

The Florida

Dietetics Nutrition Practice Council

Minutes

April 27, 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

**DRAFT
DEPARTMENT OF HEALTH
DIETETICS AND NUTRITION PRACTICE COUNCIL
GENERAL BUSINESS MEETING
APRIL 27, 2017**

9:30 a.m. EST

Call to Order – General Business Meeting

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

WIC OFFICE

Nancy Spyker, MS, RD, LDN

OTHERS PRESENT

Jean Dupree, PRN
Abbey Folsom, CNS, LDN
Cassandra Fullove, Paralegal to AAG

To accommodate persons present at the meeting, agenda item sequence may have been adjusted. The minutes will reflect the actual sequence of events rather than the original agenda order.

ADMINISTRATIVE PROCEEDINGS

INDIVIDUAL CONSIDERATION

1. Trevor Scott Kashey (Examination)

Mr. Kashey was present.

Mr. Kashey applied for licensure by examination. His application was presented to the Council for review of his 900 preprofessional hours and his education. Mr. Kashey's 900 preprofessional hours were not supervised by a dietitian/nutritionist as stated in rule 64B8-42.002 (4), but by a medical doctor.

Mr. Kashey has taken courses which meet the requirements under rule 64B8-42.002 (2). Mr. Kashey has two degrees which are both in Biochemistry and it is not clear if his preceptor has the adequate nutritional background to qualify for supervision.

On April 5, 2017, Mr. Kashey submitted a request to withdraw his application for licensure.

Mr. Kashey thanked the Council for allowing him to withdraw his application.

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Ms. Elliott moved to allow Mr. Kashey to withdraw his application. Ms. Gammon seconded the motion, which carried 5/0.

2. Ellen Zancanelli (Examination)

Ms. Zancanelli was present.

Ms. Zancanelli applied for licensure by examination. Her application was presented to the Council for review of her education and 900 pre-professional hours which were both completed in Brazil.

Ms. Zancanelli question if she would have to go back to college to take additional courses to meet the requirements for approval to sit for the examination. Ms. Zancanelli stated that she does not have any additional training or professional credentialing here in the U.S.

Ms. Guillemette stated that the state to state comparison requirements for the endorsement method does not apply to the examination method for a foreign applicants.

The Council did not have any questions pertaining to Ms. Zancanelli's transcript evaluation.

Ms. Gammon stated that if Ms. Zancanelli's supervisor was trained in the same manner as Ms. Zancanelli, she does not see a problem with the pre-professional hours obtained.

Ms. Petrosky asked Ms. Zancanelli to explain her intent and her background working in the nutrition field.

Ms. Zancanelli stated that at her university they internship on the different areas. Ms. Zancanelli stated that she attended this particular university because she knew that she would graduate with a clear understanding of the profession. She stated that she would love to work as a dietitian because it is something that she loves to do. She stated that she loves to help people understand how their diet can help them in their daily life and that is why she applied for licensure here in the state of Florida.

Ms. Petrosky stated that Ms. Zancanelli's 900 form suggests that her hours were completed in 2016 and her education in 2017 and asked Ms. Zancanelli to speak on her experiences.

Ms. Zancanelli stated that her hours and education were not completed in 2016 and her education did not end 2017, but that her internship ended in December 2006 and she graduated from college in January 2007.

Ms. Petrosky stated that Ms. Zancanelli's 900-hour verification form stated that she completed her internship and education in 2016 and 2017, but Ms. Zancanelli stated that that was an error on the application.

Mr. Hall stated that the Council must act on the application within 90 days so the board would need to act on the application at the current Council meeting unless the application was willing to waive the 90-day requirement for Council action and provide additional documentation if the Council is not comfortable with the presented documentation.

Ms. Guillemette stated that there isn't a timeline after the supervisory practice took place before the applicant can apply to sit for the examination.

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Ms. Petrosky stated that the Council is looking at the hours completed to determine eligibility and now they are looking at the discrepancy on the form to determine what is to be done with the application.

Ms. Norris stated that she has an issue with the experience being 10 years ago and a lack of continuing education documentation. Ms. Norris stated that Ms. Zancanelli should turn in the corrected documentation before the Council makes a decision on her application.

Ms. Elliott stated that if the applicant can provide the necessary corrected information pertaining to her 900 pre-professional hours and training that the Council could come to a decision.

