

**DEPARTMENT OF HEALTH
DIETETICS AND NUTRITION PRACTICE COUNCIL
GENERAL BUSINESS MEETING
GENERAL RULES REVIEW
JULY 8, 2016
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

ADMINISTRATIVE PROCEEDINGS

CONSIDERATION OF APPLICATION FOR COUNCIL MEMBERSHIP

1. Carol Elliott
2. Stephanie Norris
3. Sheah Rarback
4. Claudia Sealey-Potts

INDIVIDUAL CONSIDERSATION

5. Fanny Cabrera Pina

APPLICANT RATIFICATION LISTS

6. List of Applicants Approved to Sit for the Examination
7. List of Licensees Certified for Licensure by Endorsement of Registered Dietitian Status

RULES STATUS REPORT

8. Assistant Attorney General, Dianne Guillemette
 - Rule 64B8-42.001, F.A.C., Licensure by Endorsement.
 - Rule 64B8-42.002, F.A.C., Licensure by Examination.
 - Rule 64B8-44.002, F.A.C., Fraudulent, False, Deceptive, or Misleading

Advertising.

- Rule 64B8-44.003, F.A.C., Disciplinary Guidelines.
- Rule 64B8-44.004, F.A.C., Documentation.
- Rule 64B8-44.006, F.A.C., HIV/AIDS: Knowledge of Antibody Status; Action to be taken.
- Rule 64B8-44.007, F.A.C., Standards of Practice.
- Rule 64B8-44.008, F.A.C., Performance of Delegated Tasks by Non-Licensed Personnel.
- Rule 64B8-44.009, F.A.C., Unauthorized Treatments.
- Rule 64B8-45.002, F.A.C., Continuing Education Approval.

9. HB 941 – Department of Health.

- Rule 64B8-42.005, F.A.C., Additional Educational Requirements for Initial Licensure

REPORTS, IF ANY

10. Council Chair, Peggy Cooper

11. Executive Director, Allen Hall

Report topics:

- Expenditures by Function
- Cash Balance Report

OLD BUSINESS

12. Dietetics and Nutrition Practice Council Minutes.

- April 15, 2016 General Business Meeting.

OTHER BUSINESS AND INFORMATION

13. Antitrust Litigation Update

- Colinders-v- Battle Memo Order
- Freedom to Whiten: Teeth Whitener's Antitrust Suit Against Georgia Board of Dentistry Allowed to Proceed
- Georgia Dentistry Complaint

14. June 02, 2016 Board of Medicine Minutes

15. Commission on Dietetic Registration (CDR) Revised Test Specifications.

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Rick Scott
Governor

Celeste Philip, MD, MPH
Surgeon General and Secretary

Vision: To be the Healthiest State in the Nation.

June 8, 2016

Carol H Elliott
18 Lake Vista Way
Ormond Beach, FL 32174-6785

Dear Ms. Elliott:

The Dietetics and Nutrition Practice Council will consider your application for Professional Member at its July 08, 2016 meeting. All council meetings are open to the public and your attendance is requested.

This meeting will be held by conference call

Date: July 08, 2016
Time: 9:30 a.m.
Phone: Dial-In-Number 1-888-670-3525
Public Conference Code- 7811783909#

If you have any questions, please do not hesitate to contact this office at the address below, by telephone (850) 245-4444 ext. 3475 or e-mail LaQuadra.Simmons@flhealth.gov.

Sincerely,

LaQuadra Simmons

LaQuadra Simmons
Regulatory Specialist II

Florida Department of Health

Division of Medical Quality Assurance • Bureau of HCPR
4052 Bald Cypress Way, Bin C05 • Tallahassee, FL 32399-3255
PHONE: (850)245-4444 • FAX: (850) 414-6860



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Public Health Accreditation Board

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AND/OR DOCUMENTS THAT IDENTIFY THE PATIENT BY NAME AND ARE
EXEMPT FROM PUBLIC RECORDS LAWS.

456.057 - Ownership and control of patient records; report or copies of records to be
furnished.—

10)(a)All patient records obtained by the department and any other documents
maintained by the department which identify the patient by name are confidential and exempt
from s. 119.07(1) and shall be used solely for the purpose of the department and the appropriate
regulatory board in its investigation, prosecution, and appeal of disciplinary proceedings. The
records shall not be available to the public as part of the record of investigation for and
prosecution in disciplinary proceedings made available to the public by the department or the
appropriate board.

Elliott Consulting, Inc.

Nutrition Counseling and Consulting
Carol H. Elliott, RDN, LDN, FAND

18 Lake Vista Way
Ormond Beach, FL 32174
(386) 673-2915

June 7, 2016

Mr. Allen Hall
Florida Department of Health
Dietetic and Nutrition Practice Council
4052 Bald Cypress Way Bin #C05
Tallahassee, FL 32399-3255

RE: Application for Dietetics and Nutrition Practice Council

Dear Mr. Hall,

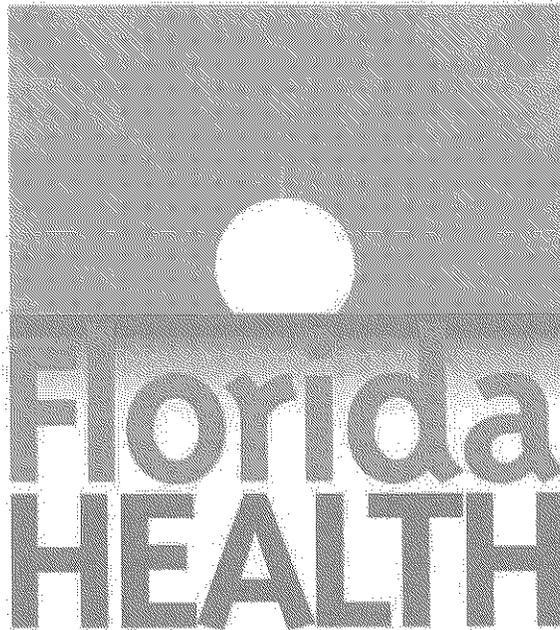
Enclosed is my completed application and resume for careful consideration as you evaluate candidate to fill the next open seat for a Professional Member of the Dietetic and Nutrition Council. I would be honored to serve as a member of this Council.

Sincerely,



Carol H. Elliott, RDN, LDN, FAND
LDN 215
chelliotttrdn@att.net

Florida Department of Health
Appointment Questionnaire
for
Boards, Councils, and Ad Hoc Committees



15. Have you ever used or been known by any other legal name? Yes No If "Yes," list and explain.

Carol Lynn Harris (maiden name)

16. Are you a United States citizen? Yes No If "No" explain:

If you are a naturalized citizen, date of naturalization:

17. Since what year have you been a continuous resident of Florida? 1978

18. Are you a registered Florida voter? Yes No

19. Education:

A. High School: Southfield High School, Southfield, Michigan Year Graduated: 1968

(NAME AND LOCATION)

B. List all postsecondary educational institutions attended:

NAME & LOCATION	DATES ATTENDED	CERTIFICATES/DEGREES RECEIVED
Michigan State University	1968-1972	B.S. Dietetics
Wayne State University	Summer 1969	summer student
Henry Ford Hospital	1972-1973	Dietetic Internship

20. Are you or have you ever been a member of the armed forces of the United States? Yes No If "Yes" list:

A. Dates of service: None

B. Branch or component:

C. Date & type of discharge:

21. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes No

If "Yes" give details:

DATE	PLACE	NATURE	DISPOSITION
None			

22. Concerning your current employer and for all of your employment during the last ten years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment. Or attach resume.

EMPLOYER'S NAME & ADDRESS	TYPE OF BUSINESS	OCCUPATION/JOB TITLE	PERIOD OF EMPLOYMENT
Elliott Consulting, Inc.*	Nutrition Counseling & Consulting	Consultant Dietitian/President	1979-present

* Please see attached resume.

23. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes No
 If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

POSITION	EMPLOYING AGENCY	PERIOD OF EMPLOYMENT
None		

24. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

My career as a professional in food and nutrition has provided me with experiences in hospitals, long-term care facilities, skilled nursing facilities, rehabilitation centers, assisted living facilities, group homes, cluster homes, private practice, nutrition clinics and research. I have been the owner and operator of my own nutrition counseling and consulting business in Florida since 1979. My business has provided me with opportunities to work with a diverse population of clients, a variety of facilities and companies, along with other health care professionals. My professional nutritional staff has been composed of culturally diverse individuals. Throughout my career in nutrition and dietetics I have conducted business with integrity and honesty. I feel that my professional experiences, background and training have provided me with the insight and ability to be a well qualified professional contributing member of this Council.

- B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes No If "Yes", list:

Fellow of the Academy of Nutrition & Dietetics for 2 years
 Registered, Licensed Dietitian for 26 years
 Registered Dietitian for 42 years
 B.S. in Dietetics from Michigan State University, 1972

- C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No
 If "Yes", list:

I have served in many leadership roles in the local, state and national professional organizations throughout my dietetic career. These include elected and appointed progressive positions, such as, chair of the dietetic practice group, Dietetics in Health Care Communities, chair of the Dietetic Practice Based Research Network Oversight Group and chair of the Dietetic Practice Based Research Network Oversight Committee.
 Other related achievements:
 Excellence in Practice - Consultation & Business Award, 2016 (Academy of Nutrition & Dietetics)
 Inspiring/Hero, Food & Nutrition Magazine, May-June 2016 (Academy of Nutrition & Dietetics)
 Distinguished Member - Dietetics in Health Care Communities Award, 2006 (Dietetic Practice Group of the Academy of Nutrition & Dietetics)

D. Identify all association memberships and association offices held by you that relate to this appointment:

Registered Member of The Academy of Nutrition and Dietetics (Academy) (1973 to present)
 Dietetics Practice Based Research Network (DPBRN) Oversight Committee (2014-Present), Chair (2014-2015)
 Dietetics Practice-Based Research Network (DPBRN) Oversight Group (2011 to 2014), Chair (2013-2014)
 Dietetics in Health Care Communities (DHCC) dietetic practice group of The Academy, (1985 to present),
 Area III Coordinator (2001-2003), Chair (2009-2010)
 Florida Academy of Nutrition & Dietetics, (1979 to present)
 Orlando Academy of Nutrition & Dietetics, (see resume for list of offices and committees), (1973-2014)
 Volusia Academy of Nutrition & Dietetics, (2014 to present)
 Associate Member Florida Health Care Association (1988 to present), District XIV member, (1988 to present)

25. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government?

Yes No If "Yes", list:

None

26. A. Have you ever been elected or appointed to any public office in this state? Yes No If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

OFFICE TITLE	DATE OF ELECTION OR APPOINTMENT	TERM OF OFFICE	LEVEL OF GOVERNMENT
None			

B. If your service was on an appointed board(s), committee(s), or council(s):

- (1) How frequently were meetings scheduled: _____
- (2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reason(s) for your absence(s):

MEETINGS ATTENDED	MEETINGS MISSED	REASON FOR ABSENCE

27. Has probable cause ever been found that you were in violation of the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, F.S.? Yes No If "Yes", give details:

DATE	NATURE OF VIOLATION	DISPOSITION
None		

28. Have you ever been suspended from any office by the Governor of the State of Florida? Yes No If "Yes", list:

- A. Title of office: None C. Reason for suspension: _____
- B. Date of suspension: _____ D. Result: Reinstated Removed Resigned

29. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes No
 If "Yes", list:

A. Title of Office: None

B. Term of Appointment: _____

C. Confirmation results: _____

30. Have you ever been refused a fidelity, surety, performance, or other bond? Yes No If "Yes", explain:
None

31. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes No
 If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

LICENSE/CERTIFICATE TITLE & NUMBER	ORIGINAL ISSUE DATE	ISSUING AUTHORITY	DISCIPLINARY ACTION/DATE
Home Occupation Dietitian/Nutritionist 16-08925	9/9/15 (issued annually)	City of Ormond Beach, FL	None
Professional 461, 198403020088	9/2015 (issued annually)	Volusia County, DeLand, FL	None
ND 215	12/13/1989	State of FL, DOH, DMQA	None

32. A. Have you, or businesses of which you have been an owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

NAME OF BUSINESS	YOUR RELATIONSHIP TO BUSINESS	BUSINESS RELATIONSHIP TO AGENCY
Children's Medical Center	Owner/President	Consultant/Contract
Flagler County Senior Services Division	Owner/President	Consultant/Contract
Volusia County Council On Aging	Owner/President	Consultant/Contract

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

NAME OF BUSINESS	FAMILY MEMBER'S RELATIONSHIP TO YOU	FAMILY MEMBER'S RELATIONSHIP TO BUSINESS	BUSINESS RELATIONSHIP TO AGENCY
Children's Medical Center	Spouse	Owner/Vice President	Consultant/Contract
Flagler County Senior Services Division	Spouse	Owner/Vice President	Consultant/Contract
Volusia County Council On Aging	Spouse	Owner/Vice President	Consultant/Contract

33. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes No

A. Did you receive any compensation other than reimbursement for expenses? Yes No

B. Name of agency or entity you lobbied and the principal(s) you represented:

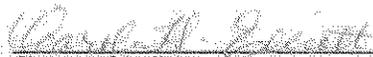
AGENCY LOBBIED	PRINCIPAL REPRESENTED
None	

39. Why do you wish to serve on this board, council, or committee? Please state the benefits or value added to the Department by your representation on this board, council or committee.

As one of the first licensed dietitian/nutritionists in the State of Florida, it would be my honor to serve on this Council to assist with the licensing procedures for nutrition professionals and protecting the public. I feel that the licensing process is very important for the safety of the public. This appointment requires relevant and meaningful professional and personal experiences. I feel that throughout my career as a nutrition professional, I have developed the insight, integrity and honesty to provide this service to the citizens of Florida. I have AHCA level II background clearance for Florida and my status is currently being renewed. This demonstrates my character and sincerity for the service I provide in the health care field. My consulting services provide superior nutritional care for the residents and clients within the State of Florida. My work with the elderly, adults of various backgrounds and educational levels, children and infants provides me with the insight to know and understand diverse populations and their needs. I will bring my high standards of ethical values, commitment to healthcare, safety for the public and my knowledge of nutrition and dietetics to be a valued member of this Council. I feel that as a nutrition professional in the State of Florida, it is my time to give back to the profession that has been so meaningful to me. Thank you for your consideration of my application for appointment to this Council.

CERTIFICATION

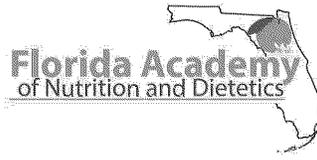
I understand that any appointment tendered to me will be contingent upon the results of a background investigation, and I am aware that withholding information or making false statements on this application may be the basis for non-appointment by the Florida Department of Health. I agree to these conditions and under the penalties of perjury I declare that I have read the foregoing application and that the facts stated in it are true, correct, and complete to the best of my knowledge and belief.


Signature of Applicant

- As a general matter, applications for all positions within State Government are public records, which may be viewed by anyone upon request. However, there are some exemptions from the public records law for identifying information relating to past and present law enforcement officers and their families, victims of certain crimes, etc. **If you believe an exemption from the public records laws applies to portions of your application, please check this box.**

If you need additional guidance as to the applicability of any public records exemption to your situation, please contact the Office of the Attorney General.

PL-01, The Capitol
Tallahassee, FL 32399
(850) 245-0158



Sarah Krieger, MPH, RDN
President, Florida Academy of Nutrition and Dietetics
2834 Remington Green Circle, Suite 102
PO Box 12608 (32317-2608)
Tallahassee, FL 32308
850 386 8850 Fax 850 386 7918
www.eatrightflorida.org

July 6, 2016

Claudia Kemp
Executive Director, Board of Medicine
4052 Bald Cypress Way
Bin C-03
Tallahassee, FL 32399-3253

Dear Ms. Kemp,

I have the privilege of knowing Registered Dietitian Nutritionist, Carol Elliot, MS, RDN, as a long-standing Florida resident and as a committed RDN for Florida residents. I know she is seeking the honorable seat as an appointment of the Florida Department of Health Dietetics and Nutrition Practice Council.

Carol has an extensive history as a leader of nutrition science in Florida.

What impresses me most about Carol is her commitment to her profession. She owns a very successful consulting business in Florida. She not only provides individual and group client nutrition counseling and nutrition classes for local physicians, but also provides lectures and seminars on nutrition at the state and national levels. Carol is an expert at translating the evolving science of nutrition into practical tips for patients, clients and anyone with a complex medical diagnosis.

Carol is a leader in the nutrition profession and is a person who is trusted in the community. Carol Elliot will be an asset to the Council.

If you have any questions or concerns, please do not hesitate to contact me.

Sarah Krieger

Sarah Krieger, MPH, RDN, LDN
President, Florida Academy of Nutrition and Dietetics

PERSONAL RESUME INFORMATION

Carol H. Elliott, RDN, LDN, FAND
[REDACTED]

Education:

BS Degree in Dietetics, Michigan State University, East Lansing, Michigan (1972)
Dietetic Internship, Henry Ford Hospital, Detroit, Michigan (1972-73)

Professional and other Organizations:

Registered Member of The Academy of Nutrition and Dietetics (Academy) (1973 to present)

- Excellence in Practice – Consultation & Business Award (2016)
- Inspiring/Hero, Food & Nutrition Magazine, May-June 2016
- Fellow of the Academy (2014 to present)
- Council on Research (2014-2015)
- Dietetics Practice Based Research Network (DPBRN) Oversight Committee (2014-Present)
 - Chair (2014-2015)
- Dietetics Practice-Based Research Network (DPBRN) Oversight Group (2011 to 2014)
 - Chair (2013-2014)
- Nutrition Care Process Terminology (NCPT) Advisory Workgroup (2011 to present)
- Scope of Practice/Standards of Professional Performance Committee Member and Author of Guidelines (2010-2011)
- Peer Network for Nutrition Care Process (PNNCP) Group (2005 to present)
- Academy Reviewer (2001 to present)

Registered Member of the New England Dietetic Association (1973-78)

Registered Member of the Massachusetts Dietetic Association (1973-78)

Registered Member of the Western Mass. Dietetic Association (1973-78)

Licensed Dietitian/Nutritionist, State of Florida (1989 to present)

Member New England Diabetes Association (1973-78)

Founding Board Member Berkshire County Diabetes Association (1974)

Member Berkshire County Diabetes Association (1973-78)

Member American Heart Association (1973-78)

Member Massachusetts Chapter Heart Association (1973-78)

Member Berkshire County Chapter Heart Association (1973-78)

- Nutrition Committee Member (1973-78)

Registered Member Florida Academy of Nutrition & Dietetics (1978 to present)

Registered Member Orlando Academy of Nutrition & Dietetics (1978 to 2014)

- Education Chairperson (1979-80)
- Co-Chairperson, Educational Seminar (1979-80)
- Secretary (1980-81)
- By-Laws Chairperson (1981-82)
- Private Practice/Consultant Dietitian Chairperson (1982-83)
- Private Practice Chairperson (1983-84)
- Board Member at Large, Standing Committees (1985-86)
- Board Member at Large, Standing Committees (1989-90)
- Board Member at Large, Council on Practice (1990-91)
- Legislative Chairperson, (1992-93)
- Legislative Chairperson, (1993-94)

Registered Member of Volusia Academy of Nutrition & Dietetics (2014 to present)

Registered Member Dietetics in Health Care Communities (DHCC) dietetic practice group of The Academy (1985 to present)

- Area III Coordinator (2001-2003)
- Continuing Education Editor (2002-2005)
- Nominating Committee (2003-2004)
- Distinguished Member Award – Area III (2006)

**Professional
and other
Organizations:**

Registered Member Dietetics in Health Care Communities (DHCC) continued

- Chair-Elect (2008-2009)
- Chair (2009-2010)
- Past Chair (2010-2011)

Registered Member Florida DHCC (2003 to present)

- Senior Advisor (2003-2004)

Associate Member Florida Health Care Association (1988 to present)

Delta Delta Delta, Michigan State University (1969 to present)

- Collegiate Corresponding Secretary (1970-71, 1971-72)
- Collegiate Rush Counselor (1972)
- Alumna (1972 to present)

**Professional
Experience:**

President - Elliott Consulting, Inc.

Nutrition Counseling and Consulting Services, Ormond Beach, Florida (1979 to present)

Providing individual client nutrition counseling, nutrition classes for local physicians, and national, state, and local speaker on nutrition at lectures and seminars

Providing consulting services for hospitals, nursing homes, ALF's, group homes and rehabilitation centers. Services include: resident medical nutrition therapy (MNT), resident counseling, nutrition instruction and documentation, in-service education, sanitation inspections, food service inspections, food delivery modifications, menu writing and approval, recipe notebooks, production sheets, preceptor for Dietary Manager's Course, policy and procedure manuals

Faculty Therapeutic Dietitian

Family Practice Center, Halifax Medical Center, Daytona Beach, FL (1982-83)

Plan, develop, coordinate and implement weight reduction workshops for hospital employees; Write infant care booklet; Nutrition educator and Patient Nutrition Counselor for the Hospital's Family Practice Center

Clinical Dietitian: Humana Hospital of Daytona Beach, Daytona Beach, Florida (1979-81)

Nutritional care of small community hospital; Major Project: plan, develop, print, evaluate, coordinate, and implement a new cycle menu for this hospital

Clinical Dietitian: Berkshire Medical Center, Pittsfield, Massachusetts (1975-78)

Outpatient Dietitian/In-service Education: Nursing students, nursing department, and medical residents. Developed and implemented nutritional care for new renal unit

Consultant Dietitian

Homestead Rest Nursing Home, North Adams, Massachusetts (1973-77)

Mountain View Nursing Home, North Adams, Massachusetts (1973-74)

Crescent Manor Nursing Home, Bennington, Vermont (1974-77)

Chief Therapeutic Dietitian, Seiler's Corporation

North Adams Regional Hospital, North Adams, Massachusetts (1973-75)

Nutritional care for 200 bed hospital; Management of 35 employees; Develop and instruct nutrition classes for patients, nurses and home health aides



Department of Health

CAROL H ELLIOTT

License Number: ND215

Data As Of 6/8/2016

Profession	Dietitian/Nutritionist
License	ND215
License Status	CLEAR/ACTIVE
License Expiration Date	5/31/2017
License Original Issue Date	10/16/1989
Address of Record	18 LAKE VISTA WAY ORMOND BEACH, FL 32174-6785 UNITED STATES
Controlled Substance Prescriber	No
Discipline on File	No
Public Complaint	No

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Select Year:

The 2015 Florida Statutes

Title XXXII	Chapter 468	View Entire Chapter
REGULATION OF PROFESSIONS AND OCCUPATIONS	MISCELLANEOUS PROFESSIONS AND OCCUPATIONS	

468.506 Dietetics and Nutrition Practice Council.—There is created the Dietetics and Nutrition Practice Council under the supervision of the board. The council shall consist of four persons licensed under this part and one consumer who is 60 years of age or older. Council members shall be appointed by the board. Licensed members shall be appointed based on the proportion of licensees within each of the respective disciplines. Members shall be appointed for 4-year staggered terms. In order to be eligible for appointment, each licensed member must have been a licensee under this part for at least 3 years prior to his or her appointment. No council member shall serve more than two successive terms. The board may delegate such powers and duties to the council as it may deem proper to carry out the operations and procedures necessary to effectuate the provisions of this part. However, the powers and duties delegated to the council by the board must encompass both dietetics and nutrition practice and nutrition counseling. Any time there is a vacancy on the council, any professional association composed of persons licensed under this part may recommend licensees to fill the vacancy to the board in a number at least twice the number of vacancies to be filled, and the board may appoint from the submitted list, in its discretion, any of those persons so recommended. Any professional association composed of persons licensed under this part may file an appeal regarding a council appointment with the State Surgeon General, whose decision shall be final. The board shall fix council members' compensation and pay their expenses in the same manner as provided in s. [456.011](#).

History.—ss. 6, 19, 20, ch. 88-236; ss. 4, 5, ch. 91-429; s. 6, ch. 96-367; s. 91, ch. 98-166; s. 130, ch. 99-397; s. 150, ch. 2000-160; s. 94, ch. 2008-6.

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Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Rick Scott
Governor

Celeste Philip, MD, MPH
Surgeon General and Secretary

Vision: To be the Healthiest State in the Nation

June 8, 2016

Stephaine J Norris M
1322 Enseñada Dr
Orlando, FL 32825-8312

Dear Ms. Norris:

The Dietetics and Nutrition Practice Council will consider your application for Professional Member at its July 08, 2016 meeting. All council meetings are open to the public and your attendance is requested.

This meeting will be held by conference call

Date: July 08, 2016
Time: 9:30 a.m.
Phone: Dial-In-Number 1-888-670-3525
Public Conference Code- 7811783909#

If you have any questions, please do not hesitate to contact this office at the address below, by telephone (850) 245-4444 ext. 3475 or e-mail LaQuadra.Simmons@flhealth.gov.

Sincerely,

LaQuadra Simmons

LaQuadra Simmons
Regulatory Specialist II

Florida Department of Health

Division of Medical Quality Assurance • Bureau of HCPR
4052 Bald Cypress Way, Bin C05 • Tallahassee, FL 32399-3255
PHONE: (850)245-4444 • FAX: (850) 414-6860



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AND/OR DOCUMENTS THAT IDENTIFY THE PATIENT BY NAME AND ARE
EXEMPT FROM PUBLIC RECORDS LAWS.

456.057 - Ownership and control of patient records; report or copies of records to be
furnished.—

10)(a)All patient records obtained by the department and any other documents
maintained by the department which identify the patient by name are confidential and exempt
from s. 119.07(1) and shall be used solely for the purpose of the department and the appropriate
regulatory board in its investigation, prosecution, and appeal of disciplinary proceedings. The
records shall not be available to the public as part of the record of investigation for and
prosecution in disciplinary proceedings made available to the public by the department or the
appropriate board.

16 JUN -6 AM 10:46

15. Have you ever used or been known by any other legal name? Yes No If "Yes," list and explain:
Stephanie Jane Mullican - Maiden name

16. Are you a United States citizen? Yes No If "No" explain:

If you are a naturalized citizen, date of naturalization:

17. Since what year have you been a continuous resident of Florida? 1968

18. Are you a registered Florida voter? Yes No

19. Education
A. High School: Oak Ridge High School, Orlando, FL Year Graduated: 1972
(NAME AND LOCATION)

B. List all postsecondary educational institutions attended:

<small>NAME & LOCATION</small>	<small>DATES ATTENDED</small>	<small>CERTIFICATES/DEGREES RECEIVED</small>
<u>University of Central Florida, Orlando, FL</u>	<u>1993-1996</u>	<u>MS in Health Care Administration</u>
<u>Florida State University, Tallahassee, FL</u>	<u>1975-1977</u>	<u>BS in Food and Nutrition</u>
<u>Valencia College (formerly Valencia Community College), Orlando, FL</u>	<u>1974 and 1993</u>	
<u>University of South Florida, Tampa, FL</u>	<u>1972-1974</u>	

20. Are you or have you ever been a member of the armed forces of the United States? Yes No If "Yes" list:
A. Dates of service:
B. Branch or component:
C. Date & type of discharge:

21. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes No
If "Yes" give details:

<small>DATE</small>	<small>PLACE</small>	<small>NATURE</small>	<small>DISPOSITION</small>

22. Concerning your current employer and for all of your employment during the last ten years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment. Or attach resume.

1.3. 07/15/15
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EMPLOYER'S NAME & ADDRESS TYPE OF BUSINESS OCCUPATION/JOB TITLE PERIOD OF EMPLOYMENT

Resume is attached.

23. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes No
 If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

POSITION EMPLOYING AGENCY PERIOD OF EMPLOYMENT

24. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

From an early age I was very interested in learning about nutrition. The popular magazines and books made it all look so easy! Once in college, majoring in Nutrition, it didn't take me long to figure out that becoming a highly trained health care professional in nutrition was very different than what I thought it would be! Once practicing as a registered dietitian I was confronted with clients and patients who had been effected by an unregulated nutrition industry. I was part of the effort to get the original Dietetics and Nutrition Practice Act passed and I am familiar with the important updates that occurred in 2015. I have been a leader in both my local and state professional associations.

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes No If "Yes", list:

BS: Florida State University in Food and Nutrition, Tallahassee, FL, 1977
 Dietetic Traineeship: Richland Memorial Hospital, Columbia SC, 1978
 Registered Dietitian, Commission on Dietetic Registration, Academy of Nutrition and Dietetics, 1978
 Licensed Dietitian/Nutritionist, State of Florida, 1989
 MS: University of Central Florida in Health Care Administration, Orlando, FL, 1996
 Certificate in Training: Child and Adolescent Obesity, Academy of Nutrition and Dietetics (formerly the American Dietetic Association), 2007

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No
 If "Yes", list:

Outstanding Dietitian, 2013, Florida Academy of Nutrition and Dietetics (formerly the Florida Dietetic Association)
 President's Award, 2011, Florida Academy of Nutrition and Dietetics
 Outstanding Student Award, 1996, University of Central Florida College of Health and Public Affairs.

16 JUL -5 10:46

D. Identify all association memberships and association offices held by you that relate to this appointment.

Florida Academy of Nutrition and Dietetics: Co-Chair, Nominating Committee 2014-2016; President, 2012; President-elect, 2011; Secretary, 2009-2011; Public Policy, Chair, 2011; Public Relations, Chair 2006-2008.
Orlando Academy of Nutrition and Dietetics (formerly the Orlando Dietetic Association): Legislative Chair, 2008; Nominating Chair, 2008; President, 1987; President-elect, 1986; Secretary, 1982.

25. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government?

Yes No If "Yes", list:

26. A. Have you ever been elected or appointed to any public office in this state? Yes No If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

OFFICE TITLE	DATE OF ELECTION OR APPOINTMENT	TERM OF OFFICE	LEVEL OF GOVERNMENT

B. If your service was on an appointed board(s), committee(s), or council(s):

- (1) How frequently were meetings scheduled: _____
- (2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

MEETINGS ATTENDED	MEETINGS MISSED	REASON FOR ABSENCE

27. Has probable cause ever been found that you were in violation of the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, F.S.? Yes No If "Yes", give details:

DATE	NATURE OF VIOLATION	DISPOSITION

28. Have you ever been suspended from any office by the Governor of the State of Florida? Yes No If "Yes", list:

- A. Title of office: _____ C. Reason for suspension: _____
- B. Date of suspension: _____ D. Result: Reinstated Removed Resigned

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7/10/15
16
10:46

29. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes No
If "Yes", list:

A. Title of Office: _____

B. Term of Appointment: _____

C. Confirmation results: _____

30. Have you ever been refused a fidelity, surety, performance, or other bond? Yes No If "Yes", explain:

31. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes No
If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

LICENSE/CERTIFICATE TITLE & NUMBER	ORIGINAL ISSUE DATE	ISSUING AUTHORITY	DISCIPLINARY ACTION/DATE
Dietitian/Nutritionist ND 1383	1989	State of Florida, Department of Health, Medical Quality Assurance	

32. A. Have you, or businesses of which you have been an owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

NAME OF BUSINESS	YOUR RELATIONSHIP TO BUSINESS	BUSINESS' RELATIONSHIP TO AGENCY

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

NAME OF BUSINESS	FAMILY MEMBER'S RELATIONSHIP TO YOU	FAMILY MEMBER'S RELATIONSHIP TO BUSINESS	BUSINESS' RELATIONSHIP TO AGENCY

33. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes No

A. Did you receive any compensation other than reimbursement for expenses? Yes No

B. Name of agency or entity you lobbied and the principal(s) you represented:

AGENCY LOBBIED	PRINCIPAL REPRESENTED

16 JUN -5 10:46

39. Why do you wish to serve on this board, council, or committee? Please state the benefits or value added to the Department by your representation on this board, council or committee.

It is my desire to serve on the Dietetics and Nutrition Practice Council because I am passionate about the delivery of high quality health care especially as it relates to nutrition! I have seen and experienced the damage poor nutrition care can bring physically, emotionally, and financially. It is my intention to hold myself and my colleagues to the highest standards of care. I understand that among highly educated, well intentioned people disagreements will occur. Good debates are enlightening! According to FL Statute Title XXXII, Chapter 468.502, the Council was established to "ensure that every person who practices dietetics and nutrition or nutrition counseling in this state meets minimum requirements for safe practice." I fought for the original Act to be passed in the early years of my career and have continued to monitor its implementation. We are once again at a crucial period of reflection with the passing of the 2015 Licensure Act. If honored with an appointment to this Council I would work tirelessly to learn from those who may have differing opinions. I am sensitive the the need for assessable, high quality nutrition care and am dedicated to reducing barriers to it, especially as it relates to the oversight of nutrition licensing.

CERTIFICATION

I understand that any appointment tendered to me will be contingent upon the results of a background investigation, and I am aware that withholding information or making false statements on this application may be the basis for non-appointment by the Florida Department of Health. I agree to these conditions and under the penalties of perjury I declare that I have read the foregoing application and that the facts stated in it are true, correct, and complete to the best of my knowledge and belief.

