

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H.B. 357
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40007-MGfq-20 (01/12)

Short Title: Modernize Dietetics/Nutrition Practice Act. (Public)

Sponsors: Representatives Malone, Murphy, and Adcock (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT EXPANDING THE ABILITY OF QUALIFIED NUTRITION PROFESSIONALS
3 TO PRACTICE IN THIS STATE AND AMENDING THE DIETETICS/NUTRITION
4 PRACTICE ACT.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 90-351 reads as rewritten:

7 "§ 90-351. Purpose.

8 It is the purpose of this Article to safeguard the public health, safety and welfare and to
9 protect the public from being harmed by unqualified persons by providing for the licensure and
10 regulation of persons engaged in the practice of ~~dietetics/nutrition~~ dietetics or nutrition and by
11 the establishment of educational standards for those persons."

12 SECTION 2. G.S. 90-352 reads as rewritten:

13 "§ 90-352. Definitions.

14 ~~As used~~ The following definitions apply in this Article, unless the context otherwise
15 ~~requires, the term requires:~~

16 (1) ~~"Board" means the ACEND.~~ – The Accreditation Council for Education in
17 Nutrition and Dietetics, which is the Academy of Nutrition and Dietetics
18 accrediting agency for education programs preparing students for careers as
19 Registered Dietitian Nutritionists or Nutrition and Dietetic Technicians,
20 Registered.

21 (1a) Board. – The North Carolina Board of Dietetics/Nutrition.

22 (1b) Certified Nutrition Specialist. – An individual certified by the Board for
23 Certification of Nutrition Specialists.

24 (2) ~~"Dietetics/nutrition" means the Dietetics.~~ – The integration and application
25 of principles derived from the science of nutrition, biochemistry, physiology,
26 food, and management and from behavioral and social sciences to achieve
27 and maintain a healthy status. The primary function of ~~dietetic/nutrition~~
28 practice ~~dietetics~~ is the provision of medical nutrition care services.therapy.

29 (2a) Diplomate of the American Clinical Board of Nutrition. – An individual
30 certified by the American Clinical Board of Nutrition.

31 (3) ~~"Licensed dietitian/nutritionist" means an Licensed dietitian/nutritionist or~~
32 licensed nutritionist. – An individual licensed in good standing to practice
33 dietetics/nutrition ~~dietetics, nutrition, or both.~~

34 (3a) Medical nutrition therapy. – The provision of nutrition care services for the
35 purpose of managing or treating a medical condition.



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1 (3b) Nutrition. – The integration and application of principles derived from the
 2 science of nutrition, biochemistry, metabolism, and pathophysiology to
 3 achieve and maintain a healthy status. The primary function of nutrition
 4 practice is the provision of medical nutrition therapy.

5 (4) ~~"Nutrition care services" means any,~~ Nutrition care services. – Any part or
 6 all of the following:

7 a. Assessing and evaluating the nutritional needs of individuals and
 8 groups, and determining resources and constraints in the practice
 9 setting, including ordering laboratory tests related to the
 10 practice of nutrition and dietetics.

11 b. Establishing priorities, goals, and objectives that meet nutritional
 12 needs and are consistent with available resources and constraints.

13 c. Providing nutrition counseling in health and disease.

14 d. Developing, implementing, and managing nutrition care systems.

15 e. Evaluating, making changes in, and maintaining appropriate
 16 standards of quality in food and nutrition services.

17 f. Ordering therapeutic diets.

18 ~~"Nutrition care services"~~ The term does not include the retail sale of food
 19 products or vitamins.

20 (5) Registered Dietitian Nutritionist. – An individual registered with the
 21 Commission on Dietetic Registration, the credentialing agency of the
 22 Academy of Nutrition and Dietetics.

23 (6) Telepractice. – The delivery of services under this Article by means other
 24 than in-person, including by telephone, e-mail, Internet, or other methods of
 25 electronic communication."

26 **SECTION 3.** G.S. 90-353 reads as rewritten:

27 **"§ 90-353. Creation of Board.**

28 (a) ~~The North Carolina Board of Dietetics/Nutrition is created. The Board shall consist~~
 29 ~~of seven members as follows:~~

30 (1) ~~One member shall be a professional whose primary practice is clinical~~
 31 ~~dietetics/nutrition;~~

32 (2) ~~One member shall be a professional whose primary practice is community or~~
 33 ~~public health dietetics/nutrition;~~

34 (3) ~~One member shall be a professional whose primary practice is consulting in~~
 35 ~~dietetics/nutrition;~~

36 (4) ~~One member shall be a professional whose primary practice is in~~
 37 ~~management of nutritional services;~~

38 (5) ~~One member shall be an educator on the faculty of a college or university~~
 39 ~~specializing in the field of dietetics/nutrition;~~

40 (6) ~~Two members shall represent the public at large.~~

41 (a1) The Board shall consist of the following seven members:

42 (1) Three members shall be dietitians/nutritionists licensed under this Article.

