

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 357
Committee Substitute Favorable 5/10/17

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

Sponsors:

Referred to:

March 16, 2017

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.



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.~~

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

7 a. Possess the qualifications necessary for licensure under this Article.

8 b. Apply for licensure under this Article within six months of its
 9 availability.

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

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

15 (1) ~~A dietician/nutritionist.~~ dietician/nutritionist or nutritionist.

16 (2) An agent or employee of a person engaged in the profession of
 17 ~~dietetics/nutrition.~~ dietetics or nutrition.

18 (3) A licensed health care professional or enrolled in a program to become
 19 prepared to be a licensed health care professional.

20 (4) An agent or employee of a health care institution, a health care insurer, or a
 21 health care professional school.

22 (5) A member of any allied health profession or enrolled in a program to
 23 become prepared to be a member of an allied health profession.

24 (6) The spouse of an individual who ~~may not~~ is not eligible to serve as a public
 25 member of the Board."

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

27 **"§ 90-354. Appointments and removal of Board members, terms and compensation.**

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

29 (1) The Governor shall appoint the ~~professional member~~ following members:

30 a. One licensed dietitian/nutritionist as described in G.S. 90-353(a)(5)
 31 and the two G.S. 90-353(a1)(1), who shall be an educator on the
 32 faculty of a college or university accredited at the time from the
 33 appropriate regional accrediting agency recognized by the Council on
 34 Higher Education Accreditation and the United States Department of
 35 Education, specializing in the field of dietetics or nutrition.

36 b. The licensed physician as described in G.S. 90-353(a1)(3).

37 c. The public members—member as described in
 38 G.S. 90-353(a)(6);G.S. 90-353(a1)(4).

39 (2) The General Assembly upon the recommendation of the Speaker of the
 40 House of Representatives shall appoint ~~the professional members~~ one
 41 licensed dietitian/nutritionist as described in G.S. 90-353(a)(1) and
 42 G.S. 90-353(a)(2) G.S. 90-353(a1)(1) and one licensed nutritionist as
 43 described in G.S. 90-353(a1)(2), both in accordance with G.S. 120-121, one
 44 of whom G.S. 120-121. One of these appointees shall be a
 45 dietician/nutritionist or a nutritionist with a masters or higher degree in a
 46 nutrition related discipline; and whose primary practice is clinical dietetics or
 47 nutrition in a hospital or long-term care institution regulated under Article 5
 48 or Part 1 of Article 6 of Chapter 131E of the General Statutes.

49 (3) The General Assembly upon the recommendation of the President Pro
 50 Tempore of the Senate shall appoint ~~the professional members~~ one licensed
 51 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
2 G.S. 90-353(a1)(2), both in accordance with ~~G.S. 120-121, one of whom~~
3 shall be 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~~ for any of the following reasons:

13 (1) ~~Incompetence;~~ Incompetence.

14 (2) ~~Neglect of duty;~~ Neglect of duty.

15 (3) ~~Unprofessional conduct;~~ Unprofessional conduct.

16 (4) ~~Conviction of any felony;~~ Conviction of any felony.

17 (5) ~~Failure to meet the qualifications of this Article; or~~ Failure to meet the
18 qualifications of this Article.

19 (6) ~~Committing any act prohibited by this Article.~~ Committing any act prohibited
20 by this Article.

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

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

26 **SECTION 4.(b)** Members of the Board appointed prior to July 1, 2017, shall
27 continue to serve until their terms expire, so long as, beginning July 1, 2017, two members of
28 the Board are licensed nutritionists that meet the qualifications described in G.S. 90-357.5(c),
29 as enacted by this act.

