

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

Public Meeting Minutes

September 8, 2023

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.

Dr. Lisa Brown noted a quorum of members present via video or phone and called the meeting to order at 09:08 a.m.

MEMBERS PRESENT

Dr. Lisa Brown, Chair
Valerie Machinist, Vice Chair
Dr. Stella Uzogara, Doctoral Member
Pranita Amarsinghe, Public Member
E. Reese, Member

STAFF PRESENT (at various times)

Lisa Guglietta, Board Executive Director
Eboni Lewis, Board Assoc. Executive Director
Sheila York, Esq., Board Counsel

MEMBERS ABSENT

Heather Hanley, Baccalaureate Member

PUBLIC PRESENT

Sarah Conca - MAND

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, Amarsinghe, Uzogara.*

APPROVAL OF AGENDA:

A motion was made by Ms. Machinist, seconded by Ms. Amarsinghe and VOTED (roll call); **to approve the September 8, 2023, agenda with the amendment to move the public comment section before application review for all future agendas.**

in-favor: Brown, Machinist, E.Reese, Amarsinghe, Uzogara

opposed: none

CONFLICT OF INTEREST and OPEN MEETING REQUIREMENTS

Atty. 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.

PUBLIC MEETING MINUTES

The Board discussed the draft public meeting minutes of 6/2/2023.

Thereafter, a motion was made by Ms. Amarsinghe, seconded by Ms. Machinist, and VOTED (roll call); **to approve the June 2, 2023, Public Meeting minutes as amended.**

in-favor: Brown, Amarsinghe, Machinist, Uzogara

opposed: none

Abstain: E.Reese

EXECUTIVE DIRECTOR REPORT

Executive Director Guglietta informed the board we have a new board member Elizabeth Natale who will be joining for the December meeting.

Board members should check their Mass.gov email accounts weekly.

Discussion

Delegation of Authority for Staff Actions Relative to Monitoring Licensure Conditions:

The Board discussed whether to adopt the Bureau of Health Professions Licensure's policy Delegation of Authority for Staff Actions Relative to Monitoring Licensure Conditions. Currently Board staff track and follow up on licensees' compliance with probation monitoring requirements. If the Board adopted the policy, Karen Fishman, Probation Department Coordinator at the Bureau, would be able to assist Board staff with probation monitoring cases.

A motion was made by E. Reese seconded by Ms. Amarsinghe and VOTED (roll call);

to accept the policy.

in-favor: Brown, E. Reese, Amarsinghe, Machinist, Uzogara

opposed: none

Prosecutorial Discretion and Alford Plea Policies

Chief Prosecutor Jessica Uhing-Luedde presented the Prosecutorial Discretion and Alford Plea Policies with the Board.

Alford Plea Language is to be used for all Bureau of Health Professions Licensing boards. The purpose is to promote consistency and facilitate settlement. All consent agreements shall contain language indicating that the consent agreement does not contain admissions or findings. The Board discussed approving the policy.

Thereafter, a motion was made by Ms. Machinist, seconded by E. Reese, and VOTED (roll call); **To approve the Alford Plea Language Policy.**

in-favor: Brown, E. Reese, Amarsinghe, Machinist, Uzogara

opposed: none

Prosecutorial Discretion This policy will reduce the need for Counsel to appear before the Board for formal reconsiderations where said reconsiderations will not substantively change the outcome of a disciplinary matter.

The Board discussed the Policy on Delegation of Authority re: Drafting Orders to Show Cause and Consent Agreements to Board Counsel and the Prosecution Unit. The Board agreed to adopt the policy with annual review of approval schedule for September 2024.

A motion was made by E. Reese, seconded by, Dr. Uzogara and VOTED (roll call);
to accept the policy contingent upon an annual Board review.

in-favor: Brown, E.Reese, Amarsinghe, Machinist, Uzogara

opposed: none

Policy on Summary Suspensions Conducted by Boards of Registration Formerly Under the Supervision of the Division of Occupational Licensure

This policy was presented to the board to outline procedures to be followed for the summary suspension of a license, in advance of a hearing, in order to prevent an immediate and serious threat to the public health, safety, and welfare.

After discussing The Policy on Summary Suspensions Conducted by Boards of Registration Formerly Under the Supervision of the Division of Occupational Licensure. The Board agreed to adopt the policy.

A motion was made by Ms. Amarsinghe, seconded by, Ms. Machinist and VOTED (roll call);
to accept the policy.

in-favor: Brown, E.Reese, Amarsinghe, Machinist, Uzogara

opposed: none

Application Review

- Licensure Application LDNNE100544 (MY): The applicant attended the meeting to discuss discipline on her out of state license listed on her application for licensure. The applicant explained the oversight of working without state licensure during the pandemic. The Board agreed to allow the applicant to continue with the licensure process.

A motion was made by Ms. Machinist seconded by, E. Reese, and VOTED (roll call);

to allow the applicant to continue the application process

in-favor: Brown, E. Reese, Amarsinghe, Machinist, Uzogara

opposed: none

- Exam Application LDNNE100520 (NL): Applicant previously approved by the board and was reapplying due to previous application being closed beyond two (2) years. Does not require additional board review.
- Exam Application LDNNE100449 (LT): The Board reviewed the applicant's eligibility and was unable to determine if the clinical internship completed in Brazil meets the requirements in accordance with 268 CMR 3.01 (2)(d)(d).

Board gave direction to staff to ask for detailed information on the clinical internship listed on the transcript in the form of a letter from the school detailing the total hours completed.

PUBLIC COMMENT

Sarah Conca, Director of Public Policy at MAND, thanked the Board and DPH staff for their work. She responded to a question from Dr. Brown regarding the status of the licensure compact. Ms. Conca informed the Board that the Academy of Nutrition and Dietetics received a grant from the Department of

Defense to look into a Dietetic Licensure Compact. Currently they are educating dietitians around the United States about it and what it would mean. The legislation would need to get passed by seven state legislatures for the Dietetic Licensure Compact to take effect. Massachusetts must pass the legislation for it to be in effect here. Ms. Conca also mentioned that MAND has filed legislation for payment parity for MNT provided by telehealth.

NEW BUSINESS

None

EXECUTIVE SESSION

At 10:41 a.m. a motion was made by Dr. Uzogara **to end the public session and go into Executive Session CLOSED under G.L. c. 30A, § 21(a)(1) to discuss the character rather than professional competence of an applicant for licensure and under c. 30A, § 21(a)(7) to comply with G.L. c. 4, § 7, ¶ 26(c) and G.L. c. 214, § 1B by maintaining the confidentiality of highly personal data**, seconded by Ms. Amarsinghe, and VOTED (roll call). The motion passed as follows:

In favor: Brown, Machinist, Amarsinghe, E. Reese, Uzogara

Opposed: none

ADJOURNMENT

The meeting adjourned at the conclusion of closed session at 10:52 a.m.

Respectfully submitted,

Eboni Lewis, Associate Executive Director
Board of Registration of Dietitians and Nutritionists

Documents used by the Board during open session:

- Posted agenda 9/8/23
- Draft public meeting minutes of 6/2/23
- Licensure Application LDNNE100544 (MY)
- Exam Application LDNNE100449 (LT)
- Delegation of Authority for Staff Actions Relative to Monitoring Licensure Conditions Policy
- Prosecutorial Discretion and Alford Plea Policies
- Policy on Summary Suspensions Conducted by Boards of Registration Formerly Under the Supervision of the Division of Occupational Licensure