

**Minutes of the Meeting of the
Louisiana Board of Examiners in Dietetics and Nutrition**

March 26, 2015

Attending:

**Martina Musmeci Salles, MPH, RDN, LDN, FAND, Chairperson
Lori Roy, MS, RD, LDN, Vice Chairperson
Terry Compton, APRN, RN, MS, CDE, Secretary-Treasurer
Clare Miller, MS, RD, LDN, Board Member/Board Liaison
Jeanine Songy Latham, MPH, RD, LDN, Board Member
Margaret Jones, RD, LDN, Board Member
Howard Wetsman, MD, Medical Advisor**

Martina Musmeci Salles called the meeting to order at 10:40 a.m. in the Lafayette A Room of the Hilton Garden Inn located at 2350 W. Congress, Lafayette, Louisiana. Jolie Jones, Executive Director, was present for the entire meeting.

Roll call was conducted by Terry Compton.

WELCOME NEW BOARD MEMBER:

Martina Musmeci Salles and members of the Board welcomed Margaret Jones as the Board's newest member.

PUBLIC COMMENTS:

Diane Douglas and Kristen Gradney were present for a portion of the meeting.

AGENDA:

Motion was made by Margaret Jones, seconded by Howard Wetsman and unanimously carried, to approve the agenda as presented.

MINUTES:

Motion was made by Lori Roy, seconded by Clare Miller and unanimously carried, to approve the minutes of the January 9, 2015 meeting as presented.

FINANCIAL:

a. Financial Statement for the period ending December 31, 2014

Members of the board reviewed the financial statement prepared by Susan Sevario, CPA, for the period ending December 31, 2014.

b. Financial Statement for the Period Ending January 31, 2015

Members of the board reviewed the financial statement prepared by Susan Sevario, CPA, for the period ending January 31, 2015.

Motion was made by Howard Wetsman, seconded by Clare Miller and unanimously carried, to accept the financial reports for December 2014 and January 2015.

c. Professional Contracts for 2015-2016

Motion was made by Lori Roy, seconded by Howard Wetsman and unanimously carried, to renew the contract with George Papale at \$175.00 per hour for a maximum contract amount of \$12,000.00.

Motion was made by Lori Roy, seconded by Jeanine Songy-Latham and unanimously carried, to renew the contract with Corporate Security Consultants at \$50.00 per hour plus expenses at the state rate, for a maximum contract amount of \$2,500.00.

Motion was made by Terry Compton, seconded by Margaret Jones and unanimously carried, to renew the contract with Susan Sevario, CPA, at \$175.00 per month for a maximum contract amount of \$2,100.00.

BOARD/STAFF ISSUES:

a. Open Meetings Law Update

Board members reviewed an email from Emalie Boyce, Assistant Attorney General, in response to several questions relative to conducting board meetings.

b. Application Review Process

Motion was made by Howard Wetsman, seconded by Clare Miller and unanimously carried, to create a policy to accept unsigned job descriptions with Applications submitted for licensure.

c. Update on Rule Changes

Jolie Jones reported that the Fiscal and Economic Impact Statement has been submitted for approval.

COMPLIANCE HEARINGS:

KRISTIN FIORELLO

Kristin Fiorello requested and appeared for a compliance hearing to appeal the Board's decision to deny reinstatement of her Dietitian/Nutritionist license. The Board denied Ms. Fiorello's request for reinstatement of licensure based on current employment listed on the Application for License as a General Manager/Registered Dietitian from August 5, 2013 to the present. Ms. Fiorello's LDN license lapsed on June 30, 2014; therefore the practice from July 1, 2014 to the present was without the benefit of a valid license.

Ms. Fiorello testified that she has indeed been practicing without a license.

Motion was made by Howard Wetsman, seconded by Clare Miller and unanimously carried, to move in to Executive Session at 11:20 a.m. for the following reasons:

to discuss the character, professional competence, or physical or mental health of a person, provided that such person is notified in writing at least twenty-four hours before the meeting,

for investigative proceedings regarding allegations of misconduct or any other matter now provided for or as may be provided for by the legislature.

Motion was made by Jeanine Songy-Latham, seconded by Howard Wetsman and unanimously carried, to come out of Executive Session at 11:25 a.m. and offer Kristin Fiorello a Consent Agreement and Order to include a \$750.00 fine, open book examination, publication by the Board, as well as notifications to the Academy of Nutrition and Dietetics/Commission on Dietetic Registration Ethics Committee, and the National Practitioner Data Bank (NPDB).

KATRINA KEYSER

Katrina Keyser requested and appeared for a compliance hearing to appeal the Board's decision to deny issuance of her Dietitian/Nutritionist license. The Board denied Ms. Keyser's request for licensure based on current employment listed on the Application for License as a Health Educator since September 22, 2014, with a job description that reflects duties within the scope of practice of a Licensed Dietitian/Nutritionist.

Ms. Keyser testified that she is employed by Ultimate Health which contracts with a WIC clinic.