30 **SECTION 4.(c)** The staggering of terms and new Board composition shall be as
31 follows. The Board member appointed pursuant to G.S. 90-353(a)(6), whose term expires on
32 June 30, 2017, shall be succeeded by a licensed physician appointed by the Governor, pursuant
33 to G.S. 90-353(a1)(3) and G.S. 90-354(a)(1)b. The Board member appointed pursuant to
34 G.S. 90-353(a)(6) whose term expires on June 30, 2019, shall be succeeded by a member of the
35 public appointed by the governor, pursuant to G.S. 90-353(a1)(4) and G.S. 90-354(a)(1)c. The
36 Board member appointed pursuant to G.S. 90-353(a)(5) shall be succeeded by a licensed
37 dietitian/nutritionist appointed by the Governor, pursuant to G.S. 90-353(a1)(1) and
38 G.S. 90-354(a)(1)a. The Board member appointed pursuant to G.S. 90-353(a)(4) shall be
39 succeeded by a licensed dietitian/nutritionist appointed by the General Assembly upon
40 recommendation of the Speaker of the House, pursuant to G.S. 90-353(a1)(1) and
41 G.S. 90-354(a)(2). The Board member appointed pursuant to G.S. 90-353(a)(3) shall be
42 succeeded by a licensed nutritionist appointed by the General Assembly upon recommendation
43 of the President Pro Tempore of the Senate, pursuant to G.S. 90-353(a1)(2) and
44 G.S. 90-354(a)(3). The Board member appointed pursuant to G.S. 90-353(a)(2) shall be
45 succeeded by a licensed dietitian/nutritionist appointed by the General Assembly upon
46 recommendation of the President Pro Tempore of the Senate, pursuant to G.S. 90-353(a1)(1)
47 and G.S. 90-354(a)(3). The Board member appointed pursuant to G.S. 90-353(a)(1) shall be
48 succeeded by licensed nutritionist appointed by the General Assembly upon recommendation
49 of the Speaker of the House, pursuant to G.S. 90-353(a1)(2) and G.S. 90-354(a)(2). Individuals
50 who are Board members as of July 1, 2017, may be reappointed under the provisions of this
51 subsection, provided they are otherwise eligible for reappointment.

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

2 "**§ 90-356. Power and responsibility of Board.**

3 The Board shall:

- 4 (1) Determine the qualifications and fitness of applicants for licenses, renewal
5 of licenses, and reciprocal ~~licenses;~~licenses.
- 6 (2) Adopt rules necessary to conduct its business, carry out its duties, and
7 administer this Article; provided, however, that as of July 1, 2017, no rule
8 making shall be performed by the Board until two licensed nutritionists have
9 been appointed to the Board.
- 10 (3) Adopt and publish a code of ~~ethics;~~ethics.
- 11 (4) Deny, issue, suspend, revoke, and renew licenses in accordance with this
12 ~~Article;~~Article.
- 13 (5) Conduct investigations, subpoena individuals and records, and do all other
14 things necessary and proper to discipline persons licensed under this Article
15 and to enforce this ~~Article;~~Article.
- 16 (6) Employ professional, clerical, investigative or special personnel necessary to
17 carry out the provisions of this Article, and purchase or rent office space,
18 equipment and ~~supplies;~~supplies.
- 19 (7) Adopt a seal by which it shall authenticate its proceedings, official records,
20 and ~~licenses;~~licenses.
- 21 (8) Conduct administrative hearings in accordance with Article 3A of Chapter
22 150B of the General Statutes when a "contested case" as defined in
23 G.S. 150B-2(2) arises under this ~~Article;~~Article.
- 24 (9) Establish reasonable fees for applications for examination; initial,
25 provisional, and renewal licenses; and other services provided by the
26 ~~Board;~~Board.
- 27 (10) Submit an annual report to the Governor and General Assembly of all its
28 official actions during the preceding year, together with any
29 recommendations and findings regarding improvements of the practice of
30 ~~dietetics/nutrition;~~dietetics or nutrition.
- 31 (11) Publish and make available upon request the licensure standards prescribed
32 under this Article and all rules adopted by the ~~Board;~~Board.
- 33 (12) Request and receive the assistance of State educational institutions or other
34 State ~~agencies;~~agencies.
- 35 (13) Approve ~~educational curricula, clinical practice and~~ and evaluate continuing
36 education requirements for persons seeking to renew licensure under this
37 Article.
- 38 (14) Publish, and make available to the public, records of any Board action
39 resulting in any disciplinary action taken by the Board or criminal action
40 taken by the State for any violation of this Article.
- 41 (15) Request that the Department of Public Safety conduct criminal history
42 record checks of applicants for licensure pursuant to G.S. 143B-966."

