

GEORGIA BOARD OF EXAMINERS OF LICENSED DIETITIANS
Meeting Minutes - Conference Call
March 28, 2014

The Georgia Board of Examiners of Licensed Dietitians met on Friday, March 28, 2014, at 10:00 a.m. by teleconference, at the Professional Licensing Boards Division, located at 237 Coliseum Drive, Macon, Georgia, for the purpose of conducting Board business.

Board Members Present:

Page Love, MS, RD, LD, Chair
David Orozco, MS, RDN, LD, Vice-Chair
Blanche Moreman, RD, LD
Susan Chapman, MS, RD, LD
Linette Dodson, MS, RD, LD, SNS
Anita Nucci, Ph.D., MPH, RD, LD
Holly Chute, Consumer Member

Administrative Staff Present:

Brig Zimmerman, Executive Director
Hope Harrison, Board Support Specialist
Chrissy Lewis, CCA I

Office of Attorney General:

Wylencia Monroe, Assistant Attorney General

Ms. Love, Chair established that a quorum of the Board was present and called the Board meeting to order at 10:04 a.m.

Agenda:

Ms. Love moved, Ms. Chute seconded, and the Board voted to approve the agenda as amended to remove the Position Paper Update item. None opposed, motion carried.

Minutes:

- December 13, 2013

Ms. Chapman moved, Ms. Love seconded, and the Board voted to approve the December 13, 2013 minutes as presented. None opposed, motion carried.

Review of Board Policies and Practice Act:

Mr. Orozco moved, Ms. Chute seconded, and the Board voted to approve the recommended changes to the Board Policies as indicated below. None opposed, motion carried.

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

GEORGIA BOARD OF EXAMINERS OF LICENSED DIETITIANS
POLICIES

1. Applications Policies:

Staff is ~~allowed to~~ may issue licenses where answers to the conviction/background question is "no" and the applicant has met all licensure requirements ~~subject to final board approval~~ and the Board shall ratify the listing of licenses issued between meetings at their scheduled Board meetings quarterly.

~~Staff is allowed to~~ may issue provisional licenses where answers to the conviction/background question is "No" and the applicant has met all licensure requirements and has not failed the examination, ~~subject to final board approval.~~ and the Board shall ratify the listing of provisional licenses issued between meetings at their scheduled Board meetings quarterly.

~~Staff is allowed to offer administrative consent agreement for licensure for unlicensed practice when application and documentations support unlicensed practice. The Board shall vote to accept all consent orders.~~

~~Staff is allowed to~~ may issue reinstatement licenses where answers to the conviction/background question is "No" and the applicant has met all licensure requirements, ~~and the Board shall ratify the listing of licenses issued between meetings at their scheduled Board meetings quarterly.~~

Adopted 6/03; Amended 08/08/2008
Amended: 03/28/2014

~~Amendment:~~ Applications requiring Board review will not be presented to the board until they are complete with all requested documentation attached. Incomplete applications cannot be brought before the board for review.

Adopted 10/08/2008
Amended: 03/28/2014

2. Applications Denied Policy:

~~Application Specialist will use the initials of an applicant whose licensure has been denied by the Board; until the denial becomes final either by expiration of the period of reconsideration, or the conclusion of the hearing process.~~

Adopted 6/03; Amended 08/08/2008

~~Amendment: Licensure Analysts will use the initials of an applicant whose licensure has been denied by the Board; until the denial becomes final either by expiration of the period of reconsideration, or the conclusion of the hearing process.~~

Adopted 10/08/2008

3. Disciplinary Action:

~~To report Consent orders to the Office of the Inspector General, and Health Integrity Protection Databank and the Georgia Department of Medical Assistance and to include social security numbers and date of birth and to request the Attorney General's Office to include this reporting in all consent orders.~~

Adopted 6/03

4. Enforcement Cases:

~~To permit the~~ The Board's designated Cognizant Member responsible for the review of all complaint cases shall request the administrative staff to forward cases to Enforcement the Investigations Section to obtain necessary evidence between meetings, before presenting to the full Board, however, any/all cases forwarded to Enforcement the Investigations Section must shall be presented to the Board at its next meeting.

Adopted 8/03
Amended: 03/28/14

5. Unlicensed Practice:

Practicing without a valid license may be grounds to deny a license or to sanction an applicant upon licensure as follows:

1. Less than thirty (30) days: Private Letter of Concern
2. ~~Board Order and a monetary fine (NO Public Reprimand), or~~
3. ~~Board Order/Public Reprimand~~ and a monetary fine. The Board will determine if public reprimand is to be included or not within the Board Order:
4. Policy on fine amounts to be considered:

The Board will consider the following guidelines in determining a fine:

- a. 31 days - Up to 3 months - \$100.00
 - b. Over 3 months - Up to 1 year - \$500.00
 - c. One (1) year up to two (2) years - \$1,000.00
 - d. Greater than two years - to be determined by the Board.
5. Mitigating circumstances can be taken into account in varying the fines, subject to the Board's discretion

Adopted 2/10/06 Amended 08/08/08
Revised/Amended 03/28/14

6. Express Consent to Sign Board Orders between Board Meetings:

An Applicant for licensure by endorsement or ~~restoration~~ reinstatement who has been determined to have practiced without a license will be presented to the Board for consideration of disciplinary action at the next scheduled Board meeting following the receipt of the application. If the Board decides to offer a Consent Order with fine, the applicant will be mailed the order. Upon the receipt of the signed and notarized Consent Order from the applicant, the Executive Director ~~has permission to~~ may sign the order, ~~if there are no other sanctions or restrictions, on behalf~~ by express permission of the Board Chair. The order will then be forwarded to the Division Director and the PLB Legal section for docketing. ~~If there are no additional sanctions or restrictions in the Order, and~~ the license may be administratively issued prior to the next Board meeting. ~~The Executive Director will notify the Board shall~~ ratify a listing of all signed Consent Orders at the next scheduled Board meeting.

