

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 796
PROPOSED COMMITTEE SUBSTITUTE H796-PCS30367-TK-47

Short Title: Modernize Dietetics/Nutrition Practice Act.

(Public)

Sponsors:

Referred to:

April 15, 2015

1 A BILL TO BE ENTITLED
2 AN ACT EXPANDING THE ABILITY OF QUALIFIED NUTRITION PROFESSIONALS
3 TO PRACTICE IN THIS STATE AND TO AMEND 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) ACEND. – The Accreditation Council for Education in Nutrition and
17 Dietetics, which is the Academy of Nutrition and Dietetics' accrediting
18 agency for education programs preparing students for careers as Registered
19 Dietitian Nutritionists or Dietetic Technicians, Registered.

20 (1a) ~~"Board" means the~~ Board. – The North Carolina Board of
21 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
28 ~~dietetic/nutrition~~dietetics practice ~~is the provision of nutrition care~~
29 ~~services.~~medical nutrition therapy.

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

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

35 (3a) Medical nutrition therapy. – The provision of nutrition care services for the
36 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.

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

12 c. Providing nutrition counseling in health and disease.

13 d. Developing, implementing, and managing nutrition care
14 systems, systems and ordering therapeutic diets.

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

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

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

22 (6) Telepractice. – The delivery of services under this Article by means other
23 than in-person, including, but not limited to, telephone, e-mail, Internet, or
24 other methods of electronic communication. Telepractice is not prohibited
25 under this Article provided that the provision of the telepractice services is
26 appropriate for the client and the level of care provided meets the required
27 level of care for that client. Individuals providing services regulated by this
28 Article via telepractice shall comply with, and shall be subject to, all
29 licensing and disciplinary provisions of the Article."

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

31 **"§ 90-353. Creation of Board.**

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

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

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

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

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

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

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

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

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

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

48 (3) One member shall be a physician licensed under Article 1 of Chapter 90 of
49 the General Statutes.

50 (4) One member shall not be licensed under this Article and who shall represent
51 the public at large.

1 (b) ~~Professional~~ Licensed dietitian/nutritionist or licensed nutritionist members of the
2 Board ~~shall~~ shall meet all of the following criteria:

- 3 (1) Be citizens of the United States and residents of this ~~State~~ State.
4 (2) Have practiced in the field of ~~dietetics/nutrition~~ dietetics or nutrition for at
5 least ~~five years~~; and ~~three years~~.
6 (3) Be licensed under this Article, ~~except that initial appointees shall be licensed~~
7 ~~under this Article no later than March 31, 1992.~~ Article. The first appointed
8 licensed nutritionists need not be licensed under this Article nor have
9 practiced for three years for appointment to their first terms on the Board,
10 but must possess the qualifications necessary for licensure under this Article
11 and shall apply for licensure within six months of its availability.

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

14 (c) The members of the Board appointed from the public at large shall be citizens of the
15 United States and residents of this State and shall not be any of the following:

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

27 **SECTION 4.** G.S. 90-354 reads as rewritten:

28 "**§ 90-354. Appointments and removal of Board members, terms and compensation.**

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

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

1 (3) The General Assembly upon the recommendation of the President Pro
2 Tempore of the Senate shall appoint ~~the professional members~~ one licensed
3 dietitian/nutritionist as described in G.S. 90-353(a)(3)–G.S. 90-353(a)(1)
4 and G.S. 90-353(a)(4)–one licensed nutritionist as described in
5 G.S. 90-353(a)(2) in accordance with G.S. 120-121, one of whom
6 G.S. 120-121. One of these appointees shall be a dietitian/nutritionist or a
7 nutritionist with a masters or higher degree in a nutrition-related
8 discipline whose primary practice is consulting or private practice in
9 dietetics or nutrition.

