

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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HOUSE BILL 357  
PROPOSED COMMITTEE SUBSTITUTE H357-PCS10347-BC-24

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

Sponsors:

Referred to:

March 16, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT EXPANDING THE ABILITY OF QUALIFIED NUTRITION PROFESSIONALS  
3 TO PRACTICE IN THIS STATE AND AMENDING THE DIETETICS/NUTRITION  
4 PRACTICE ACT.

5 The General Assembly of North Carolina enacts:

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

7 "§ 90-351. Purpose.

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

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

13 "§ 90-352. Definitions.

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

16 (1) ~~"Board" means the~~ ACEND. – The Accreditation Council for Education in  
17 Nutrition and Dietetics, which is the Academy of Nutrition and Dietetics  
18 accrediting agency for education programs preparing students for careers as  
19 Registered Dietitian Nutritionists or Nutrition and Dietetic Technicians,  
20 Registered.

21 (1a) Board. – The North Carolina Board of Dietetics/Nutrition.

22 (1b) Certified Nutrition Specialist. – An individual certified by the Board for  
23 Certification of Nutrition Specialists.

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

29 (2a) Diplomate of the American Clinical Board of Nutrition. – An individual  
30 certified by the American Clinical Board of Nutrition.

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

34 (3a) Medical nutrition therapy. – The provision of nutrition care services for the  
35 purpose of managing or treating a medical condition.



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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, including ordering laboratory tests related to the  
 10 practice of nutrition and dietetics.

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

13           c. Providing nutrition counseling in health and disease.

14           d. Developing, implementing, and managing nutrition care systems.

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

17           f. Ordering therapeutic diets.

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

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

23           (6) Telepractice. – The delivery of services under this Article by means other  
 24 than in-person, including by telephone, e-mail, Internet, or other methods of  
 25 electronic communication."

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

27 **"§ 90-353. Creation of Board.**

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

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

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

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

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

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

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

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

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

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

44           (3) One member shall be a physician licensed under Article 1 of this Chapter.

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

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

49           (1) Be citizens of the United States and residents of this State;State.

50           (2) Have practiced in the field of dietetics/nutrition dietetics or nutrition for at  
 51 least five years; and three years.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

49 (3) The General Assembly upon the recommendation of the President Pro  
50 Tempore of the Senate shall appoint ~~the professional members~~ one licensed  
51 dietitian/nutritionist as described in G.S. 90-353(a)(3) and G.S. 90-353(a)(4)

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

7 (b) Members of the Board shall take office on the first day of July immediately  
8 following the expired term of that office and shall serve for a term of three years and until their  
9 successors are appointed and qualified.

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

11 (d) The Governor may remove members of the Board, after notice and opportunity for  
12 hearing, ~~for~~ for any of the following reasons:

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

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

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

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

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

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

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

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

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

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

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

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

3       The Board shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19       **"§ 90-359. Examinations.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47 **"§ 90-365.5. Telepractice.**

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

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

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

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

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

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

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

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

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

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

18 The requirements of this Article shall not apply to:

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

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

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

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

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

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

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

can be initiated without prior approval ~~of~~ 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

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

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