

**GEORGIA BOARD OF EXAMINERS OF LICENSED DIETITIANS
MINUTES OF REGULAR MEETING
AUGUST 19, 2004**

A Meeting of the Georgia Board of Examiners of Licensed Dietitians was held on August 19, 2004 at 10:00 in Room 102 & 103, 237 Coliseum Drive, Macon, Georgia.

The following members were present:

Nancy Walters, MMSc, RD, LD, Chair
Jessie Wright, MS, LD, RD, Cognizant
Lula Hutchinson, RD, LD, Vice Chair
Tracey Neely, MS, RD, LD
Joan Fischer, PhD, RD, LD
Deedee Williams, Consumer Member

Others Present:

Jacqueline A. Hightower, Executive Director, Yvonne LeSane, Board Secretary, Serena Butts, Applications Specialist, Wylencia Monroe, Assistant Attorney General, Kathy Harvey, Enforcement, Taryn Tennyson, Acting GDA Liaison

Elections of Officers:

Dr. Fischer moved and Ms. Neely seconded and the Board voted to elect the following officers:

Chair: Lula Hutchinson
Vice Chair: Tracey Neely
Cognizant: Jessie Wright

Ms. Hutchinson established a quorum of the Board and called the meeting to order at 10:10 a.m.

The Board reviewed and revised the Agenda.

Dr. Fischer moved and Ms. Neely seconded and the Board voted to approve the Minutes of June 17, 2004 minutes as amended.

Dr. Fischer moved and Ms. Williams seconded and the Board voted to enter into Executive Session in accordance with O.C.G.A. §43-1-2(k)(1)(2), 43-1-19(h)(2)&(4), §43-1-2(k)(4) and 50-14-2(1) and to deliberate on Applications, receive information from Cognizant Report and the Attorney General's Report. Voting in favor of the motion were those present who included Board members Walters, Wright, Fischer, Neely, Williams and Hutchinson. The Board concluded Executive Session in order to vote on these matters and to continue with the public session.

Renewals:

H.P.: Ms. Neely moved and Dr. Fischer seconded and the Board voted to renew the license and offer a consent order.

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Ms. Fischer moved and Ms. Williams seconded and the Board voted to receive copies of application files to be presented prior Board meetings.

Board Policy:

Ms. Walters moved and Ms. Williams seconded and the Board voted to give staff authorization to offer an administrative consent agreement for licensure to applicants determined to have practiced the profession without a license.

Ms. Walters moved and Ms. Williams seconded and the Board voted to request that they receive copies of the application files 2 weeks prior to the scheduled board meeting.

J. E. B: Ms. Walters moved and Ms. Williams seconded and the Board voted to approve application for licensure restoration upon receipt of signed consent agreement.

Shannon C. Bloor: Ms. Walters moved and Ms. Williams seconded and the Board voted to approve the application for licensure restoration.

R.H.C: Ms. Walters moved and Ms. Williams seconded and the Board voted to approve application for licensure restoration with a letter of concern.

J. D: Ms. Walters moved and Ms. Williams seconded and the Board voted to approve application for licensure restoration upon receipt of official transcript.

C. D. L: Ms. Walters moved and Ms. Williams seconded and the Board voted to approve application for licensure restoration upon receipt of signed consent agreement.

C.A.P: Ms. Walters moved and Ms. Williams seconded and the Board voted to approve application for licensure restoration with a letter of concern.

B.L. S: Ms. Walters moved and Ms. Williams seconded and the Board voted to approve application for licensure restoration upon receipt of signed consent agreement.

L. H. W: Ms. Walters moved and Ms. Williams seconded and the Board voted to approve application for licensure restoration upon receipt of signed consent agreement.

L. C. W: Ms. Walters moved and Ms. Williams seconded and the Board voted to approve application for licensure restoration upon receipt of signed consent agreement.

K. A. B: Ms. Walters moved and Ms. Williams seconded and the Board voted to approve application for licensure restoration upon receipt of signed consent agreement.

G.L.J.: Ms. Walters moved, Ms. Williams seconded, and the Board voted to hold application for licensure reinstatement pending additional information and appearance before the board.

L.A.H: Ms. Walters moved and Ms. Williams seconded and the Board voted to approve application for licensure by CDR Registered with a letter of concern.