10 (b) Members of the Board shall take office on the first day of July immediately
11 following the expired term of that office and shall serve for a term of three years and until their
12 successors are appointed and qualified. Members of the Board appointed prior to July 1, 2015,
13 shall continue to serve until their terms expire, and they are not reappointed, so long as,
14 beginning July 1, 2015, two members on the Board are licensed nutritionists as described in
15 G.S. 90-357(c).

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

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

- 19 (1) Incompetence;
- 20 (2) Neglect of duty;
- 21 (3) Unprofessional conduct;
- 22 (4) Conviction of any felony;
- 23 (5) Failure to meet the qualifications of this Article; or
- 24 (6) Committing any act prohibited by this Article.

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

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

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

31 **"§ 90-356. Power and responsibility of Board.**

32 The Board shall:

- 33 (1) Determine the qualifications and fitness of applicants for licenses, renewal
34 of licenses, and reciprocal ~~licenses;~~licenses.
- 35 (2) Adopt rules necessary to conduct its business, carry out its duties, and
36 administer this Article; provided however that, as of July 1, 2015, no rule
37 making shall be performed by the Board until two licensed nutritionists have
38 been appointed to the Board.
- 39 (3) Adopt and publish a code of ~~ethics;~~ethics.
- 40 (4) Deny, issue, suspend, revoke, and renew licenses in accordance with this
41 ~~Article;~~Article.
- 42 (5) Conduct investigations, subpoena individuals and records, and do all other
43 things necessary and proper to discipline persons licensed under this Article
44 and to enforce this ~~Article;~~Article.
- 45 (6) Employ professional, clerical, investigative or special personnel necessary to
46 carry out the provisions of this Article, and purchase or rent office space,
47 equipment and ~~supplies;~~supplies.
- 48 (7) Adopt a seal by which it shall authenticate its proceedings, official records,
49 and ~~licenses;~~licenses.

- 1 (8) Conduct administrative hearings in accordance with Article 3A of Chapter
2 150B of the General Statutes when a "contested case" as defined in
3 G.S. 150B-2(2) arises under this ~~Article~~; Article.
- 4 (9) Establish reasonable fees for applications for examination; initial,
5 provisional, and renewal licenses; and other services provided by the
6 ~~Board~~; Board.
- 7 (10) Submit an annual report to the Governor and General Assembly of all its
8 official actions during the preceding year, together with any
9 recommendations and findings regarding improvements of the practice of
10 ~~dietetics/nutrition~~; dietetics or nutrition.
- 11 (11) Publish and make available upon request the licensure standards prescribed
12 under this Article and all rules adopted by the ~~Board~~; Board.
- 13 (12) Request and receive the assistance of State educational institutions or other
14 State ~~agencies~~; agencies.
- 15 (13) Approve ~~educational curricula, clinical practice and~~ and evaluate continuing
16 education requirements for persons seeking to renew licensure under this
17 Article.
- 18 (14) Publish, and make available to the public, records of any Board action
19 resulting in any disciplinary action taken by the Board or criminal action
20 taken by the State for any violation of this Article."

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

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

24 **"§ 90-357.5. License Requirements.**

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

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

30 a. The applicant has received a baccalaureate degree, master's, or
31 doctoral degree or validated foreign equivalent in human nutrition,
32 foods and nutrition, dietetics, food systems management, 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 900 hours under the
14 supervision of a Certified Nutrition Specialist, a Diplomate of
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 nutrition, or an individual with a doctoral degree
19 conferred by a United States regionally accredited college or
20 university with a major course of study in human nutrition, foods and
21 nutrition, dietetics, food systems management, nutrition education,
22 nutrition, nutrition science, clinical nutrition, applied clinical
23 nutrition, nutrition counseling, nutrition and functional medicine,
24 nutritional biochemistry, nutrition and integrative health, or an
25 equivalent course of study, with a reasonable threshold of academic
26 credits in nutrition and nutrition sciences as described in
27 sub-subdivision a. of this subdivision. Supervisors who obtained their
28 doctoral degree outside of the United States and its territories must
29 have their degrees validated by the Board as equivalent to the
30 doctoral degree conferred by a United States regionally accredited
31 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, 2015, 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 a master's or doctoral nutrition degree or
48 validated foreign equivalent with a major in human nutrition, foods and
49 nutrition, community nutrition, public health nutrition, nutrition education,
50 nutrition, nutrition science, clinical nutrition, applied clinical nutrition,
51 nutrition counseling, nutrition and functional medicine, nutritional

