

The Florida

## **Dietetics Nutrition Practice Council**

# **Minutes**

**February 23, 2017**

Telephone Conference Call

1-888-670-3525

Participant Code 7811783909 #

**Stephanie Petrosky, MHA, RDN, LDN**  
Chair

**Carol Elliott, RDN, LDN, FAND**  
Vice Chair

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**DEPARTMENT OF HEALTH  
DIETETICS AND NUTRITION PRACTICE COUNCIL  
GENERAL BUSINESS MEETING  
GENERAL RULES REVIEW  
FEBRUARY 23, 2017  
AGENDA**

**DIAL-IN NUMBER: 1-888-670-3525  
PUBLIC CONFERENCE CODE\*:7811783909#**

\*After entering the dial-in number, hold for a prompt to enter the public conference code.  
After entering the code, press the # sign to join the call.

**Participants in this public meeting should be aware that these proceedings are being recorded and that an audio file of the meeting will be posted to the council's website.**

## **9:30 a.m. EST**

### **Call to Order – General Business Meeting**

Ms. Petrosky called the meeting to order at 9:30 a.m. Ms. Adams conducted roll call.

#### **MEMBERS PRESENT**

Stephanie Petrosky, MHA, RD/LDN,  
FAND, Chair  
Carol Elliott, RDN, LDN, FAND, Vice-Chair  
Stephanie Norris, MS, RDN, LDN  
Linda Gammon, LNC  
Linda Rex

#### **STAFF PRESENT**

Diane Guillimette, Assistant Attorney General  
Allen Hall, Executive Director  
Katrina Adams, Regulatory Supervisor/Consultant  
LaQuadra Simmons, Regulatory Specialist II

#### **OTHERS PRESENT**

Dr. John Saloscki  
Dr. Alicia Rosenbach, ACBN President  
Judy Stone, CNS  
Christine Stapel, FAND  
June Dupree, PRN  
Dr. Catherine Christie, LDN UNF

#### **ADMINISTRATIVE PROCEEDINGS**

##### **PERSONAL APPEARANCE PURSUANT TO §456.013(3)(c), F.S.**

1. Umbelina Neves Lourenco (Examination)

Ms. Petrosky stated that Ms. Lourenco applied for examination, but that there were still some questions pertaining to her training and full amount of supervision hours and clinical preparation. Ms. Lourenco was not on the January meeting conference call so the Council requested that she be

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present at this meeting to answer the necessary questions.

Ms. Petrosky stated that Ms. Lourenco seemed to have a shortage of hours which consisted of 330 hours of clinical nutrition, 240 hours in social nutrition, 180 hours in supervised food service, 60 hours in nutrition education and 60 hours in community which gave a total of 870 hours. Ms. Petrosky stated that Ms. Lourenco could speak of any additional hours that she may have gained in order to meet the necessary 900 hour requirements according to rule 64B8-42.002.

Ms. Lourenco stated that she started working in Brazil in 2008 to help individuals lose weight. Ms. Lourenco stated that her goal was to help individuals be healthy by helping them with a dietary routine and safe habits. Ms. Lourenco stated that her work was basically within family homes assisting with proper diet habits and providing menus. Ms. Lourenco stated that she did this work from 2008 to July 2010 when she moved to the United States. Ms. Lourenco stated that since she left Brazil, she has not worked in the field of nutrition.

Ms. Petrosky asked Ms. Lourenco if she has worked in nutrition since she moved to the United States and Ms. Lourenco clarified that she had not. Ms. Petrosky asked the Council members if they had any questions for Ms. Lourenco.

Ms. Norris asked Ms. Lourenco if she has kept up with any continuing education since moving to the United States. Ms. Lourenco stated that she started a 1 year course in functional medicine in nutrition, but did not complete it. Ms. Lourenco stated that she is a nutritionist in Brazil.

Ms. Elliot asked Ms. Lourenco inquired about the provider for the functional medicine in nutrition course that she is taking here in the United States. Ms. Lourenco stated that Shacolla University is where she is taking the course. Ms. Petrosky stated that she was not clear if the university is an accredited school.

Ms. Petrosky stated that Ms. Lourenco's preparation and supervision hours are important at this point including what other practice constituents that she may have that can allow her to practice in Florida. Ms. Petrosky stated that function medicine is an evolving area. Ms. Petrosky asked Ms. Lourenco for the total number of hours that she has training in considering how close she is to reaching the 900 hour requirements for the state of Florida. Ms. Petrosky stated that Ms. Lourenco is shy 30 hours according to the paperwork in her application.