Motion was made by Lori Roy, seconded by Clare Miller and unanimously carried, to move in to Executive Session at 12:18 p.m. for the following reasons:

to discuss the character, professional competence, or physical or mental health of a person, provided that such person is notified in writing at least twenty-four hours before the meeting,

for investigative proceedings regarding allegations of misconduct or any other matter now provided for or as may be provided for by the legislature.

Motion was made by Howard Wetsman, seconded by Lori Roy, and carried by majority vote to come out of Executive Session at 12:18 p.m. and grant Katrina Keyser's LDN license, as she was not in violation of practicing without a license based on her testimony that she did not perform all of the duties listed in the job description provided. Clare Miller dissented.

Motion was made by Jeanine Songy-Latham, seconded by Howard Wetsman, and unanimously carried to send a letter to Ultimate Health to educate about licensure and exemptions. Additionally, a letter should be sent to the WIC Coordinator for the state requesting names and email addresses of agencies contracting with the state for WIC Clinics in order that we can send an informative letter that employees who work for WIC through a contracted agency are not exempt from the Dietetic Practice Act.

CORRESPONDENCE:

a. LBEDN letter dated January 15, 2015, to LDA regarding lobbyist concerns

The Board sent a letter to the Louisiana Dietetic Association (LDA) on January 15, 2015, regarding concerns about LDA not employing a lobbyist, after dietitians/nutritionists were not included in Act 442 in the 2014 Regular Session of the Louisiana Legislature, as well as implementation issues with the Board's Practice Act relative to the new ruling from the Centers for Medicare and Medicaid Services (CMS) to independently order therapeutic diets in hospitals.

Diane Douglas, LDA President, informed the Board that dietitians/nutritionists were also left off of the Louisiana Malpractice Security Act. LDA is hoping to hire a lobbyist for four months (March – June); although they have not yet signed the lobbyist contract. Ms. Douglas has also been in contact with an attorney regarding these issues.

Ms. Douglas also informed the Board that LDA has changed their name to the Louisiana Dietetic Association doing business as the Louisiana Academy of Nutrition and Dietetics.

b. Email dated January 28, 2015, from licensee regarding good board experience

Board members reviewed a letter from a licensee regarding her having a good experience with our Board and staff.

c. Email dated February 3, 2015, from Wisconsin Board regarding online verifications

Wisconsin Dietitians Affiliated Credentialing Board will now only send secure electronic verifications to the Board's email address.

EXECUTIVE SESSION:

Motion was made by Clare Miller, seconded by Lori Roy and unanimously carried, to move in to Executive Session at 2:10 p.m. for the following reasons:

to discuss the character, professional competence, or physical or mental health of a person, provided that such person is notified in writing at least twenty-four hours before the meeting,

for investigative proceedings regarding allegations of misconduct or any other matter now provided for or as may be provided for by the legislature.

Motion was made by Lori Roy, seconded by Clare Miller and unanimously carried, to come out of Executive Session at 2:58 p.m. to make the following motions:

a. Staff Evaluation

Motion was made by Terry Compton, seconded by Lori Roy and unanimously carried, to give Tracy Jeanmarie, Administrative Specialist, a one-time increase of \$1.00 an hour.

b. Complaint #2014-05

Motion was made by Terry Compton, seconded by Lori Roy and unanimously carried, to release complainant.

c. Complaint #2014-08

A Judgment for Contempt of Court was found against Catherine Wilbert related to the use of the term "Nutritionist". The Board requested that a copy of the Judgment be sent to the Louisiana Academy of Nutrition and Dietetics.

d. Complaint #2014-09

Motion was made by Clare Miller, seconded by Lori Roy and unanimously carried to dismiss complaint #2014-09.

e. Complaint #2015-01

Motion was made by Lori Roy, seconded by Clare Miller and unanimously carried to dismiss complaint #2015-01.

f. Complaint #2015-02

Motion was made by Terry Compton, seconded by Jeanine Songy-Latham and unanimously carried to release complainant, contingent upon the Board's notification to AND/CDR Ethics Committee and reporting to the National Practitioner Data Bank (NPDB).

g. Review of Applications

Motion was made by Jeanine Songy-Latham, seconded by Terry Compton and unanimously carried, to accept and approve the applications for the **LDN License** for the following:

Barleycorn, Lindsay	2605	Brignac, Mary Grace	2606
Corriere, Kay S.	2607	May, Brooke Eskritt	2608
Carmical, Laura	2609	Clement, Sabrina	2610
Hunoway, Daniel	2611	McKenzie, Heather	2612
Allen, Carrie	2613	Bartolotti, Angela Grabski	2614
McClure, Rhiannon	2615	Nickens, Emily	2616
Parry, Robert I.	2617	Williamson, Jill	2618
Delchamps, Bryan	2619	Brinkman, Emily	2620
Hogan, Daniel	2621	Kirch, Margaret	2622
Keyser, Katrina	2623		

Motion was made by Margaret Jones, seconded by Lori Roy and unanimously carried, to accept and approve the applications for the **Provisional LDN License** for the following:

Webster, Aubrey	2603	Duhe, Samantha	2604
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