

The Florida

Dietetics Nutrition Practice Council

Rules Workshop Minutes

January 26, 2017

Telephone Conference Call

1-888-670-3525

Participant Code 7811783909 #

Stephanie Petrosky, MHA, RDN, LDN
Chair

Carol Elliott, RDN, LDN, FAND
Vice Chair

Minutes

DEPARTMENT OF HEALTH DIETETICS AND NUTRITION PRACTICE COUNCIL RULES WORKSHOP JANUARY 26, 2017

Participants in this public meeting should be aware that these proceedings are being recorded and that an audio file of the meeting will be posted to the council's website.

9:30 a.m. EST

Call to order – Rules Workshop

Ms. Petrosky called the meeting to order at 9:30 a.m. Ms. Adams conducted roll call.

MEMBERS PRESENT

Stephanie Petrosky, MHA, RD/LDN,
FAND, Chair
Carol Elliott, RDN, LDN, FAND, Vice-Chair
Stephanie Norris, MS, RDN, LDN
Linda Gammon, LNC
Linda Rex

STAFF PRESENT

Diane Guillimette, Assistant Attorney General
Allen Hall, Executive Director
Katrina Adams, Regulatory Supervisor/Consultant
LaQuadra Simmons, Regulatory Specialist II

OTHER'S PRESENT

Judy Stone, CNS
Sarah Bingham, MS, CNS, LDN
Dr. Steven Masley, MD, CNS
Dr. Laurie Wright, RD
Abbey Folsom, MS, CNS, LDN
Dr. Catherine Christie, LDN
Sheah Rarback, MS, RD, LDN
Brittney McAllister,
Dana Reed, CNS, BCNS Chair

RULES REVIEW AND/OR DEVELOPMENT

1. 64B8-42.002, F.A.C., Licensure by Examination

Ms. Petrosky stated that there were proposals and public comments related to supervision requirements under rule 64B8-42.002. Ms. Petrosky opened the floor for any Council members with questions or comments pertaining to the proposal.

Ms. Elliott stated that she did review all of the documentation provided, but that she did not have a comment at that time.

Minutes

Ms. Petrosky stated that the petition proposed by Ms. Stone was a follow up conversation from the October 21, 2016 Council meeting. The petition was for an expansion of pathways to licensure in the state of Florida including other professions besides those that are using the registration examination through CDR. Ms. Petrosky stated that that potentially opened up some issues on the current verbiage and how those rules address the qualifications and experience of supervisors in the state of Florida. Ms. Petrosky stated that there was also a previous Petition of Waiver and Variance filed for the board of Medicine to consider an individual's supervisor that was a medical doctor to be appropriately qualified to supervise and sign off on her experiences. Ms. Petrosky opened the floor for any public comments and also for recognition of everyone that joined the conference call for the rules workshop. Ms. Petrosky stated that there was an addition to the public comments by Ms. Allison Minor that was added late, but not published to the site. Ms. Petrosky opened the floor for Ms. Stone to begin.

PUBLIC COMMENTS

Ms. Judy Stone

Ms. Stone thanked Ms. Petrosky for the workshop being held. Ms. Stone stated that since 1998, it has been nearly impossible for a nutrition professional to obtain a license in the state of Florida. Ms. Stone stated that despite the statutory amendment that happened in 2015 to add the two new exams which legislatures were assured would expand licensure to other professionals, only five non RD professionals have been issued licenses since this passage. Ms. Stone stated that one CNS was issued a license, but had it revoked because of departmental error that was nobody's particular fault, but was simply due to a confusing and inefficient process for licensing non RD's and that she had to wait for it to be discussed and reissued by the Council. Ms. Stone also mentioned two others that took a year to obtain licensure and had to petition the medical board to get their licenses and the other got her license in 2009 also by petitioning the medical board and went through a legal battle. Ms. Stone stated that before the amendment one well qualified individual who worked under a medical doctor, was tracked down and entrapped by a departmental investigator and prosecuted which cost the individual over \$10,000 because the physician advertised her as a nutritionist.

