

**Minutes of the Meeting of the
Louisiana Board of Examiners in Dietetics and Nutrition**

April 20, 2012

Attending:

**Paula Weeks, RD, LDN, Chairperson
Tavis Piattoly, MS, RD, LDN, Vice Chairperson
Terry Compton, APRN, RN, MS, CDE, Secretary-Treasurer
Beth Fontenot, MS, RD, LDN, Board Member
Jeanine Songy Latham, MPH, RD, LDN, Board Member
Teena Doxey, RD, LDN, Public Member, Board Member**

Absent:

William Woessner, MD, Medical Advisor

Paula Weeks called the meeting to order at 1:30 p.m. in the Conference Room of the Board office located at 18550 Highland Road, Suite B, Baton Rouge, Louisiana. Emily Efferson, Administrator, and Terry Martin, Administrative Assistant, were present for the meeting.

Roll call was conducted by Paula Weeks. Members of the board were advised that Dr. William Woessner submitted a letter of resignation to the governor's office.

PUBLIC COMMENTS:

There was no public present to make comments.

AGENDA:

Motion was made by Teena Doxey, seconded by Tavis Piattoly and unanimously carried, to approve the agenda as presented.

MINUTES:

Motion was made by Terry Compton, seconded by Jeanine Songy Latham and unanimously carried, to approve the minutes of the January 6, 2012 meeting as presented.

FINANCIAL:

a. Financial statement for the period ending January 31, 2012

Members of the board reviewed the financial statement prepared by Susan Sevario, CPA, for the period ending January 31, 2012.

b. Professional Service Contracts for FY 2012-2013

Motion was made by Teena Doxey, seconded by Beth Fontenot and unanimously carried, to offer George Papale a contract for legal services at a rate of \$175.00 per hour and for a maximum contract amount of \$3,500.00.

Motion was made by Beth Fontenot, seconded by Tavis Piattoly and unanimously carried, to offer the Department of Justice a contract for legal services at a rate of \$120.00 per hour and for a maximum contract amount of \$1,000.00.

Motion was made by Terry Compton, seconded by Jeanine Latham and unanimously carried, to offer Susan Sevario a contract for accounting services at a rate of \$150.00 per month and for a maximum contract amount of \$1,800.00.

Motion was made by Teena Doxey, seconded by Terry Compton and unanimously carried, to offer Investigation Unlimited a contract for investigation services at a rate of \$50.00 per hour plus expenses at the rates set forth by the Division of Administration and for a maximum contract amount of \$2,500.00.

Motion was made by Beth Fontenot, seconded by Terry Compton and unanimously carried, to offer Crystal Clear Solutions a contract for website and database support at a rate of \$100.00 per hour for website and \$105.00 per hour for database and for a maximum contract amount of \$1,500.00.

Motion was made by Teena Doxey, seconded by Tavis Piattoly and unanimously carried, to offer Balantz Consulting a contract for computer network support at a rate of \$90.00 per hour and for a maximum contract amount of \$1,500.00.

CORRESPONDENCE:

a. Email from Amanda Perron regarding certification in nutrition

The Board wishes to advise Ms. Perron that the board has no authority or jurisdiction regarding certification in nutrition.

b. Email from Cathy Morris regarding licensed dietitians/nutritionists ordering laboratory testing

The Board advised that ordering laboratory testing is directed by the agency through its policies and procedures. The Board also advised that it is not authorized to address agency issues.

c. Email from Stephen Barrett, MD, regarding lawful scope of practice for LDNs who do not have a medical license

The Board advised that the Dietetic and Nutrition Practice Act and the Rules and Regulations do not address the testing and treatment of parasites.

d. Email from Kelly Leleux regarding the legality of practicing nutritional services in the state of Louisiana

The Board wishes to advise Ms. Leleux that state law requires one to be licensed to practice dietetics or nutrition in Louisiana. Members of the Board recommend that Ms. Leleux read § 3091 of the Practice Act.

e. Email from Tammy B. Brown regarding grandfathering

The Board advised that Ms. Brown can continue practicing as a Public Health Nutritionist 5 because she met the requirements of § 3093 Exemptions A (5).

f. Email from Suzanne Baker regarding contract consulting for a wellness business

The Board wishes to advise Ms. Baker that the owners can counsel the clients, but she cannot review and sign off on the clients. The Practice Act and the Rules do not speak to forwarding clients' medical notes to their MD. The Board recommends that Ms. Baker refer to HIPAA guidelines.

g. Letter from Monica McDaniel regarding an employee practicing without licensure

The Board advises that the employee can continue working. The employee meets the requirement of § 3093 Exemptions A (5).

Board/Staff Issues:

a. Contempt Hearing

In the matter of Louisiana Board of Examiners in Dietetics and Nutrition v. Catherine Wilbert/22nd JDC #2010-16992 Division B, Emily Efferson advised members of the Board that the Judge presiding over the hearing ruled that the Board did not meet its burden of proof that Ms. Wilbert willfully and repeatedly violated the Judge's order that she cease and desist her use of the term nutritionist.

b. Louisiana Personnel Council Membership

Motion was made by Beth Fontenot, seconded by Jeanine Songy Latham and unanimously carried, to financially support Emily Efferson's membership with the Louisiana Personnel Council, Inc. LPC is an organization created to provide a forum for the exchange of information, make recommendations and foster practices for improved personnel information in state government, and create a better understanding and application of the principles of management as applied to personnel administration.

c. Legislation with potential impact on Board

HB 295

Summary: **EMPLOYMENT:** Prohibits disqualification or ineligibility to practice a licensed trade or profession solely because of a prior criminal record, unless a conviction directly relates to the position sought. Proposed law retains present law except deletes the reference to conviction of a felony.

