

Commonwealth of Massachusetts
Department of Public Health
Board of Registration of Dietitians and Nutritionists

Public Meeting Minutes

June 7, 2024

A public meeting of the Massachusetts Board of Registration of Dietitians and Nutritionists (the Board) was held remotely with video and audio conference as an alternate means of public access pursuant to Chapter 107 of the Acts of 2022, An Act Relative to Extending Certain State of Emergency Accommodations, signed into law on July 16, 2022.

Ms. Guglietta stated that the meeting was being recorded.

Dr. Lisa Brown noted a quorum of members present via video or phone and called the meeting to order at 09:06 a.m.

MEMBERS PRESENT

Lisa Brown, Chair
Valerie Machinist, Vice Chair
Stella Uzogara
E. Reese
Elizabeth Natale
Pranita Amarasinghe

STAFF PRESENT

Lisa Guglietta, Board Executive Director
Katie Goldrick, Board Associate Executive Director
Sheila York, Esq., Board Counsel

ATTENDANCE:

Dr. Lisa Brown took attendance by roll call and a quorum of board members was recorded with the following members present via video conference: *Brown, Machinist, Reese, Uzogara, Natale, Amarasinghe*

APPROVAL OF AGENDA:

The **June 7, 2024 agenda was approved as presented** by roll call vote.
in-favor: Brown, Machinist, Reese, Uzogara, Natale, Amarasinghe
opposed: none

CONFLICT OF INTEREST and OPEN MEETING REQUIREMENTS

Attorney York reviewed Conflict of Interest and Open Meeting Law requirements with the Board. Members should contact Atty. York with questions about possible conflicts with applicants, petitioners, or cases before the Board. Please bring these matters to Atty. York's attention before the meeting if possible.

CHANGE TO PUBLIC COMMENT PROCEDURE

Attorney York explained that to increase consistency among DPH boards, the boards transferred from DOL are adopting meeting procedures followed by other DPH boards. One change is that the transferred boards are no longer going to hold a public comment period at the end of Board meetings. Opening the floor for public comment at board meetings creates a risk that the Board could unintentionally frustrate the purpose of the open meeting law by having the Board discuss topics that were not posted for the public's benefit on the meeting agenda. Under the new procedure, the Board will accept comments in writing. Members of the public who wish to

provide a comment to the Board should email the board their comment at least two weeks before the meeting. Board staff will review the information provided, consult with the Chair as necessary, and the comment may be added to the agenda for Board discussion or responded to in a different manner.

PUBLIC MEETING MINUTES

The Board discussed the draft public meeting minutes of 3/1/2024.

Thereafter a motion was made by Ms. Amarasinghe, seconded by E. Reese, and VOTED (roll call);

to approve the March 1, 2024 Public Meeting minutes as drafted.

in-favor: Brown, Machinist, Uzogara, Natale, Reese, Amarasinghe

opposed: none

EXECUTIVE DIRECTOR REPORT

Ms. Guglietta informed the Board that a candidate recommendation packet for the open registered dietitian seat was sent to the Governor's office on April 1, 2024. The other open seats on the Board are for a dietitian with a baccalaureate degree and a public member.

Ms. Guglietta reported that since the last meeting the Board Chair, Dr. Lisa Brown, approved two license reactivation applications via delegated authority. Additionally, Dr. Brown approved resubmitted internship work experience information for an exam applicant that the Board reviewed at the March meeting. The applicant was approved to take the exam.

CORRESPONDENCE

The Board discussed an email from Camille Finn of the Massachusetts Academy of Nutrition and Dietetics (MAND) dated March 23, 2024 in which she was seeking guidance from the Board to answer an inquiry MAND received. A registered dietitian (RD) who works part-time for a private medical practice had emailed MAND about insurance information specifically for credentialed dietitians. The practice also employed non-registered nutritionists and management had requested that the RDs sign off on the non-RD's charts in order for them to be billed through insurance. The dietitian requested guidance around navigating the situation from legal and scope of practice perspectives.

The Board's response to Ms. Finn's email was that the Board is not able to provide legal advice and that the RD may want to consult with an attorney about signing off on charts for non-RDs and/or seek information from the insurance company regarding the requirements for the RD to be able to sign off on the charts.

