

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

July 7, 2017

Attending:

**Martina Musmeci Salles, MPH, RDN, LDN, FAND, Chairperson
Lori Roy, MS, RD, LDN, Vice Chairperson
Meghan Kavanaugh, MS, RN, RD, LDN, CDE, Secretary/Treasurer
Margaret Jones, RD, LDN, Board Member/Board Liaison**

Absent:

**Howard Wetsman, MD, Medical Advisor
Jeanine Songy-Latham, MPH, RD, LDN, Board Member
Clare Miller, MS, RDN, LDN, Board Member**

Martina Musmeci Salles called the meeting to order and read the board's mission statement at 9:10 a.m. in the Conference Room of the Board office located at 37283 Swamp Road, Suite 3B, Prairieville, Louisiana. Jolie Jones, Executive Director, was present for the entire meeting.

PUBLIC COMMENTS:

No one was present at the meeting to provide public comments.

AGENDA:

Motion was made by Lori Roy, seconded by Meghan Kavanaugh and unanimously carried, to approve the agenda as amended to add a. SS and b. PS under Review of Applications.

MINUTES:

1. Meeting of April 21, 2017

Motion was made by Margaret Jones, seconded by Meghan Kavanaugh and unanimously carried, to approve the minutes of the April 21, 2017 meeting as presented.

2. Meeting of June 16, 2017

Motion was made by Lori Roy, seconded by Margaret Jones and unanimously carried, to approve the minutes of the June 16, 2017 meeting as presented.

FINANCIAL:

1. Financial Statement for the months ended February 28, 2017 through April 30, 2017

Members of the board reviewed the financial statements prepared by Susan Sevario, CPA, for the months ending February 28, 2017 through April 30, 2017.

Motion was made by Lori Roy, seconded by Meghan Kavanaugh and unanimously carried, to accept the financial reports for the months ending February 28, 2017 through April 30, 2017.

ADMINISTRATIVE REVIEW:

1. Board Operations

Jolie Jones provided the board with a report showing that since April 21, 2017, the board has received and approved:

Applications	25
Upgrade Requests	4

The board has offered no Consent Agreement and Orders for individuals practicing without a valid license since April 21, 2017.

The board has received 2 new complaints since April 21, 2017.

The board has received 1,143 renewals since April 21, 2017.

2. Executive Director Update

Jolie Jones informed the board that they are now CLEAR members as of June 14, 2017. Jolie Jones also noted that she is continuing to work with Covalent Logic on making changes with renewals.

3. Update on LBEDN Board Member Nomination Process

Board members reviewed a letter from LAND regarding the new board member nomination process. LBEDN can contact all dietitians to let them know there are board vacancies and nomination information should be submitted to LAND to fill the vacancy and then it will be submitted to the Governor.

Legal counsel recommends that we contact the Office of Boards and Commissions to help seek a resolution to have the professional association removed from our law as a nominating body.

Motion was made by Margaret Jones, seconded by Meghan Kavanaugh and unanimously carried, to take legal counsel's recommendation and contact the Office of Boards and Commissions to remove the professional association from the Practice Act as a nominating body.

COMPLIANCE HEARING:
CHRISTINA FARLOW

Christina Farlow 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. Farlow's application for licensure based on current employment listed on the Application for License that she was employed in the field of dietetics/nutrition since November 1, 2016, without the benefit of a valid license.

Ms. Farlow testified that she created a private practice in November 2016 that officially launched in March 2017.

Motion was made by Margaret Jones, seconded by Lori Roy and unanimously carried, to move in to Executive Session at 12:03 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 Meghan Kavanaugh and unanimously carried, to come out of Executive Session at 3:08 p.m. to offer Christina Farlow a Consent Agreement and Order for practicing without a license from March 2017 to July 7, 2017 without a license. Stipulations will include successful completion of the board's open book examination, \$500.00 fine, 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).

COMPLIANCE HEARING:
JACQUELINE JUDICE

Jacqueline Judice requested and appeared for a compliance hearing via conference call, due to extenuating circumstances, to appeal the Board's decision to deny reinstatement of her dietitian/nutritionist license. The Board denied Ms. Judice's application for reinstatement based on current employment listed on the Application for License that she was employed as the "Director of Hospitality Service" from January 2, 1983. Ms. Judice held an LDN license from July 8, 1988 to June 30, 2013. The job description provided indicates several items which are in the scope of practice of a dietitian/nutritionist.