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

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

46 "**§ 90-357.5. License requirements.**

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

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

- 1 a. The applicant has received a baccalaureate degree, master's, or
2 doctoral degree or validated foreign equivalent with a major in
3 human nutrition, foods and nutrition, dietetics, food systems
4 management, community nutrition, public health nutrition, nutrition
5 education, nutrition, nutrition science, clinical nutrition, applied
6 clinical nutrition, nutrition counseling, nutrition and functional
7 medicine, nutritional biochemistry, nutrition and integrative health,
8 or an equivalent course of study, from a college or university
9 accredited at the time of graduation from the appropriate regional
10 accrediting agency recognized by the Council on Higher Education
11 Accreditation and the United States Department of Education and
12 that, as approved by the Board, meets the competency requirements
13 of an ACEND accredited didactic program in dietetics that shall, at a
14 minimum, include the following courses:
- 15 1. Fifteen semester hours of clinical or life sciences. These
16 hours must include human anatomy and physiology or the
17 equivalent, microbiology or the equivalent, organic
18 chemistry, and biochemistry.
- 19 2. Three semester hours of behavioral sciences, such as
20 psychology, sociology, cultural anthropology, counseling, or
21 educational psychology.
- 22 3. Twenty-four semester hours of food and nutrition. At least
23 three semester hours must have been received in each of the
24 following categories:
- 25 I. Diet therapy, medical dietetics, clinical nutrition, or
26 the equivalent.
- 27 II. Nutrition through life cycle, applied human nutrition,
28 advanced human nutrition, or the equivalent.
- 29 III. Foods, food science, food composition and menu
30 planning, food service management, or the equivalent.
- 31 b. The applicant has completed a Board-approved internship or
32 documented, supervised practice experience that meets the
33 competency requirements of an ACEND accredited, supervised
34 practice experience and is not less than 1,000 hours under the
35 supervision of a Certified Nutrition Specialist, a Diplomate of the
36 American Clinical Board of Nutrition, a Registered Dietitian
37 Nutritionist, a licensed dietitian/nutritionist, a licensed nutritionist, a
38 State-licensed health care practitioner whose licensed scope of
39 practice includes dietetics or nutrition, or an individual with a
40 doctoral degree conferred by a United States regionally accredited
41 college or university with a major course of study in human nutrition,
42 foods and nutrition, dietetics, food systems management, community
43 nutrition, public health nutrition, nutrition education, nutrition,
44 nutrition science, clinical nutrition, applied clinical nutrition,
45 nutrition counseling, nutrition and functional medicine, nutritional
46 biochemistry, nutrition and integrative health, or an equivalent course
47 of study, with a reasonable threshold of academic credits in nutrition
48 and nutrition sciences as described in sub-subdivision a. of this
49 subdivision. Supervisors who obtained their doctoral degree outside
50 of the United States and its territories must have their degrees

1 validated by the Board as equivalent to the doctoral degree conferred
2 by a United States regionally accredited college or university.

3 c. The applicant has successfully completed the registration
4 examination for dietitian nutritionists administered by the
5 Commission on Dietetic Registration.

6 (2) The applicant has a valid current registration with the Commission on
7 Dietetic Registration that gives the applicant the right to use the term
8 "Registered Dietitian Nutritionist" or "RDN."