1 biochemistry, nutrition and integrative health, or a comparable title major, or
2 doctoral degree, or validated foreign equivalent, in a field of clinical
3 healthcare from a college or university accredited at the time of graduation
4 from the appropriate regional accrediting agency recognized by the Council
5 on Higher Education Accreditation and the United States Department of
6 Education and have completed coursework in medical nutrition therapy that
7 shall consist of the following courses:

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

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

25 (2) The applicant must have completed a Board-approved internship or a
26 documented, supervised practice experience in nutrition services of not less
27 than 900 hours involving at least 200 hours of nutrition assessment, 200
28 hours of nutrition intervention, education, counseling, or management, and
29 200 hours of nutrition monitoring or evaluation under the supervision of a
30 Certified Nutrition Specialist, a Diplomate of the American Clinical Board
31 of Nutrition, a Registered Dietitian Nutritionist, a licensed
32 dietitian/nutritionist, a licensed nutritionist, a State-licensed health care
33 practitioner whose licensed scope of practice includes nutrition, or an
34 individual with a doctoral degree conferred by a United States regionally
35 accredited college or university with a major course of study in human
36 nutrition, foods and nutrition, dietetics, nutrition education, nutrition,
37 nutrition science, clinical nutrition, applied clinical nutrition, nutrition
38 counseling, nutrition and functional medicine, nutritional biochemistry,
39 nutrition and integrative health, or an equivalent course of study, with a
40 reasonable threshold of academic credits in nutrition and nutrition sciences
41 as described in subdivision (1) of this subsection. Supervisors who obtained
42 their doctoral degree outside of the United States and its territories must
43 have their degrees validated by the Board as equivalent to the doctoral
44 degree conferred by a United States regionally accredited college or
45 university.

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

47 a. The applicant has successfully completed either the examination
48 administered by the Board for Certification of Nutrition Specialists,
49 the examination administered by the American Clinical Board of
50 Nutrition, or another examination approved by the Board and
51 meeting the requirements defined in G.S. 90-359.

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

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

8 **"§ 90-359. Examinations.**

9 Competency examinations shall be administered at least twice each year to qualified
10 applicants for licensing. The examinations may be administered by a national testing service.
11 The ~~Board examinations shall prescribe or develop the examinations which may include an~~
12 ~~examination—the examinations given by the Commission on Dietetic Registration of the~~
13 ~~American Dietetic Association or any other examination—Registration, the Board for~~
14 ~~Certification of Nutrition Specialists, or the American Clinical Board of Nutrition. The Board~~
15 may include other nutrition therapy-focused examinations accredited by the National
16 Commission for Certifying Agencies for graduates with a baccalaureate degree or higher from
17 a college or university accredited at the time from the appropriate regional accrediting agency
18 recognized by the Council on Health Education Accreditation and the United States
19 Department of Education that are approved by two-thirds vote of the entire Board."

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

21 **"§ 90-360. Granting license without examination.**

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

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

30 **"§ 90-361. Provisional licenses.**

31 The Board may grant a provisional license for a period not exceeding 12 months to any
32 individual who has successfully completed the educational and clinical practice requirements
33 and has made application to take one of the examination—examinations required under
34 ~~G.S. 90-357. G.S. 90-357.5.~~ A provisional license shall allow the individual to practice as a
35 dietitian/nutritionist or nutritionist under the supervision of a dietitian/nutritionist or nutritionist
36 licensed in this State and shall be valid until revoked by the Board."

