

NDBODP Board Meeting Minutes – 6.11.2020
9 a.m. – 1:10 p.m. (CDT)
Peace Garden Room
ND State Capitol
600 E. Blvd
Bismarck ND
Public Access: Microsoft Teams Meeting

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 9:10 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 guests and explained that guests could not actively participate in the discussion.

IV. Approval of Minutes from 05.01.2020 Minutes

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

VI. Correspondence Items

a. AAG Letter to Katalin Quale

Allyson Hicks has sent the letter to Katalin Quale and will have a copy of the letter sent to Pat Anderson. Ms. Quale has not applied for licensure as of today. No further action advised to be taken at this time as Allyson stated that we are restricted by our statute.

VII. Strategic Planning

Pat provided a strategic planning handout for a foundation for today's discussion and planning.

- ***Current conditions were discussed.***
 1. Lack of clarity in ND statute on what unlicensed individuals can do. LN is voluntary; protects title only.
 2. Legislative attempt to diminish licensure law in 2019.
 3. New degree options from accredited colleges and universities that qualify individuals to be eligible for licensure as a nutritionist in ND. ND law doesn't have specific accreditation standards.
 4. LN designation in ND is a unique designation and much different from many other states.
 5. New pathways for qualifications to practice MNT (Certified Nutrition Specialists and Diplomates* American Board of Clinical Nutrition*; *specified requirements to qualify)
 6. ND statutory authority extends to licensees only.
 7. Telehealth or telepractice is not included in the ND statute.
 8. Inconsistent licensure requirements in all states with some having no requirements and others protecting titles only.

- ***Trends were discussed.***
 1. More educational programs training "nutrition professionals"
 - ~ Board certified in Holistic Nutrition
 - ~ Functional Nutritional Counselor
 - ~ Nutritional Therapy Practitioner
 - ~ Sport Nutrition Certification (National Council on Strength and Fitness)
 2. Increase in health coaches
 - ~ Scope of care unclear for nutrition intervention if not a RDN health coach
 3. Recent licensure laws (NJ, NC) focus on protecting MNT.
 - ~ provide exemptions to clarify what other individuals may do
 - ~ Academy of Nutrition and Dietetics model practice act protects MNT
 4. Legislators looking at reducing barriers to licensure (timely) and some looking to eliminate licensure.
 - ~ military friendly and cost friendly
 5. Specific statutory language with less authority to enact changes through administrative rules.

- ***Assumptions about the future were discussed.***
 1. Master's degree requirements coming for RDNs (2023) and a 4 year D.T.R. degree.
 2. Increase in online courses for training programs and nutrition titles.
 3. Greater focus by legislators to strike the right balance needed to protect consumers and promote economic growth and employment opportunity.
 - From the State of Occupational Licensing: Research, State Policies and Trends National Conference of State Legislatures 2017
 4. Legislative bills introduced to change licensure laws as evidenced in past two years in other states.
 5. More telehealth utilization.

Discussion questions: How do we best protect the public from harm? Where do we need to focus our efforts?

1. Assure that only qualified individuals provide MNT. Who is qualified?
 - RDNs, some Certified Nutrition Specialists, and Diplomates of the American Board of Clinical Nutrition
 - Define accreditation standards for education and update
 - Include code of ethics that remains updated (Allyson advised that in the statute there can be authority to adopt a code of ethics and then the administrative rules contain the details (i.e. year of the code of ethics if adopting the Academy's code of ethics)
2. Broaden statutory authority to include telehealth to protect ND citizens from unqualified individuals located in other states.
 - Allyson stated that telehealth must be in the statute. If someone is from out of state where does the relationship exist, what type of allowances etc.
3. Strengthen statutory authority to take action against unlicensed individuals.
 - Allyson stated that we can't take action against unlicensed individuals.
4. Provide clarity in the law on what unlicensed individuals can do within the law.
 - NC provides guidance on their website for what unlicensed individuals can do.

- Allyson stated that statutory authority is needed to do this.

5. What licensing titles are appropriate?

a. RDNs (RDs) – what licensing title; LRD or LRDN?