Stephen M. Norris
Signature of Applicant

As a general matter, applications for all positions within State Government are public records, which may be viewed by anyone upon request. However, there are some exemptions from the public records law for identifying information relating to past and present law enforcement officers and their families, victims of certain crimes, etc. If you believe an exemption from the public records laws applies to portions of your application, please check this box.

If you need additional guidance as to the applicability of any public records exemption to your situation, please contact the Office of the Attorney General.

PL-01, The Capitol
Tallahassee, FL 32399
(850) 245-0158



Sarah Krieger, MPH, RDN
President, Florida Academy of Nutrition and Dietetics
2834 Remington Green Circle, Suite 102
PO Box 12608 (32317-2608)
Tallahassee, FL 32308
850 386 8850 Fax 850 386 7918
www.eatrightflorida.org

July 6, 2016

Claudia Kemp
Executive Director, Board of Medicine
4052 Bald Cypress Way
Bin C-03
Tallahassee, FL 32399-3253

Dear Ms. Kemp,

I have the privilege of knowing Registered Dietitian Nutritionist, Stephanie Norris MS, RDN, as a long-standing Florida resident and as a committed RDN for Florida residents. I know she is seeking the honorable seat as an appointment of the Florida Department of Health Dietetics and Nutrition Practice Council.

Stephanie's history as a leader for the Florida Academy of Nutrition and Dietetics is vastly extensive. She started as a leader in her large district of Orange County as President and then was nominated and elected as President for Florida and then served as President for Florida RDNs. As you know, Florida is in the top three as largest for populations of the country. Florida Presidents of the Academy of Nutrition and Dietetics take pride and commitment to our RDN members, but ultimately for our population. We protect the public in Florida, from pre-conception to the days in retirement, not excluding students at our many universities. Food insecurity, teaching nutrition students and counseling visitors who enter our hospitals are all areas of RDN's expertise. Stephanie has a history of touching all of these areas.

What impresses me most about Stephanie is her knowledge of Florida residents and how they connect to nutrition. She understands finance, science, marketing and of course, the latest in nutrition science to residents and ultimately, so the public understands. She takes the time to understand an issue. Stephanie is a leader in the nutrition profession and is a person who is trusted in the community. Stephanie Norris will be an asset to the Council.

If you have any questions or concerns, please do not hesitate to contact me.

Sarah Krieger

Sarah Krieger, MPH, RDN, LDN
President, Florida Academy of Nutrition and Dietetics

Stephanie M. Norris, MS, RDN, LDN (LDN: 1383 RD: 515641)

EDUCATION

Certificate of Training in Childhood and Adolescent Weight Management, 46
ADA Commission on Dietetic Registration, 2007

MS, Health Care Administration, 1996 University of Central Florida, Orlando, FL
College of Health and Public Affairs
Outstanding Graduate Student Award

BS, Food and Nutrition, 1977 Florida State University, Tallahassee, FL

Employment History

University of Central Florida; Orlando, FL; 2012-2016
Adjunct Professor

Valencia College; Orlando, FL; 2009-Current
Adjunct Professor

Dairy Council of Florida; Orlando, FL; 2002 - 2007
Nutrition Communicator

• Promoted quality nutrition education and dairy research to health professionals, educators, and the public. Extensive media and public relations experience.

Independent Nutrition Services Contractor; Orlando, FL; 1985 – 2002

St. Cloud Hospital and Sand Lake Hospital
Clinical Dietitian; 1985 – 1990
• Provided all clinical nutrition services.

Nutrition Counselor; 1986 – 1997 (contracts varied during this time)
Cigna Healthcare, HealthSouth Rehabilitation Center, Nutrition
Counseling Services, Inc, and Nutrition Connection, Inc.;
• Provided outpatient nutrition education services and programming.

Adjunct Teacher; 1985-1998 (contracts varied each semester)

• Taught nutrition curriculum to future health care professionals, athletes, and others interested in learning more about healthy lifestyles.

University of Central Florida

HUN 3011, Human Nutrition

HUN 2002, Current Concepts in Nutrition

Teacher Appreciation Award, Student-Athlete Advisory Committee, 1997

Valencia Community College

HUN 1001, Human Nutrition

Seminole Community College

HUN 1001, Human Nutrition

Daytona Beach Community College

HUN 1001, Human Nutrition

Dairy Council of Florida, Program Director; 1983-1985

Orlando Regional Hospital, Clinical Dietitian; 1980 - 1983

Orlando General Hospital, Clinical Dietitian; 1979 - 1980
Doctor's Hospital of Lake Worth, Clinical Dietitian; 1978-1979
Richland Memorial Hospital, Columbia, SC. Dietitian Trainee; 1977-1978

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Professional Associations

Academy of Nutrition and Dietetics – Member
Florida Academy of Nutrition and Dietetics– Member; Nominating Committee, 2014-2016, Co-Chair; President, 2012; President-elect, 2011; Secretary, 2008-10; Chairman Public Relations Committee, 2004-2007
Orlando Academy of Nutrition and Dietetics (formerly East Central Dietetic Association) – Member; Legislative Committee Chairman, 2008-2009, Nominating Co-Chairman, 2008, National Nutrition Month Chairman, 2003, President, 1987, President-elect, 1986, Secretary, 1982

Board Appointments and Community Service

Hebni Nutrition Consultants, 2006-2014; Chair of the Board of Directors, 2011-2014
Second Harvest of Central Florida – Nutrition Committee 2011-present
Orange County School Health Advisory Council, 2003-2006; 2013-present
Christ The King Vestry, 2010-2013
Health Masters Club, 2005-2009
Orange County and Seminole County classroom volunteer teaching nutrition, 1980 to 2011
Florida Academy of Family Physician's Obesity Task Force, 2006-2007
Teen Express, 2006-2008
Orange County School Board Advisory Committee for School Food Service, 2004-2005

Personal

Married, 27 years
Three adult stepchildren and one adult son
Enjoy league tennis, long-distance biking, and shorter-distance running
Experienced Little League mom, class mom, PTA Board member, and high school golf team mom
Love to cook and eat healthfully!



Department of Health

STEPHAINE J NORRIS M

License Number: ND1383

Data As Of 6/8/2016

Profession	Dietitian/Nutritionist
License	ND1383
License	
Status	CLEAR/ACTIVE
License	
Expiration	5/31/2017
Date	
License	
Original Issue	02/21/1990
Date	

Address of
Record

This practitioner has indicated that they are not currently practicing their profession in the State of Florida at this time. The practitioner may choose to begin practice at anytime provided that the license status is active. If the practitioner has resumed practice, the practitioner must update their practice location address. If you have any questions, please contact the department at 850-488-0595.

Controlled

Substance No

Prescriber

Discipline on No

File

Public No

Complaint

The information on this page is a secure, primary source for license verification provided by the Florida Department of Health, Division of Medical Quality Assurance. This website is maintained by Division staff and is updated immediately upon a change to our licensing and enforcement database.

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts .



Rick Scott
Governor

Celeste Philip, MD, MPH
Surgeon General and Secretary

Vision: To be the **Healthiest State** in the Nation

June 16, 2016

Sheah Rarback
2474 Swanson Ave
Miami, FL 33133-3962

Dear Ms. Rarback:

The Dietetics and Nutrition Practice Council will consider your application for Professional Member at its July 08, 2016 meeting. All council meetings are open to the public and your attendance is requested.

This meeting will be held by conference call

Date: July 08, 2016
Time: 9:30 a.m.
Phone: Dial-In-Number 1-888-670-3525
Public Conference Code- 7811783909#

If you have any questions, please do not hesitate to contact this office at the address below, by telephone (850) 245-4444 ext. 3475 or e-mail LaQuadra.Simmons@flhealth.gov.

Sincerely,
LaQuadra Simmons
LaQuadra Simmons
Regulatory Specialist II

Florida Department of Health

Division of Medical Quality Assurance • Bureau of HCPR
4052 Bald Cypress Way, Bin C05 • Tallahassee, FL 32399-3255
PHONE: (850)245-4444 • FAX : (850) 414-6860



Accredited Health Department
Public Health Accreditation Board

I am reapplying to the Nutrition and Dietetics Practice Council in part due to the changes in our Practice Act. I believe we need a member with the experience of the past Practice Act, coupled with a comprehensive understanding of the recent changes. This individual should also be familiar with the CNS requirements and practice, supervising non traditional students and educational standards for dietitians/nutritionists. At the end of my term I was chairing the subcommittee that was refining the language and requirements of the rules to better conform to the legislative changes. I felt this was important work and was sorry I couldn't see the task through to completion. These are the reasons I am asking for consideration of my application. Thank you.

Sheah Rarback MS,RD, LD/N
Director, Nutrition Division
Mailman Center for Child Development
Miller School of Medicine

CONFIDENTIAL AND EXEMPT MATERIALS

**One or more pages have been removed
from this document for security reasons**

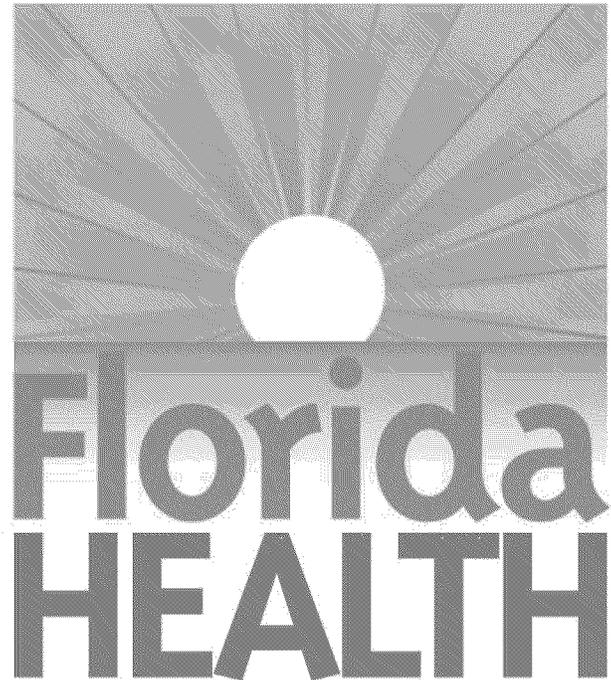
**Scroll down to see the available pages or
advance to the next document if all
pages have been removed.**

SOME OR ALL PAGES IN THIS DOCUMENT ARE PATIENT RECORDS
AND/OR DOCUMENTS THAT IDENTIFY THE PATIENT BY NAME AND ARE
EXEMPT FROM PUBLIC RECORDS LAWS.

456.057 - Ownership and control of patient records; report or copies of records to be furnished.—

10)(a)All patient records obtained by the department and any other documents maintained by the department which identify the patient by name are confidential and exempt from s. 119.07(1) and shall be used solely for the purpose of the department and the appropriate regulatory board in its investigation, prosecution, and appeal of disciplinary proceedings. The records shall not be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the department or the appropriate board.

Florida Department of Health
Appointment Questionnaire
for
Boards, Councils, and Ad Hoc Committees



15. Have you ever used or been known by any other legal name? Yes No If "Yes," list and explain.

16. Are you a United States citizen? Yes No If "No" explain:

If you are a naturalized citizen, date of naturalization: _____

17. Since what year have you been a continuous resident of Florida? _____

18. Are you a registered Florida voter? Yes No

19. Education

A. High School: North Miami Senior High School Year Graduated: 1967
(NAME AND LOCATION)

B. List all postsecondary educational institutions attended:

<small>NAME & LOCATION</small>	<small>DATES ATTENDED</small>	<small>CERTIFICATES/DEGREES RECEIVED</small>
University of Florida	September 1967-Dec. 1969	
Boston University	January 1970-May 1971	BA in Sociology
FIU	1976-1979	MS in Nutrition and Dietetics

20. Are you or have you ever been a member of the armed forces of the United States? Yes No If "Yes" list:

- A. Dates of service: _____
- B. Branch or component: _____
- C. Date & type of discharge: _____

21. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes No

If "Yes" give details:

<small>DATE</small>	<small>PLACE</small>	<small>NATURE</small>	<small>DISPOSITION</small>

22. Concerning your current employer and for all of your employment during the last ten years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment. Or attach resume.

EMPLOYER'S NAME & ADDRESS	TYPE OF BUSINESS	OCCUPATION/JOB TITLE	PERIOD OF EMPLOYMENT
Miller School of Medicine	Medical School	Dir. Nutr. Mailman Ctr.	1980-present
Miami Herald- Doral Fl	Newspaper	Nutrition Columnist	2000-present

23. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes No
 If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

POSITION	EMPLOYING AGENCY	PERIOD OF EMPLOYMENT

24. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

I have been a leader in the profession of Dietetics and Nutrition and understand the importance of maintaining an exemplary standard of practice. I have also studied Functional and Integrative nutrition for five years and have a unique understanding of changes in the practice of nutrition and integrating new practices while still maintaining the integrity of our Practice Act. I am an excellent communicator for the public and profession and am able to present the work of the Practice Council to groups if requested.

- B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes No If "Yes", list:

Masters of Science Degree in Nutrition
 5 years training in Functional Medicine/Clinical Nutrition

- C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No
 If "Yes", list:

First Place Writing Award - Parenting Publications of America
 1998, 1999
 American Dietetic Association - Media Spokesperson 1990-2003
 Miami Dietetic Association - Greater Miami Dietitian of the Year-1995-1996
 Commitment Award - 1997-1998
 Distinguished Dietitian 1989 - 1990
 Distinguished Dietitian 2002-2003

D. Identify all association memberships and association offices held by you that relate to this appointment:

Florida Academy of Nutrition and Dietetics Board of Directors 2005-2007 Administrative Council 2004-2007 Diet Manual Revision-2003 Diet Manual Committee 1997-1998 Chair - Diet Manual 1990-1992 Publications Committee 1989-1990	Academy of Nutrition and Dietetics Chair Professional Development Committee 2009-2010 Delegate -2004-2008 Research Committee 2001-2003 Dietetic Practice Groups- Pediatrics, Integrative Dietitians, Weight Management
---	--

25. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government?

Yes No If "Yes", list:

26. A. Have you ever been elected or appointed to any public office in this state? Yes No If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

OFFICE TITLE	DATE OF ELECTION OR APPOINTMENT	TERM OF OFFICE	LEVEL OF GOVERNMENT
Dietetics and Nutrition Practice Council	2008	2015	Dietetics & Nutrition Practice Council- MQA

B. If your service was on an appointed board(s), committee(s), or council(s):

- (1) How frequently were meetings scheduled: Quarterly
- (2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

MEETINGS ATTENDED	MEETINGS MISSED	REASON FOR ABSENCE
31	1	out of the country

27. Has probable cause ever been found that you were in violation of the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, F.S.? Yes No If "Yes", give details:

DATE	NATURE OF VIOLATION	DISPOSITION

28. Have you ever been suspended from any office by the Governor of the State of Florida? Yes No If "Yes", list:

- A. Title of office: _____ C. Reason for suspension: _____
- B. Date of suspension: _____ D. Result: Reinstated Removed Resigned

29. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes No
 If "Yes", list:

- A. Title of Office: _____
- B. Term of Appointment: _____
- C. Confirmation results: _____

30. Have you ever been refused a fidelity, surety, performance, or other bond? Yes No If "Yes", explain:

31. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes No
 If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>LICENSE/CERTIFICATE TITLE & NUMBER</u>	<u>ORIGINAL ISSUE DATE</u>	<u>ISSUING AUTHORITY</u>	<u>DISCIPLINARY ACTION/DATE</u>
Licensed Dietitian/Nutritionist ND 763	1995	FL Dept of Health	NONE

32. A. Have you, or businesses of which you have been an owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>NAME OF BUSINESS</u>	<u>YOUR RELATIONSHIP TO BUSINESS</u>	<u>BUSINESS' RELATIONSHIP TO AGENCY</u>

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>NAME OF BUSINESS</u>	<u>FAMILY MEMBER'S RELATIONSHIP TO YOU</u>	<u>FAMILY MEMBER'S RELATIONSHIP TO BUSINESS</u>	<u>BUSINESS' RELATIONSHIP TO AGENCY</u>

33. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes No

- A. Did you receive any compensation other than reimbursement for expenses? Yes No
- B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>AGENCY LOBBIED</u>	<u>PRINCIPAL REPRESENTED</u>

39. Why do you wish to serve on this board, council, or committee? Please state the benefits or value added to the Department by your representation on this board, council or committee.

My background in dietetics and nutrition encompasses clinical practice, research and teaching. This provides a unique perspective to evaluate rules effecting the profession, review applicants with both traditional and non traditional backgrounds in nutrition and ably represent the profession and the importance of licensure.

My background as a Spokesperson for my professional organization has given me the confidence to speak up for the profession, understand how to favorably represent the profession and also how to comfortably interact with people with diverse views.

I have been studying functional medicine/clinical and integrative nutrition for the past 5 years at both my medical school and conferences. This provides me with the knowledge and understanding for the recent changes in our Practice Act.

I want to be on the Nutrition Practice council to assist the profession of Dietetics and Nutrition to thrive in Florida and to address all changes in practice.

CERTIFICATION

I understand that any appointment tendered to me will be contingent upon the results of a background investigation, and I am aware that withholding information or making false statements on this application may be the basis for non-appointment by the Florida Department of Health. I agree to these conditions and under the penalties of perjury I declare that I have read the foregoing application and that the facts stated in it are true, correct, and complete to the best of my knowledge and belief.

Sheah Rarback MS,RDN,LD/N



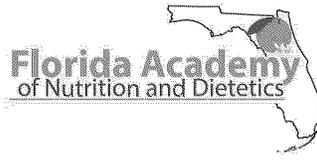
Signature of Applicant

XX

As a general matter, applications for all positions within State Government are public records, which may be viewed by anyone upon request. However, there are some exemptions from the public records law for identifying information relating to past and present law enforcement officers and their families, victims of certain crimes, etc. **If you believe an exemption from the public records laws applies to portions of your application, please check this box.**

If you need additional guidance as to the applicability of any public records exemption to your situation, please contact the Office of the Attorney General.

PL-01, The Capitol
Tallahassee, FL 32399
(850) 245-0158



Sarah Krieger, MPH, RDN
President, Florida Academy of Nutrition and Dietetics
2834 Remington Green Circle, Suite 102
PO Box 12608 (32317-2608)
Tallahassee, FL 32308
850 386 8850 Fax 850 386 7918
www.eatrightflorida.org

July 6, 2016

Claudia Kemp
Executive Director, Board of Medicine
4052 Bald Cypress Way
Bin C-03
Tallahassee, FL 32399-3253

Dear Ms. Kemp,

I have the privilege of knowing Registered Dietitian Nutritionist, Sheah Rarback, MS, RDN, as a long-standing Florida resident and as a committed RDN for Florida residents. I know she is seeking the honorable seat as an appointment of the Florida Department of Health Dietetics and Nutrition Practice Council.

Sheah's history as a leader for the Florida Academy of Nutrition and Dietetics is vastly extensive. She has been an academic leader to nutrition and medical students in the greater Miami area. She also been a trust-worthy nutrition expert for multiple publications nationally. She aims to protect the public in Florida, from pre-conception to the days in retirement, not excluding students at our many universities. Sheah does her homework when nutrition science evolves.

She takes the time to understand a nutrition issue that impacts our Florida residents. She is a leader in the nutrition profession and is a person who is trusted in the community. Sheah Rarback will be an asset to the Council.

If you have any questions or concerns, please do not hesitate to contact me.

Sarah Krieger

Sarah Krieger, MPH, RDN, LDN
President, Florida Academy of Nutrition and Dietetics

The Miami Dietetic Association

Media Liaison 2002-2004
Job Hotline-2000-2002
Nominations 1999-2000
Regulations 1998-1999
Media Liaison 1995-1998
Nominating Committee 1989-1990
Chairman Council on Practice 1988-1989
Legislation Chairman 1980-1981

Florida Dietetic Association

Board of Directors 2005-2007
Administrative Council 2004-2007
Diet Manual Revision-2003
Diet Manual Committee 1997-1998
Chair - Diet Manual 1990-1992
Publications Committee 1989-1990

The American Dietetic Association

Chair Professional Development Committee 2009-2010
Delegate -2004-2008
Research Committee 2001-2003
Nutrition Educator for the Public 1995-Present
Dietitians in Pediatric Practice 1985-Present
Dietitian in Developmental and Psychiatric
Disorders 1985-Present
SCAN- 1998-Present



Department of Health



License Verification

Printer Friendly Version

SHEAH RARBACK

License Number: ND763

Data As Of 6/20/2016

License Information	Secondary Locations	Discipline/Admin Action
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Profession

Dietitian/Nutritionist

License

ND763

License Status

CLEAR/ACTIVE

License Expiration Date

5/31/2017

License Original Issue Date

11/17/1989

Address of Record

1601 NW 12 AVENUE

MIAMI, FL 33136

UNITED STATES

Discipline on File

No

Public Complaint

No

Back

For instructions on how to request a license certification of your Florida license to be sent to another state from the Florida Department of Health, please visit the License Certifications web page.



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Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts .



Rick Scott
Governor

Celeste Philip, MD, MPH
Surgeon General and Secretary

Vision: To be the **Healthiest State** in the Nation

June 24, 2016

Claudia Sealey-Potts Phd
4090 Hodges Blvd #1508
Jacksonville, FL 32224

Dear Ms. Sealey-Potts:

The Dietetics and Nutrition Practice Council will consider your application for Professional Member at its July 8, 2016 meeting. All council meetings are open to the public and your attendance is requested.

This meeting will be held by conference call

Date: July 8, 2016
Time: 9:30 a.m.
Phone: Dial-In-Number 1-888-670-3525
Public Conference Code- 7811783909#

If you have any questions, please do not hesitate to contact this office at the address below, by telephone (850) 245-4444 ext. 3475 or e-mail LaQuadra.Simmons@flhealth.gov.

Sincerely,
LaQuadra Simmons
LaQuadra Simmons
Regulatory Specialist II

Florida Department of Health

Division of Medical Quality Assurance • Bureau of HCPR
4052 Bald Cypress Way, Bin C05 • Tallahassee, FL 32399-3255
PHONE: (850)245-4444 • FAX : (850) 414-6860



Accredited Health Department
Public Health Accreditation Board

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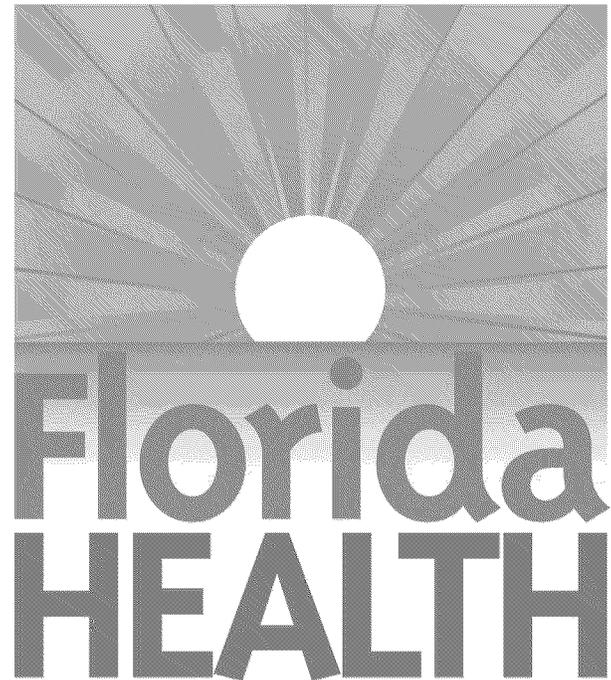
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AND/OR DOCUMENTS THAT IDENTIFY THE PATIENT BY NAME AND ARE
EXEMPT FROM PUBLIC RECORDS LAWS.

456.057 - Ownership and control of patient records; report or copies of records to be
furnished.—

10)(a)All patient records obtained by the department and any other documents
maintained by the department which identify the patient by name are confidential and exempt
from s. 119.07(1) and shall be used solely for the purpose of the department and the appropriate
regulatory board in its investigation, prosecution, and appeal of disciplinary proceedings. The
records shall not be available to the public as part of the record of investigation for and
prosecution in disciplinary proceedings made available to the public by the department or the
appropriate board.

Florida Department of Health
Appointment Questionnaire
for
Boards, Councils, and Ad Hoc Committees



15. Have you ever used or been known by any other legal name? Yes No If "Yes," list and explain.

16. Are you a United States citizen? Yes No If "No" explain:

If you are a naturalized citizen, date of naturalization: May 2014

17. Since what year have you been a continuous resident of Florida? December 2010

18. Are you a registered Florida voter? Yes No

19. Education

A. High School: Tobago Institute of Education Year Graduated: 1974

(NAME AND LOCATION)

B. List all postsecondary educational institutions attended:

<u>NAME & LOCATION</u>	<u>DATES ATTENDED</u>	<u>CERTIFICATES/DEGREES RECEIVED</u>
Auburn University, Auburn AL	1990-1993	BS Nutrition/ Food Science
University of Michigan, Ann Arbor,	1994-1995	Post-baccalaureate
Auburn University, Auburn AL.	1995-1997	Master of Science Degree
Auburn University, Auburn AL.	2000-2003	PhD- Nutrition and Food Science

20. Are you or have you ever been a member of the armed forces of the United States? Yes No If "Yes" list:

A. Dates of service: _____

B. Branch or component: _____

C. Date & type of discharge: _____

21. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes No

If "Yes" give details:

<u>DATE</u>	<u>PLACE</u>	<u>NATURE</u>	<u>DISPOSITION</u>

22. Concerning your current employer and for all of your employment during the last ten years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment. Or attach resume.

EMPLOYER'S NAME & ADDRESS	TYPE OF BUSINESS	OCCUPATION/JOB TITLE	PERIOD OF EMPLOYMENT
Auburn University, Auburn AL	Academic Institution	GTA & Grader	2000-2003
Sam Houston State University, Huntsville, TX. Academic Institution, DI Director & Asst Professor; 2004-2010			
University of North Florida, Jacksonville FL, Academic Institution; DI Director & Assoc Professor; 2010-present			

23. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes No
 If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

POSITION	EMPLOYING AGENCY	PERIOD OF EMPLOYMENT
Associate Professor	University of North Florida	2010- present

24. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

I have been a registered and license dietitian for over 20 years; lived and practiced in more than 3 states within the US and internationally. I have been elected and served as district presidents of dietetic associations and on state dietetic boards in Texas and FL; continue to serve on the national association (Academy of Nutrition and Dietetics) as Evidence Analyst and Dietetic Program Reviewer for the Accreditation Council for Education in Nutrition and Dietetics (ACEND). I am the program director for the dietetic internship program at UNF in which I train and mentor students to become licensed practitioners. I am very versed on the rules and regulation governing dietetic practice and the future of the practice. I am a lifelong learner and researcher with interest in serving within the profession at every level possible.

- B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes No If "Yes", list:

I have a PhD in Nutrition and Dietetics and I am very current on the code of ethics, standards of practice and licensure laws of the dietetic profession. I am also a fellow of the academy of nutrition and dietetics and was given the credential (FAND)

- C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No
 If "Yes", list:

I have received and awards as Emerging Leader of Dietetic practice and Outstanding Dietetic practitioner. I was nominated and the recipient of awards for outstanding faculty for teaching in Texas and nominated several times at UNF as outstanding graduate teacher.

D. Identify all association memberships and association offices held by you that relate to this appointment:

Academy of Nutrition and Dietetics - Evidence Analyst and Program Reviewer
 Florida Academy of Nutrition and Dietetics - member
 First Coast Academy of Nutrition and Dietetics - District President; Nominating Committee
 Society for Nutrition Education and Behavior (SNEB) - member and abstract reviewer
 SNEB- International Nutrition Education and Nutrition Education for Children - Member
 Nutrition and Dietetic Educators and Preceptors (NDEP) - member
 Behavioral Health Nutrition (DPG) - Member
 American Association of Family and Consumer Sciences (AAFCS) - Past Chair of Nutrition subgroup; member
 Florida Association of Family and Consumer Sciences (FAFCS) - Past Treasurer; member

25. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government?

Yes No If "Yes", list:

26. A. Have you ever been elected or appointed to any public office in this state? Yes No If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

<u>OFFICE TITLE</u>	<u>DATE OF ELECTION OR APPOINTMENT</u>	<u>TERM OF OFFICE</u>	<u>LEVEL OF GOVERNMENT</u>
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B. If your service was on an appointed board(s), committee(s), or council(s):

- (1) How frequently were meetings scheduled: _____
- (2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>MEETINGS ATTENDED</u>	<u>MEETINGS MISSED</u>	<u>REASON FOR ABSENCE</u>
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27. Has probable cause ever been found that you were in violation of the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, F.S.? Yes No If "Yes", give details:

<u>DATE</u>	<u>NATURE OF VIOLATION</u>	<u>DISPOSITION</u>
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28. Have you ever been suspended from any office by the Governor of the State of Florida? Yes No If "Yes", list:

A. Title of office: _____ C. Reason for suspension: _____

B. Date of suspension: _____ D. Result: Reinstated Removed Resigned

29. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes No
If "Yes", list:

A. Title of Office: _____

B. Term of Appointment: _____

C. Confirmation results: _____

30. Have you ever been refused a fidelity, surety, performance, or other bond? Yes No If "Yes", explain:

31. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes No
If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

LICENSE/CERTIFICATE TITLE & NUMBER	ORIGINAL ISSUE DATE	ISSUING AUTHORITY	DISCIPLINARY ACTION/DATE
Nutrition & Dietetic Profession & ND6999	2014	Florida Health; Board of Medicine	NONE

32. A. Have you, or businesses of which you have been an owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

NAME OF BUSINESS	YOUR RELATIONSHIP TO BUSINESS	BUSINESS' RELATIONSHIP TO AGENCY

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

NAME OF BUSINESS	FAMILY MEMBER'S RELATIONSHIP TO YOU	FAMILY MEMBER'S RELATIONSHIP TO BUSINESS	BUSINESS' RELATIONSHIP TO AGENCY

33. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes No

A. Did you receive any compensation other than reimbursement for expenses? Yes No

B. Name of agency or entity you lobbied and the principal(s) you represented:

AGENCY LOBBIED	PRINCIPAL REPRESENTED

39. Why do you wish to serve on this board, council, or committee? Please state the benefits or value added to the Department by your representation on this board, council or committee.

It is an honor to serve my professional organization. In this capacity, I will have the opportunity to help provide safe practices for all consumers by making sure that the regulations and policies meet quality standards. I am a very active member of the Academy of Nutrition and Dietetics and the state association FAND. I am willing to serve at all levels to ensure that our regulations, policies and practices are in keeping with state regulations and policies. As an academic instructor I pride my self on teaching by example, I mentor students to become civic minded and to participate in community activities, as such I am honored to serve when called upon for the betterment and improvement of our organization and profession as a whole. I

CERTIFICATION

I understand that any appointment tendered to me will be contingent upon the results of a background investigation, and I am aware that withholding information or making false statements on this application may be the basis for non-appointment by the Florida Department of Health. I agree to these conditions and under the penalties of perjury I declare that I have read the foregoing application and that the facts stated in it are true, correct, and complete to the best of my knowledge and belief.

Claudia Sealey-Potts

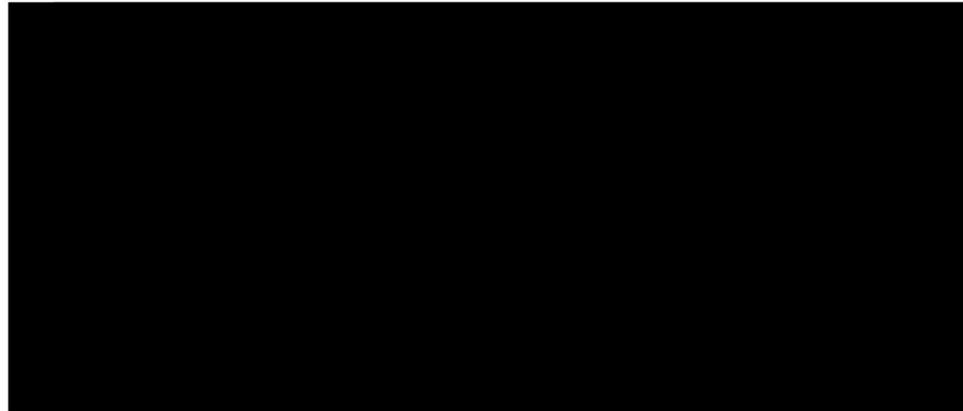
Signature of Applicant

- As a general matter, applications for all positions within State Government are public records, which may be viewed by anyone upon request. However, there are some exemptions from the public records law for identifying information relating to past and present law enforcement officers and their families, victims of certain crimes, etc. **If you believe an exemption from the public records laws applies to portions of your application, please check this box.**

If you need additional guidance as to the applicability of any public records exemption to your situation, please contact the Office of the Attorney General.