A.M.J.: Ms. Neely moved and Ms. Williams seconded and the Board voted to deny the application for licensure by CDR Registered, Ms .Walters abstained.

J. N. S: Ms. Walters moved and Ms. Williams seconded and the Board voted to approve application for licensure by CDR Registered upon receipt of documentation.

Ms. Walters moved and Ms. Williams seconded and the Board voted to approve applications for licensure who were determined to have met licensure requirements as follows:

License No.	Name	Profession	Issue Date
LD002748	Giamis, Elizabeth Leigh	Licensed Dietitian	6/16/2004
LD002749	O'Neil, Kelli Jennifer	Licensed Dietitian	6/16/2004
LD002750	Wood, Alanna Rhea	Licensed Dietitian	6/16/2004
LD002751	Cloninger, Barbara J.	Licensed Dietitian	6/16/2004
LD002752	McCullough, Ede Brooks	Licensed Dietitian	6/16/2004
LD002753	Reese, Timothy Drew	Licensed Dietitian	6/21/2004
LD002754	Sapp, Lindsey Brent	Licensed Dietitian	6/22/2004
LD002755	McKee, Janet Elaine	Licensed Dietitian	7/1/2004
LD002756	Holmes, Anne Locklin	Licensed Dietitian	7/1/2004
LD002757	Lanius, Babette G.	Licensed Dietitian	7/15/2004
LD002758	Hinton, Joyce Annette	Licensed Dietitian	7/21/2004
LD002759	Winkleman, Wendy Christine	Licensed Dietitian	7/21/2004
LD002760	Davis, Julie Clark	Licensed Dietitian	7/26/2004
LD002761	Mozley, Amy Elizabeth	Licensed Dietitian	7/26/2004
LD002762	Pugliese, Marcy McElveen	Licensed Dietitian	7/26/2004
LD002763	Dixon, Suzanne Work	Licensed Dietitian	7/26/2004
LD002764	Staub, Robin Elise	Licensed Dietitian	7/28/2004
LD002765	Bersky, Molly Eve Hester	Licensed Dietitian	8/3/2004
LD002766	Milam, Jennifer Lynne	Licensed Dietitian	8/3/2004

Ms. Walters moved and Ms. Williams seconded and the Board voted to approve applications for provisional licensure who were determined to have met provisional licensure/permit requirements as follows:

Provisional License Name	Issue Date
Jennifer Michelle Mayer	6/16/2004
Wendy Christine Winkleman	6/16/2004
LaKesha K. Tennial	6/16/2004
Lindsay Erin Meggitt	6/16/2004
Jennifer McLeod Dannelly	6/16/2004
Marsha Renee Howard	6/22/2004

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Jennifer Lynne Milam	7/1/2004
Kristin Gail Cox	7/1/2004
Marcy Lorie Pugliese	7/7/2004
Jessica Leigh Sutton	7/12/2004
Kristen Leigh Geddes	7/15/2004
Stepahnie P. Nunnery	7/26/2004
Pamela Denise Hawes	7/28/2004
Amy Michelle Mark	8/3/2004
Grayson Blair Butler	8/3/2004
Allison Claire Dawson	8/3/2004

Ms. Walters moved and Ms. Williams seconded and the Board voted to approve applications for restoration who were determined to have met licensure requirements as follows:

Reinstatements

Name	Issue Date
Janella V. Jones -LD001812	6/21/2004
Robin Elizabeth Tanner -LD001266	7/2/2004
Michelle Ellenda James -LD002391	7/12/2004

Cognizant Member's Report:

Diet050044: Ms. Wright moved and Ms. Fischer seconded and the Board voted to refer to Enforcement.

Diet050045: Ms. Wright moved and Ms. Fischer seconded and the Board voted to refer to obtain additional information and forward to the Cognizant.

Ms. Neely moved and Mr. Walters seconded and the Board voted to give the Cognizant the authorization to offer a Cease and Desist.

Ms. Wright moved and Ms. Williams seconded and the Board voted to accept the Cognizant Member's Report.

Attorney General's Report:

Status Update: **DIET040040**

Ms. Wright moved and Dr. Fischer seconded and the Board voted to accept the Attorney General's Report.