9 (b) All persons licensed or who have submitted an application for licensure as a
10 dietitian/nutritionist prior to July 1, 2017, shall remain licensed, eligible for reactivation, or
11 eligible for licensure under the requirements in place at the time of licensure or application, so
12 long as the applicant or licensee remains in good standing and maintains an active or inactive
13 license if obtained or once it is obtained.

14 (c) Each applicant for a license as a licensed nutritionist shall submit a completed
15 application as required by the Board, submit any fees as required by the Board, and shall
16 submit proof of the completion of all of the following educational, supervised practice
17 experience, and examination requirements:

18 (1) The applicant has received any of the following from a college or university
19 accredited at the time of graduation from the appropriate regional accrediting
20 agency recognized by the Council on Higher Education or a validated
21 foreign equivalent: a master's or doctoral nutrition degree with a major in
22 human nutrition, foods and nutrition, dietetics, community nutrition, public
23 health nutrition, nutrition education, nutrition, nutrition science, clinical
24 nutrition, applied clinical nutrition, nutrition counseling, nutrition and
25 functional medicine, nutritional biochemistry, nutrition and integrative
26 health, or an equivalent course of study or a master's or doctoral degree in a
27 field of clinical health care. Regardless of the course of study, an applicant
28 shall have completed coursework from a regionally accredited college or
29 university in medical nutrition therapy that shall consist of the following
30 courses:

31 a. Fifteen semester hours of clinical or life sciences, including such
32 courses as chemistry, organic chemistry, biology, molecular biology,
33 biotechnology, botany, genetics, genomics, neuroscience,
34 experimental science, immunotherapy, pathology, pharmacology,
35 toxicology, research methods, applied statistics, biostatistics,
36 epidemiology, oxidative/reductive dynamics, energy production,
37 molecular pathways, hormone and transmitter regulations and
38 imbalance, biotransformation pathways and imbalances, and
39 pathophysiologic basis of disease. At least three semester hours must
40 be in human anatomy and physiology or the equivalent.

41 b. Fifteen semester hours of nutrition and metabolism, including such
42 courses as nutrition assessment, developmental nutrition, nutritional
43 aspects of disease, human nutrition, macronutrients, micronutrients,
44 vitamins and minerals, functional medicine nutrition, molecular
45 metabolism, clinical nutrition, nutritional biochemistry, nutrition and
46 digestive health, and public health nutrition. At least six semester
47 hours must be in biochemistry.

48 (2) The applicant must have completed a Board-approved internship or a
49 documented, supervised practice experience in nutrition services of not less
50 than 1,000 hours involving at least 200 hours of nutrition assessment, 200
51 hours of nutrition intervention, education, counseling, or management, and

1 200 hours of nutrition monitoring or evaluation under the supervision of a
2 Certified Nutrition Specialist, a Diplomate of the American Clinical Board
3 of Nutrition, a Registered Dietitian Nutritionist, a licensed
4 dietitian/nutritionist, a licensed nutritionist, a State-licensed health care
5 practitioner whose licensed scope of practice includes dietetics or nutrition,
6 or an individual with a doctoral degree conferred by a United States
7 regionally accredited college or university with a major course of study in
8 human nutrition, foods and nutrition, dietetics, nutrition education, nutrition,
9 nutrition science, clinical nutrition, applied clinical nutrition, nutrition
10 counseling, nutrition and functional medicine, nutritional biochemistry,
11 nutrition and integrative health, or an equivalent course of study, with a
12 reasonable threshold of academic credits in nutrition and nutrition sciences
13 as described in subdivision (1) of this subsection. Supervisors who obtained
14 their doctoral degree outside of the United States and its territories must
15 have their degrees validated by the Board as equivalent to the doctoral
16 degree conferred by a United States regionally accredited college or
17 university.

