



Government of the District of Columbia
Department of Health

BOARD OF DIETETICS/NUTRITION

OPEN SESSION MINUTES

899 NORTH CAPITOL ST. NE
ROOM 216
WASHINGTON, DC 20002

June 25, 2015
9:30am-10:30am



Government of the District of Columbia
Department of Health
BOARD OF DIETETICS/NUTRITION

OPEN SESSION MINUTES JUNE 25, 2015

ATTENDANCE:

BOARD MEMBERS:		
	MELISSA MUSIKER, CHAIRPERSON	PRESENT
	JANET UNONU, MEMBER	PRESENT
STAFF:		
	ROBINS JENKINS, EXECUTIVE DIRECTOR, BOARDS OF ALLIED AND BEHAVIORAL HEALTH	PRESENT
	ERIC YEAGER, ESQ., HEALTH LICENSING SPECIALIST	PRESENT
	LEONARD HOWARD, INVESTIGATOR	PRESENT
	PANRAVEE VONGJAROENRAT, ESQ., BOARD ATTORNEY	PRESENT
VISITORS	ALYSSA SMITH DENISE MCKOY THINH NGUYEN ELLEN GRIFFITHS ANN GERBER JANDEL BENJAMIN EVELYN MINOR B. MICHELLE HARRIS	PRESENT PRESENT PRESENT PRESENT PRESENT PRESENT PRESENT PRESENT

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OS-0625-01	SENIOR DEPUTY DIRECTOR'S REPORT <u>Board Action:</u> There was no report.	
OS-0625-02	EXECUTIVE DIRECTOR'S REPORT <u>Board Action:</u> The Executive Director announced that she recently attended a meeting at the White House on behalf of the Council of Licensure, Enforcement and Regulation (CLEAR) which discussed whether state licensing mechanisms are necessary, and whether they place burdensome restraints on commerce. She reported that President Obama's Economic Council will continue to look at state licensure and its economic impact closely in the coming months.	
OS-0625-03	BOARD ATTORNEY'S REPORT <u>Board Action:</u> There was no report.	
OS-0625-04	BOARD CHAIRPERSON'S REPORT <u>Board Action:</u> The Board Chair announced that she recently met with the Northern Virginia Dietetic Association and was clear in making the point that workers from Virginia must be made aware that a license is required to practice in the District of Columbia. For some reason, too many workers in neighboring states believe that they can practice here without a license and without consequence, the Board Chair noted.	
OS-0625-05	OPEN SESSION MINUTES <u>Board Action:</u> The Open Session Minutes of the March 10, 2015	



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	meeting were approved.	
OS-0625-06	<p><u>SCOPE OF PRACTICE DISCUSSION</u></p> <p>Board Action: As the Board plans to consider law and regulation updates to clarify the definitions and scope of practice for each profession (Dietitians and Nutritionists), the Board continued its conversation with members of the public. In discussing the different licensure levels that could be created, a question arose as to whether the public would understand what a "Nutritionist" or "Dietitian" is just by the title and the problem of unlicensed persons using these titles. On this question, Board Member Dr. Janet Unonu noted that "Nutritionist" conveys a meaning like the term "doctor." However, the Board Attorney noted that "doctor" is broad and can encompass many types of disciplines, but that the term "M.D." is much narrower and specifically means "Medical Doctor." The Board Chair noted that, beyond given titles, the real difference may be simply whether a person is giving general comments on nutrition or whether he or she is giving tailored, nutrition advice to a member of the public and hold himself or herself out as a professional. In the latter case, a license is required, the Board Chair noted. However, the Board Attorney cautioned noted that licensing enforcement should be used very judiciously since the First Amendment provides members of the public the right to comment on ideas and theories related to dietetics and nutrition.</p> <p>The Board Chair said that one way to find out who is working in hospitals and clinics would be to create a voluntary survey that allows preceptors to provide information and feedback on the</p>	



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	<p>types of people they supervise. She asked that this online form be introduced as part of the 2015 renewal.</p> <p>Finally , some members of the public who were in attendance expressed concern that rigid licensing structures might squeeze out local students, for example those from the University of the District of Columbia (UDC), who may come from underprivileged and disadvantaged backgrounds. UDC Professor B. Michelle Harris questioned whether intelligent and educated students from her university may face racial discrimination and other unfair impacts when they attempt to get jobs and are denied them because if they cannot complete overly burdensome licensing requirements. She suggested that the current regulations and licensing requirements are used as discriminatory barriers to minority and others students at UDC.</p> <p>However, the Board Chair noted that she is instead seeking to empower more minorities by creating more pathways for them to become professionally licensed and distinguished members of their communities. Executive Director Robin Jenkins further rejected the notion that the Board would ever promulgate proposals that resulted in discrimination against minorities or disadvantaged individuals. The Board assured members of the public that it would continue to address the issue of licensure requirements in a thoughtful and transparent way.</p>	
OS-0625-07	<p><u>FitDC INITIATIVE</u></p> <p><u>Board Action:</u> The Board tabled this issue this since there were no representatives of D.C. government in attendance to discuss this initiative.</p>	



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OS-0625-08	<p><u>CMS RULE ON ORDERING PRIVILEGES FOR DIETITIANS</u> <u>Board Action:</u> The Board discussed the Federal Register notice on the rule issued by the Center for Medicare and Medicaid Service's (CMS) loosening ordering privileges for Dietitians.</p>	
OS-0625-09	<p><u>LICENSURE REQUIREMENTS FOR NUTRITION – MUNICIPAL REGULATIONS §4505.2(a)</u> <u>Board Action:</u> The Board voted to close the loophole at §4505.2(a) of the D.C. Municipal Regulations for Nutrition, which currently allows an applicant for endorsement to be licensed without having a passing score on the national exam.</p>	
OS-0625-10	<p><u>ANTRITRUST AND OTHER IMPLICATIONS OF RECENT SUPREME COURT RULING</u> <u>Board Action:</u> The Board discussed the letter from the Alliance for Natural Health USA interpreting the U.S. Supreme Court case on the antitrust limits for state licensing boards.</p>	