Ms. Stone stated that last year when it was brought to the Council that dietitian techs were practicing as nutritionists, the Council's original suggestion was just to send them a warning letter and this was changed after the CNS questioned this with the department. Ms. Stone stated that in essence, the 2005 amendment has really not provided much more of an avenue for licensure because of inflexible rules originally about the supervised practice competency. Ms. Stone stated that those were addressed, but only after the CNS pushed the Council for that change. Ms. Stone stated that now the Council is taking up the supervisors rule change which they appreciate, but again because an outside body directed it due to another CNS having to wait a year to petition the board to get licensed.

Ms. Stone stated that opportunities to add a professional Council member without a Florida academy affiliation has been passed over in favor of preserving in affect if not an intent to have a majority of professional Registered Dietitian members on the Council. Ms. Stone stated that we would hear from some qualified nutrition professionals that may have had their professional careers and earning ability held up as a result of this inaction. Ms. Stone stated that they do not feel as if it is in the interest of public health safety, in the interest of job creation, of innovation in the profession or of wanting professional collaboration and it blocks competition.

Minutes

Ms. Stone stated that she hopes that they could come up with rule language that truly serves the reduction of barriers to licensure which will end up serving the public. Ms. Stone thanked the Council for their time.

Ms. Petrosky asked all of those with public comments and who have interest in speaking to identify themselves.

Ms. Sarah Bingham

Ms. Bingham stated that she located to Florida with a Master's degree, a CNS certification and with close to 30 years of experience in the field working mostly under holistically oriented functional medical training physicians, chiropractors and nurse practitioners.

Ms. Bingham stated that allowing more nutrition specialists and those with training under different healthcare professionals who are trained in advanced nutrition as well to come in should be part of the scope of practice. Ms. Bingham stated that she did not feel as welcomed to the state under her profession and she feels and though the list of those who are allowed to be preceptors need to be broadened.

Dr. Steve Masley

Dr. Masley stated that he does not understand why it is so difficult for a CNS to become licensed as a Nutritionist in the state of Florida. Dr. Masley stated that in his experience with working with both Registered Dietitians and Certified Nutrition Specialists and he feels as though RD's do an awesome job, CNS's have more clinical experience to evaluate complicated patients with nutrition related problems in an outpatient center.

Dr. Masley stated that he would like to see CNS's have more opportunities to help improve healthcare in the state. Dr. Masley stated that he isn't sure if a RD is qualified to evaluate a CNS applicant for credentialing. Dr. Masley feels that to insure that we have the best medical providers in Florida, for the sake of patients, he thinks there needs to be a change in who can be a supervisor/preceptor and that CNS's really need to be included. Dr. Masley stated that he feels the current policies block the inclusions of CNS and that MD's or DO's with adequate nutrition experience should also be able to function as a supervisor/preceptor.

Dr. Laurie Wright

Dr. Wright stated that what resonates for her is that we are looking at extending nutrition and protecting the nutritional health. Dr. Wright stated that she doesn't think there is much doubt in the knowledge background that the various individuals have, but what she is concerned about, is who supervises clinical practice and the translation of science and knowledge in the practice. Dr Wright stated it goes beyond the scope of just knowledge and the ability to tailor and individualize medical nutritional therapy to promote the optimal health of patients.

Dr. Wright stated that the concern that she has is that many of the individuals in the proposed rule change have the knowledge background, but that the ability to translate that knowledge in order to practice again, is the concern. Dr Wright stated that someone being a preceptor requires intense mentoring, being in the room and helping the candidate be able to optimize the delivery of that medical nutrition therapy. Dr Wright recommends that those who are preceptors have more than just the knowledge set, but that they also have the practice experience to help mentor the candidate to be able to optimize the client patient health.

Ms. Abbey Folsom

Ms. Folsom stated that she feels as though the citizens of Florida could be better served by stronger relationships between healthcare professionals. Ms. Folsom stated that part of her petition is simply because the state of Florida does not recognize medical doctors as qualified preceptors and that clinical hours must be completed under a Florida licensed dietitian/nutritionist or a RD.