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

- 19 a. The applicant has successfully completed either the examination
20 administered by the Board for Certification of Nutrition Specialists,
21 the examination administered by the American Clinical Board of
22 Nutrition, or another examination approved by the Board and
23 meeting the requirements defined in G.S. 90-359.
24 b. The applicant has either a valid current certification with the Board
25 for Certification of Nutrition Specialists that gives the applicant the
26 right to use the term "Certified Nutrition Specialist" or "CNS" or a
27 valid current certification with the American Clinical Board of
28 Nutrition that gives the applicant the right to use the term
29 "Diplomate, American Clinical Board of Nutrition" or "DACBN."

30 **§ 90-357.6. Criminal history record checks of applicants for licensure.**

31 (a) All applicants for licensure shall consent to a criminal history record check. The
32 Board may request a criminal history record check of applicants returning to active status as a
33 licensed dietitian/nutritionist or a licensed nutritionist. Refusal to consent to a criminal history
34 record check may constitute grounds for the Board to deny licensure to an applicant. The Board
35 shall ensure that the State and national criminal history of each applicant is checked. The Board
36 shall be responsible for providing to the North Carolina Department of Public Safety the
37 fingerprints of the applicant to be checked, a form signed by the applicant consenting to the
38 criminal history record check and the use of fingerprints and other identifying information
39 required by the State or National Repositories, the fee required by the Department of Public
40 Safety for providing this service, and any additional information required by the Department of
41 Public Safety. The Board shall keep all information obtained pursuant to this section
42 confidential.

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

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

- 50 (1) The level of seriousness of the crime.
51 (2) The date of the crime.

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

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

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

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

19 **"§ 90-359. Examinations.**

20 Competency examinations shall be administered at least twice each year to qualified
21 applicants for licensing. The examinations may be administered by a national testing service.
22 ~~The Board examinations shall prescribe or develop the examinations which may include an~~
23 ~~examination the RDN Examination given by the Commission on Dietetic Registration of the~~
24 ~~American Dietetic Association or any other examination Registration, the CNS Examination~~
25 ~~given by the Board for Certification of Nutrition Specialists and the DACBN Examination~~
26 ~~given by the American Clinical Board of Nutrition. The Board may include other nutrition~~
27 ~~therapy-focused examinations accredited by the National Commission for Certifying Agencies~~
28 ~~for graduates with a baccalaureate degree or higher from a college or university accredited at~~
29 ~~the time from the appropriate regional accrediting agency recognized by the Council on Health~~
30 ~~Education Accreditation and the United States Department of Education that are approved by~~
31 ~~two-thirds vote of the entire Board."~~

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

33 **"§ 90-360. Granting license without examination.**

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

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

42 **"§ 90-361. Provisional licenses.**

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

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

50 **"§ 90-363. Suspension, revocation and refusal to renew license.**

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

- 4 (1) Employment of fraud, deceit or misrepresentation in obtaining or attempting
5 to obtain a license, or the renewal of a ~~license;~~license.
- 6 (2) Committing an act or acts of malpractice, gross negligence or incompetence
7 in the practice of ~~dietetics/nutrition;~~dietetics or nutrition.
- 8 (3) Practicing as a licensed dietitian/nutritionist or a licensed nutritionist without
9 a current ~~license;~~license.
- 10 (4) Engaging in conduct that could result in harm or injury to the ~~public;~~public.
- 11 (5) Conviction of or a plea of guilty or nolo contendere to any crime involving
12 moral ~~turpitude;~~turpitude.
- 13 (6) Adjudication of insanity or incompetency, until proof of recovery from the
14 condition can be ~~established;~~established.
- 15 (7) Engaging in any act or practice ~~violative~~in violation of any of the provisions
16 of this Article or any rule adopted by the Board, or aiding, abetting or
17 assisting any person in such a violation."

