the person is a defendant unless a person expressly waives this prohibition and requests that the statement be admitted as evidence. This law was effective on April 28, 2023.

Public Chapter No. 300—SB551/HB448—Lowe/Davis

This law requires governmental entities to provide a period of public comment for public meetings but authorizes the governmental entities to place reasonable restrictions on the period for public comment. This does not apply to a meeting of a governing body, or a portion thereof, where the governing body is conducting a disciplinary hearing or a meeting for which there are no actionable items on the agenda. This takes effect July 1, 2023.

Public Chapter No. 306—SB924/HB577—Rose/Parkinson

This law adds as an enhancement factor that can be considered during sentencing if a defendant has been convicted of aggravated assault or attempted first degree murder on the grounds or premises of a healthcare facility. Healthcare facility is defined as a hospital licensed under title 33 or 68. This law takes effect July 1, 2023.

Public Chapter No. 316—SB1426/HB1004—Roberts/Darby

This law requires an appointed member of a governing body for a state entity to serve in such capacity until the member's successor is duly appointed and qualified. Under this, an appointed member of a board, commission, or other governing body for a state governmental entity may be removed by the member's appointing authority with or without cause. A vacancy created by the removal of a member must be filled by the appointing authority in the same manner as the original appointment. This law also creates an advisory council on state procurement. This law was effective on April 28, 2023.

Public Chapter No. 426—SB0458/HB0496—Watson/Martin

This law requires certain health related boards to either render a decision on the application or inform the applicant of the need to appear before such board within 60 days from the date the respective board receives a completed application for licensure from either an initial applicant or an applicant who is licensed in another state or territory of the United States or in the District of Columbia. This law was effective on May 11, 2023, and applies to applications submitted on or after that date.

Receive Reports and/or Requests from the Board Administrative Office

Ms. Boone presented the Administrative Office report, as follows:

PERIOD: As of 08/31/2023

Total # Currently Licensed	2,382
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LICENSE STATISTICS

PERIOD: February 28, 2023 – August 31, 2023

New Licenses Issued	110
Temporary Licenses Issued	1
Reinstatements	24
Renewals - Total	488
<i>Number of Paper Renewals</i>	78
<i>Number of Online Electronic Renewals</i>	410
Retired Licenses	5
Failed to Renew/Expired Licenses	66
Closed/Withdrawn	11

UPCOMING BOARD MEETING DATES

- February 29, 2024
- September 12, 2024

Receive Reports and/or Requests from the Office of General Counsel

Ms. Moon reviewed the OGC report, as follows:

Open Meetings Act

Pursuant to the Open Meetings Act, Board business may only be discussed by the Board members during the meeting. Members should not discuss the Board's business at any time other than during the open Board meeting. The prohibition applies to phone calls, e-mails, and text messages. Board members should also ensure all comments during the meeting are stated for all to hear; private conversations between or among members during the meeting are inappropriate.

Disciplinary Activity

There is currently no disciplinary activity outside of two (2) open cases with the OGC under review for practice on a lapsed license.

Rule Activity

D&N 21-0506 fee reduction rule is in the internal review process.

Legislation

Legislation relating to the Board will be provided by the legislative liaison.

Additional Business

Noted Mr. Wysor is no longer with the State and a new advisory attorney may be introduced at the next meeting.

Presentation of Orders, Agreed Citations, and Other Disciplinary Items

There were no items for the Board to review at the meeting.

Applicant Interviews/File Reviews/Waiver Requests

There were no items for the Board to review at the meeting.

Ratification of Licensure Files

Ms. Anderson made a motion to approve the Ratification List as written, with a second made by Mr. Parham. There was no discussion on the motion. The motion passed unanimously by voice vote.

Ratification List

Initial

4586 Barnes Jamie M	4563 Daniel Ashton Nicole	4627 Grobe Carrie Culleen
4599 Barry Meagan Elizabeth	4554 Daulerio Gina	4549 Gwin Katherine
4511 Beneduce Kelly	4612 Davis Diana Lorraine	4580 Hall Ashlyn
4646 Bonner Casey	4610 Dong Johanna M.	4485 Hamman Nathan
4615 Boone Stefani	4551 Drum Ann Nicole Ms.	4640 Haney Lawren Lindsey
4652 Brand Makenna	4587 Duncan Victoria	4555 Hargrave Klein Tanya Jane
4648 Brandon Arlie Strider	4546 Eads Madalynn Jean Ms.	4590 Harris Dustin
4576 Carrillo Ivon	4524 Epley Jessica Brooke Ms	4465 Hastings Madeline
4515 Collins Crystal L	4547 Fairfield Alexandra Nicole	4556 Hayes Ayden
4593 Colson Alyssa	4538 Feldman Shira	4539 Hobbs Corey
4509 Conner Kylie	4534 Fohrd Gavin Robert	4565 Holbert Kelly Jean Mrs.
4601 Couch Ashley Mrs.	4581 Garrett Timothy	4582 Holladay Katie
4521 Crosier Michael Scott	4517 Gean Mary Rachel	4522 Holland Jessica
4544 Damman Julia Marie	4302 Gordon Hadley	4594 Irwin Sara Jernigan

