

Board of Licensed Dietitians

Friday, February 21, 2020 at 1:30 PM

Public Minutes

The regularly scheduled meeting of the Board of Licensed Dietitians (“the Board”) was held on the Office of Professional Licensure and Certification (“OPLC”), 121 South Fruit Street, Concord NH on February 21, 2020 beginning at 1:40 p.m. with the following members present:

Board:

Jeanne Brown RD, Chair

Dena Shields RD, Member

Lisa Prospert RD, Member

Carole Palmer RD, Member

Heather McMahan, Public Member

Staff:

Michelle Thibeault, Administrator

Yvonne Marcotte, Administrator

1. ADMINISTRATIVE

- a. Minutes of January 3, 2020 public session.

Discussion: The Board reviewed the minutes and noted a prehearing for Amie Stephens and hearing for Belinda Lazzaro. The Board went into non-public session so the Chair could update members who did not attend.

Board Action: On a motion by Jeanne Brown RD with a second by Lisa Prospert, the Board reviewed the minutes from the January 3, 2020 public session and approved the minutes as amended with abstentions by Dena Shields and Carole Palmer.

- b. Administrative Law Training Workshop April 24, 2020 for board members.

Discussion: The Board discussed the importance of staying up-to-date with laws and rules for their board.

Board Action: Incoming Board Chair Dena Shields RD will attend with Heather McMahan.

- c. Chair Jeanne Brown RD resigned from the Board and this was her last meeting

Discussion: Chair Jeanne Brown RD informed the Board that, as her term expired in December, she remained as Chair until the January 3, 2020 hearings concluded.

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Board Action: The Board will vote to approve Dena Shields as new board chair at the next meeting.

2. **PUBLIC HEARING** – N/A

3. **NEW BUSINESS**

a. Medicaid to Schools guidance.

Discussion: The Board discussed the need to provide necessary services for children in the school setting set out in the Governor’s Medicaid to Schools Executive Order and OPLC’s Report of February 3, 2020.

Board Action: The Board will work with Rules Board Counsel Tom Broderick Esq. to amend the rules to cover dietitians employed in schools.

b. **Approval of standing orders:**

The Board authorizes board administrators, division directors, and executive director: 1) to act as representatives of the board and sign orders; 2) to approve renewals ~~both online and by mail~~; 3) to sign voluntary surrenders and preliminary agreements when documents signed by licensee are filed by the APU

The board authorizes APU: 1) to share information with law enforcement and work in conjunction with law enforcement; 2) to issue subpoenas for documents and appearances for interviews for investigations that have been referred to the APU

Discussion: With changes made above, the Board will continue to review and approve new applications, both online and by mail.

Board Action: Upon motion by Jeanne Brown RD with a second by Carole Palmer Rd, the Board unanimously approved the standing orders as amended.

c. LSR hearings.

HB1169: eliminates roll call vote when one member participates electronically

HB1170: definition of “reasonably described” to the right-to-know law

HB1202: if licensee discussed in nonpublic session may be present

HB1559: timeframe for sealed records kept

HB1407: requirements for forms

SB576: authority of boards

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Discussion: The Board discussed how sealed records would be kept confidential based on HB1559, if on an annual basis or monthly.

Board Action: If a Board member wishes to attend a hearing representing the Board of Dietitians, the Board will vote to approve attendance for a member.

d. Survey responses at renewal: Medicaid to Schools and DHHS Workforce

Discussion: Participating in the DHHS Workforce survey is optional.

Board Action: Upon motion by Dena Shields RD with a second by Heather McMahon, the board unanimously approved the surveys on the board website.

e. Reinstatement fee updated.

Discussion: the fee on the application for Reinstatement incorrectly lists the fee as \$110.00. According to Table 300-1 Fees of the Rules, the fee for license reinstatement is \$150.00.

Board Action: Upon motion by Lisa Prospert RD, with a second by Jeanne Brown RD, the Board instructed the board administrator to change the fee in the License Reinstatement Application form to correctly state \$150.00.