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

19 **"§ 90-365. Requirement of license.**

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

- 22 (1) ~~Engage in the practice of dietetics/nutrition.~~
- 23 (1a) Provide medical nutrition therapy.
- 24 (2) Use the title "dietitian/nutritionist"; "dietitian/nutritionist" or "nutritionist."
- 25 (3) Use the words "dietitian," "nutritionist," "licensed nutritionist," or "licensed
26 dietitian/nutritionist" alone or in combination or hold oneself out as a
27 dietitian or nutritionist unless licensed under this Article.
- 28 (4) Use the letters "LD," "LN," or "LDN," or any facsimile or combination in
29 any words, letters, abbreviations, or insignia.
- 30 (5) To imply orally or in writing or indicate in any way that the person is a
31 licensed ~~dietitian/nutritionist.~~dietitian/nutritionist or licensed nutritionist.

32 (b) Use of an earned, trademarked nutrition credential is not prohibited, but such use
33 does not give the right to practice dietetics or nutrition or use the general titles of
34 "dietitian/nutritionist" or "nutritionist" unless an individual is also licensed under this Article.

35 Notwithstanding any law to the contrary, all of the following are permissible:

- 36 (1) An individual registered with the Commission on Dietetic Registration has
37 the right to use the title "Registered Dietitian" and "Registered Dietitian
38 Nutritionist" and the designation "RD" or "RDN."
- 39 (2) An individual certified by the Board of Certification of Nutrition Specialists
40 has the right to use the title "Certified Nutrition Specialist" and the
41 designation "CNS."
- 42 (3) An individual certified by the American Clinical Board of Nutrition has the
43 right to use the title "Diplomate, American Clinical Board of Nutrition" and
44 the designation "DACBN."

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

47 **"§ 90-365.5. Telepractice.**

48 Telepractice as defined in G.S. 90-352 is not prohibited under this Article so long as (i) it is
49 appropriate for the individual receiving the services and (ii) the level of care provided meets the
50 required level of care for that individual. An individual providing services regulated by this

1 Article via telepractice shall comply with, and shall be subject to, all the licensing and
2 disciplinary provisions of this Article.

3 **"§ 90-365.6. Enteral and parenteral nutrition therapy.**

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

7 (1) The individual is a Registered Dietitian Nutritionist registered with the
8 Commission on Dietetic Registration.

9 (2) The individual is a Certified Nutrition Support Clinician certified by the
10 National Board of Nutrition Support Certification.

11 (3) The individual meets the requirements set forth in rules adopted by the
12 Board.

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

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

17 **"§ 90-368. Persons and practices not affected.**

18 The requirements of this Article shall not apply to:

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

23 (2) A student or trainee, working under the direct supervision of a ~~licensed~~
24 ~~dietitian/nutritionist~~—an individual who meets the criteria outlined in
25 G.S. 90-357.5(a)(1)b. or G.S. 90-357.5(c)(2) while fulfilling an experience
26 requirement or pursuing a course of study to meet requirements for
27 licensure, for a limited period of time as determined by the Board.

28 (3) A dietitian/nutritionist or nutritionist serving in the Armed Forces or the
29 Public Health Service of the United States or employed by the Veterans
30 Administration when performing duties associated with that service or
31 employment.

32 (4) A person aiding the practice of ~~dietetics/nutrition~~—dietetics or nutrition if the
33 person works under the direct supervision of a licensed ~~dietitian/nutritionist~~
34 ~~and dietitian/nutritionist~~, licensed nutritionist, or other licensed health care
35 practitioner whose licensed scope of practice includes the practice of
36 dietetics or nutrition and the person performs only support activities that do
37 not require formal academic training in the basic food, nutrition, chemical,
38 biological, behavioral, and social sciences that are used in the practice of
39 ~~dietetics~~-dietetics or nutrition.

40 (5) An employee of the State, a local political subdivision, or a local school
41 administrative unit or a person that contracts with the State, a local political
42 subdivision, or a local school administrative unit while engaged in the
43 practice of ~~dietetics/nutrition~~—dietetics or nutrition within the scope of that
44 employment.

45 (6) A retailer who does not hold himself out to be a dietitian or nutritionist when
46 that retailer furnishes nutrition information to customers on food, food
47 materials, dietary supplements and other goods sold at his retail
48 establishment in connection with the marketing and distribution of those
49 goods at his retail establishment.

