



North Carolina Board of Dietetics/Nutrition

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October 18, 2016

Karen Cochrane-Brown
Joint Legislative Administrative Procedure Oversight Committee
N.C. General Assembly
300 N. Salisbury Street, Suite 545
Raleigh, NC 27603

Dear Ms. Cochrane-Brown:

In accordance with North Carolina General Statute 93B-2(a) & (b), the North Carolina Board of Dietetics/Nutrition submits this Annual Report along with the attached Financial Report for the fiscal year 2015-2016. If you have any questions regarding either report or need further elaboration on the activities of the Board, please do not hesitate to contact the Board office at (919) 678-7609.

Annual Report for fiscal year July 1, 2015 – June 30, 2016:

(1) The address of the board, and the names of its members and officers:

ADDRESS:

North Carolina Board of Dietetics/Nutrition (NCBDN)
140 Preston Executive Drive, Suite 205-C
Cary, NC 27513

BOARD OF DIRECTORS:

Christie Nicholson, MS, RD, LDN	Professional Member, Consulting	Chair	July 2015 – June 2016
Shaynee Roper, RD, LDN	Professional Member, Management	Vice Chair	July 2015 – June 2016
Cathleen E. Ostrowski, MS, RD, LDN	Professional Member, Education	Treasurer	July 2015 – June 2016
Shelia Garner Link, MS, RD, CDE, LDN	Professional Member, Clinical	Secretary	July 2015 – June 2016
Helene Edwards, MS, RD, LDN	Professional Member, Public Health		July 2015 – June 2016
Phyllis Hilliard, MPH	Public Member		July 2015 – May 2016
Seat Vacant	Public Member		July 2015 – June 2016

(1a) The total number of licensees supervised by the Board:

- 2746

(2) The number of persons who applied to the board for examination:

- 0

(3) The number of persons who were refused examination:

- 0

(4) The number who took the examination:

- 0

(5) The number to whom initial licenses were issued:

- 299

(5a) The number who failed examination:

- 0

(6) The number who applied for license by reciprocity or comity:

- 0

(7) The number who were granted licenses by reciprocity or comity:

- 0

(7a) The number of official complaints received involving licensed and unlicensed activities.

- 6

(7b) The number of disciplinary actions taken against licensees, or other actions taken against non-licensees, including injunctive relief:

- The Board issued one consent order. This order resulted in the licensee's license being suspended for one year (the approximate time the licensee practiced without a license), with the licensee on probation, and the one-year license suspension stayed for so long as the licensee complied with the consent order, G.S. Chapter 90, Article 25, and the Board's Administrative Rules.
- Although no action has yet been taken in 2015-2016 (to our knowledge), multiple incidents involving a non-licensed person, who has been on probation for actions related to past violations of the NC Dietetics/Nutrition Practice Act, have been turned over to local prosecutors in the various counties where apparent violations occurred. The NCBDN is currently waiting to learn if charges will be filed.

(8) The number of licenses suspended or revoked:

- The Board issued one consent order. This order resulted in the licensee's license being suspended for one year (the approximate time the licensee practiced without a license), with the licensee on probation, and the one-year license suspension stayed for so long as the licensee complied with the consent order, G.S. Chapter 90, Article 25, and the Board's Administrative Rules.

(9) The number of licenses terminated for any reason other than failure to pay the required renewal fee:

- 0

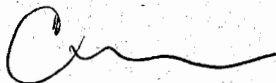
(10) The substance of any anticipated request by the occupational licensing board to the General Assembly to amend statutes related to the occupational licensing board:

- House Bill 796, which was intended to amend and modernize the NC Dietetics/Nutrition Practice Act, passed through the House in the 2015 long session, but did not get out of the Committee on Rules and Operations of the Senate to be heard by the Senate in the 2016 short session. The NCBDN was fully supportive of this Bill, and is hopeful a similar bill will be proposed in the 2017 long session. Please review the attached copy of HB 796 for the substance of what is anticipated to be proposed again in 2017.

(11) The substance of any anticipated change in rules adopted by the occupational licensing board or the substance of any anticipated adoption of new rules by the occupational licensing board:

- Although no specific language has been devised, it is anticipated, that should a bill similar to HB 796 be passed in the 2017 long session, many rules will need to be amended and/or new rules adopted in order for the NCBDN rules to be in accordance with the revised legislation.

