

NDBODP Board Meeting Minutes – 5.01.2020
10:30 a.m. (CDT)
Microsoft Teams Meeting (Online and Teleconference)

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

I. Call to Order

Chair, Shaundra Ziemann-Bolinske called the meeting to order at 10:35 a.m.

II. Roll Call

Present – Board Members: Linda Schloer, Brooke Fredrickson, Nancy Overson, Wendy Mankie, Shaundra Ziemann-Bolinske. Also present was Pat Anderson, NDBODP Executive Secretary, and Allyson Hicks, Assistant Attorney General

III. Procedure for Guests

Shaundra welcomed Brianna Srnsky and invited observation from guests and explained that guests could not actively participate in the discussion.

IV. Approval of Minutes from 09.17.2019 Minutes

Brooke Fredrickson moved to approve the minutes as written; Nancy Overson seconded the motion. Yeas: Brooke Fredrickson, Nancy Overson, Shaundra Ziemann-Bolinske, Wendy Mankie, and Linda Schloer. Nays: None. Passed.

V. Additional Agenda Items and Approval of Agenda

No additional agenda items were brought forth. Nancy Overson moved to approve the agenda; Brooke Fredrickson seconded the motion. Yeas: Brooke Fredrickson, Nancy Overson, Shaundra Ziemann-Bolinske, Wendy Mankie, and Linda Schloer. Nays: None. Passed.

VI. Correspondence Items

a. AAG 09.23.19 letter to Alicia Reardon

This letter, sent to Alicia by Allyson Hicks, is the follow up action from our last board meeting and is filed with our board minutes today.

- b. Complaint Review** - Pat received a complaint from Emilee Brannan on 1/13/2020 and forwarded it to Allyson Hicks per NDBODP policy. Allyson stated that the board only has jurisdiction over people licensed by the board and using the title of RD without having a license is a class B misdemeanor, so this moves over to the criminal realm. Allyson said that this would not be a high priority item for the State's Attorney to prosecute. Allyson offered to send a letter to Katalin Quale to inform her of the licensing requirement, we are not sure you are aware of the requirement to be licensed; we look forward to receiving your application, and failure to license is a class B misdemeanor.

Brooke Fredrickson moved that Allyson draft a letter to Katalin Quale as offered by Allyson; Linda Schloer seconded the motion. Yeas: Brooke Fredrickson, Nancy Overson,

Shaundra Ziemann-Bolinske, Wendy Mankie, and Linda Schloer. Nays: None. Passed.
Action: Allyson Hicks will get the letter out and send a copy to Pat Anderson.

- c. **ND Governor's Executive Orders and CDR Extension** – CDR has approved an extension of the May 31, 2020 PDP recertification deadline of the CPE requirements (75/RDs) and submission of completed activity logs to July 15, 2020. Governor Burgum's Executive Order 2020-20 will affect the board if there are in person CE requirements.

Allyson stated that the NDBODP renewal date is July 1, 2020 and according to the administrative rules 20.5-02-01-03 this leaves you with no discretion to change that date. Whether the board wants to extend the fine if not received by July 1, is up to the board.

Brooke moved that we have Pat include in the renewal letters that CE is still included by July 1 as in in our rules but with the CDR extension we will waive any late fees. Wendy seconded the motion. Discussion: for those with a CDR extension to July 15 they would not necessarily be able to submit their CE by July 1. Are late fees waived for everyone or just those whose PDP is due this year? Brooke clarified, only the ones whose cycle is up. Brooke made a motion to amend the motion to keep the renewal date to July 1 for all licensees but to not charge a late fee until after July 15 for those whose cycle is up this year. Linda seconded the amended motion. Roll call vote to amend the motion: Yeas: Nancy Overson, Brooke Fredrickson, Shaundra Ziemann-Bolinske, Wendy Mankie, and Linda Schloer. Nays: None. Passed. A vote was called for on the amended motion; roll call vote: Yeas: Brooke Fredrickson, Nancy Overson, Shaundra Ziemann-Bolinske, Wendy Mankie, and Linda Schloer. Nays: None. Passed.

VII. **New Business**

- a. **Review Policy on Waiving of Fees for Military Spouse** – Last year NDBODP adopted a policy to amend our new and renewal applications to include the military spouse waiver in fees. The statute currently covers the waiving of fees for only new licensees for military spouses stationed in ND. Pat asked, should we continue waiving renewal fees for military spouses? Should we also waive members of the military? Does it matter the location of military and military spouses?

Allyson said that SB2306 will be reworked next session and likely amended in the future to include waiving the fee for active military for those stationed in this state (MAFB and GFAB). The current statute just involves waiving the initial fee or the provisional fee, not the renewal fee for those in ND. Whatever is determined you do not need to amend your administrative rules. Pat asked that the board adopt a policy on military spouse renewal fees and whether the board will waive the fee for members of the active military stationed in ND. Linda moved that active military and military spouse stationed in ND and proof of it, have all fees waived for licensure. Nancy seconded the motion. Yeas: Brooke Fredrickson, Nancy Overson, Shaundra Ziemann-Bolinske, Wendy Mankie, and Linda Schloer. Nays: None. Passed.