HB 329

Summary: **PUBLIC CONTRACTS:** Requires recipients of public contracts to make available the names and amounts paid to individuals for hourly services. Proposed law requires the contractor to retain such information for no less than three years after completion of the contract. It also prohibits the public entity from signing or renewing a contract that does not contain a sworn affidavit that the contractor will retain the information and make available as required by law.

HB 580

Summary: **PUBLIC MEETINGS:** Provides for the posting of the notice of a meeting of a public body on the official website of the public body.

HB 732

Summary: **MILITARY AFFAIRS:** Provides for licensure of individuals with military training and their spouses.

HB 815

Summary: **AGRICULTURE:** Provides with respect to applications for licenses, permits or certificates.

HB 949

Summary: **PUBLIC MEETINGS:** Provides relative to meetings of public bodies.

SB 192

Summary: **FEES/LICENSES/PERMITS:** Provides for licensure of individuals with military training and their spouses. (8/1/12)

SB 333

Summary: **STATE AGENCIES:** Requires state agencies to provide electronic access to licenses and permits issued by the agency. (8/1/12)

SB 422

Summary: **ADMINISTRATIVE PROCEDURE:** Provides relative to legislative review of emergency rules or fees. (gov sig) The emergency rule shall include specific reasons why the failure to adopt the rule on an emergency basis would result in imminent peril to the public health, safety, or welfare.

EXECUTIVE SESSION:

Motion was made by Teena Doxey, seconded by Tavis Piattoly and unanimously carried, to move in to Executive Session at 2:30 p.m. for the following reasons:

to discuss the character, professional competence, or physical or mental health of a person, provided that such person is notified in writing at least twenty-four hours before the meeting,

for investigative proceedings regarding allegations of misconduct, or any other matter now provided for or as may be provided for by the legislature.

Motion was made by Tavis Piattoly, seconded by Jeanine Songy Latham and unanimously carried, to come out of Executive Session at 3:32 p.m. to make the following motions:

Complaint #2012-03

Motion was made by Tavis Piattoly, seconded by Jeanine Songy Latham and unanimously carried, to send a letter to the school and all parties about the protected title Nutritionists.

Complaint #2014-04

Motion was made by Teena Doxey, seconded by Beth Fontenot and unanimously carried, to send a letter informing the respondent that an individual cannot represent themselves as a dietitian or nutritionist or practice in the scope of practice unless they are licensed as a dietitian or nutritionist with the licensure board.

Personnel Matter

Motion was made by Terry Compton, seconded by Jeanine Songy Latham and unanimously carried, to adopt as policy the scanning and emailing of applications on weekly basis for review and approval of licenses.

Review of Applications

Motion was made by Beth Fontenot, seconded by Terry Compton and unanimously carried, to accept and approve the applications for the **LDN License** for the following:

Sargent, Susan M.	2355	Brainer, Marguerite	2356
Phillips Katherine	2357	Olivas, Emmie	2358
Melancon, Susan L.	2359	Haffner, Katie	2360
Bowman, Marcy Wall	2361	Abadie, Rachel Leigh	2362
Westmoreland, Lisa	2363	Smith, Linda Sorey	2364
Schmidt, Ellen N.	2365	Bussolini, Diane	2366
Burrell, Kamesha	2367	Chicci, Alyssa	2370
Faris, Anna	2371	Byerley, Lauri O.	2372
Geesy, Kristy	2373	Neff, Pamela Jean	2374
Schrer, Elizabeth	2375	Cruse, Lauren	2376
Hood, Brittany	2377	Miller, Amanda	2378
Tuchek, Teresa	2379	Weakley, Susan Louise	2380
Zavala, Alejandra R.	2381	Brasseaux, Courtney	2383
Mone, Katherine	2386	Ceuvas, Marie C.	2387

Motion was made by Jeanine Songy Latham, seconded by Tavis Piattoly and unanimously carried, to accept and approve the applications for the **Provisional LDN License** for the following:

Veronie, Michael J.	2368	Boudreaux, Lauren	2369
Petro, Lindsey	2382	Teddle, Anna K	2384
Ballard, Jill	2385	Chauvin, Katherine	2388
Dixon, Kristine	2389	Knowles, Sarah	2390
Smith, Tara E.	2391	Buffington, Hannah	2392
Carter, Samantha	2393	Hebert, Genee'	2394

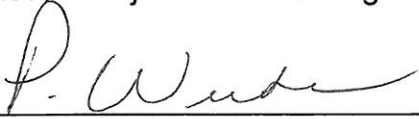
Motion was made by Jeanine Songy Latham, seconded by Beth Fontenot and unanimously carried, to **upgrade** the following licenses:

Wehmeier, Katherine	2305	Townsend, Danielle T.	2205
Sonnier, Brittany Lane	2293	Davis, Jacie	2346
Veronie, Michael J.	2368	Petro, Lindsey	2382

Motion was made by Terry Compton, seconded by Tavis Piattoly and unanimously carried, to **reinstate** the following licenses:

Owens, Shirlee	1006	Fisher-West, Cynthia	640
Williams, Robin Peterson	1274	Hampton, Lydia Brossette	517
Kidd, Zack A.	886		

Motion was made by Beth Fontenot, seconded by Teena Doxey and unanimously carried, to adjourn the meeting at 3:40 p.m.



Paula Weeks, MS, RD, LDN
Chairperson



Terry Compton, APRN, RN, MS, CDE
Secretary-Treasurer