43 (2) Two members shall be nutritionists licensed under this Article.

44 (3) One member shall be a physician licensed under Article 1 of this Chapter.

45 (4) One member shall not be licensed under this Article and shall represent the
 46 public at large.

47 (b) ~~Professional Licensed dietitian/nutritionist and licensed nutritionist members of the~~
 48 ~~Board shall~~ shall meet all of the following criteria:

49 (1) Be citizens of the United States and residents of this State; ~~State.~~

50 (2) Have practiced in the field of dietetics/nutrition ~~dietetics or nutrition~~ for at
 51 least five years; and ~~three years.~~

(3) ~~Be licensed under this Article, except that initial appointees shall be licensed under this Article no later than March 31, 1992.~~ the first appointed licensed nutritionists are not required to be licensed under this Article or to have practiced for three years at the time of their appointment to a first term on the Board; provided, however, that each appointed licensed nutritionist must meet all of the following criteria:

- a. Possess the qualifications necessary for licensure under this Article.
- b. Apply for licensure under this Article within six months of its availability.

(b1) The licensed physician member of the Board shall be a citizen of the United States and a resident of this State.

(c) ~~The members-member~~ of the Board appointed from the public at large shall be ~~citizens-a citizen~~ of the United States and ~~residents-a resident~~ of this State and shall not be any of the following:

- (1) ~~A dietician/nutritionist.~~ dietician/nutritionist or nutritionist.
- (2) An agent or employee of a person engaged in the profession of ~~dietetics/nutrition.~~ dietetics or nutrition.
- (3) A licensed health care professional or enrolled in a program to become prepared to be a licensed health care professional.
- (4) An agent or employee of a health care institution, a health care insurer, or a health care professional school.
- (5) A member of any allied health profession or enrolled in a program to become prepared to be a member of an allied health profession.
- (6) The spouse of an individual who ~~may not~~ is not eligible to serve as a public member of the Board."

SECTION 4.(a) G.S. 90-354 reads as rewritten:

"§ 90-354. Appointments and removal of Board members, terms and compensation.

(a) The members of the Board shall be appointed as follows:

- (1) The Governor shall appoint the ~~professional member~~ following members:
 - a. One licensed dietitian/nutritionist as described in G.S. 90-353(a)(5) and the two G.S. 90-353(a1)(1), who shall be an educator on the faculty of a college or university accredited at the time from the appropriate regional accrediting agency recognized by the Council on Higher Education Accreditation and the United States Department of Education, specializing in the field of dietetics or nutrition.
 - b. The licensed physician as described in G.S. 90-353(a1)(3).
 - c. The public members—member as described in G.S. 90-353(a)(6);G.S. 90-353(a1)(4).
- (2) The General Assembly upon the recommendation of the Speaker of the House of Representatives shall appoint ~~the professional members~~ one licensed dietitian/nutritionist as described in G.S. 90-353(a)(1) and G.S. 90-353(a)(2) G.S. 90-353(a1)(1) and one licensed nutritionist as described in G.S. 90-353(a1)(2), both in accordance with G.S. 120-121, one of whom G.S. 120-121. One of these appointees shall be a dietician/nutritionist or a nutritionist with a masters or higher degree in a nutrition related discipline; and whose primary practice is clinical dietetics or nutrition in a hospital or long-term care institution regulated under Article 5 or Part 1 of Article 6 of Chapter 131E of the General Statutes.
- (3) The General Assembly upon the recommendation of the President Pro Tempore of the Senate shall appoint ~~the professional members~~ one licensed dietitian/nutritionist as described in G.S. 90-353(a)(3) and G.S. 90-353(a)(4)

1 G.S. 90-353(a1)(1) and one licensed nutritionist as described in G.S.
2 90-353(a1)(2), both in accordance with G.S. 120-121, one of whom shall be
3 a nutritionist with a masters or higher degree in a nutrition-related
4 discipline.G.S. 120-121. One of these appointees shall be a
5 dietician/nutritionist or a nutritionist whose primary practice is consulting in,
6 or the private practice of, dietetics or nutrition.

7 (b) Members of the Board shall take office on the first day of July immediately
8 following the expired term of that office and shall serve for a term of three years and until their
9 successors are appointed and qualified.