Dr. Brown noted that in her opinion if an RD signed off on the charts, they are making the decision to lend their license to another dietitian. The insurance companies determine the requirements. This would fall under the RD's liability insurance as well as the facility's.

In her correspondence Ms. Finn also asked for clarification around the licensing regulations regarding who can provide medical nutrition therapy. Dietitians and Nutritionists only have title protection in Massachusetts. Insurance companies will not reimburse unless the dietitian is licensed. The Board cannot require a dietitian to be licensed or prevent them from providing services if non-licensed.

Reese noted that regulations 268 CMR 5.02: (1) (g) state "Licensees shall permit the use of their name for the purpose of certifying that professional services have been rendered only if they have provided or supervised the provision of those services."

Ms. Finn clarified her question during the meeting by asking about whether a licensed dietitian/nutritionist (LDN) can sign off on a chart when the dietitian who saw the patient was not an LDN. Attorney York then noted 268 CMR 5.02: (1) (k) which states “Licensees shall not aid or abet, directly or indirectly, the practice of dietetics/nutrition by any person not duly authorized under the laws of Massachusetts.” A licensed dietitian/nutritionist in Massachusetts cannot use their signature to make an unlicensed person look licensed. It must be made clear who is performing the work. Students should be supervised at all times and both dietetic interns and their licensed supervisors must sign off.

MA ACADEMY OF NUTRITION AND DIETETICS (MAND)

Camille Finn of MAND provided an update on the dietetic licensure compact. A third-party licensure board is looking to develop a compact. Seven states are needed to form a compact and, if enacted, then licensed individuals could practice in other states that are also in the compact. Each state would have to pass its own dietetic compact legislation. She reported that 11 states have been identified to push this legislation through as a first round. These states were chosen based on their laws, regulations, and their other professional licensure compacts. Three states that have already signed on are Nebraska, Alabama, and Tennessee. Massachusetts is not in the first round and probably will not be in the second round due to its tight regulations and previous experience that compacts have had in the state.

Sarah Conca of MAND submitted the definition of “dietetics related” per the Commission on Dietetics Registration (CDR) for the record as an alternative definition of dietetics and nutrition. She stated that MAND is always looking for ways for their members in Massachusetts to earn as many CEUs as possible for public policy when it is applicable to their profession as required for licensure. It was noted by the Chair and Board Counsel that the Board cannot change the definition of “Dietetics and Nutrition” because it is in the statute as well as the regulations.

APPLICATION REVIEW

Exam Application LDNNE100664 – M.V.

After reviewing the applicant’s education and work experience information, the Board determined that it required more detailed information about one of the two supervised work experiences submitted.

Thereafter, a motion was made by Ms. Machinist, seconded by Dr. Uzogara, and VOTED (roll call); **to accept the applicant’s education and second supervised work experience form, to direct staff to get more detailed information from the applicant regarding work duties and supervision for the first work experience form, and delegate the approval of the first supervised work experience form to the Chair outside of the meeting.**

in-favor: Brown, Machinist, Uzogara, Reese, Natale, Amarasinghe
opposed: none

APPLICATION REVIEW

Reactivation Application LDNRA100037 – E.F.

The Board reviewed the application and continuing education documentation received.

Thereafter, a motion was made by E. Reese, seconded by Ms. Natale, and VOTED (roll call); **to approve the CEUs submitted and allow the applicant to move forward in the licensing process.**

in-favor: Brown, Machinist, Uzogara, Reese, Natale, Amarasinghe
opposed: none

ADJOURNMENT

At 10:23 a.m. a motion was made by Ms. Amarasinghe, seconded by Ms. Natale, and VOTED (roll call);
to end the public meeting.

in-favor: Brown, Reese, Machinist, Uzogara, Natale, Amarasinghe

opposed: none

Respectfully submitted,

Lisa M. Guglietta, Executive Director
Board of Registration of Dietitians and Nutritionists

Documents used by the Board during open session:

- Posted agenda 6/7/24
- Draft public meeting minutes of 3/1/2024
- Email from Camille Finn of MAND
- Exam Application LDNNE100664 (MV)
- Reactivation Application LDNRA100037 (EF)