Ms. Guillemette stated that the Councils other option would be to do a conditional approval considering Ms. Lourenco's shortage of hours.

Ms. Gammon inquired about the 7 year gap between Ms. Lourenco practicing nutrition and starting the functional medicine in nutrition course. Ms. Petrosky asked Ms. Lourenco if she has had any other course training within the 7 year gap. Ms. Lourenco stated that she did not take any other courses. Ms. Lourenco stated that she started the functional medicine course in 2016. Ms. Lourenco stated that she is going to finish the course this year (2017) and that she is not sure how many credits she will receive when she has completed the course.

Ms. Gammon stated that she does not believe that the Council has enough information pertaining to Ms. Lourenco's training and that she is not comfortable with the large gap in practicing and with what the continuing education that Ms. Lourenco started to take is about.

Ms. Rex questioned if Ms. Lourenco understood what the word "gap" means and suggested that maybe the Council find out if there was a personal reason why Ms. Lourenco has such a large gap in

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practicing in 2010 and starting her continuing education in 2016.

Ms. Petrosky asked Ms. Lourenco to explain the long period of time between when she moved to the United States and when she started her continuing education. Ms. Lourenco stated that since 2010 she has not practiced, but that she has studied nutrition during this time at home. Ms. Petrosky asked if Ms. Lourenco was working in Brazil and Ms. Lourenco stated that she worked from 2008 to July 2010 and that she no longer practiced since moving because she needed a license to practice nutrition here in the United States.

Ms. Guillemette inquired about what Ms. Lourenco was doing since she came to the United States. Ms. Lourenco stated that she didn't work, but her goal is to become a nutritionist. Ms. Lourenco stated that she has a lot of books so she's studied and she began the functional medicine course, but did not finish. Ms. Lourenco stated that she would like to practice, but she needs a license.

Ms. Petrosky stated that there is a large gap of information and that she doesn't know if it meets the full intent under the guidelines. Ms. Petrosky stated that the options would be to accept Ms. Lourenco's application and agree that she submitted enough to meet the intent, the Council could give a contingency with additional requirements for education that she must produce which includes course hours from an accredited school or that the Council could simply vote to decline Ms. Lourenco's application or allow Ms. Lourenco to withdraw her application. Ms. Guillemette agreed that these are the Council's options at this time.

Ms. Norris stated that she is not comfortable approving the application where it is, but suggested that Ms. Lourenco be allowed to gain the additional hours from an accredited school/approved source or even an approved form of supervision according to the Florida guidelines in rule 64B8-42.002.

Ms. Guillemette suggested that Ms. Petrosky draft an order stating that Ms. Lourenco's application is approved based on the condition of her submitting 30 hours of continuing education that are approved according to rule 64B8-45.002 within one year or the application will be denied. Ms. Lourenco stated that she completed a total of 900 hours. The members of the Council stated that only 870 hours were presented on the state of Florida verification form.

Ms. Norris moved to approve Ms. Lourenco's application with the condition of her submitting 30 hours of continuing education at an accredited institution and that are approved according to rule 64B8-45.002 within one year or the application will be denied. Ms. Gammon seconded the motion which carried 5/0.

### **RULES REVIEW AND/OR DEVELOPMENT**

#### **2. 64B8-42.002, F.A.C., Licensure by Examination**

Ms. Petrosky stated that the purpose of the meeting was to go over some issues with the current guidelines pertaining to supervision under rule 64B8-42.002. Ms. Petrosky stated that other credential providers were added. Ms. Petrosky stated that with the supervision component previous language, nothing has changed or been revised, but under recent applicant experience there was an opportunity to work with others on alternative pathways for supervision. Ms. Petrosky stated that there were some expert resources on the call.

Dr Rosenbach stated that many of the members of the DACBN have more qualifications than provided and that they have more years of working experience in hospitals, private practices

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and etc. Dr. Rosenbach stated that those with an ACBN work in nutrition as well as other practices and have a great deal of experience. Dr. Rosenbach stated that an applicant in Florida has to have gone on an internship and a DACBN may not have to meet this particular requirement, but may have worked in clinical nutrition anywhere from 10 to 30 years. Dr. Rosenbach inquired how to differentiate the two. Dr. Rosenbach stated that this should be more inclusive to providers and questioned if there is an alternate what to change the verbiage to be more inclusive in opposed to being more case by case.

