

NDBODP Board Meeting Minutes – 9.17.19
North Dakota State Capitol
600 Blvd. East
Red River Room
Bismarck ND
9 a.m. (CDT)

Mission Statement: To protect the public and ensure compliance with the ND Century Code Chapter 43-44.

Present – Board Members: Linda Schloer, Brooke Fredrickson, Beth Viland, Wendy Mankie, Shaundra Ziemann-Bolinske. Also present was Pat Anderson, NDBODP Executive Secretary, and Allyson Hicks, Assistant Attorney General, from 9:30 – 11:36 a.m.

- I. Call to Order**
Chair, Linda Schloer called the meeting to order at 9 a.m.
- II. Welcome and Introductions**
Nancy Overson was welcomed; she has completed the appointment paperwork for the Governor’s office and is awaiting official appointment. Board introductions were done.
- III. Procedure for Guests**
Brianna Srnsky was present at 9:00 a.m. and Amanda Ihmels arrived at 10 a.m.
- IV. Approval of Minutes from 4.25.19**
Wendy Mankie moved to approve the minutes as written; Shaundra Ziemann-Bolinske seconded the motion. Yeas: Brooke Fredrickson, Beth Viland, Shaundra Ziemann-Bolinske, Wendy Mankie, and Linda Schloer. Nays: None. Passed.
- V. Agenda Review**
Pat Anderson requested that under new business add, i. Oct. 29, Attorney General training.
- VI. Unfinished Business**
Pat Anderson reported that the website is progressing along well. Set up and testing of the payment processing function needs to be done yet. The new web site should be able to be launched in October.
- VII. Financial Reports**
 - a. Pat Anderson provided the unaudited Sept. 13, 2019 balance statement.

- b. CD reserves (\$93,421.79) are in the Bank of North Dakota; they are not designated for any special purpose at this time other than operating funds.
- c. FY 2019 Profit/Loss Report – Pat Anderson presented the Oct. 1, 2018 – Sept. 13, 2019 unaudited profit loss statement (Income - \$25,418.98 and Expenses - \$22,456.56). A few more expenses are pending for the meeting today and there may be more income if new license applications come in.
- d. Projected Profit/Loss for FY 2019 – Pat reported an estimate of the 2019 fiscal year net loss to be around \$3000-\$4000. This was anticipated with the budget expenses and technology advancements in our strategic plan.
- e. Transaction Detail by Account Report for FY 2019 – The transaction detail was presented for income and expenses. No questioned costs or findings were found by the board.
- f. Fiscal Year Audit – Pat Anderson will contact the State Auditor’s Office and complete the paperwork for the FY 2019 audit.

VIII. New Business

a. LN CE requirements

The Commission on Dietetic Registration has made changes to the continuing education (CE) requirements. Pat Anderson recommended that those changes be used to evaluate our current CE requirements for LNs and that revisions be made. It was suggested that an ethics continuing education requirement be included as well. The LN chair and Pat Anderson will work on this.

b. Complaint

One complaint was submitted by Alicia Reardon to Pat Anderson on 4/30/19 against Tonya Loken and Pat referred the complaint to Allyson Hicks, legal counsel. A copy of the complaint was provided to the NDBODP for review. Allyson stated that the NDBODP doesn’t have jurisdiction over Dr. Loken as she falls under the North Dakota Board of Integrative Health Care, which licenses naturopaths, and/or the North Dakota Board of Nursing. Brooke made a motion to dismiss the complaint and refer Alicia to the North Dakota Board of Naturopaths and/or the North Dakota Board of Nursing; Beth seconded the motion. Yeas: Brooke Fredrickson, Beth Viland, Shaundra Ziemann-Bolinske, Wendy Mankie, and Linda Schloer. Nays: None. Passed.

Action: Allyson Hicks will draft and send a letter to the complainant (Alicia Reardon) to inform her that the board of dietetic practice doesn’t have jurisdiction over the individual and refer her to the North Dakota Board of Integrative Health Care and/or the North Dakota Board of Nursing.

c. Licensure Law Discussion

Pat Anderson presented an overview of her review of dietetics licensure in other states. **Conclusions from the review:**

- over 50% of the states have exclusivity dietetic practice laws
- only 2 states have no license or practice of title
- 3 states have title protection with no formal state regulations

- 16 states have title protection only
- If a state had a licensed nutritionist designation in the law, the law encompassed medical nutrition therapy.
- A few states include licensure for Diplomates of the American Board of Clinical Nutrition and Certified Nutrition Specialists which allows these licensees to practice medical nutrition therapy.

Questions posed for discussion:

- 1) Do we need the LN licensure designation as currently defined in the law? Nancy Overson stated that she believed it was important for this designation so that individuals are current in knowledge, achieve continuing education requirements, and those working in the nutrition field are held to a standard. There are currently 35 LNs.
- 2) Do we need to include tele-practice in the law? Allyson stated that it is up to the board whether we want to promote it. If we allow it, providing these services, a person is subject to the law.
- 3) Do we need criminal background checks? If licensees would be entering a home or touching individuals this would be important. The fee for background checks is \$80 and a FBI background check takes 4-6 weeks. It would need to be included in a state statute to conduct background checks.
- 4) Should the application fee be changed to allow for changes if needed; i.e. application fees not to exceed \$200? This would allow flexibility in the law rather than changing the statute when fees need to be raised.
- 5) The code of ethics in our law is outdated. The board could adopt their own code of ethics or the most recent code of ethics from the Academy of Nutrition and Dietetics.