10 (c) No member shall serve on the Board for more than two consecutive terms.

11 (d) The Governor may remove members of the Board, after notice and opportunity for
12 hearing, for:

- 13 (1) Incompetence;
- 14 (2) Neglect of duty;
- 15 (3) Unprofessional conduct;
- 16 (4) Conviction of any felony;
- 17 (5) Failure to meet the qualifications of this Article; or
- 18 (6) Committing any act prohibited by this Article.

19 (e) Any vacancy shall be filled by the appointing authority originally filling that
20 position, except that any vacancy in appointments by the General Assembly shall be filled in
21 accordance with G.S. 120-122.

22 (f) Members of the Board shall receive no compensation for their services, but shall be
23 entitled to travel, per diem, and other expenses authorized by G.S. 93B-5."

24 **SECTION 4.(b)** Members of the Board appointed prior to July 1, 2017, shall
25 continue to serve until their terms expire, and they are not reappointed, so long as, beginning
26 July 1, 2017, two members of the Board are licensed nutritionists that meet the qualifications
27 described in G.S. 90-357.5(c), as enacted by this act.

28 **SECTION 5.** G.S. 90-356 reads as rewritten:

29 "**§ 90-356. Power and responsibility of Board.**

30 The Board shall:

- 31 (1) Determine the qualifications and fitness of applicants for licenses, renewal
32 of licenses, and reciprocal ~~licenses;~~licenses.
- 33 (2) Adopt rules necessary to conduct its business, carry out its duties, and
34 administer this Article; provided, however, that as of July 1, 2017, no rule
35 making shall be performed by the Board until two licensed nutritionists have
36 been appointed to the Board.
- 37 (3) Adopt and publish a code of ~~ethics;~~ethics.
- 38 (4) Deny, issue, suspend, revoke, and renew licenses in accordance with this
39 ~~Article;~~Article.
- 40 (5) Conduct investigations, subpoena individuals and records, and do all other
41 things necessary and proper to discipline persons licensed under this Article
42 and to enforce this ~~Article;~~Article.
- 43 (6) Employ professional, clerical, investigative or special personnel necessary to
44 carry out the provisions of this Article, and purchase or rent office space,
45 equipment and ~~supplies;~~supplies.
- 46 (7) Adopt a seal by which it shall authenticate its proceedings, official records,
47 and ~~licenses;~~licenses.
- 48 (8) Conduct administrative hearings in accordance with Article 3A of Chapter
49 150B of the General Statutes when a "contested case" as defined in
50 G.S. 150B-2(2) arises under this ~~Article;~~Article.

- 1 (9) Establish reasonable fees for applications for examination; initial,
2 provisional, and renewal licenses; and other services provided by the
3 ~~Board;~~Board.
- 4 (10) Submit an annual report to the Governor and General Assembly of all its
5 official actions during the preceding year, together with any
6 recommendations and findings regarding improvements of the practice of
7 ~~dietetics/nutrition;~~dietetics or nutrition.
- 8 (11) Publish and make available upon request the licensure standards prescribed
9 under this Article and all rules adopted by the ~~Board;~~Board.
- 10 (12) Request and receive the assistance of State educational institutions or other
11 State ~~agencies;~~agencies.
- 12 (13) Approve ~~educational curricula, clinical practice and~~ and evaluate continuing
13 education requirements for persons seeking to renew licensure under this
14 Article.
- 15 (14) Publish, and make available to the public, records of any Board action
16 resulting in any disciplinary action taken by the Board or criminal action
17 taken by the State for any violation of this Article.
- 18 (15) Request that the Department of Public Safety conduct criminal history
19 record checks of applicants for licensure pursuant to G.S. 143B-966."

20 **SECTION 6.** G.S. 90-357 is repealed.

21 **SECTION 7.** Article 25 of Chapter 90 of the General Statutes is amended by
22 adding new sections to read:

23 **"§ 90-357.5. License Requirements.**

24 (a) Each applicant for a license as a licensed dietitian/nutritionist shall submit a
25 completed application as required by the Board, submit any fees as required by the Board, and
26 meet one of the following criteria:

27 (1) The applicant shall submit proof of completion for the following
28 educational, supervised practice experience and examination requirements:

29 a. The applicant has received a baccalaureate degree, master's, or
30 doctoral degree or validated foreign equivalent with a major in
31 human nutrition, foods and nutrition, dietetics, food systems
32 management, community nutrition, public health nutrition, nutrition
33 education, nutrition, nutrition science, clinical nutrition, applied
34 clinical nutrition, nutrition counseling, nutrition and functional
35 medicine, nutritional biochemistry, nutrition and integrative health,
36 or an equivalent course of study, from a college or university
37 accredited at the time of graduation from the appropriate regional
38 accrediting agency recognized by the Council on Higher Education
39 Accreditation and the United States Department of Education and
40 that, as approved by the Board, meets the competency requirements
41 of an ACEND accredited didactic program in dietetics that shall, at a
42 minimum, include the following courses:

43 1. Fifteen semester hours of clinical or life sciences. These
44 hours must include human anatomy and physiology or the
45 equivalent, microbiology or the equivalent, organic
46 chemistry, and biochemistry.