Enforcement Report:

DIET040028: Ms. Walters moved and Ms. Williams seconded and the Board voted to refer to Enforcement for further investigation.

Laurie Ingram: Ms. Walters moved and Ms. Williams seconded and the Board voted to accept the signed Cease and Desist order.

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DIET 040043: Ms. Walters moved and Ms. Williams seconded and the Board voted to request enforcement to continue the investigation in cooperation with other case.

DIET030016: Ms. Walters moved and Ms. Williams seconded and the Board voted to refer to the Tennessee Board and the Attorney General's office.

Rule 157-2-.05, 157-6-.01 and 157-6-.02:

Ms. Williams moved and Ms. Walters seconded and the Board voted that the formulation and adoption of these rules do not impose regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§43-1-4,43-1-7, 43-1-25, 43-11A-7, 43-11A-14.

Ms. Williams moved and Ms. Walters seconded and the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§43-1-4,43-1-7, 43-1-25, 43-11A-7, 43-11A-14 to adopt or implement differing actions for businesses as listed at O.C.G.A. §§50-13-4(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated and dominant in the field of Dietetics.

Ms. Williams moved and Ms. Walters seconded and the Board voted to consider for adoption the proposed rule amendment during its December 2, 2004 meeting beginning at 10:00 a.m.

Ms. Williams moved and Ms Walters seconded and the Board voted to post the Notice of Intent to Adopt and Notice of Hearing for the proposed rule change to rules 157-2-.05, 157-6-.01 and 157-6-.02 for no less than 30 days prior to December 2, 2004 when the Board will hold a hearing on the rule and intent to adopt the proposed rule change as follows:

157-2-.05 Fines and Penalties; Name and Address Changes

(1) Upon finding that a violation has occurred, in accordance with O.C.G.A. §§ 43-11A-15 and 43-1-19, the Board has the authority to sanction any license issued, deny a license, or refuse to renew a license.

(2) ~~Practicing without a valid license may be grounds to deny a license or to sanction an applicant upon licensure as provided below:~~ The Board may impose any or all of the following:

(a) Public or Private Reprimand.

(b) Letter of Concern

(c) Imposition of Fine(s)

(d) Period of Probation.

(e) Any other action the Board may deem appropriate.

(3) ~~Each day of unlicensed practice shall constitute a separate violation.~~ With respect to unlicensed practice, the board may consider each day as a separate violation.

(4) Mitigating circumstances may be taken into account in varying the sanctions subject to the Board's discretion. Mitigating circumstances shall not include failure to notify the board of an address change or failure to receive a renewal application.

(5) Name Change. A name change request shall be accompanied by a copy of the marriage certificate, court order, or other documentation of a legal name change.

(6) Change of Address. It is the duty of each licensee to notify the Board immediately in writing of any change of address. ~~All mail from the Board office, including renewal applications, is not forwarded by the U.S. Postal Service~~ mail from the Board office, including renewal applications, is not forwarded by the U.S. Postal Service ~~may not forward mail, including renewal applications, from the Board office.~~

Authority O.C.G.A. §§43-1-19, 43-1-25, 43-11A-7, 43-11A14 and 43-11A-15

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AS IT WILL APPEAR

157-2-.05 Fines and Penalties; Name and Address Changes

- (1) Upon finding that a violation has occurred, in accordance with O.C.G.A. §§ 43-11A-15 and 43-1-19, the Board has the authority to sanction any license issued, deny a license, or refuse to renew a license.
- (2) The Board may impose any or all of the following:
 - (a) Public or Private Reprimand.
 - (b) Letter of Concern
 - (c) Imposition of Fine(s)
 - (d) Period of Probation.
 - (e) Any other action the Board may deem appropriate.
- (3) With respect to unlicensed practice, the board may consider each day as a separate violation.
- (4) Mitigating circumstances may be taken into account in varying the sanctions subject to the Board's discretion. Mitigating circumstances shall not include failure to notify the board of an address change or failure to receive a renewal application.
- (5) Name Change. A name change request shall be accompanied by a copy of the marriage certificate, court order, or other documentation of a legal name change.
- (6) Change of Address. It is the duty of each licensee to notify the Board immediately in writing of any change of address. The U.S. Postal Service may not forward mail, including renewal applications, from the Board office .