37 **SECTION 11.** G.S. 90-363 reads as rewritten:

38 **"§ 90-363. Suspension, revocation and refusal to renew license.**

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

- 42 (1) Employment of fraud, deceit or misrepresentation in obtaining or attempting
43 to obtain a license, or the renewal of a ~~license; license.~~
44 (2) Committing an act or acts of malpractice, gross negligence or incompetence
45 in the practice of ~~dietetics/nutrition; dietetics or nutrition.~~
46 (3) Practicing as a licensed dietitian/nutritionist or a licensed nutritionist without
47 a current ~~license; license.~~
48 (4) Engaging in conduct that one could reasonably foresee, based on available
49 evidence, could result in harm or injury to the public; public.
50 (5) Conviction of or a plea of guilty or nolo contendere to any crime involving
51 moral ~~turpitude; turpitude.~~

- 1 (6) Adjudication of insanity or incompetency, until proof of recovery from the
2 condition can be ~~established~~established.
- 3 (7) Engaging in any act or practice ~~violative~~in violation of any of the provisions
4 of this Article or any rule adopted by the Board, or aiding, abetting or
5 assisting any person in such a violation.

6 (b) Denial, refusal to renew, suspension, revocation or imposition of probationary
7 conditions upon a license may be ordered by the Board after a hearing held in accordance with
8 Chapter 150B of the General Statutes and rules adopted by the Board. An application may be
9 made to the Board for reinstatement of a revoked license if the revocation has been in effect for
10 at least one year."

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

12 **"§ 90-365. Requirement of license.**

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

- 15 (1) ~~Engage in the practice of dietetics/nutrition.~~
16 (1a) Provide medical nutrition therapy.
17 (2) ~~Use the title "dietitian/nutritionist".~~ "dietitian/nutritionist" or "nutritionist."
18 (3) ~~Use the words "dietitian," "nutritionist," "licensed nutritionist," or "licensed~~
19 ~~dietitian/nutritionist" alone or in combination hold oneself out as a dietitian~~
20 ~~or nutritionist unless licensed under this Article.~~
21 (4) ~~Use the letters "LD," "LN," or "LDN," or any facsimile or combination in~~
22 ~~any words, letters, abbreviations, or insignia.~~
23 (5) ~~To imply orally or in writing or indicate in any way that the person is a~~
24 ~~licensed dietitian/nutritionist.~~ dietitian/nutritionist or licensed nutritionist.

25 (b) Notwithstanding any law to the contrary, an individual registered with the
26 Commission on Dietetic Registration has the right to use the title "Registered Dietitian,"
27 "Registered Dietitian Nutritionist," and the designation "RD" or "RDN." Notwithstanding any
28 law to the contrary, an individual certified by the Board of Certification of Nutrition Specialists
29 has the right to use the title "Certified Nutrition Specialist" and the designation "CNS", and an
30 individual certified by the American Clinical Board of Nutrition has the right to use the title
31 "Diplomate, American Clinical Board of Nutrition" and use the designation "DACBN.""

32 **SECTION 13.** G.S. 90-368 reads as rewritten:

33 **"§ 90-368. Persons and practices not affected.**

34 The requirements of this Article shall not apply to:

- 35 (1) ~~A health care professional duly licensed in accordance with Chapter 90 of~~
36 ~~the General Statutes-Statutes who is acting within the scope of the~~
37 ~~individual's licensed profession, provided that the individual does not use the~~
38 ~~titles licensed dietitian/nutritionist or licensed nutritionist.~~
39 (2) ~~A student or trainee, working under the direct supervision of a licensed~~
40 ~~dietitian/nutritionist—an individual who meets the criteria outlined in~~
41 ~~G.S. 90-357.5(a)(1)b. or G.S. 90-357.5(c)(2) while fulfilling an experience~~
42 ~~requirement or pursuing a course of study to meet requirements for~~
43 ~~licensure, for a limited period of time as determined by the Board.~~
44 (3) ~~A dietitian/nutritionist or nutritionist serving in the Armed Forces or the~~
45 ~~Public Health Service of the United States or employed by the Veterans~~
46 ~~Administration when performing duties associated with that service or~~
47 ~~employment.~~
48 (4) ~~A person aiding the practice of dietetics/nutrition-dietetics or nutrition if the~~
49 ~~person works under the direct supervision of a licensed dietitian/nutritionist~~
50 ~~or licensed nutritionist and performs only support activities that do not~~
51 ~~require formal academic training in the basic food, nutrition, chemical,~~

