

North Dakota Board of Dietetic Practice Meeting Minutes
Sakakawea Room, ND State Capitol Building, Bismarck ND
9.16.15

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

Board Members Present: Linda Schloer, Rita Ussatis, Kathy Larson, Vanessa Hoines, and Brooke Fredrickson

Also present were Pat Anderson, NDBODP Executive Secretary and Bridget Bullinger from the Academy of Nutrition and Dietetics (10:30 a.m. – 12:00 p.m.) and Assistant Attorney General, Edward Erickson (1:00 – 2:50 p.m.)

Call to Order

Chair Larson called the meeting to order at 10:30 am.

I. Procedure for Guests

There was one guest present, Bridget Bullinger who was present to observe.

II. Welcome to New Board Member – Linda Schloer

Chair, Larson welcomed Linda Schloer to the Board. She has been appointed for a three year term. Anderson provided an updated Board member contact list and asked for any changes.

III. Approval Meeting Minutes from May 28, 2015

Ussatis moved to approve the minutes as written for the May 28, 2015 meeting; Fredrickson seconded the motion; the motion passed.

IV. Financial Reports

a. Balance Statement as of Sept. 12, 2015 (report was distributed)

b. FY 2015 Y-T-D Expense to Budget Report (report was distributed)

c. Projected Profit/Loss for FY 2015

Anderson reported that BODP currently has a net profit of \$2130 fiscal year to date. Anderson projected that BODP will have a net profit from \$500 - \$1000 for the fiscal year.

d. Transaction Detail for Administrative Expenditures for Oct. 1, 2014 – Sept. 12, 2015

Anderson provided a transaction detail report October 1, 2014 – September 15, 2015 for the Board to review. There were no costs identified as inappropriate.

e. Customer Sales Report FY 2015

Anderson presented the customer sales (income from licensure fees) report for October 1, 2014 – September 12, 2015. There have been around 41% of our renewals that have used the credit card option for payment of the renewal fee.

f. Reserves

BODP has 6 CDs in reserves that total \$92,443.94. The CDs are for general operating purposes and there are no restrictions on the funds. All of the CDs are for 1 year terms and come due in Oct., Dec., April and July. FARB has recommended that regulatory boards have at least 2 years of operating funds and additional funds available for legal purposes. That would be \$66,000 plus legal funds that should be on hand.

g. Transfer of CDs and Money Market Account to Bank of ND

Anderson asked the board to consider moving the CDs to the Bank of ND as they come due and that the July CDs be renewed for 2 yrs. instead of one year. The interest rate for 1 year CDs is .20% and for 2 yr. CDs .40%. Hoines moved to transfer our CDs as they come due and the money market fund to the Bank of ND; Fredrickson seconded the motion; the motion passed. Hoines moved that we renew the July CDs for 2 years instead of 1 year; Ussatis seconded the motion; the motion passed.

h. Financial Audit

The biannual financial audit will be needed after the end of the fiscal year. Anderson is seeking bids and we will go with the lowest bid. One bid has been submitted thus far for \$1250.

V. Unfinished Business

a. Concern from Bev Benda

Walker has written a letter to Bev Benda and a copy needs to go to the new Bismarck Academy president. Action: Anderson will email the correspondence to Char Heer, Bismarck Academy President.

VI. Correspondence

a. Alliance for Natural Health

The June 11, 2015 letter from the Alliance for Natural Health was discussed. Edward Erickson stated that there is nothing in the constitution that says you would have to cease and desist activities. As long as the Board acts within the state's legal advice you are not liable; you have immunity as long as you act within the AG's advice. No action or response is necessary.

b. Elizabeth Hilliard

Ms. Hilliard emailed a concern regarding an article about an individual receiving a nutrition certification and providing customized meal plans specific to individual needs. The concern was reviewed by Edward Erickson, Assistant Attorney General. Erickson stated that he cannot determine as a strict matter of law whether customized meal plans specific to individual needs would go beyond general nutrition services into nutrition assessment or nutrition care services. The Board reviewed the business website and it was determined that there is not conclusive evidence to take any action.