4614	Jackson Brent	4561	Maughan Brittany	4512	Reiser Kody Dillon
4603	Jenkins Heather Ruthann	4568	Mccabe Susannah	4596	Richardson Laurie
4535	Jeon Tatiana	4527	Mccall Maggie Carol	4642	Rudd Mandela
4540	Johnson Brandi Mrs	4602	Mcdaniel Mallory	4489	Schmitt Kelsey
4589	Jones Amber	4583	Meador Cailyn Marie	4575	Schwartz Julie Anne Field
4516	Justus Haley Donaldson	4529	Meyers Mandy Leigh	4536	Sebring Laura Lineback
4578	Kalman Melissa Erin Mrs.	4637	Mosier Makayla Elizabeth	4523	Serratos Kylie Jean
4530	Keating Faith	4553	Mullis Raye H MRS.	4566	Shelley Danae Mrs.
4545	Keatley Katie Anne	4605	Murray Kristin Lee	4542	Sink Kristen
4631	Kettler Annemarie	4533	Neuendorf Caitlyn Marie	4526	Slowinski Benjamin
4541	Kile Stephanie Marie	4559	Nguyen Uyen	4625	Snyder Angela
4528	King Erin Lea	4606	Nodell Haley	4628	Swanson Kristina Ann
4519	Kirby Kristin Elizabeth	4579	Noonan Deborah Rae	4585	Swortzel Emily
4598	Koistinen Megan Nicole	4569	O'Connell Alyssa Ann	4572	Tauschek Emily Leslie
4584	Kollmann Greta	4537	O'Quinn Chastity Marie	4532	Tewksbury Emily
4613	Krueger Ashley M	4595	Olivieri Brianna Lynn	4451	Vitetzakis Maria
4548	Laret Martha Lee Anne	4573	Pak Sahra	4518	Ward Victoria Hannah
4558	Legin Stephanie	4597	Patel Neha S	4567	Watts Myeshia
4644	Mabry Jenna Rose	4543	Peace Victoria	4552	Whatley Jessica Burleson
4513	Machmeier Kelly	4570	Phillips Jacquelyn	4574	White Lillian Grace
4618	Manitius Natalie	4564	Powell Bryce Thornton	4571	Yaroch Laurel Rae
4531	Martin Julie	4600	Presnell Abigail	4611	Aquilio Nicole
4557	Marvin Suaad Suzy	4514	Prophet Angela Renee	4443	Wilcox Kinsey Elizabeth

Reinstated

1693 Allen Lucinda Renee
 2313 Autuori Amy Colleen
 2853 Bivins Brittany
 3745 Blaha Sara Qualls
 825 Boman Melissa Christian
 3256 Colucci Amy
 751 Fry Christine Marie
 2611 Gray Lindsey French
 1155 Jackson April U.
 2296 Kennedy Rachel Vest
 3803 Lamas Patricia Taylor
 3523 Laster Caitlynn Richole
 3824 Lynn Catherine J
 1370 Maharaj Elaine Samdaye
 3781 Mcmillen Daran Shania

3248 Moore Brittany Leanne
798 Savage-Swoape Tonya Darlene
2241 Schildmier Jenna M
3656 Simpson Emma Eun-Jee
3075 Smith Meredith Lynn
2397 Templeton Madison Anne
3627 Trueblood Carolyn
3754 Vander Woude Kristen Blix
2716 Vorobeychik Polina
2203 Wolfe Mary Katelyn Bryant

Closed Applications

Ross Caroline
Ashton Emily
Casey Erin
Chambers Brittany
Hamil Carolyn
Martin Julianne
Mcgill Yael
Mcmahon Amy
Palevo Jennifer Marie
Swink Emily
Wright Sarah Jane

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

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

Conference/Event Reports and Upcoming events Review

FNCE Virtual Conference 2023 – Attendee Report

The Board voted to sponsor two Board Members for this meeting. Mr. Brian Carroll and Mr. Loveday Nwobilor were determined to be the two Members to attend the virtual conference.

New and Old Board Business

There were no items for the Board to review at the meeting.