Ms. Rex stated that the Council should cease approval of the application contingent upon the corrected paperwork being submitted to the board staff office.

Ms. Petrosky state that the Council would have to take some form of action at the current meeting, but that she was not comfortable approving the application with the said discrepancies on the application. Ms. Petrosky also stated that the question arises as to what Ms. Zancanelli has done for additional training since finishing school in 2007.

Mr. Hall asked the Council to direct him to a law or rule under the examination rule that speaks about a timeline on when someone completes their education and supervision and the time that they apply for licensure and what they have been doing in the interim. Mr. Hall stated that he feels as though there are two separate issues being presented.

Ms. Guillimette stated that there is not a timeline when supervision needs to be done or for that fact, the education.

Ms. Petrosky stated that the conflict with the verbal testimony and what is presented on the 900-hour verification form is where the issue begins. Ms. Petrosky stated that there is not a law on timeliness between the education and or experience prior to applying for licensure, as long as the experience is there.

Mr. Hall stated that the Council could go with what was suggested by Ms. Rex and approve contingent upon the applicant submitting the corrected documentation being submitted to the board staff office and reviewed by a delegated Council member.

Ms. Petrosky agreed to review Ms. Zancanelli's documentation.

Ms. Rex moved to approve Ms. Zancanelli's application contingent upon submitting a corrected 900-hour verification form within 90 days. Ms. Elliott seconded the motion, which carried 5/0.

3. Jennifer Arzola Cardin (Endorsement of Another State License)

Ms. Arzola Cardin was present.

Ms. Arzola Cardin applied by endorsement of another state license. Her application was presented to the Council for review. Ms. Arzola Cardin's Puerto Rico license is active.

Ms. Arzola Cardin showed proof of an active license in Puerto Rico and provided a clear of copy of the Puerto Rico laws and rules.

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Ms. Arzola Cardin stated that she did not have any questions for the Council pertaining to her application, but that she applied because she would like to work in the U.S. as a nutritionist. The Council did not have any questions pertaining to Ms. Arzola Cardin's application.

Ms. Gammon moved to approve Ms. Arzola Cardin's application. Ms. Norris seconded the motion, which carried 5/0.

APPLICANT'S REQUEST FOR ADDITIONAL TIME

4. Awilda Carrasquillo-Forty

Ms. Carrasquillo-Forty was not present.

Ms. Awilda Carrasquillo-Forty is applying for licensure by endorsement of her Puerto Rico license. Ms. Awilda Carrasquillo-Forty's Puerto Rico license is inactive. Her application is presented before the Council for review.

Ms. Awilda Carrasquillo-Forty's application was complete on January 5, 2017. Ms. Carrasquillo-Forty did not show proof of an active license in Puerto Rico and did not provide a clear copy of the Puerto Rico laws/rules. Per rule 64B8-42.001 (1) (b) an applicant applying by endorsement of another state license, would need to present an active license for the state that they are endorsing.

Ms. Guillemette suggested that the Council notice of intent to deny for lack of a valid active license and clear translated laws and rules for Puerto Rico. Ms. Guillemette stated that the applicant could contest the decision of Council.

After the Council's review of Ms. Carrasquillo-Forty's application at our January 26, 2017 meeting the Council made the motion to deny her application. The Council's motion to deny was based off Ms. Carrasquillo-Forty's lack of a valid active license and clear translated laws and rules for Puerto Rico. On February 27, 2017 Ms. Carrasquillo-Forty submitted a request for additional time.

Ms. Guillemette stated that there was an issue with the applicant having an inactive Puerto Rico license and an unclear copy of the Puerto Rico laws and rules. Ms. Guillemette stated that the Council could vacate the notice of intent to deny Since the application was not present, there was no action to be taken.

Since Ms. Carrasquillo-Forty was not present to further discuss her request for additional time, the Council decided to continue with the intent to deny. No motion was necessary.

APPLICANT RATIFICATION LISTS

5. List of Applicants Approved to Sit for the Examination

Following the discussion, the Council took the following action.

Ms. Gammon moved to ratify the list of individuals approved to sit for the examination beginning and ending with Shaun Sawko. Ms. Elliott seconded the motion, which carried 5/0. The full list of examination candidates are appended to these minutes.

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.6. List of Applicants Approved for Temporary Permits and Examination

Following the discussion, the Council took the following action.

