

Conference Call Meeting Minutes
IOWA BOARD OF DIETETICS

March 8, 2013

Origination Site: Lucas State Office Building, 5th Floor Conference Room #526
Des Moines, Iowa

Reason for the conference Call

This meeting was held by conference call to ensure efficiency in the use of board resources. An in-person board meeting was not practical due to the anticipated short duration of this meeting and the need to reduce travel for board members. In accordance with Iowa Code section 21.8, access to the public portions of the meeting was provided to members of the public through attendance at the origination site.

Call to Order:

The meeting was called to order at 9:03 am by Janet Johnson, Chairperson.

Roll Call:

Members Present:

Stacey Loftus, RD, LD

Bridget Drapeaux, MA, RD, LD

Janet Johnson, MS, RD, LD

Dan Deutschman, Public Member

Steven Kury, Public Member

Staff Present:

Sharon Dozier, Board Executive

Barb Huey, Bureau Chief

September Lau, AAG

Tammy Hidlebaugh, Licensure Specialist

Barb Christiansen, Administrative Assistant

Guests Present:

Sandi Ryan, IAND

Review Agenda:

Approval of Minutes:

Motion was made by Johnson to approve the meeting minutes of December 7, 2012 with the corrections as reviewed by Sharon Dozier. A second was received from Deutschman. All ayes, opposed none, motion carried.

A motion was made by Johnson to approve the conference call meeting minutes of February 1, 2013. A second was received from Kury. All ayes, opposed none, motion carried.

Reports:

Board Executive: Sharon Dozier reported that Janet Johnson has been reappointed to the board for another term. There are no administrative items to report today.

Bureau Chief: Barb Huey stated that at this time, she is not aware of any pending legislation that would directly impact this board. She is monitoring the status of bills following the first legislative funnel. Huey will provide her full report at the next in-person board meeting.

Chair: Janet Johnson reported that the Center for Medicare and Medicaid (CMS) has proposed rules for comment that will permit registered dietitians to order patient diets and lab tests. Johnson noted that diet orders have been given only by physicians. Under the new rules, therapeutic diets would be ordered by dietitians who would also be allowed to order blood tests to monitor the therapeutic diet. This change would apply to hospital-based dietitians with hospital privileges. There is a link to the presentation regarding this change, which will be provided to everyone. Johnson recognized Sandi Ryan for public comment on this item. Ryan stated that there is no formal comment from the Iowa Academy of Nutrition and Dietetics at this time, but she noted that this is a positive step.

Rules Committee: Janet Johnson and Dan Deutschman will meet on June 21 to review the CMS proposal language of the rule change. Johnson invited Sandi Ryan to attend this meeting for comments and discussion on the subject. The continuing education rules will be reviewed as well as a broad review of rules that may need revisions.

Administrative Rules – None

Applications – The list of licenses issued during the past quarter was provided.

Old Business – None

New Business: Johnson noted that the draft amendment to Iowa Code 152A on unauthorized practice was provided for review. Johnson asked AAG Lau if she has comments on the draft. Lau stated that this arose because the board must deal with unauthorized practice fairly frequently. Other boards have the authority to issue a civil penalty, and it is not uncommon for a board to have this authority. The language for the amendment is typical of other boards' provisions in the law. Lau added that the board may consider approval of this provision and request it be included as a technical amendment for next year's legislative session.

A motion was made by Drapeaux to request the technical amendment to the Iowa Code as drafted. A second was received from Kury. All ayes, opposed none, motion carried.

Public Comment:

Sandi Ryan requested a copy of the language of the technical amendment, to provide it to the IAND. Dozier will forward the information to her. Ryan stated that she is not certain if there would be possible additional exemptions proposed in the law, but it might be a concern. Ryan further stated that this is likely her last board meeting, and she has considered it an honor to serve as the liaison to this board. She will maintain her licensure and registration for now, but is looking forward to beginning her retirement. She thanked the board, and added that IAND will assign another liaison. Well wishes were extended to Ryan by board members.

Complaints:

Case #12-002 was discussed in open session since this individual is not a licensed dietitian. The board reviewed the investigative information regarding Bridgette Marcus, a lifestyle coach at Mercy Weight Loss and Nutrition Center in Des Moines. Discussion points regarding this case: Marcus has a plant-based nutrition certificate from an online program through Cornell University. Drapeaux noted that Marcus' job description states that she is responsible for assessing nutritional status and providing individualized nutrition care plans and education. The job description also states that she documents findings and actions and summary of assessments, follow up and diet instruction comprehension in the medical record. Drapeaux said there is much similarity in this job description and that of the dietitian. However, the word assessment is not used in the job description for the dietitian. Loftus noted that Marcus receives verbal referrals from physicians. There was discussion about a health coach, which does not require specialized training, and that assessment and documentation are clinical activities. In a publication of the center's services and classes, it states that Marcus is a physician with certification in plant-based nutrition. There was discussion about certification vs a certificate. The publication lists classes taught by Marcus, including Gluten-free Eating and The Diet/Cancer Connection; these classes are therapeutic diets that qualify as medical nutrition therapy services. Based on the concerns discussed about the services provided by Marcus, Johnson asked AAG Lau what options the board has. Lau responded that the only option for formal board action regarding a non-licensed person is to send a Cease and Desist letter. Lau clarified that dietetic practice by an unlicensed person is a misdemeanor, and the letter would notify the person of the elements that constitute unlicensed practice. There was also discussion of an education letter to the employer and the individual. It was decided that a Cease and Desist letter will be sent, with a copy to the employer.

A motion was made by Kury to send a Cease and Desist letter on Case #12-002. A second was received from Drapeaux. All ayes, opposed none, motion carried.

Stacy Loftus recused herself from the follow up item, and disconnected from the conference call.

Follow up on Lori Graff: Graff submitted a proposal that Stacey Loftus serve as her practice monitor, under the terms of the Settlement Agreement.

A motion was made by Deutschman to approve Stacey Loftus as Lori Graff's practice monitor. A second was received from Kury. All ayes, opposed none, motion carried. Loftus recused.

The next meeting is June 21, 2013, and will be an in-person meeting.

Adjournment:

A motion was made by Kury to adjourn the meeting at 9:43 am. A second was received from Deutschman. All ayes, opposed none, motion carried.

The minutes were approved at the June 21, 2013 board meeting.