Ms Folsom stated that she was not allowed to gain licensure because her supervisor was not a licensed dietitian/nutritionist or a RD, but a medical doctor with training and clinical experience in nutrition. Ms. Folsom stated that she realized that the rule is meant to address competency not the practice setting. Ms. Folsom stated that many non RD's are unable to become licensed.

Ms. Folsom stated that the changes to Household Bill 951, need to be made to the other rules as well to make the statutes affective. Ms. Folsom stated that without the changes, the rules continue to be biased. Ms. Folsom stated that the Council rules only favor one credential, the RD. Ms. Folsom also stated that a physician or any healthcare professional with qualified training in nutrition, should be welcomed as a supervisor.

Dr. Catherine Christie

Dr. Christie stated that health professions have one goal, which is to improve the health of the citizens of Florida. Dr. Christie stated that other licensed professionals do not have the same level of nutrition knowledge that dietitians/nutritionists have and that the supervised practice needs to be done by someone who has practiced in nutrition. Dr. Christie stated that just because nutrition is in the scope of practice, does not mean that the individual has any extensive experience with working in all of the various problems seen that are connected to nutrition.

Dr. Christie stated that she is concerned that we are looking at extended the supervisor role to people that may not have practiced in the field and that we are broadening it too much for individuals to become mentors, preceptors and supervisors when there is no way to document if they have extensive nutrition experience.

Ms. Sheah Rarback

Ms. Rarback stated that having being a preceptor to many students she's always looked at a licensure as a license to practice. Ms. Rarback stated that a student coming to you with extensive knowledge, does not mean they can still be in the position to do motivational interviewing and other techniques to have their clients and patients buy into what they're prescribing.

Ms. Rarback stated that she's experienced medical doctors that feel as though they doing nutritional counseling, provide a patient with a long list of recommendations and it's ineffective because they didn't initially provide the patient with a nutritional assessment to see what that patient needs. Ms. Rarback stated that there is a limited amount of nutrition that is taught in medical school.

Ms. Rarback stated that she's not denying a knowledge, but she's denying the practice. Ms. Rarback also questioned if a physician as a supervisor would be willing to sit in the room with a

Minutes

student and give that hands on supervision that she believes a student needs as a role of a preceptor.

Ms. Brittney McAllister

Ms. McAllister stated that she just wanted emphasize that the goal of occupational regulation in general is to make licensure more acceptable, fair and competitive with the least restrictive means to protect the public. Ms. McAllister stated that if the rule continues to only allow dietitians/nutritionist to supervise, that it is not affective and it is not public protection, but it also limits the current pool because there have been so few non RDs licensed in the state of Florida so far.

Ms. McAllister stated that we need a variety of supervisors not only for practical reasons, but to provide other options for dietitians and nutritionists to gain their training. Ms. McAllister stated that opening up the options for other healthcare professionals to supervise is really key.

Ms. Dana Reed

Ms. Reed stated that the BCNS requires all supervisors to have a minimum of three years full time clinical nutrition experience and if they were to accept a medical doctor as a supervisor, they would not only look for that experience, but also for additional training. Ms. Reed stated that the requirement is significantly higher than the ACEND requirement for dietitians which only requires that the supervised practice experience for ISPP which accepts less than 1 year experience. This also allows for degrees other than those in dietetics and nutrition which means that those preceptors would not meet the requirements imposed on non RD's for only LDN supervisors.

Ms. Reed stated that since most of the candidates graduate from programs that are not accredited, the BCNS requires standardized content that can be met in a variety of ways and they vet each candidate individually for both their educational background and their experience to ensure that they've met the required competencies.

Ms. Reed stated that they are not asking the state of Florida to review each individual ISPP candidate, but that their higher standard should be included for non RD's who are not automatically licensed. Ms. Reed also stated that they have no objections to adding an experience component because that is what they require for all of their supervisors including medical doctors.

