



## **Board Meeting Minutes – 9.29.2020**

**North Dakota State Capitol**

**600 Blvd. East**

**Fort Union Room**

**Bismarck ND**

**10 a.m. (CDT)**

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

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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, from 1:30 – 3:00 p.m.

**I. Call to Order**

Chair, Shaundra Ziemann-Bolinske called the meeting to order at 10:05 a.m.

**II. Procedure for Guests**

Sandra Horob was present at 10:00 a.m. and Amanda Ihmels arrived at 11:05 a.m.

**III. Approval of Minutes from 8.18.2020 and 8.26.2020**

Nancy Overson moved to approve the 8.18.2020 minutes as written; Linda Schloer seconded the motion. Yeas: Brooke Fredrickson, Nancy Overson, Shaundra Ziemann-Bolinske, Wendy Mankie, and Linda Schloer. Nays: None. Passed.

Wendy Mankie moved to approve the 8.26.2020 minutes as written; Brooke Fredrickson seconded the motion. Yeas: Brooke Fredrickson, Nancy Overson, Shaundra Ziemann-Bolinske, Wendy Mankie, and Linda Schloer. Nays: None. Passed.

**IV. Agenda Review**

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.

**V. Financial Reports**

a. FY 2020 Y-T-D Financial Reports (unaudited)

- The Sept. 25, 2020 balance sheet and the profit/loss report from Oct. 1, 2019 – Sept. 25, 2020 were reported. A few more expenses are pending for the meeting today and there may be more income if new license applications come in.

- Projected Profit/Loss for FY 2020 – Pat reported an estimate of the 2020 fiscal year to have a net gain of around \$3,500-\$4000.
- The transaction detail of expenses for Oct. 1, 2019 – September 25, 2020 was provided.

Linda Schloer moved to receive and file the financial reports; Brooke Fredrickson seconded the motion. Yeas: Brooke Fredrickson, Nancy Overson, Shaundra Ziemann-Bolinske, Wendy Mankie, and Linda Schloer. Nays: None. Passed.

- b. Fiscal Year Audit – Pat Anderson will contact the State Auditor’s Office and complete the paperwork for the FY 2020 audit by the end of November.
- c. Invoice from Pat Anderson (special project) – Pat Anderson presented an invoice for \$463.75 for the special project activities in researching for the statute changes. Nancy Overson moved to pay the invoice; Linda Schloer seconded the motion. Yeas: Brooke Fredrickson, Nancy Overson, Shaundra Ziemann-Bolinske, Wendy Mankie, and Linda Schloer. Nays: None. Passed.

## VI. Correspondence

- a. **Pat Anderson** – Letter of resignation, dated August 30, 2020
  1. Next Steps – Needs of the position were discussed and the plan will be to have a new person begin in April 2021 to allow for some training and for Pat Anderson to finish duties by May 15, 2021. Discussed reaching out to the ND Academy of Nutrition and Dietetics to provide information about the position and to have them post on social media. Information can also be sent to our licensees and posted on our website. The salary will be determined at the time of hire of the new person.
- b. **2019-2020 Contract**

Brooke Fredrickson moved to extend Pat Anderson’s contract through May 15, 2021; Wendy Mankie seconded the motion. Yeas: Brooke Fredrickson, Nancy Overson, Shaundra Ziemann-Bolinske, Wendy Mankie, and Linda Schloer. Nays: None. Passed.

Brooke Fredrickson moved to pay Pat Anderson a fee of \$1143.30/month, Linda Schloer seconded the motion; passed. Yeas: Brooke Fredrickson, Nancy Overson, Shaundra Ziemann-Bolinske, Wendy Mankie, and Linda Schloer. Nays: None. Passed.
- c. **Legislative Counsel Training to be held Oct. 1, 2020**

Pat Anderson will participate in the training on Oct. 1. Allyson Hicks also plans on attending.

## VII. Strategic Planning

### a. Comments from LNs

Additional comments have been received as a result of the LN ZOOM meeting that we had.

- Leahe Jaeche – “I like the idea of the 3 different nutrition licensures: RDs, LNs that do MNT, and whatever you want to rename the new LNs. I like Licensed Community Nutritionist, but that is only because it speaks directly to what my job is with WIC.”