50 (7) A person who provides weight control services; provided the program has
51 been reviewed by, consultation is available from, and no program change

1 can be initiated without prior approval ~~of~~ of one of the following
 2 individuals:

- 3 a. ~~A licensed dietitian/nutritionist;~~ North Carolina licensed
 4 dietitian/nutritionist, nutritionist, or other health care practitioner
 5 whose licensed scope of practice includes the practice of dietetics or
 6 nutrition.
- 7 b. ~~A dietitian/nutritionist—~~ dietitian/nutritionist, nutritionist, or other
 8 health care practitioner licensed or certified in another state that has
 9 licensure or certification requirements that are at least as stringent as
 10 under this Article; or Article, and other relevant sections of this
 11 Chapter, and whose licensed or certified scope of practice includes
 12 the practice of dietetics or nutrition.
- 13 c. ~~A dietitian—~~ dietitian/nutritionist or nutritionist registered by the
 14 Commission on Dietetic Registration of the American Dietetic
 15 Association; Registration, the Board for Certification of Nutrition
 16 Specialists, or the American Clinical Board of Nutrition.
- 17 (8) ~~Employees or independent contractors of a hospital or health care facility~~
 18 ~~licensed under Article 5 or Part A of Article 6 of Chapter 131E or Article 2~~
 19 ~~of Chapter 122C of the General Statutes.~~
- 20 (9) A person who does not hold himself or herself out to be a dietitian or
 21 nutritionist when that person furnishes nutrition information on food, food
 22 materials, or dietary supplements. This Article does not prohibit that person
 23 from making explanations to customers about foods or food products in
 24 connection with the marketing and distribution of these products.
- 25 (10) An herbalist or other person who does not hold himself or herself out to be a
 26 dietitian or nutritionist when the person furnishes nonfraudulent specific
 27 nutritional information and counseling about the reported or historical use of
 28 herbs, vitamins, minerals, amino acids, carbohydrates, sugars, enzymes, food
 29 concentrates, or other foods.
- 30 (11) Any individual who provides nutrition services without remuneration to
 31 family members.
- 32 (12) Any individual who provides nutrition information, guidance,
 33 encouragement, individualized nutrition recommendations, or weight control
 34 services that do not constitute medical nutrition therapy as defined in
 35 G.S. 90-352, provided that the individual (i) does not hold himself or herself
 36 out as a licensed dietitian/nutritionist or a licensed nutritionist as prohibited
 37 under G.S. 90-365 and (ii) does not seek to provide medical nutrition therapy
 38 as defined in G.S. 90-352."

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

41 **"§ 143B-966. Criminal record checks of applicants for licensure as dietitian/nutritionists**
 42 **or nutritionists.**

43 The Department of Public Safety may provide to the North Carolina Board of
 44 Dietetics/Nutrition a criminal history record from the State and National Repositories of
 45 Criminal Histories for applicants for licensure by the Board. Along with a request for criminal
 46 history records, the Board shall provide to the Department of Public Safety the fingerprints of
 47 the applicant or subject, a form signed by the applicant consenting to the criminal history
 48 record check and use of the fingerprints and other identifying information required by the
 49 Repositories, and any additional information required by the Department. The fingerprints shall
 50 be forwarded to the State Bureau of Investigation for a search of the State's criminal history
 51 record file, and the State Bureau of Investigation shall forward a set of fingerprints to the

1 Federal Bureau of Investigation for a national criminal history record check. The Board shall
2 keep all information obtained pursuant to this section confidential. The Department of Public
3 Safety may charge a fee to offset the cost incurred by the Department of Public Safety to
4 conduct a criminal history record check under this section, but the fee shall not exceed the
5 actual cost of locating, editing, researching, and retrieving the information."

6 **SECTION 16.** Section 12 of this act becomes effective October 1, 2017, and
7 applies to acts committed on or after that date. The remainder of this act becomes effective July
8 1, 2017.