PL-01, The Capitol
Tallahassee, FL 32399
(850) 245-0158

Curriculum Vitae



Education

2000-2003: Auburn University, Auburn, Alabama. The Graduate school, Department of Nutrition and Food Science, PhD, Nutrition and Food Science

Dissertation: *Feeding Practices, Growth Status and Nutrition-related Factors of Preschool Children Living in Tobago.*

Awards:

- Auburn University, Graduate Research Fellowship, 2000-2003- Tuition waiver and a stipend for the duration of study.
- Tobago House Of Assembly, Scarborough, Tobago, \$50,000 scholarship
- Tobago House of Assembly, \$30, 000 research grant.

1996-1998: Auburn University, Auburn, Alabama. The Graduate school, Department of Nutrition and Food Science, MS, Nutrition and Food Science

Thesis: *Nutrition-related knowledge, behaviors and readiness to change among limited-resource adults in Alabama.*

1994-1995: University of Michigan, Ann Arbor, Michigan. University of Michigan Hospital Dietetic Internship Program, Post Baccalaureate, Supervised Practice

Award:

- Pan American Health Organization/World Health Organization (PAHO/WHO) Nutrition Fellowship Award

1990-1993: Auburn University, Auburn, Alabama. College of human Sciences, Department of Nutrition and Food Science, BS, Nutrition and Food Science

Award:

- Who's Who among Students in American Colleges, awarded -1991
- ALPHA NU Chapter of KAPPA OMICRON NU, the National Honor Society Human Sciences

Professional Licensures/Registration/Certification/Award

2014 Fellow of the Academy of Nutrition and Dietetics (FAND)

2014 License Dietitian/Nutritionist, Florida, License #6999

2011 Certificate in Child Adolescent Weight Management

2010 Certificate in Adult Weight Management

2004-2014 License Dietitian, Texas, License # DT06901

1995 Registered Dietitian, RD #843481

Experience

2011 - Present: Director of MS /Dietetic Internship Program, University of North Florida (UNF) Department of Nutrition and Dietetics, Jacksonville, Florida. Administrative responsibilities of the MS/DI Director include the following:

- Develop policies and procedures to manage and improve quality of the program, including maintenance of program accreditation, fee payment, and reports (to include annual, mid-point, program change reports).
- Ensure appropriate processes in recruitment activities, responding to queries, and equitable and appropriate treatment of potential students/interns **and oversee the materials/website for accuracy.**
- Ensure appropriate and equitable processes in the selection, admission, retention and graduation of students/interns, including **program orientation sessions for incoming students**, regular advising, evaluation and counseling of students/interns.
- Maintain student records, including accreditation related verification and other student reports, student complaints or grievances and outcomes, and supervised practice reports.
- Develop, support or facilitate processes related to continuous quality improvement and measurement of student/intern learning outcomes to **include coordination of curriculum development and changes including APC proposals.**
- Develop and maintain including up-to-date accreditation related reports and University related information,
- Conduct ongoing program **leadership in program strategic planning**, reviews related to accreditation curriculum and accreditation standards, Registration Exam outcomes and provide annual University required tracking data to the Department Chair.
- Maintain regular communication concerning program with **the College Dean, Chairperson**, program faculty, preceptors, the Advisory Committee and other stakeholders.
- Teach as required per contract.
- Participate in service at both the professional and university levels.
- **Perform other duties as assigned.**
- Locate and select qualified nutrition preceptors/facilities and adequate learning opportunities for the interns
- Supervision of 15 dietetic interns per class during their didactic courses and internship program of 1200 hours of supervised practice experience in clinical, community, foodservice and specialty rotations.

Career Impact: Obtained significant increase in first-time pass rate on the national Registered Dietitian (RD) exam for the UNF MS/DI Program. From the date of employment to present, 100% of the interns passed the national exam. The program has met and exceeded national benchmark (80%) since my employment. Obtained continued accreditation for the MS/DI program, 2014.

2016 - Present: Associate Professor, Department of Nutrition and Dietetics, University of North Florida (UNF) Jacksonville, Florida. Responsible for teaching undergraduate and graduate level classes in nutrition and food science, directing research in nutrition and participating in various committees and service at both the professional and university levels. Teach as required per contract: 75% teaching, including administration, 20% research and 5% professional, community and university service.

Career Impact:

Promotion to Associate level faculty.

2011 - 2016: Assistant Professor, Department of Nutrition and Dietetics, University of North Florida (UNF) Jacksonville, Florida. Responsible for teaching undergraduate and graduate level classes in nutrition and food science, directing research in nutrition and participating in various committees and service at both the professional and university levels. Teach as required per contract: 75% teaching, including administration, 20% research and 5% professional, community and university service.

Career Impact:

Received from the Office of Research and Sponsored Programs, Research Excellence Award, UNF, STARS, 2012.

Has been nominated for UNF' Outstanding Graduate Teaching Award, 2013, 2014, 2015, 2016.

2012 - Present: Director of Individualized Supervised Practice Program (ISPP), University of North Florida (UNF) Department of Nutrition and Dietetics, Jacksonville, Florida. Administrative responsibilities of the ISPP Director include the following:

- Develop policies and procedures to manage and improve quality of the program, including maintenance of program accreditation, fee payment, and reports (to include annual, mid-point, program change reports).
- Ensure appropriate processes in recruitment activities, responding to queries, and equitable and appropriate treatment of potential students/interns **and oversee the materials/website for accuracy.**
- Ensure appropriate and equitable processes in the selection, admission, retention and graduation of students/interns, including **program orientation sessions for incoming students**, regular advising, evaluation and counseling of students/interns.
- Maintain student records, including accreditation related verification and other student reports, student complaints or grievances and outcomes, and supervised practice reports.
- Develop, support or facilitate processes related to continuous quality improvement and measurement of student/intern learning outcomes to **include coordination of curriculum development.**
- Develop and maintain including up-to-date accreditation related reports and University related information,
- Conduct ongoing program **leadership in program strategic planning**, reviews related to accreditation curriculum and accreditation standards, Registration Exam outcomes and provide annual University required tracking data to the Department Chair.
- Maintain regular communication concerning program with **the College Dean, Chairperson**, program faculty, preceptors, the Advisory Committee and other stakeholders.
- Supervision of 5 ISPP candidates per class during their supervised practice 1200 hours of in clinical, community, foodservice and specialty rotations.

2014 - Present: Mentor and Direct Coordinator in the daily routine and supervision of the students enrolled in the ISPP program; guide the process for affiliation with preceptor site facilities and handle any accreditation issues related to those applicants.

Career Impact:

Obtained 100% pass rate on the national registered dietitian (RD) exam for candidates enrolled in the ISPP program.

2004– 2010: Assistant Professor, Graduate Advisor and Dietetic Internship (DI) Director,

Department of Family and Consumer Sciences, College of Humanities and Social Science, Sam Houston State University. Administrative responsibilities of the MS/DI Director include the following:

- Develop policies and procedures to manage and improve quality of the program, including maintenance of program accreditation, fee payment, and reports (to include annual, mid-point, program change reports).
- Ensure appropriate processes in recruitment activities, responding to queries, and equitable and appropriate treatment of potential students/interns **and oversee the materials/website for accuracy.**
- Ensure appropriate and equitable processes in the selection, admission, retention and graduation of students/interns, including **program orientation sessions for incoming students**, regular advising, evaluation and counseling of students/interns.
- Maintain student records, including accreditation related verification and other student reports, student complaints or grievances and outcomes, and supervised practice reports.
- Develop, support or facilitate processes related to continuous quality improvement and measurement of student/intern learning outcomes to **include coordination of curriculum development and changes including APC proposals.**
- Develop and maintain including up-to-date accreditation related reports and University related information,
- Conduct ongoing program **leadership in program strategic planning**, reviews related to accreditation curriculum and accreditation standards, Registration Exam outcomes and provide annual University required tracking data to the Department Chair.
- Maintain regular communication concerning program with **the College Dean, Chairperson**, program faculty, preceptors, the Advisory Committee and other stakeholders.
- Teach as required per contract.
- Participate in service at both the professional and university levels.
- **Perform other duties as assigned.**
- Locate and select qualified nutrition preceptors/facilities and adequate learning opportunities for the interns
- Supervision of 10 dietetic interns per class during their didactic courses and internship program of 1200 hours of supervised practice experience in clinical, community, foodservice and specialty rotations.

Career Impact:

Revamped a failing DI Program and achieved outstanding results: Secured initial accreditation and realized a significant increase in **first-time pass rate** (from an annual 25% to near 100% for 6 consecutive years). Increased number of DI applicants from 5 to more than 250 applicants per year for the 10 internship positions. Secured continued accreditation for another 5 years with effect from October 2009 to 2014.

2004 – 2010: Assistant Professor, and Graduate Advisor, Department of Family and Consumer Sciences, College of Humanities and Social Science, Sam Houston State University. Responsible for teaching undergraduate and graduate level classes in nutrition and food science, directing research in nutrition and participating in various committees and service at both the professional and university levels. Teach as required per university contract: 75% teaching, including administration, 20% research and 5% professional, community and university service. Provided academic advice to more than 100 graduate students during their graduate tenure and career paths for subject areas including nutrition and family and consumer science.

Career Impact:

WHO's WHO among American Teachers, awarded- **2004, -2005**

Outstanding Performance in Teaching: Teaching Achievements in Family and Consumer Sciences Award - College of Humanities and Social Sciences, Sam Houston State University, **2006-2007** and **2005-2006** academic years.

Nominated for the prestigious Piper Professor teaching award in Texas

Developed a university wellness program and provided dietary counseling to students, faculty, and staff.

Developed and implemented a community-wide diabetes education and support group program.

2001-2003: Graduate Teaching Assistant, Auburn University, Auburn, AL.

Provided individualized instructions for one undergraduate class (Introduction to Dietetics)

Assisted in teaching upper level undergraduate class in foodservice systems and management and supervised three (3) labs for students enrolled in a Quantity food production. Graded assignments as directed by instructors and supervised make-up exams each semester.

Provided nutrition care and counseling to college athletes, including weight loss, weight gain, and weight maintenance and disease management.

Grader for Auburn University distance education in Dietary Managers Program (2001- 2005)

1999-2000: Lecturer and Dietetic Internship Coordinator: University of the West Indies (UWI), St.

Augustine, Trinidad, Republic of Trinidad and Tobago. Responsible for teaching undergraduate and graduate level classes in nutrition, directing and supervising undergraduate students in final year research projects in the B.Sc. Human Ecology. Directed and coordinated the first dietetic internship program implemented by the UWI - the Diploma in Institutional Dietetics and Internship Program

Career Impact:

Developed, implemented and managed the institutions' **first** dietetic internship program called "Diploma in Institution Dietetics". Provided instructions, supervised and evaluated work of undergraduate and post-graduate students in the B.Sc. Human Ecology Program and the Diploma in Institutional Dietetics & Internship program.

1998-1999: Lecturer (part-time): University of the West Indies (UWI), St. Augustine, Trinidad, Republic

of Trinidad and Tobago. Responsible for teaching undergraduate level classes in nutrition, directing and supervising undergraduate students; supervised and proctored exams for undergraduate and post-graduate students enrolled in the B.Sc. Human Ecology Program.

Supervised final year research projects for undergraduate students enrolled in the B.Sc. Human Ecology Program.

Actively participated as a member of a plan team in which the first dietetic internship program was created, and implemented for the UWI.

1998-1999: Community/Public Health Nutritionist: Tobago North District, Tobago Regional Health

Authority (TRHA), Scarborough, Tobago. Responsibilities included program planning and development, implementation and evaluation of nutrition education programs and/or nutrition-related programs problems in the Northern Third of the island of Tobago. Provided nutrition education and counseling to individuals with chronic diseases (diabetes, hypertension, heart disease), as well as, organized and demonstrated correct food safety and preparation techniques to individuals within that community. Monitored nutritional status of women, infants, children, and adults in the community district; developed and implemented nutrition policies for the northern district; advised medical teams on nutrition and developed nutrition education materials for all

ages of the population within the district. Developed research proposal for external and internal funding that would address chronic disease prevention and provide data on community assessment of women and children.

Career Impact:

Designed and implemented a breastfeeding program for the northern third of the island.
Designed a community nutrition curriculum for adults

1998: Senior Dietitian, Port of Spain Regional Hospital, Northwest Regional Health Authority, (NWRHA) (August 03, 1998 to November 30th, 1998)

Administrative duties for the efficient functioning of the dietary departments at Port-of-Spain General Hospital (200 bed) and St James Hospital (100 bed); supervised and guided a combined dietary staff of approximately 100 food service employees, one junior clinical dietitian, one clerk, one clerical aide, and one clerk typist. Administration of a variable annual budget ranged from 100, 000 to \$500, 000 for food, wages and supplies for the 2 hospital kitchens.

Developed low-cost menus for the daily operation of both hospitals; provided dietary counseling and nutrition care to inpatient and outpatient users of Port-of-Spain General Hospital, St James Medical Complex, and Queens Park Counseling Center (3 major hospitals)

Served as an in-service training instructor in Proper Infant Feeding Practices (age 0 to 12 months) for Nurses/Midwives Trainees at the Port-of-Spain Regional Hospital; developed nutrition education materials for patients

1998: Dietitian for Caura Chest Hospital, Caura, Trinidad (July 01, 1998 to August 02, 1998)

Provided supervision to a staff of 40 employees of the dietary department (Caura); developed low cost menus; provided counsel and dietary instructions to in-patient and outpatient clients; developed nutrition education materials, and provided diet instructions to patients on heart disease, diabetes, renal insufficiency, obesity, high cholesterol, hypertension, HIV/AIDS and other nutrition-related diseases or ailments.

1995-1998: Graduate Research Assistant, Auburn University, Auburn, AL.

Designed Master of Science Degree Proposal (Thesis Project).

Assisted with the development and successful accomplishment of a research grant proposal to USDA for funding targeting low-income adults with nutrition education. **Funding was obtained.**

Developed and co-authored several short-term nutrition education teaching series for limited-resource adults and seniors in Alabama; created and co-authored a food demonstration packet to be used as a teaching tool with low-income adults; assisted in the development and co-authored a two-volume nutrition activities source book that is used by individuals K through seniors; Developed bookmarkers with specific nutrition messages for children as well as assisted with the development of an evaluation tool that can be used with low-level reading among low-income individuals.

Assisted in conducting community nutrition programs designed for the enhancement of healthy cooking and healthy eating practices among low-income adults in Alabama; also delivered special lectures to undergraduate nutrition students in community nutrition and survey of dietetics courses. Conducted research on “dietary knowledge, practices, and stages of willingness to change among low-income adults in 38 counties in the state of Alabama, USA”.

1994: Dietitian Mt Hope Women’s Hospital, Mt Hope Trinidad. (01/1994-August 1994 & August 1995).

Supervised approximately 50 foodservice employees, and manipulative staff. Screened, assessed, and provided dietary counseling to peri-natal, prenatal and postnatal women of the hospital; provided dietary counseling to women with gestational diabetes, obesity and guided them through

normal pregnancy and lactation. Developed healthy, low-cost menus for inpatient clients and employees. Monitored patient tray services for appropriate temperature and food safety concerns.

1989-1990: Healthcare Personnel and Recruitment Officer, Ministry of Health, Port of Spain Trinidad. Responsibilities included maintaining adequate training to employees and health professional, and recruiting of medical professionals and other allied health professionals (Doctors, dietitians, nurses) from all countries. Complete appropriate work documents for non-nationals of the country.

1985-1989: Administrator, Supreme Court of Trinidad and Tobago, Scarborough Tobago
Performed various administrative duties, and responsibilities included supervision and management of the daily operation of the Tobago high court, collection of fees, jury service and selection, accounting, and personnel. Supervised eight (8) employees and carried out all relevant duties of the Supreme Court.

1981-1984: Revenue Officer I, Inland Revenue, St. David Parish, Tobago Division, Scarborough
Major Activities included assessment of lands and buildings for tax purposes; as well as maintenance of records for the division.

1979-1981: Administrative Clerical Officer: Ministry of Agriculture Lands and Fisheries, Scarborough, Tobago (worked under the Public Service Act of the Government of Trinidad and Tobago). Positions held were in administrative and human resource personnel capacities and held positions as Clerical officer I, Clerical Officer II, and Clerical Officer III. Duties included preparation of wages, travelling and invoice vouchers for the technical staff. Managed lower level clerical staff.

1975-1979: High School Teacher, Tobago Institute of Education, Scarborough Tobago. Designed teaching curricula for instruction in Mathematics (pre-calculus, trigonometry and geometry), Economics and Commerce. Through instruction and mentorship, prepared high school seniors to be competent in subject areas: Mathematics, Economics and Commerce and to pass and obtain certificates on the O 'Level exams set by the Oxford and Cambridge School Examination Boards.

Grants/Research Funding

UNF Faculty Development Scholarship Grant, **2014** Scholarship Summer Grant Proposal. *Educating the educators: Reducing health risk factors to optimize development in children*, received \$30,000. Co-PI with Drs. Nicholson, J., Labyak, C., and Spaulding, A.

Kids Eat Right -Academy of Nutrition and Dietetics Foundation, **2013** for nutrition education presentations called "Healthy Eating from the Ground Up" Sealey-Potts, CV. 2013.

Miami Foundation, Healthy Jacksonville Obesity Coalition, **2012**: Pass it Forward Project: Implementing Transformative and Sustainable Nutrition Education for Childhood Obesity Prevention; received \$10,000.

US Grant, BCH, UNF, **2011**: Frank and Candid Expression: African American Adolescent Girls Obesity Prevention Program; received \$2500.00. Co PI with Faun Webb and Dr. Jeveta Stanford, UF Health Jacksonville.

Entergy Energy Company, 2007 & 2008: Consumer Awareness of Low-cost/No-cost Energy Management; received \$8000.00 (each time). Co PI with Drs. Burleson, LK, Kirmani, Z. Tripp, PJ and White, JH.

Tobago House of Assembly, 2002: Title: Feeding Practices, Growth Status and Nutrition-related Factors of Preschool Children Living in Tobago; received a \$30, 000.

Grants/Research Funding: Under Review

Submitted to the Obesity Society, **2015** - *iText for my Health: A personalized (Smartphone/Texting) Intervention among young Pizza Consumers*. Results Pending (50, 000 requested). Co-PI Drs. Dodani, S, and Kalyanaraman S.

Grants/Research Funding: Non-funded

Submitted **NIH- SR15, 2014**: *HEALS Program Efficacy in African American Churches for Hypertension Control*. (\$400,000 requested) Co-PI with Drs. Dodani, S., Christie, C, and Champagne C.

American Psychological Foundation Visionary Grant, **2014**: “*Healthy Habits for Life: A multidiscipline evaluation of a Head Start nutrition curriculum*. Co-PI with Drs. Nicholson, J., Labyak, C., Alloway.

UNF Foundation Grant, **2013**: *Healthy Eating Intervention for Jacksonville Elementary School Children and Parents*. Co-PI with Dr. Yu, Z.

NIH Grant 11/4/2013: *HEALS Lifestyle intervention through African American churches to control hypertension*. Submitted in conjunction with University of Florida College of Medicine; Co-PI with Dodani, S., Christie, C. and Champagne, C.

Commission on Dietetic Registration, Academy of Nutrition and Dietetics Foundation, **2012**: *Web-based Interactive simulation Training Scenarios for Nutrition*. Co-PI with Drs. Loriz, L., Umapathy, K.

Aetna Foundation, 2012: Coordinated Care for Chronic Disease Risk Reduction in Overweight Low-Income African American women. Co PI with: Drs., Christie C, Meires J, Johnson T, and Truesdell D. Amt. Requested -\$150, 000

Bristol-Myers Squibb Foundation Together on Diabetes, 2011; African-American Women Living with Type 2 Diabetes Community Intervention: A Lifestyle Approach. Amt. Requested - \$287,251.00

Peer-reviewed Publications

Refereed Journal Articles: Published

Dodani S, **Sealey PC**, Arora S, Khosla N, Lynch S, James DS, Kraemer DF. *J Nutr Food Sci* 2015;5:435. <http://dx.doi.org/10.4172/2155-9600.1000435>

Yu Z, **Sealey-Potts C**, Rodriguez J. Dietary self-monitoring in weight management – Current evidence on efficacy and adherence. *J Academy of Nutrition and Dietetics* 2015;115(12):1931-1938; [doi:10.1016/j.jand.2015.04.005](https://doi.org/10.1016/j.jand.2015.04.005)

Sealey-Potts C, Yu Z, *Alexander C*, Christie C. Identifying Overweight and Obese Children: Which Assessment Tool is Most Accurate? *Top Clin Nutr* 2015;30 (2):143-152; [doi: 10.1097/TIN.000000000000028](https://doi.org/10.1097/TIN.000000000000028).

Reyes-Velázquez, W, **Sealey-Potts, C.** Unrealistic Optimism, Sex and Risk Perception of Type 2 Diabetes Onset: Implications for Education Programs. *Diabetes Spectrum*, **2015**;28(1):5-9.

Sealey-Potts C, Reyes-Velázquez W. Perceived and Actual Risks of College Students for Developing Type 2 Diabetes. *Austin J Nutr Metab.* **2014**;1(2):5

Sealey-Potts C, & Potts, AC. An Assessment of Dietary Diversity and Nutritional Status of Preschool Children. *Austin J Nutri Food Sci* **2014**;2(7):5

Perkin J, **Sealey-Potts, C,** Hochwald R. Plates and Dietary Advice: A current Trend in Nutrition Education Messaging for the Public. *Florida Public Health Review*, **2014**;11,36-51.

Keen-Browning, V., **Sealey-Potts, C.,** Galles, B. Postpartum Obesity and Preventive Services: A Model for Referrals and Appropriate Nutrition Education: A Brief Literature Review. *Texas Family and Consumer Sciences Research Journal (TAFCS)*, **2013**.

Browning-Keen V, **Sealey Potts C.** Postpartum Obesity: The Root Problem of Childhood Obesity? *Forum on Public Policy Online*, Vol **2011**, No 1.
<http://forumonpublicpolicy.com/vol2011.no1/archive2011.no1/browning.keen.pdf>
(accessed September 6, 2011).

Sealey-Potts, C. Assessment of Feeding Practices and Growth of Low-income Head-start Children. *TAFCS Research Journal*, **2010**,1:19-21.

Sealey-Potts, C., Kooi, K., Solis D, Ting, E. Knowledge of Diet, Nutrition and its Relation to Oral Health: A collaborative Approach May be necessary. *TAFCS Research Journal*, **2010**;1:22-23.

Loving S., Tripp P, **Sealey-Potts, C,** Deng F. The Influence of Peers, Family and the Media on Rural Students. *TAFCS Research Journal*, **2010**;1:46-48.

Sealey-Potts C, Alfaro V, Horine S, Kallus K. Supersizing: Portion Confusion among College Students. *Journal of Family and Consumer Science (JFCS)*. **2009**; 101(2):18-22.

Sealey-Potts, C, Canales M, Matejicek A, Kroiss K. Nutrition Facts Label Use, Restaurant Choices, and Fat Intake among Adults. *TAFCS Research Journal*. **2008**;1(1):32-33.

Sealey-Potts, C, Tripp P, Bockhorn-Marvin B, Mahoney K, Parker C. Consumer's Knowledge and Perceived Understanding of MyPyramid 2005: A Challenge for Nutrition Educators in Texas. *TAFCS Research Journal*. **2008**;1(1):34-36.

Refereed Journal Articles: Under Review

Apatu E, **Sealey-Potts C,** Diersing J, Johnson T. Community-Based Cooking Classes and the Poor: A review. SNEB.

Refereed Journal Articles: In Progress (Manuscript Development)

Dodani S, Arora S, **Sealey-Potts C,** Christy C, Kraemer D. A Faith-Based Hypertension Control program For Stroke Belt African American Adults: HEALS Efficacy Study – **In Progress**

Sealey-Potts C, Martin S. Utilizing a Nutrition Curriculum to Influence Change in Head start Program. (*Accepted for presentation in Nashville, TN*)

Sealey-Potts C, Alexander C. Consumer perceptions in a local supermarket.

Sealey-Potts C, Bevans D. A systematic review of epigenetics and childhood obesity.

Sealey-Potts C, Martin S, Lee T, Nicholson JS, Spaulding A. Dietary diversity, food insecurity and its associations to nutritional status of Head Start children. (*ECS Projects- data collection recently completed*)

Sealey-Potts C, Nicholson JS, Spaulding A, Martin S, Lee T, Labyak C. An assessment of parental child-feeding practices in Jacksonville head-start program (*ECS Projects- data collection recently completed*)

Nicholson JS, Barton J, Simons A, Sealey-Potts C, Spaulding A. The role of parental self-efficacy in the efficacy of a Head Start nutrition curriculum. (*ECS Projects- data collection recently completed*)

Labyak C, Sealey-Potts C, Lee T Spaulding A, Nicholson JS. An assessment of Sagittal Abdominal Diameter (SAD) in a Head Start population. (*ECS Projects- data collection recently completed*)

Spaulding A, Sealey-Potts C & Nicholson J.S. The Elaborative Likelihood Model and Childhood Nutrition: The Results of Head Start Nutrition Curriculum. (*ECS Projects- data collection recently completed*)

Nutrition Book/Book Chapters/Series:

Book:

Sealey-Potts C. Growth Status and Child Feeding Practices in Tobago. LAP LAMBERT Academic Publishing, ISBN: 978-3-8484-9475-0, **2014**.

Book Chapters and Book Contributions:

Christie C, Sealey-Potts, C, Labyak, C, Rodriguez JC. Chapter 16: Childhood overweight and obesity: Efficacy and safety of popular diets and weight control programs. In: *The ASPEN Pediatric Nutrition Support Core Curriculum*, 2nd Ed. Corkins MR, Editor in Chief. **2015**.

Sealey-Potts C, Chapter 5: Fish and Shellfish. In *Food: A Handbook of Terminology, Purchasing & Preparation*; 12th Ed. American Association of Family and Consumer Science; **2014**

Sealey-Potts C, Chapter 10: Sweetening Agents, Fats, Oils, Leavening Agents. In *Food: A Handbook of Terminology, Purchasing & Preparation*; 12th Ed. American Association of Family and Consumer Science; **2014**

Sealey-Potts C. Chapters 2:– Ingredient Savvy. In: *200 Surefire Ways to Eat Well & Feel Better*. Rodriguez J(Ed). Fairs Winds Press, **2014**.

Sealey-Potts C. Chapters 3:– Healthy Dining at Restaurants- Chinese. In *200 Surefire Ways to Eat Well & Feel Better*. Rodriguez J(Ed). Fairs Winds Press, **2014**.

Sealey-Potts C. Chapters 5:–Special Health Concern-Diabetes. In: *200 Surefire Ways to Eat Well & Feel Better*. Rodriguez J(Ed). Fairs Winds Press, **2014**.

Sealey-Potts C. Assistant Editor, **2012-2015**, *Florida Manual of Medical Nutrition Therapy*. Florida Academy of Nutrition and Dietetics, Tallahassee, FL.

Nutrition Education Series:

Struempfer B, **Sealey-Potts C.** *Let's Eat: Nutrition Education Series for Adults*, 1995 (revised edition 1996).

Struempfer B, **Sealey-Potts C.** *Good Food Good Health: Nutrition Education Series for the Elderly*, 1995(revised edition 1996)

Struempfer B, **Sealey-Potts C.** *Food Demonstration Packet*, 1995.

Struempfer B, **Sealey-Potts C**, Derrig J. A 2-volume *Nutrition Activities Source Book for Ages K through Adults. Vol. 1 and Vol. 2.* 1995.

Peer-reviewed Abstracts: Published

Sealey-Potts, C. Utilizing a Nutrition Curriculum to Influence Change in Head start Program. *JAND. A84 2015* September.

Sealey-Potts C. Actual and Perceived Risks for Developing Type 2 diabetes among College Adults. *J Am Diet Assoc.*2009;109(9): **A98.**

Sealey-Potts C, Hougen K, Ferriola C, Linehan D. Nutrition Knowledge, Body satisfaction and Dietary Intake of College Students. *J Am Diet Assoc.*2009;109(9): **A24.**

Sealey-Potts, C. Prevalence of Micronutrient Malnutrition among Preschool Children in Tobago. *J Am Diet Assoc.* 2008;108(9): **A24.**

Sealey-Potts, C, Kooi, K. College Students' Knowledge of Diet and Nutrition to Oral Health. *J Am Diet Assoc.* 2008;108(9): **A111.**

Sealey-Potts, CV, Bockhorn, B, Mahoney, K, Parker, C. Consumers' Knowledge and Perceived understanding of MyPyramid 2005. *J Am Diet Assoc.* 2007;107(8): **A101.**

Sealey-Potts, CV, Bottego JT, Lopez GL. Weight and nutrition-related behavior changes experienced by first time college students living away from home. *J Am Diet Assoc.*2006;106(8): **A20**

Professional Peer-Reviewed Presentations:

Oral Presentations: Peer reviewed

Forthcoming: Sealey-Potts, C. Positive Outcomes of a structure nutrition education program in preschools. 17th *International Congress of Dietetics (ICD)* Granada, Spain, September 9, 2016.

Sealey-Potts, C. Micronutrient Malnutrition: When too much is still not enough. 16th *International Congress of Dietetics (ICD)* Sydney Australia, September 5, **2012.**

Browning-Keen V, **Sealey Potts C.** Postpartum Obesity: The Root Problem of Childhood Obesity. Oxford Roundtable, UK, March 19, **2011.**

Sealey-Potts, C. *Nutrient Adequacy and Diversity: Predictors of Child Growth.* Accepted for presentation at ADA's FNCE 2010, in Boston MA. **November, 2010.** *Published subsequently in JADA and conference proceedings.*

Sealey-Potts C, Paula J. Tripp, CFCS, Valencia Browning-Keen, Laura K. Burleson, and Janis H. White, CFCS. *Working Together to Help Create FCS Solutions for Challenges Faced by Individuals and Families.* American Association of Family and Consumer Science (AAFCS) **June 25, 2010.** *Published subsequently in conference proceedings.*

Sealey-Potts, C. *Physical Risk Assessment and Perceived Susceptibility for Developing Type 2 Diabetes among College Students.* Presented at Texas Dietetic Association' (TDA) FNCE 2010, Dallas, TX, on **March 18, 2010.** *Published in conference proceedings.*

Sealey-Potts, Tripp, P., Burleson, L., White, J. Making an impact through Program development: A model for Reaching Limited Income Consumers. Presented to Entergy group at their annual summit entitled: Low-income Customer Assistance Summit – Lone Star Convention and Expo Center on November 12, 2009.

Sealey-Potts C. Actual and Perceived Risks for Developing Type 2 diabetes among College Adults. Presented at the ADA's Annual Conference Proceedings, FNCE, Colorado October 20, 2009. *Published in conference proceedings.*

Hougen K, **Sealey-Potts C,** Ferriola C, Linehan D. Nutrition Knowledge, Body satisfaction and Dietary Intake of College Students. Presented at the ADA's Annual Conference Proceedings, FNCE, Colorado October 18, 2009. *Published in conference proceedings.*

Tripp, P.J., Burleson, L.K. **Sealey-Potts, C.,** White, J.H. Creating a Sustainable Energy Management Program. A theme-based educational session for 100th Annual Conference and Expo of the American Association of Family and Consumer Sciences, held in Knoxville TN in June 25, **2009.** *Published in conference proceedings.*

Tripp, PJ, Burleson LK, **Sealey-Potts** and White JH. Energy Management via University and Corporate Collaboration. Presented at the 2009 *Texas Association of Family and Consumer Sciences Annual of Refereed Papers*, 02/09. *Published in conference proceedings.*

Sealey-Potts CV, Pegus, J – *African-Americans' Dietary lifestyle: Health Implications, Community Intervention and Outcomes.* An Educational Session presented at ADA's annual, FNCE, Chicago, October 27, **2008.**

Sealey-Potts, C and Fellers R. Prevalence and socio-demographic Associations of malnutrition among Preschool children in Tobago. ICD, Yokohama, Japan September, 2008

Sealey-Potts CV, Kirmani Z. *Modern Food Technology: How Has It Affected Human Health And Food And Nutrition?* An Educational Session presented at AAFCS 99th Annual Conference and Expo "Evolving Technology: Impacts on Individuals, Families, and Communities" held in Milwaukee, WI, June 19, **2008.**

Sealey-Potts, C. Consumers' use and self-rated effectiveness of modern household media technology when communicating important messages. Presented in a Research to Practice session on June 20, **2008** at the American Association of Family and Consumer Science' (AAFCS) 99th Annual Conference and Expo to be held in Milwaukee WI.

Sealey-Potts CV, Tripp P. Consumers' Knowledge and Perceived Understanding of MyPyramid 2005: A Challenge for Nutrition Educators in Texas. Presented in Dallas at TAFCS, February 28, 2008.

Sealey-Potts C - *Healthy meals, less energy use for low income individuals*; presented at Entergy Summit: Session entitled "Low Cost, No Cost Energy Management" September 13, 2007.

Oral Presentations: Invited, Non-Peer reviewed

Sealey-Potts C. Epigenetics: The Potential Root Cause of Childhood Obesity. Florida Public Health Association, July 2014

Sealey-Potts C. Obesity: Practical Approaches to Address the Issue. Florida Public Health Association, July 2014

Sealey-Potts C. Healthy eating for women from the ground-up. UNF's Women Center, November, 2013 & January 2014.