Authority O.C.G.A. §§43-1-19, 43-1-25, 43-11A-7, 43-11A14 and 43-11A-15

Preamble

~~The Licensure Law for Dietitians provides that a Code of Ethics will be adopted and published and licensed dietitians will be required to adhere to the Code of Ethics. This code of ethics reflects the ethical principles of the dietetic profession and outlines obligations of the member to self, client, society, and the profession, and is adapted from the Code of Ethics for the Profession of Dietetics adopted by the American Dietetic Association and the Commission on Dietetic Registration. A violation of the Code of Ethics is considered unprofessional conduct and grounds for discipline under OCGA 43-1-19(6); 43-11A-15(6).~~

157-6-.01 Ethics of Dietitians. Code of Conduct

~~Pursuant to O.C.G.A. §43-11A-7(9), the Georgia Board of Examiners of Licensed Dietitians shall have the power to adopt, publish and enforce a Code of Ethics. (1) The Licensed Dietitian provides professional services with objectivity and with respect for the unique needs and values of individuals by:~~

- (1). Unprofessional Conduct Defined. Unprofessional conduct may include but is not limited to the following:
 - ~~(a) providing sufficient information to enable clients, and others, to make their own informed decisions; failing to provide appropriate consultation or direction according to minimal standards of acceptable and prevailing practice;~~
 - ~~(b) avoiding discrimination on the basis of factors that are irrelevant to the provision of the professional services, including, but not limited to, race, creed, sex, ethnicity, religion, disability, national origin, sexual orientation and age; failing to supervise the provision of nutrition services in a healthcare facility according to minimal standards of acceptable and prevailing practice;~~
 - ~~(c) not engaging in sexual harassment. failing to notify a doctor, nurse, or other appropriate practitioner of the healing arts as to recommended changes;~~
 - ~~(d) practicing dietetics below the minimum standards of the profession as to assessments, evaluation, and documentation;~~
 - ~~(e) practicing without a valid license;~~
 - ~~(f) aiding in unlicensed practice, including but not limited to supervising, consulting, or co-signing notes of a registered dietitian that is not licensed under 43-11A;~~
 - ~~(g) failing to report to the Board unlicensed practice of dietetics; and~~
 - ~~(h) failing to provide client specific/appropriate nutritional counseling and education.~~
- ~~(2) The Licensed Dietitian accurately presents professional qualifications and credentials by:
 - (a) using "L.D." or "Licensed Dietitian" only when his/her license is current and authorized by the Georgia Board of Examiners of Licensed Dietitians;
 - (b) using "PLD" or "Provisionally Licensed Dietitian" only when his/her permit is current and authorized by the Georgia Board of Licensed Dietitians;
 - (c) permitting use of his/her name for purpose of certifying that dietetics services have been rendered only if he/she has provided these services.~~
- ~~(3) The Licensed Dietitian does not aid another in violating any law or Rule of the Georgia Board of Examiners of Licensed Dietitians or aid another person in representing himself/herself as a Licensed Dietitian/Provisionally Licensed Dietitian or practicing dietetics when he/she is not licensed or otherwise exempted from licensure.~~
- ~~(4) The Licensed Dietitian remains free from conflict of interest or the appearance of a conflict by providing full disclosure when a real or potential conflict of interest arises.~~

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- ~~(5) The Licensed Dietitian promotes or endorses products only in a manner that is neither false nor misleading.~~
- ~~(6) The Licensed Dietitian assumes responsibility and accountability for personal competence in practice by:~~
 - ~~(a) practicing dietetics based on scientific principles and current information;~~
 - ~~(b) continually striving to increase professional knowledge and skills and to apply them in practice;~~
 - ~~(c) recognizing the limits of his/her qualifications and where appropriate seeks counsel or makes referrals or collaborates with others;~~
 - ~~(d) adhering to accepted standards for his/her area of practice.~~
- ~~(7) The Licensed Dietitian complies with all applicable laws and regulations concerning the profession, but seeks to change them if they are inconsistent with the best interest of the public and the profession.~~
- ~~(8) The Licensed Dietitian presents substantiated information and interprets controversial information without personal bias, recognizing that legitimate differences of opinion exist.~~
- ~~(9) The Licensed Dietitian maintains the confidentiality of information and makes full disclosure about any limitations on his/her ability to maintain full confidentiality.~~
- ~~(10) The Licensed Dietitian conducts him/herself with honesty, integrity and fairness by:~~
 - ~~(a) providing factual information to the public and colleagues of his/her services and not advertising in a false or misleading manner;~~
 - ~~(b) making all reasonable effort to be objective and avoid bias of any kind in the professional evaluation of others.~~
- ~~(11) The Licensed Dietitian accepts obligation to protect the public and promotes the high standards of professional practice by upholding the laws, rules and Code of Ethics of the Georgia Board of Examiners of Licensed Dietitians and by reporting alleged violations.~~