- b. **Transcript Review for LN Application**
- c. **LN criteria checklist**

Pat Anderson and Nancy Overson presented a transcript for Jenniferlyn Kryvicky for review to determine if LN licensure can be granted. Her master's degree is in human nutrition and functional medicine from University of Western States. The administrative rules were reviewed and Allyson stated that if we have not defined accreditation it is a huge risk to say this degree does not qualify. She meets our criteria for licensure and what she would be allowed to do in our state. Statutes require special permission to do telehealth and ours is silent on telehealth so we will need to address. This is a gray area for each licensee to discuss with their own attorney.

Nancy moved to approve Jenniferlyn Kryvicky's application for LN licensure and to include with the letter what she can and cannot do; Brooke seconded the motion. Discussion: Allyson advised that we should include the statute rather than get into what and what cannot be done. Nancy amended the motion to approve her application and to include the statute on what she can and cannot do. Wendy seconded the motion. Roll call vote to amend the motion: Yeas: Brooke Fredrickson, Nancy Overson, Shaundra Ziemann-Bolinske, Wendy Mankie, and Linda Schloer. Nays: None. Passed.

Shaundra asked for a vote on the amended motion. Yeas: Brooke Fredrickson, Nancy Overson, Shaundra Ziemann-Bolinske, Wendy Mankie, and Linda Schloer. Nays: None. Passed.

d. Application for Licensure

Pat presented a draft of the licensure application and proposed changes on the application. Changes were proposed to provide information to help clarify the LN requirements and to include wording directly from the administrative rules:

- Making application for a LN under B. 1. on page 2; Remove "a baccalaureate degree that satisfied requirements of the Academy of Nutrition and Dietetics Approved Didactic Program" and change to a baccalaureate degree in the field of dietetics or food and nutrition as approved by the board and from an accredited college or university (Note: refer to administrative rules that require the minimum number of academic nutrition credits and advanced nutrition with human physiology and either organic chemistry or biochemistry as a prerequisite).
- Add "electronically sent" as an option for sending transcripts directly from the university or college to NDBODP.
- Add the word "evidence" to in the statement you must submit "evidence" of your continuing education hours you have received in the last five years.
- Page 3 under number 2, change public nutrition to public health nutrition and add electronically sent after transcripts that are mailed.
- Page 3 under number 3; change membership in one of the following to, membership in on the following and who can present evidence to the board regarding employment and competence as a nutritionist prior to July 1, 1985. Add to American Clinical Board of Nutrition, proof of certification or registration to the board.

Page 3; include two separate questions regarding military and military spouse. Question 1, are you a member of the active duty armed forces stationed in ND? Question 2, are you a military spouse? A military spouse is defined as a member of the United States stationed in this state in accordance with military orders or stationed in this state before a temporary assignment to duties to duties outside of this state. Please contact 701.838.0218 or execsec@ndbodp.com if you are, as licensure fee may be waivable.

Brooke moved to approve the application as amended; Wendy seconded the motion. Roll call vote was taken. Yeas: Brooke Fredrickson, Nancy Overson, Shaundra Ziemann-Bolinske, Wendy Mankie, and Linda Schloer. Nays: None. Passed.

Wendy Mankie was asked to discuss the curriculum requirements for LNs with UND officials as UND is changing their curriculum to a 4-year human nutrition degree.

e. Education Requirements for LNs

Proposed revisions were highlighted in yellow on the current guidelines for continuing education for nutritionists' document. The changes were made to include changes that have been made to the professional development program that CDR has developed for dietitians (i.e. increasing the number of hours from recorded webinars to 30; previously was 15). Some minor changes were made to clarify how proof is provided for various avenues of CE.

Brooke moved to approve the guidelines; Nancy seconded the motion. Roll call vote was taken. Yeas: Brooke Fredrickson, Nancy Overson, Shaundra Ziemann-Bolinske, Wendy Mankie, and Linda Schloer. Nays: None. Passed.

f. Erin Caroline

Erin Caroline sent an email to Pat Anderson asking if NDBODP could promote with RDNs to sign up with the Academy's "Find an RDN" resource if they are an Academy member. Pat clarified with Erin on what she thought that could look like and she said, perhaps "for the public" section on our website that includes the link or a reminder blurb on the licensure renewal form that gets sent to all licensed dietitians to say, make sure to sign up for the FIND AN RDN public search page.

Board discussion; since this is specifically an Academy feature we can't do it and some of our licensees are not Academy members. We must be careful to not promote the profession as our mission is to protect the public against harm from unqualified individuals. Pat will inform Erin of the board's reservations.

g. 12.11.09 State Auditor's Office Letter

Pat provided a copy of the Dec. 11, 2019 auditor's letter that accepted the annual report of the fiscal year ended (Sept. 2019) and that it has been reviewed/approved by their office and there were no findings.

h. Board Terms

Brooke's term ends on 8/31/2020 and she is not eligible for another term. Shaundra's first term is up on 8/31/2020 and she will need to reapply with the Governor's office if she is interested in serving another three-year term. Brooke mentioned that Jennifer Haugen and Kayla Cole may be interested in serving on the board. It was recommended that we include information in the renewal letter that goes out. Shaundra asked that Pat send her the link to reapply.

VIII. Next Board Meeting Date

Tentative dates suggested, Thursday, June 11 or Monday, June 15 at 9 a.m. at the Capitol. Linda will check on room arrangements at the Capitol or Shaundra volunteered to use the extension building.

IX. Adjourn

Nancy moved to adjourn the meeting; Brooke seconded the motion; passed. The meeting was adjourned at 12:55 p.m.

Respectfully Submitted,

Pat Anderson

Pat Anderson, NDBODP Executive Secretary

DRAFT