Perkin, J, **Sealey-Potts C.** Many Plates and Dietary Advice for the U.S. Public. Florida Public Health Association, Annual Education Conference, 2012

Sealey-Potts, C. Type 2 Diabetes: What FCS Educators should know. Presented to Florida Family and Consumer Science member at Student Union, UNF, 2012.

Sealey-Potts C. Adjusted Body Weight: Should we or should we not use it in clinical practice. Sodexo Clinical Nutrition Update, July, 2011

Sealey-Potts C. The Science of Building a Healthy Lifestyle. Annual Regional Conference, Florida Office of Women in Higher Education (FLOWHE), August 2011

Non-peer-reviewed article:

Sealey-Potts C. The Goods: Brazil Nuts can add nutritional benefits to your diet. Times Union, April 8, 2015

Sealey-Potts C. The Goods on Chayote: From salads to stews, this exotic fruit is very versatile and can be used in a variety of way. Times Union, June 2012

Professional Poster Presentation: *Peer-reviewed*

Yu Z, Patterson K, Patterson R, Seabrooks-Blackmore J, Labyak C, Jahan-mihan A, **Sealey-Potts C**, Christie C, Rodriguez J. High school students' fruit and vegetable consumption by health zones. Presented at HERI Meeting, Tampa FL February 2016.

Sealey-Potts, C. Utilizing a Nutrition Curriculum to Influence Change in Head Start Program. Accepted for Presentation at *the 2015 Food & Nutrition Conference & Expo™ (FNCE®)* on **October 6, 2015**; Session #103. Nashville, TN.

Dodani S, Arora S, **Sealey-Potts C**, Kraemer D. HEALS: A Hypertension Control Program for African American Communities Using Community Based Participatory Research Approach. Moffitt Conference held January 9th, 2015, Tampa FL.

Arora S, **Sealey-Potts C**, Dodani S, Kraemer D. HEALS: A Hypertension Control Program for African American Communities Using Community Based Participatory Research Approach. AHA Stroke Conference held February 10th - 12th, **2015**, Nashville, TN.

Browning-Keen V, **Sealey Potts C**. Postpartum Obesity and Preventive Services: A Model for Referrals and Appropriate Nutrition Education. Sydney, Australia International Congress of Dietetics (ICD), September **2012**.

Neal J, **Sealey-Potts C**. A nutrition assessment of 5-9 year old children. Texas Dietetic Association's Annual Conference, March, **2011**

Sealey-Potts C. Physical risk assessment and perceived susceptibility for developing Type -2 diabetes among college students. Texas Dietetic Association's Annual conference, Dallas, TX, April **2010**

Murphy R, **Sealey-Potts C**. The role of food price in food consumption patterns of low-income families. Texas Dietetic Association's Annual Conference, Dallas April **2010**

Hougen K, **Sealey-Potts C**, *Ferriola C*, *Linehan D*. Nutrition Knowledge, Body satisfaction and Dietary Intake of College Students. Presented at the ADA's Annual Conference Proceedings, FNCE, Colorado October **2009**

Sealey-Potts C. Prevalence of Micronutrient Malnutrition among Preschool Children in Tobago Presented at the ADA's Annual Conference Proceedings, FNCE, Colorado October **2009**.

Sealey-Potts C. *Bockhorn, B, Mahoney, K, Parker, C*. Consumers' Knowledge and Perceived understanding of MyPyramid 2005. American Dietetic Association Annual Meeting, Philadelphia, October, **2007**.

Sealey-Potts C. Weight changes and nutrition-related behavior changes experienced by College students at SHSU. American Dietetic Association Annual Meeting, Hawaii, September **2006**.

Sealey-Potts, C and Fellers R. Relationship of socioeconomic measures and specific child-feeding practices of parents with preschool children living in a Caribbean community. *ICD, May 2004, Chicago*.

Graduate Students' Dissertation:

Melanie Clough: *The Perspectives of Preschool Teachers on Instructional Coaching*. Doctoral dissertation; Ed Leadership Department. Committee member along with Drs. Elinor Scheirer, & Katrina Hall, **2014- 6/2015**.

Graduate Students' Theses:

Katherine White Stanfield: *A study of the photochemical reaction pathway of dihydronaphthalene oxide*. MS degree, **2005**, Sam Houston State University

Sherry Loving: *The Influence of Peers, Family and Media on Rural Students*, MS degree, **2009** Sam Houston State University

Professional and Community Service

Professional Service

2016/2017: Nominating Committee of the First Coast Academy of Nutrition & Dietetics (FCAND)

2015/2016: President of the First Coast Academy of Nutrition & Dietetics (FCAND)

2014: Chair, Duval County Diabetes Coalition

2013- Present: Program Reviewer, Accreditation Council for Education in Nutrition and Dietetics (ACEND), Academy of Nutrition and Dietetics

2013: DSTJAX Camp Sunshine 2013

2012-Present: Second Round Taskforce Committee member, ACEND

2012-2013: Treasurer, Florida Association of Family and Consumer Sciences (FAFCS)

2011-Present: Advisory Board Committee member, Mayo Clinic Dietetic Internship Program, Jacksonville, FL

2011-Present: Duval County Childhood Obesity Prevention Coalition

2011-Present: Duval County Diabetes Coalition

2010- Present: Advisory Board member for Prairie View A&M Dietetic Internship Program, TX.

2010-2014: Chair, American Association of Family and Consumer Sciences (AAFCS), Nutrition, Food and Health Management (NHFM)

2010-2011: Director-At-Large, Presidents Council Texas Dietetic Association (TDA)

2009- Present: Program and Book reviewer, CAPE Food and Nutrition Syllabus, Caribbean Food and Nutrition Examinations.

2009-2011: Co-Chair AAFCS, Community University Research (CUR).

2009-2010: Hospitality Chair, Tall Pines Dietetic Association

2009-2010: Nominating Committee, Tall Pines Dietetic Association

2008-2009: President Tall Pines Dietetic Association

2007-2008: President Elect – Tall Pines Dietetic Association

2008-Present: AND Evidence Analyst: (Research Analyst) Academy of Nutrition and Dietetics

2007-2011: Co-Chairman of the Education and Research Committee, NOBIDAN.

2008-2009: President, Tall Pines Dietetic Association, Texas

2008-2011: Membership Committee Board, Texas Dietetic Association (TDA).

2007-2008: President-Elect Tall Pines Dietetic Association, Texas

2004-2010: Advisory Board and Planning Committee for Diabetes Coalition, Walker County, TX

2005-2010: Advisory Board Member for Greater East Texas Community Action Program (GETCAP) –Head start Programs in Greater East Texas.

Journal or Book Editor/Reviewer

2016: Obesity Society Annual Meeting – Abstract/Presentation Reviewer

2015: Obesity Society Research Education Action – Abstract/Presentation Reviewer

2014: Austin Journal of Nutrition and Metabolism, Editor & Reviewer

2014: World Journal of Medicine and Medical Science Research

2014: Austin Journal of Food Science and Nutrition, Editor & Reviewer

2014: Horizon Research Publishing Corporation, USA

2013-Present: Society for Nutrition Education and Behavior (SNEB) Annual Conference, Abstract/Presentation Reviewer

2008-2013: Family and Consumer Sciences Research Journal (FCSRJ)

2007-2010: Texas Association of Family and Consumer Sciences Research Journal (TAFCS)

2012-2013: Food: A Handbook of Terminology, Purchasing & Preparation; 12th Ed. American Association of Family and Consumer Science, Co-editor

2007-2010: Textbook reviewer, Food Fundamentals, McWilliams, M. Pearson/Prentice Hall.

University Service Activities

2015: Internal Course Reviewer, Quality Matters -Distance Learning Program, UNF-CIRT

2015- Faculty Community Engaged Scholarship, University Selection Committee

2014: Scholarship Committee, African American Faculty Staff Association

2011-Present:-MS/DI and ISPP Program Director
2012-Present: Scholarship Committee- African American Faculty Staff Association
2012-2013: President Elect – African American Faculty Staff Association
2011-2013: Distance Learning Committee, UNF
2012-2014: Reviewer, Graduate TLO applications

BCH Service Activities

2015/16- Co-Chair, Research and Scholarly Activity Committee
2014/15- Co-Chair, Research and Scholarly Activity Committee
2015- Faculty Community Engaged Scholarship University Selection Committee
2014 -Present: International Faculty Collaborative & Global Health Certificate Program
2014 -Present: Research and Scholarly Activity Committee
2014- Present: Dean's Leadership Discussion Group
2014: Nutrition Faculty Search Committee
2013: Research and Scholarly Activity Committee
2013: Distance Learning Committee
2012: Research and Scholarly Activity Committee
2012: Nutrition Faculty Search Committee
2011-Present: MS/DI Selection Committee, Chair
2011-Present: MS/DI Graduate Committee, Chair

Awards/ Recognition

2016: Outstanding Dietitian of the Year Award, First Coast Academy of Nutrition & Dietetics (FCAND)
2016: Nominated for UNF' Community Engaged Scholarship Award
2016: Nominated for UNF' Outstanding Graduate Teaching Award
2015: Emerging Leadership Award, First Coast Academy of Nutrition & Dietetics (FCAND)
2014: Recognized as a Fellow of the Academy of Nutrition and Dietetics (FAND)
2014: Nominated for Outstanding Dietetics Educator Award
2014: Nominated for UNF' Outstanding Graduate Teaching Award
2013: Nominated for UNF' Outstanding Graduate Teaching Award
2012: Research Excellence Award UNF, STARS, from the Office of Research and Sponsored Programs.
2009: Nominated for the prestigious Piper Professor teaching award in Texas
2006-2007: Outstanding Performance in Teaching, Sam Houston State University
2005-2006: Outstanding Performance in Teaching, Sam Houston State University
2005: Who's Who among America's Teachers
2004: Who's Who among America's Teachers

Professional Membership

Academy of Nutrition and Dietetics
Florida Academy of Nutrition and Dietetics
First Coast Academy of Nutrition and Dietetics
Society for Nutrition Education and Behavior (SNEB)
SNEB- International Nutrition Education and Nutrition Education for Children
Nutrition and Dietetic Educators and Preceptors (NDEP)
Behavioral Health Nutrition (DPG)
American Association of Family and Consumer Sciences (AAFCS)
Florida Association of Family and Consumer Sciences (FAFCS)

References: Will be provided upon request



Department of Health



License Verification

Printer Friendly Version

CLAUDIA SEALEY-POTTS PHD

License Number: ND6999

Data As Of 6/24/2016

License Information	Secondary Locations	Discipline/Admin Action
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Profession

Dietitian/Nutritionist

License

ND6999

License Status

CLEAR/ACTIVE

License Expiration Date

5/31/2017

License Original Issue Date

07/22/2014

Address of Record

1 UNF DRIVE, BCH

NUTRITION AND DIETETICS DEPARTMENT

UNIVERSITY OF NORTH FLORIDA

JACKSONVILLE, FL 32224

Discipline on File

No

Public Complaint

No

Back

For instructions on how to request a license certification of your Florida license to be sent to another state from the Florida Department of Health, please visit the License Certifications web page.



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Applicant for Dietitian/Nutritionist Licensure

Name: Fanny Cabrera Pina

File #: 8287

Application Date: 06/15/2016

Completion Date: 06/16/2016

To Be Reviewed by Council Date: July 8, 2016

Application Method: Endorsement of Another State License

Issues:

Criminal History: Yes: _____ No: x

Personal History: Yes: _____ No: x

Disciplinary History: Yes: _____ No: x

Education Issues: Yes: _____ No: x

Experience Issues: Yes: _____ No: x

Waiver of Rule: Yes: _____ No: x

If waiver, list Rule #: _____

Processor's Name: LaQuadra Simmons

Summary: Mrs. Cabrera Pina is applying for licensure by endorsement of her Puerto Rico license. Her application is presented before the Council for review. Ms. Cabrera Pina's application was complete on June 16, 2016.

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Rick Scott
Governor

Celeste Philip, MD, MPH
Surgeon General and Secretary

Vision: To be the Healthiest State in the Nation

June 16, 2016

Mrs. Fanny Cabrera Pina
5423 Jericho Ave
Polk City, FL 33868

Applicant ID: 8287

Dear Mrs. Cabrera Pina:

The Dietetics & Nutrition Practice Council will consider your application for dietitian/nutritionist licensure by Endorsement at its July 8, 2016 meeting to discuss:

Your application by Endorsement of Another State License

In addition, the Council may inquire into any other issues regarding your eligibility and/or application for licensure. Your application will be placed on the agenda for the Council's consideration at the meeting listed below:

Date: July 8, 2016
Time: 9:30 am
Location: Conference Call
Phone: 1-888-670-3525
Conference Code: 7811783909#

Thank you for your continued cooperation. If you have any questions, please contact me at the address below. You may also reach me at (850) 245-4444 ext. 3475 or e-mail at LaQuadra.Simmons@flhealth.gov.

Sincerely,
LaQuadra Simmons
LaQuadra Simmons
Regulatory Specialist II

CONFIDENTIAL AND EXEMPT MATERIALS

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456.057 - Ownership and control of patient records; report or copies of records to be
furnished.—

10)(a)All patient records obtained by the department and any other documents
maintained by the department which identify the patient by name are confidential and exempt
from s. 119.07(1) and shall be used solely for the purpose of the department and the appropriate
regulatory board in its investigation, prosecution, and appeal of disciplinary proceedings. The
records shall not be available to the public as part of the record of investigation for and
prosecution in disciplinary proceedings made available to the public by the department or the
appropriate board.

Extension:

E-mail Address:

fannyc_p@hotmail.com

Home

(407)272-2429

Fax

Physical Location

Address:

5423 Jericho Ave

Polk City, FL

33868

US

Phone Number:

(787)364-7607

Extension:

Home

(407)272-2429

Fax

Education History

School Name:

UNIVERSITY OF PUERTO RICO RIO
PIEDRAS CA

Major::

Dietetics and Nutrition

Degree/Cert::

Bachelor

Date of Graduation (mm/dd/yyyy):

12/21/2011

Other State Licenses

Do you now hold, or have you ever held, a temporary permit, a license/certification or been authorized to practice dietetics or nutrition or any health-related profession in any state, U.S. Territory, including Florida, or country, regardless of the status? **Yes**

Date of Expiration:

07/22/2017

Country:

PUERTO RICO

State:

Puerto Rico

Health History

In the last five years, have you been enrolled in, required to enter into, or participated in any drug or alcohol recovery program or impaired practitioner program for treatment of drug or alcohol abuse that occurred within the past five years? **No**

In the last five years, have you been admitted or referred to a hospital, facility or impaired practitioner program for treatment of a diagnosed mental disorder or impairment? **No**

During the last five years, have you been treated for or had a recurrence of a diagnosed mental disorder that has impaired your ability to practice your profession within the past five years? **No**

During the last five years, have you been treated for or had a recurrence of a diagnosed physical disorder that has impaired your ability to practice your profession? **No**

In the last five years, were you admitted or directed into a program for the treatment of a diagnosed substance-related (alcohol/drug) disorder or, if you were previously in such a program, did you suffer a relapse within the last five years? **No**

During the last five years, have you been treated for or had a recurrence of a diagnosed substance-related (alcohol/drug) disorder that impaired your ability to practice your profession within the last five years? **No**

Initial Application Mandatory CE

I have completed the Prevention of Medical Errors education required by Florida Statutes, as defined by Rule 64B8-42.005, F.A.C. **Yes**

Provider Number: **50-19418**

Provider/School Name: **FLORIDATRainingCENTER.ORG**

Course Number/Title: **Medical Errors**

Date Completed: **06/17/2016**

Criminal History

Have you ever been convicted of, or entered a plea of guilty, nolo contendere, or no contest to, a crime in any jurisdiction other than a minor traffic offense? **No**

You must include all misdemeanors and felonies, even if the court withheld adjudication so that you would not have a record of conviction. Driving under the influence or driving while impaired is not a minor traffic offense for purposes of this question. Provide the data below and a statement regarding the incident. Make sure to include an explanation of the charges, dates, jurisdictions and dispositions. You will need to add a separate record for each incident

FDANP - Disciplinary

Have you ever had a license revoked, suspended, or otherwise acted against, including denial of licensure, by the licensing authority of this state or another state, territory, or country? **No**

FDANP - Notified

Have you ever been notified to appear before any licensing authority on a complaint of any nature, including, but not limited to, a change or violation for unprofessional or unethical conduct? **No**

FDANP - Malpractice

Have you ever been named or sued for malpractice? **No**

FDANP - Employment

Have you ever been disciplined, terminated or allowed to resign, in lieu of termination, from an employment setting where employed as a dietitian/nutritionist or in any capacity in the health care profession? **No**

FDANP - Crime Related to Practice

Have you ever been convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction, which directly relates to the practice of dietetics/nutrition? **No**

Medicaid / Medicare - Application

1. Have you been convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a felony under Chapter 409, F.S. (relating to social and economic assistance), Chapter 817, F.S. (relating to fraudulent practices), Chapter 893, F.S. (relating to drug abuse prevention and control) or a similar felony offense(s) in another state or jurisdiction? **No**

2. Have you been convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a felony under 21 U.S.C. ss. 801-970 (relating to controlled substances) or 42 U.S.C. ss. 1395-1396 (relating to public health, welfare, Medicare and Medicaid issues)? **No**

3. Have you ever been terminated for cause from the Florida Medicaid Program pursuant to Section 409.913, Florida Statutes? **No**

4. Have you ever been terminated for cause, pursuant to the appeals procedures established by the state, from any other state Medicaid program? **No**

5. Are you currently listed on the United States Department of Health and Human Services Office of Inspector General's List of Excluded Individuals and Entities? **No**

Availability for Disaster

Are you willing to provide health care services in special need shelters or to work with disaster medical teams during times of emergency or major disasters? If you respond 'Yes', your name will be added to a data listing that is available to the Department of Health if a disaster is declared. If you live in an area where you may be able to help you will be called on if needed. **No**

If you respond 'Yes', your name will be added to a data listing that is available to the Department of Health if a disaster is declared. If you live in an area where you may be able to help you will be called on if needed.

Attachments

- Ley 82- Ingles.pdf **Copy of the laws 82**
- certificacion.pdf **Degree Certification**
- Diploma.pdf **Degree Certification**
- verification statement.pdf **Verification Statement**

Registry certificate.pdf

Registry Certificate

tarjeta de miembro colegiacion.pdf

Active Professional Association in PR

Medical Errors.pdf

Medical Errors

Fees

Application Fee	\$80.00
Initial License Fee	\$80.00
Endorsement Fee	\$75.00
Unlicensed Activity	\$5.00
Total Amount Due:	\$240.00

Attestation

Checking the box below will acknowledge this application is correct and was submitted by you (the applicant) and not a third party. You also agree to comply with all requirements for licensure and renewal.

I declare these statements are true and correct and recognize that providing false information may result in disciplinary action against my license or criminal penalties pursuant to Sections 456.067, 775.082, 775.083 and 775.084, Florida Statutes.

I hereby authorize all hospital(s), institution(s) or organization(s), personal physicians, employers (past and present), and all governmental agencies and instrumentalities (local, state, federal or foreign), to release to the Florida Board of Medicine, Dietetics and Nutrition Practice Council any information which is material to my application for licensure.

I have carefully read the questions in the foregoing application and have answered them completely, without reservations of any kind, and I declare that my answers and all statements made by me herein are true and correct.

Should I furnish any false information in this application, I hereby agree that such act shall constitute cause for denial, suspension or revocation of my license to practice as a Dietitian/Nutritionist in the State of Florida.

I further state that I have read and understand Chapters 456 and 468, Part X, Florida Statutes, and Chapter 64B8, Florida Administrative Code, pertaining to the Dietetics/Nutrition Practice Act. I further state that I will comply with all requirements for licensure renewal including continuing education credits.



FLORIDATRainingCenter.org

THIS IS TO CERTIFY THAT

FANNY CABRERA PINA

Medical Errors

Contact Hours : 2 hours

Completion Date : 06-14-2016

Joline Blanc

RN, BSN
Instructor

Nessely Florvilus

Program Director

CE BROKER



APPROVED PROVIDER

CE Provider # 50-19418

Certificate must be retained for at least 4 years, do not forward certificate to the Board of Nursing.

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Commonwealth of Puerto Rico

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DEPARTAMENTO DE SALUD
Department of Health

OFICINA DE REGLAMENTACION Y CERTIFICACION
Office of Regulation and Certification
DE PROFESIONALES DE LA SALUD
of Health Professionals

CERTIFICADO DE REGISTRO
(REGISTRY CERTIFICATE)

NOMBRE (NAME)	FANNY CABRERA PIÑA
PROFESIÓN (PROFESSION)	Nutricionista y/o Dietista
NÚM. DE LICENCIA (LICENSE NO.)	1893
NÚM. DE REGISTRO (REGISTRY NO.)	169359
VÁLIDO DESDE (VALID FROM)	22/JUL/2014
VENCE EN (DUE DATE)	22/JUL/2017

CERTIFICAMOS QUE ESTE PROFESIONAL CUMPLIÓ CON EL REQUISITO ESTABLECIDO POR LA
(WE CERTIFY THAT THIS PROFESSIONAL HAS COMPLIED WITH REQUISITES ESTABLISHED)

LEY NÚM. 11 DE 23 DE JUNIO DE 1976 SEGÚN ENMENDADA.
(BY ACT NO. 11 OF JUNE 23, 1976 AS AMENDED)

LA LICENCIA DEBERÁ RECERTIFICARSE A LA FECHA DE VENCIMIENTO O ANTES.
(THE LICENSE MUST BE RECERTIFY THE DATE DUE OR BEFORE)

DADA EN SAN JUAN, PUERTO RICO HOY. 22 de Julio del 2014
(GIVEN IN SAN JUAN, PUERTO RICO ON) _____

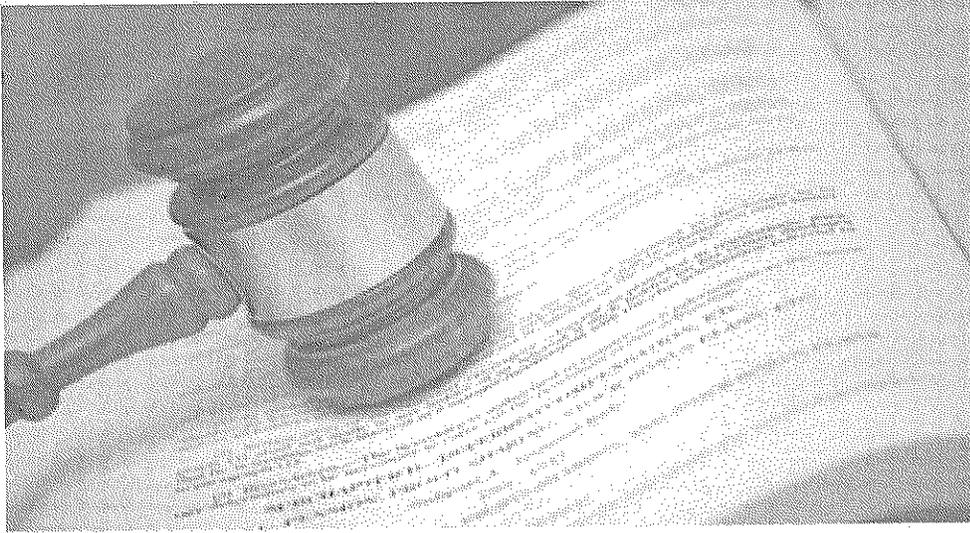


[Handwritten Signature]
FIRMA AUTORIZADA (AUTHORIZED SIGNATURE)

NO TRANSFERIBLE (NON TRANSFERABLE)

ADVERTENCIA: CUALQUIER ALTERACION O BORRADURA CANCELA ESTA CERTIFICACION.
ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATION.
ESTE DOCUMENTO NO ES TRANSFERIBLE / THIS DOCUMENT IS NOT TRANSFERABLE.

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Enmiendas a la Ley 82

July 23 NUTRITIONISTS AND DIETITIANS L. NO. 124

Board of Examiners – Nutritionists and Dietitians;

Profession of Nutrition and Dietetics

(House of Representatives Bill 444)

[No. 124]

[Approved on July 23, 1974]

ACT

To amend various provisions of Act No. 82 of May 31, 1972, that regulates the professions of nutritionists and dietitians in Puerto Rico.

It is hereby ordered by the Legislative Assembly of Puerto Rico:

Part 1.- Title of Act No. 82 of May 31, 1972 is amended to read as follows:

"To regulate the practice of the profession of nutrition and dietetics in Puerto Rico and to create the Board of Examiners of Nutritionists and Dietitians; establish the College of Nutritionists and Dietitians of Puerto Rico and provide for its rights and responsibilities; and to establish penalties."

Part 2.- The third paragraph of the Statement of Motives of Act No. 82 of May 31, 1972 is amended to read as follows:

"Due to the advancements in food handling and servicing, the progress of dietetic treatment as an essential part in the medical treatment of diseases, and the growing demand for nutrition and dietetic services, the need has arisen in Puerto Rico for the use of duly trained specialists in the fields of nutrition and dietetics, to implement the new projects aimed at improving the nutritional aspects of the diet of Puerto Ricans, and to protect their health. To that effect, it is necessary to regulate the profession of nutrition and dietetics, establish the requirements to be met by those who practice and wish to practice such profession, and to establish the adequate organisms to

oversee the faithful compliance with the objectives pursued by the regulation of this profession." Part 3.- Subsections (a), (b), (c), (d) and (f) of Section 2 of Act No. 82 of May 31, 1972, are amended to read as follows:

Section 2. - Board of Examiners of Nutritionists and Dietitians

(a) "The Board of Examiners of Nutritionists and Dietitians of Puerto Rico is hereby created, attached to the Division of Examining Boards of the Department of State of Puerto Rico, which will be responsible for all duties related to the granting, suspension and revocation of licenses to practice the profession of nutrition and dietetics in the Island.

(b) The Board shall be composed of five members appointed by the Governor with the advice and consent of the Senate. These members shall enjoy good standing, be of legal age, citizens of the United States and residents of the Commonwealth of Puerto Rico. Two of the members shall be nutritionists and two shall be dietitians. These shall hold a bachelor's degree with a major in nutrition or dietetics from a college or university accredited by the Council for Higher Education, and shall have no less than five years of experience in the performance of the profession as of the date of their appointments. If the candidate holds a masters or doctoral degree in nutrition or dietetics or in any other related field, he shall only be required one year of experience in their field of specialty. The remaining member of the Board shall be a professional in good standing who has shown interest in the field of health and/or nutrition, and who has participated in activities related with these fields, and that has practiced his profession for no less than five years.

The Governor may consider qualified candidates as members of the Board submitted to him by bona fide entities with legitimate interest in the work of the Board.

(c) The initial appointments shall be made for the following terms: one dietitian and one nutritionist for two years, one professional in good standing for three years and the remaining member for four years. Subsequent appointments shall be made for a term of four (4) years. The members shall hold their posts during the term for which they were appointed and until their successors are appointed and take possession of their posts. Any vacancy which may occur prior to the expiration of the term of a member shall be filled for the remaining portion of the term. No person shall be appointed for more than two consecutive terms.

(d) The members of the Board shall serve ad honorem.

(f) The funds earned as a result of the compliance with this Act shall become part of the general fund of the state Treasury Department."

Part 4.- Section 3 of Act No. 82 of May 31, 1972 is amended to read as follows:

Section 3 – Meetings of the Board

"The Board shall meet at least twice a year and as often as necessary for the best fulfillment of its functions. During the first meeting, and thereafter whenever the post is vacant, the Board shall elect a Chairperson from among its members. The resolutions of the Board shall be taken by a majority vote of its members. Three members of the Board shall constitute a quorum."

Part 5.- Subsection (a) is amended and subsection (i) is added to Section 4 of the Act No. 82 of May 31, 1972 to read as follows:

Section 4. – Powers and Duties of the Board

"The Board of Examiners hereby created shall have the following powers and duties:

(a) It shall issue licenses to practice the profession of nutrition and dietetics in Puerto Rico.

(i) The Board may grant a provisional license for a maximum of two times to individuals who meet the requirements for obtaining a regular license, that have requested the examination and that are waiting to take such examination. This provisional license shall be automatically

revoked once the examination closest to the time of its issuance has been offered."

Part 6. – Subsection (b) of Section 5 of Act No. 82 of May 31, 1972 is amended to read as follows:

"Section 5. –License Application

Applicants that fail the examination may reapply by submitting their application with a payment voucher in the amount of five (5) dollars."

Part 7.- Subsections (a) and (b) of Section 6 of Act No. 82 of May 31, 1972 are amended to read as follows:

Section 6.- Requirements for obtaining a license:

(a) "To be a person of good moral standing, be over eighteen years of age and a resident of Puerto Rico.

(b) To hold a bachelor's degree with a major in nutrition or dietetics from a university or college accredited by the Council for Higher Education or by one of the national accreditation regional entities, and to have completed an internship in nutrition or dietetics in a hospital or institution accredited to give such training, or in substitution of such internship, to hold a masters or doctoral degree in nutrition or dietetics from a university or college accredited by the Council for Higher Education or by one of the national accreditation regional entities.

An internship shall not be required of those individuals that completed their bachelor's degree before July 1, 1976."

Part 8.- Section 7 of Act No. 82 of May 31, 1972 is amended to read as follows:

"As of the date of effectiveness of this Act, only the persons holding a license issued by the Board shall have the right to practice the profession of nutrition and dietetics in Puerto Rico and use the corresponding title."

Part 9.- Section 8 of Act No. 82 of May 31, 1972 is amended to read as follows:

"Section 8. - Reciprocity, license without examination and provisional licenses

The Board may grant licenses without examination to practice in Puerto Rico as nutritionists or dietitians to those persons who have pursued comparable studies to those required in Puerto Rico at a recognized college or university, and that hold licenses to work as such, granted by authorized organizations of the states of the United States of America with which the Board has established reciprocity relations, and provided that such states offer a similar concession to individuals licensed in Puerto Rico. The applicants for licenses without examination under this section shall meet the requirements of subsection (a) of Section 6.

The Board is hereby authorized to issue provisional license to guest nutritionists or dietitians, invited or contracted by the Commonwealth of Puerto Rico, its agencies or departments, or to be utilized by federal agencies in Puerto Rico to practice as such in Puerto Rico. The Board shall establish in its regulations, the requirements and conditions for the application and issuance of such licenses, after said applicants pay a fee through a payment voucher in the amount of ten (10) dollars, issued by the Internal Revenue Collections Office. These licenses shall be issued for a term no greater than one year and may be extended for additional periods after being so justified before the Board."

Part 10.- The first paragraph of Section 9 of Act No. 82 of May 31, 1972 is amended to read as follows:

Section 9 – Penalties

"Any person who practices the profession of dietitian or nutritionist in Puerto Rico, or advertises as such without holding a license duly issued by the Board of Examiners created by virtue of this Act, or that during the suspension or revocation of his license, or without being a member of

the College of Nutritionists and Dietitians of Puerto Rico, practices as a person authorized, shall be charged with a misdemeanor and upon conviction thereof, shall be punished with a fine no less than one hundred (100) dollars, and no greater than five hundred (500) dollars, or by imprisonment for a term of no less than one (1) month, and no greater than six (6) months, or both penalties at the discretion of the Court."

Part 11.- Section 9A is added to Act No. 82 of May 31, 1972 to read as follows:

"The provisions of this Act shall not apply and shall not be detrimental in any way to:

(a) Officers and employees of the government of the United States while employed in Puerto Rico as nutritionists and dietitians in federal agencies, and who have their provisional licenses, and

(b) Any person employed in Puerto Rico in state or federal agencies, as a subordinate or under the supervision of a nutritionist or dietitian duly licensed by the Board of Examiners, or a nutritionist or dietitian covered by subsection (a) of this section, as long as the duties and responsibilities of the subordinate are not exactly and totally corresponding to those of a nutritionist or dietitian, or require determinations and definite judgments, and are carried out subject to the responsibility and immediate supervision of the authorized professional."

Part 12.- Section 10 of Act No. 82 of May 31, 1972 is amended to read as follows:

Section 10. - Creation of the College of Nutritionists and Dietitians of Puerto Rico.

"The professionals entitled to practice the profession of nutrition and dietetics in Puerto Rico, provided the absolute majority of them shall so determine in a referendum to be held to that effect, as provided in section 19(a) of this Act, are hereby constituted into a juridical body or quasi-public corporation under the name of College of Nutritionists and Dietitians of Puerto Rico, with domicile as determined by the Initial General Assembly of the College."

Part 13.- Section 12 of Act No. 82 of May 31, 1972 is amended to read as follows:

"After the first meeting of the Board of Directors of the College is celebrated, no one shall practice the nutrition and dietetics profession in Puerto Rico that is not a member of the College, and anyone that practices it without being a member shall be subjected to the penalties provided in the first paragraph of Section 9 of this Act."

