

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

SESSION LAW 2018-91
HOUSE BILL 357

AN ACT EXPANDING THE ABILITY OF QUALIFIED NUTRITION PROFESSIONALS TO
PRACTICE IN THIS STATE AND AMENDING 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) ~~"Board" means the 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 Nutrition and Dietetic Technicians, Registered.
- (1a) 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 practice dietetics is the provision of medical nutrition care services.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-setting, including ordering laboratory tests related to the~~ practice of nutrition and dietetics.
- 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.
- e. Evaluating, making changes in, and maintaining appropriate standards of quality in food and nutrition services.
- f. Ordering therapeutic diets.

~~"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 by telephone, e-mail, Internet, or other methods of electronic communication."

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

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

- (1) Be citizens of the United States and residents of this ~~State;~~ 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.~~ the first appointed licensed nutritionists are not required to be licensed under this Article or to have practiced for three years at the time of their appointment to a first term on the Board; provided, however, that each appointed licensed nutritionist must meet all of the following criteria:

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

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

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

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

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

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

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

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

(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~~for any of the following reasons:

- (1) ~~Incompetence;~~Incompetence.
- (2) ~~Neglect of duty;~~Neglect of duty.
- (3) ~~Unprofessional conduct;~~Unprofessional conduct.
- (4) ~~Conviction of any felony;~~Conviction of any felony.
- (5) ~~Failure to meet the qualifications of this Article; or~~Failure to meet the qualifications of this Article.
- (6) ~~Committing any act prohibited by this Article.~~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 4.(b) Members of the Board appointed prior to July 1, 2018, shall continue to serve until their terms expire, so long as, beginning July 1, 2018, two members of the Board are licensed nutritionists that meet the qualifications described in G.S. 90-357.5(c), as enacted by this act.

SECTION 4.(c) The staggering of terms and new Board composition shall be as follows. The Board member appointed pursuant to G.S. 90-353(a)(6), whose term expires on June 30, 2017, shall be succeeded by a licensed physician appointed by the Governor, pursuant to G.S. 90-353(a1)(3) and G.S. 90-354(a)(1)b. The Board member appointed pursuant to G.S. 90-353(a)(6) whose term expires on June 30, 2019, shall be succeeded by a member of the public appointed by the governor, pursuant to G.S. 90-353(a1)(4) and G.S. 90-354(a)(1)c. The Board member appointed pursuant to G.S. 90-353(a)(5) shall be succeeded by a licensed dietitian/nutritionist appointed by the Governor, pursuant to G.S. 90-353(a1)(1) and G.S. 90-354(a)(1)a. The Board member appointed pursuant to G.S. 90-353(a)(3) shall be succeeded by a licensed dietitian/nutritionist appointed by the General Assembly upon recommendation of the Speaker of the House, pursuant to G.S. 90-353(a1)(1) and G.S. 90-354(a)(2). The Board member appointed pursuant to G.S. 90-353(a)(4) shall be succeeded by a licensed nutritionist appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate, pursuant to G.S. 90-353(a1)(2) and G.S. 90-354(a)(3). The Board member appointed pursuant to G.S. 90-353(a)(1) shall be succeeded by a licensed dietitian/nutritionist appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate, pursuant to G.S. 90-353(a1)(1) and G.S. 90-354(a)(3). The Board member appointed pursuant to G.S. 90-353(a)(2) shall be succeeded by licensed nutritionist appointed by the General Assembly upon recommendation of the Speaker of the House, pursuant to G.S. 90-353(a1)(2) and G.S. 90-354(a)(2). Individuals who are Board members as of July 1, 2018, may be reappointed under the provisions of this subsection, provided they are otherwise eligible for reappointment.

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, 2018, 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.
- (15) Request that the Department of Public Safety conduct criminal history record checks of applicants for licensure pursuant to G.S. 143B-966."

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

SECTION 7. Article 25 of Chapter 90 of the General Statutes is amended by adding new sections 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 with a major in human nutrition, foods and nutrition, dietetics, food systems management, community nutrition, public health nutrition, 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:

1. 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.
 2. Three semester hours of behavioral sciences, such as psychology, sociology, cultural anthropology, counseling, or educational psychology.
 3. Twenty-four semester hours of food and nutrition. At least three semester hours must have been received in each of the following categories:
 - I. Diet therapy, medical dietetics, clinical nutrition, or the equivalent.
 - II. Nutrition through life cycle, applied human nutrition, advanced human nutrition, or the equivalent.
 - III. Foods, food science, food composition and menu planning, food service management, or the equivalent.
- b. The applicant has completed a Board-approved internship or documented, supervised practice experience that meets the competency requirements of an ACEND accredited, supervised practice experience and is not less than 1,000 hours under the supervision of a Certified Nutrition Specialist, a Diplomate of the American Clinical Board of Nutrition, a Registered Dietitian Nutritionist, a licensed dietitian/nutritionist, a licensed nutritionist, a State-licensed health care practitioner whose licensed scope of practice includes dietetics or nutrition, or an individual with a doctoral degree conferred by a United States regionally accredited college or university with a major course of study in human nutrition, foods and nutrition, dietetics, food systems management, community nutrition, public health nutrition, 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, with a reasonable threshold of academic credits in nutrition and nutrition sciences as described in sub-subdivision a. of this subdivision. Supervisors who obtained their doctoral degree outside of the United States and its territories must have their degrees validated by the Board as equivalent to the doctoral degree conferred by a United States regionally accredited college or university.
- c. The applicant has successfully completed the registration examination for dietitian nutritionists administered by the Commission on Dietetic Registration.