47 2. Three semester hours of behavioral sciences, such as
48 psychology, sociology, cultural anthropology, counseling, or
49 educational psychology.

- 1 3. Twenty-four semester hours of food and nutrition. At least
2 three semester hours must have been received in each of the
3 following categories:
4 I. Diet therapy, medical dietetics, clinical nutrition, or
5 the equivalent.
6 II. Nutrition through life cycle, applied human nutrition,
7 advanced human nutrition, or the equivalent.
8 III. Foods, food science, food composition and menu
9 planning, food service management, or the equivalent.
10 b. The applicant has completed a Board-approved internship or
11 documented, supervised practice experience that meets the
12 competency requirements of an ACEND accredited, supervised
13 practice experience and is not less than 1,000 hours under the
14 supervision of a Certified Nutrition Specialist, a Diplomate of the
15 American Clinical Board of Nutrition, a Registered Dietitian
16 Nutritionist, a licensed dietitian/nutritionist, a licensed nutritionist, a
17 State-licensed health care practitioner whose licensed scope of
18 practice includes dietetics or nutrition, or an individual with a
19 doctoral degree conferred by a United States regionally accredited
20 college or university with a major course of study in human nutrition,
21 foods and nutrition, dietetics, food systems management, community
22 nutrition, public health nutrition, nutrition education, nutrition,
23 nutrition science, clinical nutrition, applied clinical nutrition,
24 nutrition counseling, nutrition and functional medicine, nutritional
25 biochemistry, nutrition and integrative health, or an equivalent course
26 of study, with a reasonable threshold of academic credits in nutrition
27 and nutrition sciences as described in sub-subdivision a. of this
28 subdivision. Supervisors who obtained their doctoral degree outside
29 of the United States and its territories must have their degrees
30 validated by the Board as equivalent to the doctoral degree conferred
31 by a United States regionally accredited college or university.
32 c. The applicant has successfully completed the registration
33 examination for dietitian nutritionists administered by the
34 Commission on Dietetic Registration.
35 (2) The applicant has a valid current registration with the Commission on
36 Dietetic Registration that gives the applicant the right to use the term
37 "Registered Dietitian Nutritionist" or "RDN."
38 (b) All persons licensed or who have submitted an application for licensure as a
39 dietitian/nutritionist prior to July 1, 2017, shall remain licensed, eligible for reactivation, or
40 eligible for licensure under the requirements in place at the time of licensure or application, so
41 long as the applicant or licensee remains in good standing and maintains an active or inactive
42 license if obtained or once it is obtained.
43 (c) Each applicant for a license as a licensed nutritionist shall submit a completed
44 application as required by the Board, submit any fees as required by the Board, and shall
45 submit proof of the completion of all of the following educational, supervised practice
46 experience and examination requirements:
47 (1) The applicant has received any of the following from a college or university
48 accredited at the time of graduation from the appropriate regional accrediting
49 agency recognized by the Council on Higher Education, or a validated
50 foreign equivalent: a master's or doctoral nutrition degree with a major in
51 human nutrition, foods and nutrition, dietetics, community nutrition, public

1 health nutrition, nutrition education, nutrition, nutrition science, clinical
2 nutrition, applied clinical nutrition, nutrition counseling, nutrition and
3 functional medicine, nutritional biochemistry, nutrition and integrative
4 health, or an equivalent course of study or a master's or doctoral degree in a
5 field of clinical health care. Regardless of the course of study, an applicant
6 shall have completed coursework from a regionally accredited college or
7 university in medical nutrition therapy that shall consist of the following
8 courses:

9 a. Fifteen semester hours of clinical or life sciences, including such
10 courses as chemistry, organic chemistry, biology, molecular biology,
11 biotechnology, botany, genetics, genomics, neuroscience,
12 experimental science, immunotherapy, pathology, pharmacology,
13 toxicology, research methods, applied statistics, biostatistics,
14 epidemiology, oxidative/reductive dynamics, energy production,
15 molecular pathways, hormone and transmitter regulations and
16 imbalance, biotransformation pathways and imbalances, and
17 pathophysiologic basis of disease. At least three semester hours must
18 be in human anatomy and physiology or the equivalent.