- Heidi Voller – “I really feel strongly about keeping it as is.” Could we call the new licensed practitioner as Licensed Clinical Nutritionists since this is what they really are, and their main scope of practice would be clinical nutrition (or another title that represents they practice MNT)?
- Kate Schirado - “I share a lot of the same feelings and concerns as those making comments during the meeting. Including that I feel there should be that which continues to separate those of us that have worked and maintained the credentials of being licensed as opposed to those without degrees or course work behind them. Also, that the title is not watered down in any way to conform with other states.”

b. Statute Discussion

Tabled until Allyson Hicks can join us around 1:30 p.m.

c. Strategic Plan

1. The strategic plan was provided as updated in Sept. 2019.

Changes that were discussed:

Under the Law Section

- add under Rules and regulations; 2021 Legislature – Propose Updates to Chapter 43-44. Under the Timeline column add; Agency bill filed by first Friday of December
- change board member nominations to board member vacancies. Under the Timeline column add; Apply to Governor’s office spring/summer.

Under the Board Management Section

- add additional item of Executive Secretary Contract; review and update annually; responsibility is the Board.

Under the Fiscal Section

- add under Liability insurance, Fiduciary insurance. Under the Timeline column add; premium is paid every three years. Bond amount: \$25,000 10/21/2020 – 10/21/2023 CNA Surety

Under the Technology Section

- Take off online application system on website and timeline and responsibility information corresponding to this.

Linda Schloer moved to make the discussed changes to the strategic plan; Brooke Fredrickson seconded the motion. Yeas: Brooke Fredrickson, Nancy Overson, Shaundra Ziemann-Bolinske, Wendy Mankie, and Linda Schloer. Nays: None. Passed.

**VIII. 2020-2021 Budget**

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

Income \$25,760

- Investment \$700
- Checking interest \$60
- Fees \$25,000

Expenses \$40,520

- Board Education \$2500
- Legal Fees \$5000
- Liability Insurance \$1100
- Meetings \$4000
- Miscellaneous \$100

- ES Mileage \$150
- ES Contract Salary \$18,720
- Accountant Services \$125
- Bank Fees \$600
- Postage \$325
- Printing \$500
- Telephone \$300
- Website \$700
- Supplies \$300
- Special Projects \$5600
- Technology Support \$500

Nancy Overson moved to approve the budget with the proposed allocations; Linda Schloer seconded the motion. Yeas: Brooke Fredrickson, Nancy Overson, Shaundra Ziemann-Bolinske, Wendy Mankie, and Linda Schloer. Nays: None. Passed.

**IX. Board Positions for 2020-2021**

Chair – Brooke Fredrickson  
 LRD Chair – Linda Schloer  
 LN Chair – Nancy Overson  
 Fiscal Chair – Shaundra Ziemann-Bolinske

**X. Statute Changes**

Allyson Hicks provided the following information for questions asked by the board.

- What are the pros/cons of filing the statute changes as an agency bill or sponsored by a legislator? Pros: you not beholding to anyone on what should be in the statute. Cons: you are starting from scratch; the legislature may not support. Sponsoring by a legislator may be viewed as more trustworthy vs. an agency bill. You may want to reach out to a legislator. If a legislator sees it as problematic, they can address ahead of time and more work can be done to explain or modify.
- Will we be able to grandfather the current LNs and no longer license LNS under the current requirements in the law? The grandfathering of LNs and a sunset provision for current LNs can be done and if you have a comfort level of knowledge that you can add MNT as a blanket across the board.
- What about background checks for applicants? You need statutory authority to add background checks. Those that have them need a good reason. They are typically done on new licensees; you may require for renewals at the board's discretion or if a disciplinary reason. I.e. if there is substance abuse, a settlement agreement, information from the National Practitioner Database, questions that you ask on the application that may trigger.
- How is reciprocity usually handled? If someone is licensed in another state typically boards request a letter of good standing. Requirements should be spelled out in the rules. Is it acceptable to verify licensure online from another state? If that is acceptable to the board that is fine.