Public Comment was requested during the meeting:

Q. Amanda Ihmels asked, do we need to concern ourselves with the other individuals that could do medical nutrition therapy? How many certified nutrition specialists and diplomates of the American Board of Clinical Nutrition are there? A. There have not been any of these individuals that have requested licensure, however during the past legislative session there was support of HB 1482 by certified nutrition specialists because they are currently excluded from practicing MNT in ND.

Amanda suggested providing information for the Dietetic Update on who these people are. She said she is much more concerned about the nutrition information given out by personal trainers.

Comments from Allyson Hicks:

- Moving forward LNs could be grandfathered in the law and as the individuals no longer become licensed it would be phased out.
- The statute requirements should be written broadly (not specifying specific curriculum requirements i.e. credit hours) and the rules can be written very specific afterwards to protect MNT.

- Pre-filing of bills need to be done by Dec. 5, 2020.
- You need to be careful not to be engaged with the professional association (NDAND) nor engage in lobbying efforts.

Board Action: None at this time. Brooke Fredrickson and Pat Anderson will continue to research on licensure laws in other states particularly requirements for CNS, DABCN and exemptions in licensure laws.

b. Strategic Plan Review

The strategic plan was reviewed and the following recommendations made:

1. Under Law: Review CDR standards for continuing education purposes; add “and for LNs”
2. Technology; Change timeline for online application system on website to spring 2020.

Brooke Fredrickson moved to approve the strategic plan with the above changes; Wendy Mankie seconded the motion. Yeas: Brooke Fredrickson, Beth Viland, Shaundra Ziemann-Bolinske, Wendy Mankie, and Linda Schloer. Nays: None. Passed.

c. Elections (Board Chair, LRD CE Chair, LN CE/Licensing Chair, Fiscal Chair)

1. Linda Schloer nominated Shaundra Ziemann-Bolinske for board chair; Beth Viland seconded the motion. Yeas: Brooke Fredrickson, Beth Viland, Shaundra Ziemann-Bolinske, Wendy Mankie, and Linda Schloer. Nays: None. Passed.
2. Wendy Mankie will continue as LRD Chair, Linda Schloer will serve as fiscal chair, and Beth Viland will serve as LN Chair until Nancy Overson is officially appointed to the board.
3. The position descriptions were reviewed. Beth Viland moved to remove no. 10 and 11 from the board chairperson job description. Yeas: Brooke Fredrickson, Beth Viland, Shaundra Ziemann-Bolinske, Wendy Mankie, and Linda Schloer. Nays: None. Passed.

d. Executive Secretary Contract (The board went into executive session)

1. Beth Viland moved to grant a 3% increase (\$1100/month) in contract amount effective Oct. 1, 2019 – Sept. 30, 2020; Wendy Mankie seconded the motion. Yeas: Brooke Fredrickson, Beth Viland, Shaundra Ziemann-Bolinske, Wendy Mankie, and Linda Schloer. Nays: None. Passed.
2. Beth Viland moved for Pat Anderson to submit hours for additional payment for 40 hours during the legislative session, 20 hours for writing the RFP, and 20 hours for the research on the licensure presentation for today at \$35/hour for a total of \$2800; Wendy Mankie seconded the motion. Yeas: Brooke Fredrickson, Beth Viland, Shaundra Ziemann-Bolinske, Wendy Mankie, and Linda Schloer. Nays: None. Passed.

e. NDBODP FY 2020 Planning

The FY Budget was discussed and a budget planned as follows:

Income \$25,705

- Investment revenue \$640
- Checking interest \$65

- Licensure Fees \$25,705
- Expenses \$37,035
- Board education \$2500
 - Legal fees \$4000
 - Liability insurance \$900
 - Meetings \$4000
 - Miscellaneous \$300
 - ES Mileage \$150
 - ES Contract Salary \$13,320
 - Accountant Services \$75
 - Bank Fees \$600
 - Postage \$300
 - Printing \$450
 - Telephone \$240
 - Website \$800
 - Supplies \$300
 - Technology \$3500
 - Special Projects \$5600

Shaundra Ziemann-Bolinske moved to approve the above budget; Beth Viland seconded the motion. Yeas: Brooke Fredrickson, Beth Viland, Shaundra Ziemann-Bolinske, Wendy Mankie, and Linda Schloer. Nays: None. Passed.

h. Dietetic Update Topics

- November 2019 – Brooke Fredrickson will write an article on licensure comparison
- February 2020 – Pat Anderson will write an article on the new website and the renewal process
- May 2020 – Linda Schloer will write on the activities of the NDBODP

i. October 29, 2019 – AG Training

More information will be forthcoming on the training for licensing boards on Oct. 29. Those that will be attending from BODP are Linda Schloer, Nancy Overson, Shaundra Ziemann-Bolinske and Pat Anderson

IX. Next Meeting

March 26, 2020; Linda Schloer will get a room at the Capitol.

X. Audit of LRD and LN CPEU Records

Eight LRDs and two LNs were audited. All LRD audits were satisfactory. One LN CE education requirements were not met for her 5 year CE cycle and licensure was denied for October 1, 2019 – September 30, 2020.

XI. Adjournment

Brooke Fredrickson moved to adjourn the meeting; Wendy Mankie seconded the motion. Yeas: Brooke Fredrickson, Beth Viland, Shaundra Ziemann-Bolinske, Wendy Mankie, and Linda Schloer. Nays: None. Passed.

The meeting was adjourned at 3:11 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Pat Anderson".

Pat Anderson, NDBODP Executive Secretary