



North Carolina Board of Dietetics/Nutrition

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August 22, 2022

Virginia Barlow
Joint Legislative Administrative Procedure Oversight Committee
N.C. General Assembly
300 N. Salisbury Street, Suite 545
Raleigh, NC 27603

Dear Ms. Barlow:

This report is submitted in response to the requirement of Session Law 2020-97. This law allowed State agencies to exercise regulatory flexibility during the coronavirus emergency by providing multiple provisions that addressed ways state agencies were authorized to regulate with increased flexibility during this State of Emergency. Additionally, no later than December 1, 2020, this law required each State agency to submit an interim report, and a final report no later than 90 days after expiration, to the Joint Legislative Administrative Procedure Oversight Committee, the Joint Legislative Commission on Governmental Operations, and the Office of State Budget and Management on its specific efforts to exercise regulatory flexibility under this section. In compliance with this requirement, below is a summary of the provisions provided under Session Law 2020-97, and the actions the North Carolina Board of Dietetics/Nutrition (the NCBDN) took as authorized under this law.

(1) Delay the collection, or modify the method of collection, of any fees, fines, or late payments assessed by the agency under its statutes, including the accrual of interest associated with any fees, fines, or late payments.

Pursuant to 21 NCAC 17 .0109, the licensure renewal period for licensed dietitians/nutritionists (LDNs) and licensed nutritionists (LNs) in North Carolina is from January 1st through March 31st annually. Under section (i) of 21 NCAC 17 .0109, a licensee who allows their license to expire may renew their license upon the payment of a late fee within 60 days of the expiration date. From 2020 through 2022, the NCBDN elected to allow persons whose license expired on March 31, 2020 to renew without payment of the late fee. The NCBDN had 28 licensees whose license expired in 2020, renew their license without payment of the late fee, 36 licensees in 2021 whose license expired in 2021, renew their license without payment of the late fee, and 34 licensees in 2022, whose license expired in 2022, renew their license without payment of the late fee..

Additionally, for licensees who allowed their license to lapse in 2020 (after May 31st all expired licenses lapse), if they provided a written statement that their delay in renewal was due to circumstances related to Covid-19, and no other violations of the Dietetics/Nutrition Practice Act or its corresponding regulations were founded, the Board allowed these individuals to simply renew, also without a late fee, rather than requiring them to reapply and reinstate their license for the full licensure fee.

(2) Delay the renewal dates of permits, licenses, and other similar certifications, registrations, and authorizations issued by the agency pursuant to its statutes.

Noting the license renewal period for LDNs and LNs in NC was almost completed in 2020 when the Governor signed the executive order declaring the Coronavirus Emergency, the Board chose to complete its renewal cycle, but as addressed above, the NCBDN allowed licensees to renew without payment of a late fee after their licenses expired in years 2020, 2021, and 2022.

(3) Delay or modify any educational or examination requirements implemented by the agency pursuant to its statutes.

Under 21 NC

AC 17 .0107 one may become provisionally licensed as a dietitian/nutritionist or nutritionist before one has passed the examination requirements for licensure. Under N.C. Gen. Stat. § 90-361 a provisional license may be granted for a period not exceeding 12 months. Additionally, per 21 NCAC 17 .0107(e), if one successfully completes one of the licensing examinations and submits an application for licensure within 12 months of the date that the provisional license became effective, the provisionally licensed person is only required to pay the balance of the issuance fee rather than reapplying and paying all applicable fees in order to obtain licensure.

Pursuant to Section (3) of SL 2020-3, the NCBDN elected to allow provisional licensees, who because of the coronavirus were not able to complete one of the required examinations within 12 months of licensure, the ability to become fully licensed without reapplication and with payment of only the issuance fee.

If additional information is needed regarding any of the above, please do not hesitate to contact me at director@ncbdn.org or by phone at (919) 678-7609.

Sincerely,



Charla M. Burill
Executive Director/Secretary