19 b. Fifteen semester hours of nutrition and metabolism, including such
20 courses as nutrition assessment, developmental nutrition, nutritional
21 aspects of disease, human nutrition, macronutrients, micronutrients,
22 vitamins and minerals, functional medicine nutrition, molecular
23 metabolism, clinical nutrition, nutritional biochemistry, nutrition and
24 digestive health, and public health nutrition. At least six semester
25 hours must be in biochemistry.

26 (2) The applicant must have completed a Board-approved internship or a
27 documented, supervised practice experience in nutrition services of not less
28 than 1,000 hours involving at least 200 hours of nutrition assessment, 200
29 hours of nutrition intervention, education, counseling, or management, and
30 200 hours of nutrition monitoring or evaluation under the supervision of a
31 Certified Nutrition Specialist, a Diplomate of the American Clinical Board
32 of Nutrition, a Registered Dietitian Nutritionist, a licensed
33 dietitian/nutritionist, a licensed nutritionist, a State-licensed health care
34 practitioner whose licensed scope of practice includes dietetics or nutrition,
35 or an individual with a doctoral degree conferred by a United States
36 regionally accredited college or university with a major course of study in
37 human nutrition, foods and nutrition, dietetics, nutrition education, nutrition,
38 nutrition science, clinical nutrition, applied clinical nutrition, nutrition
39 counseling, nutrition and functional medicine, nutritional biochemistry,
40 nutrition and integrative health, or an equivalent course of study, with a
41 reasonable threshold of academic credits in nutrition and nutrition sciences
42 as described in subdivision (1) of this subsection. Supervisors who obtained
43 their doctoral degree outside of the United States and its territories must
44 have their degrees validated by the Board as equivalent to the doctoral
45 degree conferred by a United States regionally accredited college or
46 university.

47 (3) The applicant meets one of the following criteria:

48 a. The applicant has successfully completed either the examination
49 administered by the Board for Certification of Nutrition Specialists,
50 the examination administered by the American Clinical Board of

1 Nutrition, or another examination approved by the Board and
2 meeting the requirements defined in G.S. 90-359.

- 3 b. The applicant has either a valid current certification with the Board
4 for Certification of Nutrition Specialists that gives the applicant the
5 right to use the term "Certified Nutrition Specialist" or "CNS" or a
6 valid current certification with the American Clinical Board of
7 Nutrition that gives the applicant the right to use the term
8 "Diplomate, American Clinical Board of Nutrition" or "DACBN."

9 **"§ 90-357.6. Criminal history record checks of applicants for licensure.**

10 (a) All applicants for licensure shall consent to a criminal history record check. The
11 Board may request a criminal history record check of applicants returning to active status as a
12 licensed dietitian/nutritionist or a licensed nutritionist. Refusal to consent to a criminal history
13 record check may constitute grounds for the Board to deny licensure to an applicant. The Board
14 shall ensure that the State and national criminal history of each applicant is checked. The Board
15 shall be responsible for providing to the North Carolina Department of Public Safety the
16 fingerprints of the applicant to be checked, a form signed by the applicant consenting to the
17 criminal history record check and the use of fingerprints and other identifying information
18 required by the State or National Repositories, the fee required by the Department of Public
19 Safety for providing this service, and any additional information required by the Department of
20 Public Safety. The Board shall keep all information obtained pursuant to this section
21 confidential.

22 (b) The cost of the criminal history record check and the fingerprinting shall be borne
23 by the applicant. The Board shall collect any fees required by the Department of Public Safety
24 and shall remit the fees to the Department of Public Safety for expenses associated with
25 conducting the criminal history record check.

26 (c) If an applicant's criminal history record check reveals one or more convictions, the
27 conviction shall not automatically bar issuance of a license by the Board to the applicant. The
28 Board shall consider all of the following factors regarding the conviction:

- 29 (1) The level of seriousness of the crime.
30 (2) The date of the crime.
31 (3) The age of the person at the time of the conviction.
32 (4) The circumstances surrounding the commission of the crime, if known.
33 (5) The nexus between the criminal conduct of the person and the job duties of
34 the position to be filled.
35 (6) The person's prison, jail, probation, parole, rehabilitation, and employment
36 records since the date the crime was committed.
37 (7) Any subsequent commission of a crime by the applicant.