Authority O.C.G.A. § 43-1-19, 43-1-25,43-11A-7 and 43-11A-15

AS IT WILL APPEAR: 157-6-.01 Code of Conduct

- (1). Unprofessional Conduct Defined. Unprofessional conduct may include but is not limited to the following:
 - (a) failing to provide appropriate consultation or direction according to minimal standards of acceptable and prevailing practice;
 - (b) failing to supervise the provision of nutrition services in a healthcare facility according to minimal standards of acceptable and prevailing practice;
 - (c) failing to notify a doctor, nurse, or other appropriate practitioner of the healing arts as to recommended changes;
 - (d) practicing dietetics below the minimum standards of the profession as to assessments, evaluation, and documentation;
 - (e) practicing without a valid license;
 - (f) aiding in unlicensed practice, including but not limited to supervising, consulting, or co-signing notes of a registered dietitian that is not licensed under 43-11A;
 - (g) failing to report to the Board unlicensed practice of dietetics; and
 - (h) failing to provide client specific/appropriate nutritional counseling and education.

Authority O.C.G.A. § 43-1-19, 43-1-25,43-11A-7 and 43-11A-15

Correspondence:

G. Robert Bowers, RD: South Caroline is creating dietetic licensure, how does Georgia handle non-registered and unlicensed “nutrition experts”?

Board response: Ms. Neely will draft a brief list of model laws.

Marsha Canning, LD: Interpretation of OCGA 43-11A-18(5).

Board response: No action.

Widalys Sosa: What is the law on public health nutritionists?

Board response: See O.C.G.A.43-11A-18

Education Task Force Meeting:

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The Education Committee consisting of Joan Fischer, Committee Chair, Jessie Wright, Nancy Walters and Taryn Tennyson, GDA Liaison, met in room 103 at 8:30 a.m.

A discussion was held concerning updates of Chapter 157-5 of the Rules on continuing professional education. The consensus of the discussion was that the proposed section on research as attached should also be included in the provisions for continuing education. This section was patterned after the provision for research used by the Commission on Dietetic Registration. The numbering of the types of CE credit was altered to be consistent with the numbering of the American Dietetic Association continuing education documentation.

A condensed table of CE requirements available on the board website will be revised to add requirements for documentation and reflect any changes in the CE rules. The table will also be posted on the Georgia Dietetic Association website. Nancy Walters will finish edits on this table and present it to the committee at the next meeting.

The task force members discussed strategies to increase communication to students in undergraduate and dietetic internship programs in the state as well as to students who might enter Georgia from out of state programs. These efforts will be a joint effort between the board and the Georgia Dietetic Association. Several strategies were proposed:

- 1) Develop a short bulleted fact sheet about licensing that can be used in dietetics programs in Georgia. A draft will be developed by Joan Fischer and presented at the next meeting.
- 2) Develop an educational packet including power point slides that can be used by program directors in the state. A draft of the packet will be developed by Nancy Walters and presented at the next meeting.
- 3) Contact the Dietetics Educators of Practitioners Dietetic Practice Group (DEP) and Commission on Accreditation/Approval for Dietetics Education (CADE) to determine what is being done at a national level to enhance communication concerning state license requirements. Joan Fischer will contact the Chairs of DEP and CADE concerning this.

Members also discussed how to enhance communication concerning licensing requirements to employers in hospitals and long term care organizations. One suggestion was to design a highly visible poster for these worksites with information on license requirements. Jesse Wright will bring a copy of a similar poster used in Florida to the next committee meeting for discussion.