- Do we need to add a limited practice category to correspond to Chapter 43-51-05? You may want a limited practice category as a subset of reciprocity. Chapter 43-51-05 has information on limited practice by a foreign practitioner. We may want to implement this and add an application, charge a fee up to \$25, and obtain confirmation from the jurisdiction that the licensee is in good standing. The application would be like what we have to assure the person is in good standing.
- Page 4 in the draft, is referring provider okay in no. 2 under 43-44-03? Yes. LDN should be changed to LRD in no. 3 and 5 under 43-44-03.
- Page 5 in the draft, are there any other state laws that would prohibit ordering of medical laboratory tests? No.
- When do rules have to be in place after the passing of the statute changes? Nine months after August 1, 2021 to get the rules into place.
- Where is the code of ethics, the statute, or the rules? The rules would outline the actual code of ethics and the statute would grant the board the ability to adopt of code of ethics.
- How do we get the bill in the correct formatting? Allyson can help with the proper formatting of the bill.
- What are we looking at for the legislative session due to Covid? Legislative management is leaning on an in-person face to face hearing and probably to limiting testimony.
- What other recommendations do you have for what should be part of closed meetings? On page 5, no. 4; the board may close a meeting to consider patient medical records; it is very hard to get a closed meeting. What if there is a complaint against a licensee; is there any protection for them especially if the complaint would be dismissed? No, all of this would be discussed in open meetings.
- 43-44-16; don't know if you will get the ability for issuing a cease and desist order from certain conduct because you get an injunction or restraining order. A conditional license can be issued with some restrictions.
- 43-44-17 – 18 – 19; Allyson said to leave alone.

Brooke and Pat will continue to work on finetuning the changes, have Allyson review them, and bring forth another draft at our next meeting.

#### **XI. Audit of LRD and LN CPEU Records**

Eight LRDs (Bonnie Byers, Jayne Hovland, Lana Feeley, Linda Schloer, Linda Bartholomay, Linda Reller, Sandra Poitra, Sara Magelky) were audited, and CE requirements were met. More information is needed from Kelsey Kincaid and Pat Anderson will follow up with Kelsey for more information. Seven LNs were audited; Barb Truchan, Jami Lee, Jenny Steinhaus, Katherine Schirado, and Nancy Overson met the requirements for CE. Kimberly Hermanson had 57 hours of acceptable CE; several of the CE hours were not nutrition related and didn't meet requirements. Licensure to be denied until she provides 75 hours of acceptable CE over 5 years. Francie Berg submitted only partial information of her CE and needs to provide proof. Francie Berg submitted a request to renew her license per a 9/28/2020 email and Pat shared this with the board.

- 9/28/2020 email from Francie Berg: I was not aware that only 30 hours of the 75 were allowed as online classes—and the rest needed to be in actual in-person conferences. I suppose it was in the fine print somewhere, but it was never an issue before as I usually attended several conferences each year. So perhaps the only sane course seemed not to renew. The last 5 years were different for me. As I said I had illness issues and also have been busy promoting and launching my new Blog which I'm making a FREE service for American History teachers—and all others who have a soft spot for buffalo. <[www.buffalotalesandtrails.com](http://www.buffalotalesandtrails.com)>

However, I was recently approached by Andrew Flach, the Hatherleigh publisher of my 2004 book “Underage and Overweight: Our Childhood Obesity Crisis—What Every Family Needs to Know,” to edit an updated revision. The book got excellent reviews from nutrition sources, including the J of the Am Dietetic Assoc and the J of Nutrition Education and Behavior, if you recall. (See excerpts of reviews from CDC and Amazon below, which were easiest to find on the internet even after all this time.) So I suppose if I do that, renewing my nutrition license would be helpful, even though at age 88 I consider myself retired. Therefore, I’m requesting that in respect for my long service to the nutrition field, the many Dietetic, Diabetes and Eating Disorders conferences, both in the US and Canada, where I’ve been invited and have presented new research and innovative information, always well received—that you will grant an extension of my Nutrition licensure. Will you please request that the ND Dietetic Board consider granting me this?

Nancy Overson moved to deny license until proof of CE is provided from June 1, 2015 – July 15, 2020 with certificates or providers of education and to submit by October 30, 2020; seconded by Linda Schloer. All recorded webinars will be valid for CE from March 1, 2020 – July 15, 2020 (due to COVID). Roll call vote taken: Yeas: Brooke Fredrickson, Nancy Overson, Shaundra Ziemann-Bolinske, Wendy Mankie, and Linda Schloer. Nays: None. Passed.

**XII. Next Meeting**

October 26, 2020 via ZOOM from 8:30 a.m. – 12:30 p.m.

**XIII. Adjournment**

Nancy Overson 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 4:07 p.m.

**Respectfully Submitted,**



**Pat Anderson, NDBODP Executive Secretary**