Part 14.- Section 13 of Act No. 82 of May 31, 1972 is amended to read as follows:

"Any person admitted to the practice of the profession of nutrition and dietetics in Puerto Rico, as provided in this Act, may be a member of the College."

Part 15.- Section 18 of Act No. 82 of May 31, 1972 is amended to read as follows:

"Any member who does not pay his annual quota shall be suspended as member after being notified and given reasonable opportunity to bring his dues up to date. The member may be reinstated upon payment of the amounts due. After a member has been suspended, the College shall have the discretion, in such cases where it is justified, to argue before the Board of Examiners, of its own initiative, or of any of its members, the corresponding action for the suspension of the license of nutritionist or dietitian, as the case may be, of the concerned party."

Part 16.- Section 19 of Act No. 82 of May 31, 1972 is amended to read as follows:

(a) "Within six (6) months from the date of effectiveness of this Act, the Board of Examiners of Nutritionists and Dietitians shall consult, through a written referendum sent by mail to all those individuals qualified to become members of the College, whether they wish for the College of Nutritionists and Dietitians of Puerto Rico to be established or not, as provided in this Act. The answers may not be conditional, but affirmative or negative in the absolute, handwritten by the interested party, and subject to free inspection by any member of the nutrition and dietetics profession who so requests it."

(b) The Board of Examiners shall count the votes cast in the referendum no later than ninety (90) days after the referendum has been held.

(c) Once a majority of the consulted individuals have pronounced themselves in favor or against the College, the Board shall report the results in writing to the Governor and to all the persons licensed to practice the profession of nutrition and dietetics in Puerto Rico. In the event that the ninety (90) day period provided for counting the votes passes and the votes of the majority of the consulted individuals are not received, it will be officially understood that those were not in favor of the celebration of the referendum, in which case all the provisions of this Act, pertaining to the establishment of the College of Nutritionists and Dietitians, will be repealed."

Part 17.- The first paragraph of Section 20 of Act No. 82 of May 31, 1972 is amended to read as follows:

Section 20-

"Should the result of the referendum provided in Section 19(a) hereof be in the affirmative, the Board of Examiners of Nutritionists and Dietitians shall convene an Initial General Assembly to be held within thirty (30) days following the date in which the communication provided in section 19(c) was made, and shall convene, by mail and by publishing such notice in two general circulation newspapers during two consecutive days, notifying all the dietitians and nutritionists that on such date they become authorized to practice the profession in Puerto Rico, for the purpose of electing the first board of directors and to resolve on the bylaws of the College. This assembly shall be held in San Juan, Puerto Rico."

Part 18.- Section 21 of Act No. 82 of May 31, 1972 is amended to read as follows:

"If the result of the referendum favors the establishment of the College of Nutritionists and Dietitians of Puerto Rico, this shall be the successor of the juridical person of the Puerto Rico Dietetics Association, which was registered under Number 645, on August 11, 1959, at the Department of State of Puerto Rico, if it is agreed by the Association, and as soon as same is dissolved according to the provisions of Act No. 3 of January 9, 1956, as amended, known as the General Corporation Law of Puerto Rico."

Part 19.- "The Board of Examiners shall issue licenses without examination to any person that on November 30, 1972, holds the degree of nutritionist or dietitian in Puerto Rico, from an accredited university or college, and has demonstrated before the Board of Examiners and to their satisfaction, that he possesses such degree, that has practiced the profession for a term no less than one year, is of good moral standing, of legal age and a resident of Puerto Rico. Such persons shall comply with the provision of Subsection (a) of Section 5, and apply for a license without examination within the six (6) months term, commencing on the date in which this Act was approved."

Part 20.- "This Act shall be effective immediately after its approval."

Approved on July 23, 1974.

Select Year:

The 2016 Florida Statutes

Title XXXII	Chapter 468	View Entire Chapter
REGULATION OF PROFESSIONS AND OCCUPATIONS	MISCELLANEOUS PROFESSIONS AND OCCUPATIONS	

468.509 Dietitian/nutritionist; requirements for licensure.—

(1) Any person desiring to be licensed as a dietitian/nutritionist shall apply to the department to take the licensure examination.

(2) The department shall examine any applicant who the board certifies has completed the application form and remitted the application and examination fees specified in s. [468.508](#) and who:

(a)1. Possesses a baccalaureate or postbaccalaureate degree with a major course of study in human nutrition, food and nutrition, dietetics, or food management, or an equivalent major course of study, from a school or program accredited, at the time of the applicant's graduation, by the appropriate accrediting agency recognized by the Commission on Recognition of Postsecondary Accreditation and the United States Department of Education; and

2. Has completed a preprofessional experience component of not less than 900 hours or has education or experience determined to be equivalent by the board; or

(b)1. Has an academic degree, from a foreign country, that has been validated by an accrediting agency approved by the United States Department of Education as equivalent to the baccalaureate or postbaccalaureate degree conferred by a regionally accredited college or university in the United States;

2. Has completed a major course of study in human nutrition, food and nutrition, dietetics, or food management; and

3. Has completed a preprofessional experience component of not less than 900 hours or has education or experience determined to be equivalent by the board.

(3) The board shall waive the examination requirement for an applicant who presents evidence satisfactory to the board that the applicant is:

(a) A registered dietitian or registered dietitian/nutritionist who is registered with the commission and complies with the qualifications under this section; or

(b) A certified nutrition specialist who is certified by the Certification Board for Nutrition Specialists or who is a Diplomate of the American Clinical Board of Nutrition and complies with the qualifications under this section.

(4) The department shall license as a dietitian/nutritionist any applicant who has remitted the initial licensure fee and has passed the examination in accordance with this section.

History.—ss. 9, 20, ch. 88-236; s. 25, ch. 91-220; s. 4, ch. 91-429; s. 27, ch. 94-310; s. 9, ch. 96-367; s. 3, ch. 2015-125; s. 58, ch. 2016-10.

Select Year:

The 2016 Florida Statutes

<u>Title XXXII</u>	<u>Chapter 468</u>	<u>View Entire</u>
REGULATION OF PROFESSIONS AND OCCUPATIONS	MISCELLANEOUS PROFESSIONS AND OCCUPATIONS	<u>Chapter</u>

468.513 Dietitian/nutritionist; licensure by endorsement.—

(1) The department shall issue a license to practice dietetics and nutrition by endorsement to any applicant who the board certifies as qualified, upon receipt of a completed application and the fee specified in s. [468.508](#).

(2) The board shall certify as qualified for licensure by endorsement under this section any applicant who:

- (a) Presents evidence satisfactory to the board that he or she is a registered dietitian; or
- (b) Holds a valid license to practice dietetics or nutrition issued by another state, district, or territory of the United States, if the criteria for issuance of such license are determined by the board to be substantially equivalent to or more stringent than those of this state.

(3) The department shall not issue a license by endorsement under this section to any applicant who is under investigation in any jurisdiction for any act which would constitute a violation of this part or chapter 456 until such time as the investigation is complete and disciplinary proceedings have been terminated.

History.—ss. 13, 20, ch. 88-236; s. 4, ch. 91-429; s. 14, ch. 96-367; s. 93, ch. 98-166; s. 152, ch. 2000-160; s. 59, ch. 2016-10.

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64B8-42.001 Licensure by Endorsement.

Each applicant for certification as a dietitian/nutritionist by endorsement shall file the Application for Dietitian/Nutritionist Licensure, DOH Form DH-MQA 1161, ND APP, Rev. 05/2015, incorporated by reference, which can be accessed at <http://www.floridahealth.gov/licensing-and-regulation/dietetic-nutrition> or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-05839> and demonstrate the following:

(1)(a) That she or he holds registered dietitian credentials issued by the Commission on Dietetic Registration of the Academy of Nutrition and Dietetics; or

(b) That she or he holds certification or licensure to deliver dietetic and nutritional practice in another state, district, or territory of the United States; such certification must have been granted to requirements determined to be equivalent to or more stringent than the requirements in Florida.

(2) That she or he is not under investigation, involved in disciplinary proceedings in any jurisdiction, or otherwise disqualified by reason of violation for any act which is a violation of Chapters 456 and 468, Part X, F.S., or the rules promulgated thereunder.

Rulemaking Authority 468.507 FS. Law Implemented 456.013, 456.0635, 456.38, 468.508, 468.509, 468.511, 468.513 FS. History—New 4-9-89, Formerly 21M-48.001, 61F6-48.001, 59R-42.001, Amended 5-31-09, 2-15-10, 9-13-12, 3-5-13, 1-26-15, 9-22-15.

CONFIDENTIAL AND EXEMPT MATERIALS

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SOME OR ALL PAGES IN THIS DOCUMENT ARE PATIENT RECORDS
AND/OR DOCUMENTS THAT IDENTIFY THE PATIENT BY NAME AND ARE
EXEMPT FROM PUBLIC RECORDS LAWS.

456.057 - Ownership and control of patient records; report or copies of records to be furnished.—

10)(a)All patient records obtained by the department and any other documents maintained by the department which identify the patient by name are confidential and exempt from s. 119.07(1) and shall be used solely for the purpose of the department and the appropriate regulatory board in its investigation, prosecution, and appeal of disciplinary proceedings. The records shall not be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the department or the appropriate board.

UNIVERSIDAD DE PUERTO RICO
RECINTO DE RIO PIEDRAS
OFICINA DEL REGISTRADOR
PO BOX 23303
SAN JUAN PR 00931-3303

00178

801-04-1071
NÚM. DE ESTUDIANTE

CERTIFICACIÓN

CERTIFICO QUE CABRERA PIÑA, FANNY

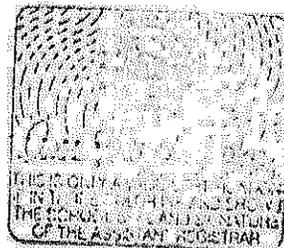
RECIBIÓ EN LA UNIVERSIDAD DE PUERTO RICO EL GRADO DE

**BACHILLER EN CIENCIAS
NUTRICION Y DIETETICA**

EL 21 DE DICIEMBRE DE 2011

EXPEDIDA EN RÍO PIEDRAS, PUERTO RICO, EL 21 DE DICIEMBRE DE 2011.

POR EL REGISTRADOR
DIVISION DE GRADOS Y DIPLOMAS



AUCTORIBUS • PROFESSORIBUS • QUIBUS • HOC • MUNUS
COMMISSUM • EST • SYNDICI

Universitatis • Pontificiæ

Francisci Calverra Hiiñ

AD • GRADUM

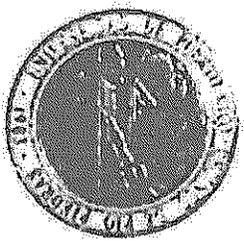
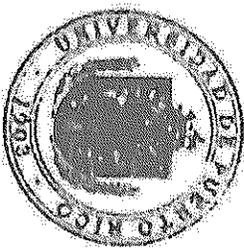
Baccalaurii Scientiarum

ADMISERE • EIQUE • OMNIA • JURA • HONORES • PRIVILEGIA • AD • HUNC • GRADUM
PERTINENTIA • CONCESSERE.
IN • CUIUS • REI • TESTIMONIUM • NOS • HUIUS • UNIVERSITATIS • RITE • CONSTITUTI
MAGISTRATUS • HUIUS • DIPLOMATI • NOMINA • NOSTRA • SUBSCRIPSIMUS • ET • SIGILLUM
NOSTRAE • UNIVERSITATIS • SIGILLUMQUE • AEDIUM • APPONI • CURAVIMUS.
DATUM • IN • URBE • RIO • PIEDRAS • PUERTO • RICO • DIE • VICESIMO • PRIMO • MENSIS
DECEMBRIS • ANNO • DOMINI • MMXI.

Maguel d. Muniñ
UNIVERSITATIS • PRÆSIS

Epis. Rivas de Vazquez
ONCELI • SYNDICUM • PRÆSIS

Con. P. Alvarez
CANCELLARIUS



Colegio de Nutricionistas y Dietistas de Puerto Rico
TARJETA DE MIEMBRO

Lcda. ~~Fanny~~ Cabrera Piña



PERIODO DE CUBIERTA 7/01/2017 HASTA 6/30/2017

Activa

1893

Categoría

Sola. Carmen M. Betancourt

#Licencia

Tesorera

**Ratification List
ACEND Applicants to sit
For the Registration
Examination For Dietitian
July 08, 2016**

	Name	School	Grad Date
1.	Nidia Salcedo	University of Antioquia	06/21/1991
2.	Kristina Bergman	University of Florida	05/05/2015

**Licensees Certification For
Licensure by Endorsement of
Registered Dietitian Status
July, 08, 2016**

	License Number	Licensee Name	Date Issued
1	ND 7754	Junqueira, Yasmine Trein	03/29/2016
2	ND 7755	Newberry, Bethany Ruth	03/29/2016
3	ND 7756	Munoz Aristizabal, Adriana	03/29/2016
4	ND 7757	Houghton, Valerie Murray	03/29/2016
5	ND 7758	Brooks, Penny Sabrina	03/30/2016
6	ND 7759	Couture, Kelsey	03/30/2016
7	ND 7760	Hamdan, Mireille	03/31/2016
8	ND 7762	Tait, Bethany Hollie	04/01/2016
9	ND 7763	Brindisi, Alessi	04/01/2016
10	ND 7764	Wicker, Jessica Lynn	04/01/2016
11	ND 7765	Hinton, Brittany Ana	04/01/2016
12	ND 7766	Thompson, Rebeca Helen	04/04/2016
13	ND 7767	Lewis, Alison	04/04/2016
14	ND 7768	Ramadan, Helena Machaj	04/05/2016
15	ND 7769	Laps, Jaclyn Ruth	04/05/2016
16	ND 7770	Freedman, Randi Beth	04/06/2016
17	ND 7771	Winqvist, Andrew Arthur	04/06/2016
18	ND 7772	Coley, Jerica Janae	04/06/2016
19	ND 7773	Sun, Han	04/08/2016
20	ND 7774	Leopold, Julie	04/11/2016
21	ND 7775	Prescott, Mary Catherine	04/11/2016
22	ND 7776	Kight, Leann Marie	04/11/2016
23	ND 7777	Huerta, Alexandra Paige	04/12/2016
24	ND 7778	Mcwilliams, Angella Jannine	04/12/2016
25	ND 7779	Perez Gomez, Gianna	04/12/2016
26	ND 7780	Mccandless, Rachel	04/12/2016
27	ND 7781	Lieberman, Layne	04/13/2016
28	ND 7782	Brown, Emily	04/18/2016
29	ND 7783	Torres-Negron, Natalia Cristina	04/18/2016
30	ND 7784	Nowicki, Carla Rae	04/19/2016
31	ND 7785	Hirschy, Betsy Steele	04/19/2016
32	ND 7786	Fannon, Kerry	04/20/2016
33	ND 7787	Foster, Renee	04/20/2016
34	ND 7788	Nyenhuis, Jacquelyn Rae	04/21/2016
35	ND 7789	Castle, Kimberly A	04/21/2016
36	ND 7790	Hanks, Lynae Jane	04/21/2016
37	ND 7791	Allen, Edith Marie	04/22/2016
38	ND 7792	Ardine Mitchell, Anna Marie	04/22/2016
39	ND 7793	Alfonso, Ana Christina	04/27/2016
40	ND 7794	Martinez-Spurlock, Clara Isabel	04/28/2016

41	ND	7795	Talamas, Nina A	04/28/2016
42	ND	7796	Peralta, Kathleen Decker Rdn	04/28/2016
43	ND	7797	Wagner, Meredith Kay	04/28/2016
44	ND	7798	Baingo, Gayle Marie	04/28/2016
45	ND	7799	Sinel, Natalie	04/29/2016
46	ND	7800	Gross, Kaitlyn Elyse	05/02/2016
47	ND	7801	Bane, Lindsay	05/02/2016
48	ND	7802	Baertschi, Amy	05/05/2016
49	ND	7803	Perez, Marcela Rd	05/05/2016
50	ND	7804	Goode, Audri	05/05/2016
51	ND	7805	Batchelor, Henry Silvano Jr	05/05/2016
52	ND	7806	Mohanty, Elizabeth E	05/05/2016
53	ND	7807	Berzinsky, Anne I	05/06/2016
54	ND	7808	Roman, Mary Louise	05/06/2016
55	ND	7809	Dulzaides, Nicole Rose	05/06/2016
56	ND	7810	Cardel, Michelle	05/06/2016
57	ND	7811	Willy, Hillary Paige	05/09/2016
58	ND	7812	Myotte, Andrea	05/09/2016
59	ND	7813	Graham, Brittany Nicole	05/10/2016
60	ND	7814	Norton, Diane Jill	05/10/2016
61	ND	7815	Pappas, Samantha Elise	05/10/2016
62	ND	7816	Langlais, Janelle Marie	05/12/2016
63	ND	7817	Jackson, Kaylan Heather	05/13/2016
64	ND	7818	Bourkin, Olga	05/13/2016
65	ND	7819	Indorato, Debra Ann	05/13/2016
66	ND	7820	Sullivan, Mary Ellen	05/13/2016
67	ND	7821	Alanez, Natalie Veronique	05/16/2016
68	ND	7822	Ferguson, Katie Ellen	05/16/2016
69	ND	7823	Feeney, Kara	05/17/2016
70	ND	7824	Bierman, Sabrina Michelle	05/17/2016
71	ND	7825	Mishaan, Natalie Freida	05/18/2016
72	ND	7826	Henne, Shirley	05/19/2016
73	ND	7827	Serrano, Veronica	05/20/2016
74	ND	7828	Espaillet, Erica Bridget	05/23/2016
75	ND	7829	Felden, Jessica Sara	05/26/2016
76	ND	7830	Carney, Meghan Elizabeth	05/27/2016
77	ND	7831	Thiede, Carolyn Coulter	05/31/2016
78	ND	7832	Phillips, Lisa	05/31/2016
79	ND	7833	Quinones-Cox, Olga I	05/31/2016
80	ND	7834	Taylor, Virginia Hart	06/02/2016
81	ND	7835	Exebio, Joel	06/02/2016
82	ND	7836	Morrison, Pamela Ann	06/02/2016
83	ND	7837	Fabian, Ashleigh	06/03/2016
84	ND	7838	Reeder, Nicole Kaitlyn	06/06/2016
85	ND	7839	Brooks, Madison Doran	06/09/2016
86	ND	7840	Stalte, Susan Maureen	06/09/2016
87	ND	7841	Baumb, Sheryl	06/13/2016
88	ND	7843	Feinglass, Erica	06/13/2016
89	ND	7844	Rocha, Lauren H	06/13/2016

**DIETETICS & NUTRITION PRACTICE COUNCIL (BOARD OF MEDICINE)
RULES REPORT – JUNE 2016**

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
64B8-42.001	Licensure by Endorsement.	06/03/2016	5/9/2016	5/16/2016	06/13/2016		
64B8-42.002	Licensure by Examination.						
64B8-42.002	Licensure by Examination. ("Examinations")	10/09/15 03/02/16	09/22/15 RD 10/27/15 RN	09/30/15	RN 11/03/15 11/18/15 JAPC letter rec'd 12/16/2015 -- RESPONSE NOC 03/10/16	04/12/2016	05/02/2016
64B8-44.002	Fraudulent, False, Deceptive, or Misleading Advertising.	10/09/15	09/22/15 RD 10/27/15 RN	09/30/15	11/03/15 11/18/15 JAPC letter rec'd 1/22/2016 - RESPONSE 03/07/16 NOC 05/17/2016 - NOC		
64B8-44.003	Disciplinary Guidelines.	REPEAL		REPEAL			
64B8-44.006	HIV/AIDS: Knowledge of Antibody Status; Action to be Taken.	REPEAL		REPEAL			
64B8-44.007	Standards of Practice.	REPEAL		REPEAL			
64B8-44.008	Performance of Delegated Tasks by Non-Licensed Personnel.	REPEAL		REPEAL			
64B8-44.009	Unauthorized Treatments	REPEAL		REPEAL			
64B8-44.004	Documentation	04/07/2016	04/20/2016	5/2/2016	06/09/2016		
64B8-45.002	Continuing Education Approval.	---- 08/06/15 BOM	02/16/15 RD 09/11/15 RN	02/24/15 ----	09/18/15 09/22/15 JAPC letter rec'd 11/05/15 JAPC response sent 11/09/15 Notice of Correction 11/09/15 JAPC letter rec'd 11/17/15 JAPC letter/TOLLED 11/19/15 JAPC response (toll) <i>{12/03/15 Board to consider}</i>		

MEMORANDUM

To: The Diet and Nutrition Practice Council

From: Diane L. Guillemette
Council Counsel

Re: Rule 64B8-42.005

Date: April 21, 2016

HB 941 deleted the requirement for prevention of medical errors for initial licensure, but it remains a requirement for biennial renewal. The Council approved changes to the application at the April meeting.

However, later review of the rules noted that the initial license requirement is found at 64B8-42.005. That rule should be repealed.

The biennial renewal requirement is found at 64B8-45.001(7), so further action is not necessary to require the course for renewal.

64B8-42.005 Additional Educational Requirements for Initial Licensure.

(1) Each applicant for initial licensure shall confirm completion of a two-hour course on the prevention of medical errors, including a study of root-cause analysis, error reduction and prevention, and patient safety. If the course is being offered by a facility licensed pursuant to Chapter 395, F.S., for its employees, up to one hour of the two-hour course may be specifically related to error reduction and prevention methods used in that facility.

(2) Courses approved by any Board within the Division of Medical Quality Assurance of the Department of Health pursuant to Section 456.013(7), F.S., are recommended by the Council and approved by the Board.

Rulemaking Authority 456.013(7) FS. Law Implemented 456.013(7) FS. History—New 7-22-02. Amended 1-8-07.

Dietetics and Nutrition Practice Council

Council Chair Report

July 08, 2016

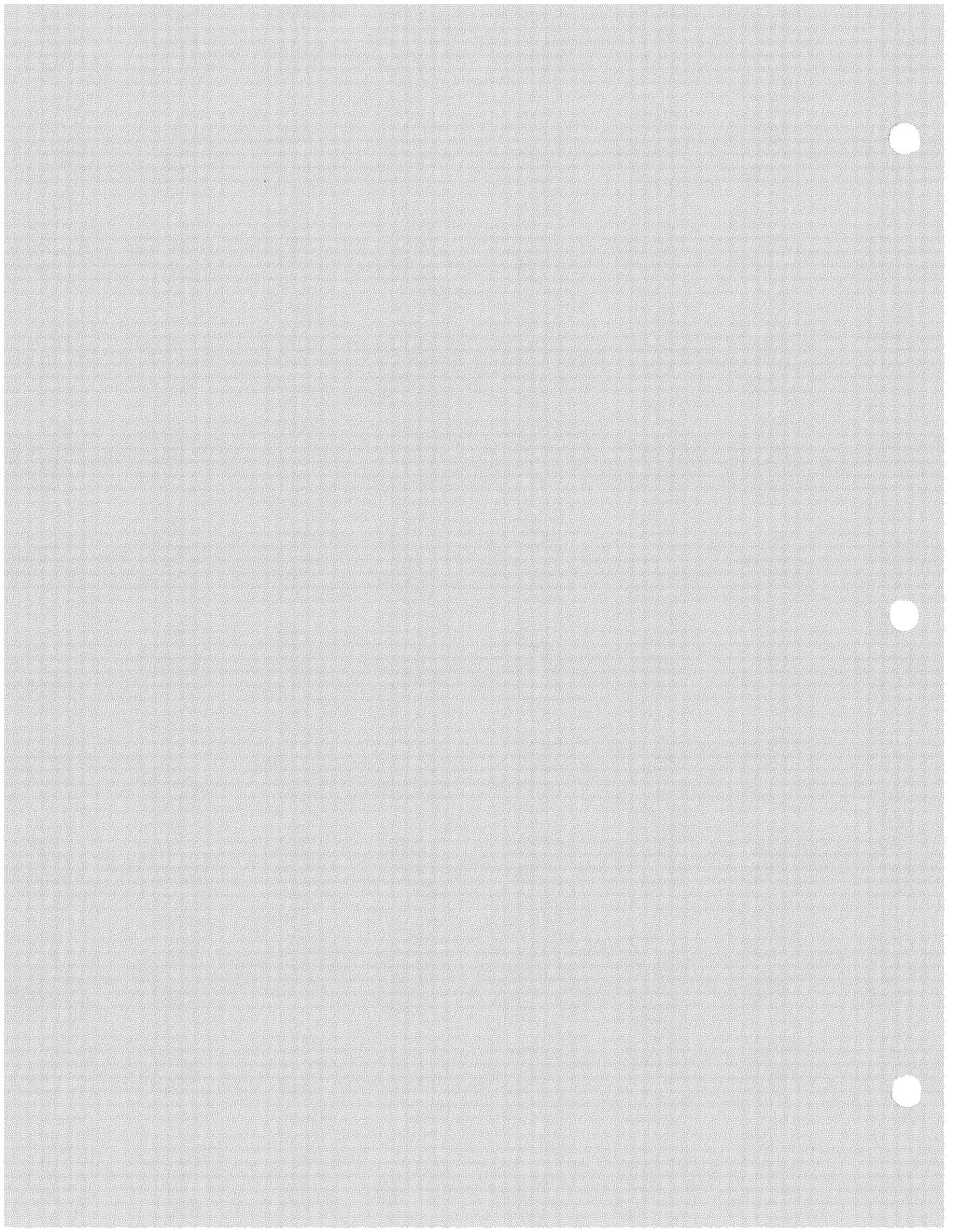
Dietetics and Nutrition Practice Council

Executive Director Report

July 08, 2016

**DEPARTMENT OF HEALTH
DIETETICS AND NUTRITION PRACTICE
EXPENDITURES BY FUNCTION
For Period Ending March 31, 2016**

<u>Function</u>	<u>Direct Charges</u>	<u>Allocated Charges</u>	<u>Total</u>	<u>Percent*</u>
Div of IT & Admin; Ofc of Sec		\$ 5,549	\$ 5,549	3.24%
Director, MQA		\$ 23,823	\$ 23,823	13.91%
Strategic Management Unit		\$ 1,673	\$ 1,673	0.98%
Bureau of HCPR Admin		\$ 502	\$ 502	0.29%
Board Office	\$ 1,632	\$ 12,634	\$ 14,265	8.33%
Bureau of Opns Admin		\$ 918	\$ 918	0.54%
Testing Services			\$ -	0.00%
Practitioner Reporting			\$ -	0.00%
Profiling Services			\$ -	0.00%
Licensure Support Svcs	\$ 1,426	\$ 2,177	\$ 3,603	2.10%
Imaging Services		\$ 3,579	\$ 3,579	2.09%
Systems Spt Unit		\$ 11,268	\$ 11,268	6.58%
Practitioner Compliance		\$ 222	\$ 222	0.13%
Renewal Support			\$ -	0.00%
Call Center		\$ 2,975	\$ 2,975	1.74%
Central Records		\$ 1,777	\$ 1,777	1.04%
Operational Services		\$ 1,942	\$ 1,942	1.13%
Bureau of Enforce Admin		\$ 283	\$ 283	0.17%
Consumer/Compliance Unit - Enforce		\$ 751	\$ 751	0.44%
Investigations Svcs Unit-Enforce		\$ 2,086	\$ 2,086	1.22%
Prosecution Svcs Unit - Enforce		\$ 2,220	\$ 2,220	1.30%
Impaired Practitioner		\$ 3,024	\$ 3,024	1.77%
DOAH			\$ -	0.00%
Attorney General	\$ 7,081		\$ 7,081	4.14%
Web Design Development		\$ 876	\$ 876	0.51%
Risk Management Insurance		\$ 1,293	\$ 1,293	0.76%
Human Resource Services		\$ 268	\$ 268	0.16%
Refund of State Revenues	\$ 1,185	\$ 0	\$ 1,185	0.69%
Service Charge to Gen Revenue	\$ 33,418	\$ 0	\$ 33,418	19.52%
FDLE Transfer			\$ -	0.00%
Ch 215.32 Transfer of Funds			\$ -	0.00%
Unlicensed Activity		\$ 46,628	\$ 46,628	27.23%
Total	\$ 44,741	\$ 126,466	\$ 171,207	100.00%
Cash Balance @ March 31 - Licensed Account				\$ 419,764
Cash Balance @ March 31 - Unlicensed Account				\$ (119,141)
* Percent of the function's expenditure to the Board's total expenditures.				





Cash Balance Report for 9 Months Ending March 31, 2016

64-75-11-01-061 DIETITIANS	licensed	unlicensed	total
Beginning Cash Balances	\$441,973	(\$78,121)	\$363,852
Revenues			
61800 Refunds	\$63	\$0	\$63
66700 Fees and Licenses	\$102,308	\$2,180	\$104,488
67300 Fines, Forfeitures, Judgements & Settlements	\$0	\$3,428	\$3,428
68900 Other non-Operating Revenues	\$0.07	\$0.00	\$0.07
Total Revenues	\$102,371	\$5,608	\$107,978
Expenditures			
110000 Salary and Bonuses	\$17,813	\$20,568	\$38,381
121000 Other Personnel Services - Wages	\$1,101	\$8,521	\$9,623
131300 Consulting Services	\$33	\$0	\$33
131400 Court Reporting, Transcript & Translation Services	\$106	\$0	\$106
131600 Legal Fees and Attorney Services	\$7,094	\$0	\$7,094
131700 Medical Services	\$7	\$2	\$10
131800 Expert Witness Fee	\$8	\$0	\$8
132200 Temporary Employment Services	\$60	\$0	\$60
132400 Examination and Inspection Services	\$0.09	\$0.00	\$0.09
132600 Research Services	\$3	\$0	\$3
132700 Information Technology Services	\$14,346	\$48	\$14,394
132800 Training Services	\$68	\$0	\$68
133100 Advertising	\$144	\$0	\$144
134100 Security Services	\$28	\$2	\$31
134200 Mailing and Delivery Services	\$440	\$30	\$470
134500 Banking Services	\$1,518	\$435	\$1,953
134900 Fingerprint & Background Check Services	\$6	\$6	\$12
151000 Employment Taxes & Contributions	\$8,617	\$10,013	\$18,630
165000 Unemployment Compensation Contributions	\$33	\$0	\$33
221000 Communications	\$289	\$640	\$929
225000 Postage	\$775	\$18	\$793
230000 Printing & Reproduction	\$140	\$2	\$142
241000 Repairs & Maintenance	\$54	\$8	\$62
261000 In-State Travel	\$1,055	\$1,625	\$2,680
262000 Out-of-State Travel	\$4	\$0	\$4
320000 Building & Construction Materials	\$47	\$0	\$47
341000 Educational & Training Supplies	\$881	\$708	\$1,589
371000 Gasoline, Lubricants & Auto Parts	\$12	\$39	\$50
392000 Employee Reimbursement other than Travel	\$0.01	\$0.00	\$0.01
393000 Application Software (Licenses)	\$361	\$0	\$361
399000 Supplies and Materials	\$0.40	\$0.00	\$0.40
419000 Insurance & Surety	\$1,297	\$0	\$1,297
433000 Facility & Storage Space Rental	\$2,643	\$3,338	\$5,981
446000 Vehicle Rentals	\$0.11	\$154.38	\$154.49
449000 Equipment Rentals	\$151	\$106	\$257
461000 Fees - General - Commodities	\$6	\$32	\$38
461800 Registration Fee with no Travel Expenses	\$1	\$238	\$239
491000 Attorney's Fees & Gross Proceeds	\$20	\$0	\$20
492000 Subscriptions & Dues	\$30	\$0	\$30
498000 State Awards	\$13	\$0	\$13



Cash Balance Report for 9 Months Ending March 31, 2016

Expenditures

516000	Information Technology Equipment	\$54	\$0	\$54
517000	Motor Vehicles	\$5	\$0	\$5
750000	Impaired Practitioner Program	\$3,024	\$0	\$3,024
810000	Non-Operating Distribution and Transfers	\$27,688	\$93	\$27,781
860000	Non Operating - Refunds	\$1,185	\$0	\$1,185
880800	Service Charge to General Revenue: 8%	\$33,418	\$0	\$33,418
Total Expenditures		\$124,579	\$46,628	\$171,207
Ending Cash Balances		\$419,764	(\$119,141)	\$300,623

The Florida

Dietetics Nutrition Practice Council

Draft Minutes

April 15, 2016

Telephone Conference Call

1-888-670-3525

Participant Code 7811783909 #

Peggy Cooper, MS, RD, LDN
Chair

Jackie Shank, MS, RD, LDN
Vice Chair

Minutes

1 Rather than have the Council deny her application, Ms. Rodriguez requested to withdraw her
2 application for licensure.

3 Ms. Cooper moved to accept Ms. Rodriguez's request to withdraw her application. Ms. Shank
4 seconded the motion, which carried 5/0.

5 **TAB 2 Celmira Ivette Joshua**

6 Ms. Joshua was present.

7 Ms. Joshua applied for licensure by examination. Her application was presented to the Council
8 for review of her education and experience.