Dr. Christie requested to speak on the ISPP program and stated that the ISPP program provides an alternative pathway for individuals that have a verification statement of the undergraduate credentialing competency. To be a preceptor of an ISPP, there are 1200 of supervised practice that is required which three hundred of those hours are in food service management. Dr. Christie stated that there are those who work in food service management that are not clinically trained in nutrition because that's not their job. Dr. Christie stated that there is a different type of supervision that is happening when it comes to the differences in ISPP's and RD's. Dr Christie stated that there are experts in food service management, but they are not necessarily working in a clinical arena.

Ms. Petrosky stated that there was an additional comment added by Ms. Alison Minor who is a CNS and a LDN. Ms. Minor was not on the call. Ms. Petrosky asked Ms. Guillemette to provide a quick summary of the legislative and rules process.

Minutes

Ms. Guillemette stated that *Florida Statute 468.509 (1)* states that you would need to complete an examination, (2) speaks about the type of education one needs to acquire and the pre professional experience component, (4) allows the registered dietitian or the certified nutrition specialist to gain licensure without taking the exam, but it does not excuse the CNS from the pre professional requirements as part of their educational component.

Ms. Guillemette stated that she has some language submitted and that the Council could look at the language and add to it if necessary. Ms. Guillemette stated that when you speak of a licensed healthcare professional with nutrition in the scope of their practice, that is a broad statement. This statement could include nurses, psychologists and that is way beyond the scope of what the Council would consider an appropriate preceptor. Ms. Guillemette stated that an individual with a doctoral degree in nutrition or dietetics would be ok, but it would be up to the Council.

Ms. Guillemette stated that Mr. Tellachia suggested that the Council take a look at the rule, he did not suggest that the rule be changed and that there is no directive to change it. Ms. Guillemette stated that there has been a petition for variance of waiver which was granted and that the reason that the petition for variance of waiver exists is to assist in situations where there might be outside the rules, but may fit the spirit of the statute.

Ms. Petrosky opened the floor for the Council members to speak.

Ms. Elliott asked Dr. Masley what extra trainings he feels the physicians should have in order to qualify to be a preceptor. Dr. Masley stated that a physician coming out of school does not come close to having the necessary nutrition information to provide nutrition teaching let alone act as a preceptor. Dr. Masley stated that they would need to have additional training to even qualify to provide nutrition services and even more to act as a preceptor for someone. Dr. Masley stated that he feels as though the CNS is an excellent complementary to a physician and adding that clinical experience to their degree is a great combination and with this combination, the citizens of Florida would greatly benefit.

Ms. Elliott stated that there are RD's that have their own practices. Dr. Masley stated that he has worked with both CNS's and RD's in different states and that if he had to refer to someone to see a complicated diabetic, he would refer to a CNS and not a RD. Dr. Masley stated that just because someone is a RD, does not mean they are able to provide complicated nutrition advice that matches what he would expect them to have. Dr. Masley stated that he has worked with RD's who are outstanding and provide great service to their communities. Dr. Masley stated that their needs to be a diversity of training which would be very good for the patients in Florida.

Ms. Norris asked if when an individual does their training to become a CNS, if their training is supposed to be done under another CNS. Ms. Reed stated that anyone who is not a CNS would be vetted and they would approve them as a supervisor. If the individual is not a CNS, but a MD, they would look to see if they have had training in nutrition which would mostly be in CNE credits or a certificate program in nutrition in addition to the training and knowledge they would look to see if the individual have the equivalent of three full time years applying nutrition in a clinical practice.