Correspondence and Notices

Department of Veterans Affairs submitted the following correspondence to the Board:

VA proposes to adopt a national standard for Registered Dietitian Nutritionists consistent with the Academy of Nutrition and Dietetics www.eatright.org. We believe the proposed VA national standard of practice for Registered Dietitian Nutritionists does not vary from your State's current requirements, as the Tennessee license provides an exemption for Federal employees working at Federal facilities. However, there may be variances with other States' requirements.

We would like to provide you, as a State licensing board for Registered Dietitian Nutritionists, with an opportunity to provide feedback directly to us on the proposed national standard for Registered Dietitian Nutritionists (enclosed). Please note, this standard is not final. This is a courtesy request to State boards to provide direct feedback to us simultaneously with our publication in the Federal Register for broader public engagement.

Furthermore, please provide any clarity you believe would be appropriate on your State's licensing laws, regulations, requirements, or restrictions related to either the supervision of individuals in this occupation or the supervision of individuals in a related discipline that VA should consider.

Ms. Moon noted the Board does not have to take action on any correspondence item. Mr. Carroll stated that he doesn't see how this would affect patients as they already have a standard of care for licensees in TN.

The Board chooses to take no action on this item.

The Louisiana Board of Dietitians/Nutritionists submitted the following correspondence to the Board:

Recently our Board, has been in discussions with our state affiliate, Louisiana Association in Nutrition and Dietetics (LAND) and the national affiliate, Academy of Nutrition and Dietetics (AND). It is our understanding that the Academy's position on dietetics and nutrition has changed, although this has not been publicized, and they are recommending that our Board "narrow the scope of regulation to require a license for only the provision of Medical Nutrition Therapy (MNT)". Our Board does not believe that this is in the best interest of the consumers, as

dietitians/nutritionists provide services in a variety of areas, such as child nutrition, hospitals, clinics, or other health care facilities, sports nutrition, corporate wellness, private practice, community and public health settings, universities and medical settings, and research areas. Narrowing the scope of practice to license only individuals who provide medical nutrition therapy (MNT) would open other areas that have previously been regulated to now being unregulated. We believe that focusing on MNT only leaves open more room for harm to take place, and we fear that the outcome of this change will not be realized until it is too late. AND uses the lawsuit of

Del Castillo v. Florida State Dept. of Health to defend this recommendation; however, the lawsuit actually firmly supports the scope of licensure. AND has mentioned that they will begin reaching out to other state licensing boards to request that they amend their statutes to be more in line with this position.

Additionally, nationally we are in the process of the entry-level educational requirements increasing to a master's degree, which will greatly affect the number of qualified practitioners coming into the field and increase competition of unskilled/unqualified practitioners. Raising entry-level requirements in the field, while advocating to narrow the scope to only require a license for the provision of MNT devalues and diminishes the practice of dietetics and nutrition, as well as the Licensed Dietitian/Nutritionist.

As a licensing Board, we feel it is our job to protect the consumers of Louisiana from harm, while it is the Academy's mission to promote the profession, and not to dilute state licensing requirements or scope. We are reaching out to other state Boards to see if they are willing to share their position on this issue with us, as we navigate this process. Our Board would prefer not to be at odds with the national affiliate; however, we have been given the legislative purpose to protect the consumers of our state, and we feel that we are going to have to fight to keep our ability to regulate the practice of all dietitians and nutritionists, regardless of setting, and not just the practice of MNT.

Ms. Moon referenced that licensure regulations are established by statute, not by the individual state board. The Board does not have the authority to change who is required to be licensed.

The Board chose to take no action on this item.

Election of Board Officers

A motion was made by Mr. Parham to approve Ms. Jennifer Earnest as President, with a second made by Mr. Carroll. There was no discussion. The motion passed unanimously by voice vote.

A motion was made by Mr. Nwobilor to approve Mr. Nwobilor as Secretary, with a second made by Ms. Anderson. There was no discussion. The motion passed unanimously by voice vote.

Public Comment

There was no request for public comment to be heard. Ms. Wallace made a reminder to the public that all comments may be submitted to the Administrative Office either via mail or email to Unit3HRB.Health@tn.gov or 665 Mainstream Drive, Nashville, TN 37243.

Adjournment

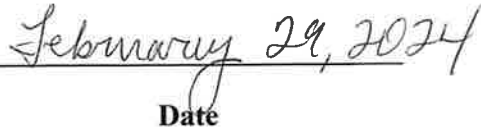
With no further business to be heard, Mr. Parham made a motion to adjourn, with a second by Mr. Nwobilor. There was no discussion on this motion. The motion passed unanimously by voice vote.

The meeting adjourned at 10:09 am CST.

These Minutes were ratified by the Board on 02/29/2024.



Board Chair



Date