Ms. Gammon moved to ratify the list of individuals approved for a temporary permit beginning and ending with Carol Adams. Ms. Elliott seconded the motion, which carried 5/0. The full list of examination and temporary permit candidates are appended to these minutes.

7. List of Licensees Certified for Licensure by Endorsement of Registered Dietitian Status.

Ms. Elliott moved to approve the list of individuals licensed by endorsement based on their Registered Dietitian status with CDR, beginning with Kaitlyn Irene Flaskerud and ending with Tiffany Lommel. Ms. Gammon seconded the motion, which carried 5/0. The full list of licensees are appended to these minutes.

RULES REVIEW AND/OR DEVELOPMENT

8. Notice of Noncompliance Rule

Ms. Guillemette stated that the Noncompliance Rule is something that is mandated by the legislature and that she would like for the Council to consider the proposed rule.

Ms. Petrosky asked Ms. Guillemette to explain the Noncompliance Rule in relation to noncompliance and minor violations.

Ms. Guillemette stated that if someone violates a disciplinary rule, there could be an administrative complaint filed against them. If the administrative complaint is fulfilled, the individual will get fined or reprimanded. The legislature stated that if there are little things that someone has done, we should give them a notice of noncompliance which is equivalent to what is called a "fix it ticket". If someone gets notification of a violation, they must fix it, but they don't have to get charged any kind of fine and it's not considered a violation. It is mandated by the legislature that each board have a rule of noncompliance. Ms. Guillemette suggested that the Council look at the draft of the notice of Noncompliance and that if the Council would like to change the violation or not either would be fine. Ms. Guillemette asked the Council to open the rule for development, approve the language, consider the statement of estimated regulatory costs and then move the rule to the board of medicine for their approval. Ms. Guillemette stated that her suggested language is on page 2 of the memo.

Ms. Petrosky moved to open the Notice of Noncompliance Rule for development. Ms. Elliott seconded the motion which carried 5/0.

Ms. Petrosky moved that the language presented on page 2 of Noncompliance Rule to be approved by Council. Ms. Gammon seconded the motion, which carried 5/0.

Ms. Gammon moved that the proposed approved language for the Notice of Noncompliance Rule would not have an adverse impact on small businesses and would not be likely to directly or indirectly increase regulatory cost to any entity (including government) in excess of \$200,000 in the aggregate in Florida within 1 year after the implementation of the rule. Ms. Elliott seconded the motion, which carried 5/0.

9. Rule 64B8-45.002, F.A.C., Continuing Education Approval

Ms. Guillemette stated that the Joint Administrative Procedures Committee (JAPC) pointed out the questioning of continuing education rule for dietetics. Ms. Guillemette stated that when it was stated that any course would be accepted and the board would provide certain things, they were improperly delegated in their authority and their duties. JAPC recently agreed to allow the rule to go forward to a specific date that a course is offered or approved. Ms. Guillemette stated that she worked with board staff to come up with a specific date based on how long the courses are approved by other entities. The date that Ms. Guillemette presented was May 31, 2011. The other item within the rule that was up for change, the board had previously approved, but did not go forward because of the JAPC hold on the rule, was allowing for credit, when you get a certification for the Commission on Dietetics Registration of 28 hours. Ms. Guillemette asked the Council to open the rule for development and if the Council likes the language, to approve the language and vote on the cert so that it can be forwarded over to the board of medicine.

Ms. Petrosky stated that page 3 presents the changes that Ms. Guillemette is referring to.

Ms. Stone stated that a change in the presented rule had previously been inquired about 2 years ago and asked that the board continuing education approved by the board for Certification of Nutrition Specialists (CNS) also be included. Ms. Stone stated that at that time, it was only asked that the rule be considered and the Council did not want to have the discussion. When the Council did want to take up the continuing education rule, the CNS asked to be recognized, but was still not recognized and has been held up in JAPC for 2 years. Ms. Stone asked that since this has come up again and language is being presented, if the Council could include continuing education course approved by the CNS as well. Ms. Stone stated that she understands that the rule will go before JAPC again and not the board of medicine.

Ms. Guillemette stated that items go before JAPC all the time and that approval from JAPC is not needed, JAPC just needs to have a letter on it. Ms. Guillemette stated that this could go along with the other recommendations to the board of medicine.

Ms. Petrosky moved to open the Rule 64B8-45.002, F.A.C., Continuing Education Approval for development. Ms. Norris seconded the motion, which carried 5/0.