Ms. Judice testified that she did not realize her license lapsed immediately, but indicated that she had not done clinical work or represented herself as a dietitian. Ms. Judice went through the job description provided and explained her duties to the board members.

Motion was made by Margaret Jones, seconded by Lori Roy and unanimously carried, to move in to Executive Session at 12:03 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 Margaret Jones, seconded by Lori Roy and unanimously carried, to come out of Executive Session at 3:08 p.m. to issue reinstatement of Jacqueline Judice's dietitian/nutritionist license.

EXECUTIVE SESSION:

Motion was made by Margaret Jones, seconded by Lori Roy and unanimously carried, to move in to Executive Session at 12:03 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 Margaret Jones and unanimously carried, to come out of Executive Session at 3:08 p.m. to make the following motions:

1. Review of Pending Complaints

a. Complaint #2014-05

Motion was made by Lori Roy, seconded by Meghan Kavanaugh and unanimously carried, to send a letter that states, while the language may be discretionary, the board consistently publishes every final action on the website for one year, and the red flag remains with the individual's name permanently on the website. The Board is federally mandated to report any final action to the National Practitioner Data Bank (NPDB), as a state licensing authority.

b. Complaint #2017-03

Motion was made by Margaret Jones, seconded by Meghan Kavanaugh and unanimously carried, to wait to see if this individual renews this year.

Consider future rule change that if someone is found guilty, they are obligated to report to the board within a certain time frame, so that we do not have to wait until the next renewal.

Consider future rule change to say that Provisional licensed dietitians/nutritionists must be supervised by a Louisiana licensed LDN.

c. Complaint #2017-04

Motion was made by Lori Roy, seconded by Margaret Jones and unanimously carried, to dismiss complaint #2017-04, based on the individual's response.

d. Complaint #2017-06

Motion was made by Margaret Jones, seconded by Meghan Kavanaugh and unanimously carried, to dismiss complaint #2017-06, based on the individual's response.

e. Complaint #2017-07

Martina Musmeci Salles and George Papale, the board's legal counsel, will meet with this individual and her legal counsel on July 11, 2017 at 1:00 p.m.

f. Complaint #2017-08

Motion was made by Lori Roy, seconded by Meghan Kavanaugh and unanimously carried, to dismiss complaint #2017-08, based on the individual's response.

g. Complaint #2017-09

Motion was made by Margaret Jones, seconded by Lori Roy and unanimously carried, to send a letter that "one-on-one coaching through options" is individualized nutritional counseling. "Calculating macronutrients" for an individual makes you responsible, even if it is available to the public and should only be completed by a licensed dietitian/nutritionist. "Providing food choices and timing of certain nutrients" is not in the public domain, and is considered nutrition education that can only be provided by a licensed dietitian/nutritionist. Completion of the Precision Nutrition Course, which is not accredited by the Accreditation Council for Education in Nutrition and Dietetics (ACEND) does not qualify an individual to provide these services.

h. Complaint #2017-11

An N.D. gave a presentation at Mary Bird Perkins. The M.D. was supposed to give the presentation but could not attend. The dietitian on staff did not have anything to do with the presentation.

Motion was made by Margaret Jones, seconded by Lori Roy and unanimously carried, to send a letter to Mary Bird Perkins to let them know about the Board's concerns. A presentation was given by Lisa Pate, ND. A complaint was received by our board and the board has concerns regarding the contents of the presentation. The presentation suggests several nutritional claims that raise concern because they are not peer-

reviewed or evidence-based. The audience was cancer patients, who are in a vulnerable state and should be provided with accurate and helpful information. The board's mission is to protect the public and this is a matter of public protection. The board would suggest using a dietitian/nutritionist for this type of presentation in the future.

Motion was also made by Margaret Jones, seconded by Lori Roy and unanimously carried, to send a letter to Lisa Pate, ND that a complaint was received by our board and the board has concerns regarding a presentation which you gave at the Mary Bird Perkins Center. The presentation suggests several nutritional claims and recommendations that raise concern because they are not peer-reviewed and evidence-based. The board's mission is to protect the public. Due to the core content of nutrition, this type of information should be presented by a dietitian/nutritionist in the future.

i. Complaint #2017-12

Motion was made to amend the original motion from the April 21, 2017 meeting for complaint #2017-12 to instead send a private letter of reprimand regarding the use of credentials while the license was lapsed. This amendment is based on recommendation by legal counsel.