Ms. Stone stated that prior to accepting a supervisor a request form has to be completed which includes documentation of 3 full years of experience in clinical nutrition along with a description of what their training and experience is. The said individual would have to either be a CNS with a Masters or Doctoral degree in the field of nutrition or a MD or other doctoral level professional with a focus in nutrition and they have to provide documentation of their training and experience in nutrition. Ms. Stone stated that no one can become a supervisor for a CNS candidate unless they have the training in nutrition along with the documented 3 full years of experience.

Dr. Christie stated that in their program, there have to be registered dietitians/nutritionists as preceptors, they have to sign off on all 1200 hours for supervised practice and that includes the 300 in food service management, 300 community and 300 in clinical though most students do more than the required hours. Dr. Christie stated that it is standardized throughout the program. Dr. Christie stated that she feels there should be some standardization on how other professions work can be evaluated and whether or not they have actually practiced in the field in addition to having some knowledge in the field of nutrition. Dr. Christie stated that practice experience is what makes the difference in students being ready and fully functional to work in nutrition after graduation whether it be in a community or clinical setting.

Ms. Guillemette stated that after reviewing all of the material for suggestions for the rule change submitted for rule 64B8-42.002, she wanted to note that the legislature did change the statute a couple of years ago which allowed for a waiver of the examination for those that were a DACBN or a CNS. Ms. Guillemette stated that this was not an endorsement statute, it does not automatically give you licensure because you have a CNS or a DACBN and that the requirements under rule 64B8-42.002 would still need to be met. Ms. Guillemette stated that in rule 64B8-42.002, it sounds as if “equivalently prepared” only relates to those who were in another jurisdiction and that the “equivalently prepared” statement should go completely across the board and the sentence should end after the words “equivalently prepared”. Ms. Guillemette also stated that adding a RD as another type of preceptor is another option.

Ms. Norris stated that she hasn't seen any documented harm with unlicensed practice as before the Licensure Act went into place. Ms Norris stated that she is appreciative about working together on approving the delivery of nutrition and respecting and understanding different ways of practicing with those in different backgrounds in nutrition. Ms. Norris stated that she's not opposed to recognizing supervision to those that have additional training and experience. Ms. Norris also understands that with the CNS, they are not equivalent or the same as a RD. Ms. Norris feels that opening this would allow for better interaction between the different specialties which is a good thing. Ms. Norris stated that nutrition harm can be done in three ways which are physical, emotional and financial. Ms. Norris stated that everyone should recognize that they are doing their job in protecting the health of Floridians. Ms. Norris also stated that she did some research and viewed a few CNS websites and saw some things that she would personally find as unethical such as unproven tactics for weight loss and the selling

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of supplements of the same website. Ms. Norris stated that everyone should do their due diligence to make sure that individuals are practicing nutrition ethically versus restricting access to the practice of nutrition. Ms. Norris stated that she is not averse to opening up and expanding, but she feels as though we also need to have a balance of making sure that the public is safe.

Ms. Gammon stated that opening up for well-trained individuals is something that needs to be done, but she is not sure about medical doctors considering most do not study nutrition.

Ms. Rex stated that she does agree with Ms. Gammon to open up for well-trained individuals. Ms. Rex stated that she does not see it as a harm to the citizens of Florida.

Ms. Elliott stated that she agrees with Ms. Gammon and that she does not agree with someone having nutrition in the scope of practice and being allowed to be a preceptor. Ms. Elliott stated that CNS has an application for those that would like to become preceptors and they have to have certain qualifications and perhaps that is something that should be looked at. Ms. Elliott says that she thinks things should be open to allow others to apply, but that if they are interested in becoming a preceptor, they should fill out some form of an application. Ms. Elliott stated that even the diplomats have to apply to be a preceptor, they have to present the program to the Board.

Ms. Rex stated that she agrees with Ms. Elliott's statement.

Ms. Petrosky stated that she would like to make some changes in the language that is causing the barrier. Ms. Petrosky stated that she viewed the scope of practice for some other professions and only saw nutrition here and there.

Ms. Stone stated that the supervisors are making sure that individuals have the competency and the hours that they need. Ms. Stone stated that the proposal was modified to say that any physician needed to have a certain number of CEU's specifically in nutrition and they have to show proof of one year experience. Ms. Stone's proposal also stated that a physician or healthcare professional with nutrition in their scope, should be able to verify that they had a credential in clinical nutrition. Ms. Stone stated that the goal is to bring more quality nutrition care to the public. Ms. Stone stated that CNS does have ethical guidelines on their website that the members are required to uphold. Ms. Stone stated that it is her hope that the CNS credential would be recognized though it is a different pathway to licensure.