- Wendy Mankie prefers RD and LRD; adding nutritionist to the title creates confusion in her workplace. Brooke Fredrickson prefers RDN. Some licensees have asked if they can use, LRDN. This is not permissible since we license as LRD and the credential should not be changed.

b. If we bring in other qualified individuals (license certified nutrition specialists and diplomates of the American Board of Clinical Nutrition) what licensure title is appropriate for them; other states license them as LNs.

- Currently we are not aware of these individuals in North Dakota but with telehealth there is potential for North Dakotans being served by these individuals.
- What designation would these practitioners be licensed as? Licensed DABCN or Licensed CNS? Other states license them as LNs.

Action: 1) Brooke and Pat will check with the Academy on licensure titles; 2) Pat will do an electronic survey with licensees on preference for RD or RDN titles and licensure designation.

6. What is the purpose of licensure for LNs when unqualified individuals can provide general nutrition services?

a. There is no universal definition of a nutritionist.

b. The ND statute protects the title, licensed nutritionist, only.

c. LN in some other states refer to individuals qualified to provide MNT, including dietitians and other qualified individuals.

- Nancy Overson stated that she would like to keep the LN designated and that it is a requirement for some jobs.
- If the board chooses to change this in the statute it could be changed so that no new applications could be taken and that just current LNs could be licensed until there no longer are LNs. The

Action: Pat will send out a survey to LNs to obtain information on whether licensure is a requirement for their job; if licensee would be in support/not in support of no longer licensing LNs; and if LNs would support no longer licensing LNs if there was a grandfathering provision that allowed licensing of current LNs and allow them to be called a LN.

7. How do we provide clarity on what unlicensed individuals may do?

a. Updating and adding definitions in the law.

b. Adding additional broad exceptions to licensure.

c. NC provides information that explains what licensed and unlicensed individuals may do.

- Allyson Hicks stated that in ND you need specific statutory authority to give advisory opinions (interpretive language). You may want “powers and duties” of the board interpreting scope of practice.
- Allyson Hicks stated that health coaches feel prohibited; either they are licensed or make explicitly clear this law doesn’t pertain to them.

d. Some states define medical weight control to add more clarity.

Brooke and Pat have begun to draft recommendations for statute updates and presented a preliminary draft for board review. Additional suggestions provided:

1) Add to the definitions:

- Language that includes acceptance of degrees from foreign schools.

2) Research to see if licensed CNS or licensed DABCN should be used or if recommended.

- 3) Change in board member structure, have one member must be a licensed nutritionist or other health care practitioner.
- 4) Specify fee to not exceed a certain amount in the statute.
- 5) Allyson Hicks suggested that we change in the requirements for licensure for LRDs reference to CDR. The legislature is giving the board the authority to establish licensure requirements, not CDR.
- 6) Add other licensed professionals in exception 1 that are within the scope of practice.
- 7) Some of the exceptions will go away if we no longer license LNs.
- 8) Exception 12, it was recommended to strike assessments and to include anyone licensed under this chapter rather than list out licensed individuals providing MNT. We also need a definition of weight control services.
- 9) Exception 13, recommended to reword; any individual who provides nutrition services without remuneration to family members as long medical nutrition therapy is not provided.

Allyson Hicks clarified that details of the code of ethics should be specified in the rules, not the statute. She will email to Pat information on the wording of telehealth.

Action: Brooke and Pat will make updates to the statute draft and bring back for further discussion at the next meeting.

VIII. Authorization of Payment – Research Activities

Pat presented an invoice for \$420.00 for special project activities on 5/13, 5/14, 6/4, 6/8, and 6/9 to research licensure issues. Brooke Fredrickson moved to approve the invoice; Linda Schloer seconded the motion. Yeas: Brooke Fredrickson, Nancy Overson, Shaundra Ziemann-Bolinske, Wendy Mankie, and Linda Schloer. Nays: None. Passed.

IX. Next Meeting Date

The meeting is scheduled for July 16 from 1 – 3 p.m. (CDT) and will be a zoom meeting.

X. Adjournment

Brooke Fredrickson moved to adjourn the meeting; Wendy Mankie seconded the motion. The meeting was adjourned at 1:10 p.m.

Respectfully Submitted,



Pat Anderson, NDBODP Executive Secretary