2. Receipt of New Complaints

a. Complaint #2017-13

Motion was made by Lori Roy, seconded by Margaret Jones and unanimously carried, to send a letter that there is a licensure law with scope and title protection.

b. Complaint #2017-14

Motion was made by Lori Roy, seconded by Meghan Kavanaugh and unanimously carried, to send a letter that there is a licensure law with scope and title protection.

c. Complaint #2017-15

Motion was made by Meghan Kavanaugh, seconded by Margaret Jones and unanimously carried, to send a letter that any individualized meal planning for an individual in Louisiana requires a dietitian/nutritionist license.

d. Complaint #2017-16

Motion was made by Lori Roy, seconded by Meghan Kavanaugh and unanimously carried, to send a letter that there is a licensure law with scope and title protection.

e. Complaint #2017-17

Motion was made by Margaret Jones, seconded by Meghan Kavanaugh and unanimously carried, to send a letter to this doctor and to the other

individual, saying that while the medical doctor and nurse are exempt as noted in the Board's Practice Act, this other individual is not and requires a dietetic/nutrition license.

f. Complaint #2017-18

Motion was made by Margaret Jones, seconded by Lori Roy and unanimously carried, to send a letter that says there is a licensure law with scope and title protection.

g. Complaint #2017-19

Motion was made by Lori Roy, seconded by Margaret Jones and unanimously carried, to send a letter that says there is a licensure law with scope and title protection.

h. Complaint #2018-01

Motion was made by Margaret Jones, seconded by Lori Roy and unanimously carried, to send a letter that says there is a licensure law with scope and title protection.

3. Review of Applications

a. SS

Motion was made by Margaret Jones, seconded by Lori Roy and unanimously carried, to allow this individual to renew her license.

b. PS

Motion was made by Meghan Kavanaugh, seconded by Lori Roy and carried, to allow PS to renew licensure; however, the Board is requiring a substance abuse assessment performed by a qualified, licensed health care professional within 3 months. The Board asked Jolie Jones to obtain a list of qualified, licensed health care professionals from the Healthcare Providers Association. Recused – Martina Musmeci Salles.

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

Sarris, Leah	2796	Berryhill, Leslie	2797
Lodrigue, Josie	2799	Sloan, Margaret	2800
Willis, Shar'Ron	2801	Crandall, Linda	2802
Sargent, Andrea	2805	Ruzensky, Debra	2807
Raphael, Lynne	2808	Bunger, Kristen	2810
McConnell, Colleen	2817		

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

VanEck, Emily	2798	Patterson, Kendall	2803
Mayer, Olivia	2804	Hasty, Autumn	2806

Loewer, Olivia	2809	Craft, Brittany	2811
Kaja, Brittany	2812	Galatas, Brittany	2813
Farlow, Christina	2814	Forman, Palmira	2815
St. Julien, Ariel	2816	Rocha, Giovanna	2818
Mansfield, Grace	2819		

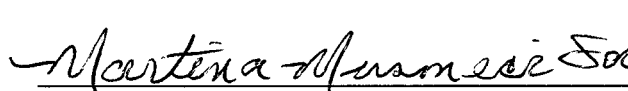
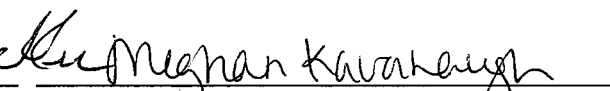
Motion was made by Lori Roy, seconded by Margaret Jones and unanimously carried, to **upgrade** the following licenses:

Breaux, Jennifer	2780	VanEck, Emily	2798
Livas, Simone	2727	Oliver, Sarah	2787

Motion was made by Clare Miller, seconded by Margaret Jones and unanimously carried, to **reinstate** the following licenses:

Gutierrez, Elizabeth	727
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Motion was made by Lori Roy, seconded by Margaret Jones and unanimously carried, to adjourn the meeting at 3:30 p.m.

	
Martina Musmeci Salles, MPH, RDN, LDN, FAND Chairperson	Meghan Kavanaugh, MS, RN, RD, LDN, CDE Secretary/Treasurer