Ms. Norris stated that she is fine with the way that the rule is presented to the Council today. Ms. Norris asked if the CNS courses that are to be added to the language are equivalent to those of the board of dietetics and nutrition and if by adding the requested addition, does it continue in the mission of protecting the health of those in the state of Florida.

Ms. Guillemette stated that what the Council is considering is adding an additional avenue in which continuing education can be provided. Ms. Guillemette stated that as for the safety of the public, the continuing education courses provided do promote public safety and that is why the rule is generally here.

Ms Petrosky stated that the issue is that today the specifics are not present as to whether or not the continuing education courses are credentialed and the process in which they go through to decide if they're equivalent prior to them being written in and do they meet the standards that are already there with the American Medical Association (AMA) the Liaison Committee and the Commission on Dietetic Registration (CDR). If we adopt it and move on

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without due diligence and understanding is the concern. Ms. Petrosky stated that she is open to the continuing education requirements that Ms. Stone has proposed, but that there is no way to determine if the courses are equivalent.

Ms. Guillemette stated that the Council has to approve the language that was recommended to the board. Ms. Guillemette stated that she does see the Council's concern of not being able to verify how the suggested new entity approves continuing education.

Ms. Petrosky stated that considering the length of time that the rule has been, she would like to move forward, but she does feel uncomfortable taking it "as is" because she would like to recognize other licensees in the state of Florida and how their credentialing process goes. Ms. Petrosky stated that she would like to carefully evaluate the standards rather than writing it in.

Ms. Gammon stated that she agrees with considering the change, but would like additional time to consider it.

Ms. Elliott stated that she agrees with waiting and that the Council needs to find out how the requirements of the CNS are made in comparison to dietetics and nutrition.

Ms. Rex stated that she did not have anything additional to add.

Ms. Petrosky suggested an additional meeting to address the issue at another time after the Council has had the time to consider the addition.

Ms. Norris moved to set a date for a special meeting to further discuss Rule 64B8-45.002, F.A.C., Continuing Education Approval. Ms. Elliott seconded the motion, which carried 5/0.

Ms. Guillemette suggested that the requested meeting be opened up as a rules workshop because the rule is now under development. Ms. Guillemette stated that there is no motion needed.

8. Rule 64B8-42.002(4), F.A.C., Licensure by Examination

Ms. Petrosky stated that the suggested language was submitted to the board of medicine and was rejected and sent back to the Council.

Ms. Guillemette stated that *F.S. 468.509 Dietitian/Nutritionist; Requirements for Licensure (2) (a)1* talks about education and (a) 2 talks about experience and the board of medicine has stressed section (a) 2 says "Has completed a pre-professional experience component of not less than 900 hours or has education or experience determined to be equivalent by the board;". Ms. Guillemette stated that the application has to be readdressed and rather than asking for the 900 hours of pre-professional experience, there has to be some way that the applicants can meet the standards by meeting the requirements of the "or". Ms. Guillemette stated that these items need to be added to the application and to rule 64B8-42.002. Ms. Guillemette stated that this would have to be presented at the next dietetics meeting because of the work that needs to be put into the change that would be consistent with the suggestion from the board of medicine.

Ms. Petrosky asked for clarification of the board of medicines suggestion.

Ms. Guillemette stated that the change would allow for additional avenues of licensure which are not specifically mentioned in the application or the rule. Ms. Guillemette stated that she

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would need the opportunity to work with board staff in order to make changes to the application. Ms. Guillemette stated that she could offer a suggested change at the next Council meeting.

Ms. Petrosky stated that the change that was suggested previously by the Council did not occur so the Council would need to continue working on furthering the language as directed from the board of medicine to include consistency between what the Florida law provides and the rules and application procedures that outline the continuity. Ms. Petrosky requested to set the special rules workshop for 60 days out which would occur in the month of June.

Ms. Guillemette stated that any suggestions can be forwarded to her so that she can work with the suggestions with board staff.

Ms. Guillemette stated that there was no motion needed and that there will be a follow up at the special rules workshop.

RULES STATUS REPORT

11. Assistant Attorney General, Dianne Guillemette
 - Rule 64B8-42.002, F.A.C., Licensure by Examination
 - Rule 64B8-44.003, F.A.C., Disciplinary Guidelines

Ms. Guillemette provided the Council with an update on the development of each rule. This was an informational item.