Respectfully submitted,



Charla M. Burill
Executive Director/Secretary
North Carolina Board of Dietetics/Nutrition

Enclosure: *Copy of HB 796*

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 796
Committee Substitute Favorable 4/29/15

Short Title: Modernize Dietetics/Nutrition Practice Act.

(Public)

Sponsors:

Referred to:

April 15, 2015

A BILL TO BE ENTITLED
AN ACT EXPANDING THE ABILITY OF QUALIFIED NUTRITION PROFESSIONALS
TO PRACTICE IN THIS STATE AND TO AMEND THE DIETETICS/NUTRITION
PRACTICE ACT.

The General Assembly of North Carolina enacts:

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

"§ 90-351. Purpose.

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

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

"§ 90-352. Definitions.

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

(1) ACEND. – The Accreditation Council for Education in Nutrition and Dietetics, which is the Academy of Nutrition and Dietetics' accrediting agency for education programs preparing students for careers as Registered Dietitian Nutritionists or Dietetic Technicians, Registered.

(1a) ~~"Board"~~ means the Board. – The North Carolina Board of Dietetics/Nutrition.

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

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

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

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

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



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

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

- a. Assessing and evaluating the nutritional needs of individuals and groups, and determining resources and constraints in the practice setting.
- b. Establishing priorities, goals, and objectives that meet nutritional needs and are consistent with available resources and constraints.
- c. Providing nutrition counseling in health and disease.
- d. Developing, implementing, and managing nutrition care systems, systems and ordering therapeutic diets.
- e. Evaluating, making changes in, and maintaining appropriate standards of quality in food and nutrition services.

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

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

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

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

"§ 90-353. Creation of Board.

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

- ~~(1) One member shall be a professional whose primary practice is clinical dietetics/nutrition;~~
- ~~(2) One member shall be a professional whose primary practice is community or public health dietetics/nutrition;~~
- ~~(3) One member shall be a professional whose primary practice is consulting in dietetics/nutrition;~~
- ~~(4) One member shall be a professional whose primary practice is in management of nutritional services;~~
- ~~(5) One member shall be an educator on the faculty of a college or university specializing in the field of dietetics/nutrition;~~
- ~~(6) Two members shall represent the public at large.~~

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

- (1) Three members shall be dietitians/nutritionists licensed under this Article.
- (2) Two members shall be nutritionists licensed under this Article.
- (3) One member shall be a physician licensed under Article 1 of Chapter 90 of the General Statutes.
- (4) One member shall not be licensed under this Article and who shall represent the public at large.

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

- (1) Be citizens of the United States and residents of this State.
- (2) Have practiced in the field of ~~dietetics/nutrition~~ dietetics or nutrition for at 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.~~ Article. The first appointed licensed nutritionists need not be licensed under this Article nor have practiced for three years for appointment to their first terms on the Board, but must possess the qualifications necessary for licensure under this Article and shall apply for licensure 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 of the Board appointed from the public at large shall be citizens of the United States and residents of this State and shall not be any of the following:

- (1) A ~~dietician/nutritionist~~ dietitian/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~~ not eligible to serve as a public member of the Board."

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

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

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

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

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

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

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

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

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

The Board shall:

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

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

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

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

"§ 90-357.5. License Requirements.

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

- (1) The applicant shall submit proof of completion for the following educational, supervised practice experience and examination requirements:
- a. The applicant has received a baccalaureate degree, master's, or doctoral degree or validated foreign equivalent in human nutrition, foods and nutrition, dietetics, food systems management, nutrition education, nutrition, nutrition science, clinical nutrition, applied clinical nutrition, nutrition counseling, nutrition and functional medicine, nutritional biochemistry, nutrition and integrative health, or an equivalent course of study from a college or university accredited at the time of graduation from the appropriate regional accrediting agency recognized by the Council on Higher Education Accreditation and the United States Department of Education and that, as approved by the Board, meets the competency requirements of an ACEND accredited didactic program in dietetics that shall, at a minimum, include the following courses:
- Fifteen semester hours of clinical or life sciences. These hours must include human anatomy and physiology or the equivalent, microbiology or the equivalent, organic chemistry, and biochemistry.
 - Three semester hours of behavioral sciences, such as psychology, sociology, cultural anthropology, counseling, or educational psychology.

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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.

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

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

"§ 90-359. Examinations.

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

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

"§ 90-360. Granting license without examination.

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

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

"§ 90-361. Provisional licenses.

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

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

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

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

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

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

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

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

"§ 90-365. Requirement of license.

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

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

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

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

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

The requirements of this Article shall not apply to:

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

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

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

"§ 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.