38 If, after reviewing the factors, the Board determines that the grounds set forth in G.S. 90-363
39 exist, the Board may deny licensure of the applicant. The Board may disclose to the applicant
40 information contained in the criminal history record check that is relevant to the denial. The
41 Board shall not provide a copy of the criminal history record check to the applicant. The
42 applicant shall have the right to appear before the Board to appeal the Board's decision.
43 However, an appearance before the full Board shall constitute an exhaustion of administrative
44 remedies in accordance with Chapter 150B of the General Statutes.

45 (d) The Board, its officers and employees, acting in good faith and in compliance with
46 this section, shall be immune from civil liability for denying licensure to an applicant based on
47 information provided in the applicant's criminal history record check."

48 **SECTION 8.** G.S. 90-359 reads as rewritten:

49 **"§ 90-359. Examinations.**

50 Competency examinations shall be administered at least twice each year to qualified
51 applicants for licensing. The examinations may be administered by a national testing service.

1 The Board ~~examinations~~ shall ~~prescribe or develop the examinations which may include an~~
 2 ~~examination~~ the RDN Examination given by the Commission on Dietetic ~~Registration of the~~
 3 ~~American Dietetic Association or any other examination~~ Registration, the CNS Examination
 4 given by the Board for Certification of Nutrition Specialists and the DACBN Examination
 5 given by the American Clinical Board of Nutrition. The Board may include other nutrition
 6 therapy-focused examinations accredited by the National Commission for Certifying Agencies
 7 for graduates with a baccalaureate degree or higher from a college or university accredited at
 8 the time from the appropriate regional accrediting agency recognized by the Council on Health
 9 Education Accreditation and the United States Department of Education that are approved by
 10 two-thirds vote of the entire Board."

11 **SECTION 9.** G.S. 90-360 reads as rewritten:

12 **"§ 90-360. Granting license without examination.**

13 The Board may grant, upon application and payment of proper fees, a license ~~without~~
 14 ~~examination~~ as a licensed dietitian/nutritionist or a licensed nutritionist to a person who has met
 15 the examination requirements under G.S. 90-359 at the time of application and holds a valid
 16 license or certification as a ~~licensed dietitian/nutritionist~~ dietitian/nutritionist, dietitian, or
 17 nutritionist issued by another state or any political territory or jurisdiction acceptable to the
 18 Board if in the Board's opinion the requirements for that license or certification are
 19 substantially the same as the requirements of this Article."

20 **SECTION 10.** G.S. 90-361 reads as rewritten:

21 **"§ 90-361. Provisional licenses.**

22 The Board may grant a provisional license for a period not exceeding 12 months to any
 23 individual who has successfully completed the educational and clinical practice requirements
 24 and has made application to take one of the examination ~~examinations~~ required under
 25 ~~G.S. 90-357.~~ G.S. 90-359. A provisional license shall allow the individual to practice as a
 26 dietitian/nutritionist or nutritionist under the supervision of a dietitian/nutritionist or nutritionist
 27 licensed in this State and shall be valid until revoked by the Board."

28 **SECTION 11.** G.S. 90-363(a) reads as rewritten:

29 **"§ 90-363. Suspension, revocation and refusal to renew license.**

30 (a) The Board may deny or refuse to renew a license, may suspend or revoke a license,
 31 or may impose probationary conditions on a license if the licensee or applicant for licensure has
 32 engaged in any of the following conduct:

- 33 (1) Employment of fraud, deceit or misrepresentation in obtaining or attempting
 34 to obtain a license, or the renewal of a ~~license;~~ license.
- 35 (2) Committing an act or acts of malpractice, gross negligence or incompetence
 36 in the practice of ~~dietetics/nutrition;~~ dietetics or nutrition.
- 37 (3) Practicing as a licensed dietitian/nutritionist or a licensed nutritionist without
 38 a current ~~license;~~ license.
- 39 (4) Engaging in conduct that could result in harm or injury to the ~~public;~~ public.
- 40 (5) Conviction of or a plea of guilty or nolo contendere to any crime involving
 41 moral ~~turpitude;~~ turpitude.
- 42 (6) Adjudication of insanity or incompetency, until proof of recovery from the
 43 condition can be ~~established;~~ established.
- 44 (7) Engaging in any act or practice ~~violative~~ in violation of any of the provisions
 45 of this Article or any rule adopted by the Board, or aiding, abetting or
 46 assisting any person in such a violation."