REPORTS, IF ANY

12. Council Chair, Stephanie Petrosky

Ms. Petrosky mentioned the Florida Department of Health annual training approaching in September. Ms. Petrosky asked Ms. Elliott if she would be attending.

Ms. Elliott stated that she would be attending the annual training.

13. Executive Director, Allen Hall

Report topics:

- Expenditures by Function

This was an informational item.

- Cash Balance Report

This was an informational item.

NEW BUSINESS

14. 2018 Proposed Meeting Dates

January 25, 2018

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April 26, 2018
July 26, 2018
October 25, 2018

Ms. Petrosky moved to approve the 2018 meeting dates as listed. Ms. Gammon seconded the motion, which carried 5/0.

15. Fee Change Recommendations

Ms. Petrosky stated that our licensure fees are subject to the budgetary analyst conditions and oversight from the state of Florida as with all the other boards and councils there is an ongoing analysis of the projected income, expenses, the cash surplus or deficit regarding the performance. Ms. Petrosky stated that Ms. Simmons prepared fee change recommendations and that the intent is to reduce barriers for applicants and reducing fees which can in the long run, project down as a use of the surplus. Ms. Petrosky recommended consideration of a fee holiday which would for one biennium renewal period waive all renewal fees for a short time. Ms. Petrosky stated that the benefit from this would be an isolated action to the particular cycle and doesn't perpetuate. Ms. Petrosky stated that it would be a little difficult to go back and increase the fees.

Ms. Guillemette advised the Council that if the fees are reduced, it will be very difficult to bring the fees back up if the need presents itself in the future. Ms. Guillemette stated that if the Council does a fee holiday, only the one cycle will be affected and then everything goes back to normal.

Mr. Hall stated that though the fee holiday was not one of the listed suggestions, the Council can make a rule change in favor of a particular biennium. Mr. Hall stated that the Council would need to specify which fees are to be affected so that the suggestion can be presented to the budget analyst and presented at a future meeting.

Mr. Hall stated that the fee holiday would go towards the next renewal cycle and should go towards the renewal fee only due to the system adjustments that would have to be done. Mr. Hall stated that the renewal fee will have the largest impact on the licensees because all licensees pay a renewal fee and this is where the bulk of all revenue comes from.

Ms. Petrosky agreed with Mr. Hall. Ms. Petrosky stated that she feels as though the surplus was built by those who consistently renew their license. Ms. Petrosky stated that she agrees with the fee holiday for those that have maintained consistently in the licensure process.

Ms. Elliott stated that she would like to have an analysis on the fee holiday for the renewal.

Ms. Gammon and Ms. Norris agreed with Ms. Elliott pertaining to the fee holiday.

Mr. Hall stated that the legislature periodically will sweep professions and that the amount of the cash surplus may impact the amount of the sweep. Mr. Allen stated that the sweep this time will not be impacted by the changes being made in the immediate future.

Ms. Petrosky moved to defer any consideration and to present the fee holiday to the budget analyst to present a scenario of financial impact if the Council takes a fee holiday on renewal fees only and reconsider when the proposal is presented to the Council. Ms. Elliott seconded the motion which carried 5/0.

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16. Form 8A Memorandum of Voting Conflict for State Officers

This was an informational item.

17. Unlicensed Activity Outreach

Ms. Petrosky stated that the Unlicensed Activity department are looking for information from the Council regarding investigative reporting. The Unlicensed Activity department are asking for the Council to specifically give information and suggestions about outreach opportunities. Ms. Petrosky stated that this is geared towards the efforts of protecting the public.

Ms. Norris stated that she would think about the presented information and submit any suggestions over to Mr. Hall.

OLD BUSINESS

18. Dietetics and Nutrition Practice Council Minutes

- January 26, 2017 General Business Meeting

Ms. Petrosky made a motion to approve the January 26, 2017 General Business Meeting Minutes, which carried 5/0.

- January 26, 2017 Workshop

Ms. Petrosky made a motion to approve the January 26, 2017 Workshop Minutes, which carried 5/0.

- February 23, 2017 General Business Meeting

Ms. Petrosky made a motion to approve the February 23, 2017 General Business Meeting Minutes, which carried 5/0.

OTHER BUSINESS AND INFORMATION

19. Yvette Williams ND – Exemption Granted

This was an informational item.

20. Laurin W. Thomas ND – Emergency Restriction of License

This was an informational item.

The meeting adjourned at 11:39 a.m.