Dr. Rosenbach stated that one of the main goals of the DACBN is to protect the health and welfare of their clients. Dr. Rosenbach stated that doctors have to have over 300 hours of training and 1 year of clinical practice which must be documented prior to sitting for the DACBN examination along with many other requirements. Dr. Rosenbach stated that she was not sure how a M.D. with 10 years of experience would be able to work under a RD. Dr. Rosenbach stated that there should be some latitude considering that there are a lot of individuals that are highly qualified.

Dr. Christie stated that this decision is a matter of protecting the public and that they need to be sure that people have actually practiced in nutrition and have the experience working with different clients. Dr. Christie stated that once someone is licensed, there is not really any jurisdiction unless a complaint is made. Dr. Christie stated that the supervised practice hours are conducted in such a way that they are meeting the scope of practice that someone in

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Florida may have to address.

Ms. Guillemette stated that the council could have rule 64B8-42.002 (4) read “The dietitian/nutritionist under part according to Florida statute chapter 468 or equivalently prepared”.

Ms. Stapel agreed with the presented changes and stated that the said changes does address the voiced concerns.

Ms. Rex asked for the meaning of “equivalently prepared”.

Ms. Petrosky stated appropriate, fair and ethical evaluation of applicants on the council to make that decision. Ms. Petrosky stated that she does not think that they are ready to make a specific definition of “equivalently prepared”.

Ms. Guillemette stated that if they would like to make the said changes to the rule, they would need to take a vote and that she would send it up to the board of Medicine as a recommendation.

Ms. Norris questioned if the process included going back to view who supervised the hours of each CNS applicant.

Ms. Petrosky stated that each applicant would have to provide documentation of their preceptor who would have to meet the necessary preceptor requirements. Ms. Petrosky stated that the applicant should be very aware of the law and the requirements.

Mr. Hall stated that each application would be individually considered by the Council and the staff would work with the individual to gather additional information regarding the supervisor to see if they were equivalently prepared. Mr. Hall stated that down the road, there could be changes to the application or maybe a different form in the application to assist those individuals.

Ms. Stone stated that the Council is not really defining what “equivalently prepared” is which was what she hoped they’d do. Ms. Stone stated that what they’re going to end up with is someone applying for licensure after they completed their supervised practice hours in another state where they’ve also been practicing and having “equivalently prepared” defined for them in reference to their supervisor, after they’ve applied. Ms. Stone stated that it would be unfair for one to be unclear ahead of time what requirements need to be met for licensure in Florida.

Ms. Petrosky asked Ms. Stone for the number of individuals that were CNS in the United States and in Florida.

Ms. Stone stated that there are 1200-1500 CNS in the United States and 60 in Florida. Ms. Stone states that the small number is from the blocking of CNS’s to become licensed. Ms. Stone stated that the CNS numbers are growing at an increasing percentage. Ms. Stone stated that they also have individuals that do not move to Florida or cannot practice in Florida for the lack of being able to become licensed.

Ms. Petrosky stated that the Council needed to take action on the presented rule proposal.

Mr. Hall stated that he will not have a proposal until he sees the language that will be

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presented.

Ms. Rex moved to have the Council work with Ms. Stone's proposal to make more defined language. There was not a second to the motion.

Ms. Norris moved to accept the change to the rule 64B8-42.002 (4) to read "The supervisor/preceptor of the supervised practice experience shall be a dietitian/nutritionist licensed under Part X, Chapter 468, F.S., or equivalently prepared." and continue to work on defining what "equivalently prepared" means at future meetings. Ms. Gammon seconded the motion which carried 5/0.

Ms. Guillemette stated that she would add the rule to the rules report and labeled to be up for discussion at future meeting which is April 27, 2017.

Ms. Rex clarified that there was progress made to work on language. Ms. Petrosky agreed.

Ms. Petrosky moved that the proposed rule amendment for Florida rule 64B8-42.002 (4) would not have an adverse impact on small businesses and would not be likely to directly or indirectly increase regulatory cost to any entity (including government) in excess of \$200,000 in the aggregate in Florida within 1 year after the implementation of the rule. The vote carried 5/0.

Meeting adjourned at 11:31 a.m.