47 **SECTION 12.** G.S. 90-365 reads as rewritten:

48 **"§ 90-365. Requirement of license.**

49 (a) ~~After March 31, 1992, it~~ It shall be unlawful for any person who is not currently
 50 licensed under this Article to do any of the following:

- 51 (1) ~~Engage in the practice of dietetics/nutrition.~~

- 1 (1a) Provide medical nutrition therapy.
2 (2) Use the title "~~dietitian/nutritionist~~," "dietitian/nutritionist" or "nutritionist."
3 (3) Use the words "dietitian," "nutritionist," "licensed nutritionist," or "licensed
4 dietitian/nutritionist" ~~alone or in combination~~ or hold oneself out as a
5 dietitian or nutritionist unless licensed under this Article.
6 (4) Use the letters "LD," "LN," or "LDN," or any facsimile or combination in
7 any words, letters, abbreviations, or insignia.
8 (5) To imply orally or in writing or indicate in any way that the person is a
9 licensed ~~dietitian/nutritionist~~, dietitian/nutritionist or licensed nutritionist.
10 (b) Use of an earned, trademarked nutrition credential is not prohibited, but such use
11 does not give the right to practice dietetics or nutrition or use the general titles of
12 "dietitian/nutritionist" or "nutritionist" unless an individual is also licensed under this Article.
13 Notwithstanding any law to the contrary, all of the following are permissible:
14 (1) An individual registered with the Commission on Dietetic Registration has
15 the right to use the title "Registered Dietitian" and "Registered Dietitian
16 Nutritionist" and the designation "RD" or "RDN."
17 (2) An individual certified by the Board of Certification of Nutrition Specialists
18 has the right to use the title "Certified Nutrition Specialist" and the
19 designation "CNS."
20 (3) An individual certified by the American Clinical Board of Nutrition has the
21 right to use the title "Diplomate, American Clinical Board of Nutrition" and
22 the designation "DACBN."

23 **SECTION 13.** Article 25 of Chapter 90 of the General Statutes is amended by
24 adding new sections to read:

25 **"§ 90-365.5. Telepractice.**

26 Telepractice as defined in G.S. 90-352 is not prohibited under this Article so long as (i) it is
27 appropriate for the individual receiving the services and (ii) the level of care provided meets the
28 required level of care for that individual. An individual providing services regulated by this
29 Article via telepractice shall comply with, and shall be subject to, all the licensing and
30 disciplinary provisions of this Article.

31 **"§ 90-365.6. Enteral and parenteral nutrition therapy.**

32 (a) Enteral and parenteral nutrition therapy shall consist of enteral feedings or
33 specialized intravenous solutions and shall only be ordered by an individual licensed under this
34 Article who meets one of the following criteria:

- 35 (1) The individual is a Registered Dietitian Nutritionist registered with the
36 Commission on Dietetic Registration.
37 (2) The individual is a Certified Nutrition Support Clinician certified by the
38 National Board of Nutrition Support Certification.
39 (3) The individual meets the requirements set forth in rules adopted by the
40 Board.

41 (b) Nothing in this Article shall be construed to limit the ability of any other licensed
42 health care practitioner in this State to order therapeutic diets, so long as the ordering of
43 therapeutic diets falls within the scope of the license held by the health care practitioner."

44 **SECTION 14.** G.S. 90-368 reads as rewritten:

45 **"§ 90-368. Persons and practices not affected.**

46 The requirements of this Article shall not apply to:

- 47 (1) A health care professional duly licensed in accordance with Chapter 90 of
48 the General Statutes, Statutes who is acting within the scope of the
49 individual's licensed profession, provided that the individual does not use the
50 titles licensed dietitian/nutritionist or licensed nutritionist.