Ms Stone requested that Ms. Reed speak on the preceptors having medical nutrition therapy training. Ms. Reed stated that yes, they have a full list of competencies that must be met by each candidate in order to have their experience approved and it does include medical nutrition

Minutes

therapy for a robust list of health conditions. Ms. Petrosky asked if this was a publically identified list on their website. Ms. Reed stated that the list is on their website. Ms. Norris inquired for the protection of the public if there was a format in place if someone who is a CNS is practicing outside of the bounds of ethical practice and if it has ever been an issue. Ms. Norris inquired if there was a method in place that insures that CNS would follow in the code of ethics. Ms. Reed stated that there is a code of ethics that is posted on the website and stated that anyone who is a CNS has to sign off on it and that it is a competency that is on their examination. Ms. Norris asked if anyone has ever come under ethical question. Ms. Reed stated that this has not occurred over the past several years, but that they do have a complete review process in place and instructed Ms. Norris on where this can be seen. Ms. Reed stated that the CNS program follows the NOCA compliance which include review processes for any issues that should come up.

Ms. Norris stated that in her personal opinion, allowing any physician or any pharmacists or any person that has health education or scope of practice to be a preceptor, should not be allowed.

Ms. Petrosky stated that the Council is not obligated to come up with any resolution at this time pertaining to rule 64B8-42.002. Ms. Petrosky asked the Council if they had any additional questions.

Ms. Gammon stated that she does believe that the scope of practice needs to be broadened thus allowing more variety. Ms. Gammon stated that she believes that it is necessary and that there are so many people that have great fields and knowledge in nutrition that aren't able to become licensed or it's difficult for them to become licensed. Ms. Gammon stated that she did not have any questions for the public speakers.

Ms. Rex stated that she was happy that this was being opened up to individuals who have spent so much money and time to learn a way of dealing with nutrition and that she just so happens to be a big believer of allowing this to happen.

Ms. Petrosky stated that the Council is starting to see a lot more variety of those who have interest in becoming a part of the Council.

Ms. Petrosky went back to the opening of the proposed language and stated that the expansion of rule 64B8-42.002 and strengthening the part of the rule that refers to being "equivalently prepared" is what the focus is on. Ms. Petrosky stated that this is to continue looking at the quality of the education and the clinical experiences to make sure that it is meeting the intent of the practice of the law and how it is now written. Ms. Petrosky stated that she believes should come up with a decision on how they would like to address the proposed language. Ms. Petrosky stated that the Council could decide to pick up the discussion at another meeting or and make a motion to continue to work on the proposed language that would continue under the open actions of the Council or they could decide that there is not anything there they would like to support and move to close the topic and proceed on.

Ms. Petrosky asked Ms. Guillemette if she had any other suggestions or outcomes that the Council may have. Ms. Guillemette stated that she did not and that it was up to the Councils discretion to do what they think is appropriate. Ms. Guillemette gave examples such as, the Council could add some additional types of experiences for those that could be a preceptor, leave the rule alone, or change the rule to say "equivalently prepared" for the state of Florida jurisdiction as well. Ms. Guillemette extended her assistance if the Council tells her what they would like to do.

Minutes

Ms. Petrosky stated that she doesn't think that the Council is at a consensus point to have a resolution on what they would like the proposed language to be in rule 64B8-42.002. Ms. Petrosky asked if there could be a meeting put in place specifically to discuss the proposed language.

Ms. Guillemette stated that it is up to the Council on what they would like to do.

Ms Petrosky stated that she would like to have a special meeting.

Ms. Elliott stated that she would like to continue to work on the rule and have a special meeting.

Ms. Guillemette asked Mr. Hall if he had any comments.

Mr. Hall stated that the Council could move forward and schedule a special meeting focused on this topic which could take place at a quarterly meeting or a workshop. Mr. Hall requested that the Council let the staff know what they would like to do so a date could be presented.

Ms. Norris made a motion for a special meeting to take place as soon as possible within the next month to discuss the proposed language for rule 64B8-42.002. Ms. Gammon seconded the motion, which carried 5/0.

Ms. Petrosky stated that the Council is open to any additional public statements to be submitted to staff.

Ms. Stone asked if the special meeting is open to anyone to attend.

Ms. Petrosky stated that the special meeting would be for the Council only, but that they would take all of the public comments into consideration during the conversation pertaining to the proposed language.

The meeting adjourned at 10:50.