Adopted 02/10/2006
Amended 08/08/2008

7. Board Policy: Voluntary Cease & Desist Orders Effective Upon Docketing:

It is the policy of the Board to accept all voluntary Cease and Desist orders upon receipt in the Board office, and, in addition, to authorize the Board Chairperson or his/her designee to execute the Order(s) and to authorize the Order(s) to be docketed and served. It is the intent of the Board that the orders will be in effect upon docketing. The Board will ratify the docketed Cease and Desist orders at its next meeting after the date of docketing and include a list of the approved orders in the Board's meeting minutes.

Adopted 4/25/08
Amended 08/08/08

8. Criminal Background:

One or more driving under the influence (DUI) arrests, over seven (7) years old, need not be brought before the Board. The Licensing Analyst can go ahead and license the applicant.

Multiple DUI arrests younger than seven (7) years need to be reviewed by the Board for their licensure recommendations.

Adopted 04/24/2009

Position Paper Update:

This item removed from the agenda but will be added to the June meeting agenda for discussion.

Executive Session:

Ms. Love moved, Dr. Nucci seconded, and the Board voted to enter into Executive Session in accordance with O.C.G.A. § 43-1-2(k), O.C.G.A. § 43-1-19(h), O.C.G.A. § 43-26-5(c) and O.C.G.A. § 43-26-11 to receive and review information pertaining to Applications, receive the Attorney General's, Cognizant, and Enforcement Reports. Voting in favor of the motion were those Board members present: Love, Chapman, Chute, Dodson, Moreman, Nucci, and Orozco.

At the conclusion of Executive Session on Friday, March 28, 2014, Ms. Love declared the meeting to be "open" pursuant to the Open and Public Meeting Act O.C.G.A. § 50-14-1 et seq. No votes were taken during Executive Session.

During the Executive Session, Ms. Chapman and Ms. Chute were excused due to other engagements. The teleconference continued with Love, Orozco, Moreman, Dodson, and Nucci as Board member participants.

Applications/Renewals:

P. H.	Pending receipt of additional information
D. V.	Approved for reinstatement

Ms. Dodson moved, Dr. Nucci seconded, and the Board voted to accept the recommendations on the applications/renewals as shown above. None opposed, motion carried.

Ms. Dodson moved, Mr. Orozco seconded, and the Board voted to refer M. N. to S.O.S. Legal to offer a Consent Agreement for Reinstatement as discussed and if accepted by M. N., to authorize the Executive Director to sign the Consent Agreement on behalf of the Board Chair upon receipt. None opposed, motion carried.

Mr. Orozco moved, Ms. Love seconded, and the Board voted to require A. C., N. H. and S. H. to submit additional documentation and authorize staff to respond as directed upon receipt and review of the records. None opposed, motion carried.

Attorney General's Report:

Wylencia Monroe, Assistant Attorney General, provided a written status report with information on any cases referred for action, requests for advice and/or requests for authority for proposed rules.

Ms. Dodson moved, Dr. Nucci seconded, and the Board voted to accept the Attorney General's Report as presented. None opposed, motion carried.

Ms. Love moved, Ms. Dodson seconded, and the Board voted that should S. H. submit a renewal application for the March 31, 2014 renewal, that the renewal application is denied. None opposed, motion carried.

Cognizant Report:

Complaint cases referred to Investigations:

- DIET130008/DIET140007, DIET140008

Complaint Cases Pending:

- DIET140001

Ms. Love moved, Dr. Nucci seconded, and the Board voted to accept the Cognizant report recommendations. None opposed, Mr. Orozco recused from cases DIET130008 and DIET140007, motion carried.

Executive Session Minutes:

- December 13, 2013

Dr. Orozco moved, Ms. Love seconded, and the Board voted to approve the December 13, 2013 Executive Session minutes as presented. None opposed, motion carried.

Miscellaneous Board Discussion Items:

- Brig Zimmerman, Executive Director, reported that at present only 59% of licensees had renewed their licenses. He stated that the Citizenship Affidavit is a requirement for licensure renewal per Georgia law (along with a Secure & Verifiable Document if not already provided). He suggested that if Board members are contacted with renewal concerns, that they refer the individuals directly to him for assistance.

There being no further business for discussion, Mr. Orozco moved, Dr. Nucci seconded and the Board voted to adjourn the meeting at 1:04 p.m.

Minutes recorded by:

Hope Harrison, Board Support Specialist

Minutes reviewed and edited by:

Brig Zimmerman, Executive Director

PAGE LOVE

Chair

BRIG ZIMMERMAN

Executive Director

These minutes were approved on: June 20, 2014