Action: Kathy Larson will respond to Elizabeth Hilliard with a letter from the Board and tell her that her concern was reviewed by the Board and our Assistant Attorney General. Based

on the review it appears that this individual is doing general nutrition services which the Dietetic Practice Act allows her to do. If she is aware of something specific that would involve Medical Nutrition Therapy however to please provide us details.

VII. New Business

a. FARB

Kathy Larson and Pat Anderson attended the Federation of Associations of Regulatory Boards (FARB) conference on August 28. A summary of the information was provided and a recommendation that the Board have a policy for approval of licensure applications and that our applications include necessary morality questions. Currently the renewal application doesn't have any questions concerning if any convictions of a felony or misdemeanor. The policy also needs to include the level of authority the Executive Secretary has in approving the applications and what things on the application would require Board approval.

Action: Brooke Fredrickson, Vanessa Hoines and Pat Anderson will work on a policy for approval of our applications.

Anderson requested that we also establish in the policy what steps should be taken to verify the licensure of an applicant who has a license in another state. Edward Erickson stated that there is a ND name search for convictions as well as consulting of the Federal Data Base for information on practitioners. Also recommended was that transcripts be sent directly from the school rather than from the person.

Edward Erickson discussed that in terms of a legal standpoint (not a nutrition standpoint) it is difficult to understand the language of our practice act. He asked the Board to consider looking at our definitions to make them more clear in the law. Discussion ensued that there are some outdated definitions and some revisions needed to the law. The time to review this would be now as the deadline for introducing changes to the law would be December 2016. Action: Brooke Fredrickson will pull up copies of laws from other states. The plan will be to have another Board meeting and bring in proposals.

Edward Erickson stated that he would be involved in the draft of the law but the concepts would come from within our profession. He encouraged that we invite everyone who is relevant to our field and to also include the department chairs at the universities. It is imperative that you have support of your colleagues and professional associations before launching a bill.

b. Strategic Plan Review

The strategic plan was reviewed. It was recommended that we include a statement on our financial reserves that we have two months of operating expenses plus additional allowances for legal purposes. Hoines moved to change the mission statement to state: to

protect the public and ensure compliance with the ND Century Code Chapter 43-44. Schloer seconded the motion; the motion passed.

c. Elections (Board Chair, LRD Chair, LN Chair, and Fiscal Chair)

Chair: Brooke Fredrickson; LRD Chair: Kathy Larson; LN Chair – Rita Ussatis; Fiscal Chair: Linda Schloer

d. Executive Secretary Contract

Hoiner moved to increase the monthly salary for Pat Anderson to \$980/month; Fredrickson seconded the motion; the motion passed.

e. FY 2016 Budget

The following amounts were established for the 2016 budget: board education (\$2000), legal fees (\$4000), liability insurance (\$650), meetings (\$3200), miscellaneous (\$200), CPEU Sponsorship (\$9000), Exec. Secretary mileage (\$150), executive secretary contract (\$11,760), accountant services (\$1250), bank fees (\$400), postage (\$600), printing (\$600), telephone (\$180), website (\$725), supplies (\$300). The income is projected at \$22,500.

f. Dietetic Update Articles

November (Linda Schloer) – Reminders for Professional Development and BODP's auditing process. The auditing process and the need to have copies of certifications to support CPEUs that have been included in the learning log. February (Brooke Fredrickson) – Changes to our applications. May (Kathy Larson) – examples of complaints and the process.

g. Gift for Georgianna Walker

It is customary to present a gift (~\$100 value) to Board members after their term has expired. The Board asked Pat Anderson to send to Georgianna a gift certificate for \$100 from All Seasons in Grand Forks.

VIII. Next Meeting

The next meeting will be November 18, 2015 at 2:30 p.m. via teleconference.

Respectfully Submitted,



Pat Anderson, NDBODP Executive Secretary