- 1 (2) A student or trainee, working under the direct supervision of a ~~licensed~~
2 ~~dietitian/nutritionist~~ an individual who meets the criteria outlined in
3 G.S. 90-357.5(a)(1)b. or G.S. 90-357.5(c)(2) while fulfilling an experience
4 requirement or pursuing a course of study to meet requirements for
5 licensure, for a limited period of time as determined by the Board.
- 6 (3) A dietitian/nutritionist or nutritionist serving in the Armed Forces or the
7 Public Health Service of the United States or employed by the Veterans
8 Administration when performing duties associated with that service or
9 employment.
- 10 (4) A person aiding the practice of ~~dietetics/nutrition~~ dietetics or nutrition if the
11 person works under the direct supervision of a licensed ~~dietitian/nutritionist~~
12 ~~and dietitian/nutritionist~~, licensed nutritionist, or other licensed health care
13 practitioner whose licensed scope of practice includes the practice of
14 dietetics or nutrition and the person performs only support activities that do
15 not require formal academic training in the basic food, nutrition, chemical,
16 biological, behavioral, and social sciences that are used in the practice of
17 dietetics. ~~dietetics or nutrition.~~
- 18 (5) An employee of the State, a local political subdivision, or a local school
19 administrative unit or a person that contracts with the State, a local political
20 subdivision, or a local school administrative unit while engaged in the
21 practice of ~~dietetics/nutrition~~ dietetics or nutrition within the scope of that
22 employment.
- 23 (6) A retailer who does not hold himself out to be a dietitian or nutritionist when
24 that retailer furnishes nutrition information to customers on food, food
25 materials, dietary supplements and other goods sold at his retail
26 establishment in connection with the marketing and distribution of those
27 goods at his retail establishment.
- 28 (7) A person who provides weight control services; provided the program has
29 been reviewed by, consultation is available from, and no program change
30 can be initiated without prior approval ~~of~~ of one of the following
31 individuals:
- 32 a. A ~~licensed dietitian/nutritionist;~~ North Carolina licensed
33 dietitian/nutritionist, nutritionist, or other health care practitioner
34 whose licensed scope of practice includes the practice of dietetics or
35 nutrition.
- 36 b. A ~~dietitian/nutritionist~~ dietitian/nutritionist, nutritionist, or other
37 health care practitioner licensed or certified in another state that has
38 licensure or certification requirements that are at least as stringent as
39 under this Article; or Article, and other relevant sections of this
40 Chapter, and whose licensed or certified scope of practice includes
41 the practice of dietetics or nutrition.
- 42 c. A ~~dietitian~~ dietitian/nutritionist or nutritionist registered by the
43 Commission on Dietetic Registration ~~of the American Dietetic~~
44 ~~Association~~ Registration, the Board for Certification of Nutrition
45 Specialists, or the American Clinical Board of Nutrition.
- 46 (8) ~~Employees or independent contractors of a hospital or health care facility~~
47 ~~licensed under Article 5 or Part A of Article 6 of Chapter 131E or Article 2~~
48 ~~of Chapter 122C of the General Statutes.~~
- 49 (9) A person who does not hold himself or herself out to be a dietitian or
50 nutritionist when that person furnishes nutrition information on food, food
51 materials, or dietary supplements. This Article does not prohibit that person

1 from making explanations to customers about foods or food products in
2 connection with the marketing and distribution of these products.

3 (10) An herbalist or other person who does not hold himself or herself out to be a
4 dietitian or nutritionist when the person furnishes nonfraudulent specific
5 nutritional information and counseling about the reported or historical use of
6 herbs, vitamins, minerals, amino acids, carbohydrates, sugars, enzymes, food
7 concentrates, or other foods.

8 (11) Any individual who provides nutrition services without remuneration to
9 family members.

10 (12) Any individual who provides nutrition information, guidance,
11 encouragement, individualized nutrition recommendations, or weight control
12 services that do not constitute medical nutrition therapy as defined in
13 G.S. 90-352, provided that the individual (i) does not hold himself or herself
14 out as a licensed dietitian/nutritionist or a licensed nutritionist as prohibited
15 under G.S. 90-365 and (ii) does not seek to provide medical nutrition therapy
16 as defined in G.S. 90-352."

17 **SECTION 15.** Article 13 of Chapter 143B of the General Statutes is amended by
18 adding a new section to read:

19 **"§ 143B-966. Criminal record checks of applicants for licensure as dietitian/nutritionists**
20 **or nutritionists.**

21 The Department of Public Safety may provide to the North Carolina Board of
22 Dietetics/Nutrition a criminal history record from the State and National Repositories of
23 Criminal Histories for applicants for licensure by the Board. Along with a request for criminal
24 history records, the Board shall provide to the Department of Public Safety the fingerprints of
25 the applicant or subject, a form signed by the applicant consenting to the criminal history
26 record check and use of the fingerprints and other identifying information required by the
27 Repositories, and any additional information required by the Department. The fingerprints shall
28 be forwarded to the State Bureau of Investigation for a search of the State's criminal history
29 record file, and the State Bureau of Investigation shall forward a set of fingerprints to the
30 Federal Bureau of Investigation for a national criminal history record check. The Board shall
31 keep all information obtained pursuant to this section confidential. The Department of Public
32 Safety may charge a fee to offset the cost incurred by the Department of Public Safety to
33 conduct a criminal history record check under this section, but the fee shall not exceed the
34 actual cost of locating, editing, researching, and retrieving the information."

35 **SECTION 16.** Section 12 of this act becomes effective October 1, 2017, and
36 applies to acts committed on or after that date. The remainder of this act becomes effective July
37 1, 2017.