Proposed Changes to Rules of Georgia Board of Examiners of Licensed Dietitians, Chapter 157-5, Continuing Professional Education

We proposed to amend the rules to add CPE credits for conducting research as follows. This is adopted from the Commission on Dietetic Association CPE guide.

157-5-.03

(2) (l) A maximum of twenty (20) continuing professional education units per biennium may be approved for conducting dietetics-related research as a sole or co-investigator. The investigator must participate substantially in the design of the work, analysis of data as well as writing of the report. This does not include research conducted to fulfill academic requirements, which receives continuing education credits under academic coursework, or conducting literature reviews which are included under professional reading.

1. A sole investigator, who alone develops the study concept and design, conducts the analysis and writes the report will receive twenty (20) continuing education credits. A co-investigator, who participates substantially in development of the study concept and design, the analysis of data and writing of the report will receive ten (10) continuing education credits.
2. A final report to federal, state or other grant providing organization, or a letter verifying acceptance for publication in a peer-reviewed journal, or a copy of published journal article in a peer-reviewed journal, or a letter verifying acceptance of research at a peer-reviewed professional association conference, is required for documentation.

- The Committee presented their report from the June 17, 2004 Committee meeting as follows:

Re: Report of Education Task Force Meeting, June 17, 2004, Board of Examiners of Licensed Dietitians.

A discussion was held concerning updates of Chapter 157-5 of the Rules on continuing professional education. The proposed changes follow with changes marked in yellow. The consensus of the discussion was that a section on research should also be included in the provisions for continuing education, patterned after the provision for research used by the Commission on Dietetic Registration. A proposed section is included below.

The task force members also agreed that future activities should include a discussion of how to enhance communication concerning licensing requirements to stakeholders in Georgia, such as employers, hospital and long term care organizations, dietetic interns, and dietitians.

157-5-.02

(2) (b) Certificate of attendance **and/or program agenda** including date of event **and** number of contact hours is required for documentation.

157-5-.03

(2)(b) 2. A certificate of attendance, **program agenda, and/or copy of brochure describing the case presentation,** including date of event, number of contact hours and is required for documentation.

(2)(k) A maximum of six (6) continuing professional education units per biennium may be approved/accrued for Professional Reading. Reading dietetics-related articles from

peer-reviewed professional journals **or professional newsletters** may be awarded CPE credit. The article must be read within 5 years of the date the article was published.

We propose to amend the rules to add CPE credits for conducting research. A draft of a section on research follows. This is adopted from the Commission on Dietetic Association CPE guide

(2)

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(e) (1) A maximum of thirty (20) continuing professional education units per biennium may be approved for conducting dietetics related research as a sole or co-investigator. The investigator must participate substantially in the design of the work, analysis of data as well as writing of the report. This does not include research conducted to fulfill academic requirements, which receives continuing education credits under academic coursework, or conducting literature reviews which are included under professional reading.

1. A sole investigator, who alone develops the study concept and design, conducts the analysis and writes the report will receive (20) continuing education credits. A co-investigator, who participates substantially in development of the study concept and design, the analysis of data and writing of the report will receive ten (10) continuing education credits.

2. A final report to federal, state or other grant providing organization, or a letter verifying acceptance for publication in a peer-reviewed journal, or a copy of published journal article in a peer-reviewed journal, or a letter verifying acceptance of research at a peer-reviewed professional association conference, is required for documentation.

Rules Committee Meeting:

The Rules Committee consisting of: Lula Hutchinson, Committee Chair, Tracey Neely, Deedee Williams.

The Committee will draft rule for six (6) month late renewal period. The rule will consist of renewal with an additional fee, however the licensee will be unable to work as a Dietitian.

Ms. Hightower will provide the language for six (6) month late renewal period.

The Committee requested Ms. Neely to research American Dietetic Association (ADA) job descriptions and dietetic technicians.

Ms. Neely moved and Ms. Williams seconded and the Board voted to adjourn at 3:30 p.m.

Lula Hutchinson, Chair

Mollie L. Fleeman, Division Director
Professional Licensing Boards Division

Recorded by

Jacqueline Hightower, Executive Director
Professional Licensing Boards Division