9 Discussion ensued.

10 After discussion, the Council determined that Ms. Joshua does not meet the education
11 requirements to sit for the examination *Pursuant Florida Statute 468.509* and Florida
12 Administrative Code 64B8-42.002. Ms. Joshua lacks the education course work in medical
13 nutrition therapy, disease management, food science and counseling.

14 Rather than have the Council deny her application, Ms. Joshua requested to withdraw her
15 application for licensure.

16 Ms. Cooper moved to accept Mrs. Joshua's request to withdraw her application. Ms. Gammon
17 seconded the motion, which carried 5/0.

18 **APPLICANT RATIFICATION LIST**

19 **TAB 3 List of Applicants Approved to Sit for the Examination**

20 Ms. Shank moved to ratify the list of individuals approved to sit for the examination beginning
21 with Elizabeth Lemere and ending with Sarah Galicki. Ms. Petrosky seconded the motion, which
22 carried 5/0. The full list of examination candidates are appended to these minutes.

23 **TAB 4 List of Licensees Certified for Licensure by Endorsement of**
24 **Registered Dietitian Status**

25 Ms. Shank moved to approve the list of individuals licensed by endorsement based on their
26 Registered Dietitian status with CDR, beginning with Emily Greco and ending with Blake
27 Bartholomew. Ms. Gammon seconded the motion, which carried 5/0. The full list of licensees
28 are appended to these minutes.

29 **TAB 5. List of Licensees approved with CNS and DACBN certification (Exam with**
30 **Waiver)**

31 Ms. Cooper moved to approve the list for licensure by examination with waiver with approved
32 CNS certification, beginning and ending with Allison Miner. Ms. Shank seconded the motion,
33 which carried 5/0. The full list of licensees are appended to these minutes.

Minutes

1 **RULES STATUS REPORT**

2 **TAB 6 Dianne Guillemette, Assistant Attorney General**

- 3 • Rule 64B8-42.002, F.A.C., Licensure by Examination
- 4 • Rule 64B8-44.002, F.A.C., Fraudulent, False, Deceptive, or Misleading Advertising
- 5 • Rule 64B8-44.003, F.A.C., Disciplinary Guidelines
- 6 • Rule 64B8-44.004, F.A.C., Documentation
- 7 • Rule 64B8-44.006, F.A.C., HIV/AIDS: Knowledge of Antibody Status; Action to be taken
- 8 • Rule 64B8-44.007, F.A.C., Standards of Practice
- 9 • Rule 64B8-44.008, F.A.C., Performance of Delegated Tasks by Non-Licensed Personnel
- 10 • Rule 64B8-44.009, F.A.C., Unauthorized Treatments
- 11 • Rule 64B8-45.002, F.A.C., Continuing Education Approval

12 Ms. Guillemette provided the Council with an update on the development of each rule. This was
13 an informational item.

14 **REPORTS, IF ANY**

15 **TAB 7 Peggy Cooper, Council's Chair**

16 There were no reports.

17 **TAB 8 Allen Hall, Executive Director**

18 **Report topics:**

19 **Expenditures by Function**

20 This was an informational item.

21 **Cash Balance Report**

22 This was an informational item.

23 **NEW BUSINESS**

24 **TAB 9 2016 Legislative Update**

25 This was an informational item.

26 **TAB 10 CS/CS/HB 941 – Department of Health**

- 27 • Rule 64B8-42.001 F.A.C., Licensure by Endorsement
- 28 • Rule 64B8-42.002 F.A.C., Licensure by Exam

29 Ms. Cooper moved to approve the application with the revision as noted. Ms. Gammon
30 seconded the motion, which carried 5/0.

Minutes

1 Ms. Cooper moved to open the rules for development with the approved language as noted on
2 the revised application and that the change be incorporated in both rules 64B8-42.001 and
3 64B8-42.002. Ms. Shank seconded the motion, which carried 5/0.

4 Ms. Cooper moved that the revised application which incorporates recent changes from *Florida*
5 *Statute 456.0635* and rules 64B8-42.001 and 64B8-42.002 be recommended to the Board of
6 Medicine for approval. Ms. Petrosky seconded the motion, which carried 5/0.

7 Ms. Cooper moved that changes to the proposed rule amendment for 64B8-42.002 and
8 64B8-42.001 would not have an adverse impact on small businesses and would not be likely to
9 directly or indirectly increase regulatory cost to any entity (including government) in excess of
10 \$200,000.00 in the aggregate in Florida within 1 year after the implementation of the rule. Ms.
11 Gammon seconded the motion, which carried 5/0.

12 **TAB 11 2017 Meeting Dates**

13 Ms. Cooper moved to accept the 2017 meeting dates as listed. Ms. Shank seconded the
14 motion, which carried 5/0.

15 Thursday January 26, 2017

16 Thursday April 27, 2017

17 Thursday July 27, 2017

18 Thursday October 19, 2017

19 **TAB 12 Anti-Trust Presentation**

20 This was an informational item presented by Ms. Guillemette.

21 **OLD BUSINESS**

22 **TAB 13 Dietetics and Nutrition Practice Council Minutes**

23 • **January 29, 2016 General Business Meeting**

24 Ms. Cooper moved to approve the minutes. Ms. Shank seconded the motion, which carried 5/0.

25 **OTHER BUSINESS AND INFORMATION**

26 **TAB 14 Electronic Agenda Implementation**

27 This was an informational item.

28 **TAB 15 February 5, 2016 Board of Medicine Minutes**

29 This was an informational item.

30 The meeting adjourned at 11:56 a.m.

Minutes

**Ratification List
Licensees Certification For
Licensure by Endorsement of
Registered Dietitian Status
April 15, 2016**

	License Number	Licensee Name	Date Issued
1	ND 7660	Greco, Emily Rose	01/07/2016
2	ND 7661	Burke, Jennifer Elyse	01/07/2016
3	ND 7663	Delaney, Holly Raenell	01/11/2016
4	ND 7664	Curtis, Kristen Michelle	01/11/2016
5	ND 7665	Dickert, Kaitlyn Paige	01/11/2016
6	ND 7666	Buchkoski, Janell Marie	01/11/2016
7	ND 7667	Esposito, Patricia Frascchetti	01/12/2016
8	ND 7668	Niebauer, Courtney Louise	01/13/2016
9	ND 7669	Flinchum, Mckenzie Grace	01/14/2016
10	ND 7670	Gluck, Shira Sharon	01/14/2016
11	ND 7671	Lopez, Johanna	01/15/2016
12	ND 7672	Lyden, Judith	01/15/2016
13	ND 7673	Reyes, Deborah Elbia	01/15/2016
14	ND 7674	Smith, Billie Loretta	01/19/2016
15	ND 7675	Morgan, Simone Alecia	01/19/2016
16	ND 7676	Frizzelle, Alex Baker Iii	01/19/2016
17	ND 7677	Rock, Pamela Jane	01/20/2016
18	ND 7678	Chasey, Alisha Sue	01/21/2016
19	ND 7679	Flak, Jennifer Lynne	01/21/2016
20	ND 7680	Cranford, Melissa Jane	01/22/2016
21	ND 7681	Bully, Jeanelle Justine	01/26/2016
22	ND 7682	Woodruff, Roberta Kindal	01/27/2016
23	ND 7683	Heintzelman, Amanda Good	01/28/2016
24	ND 7684	Gomez, Luis	01/29/2016
25	ND 7685	Foss, Stephanie Morgan	01/29/2016
26	ND 7686	Antoine, Frederica	01/29/2016
27	ND 7687	Johnson, Amy Michelle	01/29/2016
28	ND 7688	Boehmer, Jana Elaine	01/29/2016
29	ND 7689	Schorr, Andrea Rene	01/29/2016
30	ND 7690	Garellick, Shelly Ann	02/01/2016
31	ND 7691	Temple, Whitney Tyler	02/03/2016
32	ND 7692	James, Brenda Kay	02/03/2016
33	ND 7693	Mikati, Nadine	02/03/2016
34	ND 7694	Maki, Sarah Nicole	02/03/2016
35	ND 7695	Bango, Maria Elena	02/04/2016
36	ND 7696	Ceballos, Liena	02/08/2016
37	ND 7697	Slater, Erin Suzanne	02/08/2016
38	ND 7698	Heselschwerdt, Tara Lynn	02/09/2016
39	ND 7699	Vagts, Thomas Charles	02/10/2016

Minutes

41	ND	7701	Mendelson, Osnat	02/10/2016
43	ND	7703	Powers, Lindsey Caroline	02/11/2016
44	ND	7704	Hughes, Haley	02/11/2016
45	ND	7705	Garcia, Veronica Maria	02/15/2016
46	ND	7706	Augustine, Kasei I	02/15/2016
47	ND	7707	Bonnette, Regina Kim	02/15/2016
48	ND	7708	Heaton, Lisa Esposito	02/15/2016
49	ND	7709	Detlet, Nicole May	02/17/2016
50	ND	7710	Goodrich, Rebecca Ann	02/18/2016
51	ND	7711	Pratt, Sara Randall	02/18/2016
52	ND	7713	Van Norman, Jennifer Lynn	02/19/2016
53	ND	7714	Yellen, Torrie Cole	02/19/2016
54	ND	7715	Lebovic, Zachary Ross	02/22/2016
55	ND	7716	Collins, Shari Beth	02/22/2016
56	ND	7717	Roman, Astrid	02/23/2016
57	ND	7718	Knobel, Jessica Nikita	02/24/2016
59	ND	7720	Muller, Johanna	02/25/2016
60	ND	7721	Pareja, Claudia	03/04/2016
61	ND	7722	Glista, Alexi Rae	03/04/2016
62	ND	7723	Brecosky, Sharon Ann	03/04/2016
63	ND	7724	Dickerson, Hilda Willis	03/04/2016
64	ND	7725	Ryan, Shannon Kaye Lutz	03/04/2016
65	ND	7726	Ferraz Valles, Marta	03/04/2016
66	ND	7727	Ramlogan, Arron Randy	03/04/2016
67	ND	7728	Nunez, Molly	03/04/2016
68	ND	7729	Quriantes, Stephanie Rohm	03/04/2016
69	ND	7730	Norman, Anna Maisel	03/07/2016
70	ND	7731	Morris, Jessica	03/08/2016
71	ND	7732	Henrichs, Hannah L	03/10/2016
72	ND	7733	Griffin, Cheri Lyn	03/11/2016
73	ND	7734	Nicholson, Stephanie	03/15/2016
74	ND	7735	Keller, Jessica	03/15/2016
75	ND	7736	Fiacco, Marcella Barbour	03/15/2016
77	ND	7738	Villarreal, Evelyn	03/16/2016
78	ND	7739	Gocke, Mary Morris	03/16/2016
79	ND	7740	Seethaler, Holli	03/16/2016
80	ND	7741	Montanez Arroyo, Limary	03/18/2016
81	ND	7742	Parra Calderon, Maria Laura	03/21/2016
82	ND	7743	Yates, Sara B	03/21/2016
83	ND	7744	Mccullough, Rebecca Lynn	03/21/2016
85	ND	7746	Mazzarelli, Gerard Anthony	03/22/2016
86	ND	7747	Hubbard, Lisa	03/22/2016
87	ND	7748	Altamirano, Jerrold Lenn	03/22/2016
88	ND	7749	Ali-Sayeed, Soghra Naheed	03/22/2016
89	ND	7750	Pivec, Paul James Jr	03/22/2016
90	ND	7751	Kudin, Janette Leann	03/23/2016
91	ND	7752	Walker, Sherrie	03/24/2016
92	ND	7753	Bartholomew, Blake William	03/25/2016

Minutes

**Ratification List
ACEND Applicants to sit
For the Registration
Examination For Dietitian
April 15, 2016**

Name	School	Grad Date
1. Elizabeth Lemere	University of Southern Mississippi	05/09/2014
2. Sarah Galicki	Florida International University	12/13/2015

Minutes

**Ratification List For
Certification Board of Nutrition Specialist and
American Clinical Board of Nutrition
Examination with Waiver
April 15, 2016**

License Number	Name	Issue Date
1. ND 7719	Allison Miner*	2/25/2016

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

LISA COLINDRES and ENLIGHTENED :
EXPRESSIONS, LLC, :

Plaintiffs, :

v. :

TANJA D. BATTLE, in her official capacity as :
Executive Director of the Board of Dentistry, :
STEVE HOLCOMB, H. BERT YEARGAN, :
RICHARD BENNETT, REBECCA BYNUM, :
RANDY DANIEL, TRACY GAY, THOMAS P. :
GODFREY, GREGORY G. GOGGANS, LOGAN :
"BUZZY" NALLEY, JR., ANTWAN L. :
TREADWAY, all in their official and individual :
capacities as Members of the Georgia Board of :
Dentistry, and SAMUEL S. OLENS, in his official :
capacity as the Attorney General of Georgia, :

CIVIL ACTION FILE
NO. 1:15-CV-2843-SCJ

Defendants. :

ORDER

This matter is before the Court on Defendants' motion to dismiss [5] and Plaintiffs' motion to re-file response to Defendants' motion to dismiss [15].

I. Background

A. Procedural History and Facts Alleged in Complaint

On August 12, 2015, Plaintiffs, Lisa Colindres and her company Enlightened Expressions, filed suit against Defendants Tanja D. Battle, in her official capacity as Executive Director of the Board of Dentistry, Steve Holcomb, H. Bert Yeargan,

Richard Bennett, Rebecca Bynum, Randy Daniel, Tracy Gay, Thomas P. Godfrey, Gregory G. Goggans, Logan “Buzzy” Nalley, Jr., Antwan L. Treadway, all in their official and individual capacities as Members of the Georgia Board of Dentistry, and Samuel S. Olens, in his official capacity as the Attorney General of Georgia, alleging various causes of action relating to Georgia’s Dental Practice Act and the implementation of the Act by the Georgia Board of Dentistry and its members. Defendants then filed the instant motion to dismiss. See Doc. No. [14].

Plaintiff Colindres, the sole proprietor of Plaintiff Enlightened Expressions, is a “teeth-whitening entrepreneur who performs teeth-whitening services.” See Cmplt., ¶ 1. Plaintiffs allege that the “services performed are analogous to the services any consumer can purchase via over-the-counter products.” Id. The Georgia Board of Dentistry has taken the position that under Georgia’s Dental Practice Act teeth-whitening services constitute the unlicensed practice of dentistry which is a felony offense in Georgia punishable by imprisonment for two to five years, a fine of up to \$1000 or both. Id. The “Board’s agents have been harassing the Plaintiffs and making threats, while simultaneously failing to take any formal enforcement action.” Id., ¶ 3.

Plaintiffs define the relevant market as the teeth-whitening market in which dentists and non-dentists offer services. Id., ¶ 8. Many dentists offer patients both in-home and take-home teeth whitening kits. Id., ¶ 10. In the past several years,

entrepreneurs such as Plaintiff Colindres, have started to offer teeth-whitening services in salons, retail stores, and mall kiosks. Id., ¶ 11. Plaintiff Colindres describes her service as follows:

The provider hands a strip or tray containing peroxide to the customer, who applies it to his or her own teeth. The customer's teeth are then exposed to a light-emitting diode ("LED") light source for 15 to 30 minutes. The amount of hydrogen peroxide applied to the teeth at non-dentist outlets generally falls into the 10-15 percent range. This is a greater concentration than over the counter products (usually 10 percent or less), but less than the concentration employed in dentist-applied products (approximately 20-35 percent). The Plaintiffs do not touch the customer's mouth.

Id., ¶ 12. Plaintiffs typically charge \$150 per session, while dentists charge "anywhere from \$300 to \$700, and sometimes more." Id., ¶ 13. The products used by dentists and non-dentists in teeth-whitening "have reasonable interchangeability." Id., ¶ 14.

The dentist members of the Board and dentists of Georgia compete with each other and with non-dentist providers of teeth-whitening services. Id., ¶ 15. Each Board member continues to operate separate dental practices while serving on the Board and thus has "a personal financial interest in excluding non-dentist teeth-whitening service." Id., ¶ 16. "Upon information and belief, each dentist Board member offers teeth-whitening services as part of said member's practice." Id., ¶ 17.

Beginning in the early 2000s, in response to complaints from dentists, the Board began opening investigations into teeth-whitening services performed by non-dentists. Id., ¶¶ 19-20. The Board discussed these complaints and told practicing dentists it was attempting to shut down the non-dentist providers. Id., ¶ 21. “The Board demonstrated a unity of purpose, as well as common design and understanding, to eliminate non-dentist teeth-whitening.” Id., ¶ 22. The Board “possess[es] a conscious commitment to a common scheme designed to achieve an unlawful objective.” Id., ¶ 23. The “Board’s intrafirm agreements act simply as a formalistic shell for ongoing concerted action.” Id., ¶ 24.

The Board has issued letters on official letterhead that non-dentists providing teeth-whitening services should “cease and desist” all activity constituting the practice of dentistry. The letters “refer to or threaten” fines and potential criminal sanctions. Id., ¶ 26. The “Board also uses its investigators and agents to verbally threaten non-dentists from providing teeth-whitening services.” Id., ¶ 28. The Board’s “lengthy consistent campaign of sending letters and making threats to non-dentists is suggestive of and indicates coordinated action.” Id., ¶ 29.

The Georgia Dental Practice Act does not expressly address teeth-whitening. Id., ¶ 30. The Board has decided that the provision of teeth-whitening services by non-dentists constitutes the unlicensed practice of dentistry. Id., ¶ 31. The Board does not interpret stores engaging in the sale of teeth-whitening products to be

practicing dentistry. But the Board has taken the position that “any service provided along with a teeth-whitening product, including advice, guidance, providing a customer with a personal tray, whitening solution, mouth piece and/or LED light, or providing a location to use the whitening product, constitutes the practice of dentistry.” Id., ¶ 32.

An individual must receive a doctoral degree in dentistry and pass an examination approved by the Georgia Board of Dentistry to become a licensed dentist in Georgia. Id., ¶ 34. A doctoral degree in dentistry typically requires a four-year course of study in addition to an undergraduate degree. Id., ¶ 35. The cost of dental school tuition in Georgia can range from \$85,000 to \$240,000. Id., ¶ 36.

The Board consists of 11 members appointed by the Governor, including 9 dentists, 1 dental hygienist, and a non-dentist. There is a currently a vacancy in the non-dentist slot. Id., ¶ 37. The Board has “sufficient market power to affect competition, and deter and coerce non-dentists from providing teeth-whitening services.” Id., ¶ 42. The Board’s actions have a “detrimental effect” on competition. Id., ¶ 43. While the Board has not yet initiated formal enforcement actions against Plaintiffs, it has (through its agents) threatened Plaintiff with prospective penalties and engaged in harassing behavior toward Plaintiff. Id., ¶ 44. Plaintiffs’ business “is currently suffering as a result of the Board’s agents making threats, sometimes in the presence of consumers, but refusing to take any formal action.” Id., ¶ 50. The Board’s

agent has encouraged Plaintiffs to voluntarily cease operations “but has refused to provide any writings to such effect.” *Id.*, ¶ 57. The Board’s agent also advised Plaintiff Colindres not to seek legal representation. *Id.*, ¶ 58.

Plaintiffs allege Defendants’ actions have violated the Sherman Act, constitute a prior restraint of speech in violation of the First and Fourteenth Amendments, and violate the Equal Protection and Due Process Clauses of the Fourteenth Amendment. Plaintiffs also aver that Georgia’s Dental Practice Act is unconstitutionally overbroad and vague.

B. Contentions

Defendants argue that the Court should dismiss Plaintiffs’ complaint because Plaintiffs are not entitled to injunctive relief under § 1983 for acts Defendants have taken in their “judicial capacity.” Defendants further contend that Plaintiffs do not have standing to raise an antitrust claim and have failed to plead their antitrust claim with the required specificity. Defendants aver that Plaintiffs’ First Amendment claim fails because the Board’s acts are content-neutral and directed toward the unauthorized practice of dentistry and not speech. Defendants argue that under rational basis review, Plaintiffs’ equal protection and substantive due process claims fail because there are rational reasons for distinguishing between stores that merely sell teeth whitening products and Plaintiffs, here, who offer services in conjunction with sales of products. Finally, Defendants contend that Plaintiffs cannot raise a

constitutionally vague claim with respect to the Georgia Dental Practice Act because Plaintiffs' conduct is clearly proscribed by the statute. Moreover, Defendants allege, Plaintiffs have not plead any particular words, portions, or definitions, in the statute which they contend are impermissibly vague.

Plaintiffs respond that they are entitled to injunctive and declaratory relief under § 1983 because the Board is not acting in a "judicial" capacity and because Plaintiffs did not need to exhaust their administrative remedies prior to bringing a § 1983 claim. Plaintiffs contend that Burford abstention is not appropriate in this case because an attack on a single statute is unlikely to disrupt the state's regulation of the dental industry. Plaintiffs argue they have sufficiently stated a claim under the Sherman Act because they allege that the Board holds a monopoly power and it willfully acquired that power. Plaintiffs also state they have standing to pursue a monopoly claim because they have alleged an antitrust injury. Plaintiffs contend the Court should not dismiss their Equal Protection and Due Process claims because there is no rational basis for distinguishing between a store that sells teeth-whitening products and an entrepreneur who sells those products and offers a customer space to use them. Finally, Plaintiffs aver that Georgia's Dental Practice Act is unconstitutional because it is overbroad and vague.¹

¹In a minute order dated September 29, 2015, the Court denied the motions of both Defendants and Plaintiffs to exceed page limits on their briefs. Defendants filed

a motion to re-file their brief and attached their proposed brief which complied with the page limits. The Court granted that motion and Defendants' motion to dismiss was re-filed at Docket Entry [14].

Plaintiffs also filed a motion to re-file their response brief, but did not attach a proposed brief. Before the Court had ruled on that motion and directed Plaintiffs to file their renewed brief, Defendants filed their reply brief which responded to Plaintiffs' original response brief. Given that the parties have fully briefed Defendants' motion to dismiss on the basis of Plaintiffs' response at Docket Entry [11], the Court finds it would be inefficient now to go back and have Plaintiffs file a shortened response. The Court has considered Plaintiffs' response at Docket Entry [11] and therefore DENIES AS MOOT Plaintiffs' motion to re-file response.

II. Discussion²

A. Burford Abstention and Injunctive Relief

Defendants argue that the Court should apply Burford abstention because Plaintiffs' complaint asks the Court to define the practice of dentistry which is a core function of the State's power to regulate and protect the health of its citizens. The Supreme Court has explained Burford abstention as follows:

Where timely and adequate state-court review is available, a federal court sitting in equity must decline to interfere with the proceedings or orders of state administrative agencies: (1) when there are "difficult questions of state law bearing on policy problems of substantial public import whose importance transcends the result in the case then at bar"; or (2) where the "exercise of federal review of the question in a case and in similar cases would be disruptive of state efforts to establish a coherent policy with respect to a matter of substantial public concern."

New Orleans Pub. Serv., Inc. v. Council of the City of New Orleans, 491 U.S. 350, 361 (1989) (citation omitted); see also Siegel v. LePore, 234 F.3d 1163, 1173 (11th Cir. 2000). "A central purpose furthered by Burford abstention is to protect complex state administrative processes from undue federal interference." Siegel, 234 F.3d at 1173. "Further, Burford is implicated when federal interference would disrupt a state's

²The Court recognizes that two other complaints in the Northern District of Georgia have raised certain similar claims as those alleged here and that those courts have entered orders granting in part and denying in part Defendants' motions to dismiss. See Eck v. Battle, Civil Action No. 1:14-CV-962-MHS and Collins v. Battle, Civil Action No. 1:14-CV-3824-LMM.

effort, through its administrative agencies, to achieve uniformity and consistency in addressing a problem.” Id. Finally, Burford abstention is an “extraordinary and narrow exception to the duty of a District Court to adjudicate a controversy properly before it.” Id.

The Court finds that its consideration of Plaintiffs’ challenge to the Georgia Dental Practice Act would not disrupt state regulation because it addresses only a small portion of the statute and would not disrupt the entire dental regulatory scheme. See Rindley v. Gallagher, 929 F.2d 1552, 1553-57 (11th Cir. 1991) (declining to apply Burford abstention where dentist challenged constitutionality of Florida’s procedures for issuing dentists letters of guidance without notice or hearing); BT Inv. Managers, Inc. v. Lewis, 559 F.2d 950 (5th Cir. 1977) (declining to apply Burford abstention where plaintiffs challenge constitutionality of amendment to Florida’s Banking Code).

As to injunctive relief, 42 U.S.C. § 1983 provides in part that “in any action brought against a judicial officer for an act or omission taken in such officer’s judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.” Id. Defendants concede that Plaintiffs may seek declaratory and injunctive relief against Defendants in their official capacity. Defendants, however, argue that under the Federal Courts Improvement Act of 1996 passed after Pulliam v. Allen, 466 U.S. 522 (1984), section

1983 bars injunctive relief against “judicial officers” and suggests that the Court should interpret “judicial officers” to include Board members performing “quasi-judicial” functions in the scope of their official duties. Plaintiffs respond that the Federal Courts Improvement Act explicitly used the term “judicial officers” and the statutory history of the act discusses only federal and magistrate judges.

The Eleventh Circuit had not yet addressed the scope of “judicial officers” under section 1983. In Eck v. Battle, Civil Action No. 1:14-CV-962-MHS and Collins v. Battle, Civil Action No. 1:14-CV-3824-LMM, two previous cases against members of the Georgia Board of Dentistry, the courts determined that “judicial officers” should be construed to cover only judges based on the plain language of the statute. Given that the Court finds below that all of Plaintiffs’ constitutional challenges are due to be dismissed, the Court need not resolve this issue.

Finally, Plaintiffs are not barred from seeking declaratory relief due to any failure to pursue state administrative remedies. Under Patsy v. Board of Regents, 457 U.S. 496 (1982), exhaustion of state administrative remedies is not a prerequisite to a § 1983 action seeking prospective relief.

B. Equal Protection and Substantive Due Process

No party disputes that the Court should employ rational basis review of the Board's classifications because economic regulation and protection of the public is a legitimate government interest. In Federal Communications Commission v. Beach Communications, Inc., 508 U.S. 307 (1993), the Supreme Court reiterated the framework for analyzing equal protection challenges to statutes not involving suspect classes in areas of social and economic policy. Beach analyzed the Cable Communications Policy Act of 1984 where Congress distinguished between the regulation of cable television facilities in separately owned and managed buildings as opposed to buildings under common ownership and management, exempting those in the latter category from regulation under certain circumstances. Id. at 309.

As an initial matter, the Court noted:

equal protection is not a license for courts to judge the wisdom, fairness, or logic of legislative choices. In areas of social and economic policy, a statutory classification that neither proceeds along suspect lines nor infringes fundamental constitutional rights must be upheld against equal protection challenge if there is any reasonably conceivable state of facts that could provide a rational basis for the classification. . . . The Constitution presumes that, absent some reason to infer antipathy, even improvident decisions will eventually be rectified by the democratic process and that judicial intervention is generally unwarranted no matter how unwisely we may think a political branch has acted.

Id. at 313-14 (quotations and citations omitted). On a "rational-basis review" the classification bears a "strong presumption of validity" and a party challenging the

classification must “negate every conceivable basis which might support it.” Id. at 314-15.

Significantly, the Court stated that “a legislative choice is not subject to courtroom factfinding and may be based on rational speculation unsupported by evidence or empirical data.” Id. at 315. Furthermore, the Court noted that these “restraints on judicial review have added force where the legislature must necessarily engage in a process of line-drawing.” Id. (quotation and citation omitted).

Defining the class of persons subject to a regulatory requirement – much like classifying governmental beneficiaries – inevitably requires that some persons who have an almost equally strong claim to favored treatment be placed on different sides of the line, and the fact [that] the line might have been drawn differently at some points is a matter for legislative, rather than judicial, consideration.

Id. at 315-16 (quotation and citation omitted).

As the Court noted with respect to the cable regulation at issue in Beach, Congress delineated the bounds of the regulatory field by subjecting some systems to regulation and not others. “Such scope-of-coverage provisions are unavoidable components of most economic or social legislation. This necessity [of line-drawing] renders the precise coordinates of the resulting legislative judgment virtually unreviewable, since the legislature must be allowed leeway to approach a perceived problem incrementally.” Id. at 316 (citing Williamson v. Lee Optical, 348 U.S. 483 (1955)). In Beach, the Court accepted as the basis for the distinction the belief that

“common ownership was thought to be indicative of those systems for which the costs of regulation would outweigh the benefits to consumers.” *Id.* at 317. The Court concluded by noting that the “assumptions underlying these rationales may be erroneous, but the very fact that they are ‘arguable’ is sufficient, on rational-basis review, to ‘immunize’ the [legislative] choice from constitutional challenge.” *Id.* at 320 (citation omitted).

The Eleventh Circuit applied this analysis in Panama City Medical Diagnostic Ltd. v. Williams, 13 F.3d 1541 (11th Cir. 1994). There, the plaintiffs alleged that a Florida statute exempting hospitals and group practices from statutory fee cap on the provision of diagnostic imaging services violated the Equal Protection Clause. The court noted that “in cases involving economic classifications, the rational basis test is extremely lenient.” *Id.* at 1545 (citing Beach). “A searching inquiry into the validity of legislative judgments concerning economic regulation is not required. . . . The task is to determine if any set of facts may be reasonably conceived of to justify the legislation.” *Id.* (quotation and citation omitted). Thus, “even if these rationales are based on faulty premises, the fact that they are arguable guides our decision in this case.” *Id.*; see also Leib v. Hillsborough County Pub. Transp. Comm’n, 558 F.3d 1301, 1306 (11th Cir. 2009) (rejecting equal protection claim regarding definition of “luxury” in county taxi regulation); Georgia Cemetery Ass’n, Inc. v. Cox, 353 F.3d 1319, 1321 (11th Cir. 2003) (per curiam) (rejecting equal protection claim where state

law imposed certain rules and regulations on private cemeteries but exempted religious cemeteries); Haves v. City of Miami, 52 F.3d 918 (11th Cir. 1993) (rejecting equal protection challenge to city ordinance that banned houseboats in the city, but “grandfathered” certain city areas).

Importantly, under rational basis review, “two things become *irrelevant* to the inquiry. *First*: Whether the conceived reason was in fact the reason for the legislation.” Georgia Cemetery Ass’n, 353 F.3d at 1321 (emphasis in original). “*Second*: Whether substantial evidence supports the conceived rationale. Even if the legislation is based on ‘faulty premises,’ so long as there is any ‘*conceivable* rational basis’ to differentiate . . . the court cannot become involved in an evidentiary contest as to whether this is an actual rational basis for such differentiation. Id. (emphasis in original).

Finally, the Court notes that in Sensational Smiles, LLC v. Mullen, 793 F.3d 281 (2d Cir. 2015) (Calabresi, J.), the Second Circuit faced this exact question when considering whether a Connecticut rule restricting the use of certain teeth-whitening procedures to licensed dentists was unconstitutional. The court rejected the plaintiff’s argument that there was no rational basis upon which to bar an unlicensed teeth-whitening professional from guiding or positioning an LED light in a customer’s mouth but permit the unlicensed teeth-whitening professional to instruct to the consumer on how to position the light. The court stated:

The law . . . does not require perfect tailoring of economic regulations, and the Dental Commission can only define the practice of dentistry; it has limited control over what people choose to do to their own mouths. Moreover, and perhaps more importantly, individuals are often prohibited from doing to (or for) others what they are permitted to do (or for) themselves.

Id. at 285.³

Here, the Court finds there is a conceivable rational basis for differentiating between stores that sell teeth-whitening products and Plaintiffs who plead in their complaint that they do more than simply sell the products; Plaintiffs also give the customer a strip or a tray with peroxide (no specification on how this tray is prepared or where it comes from); the customer applies to peroxide to his own teeth; the teeth are then exposed to an LED light source (no discussion of who holds the light); and Plaintiffs do not touch the customer's mouth.

For all of these reasons, the Court GRANTS Defendants' motion to dismiss as to Plaintiffs' equal protection claim. As both Plaintiffs' Equal Protection and Substantive Due Process claims are analyzed under a "rational basis" test, the Court also GRANTS Defendants' motion to dismiss as to Plaintiffs' substantive due process claim. See, e.g., Gary v. City of Warner Robins, Georgia, 311 F.3d 1334, 1339 n.10

³The Sensational Smiles court went the additional step of holding that even if the only conceivable basis for distinction was economic favoritism, that would also form a rational basis. Id. at 286. Because the Court find that there is a rational public welfare basis for the line-drawing here, the Court need not address whether economic favoritism on its own would survive rational basis review.

(11th Cir. 2002) (“rational basis test utilized with respect to an equal protection claim is identical to the rational basis test utilized with respect to a substantive due process claim” and court “need not reiterate our analysis”).