4. **ONGOING BUSINESS** - NA

5. **OLD BUSINESS**

6. **APPLICATIONS**

a. New Applications

Upon motion by Jeanne Brown RD with a second by Carole Palmer RD, the Board unanimously approved the following new applications submitted by mail pending submission of missing documentation:

ANDERSON, Sharon – reciprocity

FOUGERE, Katelyn

GRIMM, Amy Taylor

HARDY, Ashley

PELKEY, Robin

PYPER, Patricia

ROSENTHAL, Caryn

SCHOENLEBER, Carrol

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VERNIER, Brittany

WILLIAMS, Lauren

b. New Online Applications

Upon motion by Carol Palmer RD with a second by Dena Shields RD, the Board unanimously approved the following online application pending submission of missing documentation:

MANGIERI, Katarina

c. Reinstatement Applications

Upon motion by Jeanne Brown RD with a second by Heather McMahon, the Board unanimously approved the following application:

PUERRO, Gina

d. Licensure Denial – NA

e. Temporary Applications – NA

7. **QUESTIONS**

QUESTION #1 (from Billie Richardson)

Regarding Messiah College's work to disclose professional licensing details to all prospective and current students to comply with NC-SARA's (National Council for State Authorization Reciprocity Agreements) policies and conditions: We would like to inform our students residing in New Hampshire of any specific post-licensing requirements as a Registered Dietitian Nutritionist. Upon successful completion of our program and the national exam, are there any additional steps or requirements needed in your state to become an RDN?

Answer: In the State of New Hampshire, once an initial license has been issued, 20 hours of continuing education is required every two years for continued licensure. Please refer to the licensing requirements for renewal at <https://www.oplc.nh.gov/dietitians/licensing.htm>.

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QUESTION #2 (from Heather Taylor)

I'm a private dietitian in Manchester. I was wondering about the rules under licensing in regards to hiring board certified health coaches. I currently have a colleague that is not a licensed dietitian but she has a lot of training in functional nutrition and a BS in nutrition. Do you know of anyone that's hired board certified coaches with that background? I'm just wondering what their scope of practice might be under me and if I can sign off on her coaching nutrition notes. If you can point me in the right direction, that would be helpful! Thank you so much for your time and your dedication to licensure.

Answer: The Board recommends that a licensed dietitian does not sign for a non-licensed individual.

8. NON-PUBLIC SESSION

Motion to commence First Non-Public Session:

At 1:50 p.m., upon motion by Jeanne Brown RD, seconded by Heather McMahon, the Board voted to conduct a non-public session for the purpose of discussing confidential Board business and noting that such a non-public session is authorized by RSA 91-A:3, II (c), RSA 91-A:3 II (e), RSA 91-A:5, IV, RSA 329:18, I, RSA 329:18-a, IV, RSA 329:29, Lodge v. Knowlton, 119 N.H. 574 (1978), and the Board's executive and deliberative privileges. Roll call vote: Jeanne Brown RD-yes, Dena Shields RD-yes, Lisa Prospert RD-yes, Carole Palmer RD-yes, Heather McMahon-yes.

[Minutes kept separately]

Public session resumed at 2:20 p.m.

Motion to commence Second Non-Public Session:

At 2:50 p.m., upon motion by Jeanne Brown RD, seconded by Dena Shields RD, the Board voted to conduct a non-public session for the purpose of discussing confidential Board business and noting that such a non-public session is authorized by RSA 91-A:3, II (c), RSA 91-A:3 II (e), RSA 91-A:5, IV, RSA 329:18, I, RSA 329:18-a, IV, RSA 329:29, Lodge v. Knowlton, 119 N.H. 574 (1978), and the Board's executive and deliberative privileges. Roll call vote: Jeanne Brown RD-yes, Dena Shields RD-yes, Lisa Prospert RD-yes, Carole Palmer RD-yes, Heather McMahon-yes.

[Minutes kept separately]

Public session resumed at 3:15 p.m.

At 3:15 p.m., upon motion by Jeanne Brown RD, seconded by Lisa Prospert RD, the Board voted to go out of non-public session and back into public session.

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Seal Non-Public Minutes

Motion to keep minutes of non-public session confidential:

At 3:18 p.m., upon motion by Heather McMahon, with a second by Dena Shields RD, the Board unanimously voted to withhold and seal the minutes of the preceding non-public session from public disclosure pursuant to RSA 91-A: 3 III, that divulgence of the information likely would affect adversely the reputation of a person other than a Board member and to render the proposed action ineffective. Each member recorded his or her vote on the motion, which passed by the unanimous vote of all members present. Roll call vote: Jeanne Brown RD-yes, Dena Shields RD-yes, Lisa Prosper RD-yes, Carole Palmer RD-yes, Heather McMahon-yes.

9. **NEW BUSINESS CON'T** – N/A

10. MEETING ADJOURNED

At 4:10 p.m., upon motion by Jeanne Brown RD, with a second by Dena Shields RD, the Board unanimously voted to adjourn the meeting.

Next Meeting: March 30, 2020