1 biological, behavioral, and social sciences that are used in the practice of
 2 ~~dietetics; dietetics or nutrition.~~

- 3 (5) An employee of the State, a local political subdivision, or a local school
 4 administrative unit or a person that contracts with the State, a local political
 5 subdivision, or a local school administrative unit while engaged in the
 6 practice of ~~dietetics/nutrition~~ dietetics or nutrition within the scope of that
 7 employment.
- 8 (6) A retailer who does not hold himself out to be a dietitian or nutritionist when
 9 that retailer furnishes nutrition information to customers on food, food
 10 materials, dietary supplements and other goods sold at his retail
 11 establishment in connection with the marketing and distribution of those
 12 goods at his retail establishment.
- 13 (7) A person who provides weight control services; provided the program has
 14 been reviewed by, consultation is available from, and no program change
 15 can be initiated without prior approval ~~of~~ of the following individuals:
- 16 a. A licensed ~~dietitian/nutritionist; dietitian/nutritionist,~~ licensed
 17 nutritionist, or other licensed independent practitioner.
- 18 b. A ~~dietitian/nutritionist~~ dietitian/nutritionist, licensed nutritionist, or
 19 other licensed independent practitioner licensed or certified in
 20 another state that has licensure or certification requirements that are
 21 at least as stringent as under this Article; or Article.
- 22 c. A ~~dietitian~~ dietitian/nutritionist or nutritionist registered by the
 23 Commission on Dietetic ~~Registration of the American Dietetic~~
 24 ~~Association~~ Registration, the Board for Certification of Nutrition
 25 Specialists, or the American Clinical Board of Nutrition.
- 26 (8) Employees or independent contractors of a hospital or health care facility
 27 licensed under Article 5 or Part A of Article 6 of Chapter 131E or Article 2
 28 of Chapter 122C of the General Statutes.
- 29 (9) A person who does not hold himself or herself out to be a dietitian or
 30 nutritionist when that person furnishes nutrition information on food, food
 31 materials, or dietary supplements. This Article does not prohibit that person
 32 from making explanations to customers about foods or food products in
 33 connection with the marketing and distribution of these products.
- 34 (10) An herbalist or other person who does not hold himself or herself out to be a
 35 dietitian or nutritionist when the person furnishes nonfraudulent specific
 36 nutritional information and counseling about the reported or historical use of
 37 herbs, vitamins, minerals, amino acids, carbohydrates, sugars, enzymes, food
 38 concentrates, or other foods.
- 39 (11) Any individual who provides nutrition services without remuneration to
 40 family members.
- 41 (12) Any individual who provides nutrition information, guidance,
 42 encouragement, individualized nutrition recommendations, or weight control
 43 services that do not constitute medical nutrition therapy as defined in
 44 G.S. 90-352, provided that the individual does not hold himself or herself
 45 out as a licensed dietitian or a licensed nutritionist as prohibited under
 46 G.S. 90-365 and that the individual does not seek to provide medical
 47 nutrition therapy as defined in G.S. 90-352."

48 **SECTION 14.** Article 25 of Chapter 90 of the General Statutes is amended by
 49 adding a new section to read:

50 **"§ 90-371. Enteral and parenteral nutrition therapy.**

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

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

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

8 (3) The individual meets the requirements set forth in the rules of the Board.

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

12 **SECTION 15.** Section 12 of this act becomes effective October 1, 2015, and
13 applies to acts committed on or after that date. The remainder of this act becomes effective July
14 1, 2015.