C. Antitrust

Before the Court considers Defendants’ arguments that Plaintiffs do not have “antitrust standing” and have not alleged any injury, the Court addresses Plaintiffs’ comments concerning North Carolina State Board of Dental Examiners v. FTC, 135 S. Ct. 1101 (2015). Contrary to Plaintiffs’ view, while the plaintiffs in North Carolina State Board of Dental Examiners allege similar antitrust violations concerning the attempted regulation of non-licensed teeth-whitening providers, the Court did not address any substantive antitrust argument in its opinion. Rather, the Court considered (and rejected) only Defendants’ argument that the Board was entitled to Parker state action immunity from federal antitrust law. Id. The Court did not “affirm” the Fourth Circuit’s opinion on the broader antitrust grounds. In fact, the Court was explicit in limiting the scope of its holding because it refers to the substantive antitrust proceedings as “not relevant here.” Id. at 1109. Because Defendants here have not raised any Parker state action immunity defense, North Carolina State Board of Dental Examiners is not relevant to the Court’s consideration of Defendants’ motion to dismiss.

Plaintiffs are correct, however, that the lower court in North Carolina State Board of Dental Examiners v. FTC, 717 F.3d 359 (4th Cir. 2013), did uphold the determination of the Federal Trade Commission that the North Carolina Board had conspired under the Sherman Act and that the Board's cease-and-desist letters were likely to cause significant anticompetitive harms. Significantly, however, the Fourth Circuit's opinion did not address the arguments raised by Defendants here – that Plaintiffs do not have “antitrust standing” and that Plaintiffs have not sufficiently alleged any harm suffered by them.

Courts have developed the notion of “antitrust standing” because a “literal reading of the [Sherman Act] is broad enough to encompass every harm that can be attributed directly or indirectly to the consequences of the antitrust violation.” See, e.g., Associated Gen. Contractors of Cal., Inc. v. Cal State Council of Carpenters, 459 U.S. 519, 529 (1983). “Standing in an antitrust case involves more than the ‘case or controversy’ requirement that drives constitutional standing.” Todorov v. DCH Healthcare Authority, 921 F.2d 1438, 1448 (11th Cir. 1991). The plaintiff must allege an “antitrust injury” which the Supreme Court has described as an “injury of the type the antitrust laws were intended to prevent and that flows from that which makes defendants’ acts unlawful. The injury should reflect the anticompetitive effect either of the violation or of anticompetitive acts made possible by the violation. It should, in short, be the type of loss that the claimed violations. . . would be likely to cause.”

Brunswick Corp. v. Pueblo Bowl-O-Mat, Inc., 429 U.S. 477, 489 (1977) (quotations and citations omitted).

Here, Plaintiffs allege that the relevant market is the teeth-whitening market in which dentists and non-dentists offer services. Cmplt, ¶ 8. They also allege that the dentist members of the Board and dentists of Georgia compete with each other and with non-dentist providers of teeth-whitening services. Id., ¶ 15. Each Board member continues to operate separate dental practices while serving on the Board and thus has “a personal financial interest in excluding non-dentist teeth-whitening service.” Id., ¶ 16. “Upon information and belief, each dentist Board member offers teeth-whitening services as part of said member’s practice.” Id., ¶ 17.

Plaintiffs continue to state that after receiving complaints from dentists, the Board began to investigate teeth-whitening services performed by non-dentists. Id., ¶¶ 19-20. The Board discussed these complaints and told practicing dentists it was attempting to shut down the non-dentist providers. Id., ¶ 21. “The Board demonstrated a unity of purpose, as well as common design and understanding, to eliminate non-dentist teeth-whitening.” Id., ¶ 22. The Board “possess[es] a conscious commitment to a common scheme designed to achieve an unlawful objective.” Id., ¶ 23. The “Board’s intrafirm agreements act simply as a formalistic shell for ongoing concerted action.” Id., ¶ 24.

The Board has issued “cease and desist” to non-dentists performing teeth-whitening services. The letters “refer to or threaten” fines and potential criminal sanctions. Id., ¶ 26. The “Board also uses its investigators and agents to verbally threaten non-dentists from providing teeth-whitening services.” Id., ¶ 28. The Board’s “lengthy consistent campaign of sending letters and making threats to non-dentists is suggestive of an indicates coordinated action.” Id., ¶ 29.

Finally, Plaintiffs allege that the Board has “sufficient market power to affect competition, and deter and coerce non-dentists from providing teeth-whitening services.” Id., ¶ 42. The Board’s actions have a “detrimental effect” on competition. Id., ¶ 43.

The Court finds these allegations sufficient to establish an injury under “antitrust standing” because these alleged injuries are the type the antitrust laws were intended to prevent and Plaintiffs’ allegations connect the injury to actions taken by Defendants. The injury reflects the anticompetitive effect of Defendants’ alleged violations.

But Plaintiffs need to allege more than just a relevant injury to satisfy “antitrust standing.” “[A]ntitrust standing is not simply a search for an injury in fact; it involves an analysis of prudential considerations aimed at preserving the effective enforcement of the antitrust laws.” Todorov, 921 F.2d at 1448. “Antitrust standing is best understood in a general sense as a search for the proper plaintiff to enforce the

antitrust laws.” Id. The Court is required to “evaluate the plaintiff’s harm, the alleged wrongdoing by the defendants, and the relationship between them.” Id. (quotations and citations omitted); see also Sunbeam Television Corp. v. Nielsen Media Research, Inc., 711 F.3d 1264, 1270 (11th Cir. 2013). That is, “the plaintiff must be an efficient enforcer of the antitrust laws.” Palmyra Park Hosp., Inc. v. Phoebe Putney Memorial Hosp., 604 F.3d 1291, 1299 (11th Cir. 2010).

To determine whether a plaintiff is an efficient enforcer, the Court must consider factors such as “the directness or indirectness of the injury, the remoteness of the injury, whether other potential plaintiffs were better suited to vindicate the harm, whether the damages were highly speculative, the extent to which the apportionment of damages was highly complex and would risk duplicative recoveries, and whether the plaintiff would be able to efficiently and effectively enforce the judgment.” Palmyra Park Hospital, 604 F.3d at 1299.

As damages, Plaintiffs allege that while the Board has not yet initiated formal enforcement actions against Plaintiffs, it has (through its agents) threatened Plaintiff with prospective penalties and engaged in harassing behavior toward Plaintiff. Id., ¶ 44. Plaintiffs’ business “is currently suffering as a result of the Board’s agents making threats, sometimes in the presence of consumers, but refusing to take any formal action.” Id., ¶ 50. The Board’s agent has encouraged Plaintiffs to voluntarily cease operations “but has refused to provide any writings to such effect.” Id., ¶ 57.

The Board's agent also advised Plaintiff Colindres not to seek legal representation. Id., ¶ 58.

The Court finds that under these circumstances, Plaintiffs can be an efficient enforcer. Significant to the Court's determination is the fact that according to Plaintiffs' allegations the Board has not taken any direct enforcement action against any non-dentist provider of teeth-whitening services; nor has the Board issued any rules or regulations which directly address the question of whether the provision of teeth-whitening services constitute the practice of dentistry. As such, there has not yet been a direct avenue through which to challenge the Board's actions. Had the Board taken more direct action against other providers, the Court might find that the "mere" threats against Plaintiffs here are not yet sufficient injury. But the Board may not avoid scrutiny by declining to enter the rulemaking process or by failing to take any direct enforcement action. As such, while the Court understands Defendants' argument to be that Plaintiffs' store-front is still open for business and other businesses have received an actual cease and desist letter and not just the threat of one, the Court finds Plaintiffs can still be efficient enforcers.

The Court also disagrees with Defendants' argument that Plaintiffs have not plead their antitrust claims with sufficient specificity. Unlike a traditional monopoly claim where a plaintiff might have to give greater detail to describe the manner in which independent companies acted in concert; here, the alleged conspirators are not

separate companies, but rather are all of the individuals working together on the Board. The manner in which the Board functions provides the context for their concerted activity. Plaintiffs have alleged that upon receiving complaints from dentists, the Board made the decision to investigate the provision of teeth-whitening services by non-dentists and to issue or threaten to issue cease-and-desist letters to non-dentists providing this service. Under these particular circumstances, the Court does not find that greater pleading detail is required at the motion to dismiss stage. For these reasons, the Court DENIES Defendants' motion to dismiss Plaintiffs' antitrust claims.

D. First Amendment

The precise nature of Plaintiffs' First Amendment claim is unclear. The Court believes that Plaintiffs claim an infringement of commercial speech via advertising, but Plaintiffs do not articulate in what manner their speech has been restricted. Plaintiffs do generally contend that the "Board's actions constitute an extralegal and unconstitutional prior restraint of speech." See Cmplt., ¶ 79. Plaintiffs also allege that the Board's actions in threatening non-dentist providers of teeth-whitening services is the least restrictive means to accomplish a compelling state interest. Id., ¶ 82.

As an initial matter, Plaintiffs do not even allege that they have or would like to engage in advertising or that this interest has been adversely affected by the Board's actions. Nor do Plaintiffs allege any manner in which "threats" to close their

business translate into a suppression of their attempts to advertise. The Georgia Dental Practice Act regulates “activities” and not “speech” so the Court find that the First Amendment cannot be at issue. Furthermore, the Dental Practice Act is content-neutral because it does not make any reference to the content of speech but rather addresses the unauthorized practice of dentistry. Moreover, the Court finds that none of Plaintiffs’ allegations relate to any “broader category of expressive activity in which conduct itself can be said to convey a particularly message and, thus, be entitled to protection as symbolic speech.” Wine & Spirits Retailers, Inc. v. Rhode Island, 418 F.3d 36, 49 (1st Cir. 2005) (citing United States v. O’Brien, 391 U.S. 367, 376-77 (1968)). For all of these reasons, the Court finds that Plaintiffs have failed to allege a First Amendment claim.

E. Constitutionality

1. Overbread (First Amendment and/or Due Process)

The “overbreadth doctrine” is an exception to prudential standing principles and “applies in First Amendment cases involving non-commercial speech and [] permits third-party standing when a statute is constitutionally applied to the litigant but might be unconstitutionally applied to third parties not before the court.” Granite State Outdoor Advertising, Inc. v. City of Clearwater, 351 F.3d 1112, 1116 (11th Cir. 2003) (citing Village of Schaumburg v. Citizens for a Better Environment, 444 U.S. 620, 634 (1980) (emphasis in original)). As the Court explained above,

however, Plaintiffs have not sufficiently alleged any relationship between their claims and the First Amendment.

A due process overbreadth challenge relates to whether statutory language is so vague that it allows for selective enforcement. See, e.g., Smith v. Goguen, 415 U.S. 556, 576 (1974). However, if a plaintiff is engaged in conduct that is clearly prohibited by a statute, that individual may not raise an overbreadth challenge. See, e.g., United States v. De Pietro, 615 F.3d 1369, 1371 (11th Cir. 2010). Only if a plaintiff challenges on the basis of the First Amendment can he make a facial attack. If he challenges on due process grounds, then he can only challenge the statute as applied to his own conduct and Plaintiffs have not sufficiently alleged that their own conduct is constitutionally protected.

2. Impermissibly Vague

The Dental Practice Act regards as “practicing dentistry” any person who performs the following “procedures, operations, or services.” See O.C.G.A. § 43-11-17. It then describes those activities to include: (1) dental operation on the human oral cavity, teeth, and other structures for the purpose of treatment of disease, (2) extraction of teeth or correction of malposition, (3) filling or crowning a human tooth, (4) any dental operation on the human oral cavity, teeth, and other structures, (5) examining the human oral cavity, teeth and associated structure for the purpose of treatment of disease, and (6) any person who

[s]upplies, makes fits, repairs, adjusts, or relines, directly for or to an ultimate user of the product in the State of Georgia, any appliance, cap, covering, prosthesis, or cosmetic covering, as defined by rules and regulations established by the board, usable on or as human teeth unless such provision, production, fit, repair, adjustment, or relines of such product is ordered by and returned to a licensed dentist or unless such product is used solely for theatrical purposes as defined by rules and regulations established by the board.

O.C.G.A. § 43-11-17(a). Under the rules and regulations promulgated by the Board, an “appliance” includes any “removable structure” used to “chang[e] the appearance of teeth” or “chang[e] the shape or shade of teeth.” See Ga. Camp. R. & Regs. 150-14-.01. “Cosmetic covering” means “any fixed or removable artificial structure or product used or worn as a covering on natural or artificial human teeth created with a model, impression or any other measuring device . . . of the human mouth or any portion thereof and used solely for cosmetic purposes.” Id.

Plaintiffs contend that Georgia’s statute is impermissibly vague because (1) it fails to sufficiently provide notice as to what constitutes the practice of dentistry, (2) nothing in the Board’s rules and regulations would allow an ordinary observer to understand that the provision of teeth-whitening services is prohibited, and (3) the statutory scheme allows for arbitrary enforcement because the Board’s position is that the sale of teeth-whitening products is exempt because it is “available commercially and is marketed to the public.”

“Due process requires ‘that the law must be one that carries an understandable meaning with legal standards that courts must enforce.’” Harris v. Mexican Specialty Foods, Inc., 564 F.3d 1301, 1310 (11th Cir. 2009) (quoting Giaccio v. State of Pa., 382 U.S. 399, 403 (1966)). “The void-for-vagueness doctrine reflects the principle that a statute which either forbids or requires the doing of an act in terms so vague that [persons] of common intelligence must necessarily guess at its meaning and differ as to its application, violates the first essential of due process of law.” Id. (quotation and citation omitted); see also United States v. Lanier, 520 U.S. 259, 266 (1997) (vagueness is “related manifestation[]of the fair warning requirement”).

A court, however, reviews “statutes for vagueness concerns only when a litigant alleges a constitutional harm.” Bankshot Billiards, Inc. v. City of Ocala, 634 F.3d 1340, 1349 (11th Cir. 2011). “The harms – or, injury, if you like – come in two forms.” Id. The first is when a person violates the law, is indicted, and then moves to either dismiss the indictment or reverse a conviction arguing that he did not have notice that his conduct was proscribed. Id. The second is when “a litigant asks the federal court to review a vague statute before the State seeks to enforce its law, known as pre-enforcement review.” Id. at 1350. Even though the court does not know whether the litigant will ever be deprived of his liberty without due process, the vague law has caused a separate injury: “the litigant is chilled from engaging in constitutionally protected activity.” Id.

Significantly, however, the activity that is “chilled” must be a constitutional activity; it cannot be a “normal business activity.” *Id.* For example, in Bankshot Billiards, the plaintiff was “simply unsure whether it may simultaneously serve alcohol and permit entry to persons under twenty-one.” *Id.* The court found this was not a constitutionally protected activity. Similarly, here, Plaintiffs are engaged in normal business activity of providing teeth-whitening services and not a constitutionally protected activity.⁴ Therefore, the Court finds Plaintiffs may not raise a “vagueness” challenge under a “pre-enforcement review” theory.

Even if Plaintiffs could bring a void-for-vagueness challenge, it would not succeed. “To overcome a vagueness challenge, statutes must ‘give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly’ and ‘must provide explicit standards for those who apply them.’” Leib v. Hillsborough County Pub. Transp. Comm’n, 558 F.3d 1301, 1310 (11th Cir. 2009) (quoting Grayned v. City of Rockford, 408 U.S. 104, 108 (1972)). The “degree of vagueness that the Constitution tolerates . . . depends in part on the nature of the enactment.” Village of Hoffman Estates v. Flipside, Hoffman Estates, Inc., 455

⁴In their response, Plaintiffs generally assert that the “right to earn a living is fundamental, natural, inherent, and it one of the most sacred and valuable rights of a citizen.” See Doc. No. [11], p. 26. However, Plaintiffs cite only to Georgia cases for this proposition. “The [Supreme] Court, however, has never held that the right to pursue a particular occupation is a fundamental right.” Jones v. Board of Comm’rs of Alabama State Bar, 737 F.3d 996, 1000 (11th Cir. 1984).

U.S. 489, 498 (1982). Courts are more tolerant of a vague statute that “simply regulates business behavior.” Kolender v. Lawson, 41 U.S. 352, 358 n.8 (1983) (quotation and citation omitted).

Here, Plaintiffs do not point precisely to which portions of the statute they believe are vague. The Court finds that the statute and regulations make clear that tooth whitening gels are a “cosmetic covering;” that the provision of teeth whitening services involves “examining the oral cavity;” that supplying a “cosmetic covering” is a dental service and involves a “physical evaluation” of a customer. Thus, the Court finds that a person of ordinary intelligence can discern what is prohibited under the Act.

The Court rejects Plaintiffs’ assertion that only the “fabrication” of a “cosmetic covering” or “appliance” constitutes the prohibited practice of dentistry. See Doc. No. [11], pp. 30-31 & n.85. While the regulations specifically define “fabrication,” the statute itself, provides that anyone who “supplies” any “appliance, cap, covering, prosthesis, or cosmetic covering, as defined by rules and regulations established by the board,” also engages in the practice of dentistry. See O.C.G.A. § 43-11-17(a)(6). Similarly, the Court rejects Plaintiffs’ contention that the Act would criminalize a football coach who provides a football player with a mouth guard. The two definitions in the Act that affect Plaintiffs’ activities are an “appliance” which includes any “removable structure” used to “chang[e] the appearance of teeth” or

“chang[e] the shape or shade of teeth” and a “cosmetic covering” which means “any fixed or removable artificial structure or product used or worn as a covering on natural or artificial human teeth created with a model, impression or any other measuring device . . . of the human mouth or any portion thereof and used solely for cosmetic purposes.” Neither of these applies to a protective mouth guard which does not change the appearance of teeth and which is not used solely for cosmetic purposes.

Further, as the Court explained above, there is a significant difference between simply selling teeth-whitening products and providing teeth-whitening products and services, which is what Plaintiffs, themselves, allege they do in their complaint. Because of this difference, the Court rejects Plaintiffs’ argument that there is the possibility of arbitrary enforcement. Stores selling only products are clearly distinguishable from businesses providing teeth-whitening services. For the foregoing reasons, the Court GRANTS Defendants’ motion to dismiss Plaintiffs’ overbreadth and vagueness challenges to the Georgia Dental Practice Act.⁵

III. Conclusion

The Court GRANTS IN PART AND DENIES IN PART Defendants’ motion to dismiss [5] and DENIES AS MOOT Plaintiffs’ motion to re-file response to

⁵Because the Court rejects Plaintiffs’ constitutional challenges, the Court need not address the issue of qualified immunity.

Defendants' motion to dismiss [15]. Plaintiffs' complaint proceeds on the basis of their antitrust claims only.

IT IS SO ORDERED this 6th day of June 2016.

s/Steve C. Jones
HONORABLE STEVE C. JONES
UNITED STATES DISTRICT JUDGE

JDSUPRA® BUSINESS ADVISOR

Freedom to Whiten: Teeth-Whitener's Antitrust Suit Against Georgia Board of Dentistry Allowed to Proceed

6/14/2016 by William F. Cavanaugh, Jr., Jamison Davies

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Tweet



Earlier this week, in *Colindres v. Battle, et al.*, No. 15-CV-2843 (N.D. Ga.), the District Court for the Northern District of Georgia refused to dismiss antitrust claims brought by the owner of a teeth-whitening company against the members of Georgia's Board of Dentistry. The plaintiffs, the owner and her company, allege that the Board has been sending agents to threaten her and her company with felony charges for unlicensed practice of dentistry, carrying a possible sentence of as much as five years in prison, though the Board has refused to take formal enforcement action or even put its complaints in writing. The Board is composed of nine licensed dentists, one dental hygienist, and one non-dentist (though the non-dentist seat is currently empty). The plaintiff alleges that all of the dentist Board members offer teeth-whitening services and, therefore, they all have an economic interest in eliminating competition in teeth whitening.

As we recently discussed, the Supreme Court in *North Carolina State Board of Dental Examiners v. FTC* held that a state agency composed of “active market participants” is subject to antitrust scrutiny under the Sherman Act, unless “actively supervised” by the state. The defendants in this case did not argue that the state of Georgia engaged in sufficient “active supervision” to grant the Board antitrust immunity. The defendants instead argued that the plaintiffs lacked antitrust standing to bring the claim, largely because they had not been the subject of any formal action by the Board. The district court nonetheless addressed the holding in *North Carolina State Board*, noting that the Supreme Court considered only immunity under the doctrine of *Parker v. Brown*, 317 U.S. 341 (1943), not whether the underlying decision being appealed was correct as a matter of substantive antitrust law.

Turning to the merits, the absence of evidence of “formal action” was part of the defendant’s scheme. The Board allegedly was careful not to put any of its threats in writing or issue formal cease-and-desist letters, though it has issued cease-and-desist letters to other teeth-whitening practitioners. The Board also never held any formal rulemaking that would definitively characterize the plaintiffs’ services as the “practice of dentistry.” The court, however, held that “the Board may not avoid scrutiny by declining to enter the rulemaking process or by failing to take any direct enforcement action” and ruled that the antitrust case could continue.

As this case demonstrates, after the Supreme Court’s decision in *North Carolina State Board*, plaintiffs are likely to be emboldened to challenge state occupational licensing boards composed of members of the regulated industry. These boards are also under scrutiny from the FTC. In recent testimony before the Senate Subcommittee on Antitrust, Competition Policy and Consumer Rights, Commissioner Ohlhausen testified that the FTC has “seen many examples of restrictions that likely impede competition and hamper entry into professional and other services markets, and yet offer few, if any, significant consumer benefits.” The White House weighed in as well, with a study of the economic and competitive impacts of occupational licensing. With an estimated thirty percent of all jobs requiring some sort of

license, this will be an area of antitrust law to watch.

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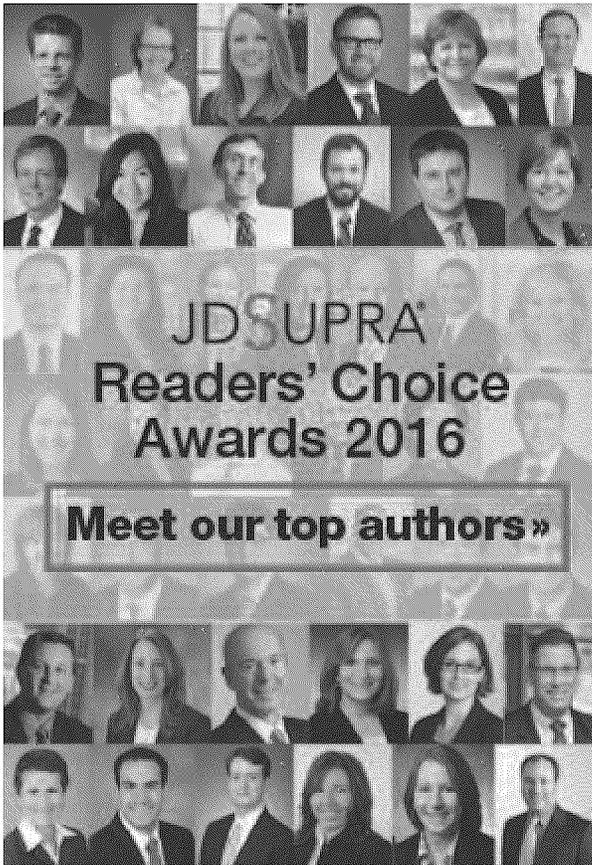
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

LISA COLINDRES, and ENLIGHTENED
EXPRESSIONS, LLC

Plaintiffs,

v.

TANJA D. BATTLE, in her official capacity
as Executive Director of the Georgia Board of
Dentistry, STEVE HOLCOMB, H. BERT
YEARGAN, RICHARD BENNETT, REBECCA
BYNUM, RANDY DANIEL, TRACY GAY,
THOMAS P. GODFREY, GREGORY G.
GOGGANS, LOGAN "BUZZY" NALLEY JR.,
ANTWAN L. TREADWAY, in their individual
and official capacities as Members of the Georgia
Board of Dentistry, and SAMUEL S. OLENS,
in his official capacity as the Attorney General
of Georgia,

Defendants.

Civil Action No.

**VERIFIED COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

NOW COME Plaintiffs LISA COLINDRES (“Plaintiff” or “Ms. Colindres”) and Enlightened Expressions, LLC (“Enlightened Expressions”) and show their claims against Defendants as follows:

INTRODUCTION

1.

Plaintiff Colindres, who is the sole proprietor of Plaintiff Enlightened Expressions, is a teeth-whitening entrepreneur who performs teeth-whitening services. The services performed are analogous to the services any consumer can purchase via over-the-counter products. Nonetheless, the Georgia Board of Dentistry (the “Board”)-- which consists of 9 licensed dentists and 1 dental hygienist-- has taken the self-serving position that non-dentist teeth-whitening entrepreneurs like Plaintiff are engaged in the unlicensed practice of dentistry if they provide these services to the public. The unlicensed practice of dentistry is a felony offense in Georgia, punishable by imprisonment for two to five years, a fine of up to \$1,000, or both. Despite the fact that Georgia law, O.C.G.A. § 43-11-1 *et seq.* (the “Georgia Dental Practice Act” or “Act”), is silent with regard to teeth whitening, the Board has promulgated rules and taken action to stifle competition by preventing non-dentists from competing with dentists in the provision of teeth whitening services. The Board consists of unsupervised active market participants.

2.

The facts in this action are analogous to those presented in *North Carolina*

State Bd. of Dental Exam'rs v. Federal Trade Commission, 135 S.Ct. 1101 (2015) and its underlying record, wherein the North Carolina Board of Dental of Examiners was found in violation of the Sherman Act for prohibiting non-dentists from providing teeth-whitening services. The facts in this situation, however, are even worse-- e.g., while the North Carolina Board of Dental Examiners had a non-dentist consumer member, and at the very least, there existed a reasonable claim that the North Carolina Board's prohibition was based on statutory authority-- no such facts exist in the present action.

3.

Perhaps recognizing its lack of legal justification in light of the recent Supreme Court ruling, the Board's agents have been harassing the Plaintiffs and making threats, while simultaneously failing to take any formal enforcement action. Accordingly, Plaintiffs bring this action based on the Sherman Act, as well as the Due Process and Equal Protection clause of the Constitution. Plaintiffs are seeking both declaratory and injunctive relief.

PARTIES AND JURISDICTION

4.

Plaintiff Colindres is a citizen and resident of Georgia. Plaintiff Enlightened

Expressions is a Georgia limited liability company.

5.

Defendant Tanja B. Battle is the Executive Director of the Georgia Board of Dentistry, and tasked with enforcing orders of the Board. Defendant Battle is being sued in her official capacity.

6.

Defendants Steve Holcomb, H. Bert Yeargan, Richard Bennett, Rebecca B. Bynum, Randy Daniel, Tracy Gay, Thomas P. Godfrey, Gregory G. Goggans, Logan "Buzzy" Nalley Jr., and Antwan L. Treadway, are members of the Board. They are being sued in both their official and individual capacities.

7.

Defendant Samuel S. Olens, Georgia's Attorney General, is tasked with enforcing the criminal penalties of the Act, and is sued only in his official capacity as a nominal defendant.

BACKGROUND

RELEVANT MARKET

8.

The relevant market in which to evaluate the conduct of the Board is the

provision of teeth whitening services in Georgia. Teeth whitening services are offered by dentists and non-dentists.

9.

Plaintiff provides its services in Georgia, primarily in the metro-Atlanta area.

10.

Many dentists offer patients both in-office teeth whitening services and take-home teeth whitening kits. The most common in-office procedure consists of covering the gums with a protective material, applying to the teeth a hydrogen peroxide solution in the 20-35 percent range, and then exposing the teeth to a light source. Take home kits include a custom-made whitening tray, and a whitening gel that is generally a 15-20 percent carbamide peroxide solution. The consumer self-applies the gel in essentially the same manner as when using an over-the-counter teeth whitening product purchased at, for example, a grocery store.

11.

During the last several years, in much of the United States, there has been an expansion of teeth whitening operations by non-dentists. Entrepreneurs, much like the Plaintiffs, have begun offering teeth whitening services in salons, retail stores, and mall kiosks.

12.

The Plaintiffs in this action, as with most non-dentist providers, operate in the following way. The provider hands a strip or tray containing peroxide to the customer, who applies it to his or her own teeth. The customer's teeth are then exposed to a light-emitting diode ("LED") light source for 15 to 30 minutes. The amount of hydrogen peroxide applied to the teeth at non-dentist outlets generally falls into the 10-15 percent range. This is a greater concentration than over the counter products (usually 10 percent or less), but less than the concentration employed in dentist-applied products (approximately 20-35 percent). The Plaintiffs do not touch the customer's mouth.

13.

Teeth whitening services performed by non-dentists such as Plaintiff are much less expensive than those performed by dentists. Plaintiff, for instance, typically charges \$150 per session. By contrast, dentists typically charge anywhere from \$300 to \$700, and sometimes more.

14.

The teeth-whitening services provided by dentists and non-dentists is composed of products that have reasonable interchangeability.

15.

Except to the extent that competition has been restrained as alleged below, and depending upon their geographic location, the dentist members of the Board and the dentists of Georgia compete with each other, and also compete with non-dentist providers of teeth whitening services, such as Plaintiffs.

16.

Upon information and belief, each Board member continues to operate separate dental practices while serving on the Board, and each Board member has a personal financial interest in excluding non-dentist teeth whitening services.

17.

Upon information and belief, each dentist Board member offers teeth-whitening services as part of said member's practice.

18.

The Dental Board has and exercises the power to exclude persons, such as Plaintiffs, from competing in the relevant market.

SUPPRESSING COMPETITION

19.

On or about about the early 2000s, non-dentists started offering teeth-

whitening services, often at a significantly lower price than dentists. Shortly thereafter, dentists began complaining to the Board about the non-dentists' provision of these services.

20.

After receiving complaints from dentists, the Board took an active role and began opening investigations into teeth-whitening services performed by non-dentists

21.

During meetings, the Board discussed the increasing number of complaints regarding non-dentist teeth whitening services and indicated to practicing dentists that the Board was attempting to shut down these non-dentist providers.

22.

The Board demonstrated a unity of purpose, as well as common design and understanding, to eliminate non-dentist teeth whitening.

23.

Additionally, the Board possessed and possess a conscious commitment to a common scheme designed to achieve an unlawful objective.

24.

The Board's intrafirm agreements act simply as a formalistic shell for ongoing concerted action.

25.

On several occasions, the Board discussed teeth whitening services provided by non-dentists and then voted to take action to restrict these services.

26.

The Board has subsequently issued numerous letters on official letterhead and requested that the non-dentists providing teeth-whitening services cease and desist all activity constituting the practice of dentistry. The letters refer to or threaten fines and potential criminal sanctions.

27.

Additionally, the Board is engaged in a consistent practice of discouraging non-dentist teeth whitening services through their cease-and-desist letters and other efforts. These actions and communications are similar and have the common objective of closing the teeth-whitening market to non-dentists.

28.

The Board also uses its investigators and agents to verbally threaten non-dentists from providing teeth-whitening services.

29.

The Board's lengthy consistent campaign of sending letters and making threats to non-dentists is suggestive of and indicates coordinated action.

30.

The Georgia Dental Practice Act does not expressly address teeth whitening, and the Act further appears to indicate that teeth whitening does not constitute the practice of dentistry.

31.

Nonetheless, the Board has decided that the provision of teeth whitening services by non-dentists constitutes the unlicensed practice of dentistry.

32.

Inconsistently, the Board interprets the Dental Act as permitting non-dentists to engage in the retail sale of teeth whitening products for use at home. However, the Board has taken a position that any service provided along with a teeth whitening product, including advice, guidance, providing a customer with a personal tray, whitening solution, mouth piece and/or LED light, or providing a location to use the whitening product, constitutes the practice of dentistry.

33.

Under the Act, any person who engages in any activity considered to be the practice of dentistry “without obtaining a license to practice from the board shall be guilty of a felony” and subject to fines and imprisonment. O.C.G.A. § 43-11-50. The unlawful practice of dentistry is punishable by imprisonment of two to five years, a fine of not less than \$500, or both. *Id.*

34.

To become a licensed dentist in Georgia, one must have received a doctoral degree in dentistry, as well as successfully passed an examination approved by the Georgia Board of Dentistry. Ga. Comp. R. & Regs. 150-03-.04.

35.

A doctoral degree in dentistry is typically a four-year course of study in addition to a four-year undergraduate degree.

36.

The cost of dental school tuition in Georgia for a four-year doctoral degree ranges between \$85,000 and \$240,000, depending on the school chosen and the state of residency of the student.

37.

The Board consists of 11 members appointed by the Governor. Nine

members of the Board are required to be dentists; one must be a dental hygienist; and one member must be a non-dentist. O.C.G.A. § 43-11-2. At present, 9 members on the Board are dentists and 1 member is a dental hygienist. There is a vacancy and the Board is missing a non-dentist.

38.

The Board has acted in various ways to eliminate the provision of teeth whitening services by non-dentists such as Plaintiffs.

39.

In the past, the Board has engaged in several types of activities aimed at preventing non-dentists from providing teeth whitening services in Georgia, including but not limited to sending cease and desists letters, intimidation of agents and inspectors, and coercing non-dentists from providing teeth whitening services through “voluntary” agreements.

40.

These actions against non-dentists have had the actual effect of stopping non-dentists from providing teeth-whitening services in Georgia.

41.