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

(b) All persons licensed or who have submitted an application for licensure as a dietitian/nutritionist prior to July 1, 2018, shall remain licensed, eligible for reactivation, or eligible for licensure under the requirements in place at the time of licensure or application, so long as the applicant or licensee remains in good standing and maintains an active or inactive license if obtained or once it is obtained.

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

- (1) The applicant has received any of the following from a college or university accredited at the time of graduation from the appropriate regional accrediting agency recognized by the Council on Higher Education or a validated foreign equivalent: a master's or doctoral nutrition degree with a major in human nutrition, foods and nutrition, dietetics, community nutrition, public health nutrition, 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 or a master's or doctoral degree in a field of clinical health care. Regardless of the course of study, an applicant shall have completed coursework from a regionally accredited college or university in medical nutrition therapy that shall consist of the following courses:
- a. Fifteen semester hours of clinical or life sciences, including such courses as chemistry, organic chemistry, biology, molecular biology, biotechnology, botany, genetics, genomics, neuroscience, experimental science, immunotherapy, pathology, pharmacology, toxicology, research methods, applied statistics, biostatistics, epidemiology, oxidative/reductive dynamics, energy production, molecular pathways, hormone and transmitter regulations and imbalance, biotransformation pathways and imbalances, and pathophysiologic basis of disease. At least three semester hours must be in human anatomy and physiology or the equivalent.
 - b. Fifteen semester hours of nutrition and metabolism, including such courses as nutrition assessment, developmental nutrition, nutritional aspects of disease, human nutrition, macronutrients, micronutrients, vitamins and minerals, functional medicine nutrition, molecular metabolism, clinical nutrition, nutritional biochemistry, nutrition and digestive health, and public health nutrition. At least six semester hours must be in biochemistry.
- (2) The applicant must have completed a Board-approved internship or a documented, supervised practice experience in nutrition services of not less than 1,000 hours involving at least 200 hours of nutrition assessment, 200 hours of nutrition intervention, education, counseling, or management, and 200 hours of nutrition monitoring or evaluation under the supervision of a Certified Nutrition Specialist, a Diplomate of the American Clinical Board of Nutrition, a Registered Dietitian Nutritionist, a licensed dietitian/nutritionist, a licensed nutritionist, a State-licensed health care practitioner whose licensed scope of practice includes dietetics or nutrition, or an individual with a doctoral degree conferred by a United States regionally accredited college or

university with a major course of study in human nutrition, foods and nutrition, dietetics, 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, with a reasonable threshold of academic credits in nutrition and nutrition sciences as described in subdivision (1) of this subsection. Supervisors who obtained their doctoral degree outside of the United States and its territories must have their degrees validated by the Board as equivalent to the doctoral degree conferred by a United States regionally accredited college or university.

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

- a. The applicant has successfully completed either the examination administered by the Board for Certification of Nutrition Specialists, the examination administered by the American Clinical Board of Nutrition, or another examination approved by the Board and 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."

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

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

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

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

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

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

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

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 RDN Examination given by the Commission on Dietetic Registration of the American Dietetic Association or any other examination Registration, the CNS Examination given by the Board for Certification of Nutrition Specialists and the DACBN Examination given by 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 a 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. 90-359. 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(a) 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 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."

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 or 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) Use of an earned, trademarked nutrition credential is not prohibited, but such use does not give the right to practice dietetics or nutrition or use the general titles of "dietitian/nutritionist" or "nutritionist" unless an individual is also licensed under this Article. Notwithstanding any law to the contrary, all of the following are permissible:

- (1) An individual registered with the Commission on Dietetic Registration has the right to use the title "Registered Dietitian" and "Registered Dietitian Nutritionist" and the designation "RD" or "RDN."
- (2) 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."
- (3) An individual certified by the American Clinical Board of Nutrition has the right to use the title "Diplomate, American Clinical Board of Nutrition" and the designation "DACBN."

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

"§ 90-365.5. Telepractice.

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

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

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

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

- (2) The individual is a Certified Nutrition Support Clinician certified by the National Board of Nutrition Support Certification.
- (3) The individual meets the requirements set forth in rules adopted by the Board.
- (b) Nothing in this Article shall be construed to limit the ability of any other licensed health care practitioner in this State to order therapeutic diets, so long as the ordering of therapeutic diets falls within the scope of the license held by the health care practitioner."

SECTION 14. 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~~ and dietitian/nutritionist, licensed nutritionist, or other licensed health care practitioner whose licensed scope of practice includes the practice of dietetics or nutrition and the person 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 one of the following individuals:~~
 - a. ~~A licensed dietitian/nutritionist;~~ North Carolina licensed dietitian/nutritionist, nutritionist, or other health care practitioner whose licensed scope of practice includes the practice of dietetics or nutrition.
 - b. ~~A dietitian/nutritionist~~ dietitian/nutritionist, nutritionist, or other health care 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, and other relevant sections of this

Chapter, and whose licensed or certified scope of practice includes the practice of dietetics or nutrition.

- 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 (i) does not hold himself or herself out as a licensed dietitian/nutritionist or a licensed nutritionist as prohibited under G.S. 90-365 and (ii) does not seek to provide medical nutrition therapy as defined in G.S. 90-352."

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

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

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

SECTION 16. Section 12 of this act becomes effective October 1, 2018, and applies to acts committed on or after that date. The remainder of this act becomes effective July 1, 2018. In the General Assembly read three times and ratified this the 15th day of June, 2018.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 10:51 a.m. this 25th day of June, 2018