The Board interprets the Dental Practice Act and its Rules to include teeth-

whitening businesses like Plaintiffs' as the unlawful practice of dentistry. *See Exhibit A* (Georgia Board of Dentistry Letter to Atlanta Better Business Bureau) (“altering the shade of teeth, such as is done by current whitening techniques is the practice of dentistry. Therefore, unless the facility has a Georgia licensed, direct supervision dentist present for the treatment, it is a violation of the Dental Practice Act and the laws of the State of Georgia. Such facilities that do not have a dentist performing and supervising the services would be charged with the unlicensed practice of dentistry, which is a felony in this state.”) (emphasis in original).

42.

Acting under a color of state authority, the Board has sufficient market power to affect competition, and deter and coerce non-dentists from providing teeth-whitening services.

43.

The Board's actions have an actual detrimental effect on competition.

44.

With regard to Plaintiffs, the Board, through its agents, is threatening the Plaintiffs with prospective penalties and is engaging in harassing behavior, but has thus far refused to initiate a formal enforcement action against Plaintiffs.

45.

Upon information and belief, the Board is aware of the Supreme Court's holding in *North Carolina State Bd. of Dental Exam'rs v. Federal Trade Commission*, and simply wishes to circumvent the implications of the Supreme Court's ruling.

46.

The Board's actions constitute extra-judicial activities aimed at preventing non-dentists, such as Plaintiffs, from providing teeth whitening services in Georgia. These activities are not authorized by statute and circumvent any review or oversight by the State.

47.

The Board's exclusion of the provision of teeth whitening services by non-dentists does not qualify for a state action defense nor is it reasonably related to any efficiencies or other benefits sufficient to justify its harmful effect on competition.

48.

The Board maintains a monopoly in Georgia, and through its actions in preventing non-dentists from providing teeth whitening services, causes injury to

consumers and entrepreneurs like Plaintiffs alike.

49.

The Board's conduct as described herein also constitutes monopolization and/or attempted monopolization of the market for teeth-whitening in Georgia.

50.

Plaintiffs' business is currently suffering as a result of the Board's agents making threats, sometimes in the presence of consumers, but refusing to take any formal action.

51.

Plaintiffs remain in a status of legal limbo, where the Board is acting under color of authority, and stifling competition to the detriment of Plaintiffs and consumers alike.

52.

The Board's anticompetitive conduct described above, together with the predatory intent to deprive non-dentists of a fair competitive opportunity for effective competition, violates antitrust principles long established by the United States Supreme Court.

53.

The actions of the Board detailed herein may be expected to continue in the absence of effective relief. As a consequence of the challenged actions and course of conduct of the Board, the availability of non-dentist teeth whitening services in Georgia has been and will continue to be significantly diminished.

54.

Plaintiffs wish to continue their business, but faced with the prospect and uncertainty of numerous fines and potential criminal violation, their ability to continue providing teeth-whitening services is called into question.

55.

The Board frequently threatens individuals such as Plaintiffs with criminal penalties and high civil fines in order to coerce the entrepreneurs and non-dentist teeth-whiteners from providing services. In lieu of litigating the matter (at least prior to the Supreme Court decision in *North Carolina State Bd. of Dental Exam'rs v. Federal Trade Commission*), the Board would allow the non-dentist teeth-whiteners to enter into a “voluntary” cease and desist order, wherein the individuals would “voluntarily” cease and desist providing services, and further waive any rights they have to a hearing in the matter.

56.

Numerous other businesses have closed down entirely or have ceased to sell teeth whitening products and/or services.

57.

With regard to the Plaintiffs, the Board's agent has previously encouraged Plaintiffs to voluntarily cease operations, but has refused to provide any writings to such effect.

58.

The Board's agent further advised Plaintiff Colindres not to seek legal representation.

59.

The challenged actions and course of conduct of the Board have had and will have the effect of restraining competition unreasonably and injuring consumers including, *inter alia*, preventing and deterring non-dentists from providing teeth whitening services in Georgia; depriving consumers of the benefits of price competition; and reducing consumer choice in Georgia for the provision of teeth whitening services.

60.

All conditions precedent to Plaintiffs' entitlement to recover the requested

relief have occurred or otherwise have been performed, waived, satisfied or excused by Defendants' conduct.

COUNT I: Violation of the Sherman Act

61.

Plaintiffs restate, reaffirm, and incorporate by reference the paragraphs above as if fully set forth herein.

62.

This Count is brought pursuant to Sections 1 and 2 of the Sherman Act, 15 U.S.C. § 1 *et seq.*

63.

The Board cannot invoke state-action antitrust immunity because it is not and has not been subject to active supervision by the State.

64.

The Dental Practice Act does not mandate or authorize the Board's conduct that constitutes a violation of the antitrust law as described herein.

65.

The Board has agreed upon a policy of prohibiting non-dentists from providing teeth whitening. *See, e.g.,* Ex. A.

66.

The Board engaged in and continues to engage in concerted action.

67.

The Board's actions unreasonably restrain competition from non-dentists, including but not limited to Plaintiffs.

68.

The Board's actions affect interstate commerce and impair consumer choice, and have an actual detrimental effect on competition.

69.

The Board's restraint is both *per se* unreasonable (*e.g.*, under *North Carolina State Bd. of Dental Exam'rs v. Federal Trade Commission*, where in the Dental Board of North Carolina's actions were found to be a violation of 5 U.S.C. § 1; *North Carolina State Bd. of Dental Exam'rs v. Federal Trade Commission*, 135 S.Ct. 1101 (2015); *North Carolina State Bd. of Dental Examiners v. F.T.C.*, 717 F.3d 359 (4th Cir. 2013)), and violates the rule of reason.

70.

The Board's actions are conducted with with the predatory intent to deprive non-dentists of the opportunity to effectively compete in the teeth-whitening

industry against dentists.

71.

Consumers and non-dentist teeth-whiteners have been injured.

72.

As a direct, proximate, and foreseeable result of the Defendants' conduct, the Plaintiffs have suffered damages and injury.

73.

Accordingly, this Court may and should grant declaratory and injunctive relief, damages, and attorneys' fees and costs.

74.

Plaintiff explicitly requests treble damages, as provided in 15 U.S.C. § 15.

COUNT II: Prior Restraint of Speech

75.

Plaintiffs restate, reaffirm, and incorporate by reference the paragraphs above as if fully set forth herein.

76.

This Count is brought pursuant to the First and Fourteenth Amendments, and 42 U.S.C. § 1983.

77.

Plaintiffs' ability to earn an honest living, provide teeth-whitening services and to advertise such services, is protected under the United States Constitution and aforementioned statutes.

78.

The Board recognizes that it cannot lawfully prevent entrepreneurs like Plaintiff from providing teeth-whitening services, especially in light of the record in *North Carolina State Bd. of Dental Exam'rs v. Federal Trade Commission*, as such law is not authorized by Georgia statute and would be overbroad.

79.

The Board's actions constitute an extralegal and unconstitutional prior restraint of speech. As established by *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58 (1963), government officials and those acting under the color of authority cannot censor or chill speech through informal threats of sanctions, harassment, and intimidation.

80.

Prior restraints of speech are "the essence of censorship," *Near v. Minnesota*, 283 U.S. 697, 713 (1931), "the most serious and the least tolerable

infringement on First Amendment rights,” *Nebraska Press Ass’n v. Stuart*, 427 U.S. 539, 559 (1976), and “bear[] a heavy presumption against ... constitutional validity.” *Bantam Books*, 372 U.S. at 70.

81.

The Board's actions do not fit within any of the narrowly defined exceptions to the prohibition against prior restraints.

82.

The Board cannot establish that its actions in threatening individuals like Plaintiffs with potential criminal prosecution and fines are the least restrictive means to accomplish a compelling state interest.

83.

As a direct result of Defendants' actions, Plaintiffs have suffered and absent relief from this Court will continue to suffer damages for lost revenue, harm to their business and goodwill, and infringement and deprivation of their rights under the Constitution and federal law.

84.

Also as a direct result of Defendants' actions, if not remedied, consumers suffered and will continue to suffer, be deprived of the benefit of competition, and

be deprived of their constitutional rights.

85.

At all times and for all actions as alleged in this Complaint, the Board has acted under color of state law. Its actions have resulted in deprivation of rights and privileges secured by the Constitution and federal laws.

86.

Plaintiffs have suffered damages and injury as a result of Defendants' actions.

87.

Accordingly, this Court may and should grant declaratory and injunctive relief, damages and attorneys' fees and costs.

88.

COUNT III: Violation of the Equal Protection Clause

Plaintiffs restate, reaffirm, and incorporate by reference the paragraphs above as if fully set forth herein.

89.

This Count is brought pursuant to the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution and 42 U.S.C. § 1983.

90.

The Georgia Dental Practice Act provides that only licensed dentists are authorized to provide services that constitute the practice of dentistry. O.C.G.A. § 43-11-50.

91.

The Dental Board interprets the “practice of dentistry” to include teeth-whitening services like those provided by Plaintiffs. *See* Exhibit A.

92.

Plaintiff is not a licensed dentist and is not eligible to become a licensed dentist without nearly a decade of training and education. Therefore, according to the Board, she cannot offer teeth-whitening services.

93.

Products identical to those used and provided by Plaintiffs are available for purchase in supermarkets, drug stores, and online. Instructions for use of those products are widely available, either provided with the products themselves or online.

94.

Teeth-whitening products identical to those used by Plaintiffs are available

for purchase and home use without a prescription.

95.

The Equal Protection Clause of the Fourteenth Amendment does not allow government to treat similarly situated persons differently unless the reason for doing so bears a rational relationship to a legitimate governmental interest.

96.

Plaintiff has been denied equal protection of the law because there is no rational reason for the Board's distinction between a person selling customers a product to apply to their own teeth at home, who are not regulated under the Dental Practice Act, and a person selling customers an identical product to apply to their own teeth in a shopping mall or at a salon, whom the Board considers to be engaged in the practice of dentistry.

97.

Plaintiff has also been denied equal protection of the law because there is no rational reason for the distinction between her provision of in-person instruction to customers on how to apply teeth-whitening products to their own teeth, which the Board considers to be the practice of dentistry, and the provision of written online instructions or packaged with identical teeth-whitening products, which is not

regulated under the Dental Practice Act.

98.

Plaintiffs have also been denied equal protection of the law because there is no rational reason for the distinction between the Board's prohibition on Plaintiffs providing teeth-whitening services by providing products in-person, which the Board construes as the practice of dentistry, while the Board ignores and does not regulate the provision of teeth-whitening services via consumer products sold online and in stores.

99.

Unless Defendants are enjoined from committing the above-described violations of the Fourteenth Amendment, Plaintiff will continue to suffer great and irreparable harm.

100.

Plaintiffs have suffered damages and injury as a result of Defendants' actions.

101.

Accordingly, this Court may and should grant declaratory and injunctive relief, damages, and attorneys' fees and costs.

COUNT IV: Violation of Due Process

102.

Plaintiffs restate, reaffirm, and incorporate by reference the paragraphs above as if fully set forth herein.

103.

This Count is brought pursuant to the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution and 42 U.S.C. § 1983.

104.

The Due Process Clause protects the right to earn an honest living in the occupation of one's choice, subject only to regulations that are rationally related to a legitimate governmental interest.

105.

There is no legitimate governmental interest for the application of the Dental Practice Act to teeth-whitening services like those offered by Plaintiff.

106.

The application of the Dental Practice Act to teeth-whitening services like those offered by Plaintiffs is not rationally related to any legitimate governmental interest that Defendants purport to have.

107.

The Board's actions, as applied to Plaintiffs, deprives Plaintiffs of their right to earn an honest living in the occupation of her choice by imposing restrictions on teeth-whitening services that are not rationally related to any legitimate governmental interest.

108.

Unless Defendants are enjoined from committing the above-described violations of the Fourteenth Amendment, Plaintiffs will continue to suffer great and irreparable harm.

109.

Plaintiffs have suffered damages and injury as a result of Defendants' actions.

110.

Accordingly, this Court may and should grant declaratory and injunctive relief, damages and attorneys' fees and costs.

COUNT V: Violation of Due Process for Over-breadth and Vagueness

111.

Plaintiffs restate, reaffirm, and incorporate by reference the paragraphs

above as if fully set forth herein.

112.

This Count is brought pursuant to the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution and 42 U.S.C. § 1983.

113.

Upon information and belief, in its attempt to curtail teeth-whitening provided by non-dentists, the Board relies upon the provision of the Dental Practices Act that provides the practice of dentistry includes any person that “[s]upplies, makes, fits, repairs, adjusts, or relines, directly for or to an ultimate user of the product in the State of Georgia, any appliance, cap, covering, prosthesis, or cosmetic covering, as defined by rules and regulations established by the board, usable on or as human teeth unless such provision, production, fit, repair, adjustment, or reline of such product is ordered by and returned to a licensed dentist or unless such product is used solely for theatrical purposes as defined by rules and regulations established by the board.” O.C.G.A. § 43-11-17 (a)(6).

114.

To the extent O.C.G.A. § 43-11-17 (a)(6) provides a legitimate basis for the

Board's actions, said statute is Unconstitutional-- both based on the doctrines of over-breadth and vagueness.

115.

The Dental Practices Act, and in particular O.C.G.A. § 43-11-17 (a)(6), inhibits the exercise of constitutionally protected rights, and the impermissible applications of the law are substantial when compared to the statute's legitimate sweep.

116.

Additionally, even if the Dental Practices Act and in particular O.C.G.A. § 43-11-17 (a)(6)'s enactment does not pertain to a substantial amount of constitutionally protected conduct, it is impermissibly vague because it fails to establish standards for the police and public that are sufficient to guard against the arbitrary deprivation of liberty interests.

117.

O.C.G.A. § 43-11-17 (a)(6) and the Dental Practice Act fail to provide the kind of notice that will enable ordinary people to understand what conduct it prohibits; and second, authorize and even encourage arbitrary and discriminatory enforcement.

118.

As elucidated above, the Board does not take the position that teeth-whitening products, such as Crest white strips, or other products identical to those used by Plaintiff, are prohibited from sale to consumers.

119.

The Board has, however, arbitrarily and discriminatingly, decided to suppress the practices of non-dentist teeth whiteners such as Plaintiffs.

120.

Unless Defendants are enjoined from committing the above-described violations of the Constitution, Plaintiffs will continue to suffer great and irreparable harm.

121.

Plaintiffs have suffered damages and injury as a result of Defendants' actions.

122.

Accordingly, this Court may and should grant declaratory and injunctive relief, damages, and attorneys' fees and costs.

CONCLUSION

Wherefore, for the reasons set forth above, Plaintiffs respectfully request that the Court:

- (1) Declare that the Board's actions, as they pertain to teeth-whitening services provided by the Plaintiffs and those similar to Plaintiffs, is Unconstitutional;
- (2) Enjoin the Defendants from preventing Plaintiffs and those similar to Plaintiffs from providing teeth-whitening services;
- (3) Award damages to Plaintiffs, including, *inter alia*, treble damages;
- (4) Assess against Defendants an award of attorney's fees as allowable by law in an amount the Court determines to be reasonable;
- (5) Assess all costs and expenses of the suit against the Defendants; and,
- (6) Grant Plaintiffs any and all further relief as this Court deems just and proper.

Respectfully submitted this _____ day of August, 2015.

/s/ Yasha Heidari

Yasha Heidari
Georgia Bar No. 110325
Yennifer Delgado
Georgia Bar No. 623452
Attorney for Plaintiffs

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Florida Board of Medicine
Rules/Legislative Committee Meeting



Embassy Suites Ft. Lauderdale
1100 SE 17th Street Causeway
Ft. Lauderdale, FL 33316
(954) 315-1326

June 2, 2016

MEETING REPORT

Roll call 2:25 p.m.

Members Present:

Zachariah P. Zachariah, M.D., Chairman
James W. Orr, Jr., M.D., Vice-Chairman
Sarvam TerKonda, M.D.
Steven Rosenberg, M.D.
Brigitte Goersch, Consumer Member
Seela Ramesh, M.D.
Bernardo Fernandez, M.D.
Nicholas Romanello, Esquire, Consumer Member

Members Absent:

Enrique Ginzburg, M.D.
Jorge Lopez, M.D.

Staff Present:

Adrienne Rodgers, J.D., Bureau Chief
Edward Tellechea, Esquire, Board Counsel
Donna McNulty, Esquire, Board Counsel
Nancy Murphy, Certified Paralegal
Crystal Sanford, CPM, Program Operations Administrator
Rebecca Hewett, Regulatory Specialist III

Others Present:

Apex Court Reporting
12 SE 7th St, Ste. 702
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Rules Discussion:

Rule 64B8-35.002, FAC – Standards for Protocols1

The Committee was presented with draft language and the revised protocol form for review and approval. Language was removed that required physicians to report ARNP protocols at renewal as it was duplicative of existing language in the rule for nurses.

A motion was made, seconded and carried unanimously to recommend approval of the draft language.

A motion was made, seconded and carried unanimously to recommend the proposed language will not have an adverse impact on small business nor would it be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after implementation of the rule amendments.

Action taken: language approved, no statement of estimated regulatory costs (SERC) required

Dietetic-Nutrition Rules2

Draft language for rules 64B8-42.001, FAC – Licensure by Endorsement, and 64B8-42.002, FAC – Licensure by Examination, along with the revised application were presented for review and approval.

A motion was made, seconded and carried unanimously to recommend approval of the draft language for both rules.

A motion was made, seconded and carried unanimously to recommend approval of the revised application.

A motion was made, seconded and carried unanimously to recommend the proposed language will not have an adverse impact on small business nor would it be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after implementation of the rule amendments.

Action taken: language approved for both rules, application approved; no SERC required

Electrology Rules3

Lynette Norr, Board Counsel for the Electrology Council accompanied by Jolynn Greenhalgh, current Chair of the Council, presented the Council’s recommendations to the Committee.

Rule 64B8-50.003, FAC – Delegation of Powers and Duties to Electrolysis Council

A motion was made, seconded and carried unanimously to recommend approving the draft language.

A motion was made, seconded and carried unanimously to recommend the proposed language will not have an adverse impact on small business nor would it be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after implementation of the rule amendments.

Action taken: language approved; no SERC

Rule 64B8-51.006, FAC – Rule Governing Licensure and Inspection of Electrology Facilities

Senator Elynn Bogdanoff addressed the Committee on behalf of the Society for Clinical and Medical Hair Removal (SCMHR). She said there was no analysis conducted on SCMHR regarding the re-certification requirement.

Mr. Tellechea reminded the Committee that the Board recently handled a petition for declaratory statement related to re-certification because the existing rule did not require re-certification at that time.

Senator Bogdanoff said that the Board had already identified SCMHR as setting the gold standard for training; therefore, failure to accept SCMHR’s standards for re-certification was not in line with that position.

Mr. Tellechea advised the Committee that the rule amendment did not change the re-certification requirement and the SERC is correct.

Dr. Fernandez said electrologists are required to do CEU's and he believes that is enough. He extrapolated the proposed certification requirement for electrologists out to that of physicians who are not required to stay board certified.

Ms. Norr reminded the Committee no hours are being reduced by the amendment.

Senator Bogdanoff said electrologists have less training than physicians and SCMHR feels it is important to require re-certification.

Ms. Greenhalgh said electrologists are required to have 20 hours of CEU's every two years. She explained the costs associated with being a member of SCMHR, and the costs for non-members to report CEU events into SCMHR's database.

Mr. Tellechea asked if electrologists are required to be licensed in other states and Ms. Greenhalgh replied that licensure was not required in all states. He then asked if licensed electrologists in other states are required to be certified to which Ms. Greenhalgh replied they did not. He asked if other states require electrologists to be licensed to use lasers, and Ms. Greenhalgh replied they do not.

Ms. Norr cited several statistics related to discipline against electrologists in Florida: between 1992 and 2015 there were 300 complaints; probable cause was found in only 107 cases; of the 107 cases, 8 involved the use of lasers and 2 cases had patient harm; the remainder were not related to standard of care.

Senator Bogdanoff said these statistics support the need for re-certification.

Dr. Rosenberg said patients are safe because electrologists must practice under the direct supervision and responsibility of a physician.

A motion was made, seconded and carried unanimously to recommend approval of the proposed language.

A motion was made, seconded and carried unanimously to recommend the proposed language will not have an adverse impact on small business nor would it be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after implementation of the rule amendments.

Action taken: language approved; no SERC

Mr. Tellechea said subsection (e) refers to an "appointment book," which seems to indicate a hard copy of the matter, and needs to be revised to allow the use of an electronic appointment calendar since many facilities use an electronic version.

Current language: An appointment book shall be maintained and kept on the electrology facility premises which lists the name of each person who has received electrolysis treatment. The appointment book shall be maintained for four (4) years.

A motion was made, seconded and carried unanimously to recommend adding language clarifying this issue.

A motion was made, seconded and carried unanimously to recommend no change in the SERC.

Action taken: add language to clarify appointment calendar or book

Rule 64B8-52.004, FAC – Requirements for Approval of Training Courses for Laser and Light-Based Hair Removal or Reduction

A motion was made, seconded and carried unanimously to approve the language.

A motion was made, seconded and carried unanimously to recommend the proposed language will not have an adverse impact on small business nor would it be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after implementation of the rule amendments.

Action taken: language approved; no SERC

Rule 64B8-55.002, FAC – Citations

A motion was made, seconded and carried unanimously to approve the language.

A motion was made, seconded and carried unanimously to recommend the proposed language will not have an adverse impact on small business nor would it be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after implementation of the rule amendments.

Action taken: language approved; no SERC

Rule 64B8-56.002, FAC – Equipment and Devices; Protocols for Laser and Light-Based Devices

A motion was made, seconded and carried unanimously to approve the language.

A motion was made, seconded and carried unanimously to recommend the proposed language will not have an adverse impact on small business nor would it be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after implementation of the rule amendments.

Action taken: language approved; no SERC

Rule 64B8-53.001, FAC – Requirements for Electrolysis Training Programs Approved by the Board

A motion was made, seconded and carried unanimously to approve the language.

A motion was made, seconded and carried unanimously to recommend the proposed language will not have an adverse impact on small business nor would it be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after implementation of the rule amendments.

Action taken: language approved; no SERC

Rule 64B8-53.002, FAC – Curriculum Standards for Electrolysis Training

A motion was made, seconded and carried unanimously to approve the language.

A motion was made, seconded and carried unanimously to recommend the proposed language will not have an adverse impact on small business nor would it be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after implementation of the rule amendments.

Action taken: language approved; no SERC

Rule 64B8-53.003, FAC – Required Equipment for Electrolysis Training Programs

A motion was made, seconded and carried unanimously to approve the language.

For the purpose of determining the economic impact on small businesses, Ms. Norr explained this rule amendment would require training programs to purchase lasers within one year from adoption of the rule amendment. She gave an estimate, based on the highest number of businesses potentially impacted, that the cost would be \$90,000.

A motion was made, seconded and carried unanimously to recommend the proposed language will have an adverse impact on small business, but will not rise to the level requiring legislative ratification because it would total approximately \$90,000.

Action taken: language approved; SERC required but no legislative ratification required

Rule 64B8-51.001, FAC – Manner of Application

A motion was made, seconded and carried unanimously to approve the language and form.

A motion was made, seconded and carried unanimously to recommend the proposed language will not have an adverse impact on small business nor would it be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after implementation of the rule amendments.

Action taken: language and form approved; no SERC

Appointment of Electrolysis Professional Member.....7

The Council timely received an application for reappointment of Jolynn Greenhalgh, DNP, and recommended her reappointment.

On May 27, 2016, the Electrology Council office received a late filed application from Eva B. Mahoney. Ms. Mahoney was present and provided the Committee information about her professional experience and reason for applying to serve on the Council.

Senator Bogdanoff advised the Committee that the reason Ms. Mahoney's application was late filed was because SCHMR was looking for an announcement of the opening, didn't find one, and so when it became aware of the opening, it took a little while to get applications.

Ms. Greenhalgh also provided the Committee information about her professional experience and reason for applying to serve on the Council. She reminded them she is the current Chair of the Council and has been on the Council for three and half years.

Ms. Goersch asked how many members were on the Council. Ms. Greenhalgh advised there are three professional members and two consumer members. Ms. Sanford clarified only one professional member was needed.

A motion was made to table until the Council can review Ms. Maloney's application and make a new recommendation. The motion failed.

A motion was made, seconded and carried with two opposed to recommend reappointing Ms. Greenhalgh.

Action taken: Ms. Greenhalgh reappointed

May 2016 Rules Report –4

This information was provided by Ms. Murphy for information only.

No action necessary.

HB 221 – Rule 64B8-8.001, FAC – Disciplinary Guidelines5

House Bill 221 adds new grounds for disciplinary action by the Board and the Department and requires rulemaking to establish disciplinary guidelines. Two existing statutes provide guidance:

Section 456.072(1)(oo) - Willfully failing to comply with s. 627.64194 or s. 641.513, Florida Statutes. Chapter 456, Florida Statutes, are general laws related to all health care practitioners.

Section 458.331(1)(tt) - Willfully failing to comply with s. 627.64194 or s. 641.513, Florida Statutes. Chapter 458, Florida Statutes, is the medical practice act.

Mr. Tellechea explained the Committee needs to determine a first and second offense for both of the violations.

Mr. Nuland, representing several medical societies said this was a complicated bill and urged the Committee to err on the side on leniency for the first year while the profession figures out how to implement the law.

Mr. Tellechea asked the Committee to give him their thoughts and he would bring draft language to the next meeting. He said there are generally two parts: fine and a penalty and the ranges for first and second offense need to be different.

Ms. Rodgers suggested mediation for the first offense, citation for the second offense and discipline for the third offense.

Mr. Tellechea said mediation is not a penalty. He said they could add this violation to the mediation and citation rules but disciplinary guidelines still need to be developed.

Dr. Orr suggested the following:

First offense: letter of concern to reprimand and a fine from \$1,000 to \$5,000

Second offense: reprimand to revocation and a fine from \$5,000 to \$10,000

The Committee also want these violations included in the mediation and citation rules.

Mr. Tellechea asked the Committee for the amount of the citation.

Dr. Rosenberg suggested \$100 to give time to sort out the law. He said the Board could always raise the fine at a later time.

Dr. Orr suggested \$500.

A motion was made, seconded and carried unanimously to recommend the following:

First offense: letter of concern to reprimand and a fine from \$1,000 to \$5,000

Second offense: reprimand to revocation and a fine from \$5,000 to \$10,000

Add to mediation rule.

Add to citation rule with a \$250 fine for the first offense and a \$1,000 fine for the second offense.

Mr. Tellechea stated he would bring draft language to the next meeting.

Action taken: set disciplinary guidelines for first offense as a letter of concern to reprimand and a fine from \$1,000 to \$5,000; set disciplinary guidelines for a second offense as a reprimand to revocation and a fine from \$5,000 to \$10,000; add to mediation rule; add to citation rule with a \$250 fine for first offense and \$1,000 for second offense.

General Discussion:

Community Consent for Research in Trauma Cases6

This matter was tabled.

Approval of Meeting Report – April 20168

The minutes from the previous meeting were revised to correct the spelling of a name and were presented for review and approval.

A motion was made, seconded and carried unanimously to approve the minutes.

Action taken: minutes approved

New Business:

Discussion Regarding Prohibiting Physicians with Prescribing Restrictions from Supervising PA's and ARNP's Who Can Prescribe Controlled Substances9

Dr. Rosenberg requested this topic be placed on the agenda for discussion. He said he was concerned that physicians who get restricted from prescribing controlled substances will now delegate that function to a PA or ARNP that they supervise.

Mr. Tellechea said that the current rule does not allow a physician on probation to supervise a PA. Mr. Tellechea said the Board cannot restrict the scope of practice of a PA or ARNP.

Ms. Goersch asked if Mr. Tellechea could give this some thought and come back with some language. Mr. Tellechea said he would bring language back to the next meeting.

A motion was made, seconded and carried unanimously to recommend noticing this for rule development.

Action taken: notice for rule development

New Business:

Ms. Sanford explained to the Committee the Board office receives many calls from patients needing their patient records from a physician whose license has been revoked or relinquished. She asked if there was anything that could be done to help with that issue such as adding verbiage to the Final Order regarding turning over patient records to the patients.

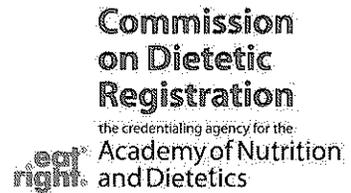
Mr. Tellechea asked Yolonda Green, Lead Medical Prosecutor for the Department, if language could be added to the voluntary relinquishment form to require the physician to advise where the patient medical records will be available. Ms. Green said she could add language.

Mr. Tellechea said he would come up with some language to present at the next meeting.

Action taken: bring draft language to next meeting

There being no further business, the meeting adjourned at 4:08 p.m.

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16 MAY 13 AM 8:06



120 South Riverside Plaza
Suite 2000
Chicago, Illinois 60606-6995
312.899.0040 ext. 5500
www.cdrnet.org

DATE: May 9, 2016
TO: Directors of State Licensure Boards
FROM: Commission on Dietetic Registration (CDR)
SUBJECT: REVISED TEST SPECIFICATIONS

Test specifications for both the entry-level Registration Examination for Dietitians and Registration Examination for Dietetic Technicians have been revised using the results of the CDR 2015 Dietetics Practice Audit. Examinations given after January 1, 2017 will reflect the new specifications. The current and revised test specifications for both entry-level examinations are enclosed with this mailing. The Study Outlines and Candidate Handbooks can be found on CDR's website; <https://www.cdrnet.org/program-director/registration-handbook-information>.

Test specifications are periodically updated by the Commission to remain in compliance with the *Standards for Educational and Psychological Testing*, the criteria used to evaluate the quality of credentialing and licensure examinations. This assists in ensuring that both the dietitian and dietetic technician examinations remain congruent with current practice. Study guides for both examinations are currently being updated. The study guides will include a study outline, practice examination and updated reference list. Purchasing information for the new study guide will be sent to licensure boards in September 2016.

CDR's Test Specification Development Committee included dietetics practitioners, employers and educators representing diverse practice, geographic and ethnic perspectives. The Committee considered the many CDR publics who use the test specification document in the development process. These include examination candidates, dietetics educators, licensure boards, employers, item writers and examination review committee members.

The test specification content domains, and the assigned weights, reflect the results of the 2015 Dietetics Practice Audit survey. Only entry-level activities and activities testable within our current format were considered for inclusion in the test specifications. It is important to note that dietetics education encompasses a much broader range of knowledge and skills than can be assessed on the registration examination.

May 9, 2016
Directors of State Licensure Boards
Page Two

U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES
16 MAY 13 AM 8:06

Following test specification development, the existing pool of examination items were reclassified according to the new test specifications. Items that did not correspond to the new specifications were deleted from the item pool. Future item writing assignments will be made based on an analysis of domain/topic deficiencies identified by the item inventory.

Please take special care to ensure that materials distributed to licensure candidates reflect the new test specifications that will be effective in 2017. An article reporting the 2015 Dietetics Practice Audit results will be published in the October 2016 issue of the *Journal of the Academy of Nutrition and Dietetics*.

Should you have questions as you review these documents, please contact Elaine Butler at 1-800/877-1600 ext. 4859.

Dietetic Technician, Registered Examination Test Specifications

January 1, 2012 to December 31, 2016

The Registration Examination for Dietetic Technicians is designed to evaluate a dietetic technician's ability to perform at the entry-level. The examination content domains and topics are outlined below.

I.	Food and Nutrition Sciences A. Principles of Food Preparation B. Food Composition C. Principles of Basic and Normal Nutrition	10%
II.	Nutrition Care for Individuals and Groups A. Screening and Assessment B. Diagnosis C. Planning and Intervention D. Monitoring and Evaluation	34%
III.	Principles of Education and Training A. Assessment and Planning B. Implementation and Evaluation	7%
IV.	Foodservice Systems A. Menu Development B. Procurement and Supply Management C. Food Production, Distribution, and Service D. Sanitation, Safety, and Equipment	22%
V.	Management of Food and Nutrition Services A. Human Resources B. Finance and Materials C. Marketing Products and Services D. Management Principles and Functions E. Quality Processes and Research	27%

Approved February 2011

Dietetic Technician, Registered Examination Test Specifications

January 1, 2012 to December 31, 2016

The Registration Examination for Dietetic Technicians is designed to evaluate a dietetic technician's ability to perform at the entry-level. The examination content domains and topics are outlined below.

I.	Nutrition Science and Care for Individuals and Groups A. Principles of Basic and Normal Nutrition B. Screening and Assessment C. Planning and Intervention D. Monitoring and Evaluation	44%
II.	Food Science and Food Service A. Menu Development B. Procurement and Supply Management C. Food Production, Distribution, and Service D. Sanitation, Safety, Facility and Equipment	24%
III.	Management of Food and Nutrition Services A. Human Resources B. Finance and Materials C. Marketing Products and Services D. Management Principles and Functions E. Quality Processes and Research	32%

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Approved February 2016