



HOUSE BILL 357: Modernize Dietetics/Nutrition Practice Act.

2017-2018 General Assembly

Committee:		Date:	July 12, 2018
Introduced by:		Prepared by:	Jason Moran-Bates Staff Attorney
Analysis of:	S.L. 2018-91		

OVERVIEW: *S.L. 2018-91 amends the Dietetics/Nutrition Practice Act by adding new definitions, changing the composition of the North Carolina Board of Dietetics/Nutrition, modifying the requirements to obtain a license and the acts that are prohibited to unlicensed individuals, permitting telepractice and enteral nutrition therapy, instituting background checks, and making conforming changes.*

The portion of the act concerning the unlawful use of certain titles becomes effective October 1, 2018, and applies to acts committed on or after that date. The remainder of the act became effective July 1, 2018.

CURRENT LAW: The Dietetics/Nutrition Practice Act is Article 25 of Chapter 90 of the General Statutes. It regulates the practice of dietetics and nutrition in North Carolina.

BILL ANALYSIS:

Section 1 makes a technical change to G.S. 90-351 to specify that the Dietetics/Nutrition Practice Act applies to individual involved in the practice of dietetics or nutrition.

Section 2 amends G.S. 90-352 by adding definitions for "ACEND (Accreditation Council for Education in Nutrition and Dietetics)," "Certified Nutrition Specialist," "Diplomate of the American Clinical Board of Nutrition," "Medical nutrition therapy," "Nutrition," "Registered Dietitian Nutritionist," and "Telepractice."

Section 3 amends G.S. 90-353 to change the composition of the North Carolina Board of Dietetics/Nutrition. The Board will be comprised of three dietitians/nutritionists, two nutritionists, one licensed physician, and one member of the public. Section 3 also makes conforming changes to G.S. 90-353.

Section 4.(a) amends G.S. 90-354 to change the appointments of Board members. The act provides that governor appoints one dietitian/nutritionist, who must be an educator specializing in dietetics or nutrition, the licensed physician, and the member of the public. The General Assembly, on recommendation of the Speaker of the House of Representatives, appoints one dietitian/nutritionist and one nutritionist. One of those two appointees must have a primary practice of clinical dietetics or nutrition in a hospital. The General Assembly, on recommendation of the President Pro Tempore of the Senate, appoints one dietitian/nutritionist and one nutritionist. One of those two appointees must have a primary practice consulting in, or the private practice of, nutrition.

Section 4.(b) permits existing Board members to serve until their terms expire.

Section 4.(c) clarifies the process for staggering the terms of the new Board.

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Section 5 amends G.S. 90-356 to prohibit the Board from engaging in rule-making until two nutritionists are on the Board. It also requires the Board to make public records resulting in disciplinary action taken by the Board and request that the Department of Public Safety (DPS) conduct background checks on applicants for licensure. In addition, Section 5 makes several conforming changes to G.S. 90-356.

Section 6 repeals G.S. 90-357, the licensure requirements for dietitians/nutritionists. These requirements are replaced by new requirements set forth in Section 7 of the bill.

Section 7 creates a new section in Article 25 of Chapter 90 setting out licensure requirements.

Applicants for licensure as a licensed dietitian/nutritionist must either have a current registration from the Commission on Dietetic Registration as a Registered Dietitian Nutritionist, or:

- Obtain at least a bachelor's degree in an accredited program that meets the standards of an ACEND didactic program in dietetics and includes the following courses:
 - 15 semester hours of clinical or life sciences.
 - 3 semester hours of behavioral sciences.
 - 24 semester hours of nutrition.
- Complete at least 1,000 hours of supervised practice experience or internship.
- Successfully complete the registration exam administered by the Commission on Dietetic Registration.

Applicants who applied prior to July 1, 2018, remain eligible for licensure under the requirements in force as of that date.

Applicants for license as a licensed nutritionist must:

- Obtain at least a master's nutrition degree in a relevant major that includes the following courses:
 - 15 semester hours of clinical or life sciences.
 - 15 semester hours of nutrition and metabolism.
- Complete 1,000 hours of supervised practice experience or internship in nutrition services, which must include:
 - 200 hours of nutrition intervention.
 - 200 hours of nutrition monitoring or evaluation.
- Either successfully complete an exam approved by the Board, or have a valid Certified Nutrition Specialist or Diplomate, American Clinical Board of Nutrition designation.

Section 7 also requires applicants to bear the cost of a background check by DPS and permits the Board to refuse licensure to applicants who have been convicted of criminal offenses. Before denying licensure, the Board must consider the following factors related to any conviction: 1) the seriousness, date, and circumstances of the crime; 2) the applicant's age at the time of conviction; 3) the nexus between the crime and the applicant's job duties; and 4) the applicant's criminal and employment history since conviction.

Section 8 amends G.S. 90-359 to specify which exams are approved by the Board.

Section 9 amends G.S. 90-360 to permit the Board to grant licensure to individuals who have passed the appropriate exams and who are licensed in another state.

Sections 10 and 11 make technical changes to G.S. 90-361 and G.S. 90-363, respectively.

Section 12 amends G.S. 90-365 to prevent unlicensed individuals from providing medical nutrition therapy, using the words "dietitian/nutritionist" or "nutritionist," or holding themselves out as a

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dietitian/nutritionist or nutritionist. The use of an earned, trademarked nutrition credential would still be permissible.

Section 13 permits telepractice, defined in G.S. 90-355(6) as the "delivery of services . . . by means other than in person, including by telephone, e mail, Internet, or other methods of electronic communication," provided it was appropriate for the individual receiving services and met the care required for that individual. Individuals providing services via telepractice would still be subject to all the provisions of Article 25. Section 13 would also allow individuals deemed qualified by the Board to provide enteral and parenteral nutrition therapy.

Section 14 clarifies that Dietetics/Nutrition Practice Act does not apply to:

- Other medical professionals working within their scopes of practice, provided they do not claim to be licensed dietitians/nutritionists or licensed nutritionists.
- Individuals who provide weight control services, provided their weight control plans are reviewed by, and not subject to modification without approval of, a licensed dietitian/nutritionist, licensed nutritionist, licensed health care provider, or other individual approved by the Board.
- Individuals who provide nutrition services to family members without compensation.
- Individuals who provide nutrition information, guidance, recommendations, and weight control services that do not constitute medical nutrition therapy, provided they do not claim to be licensed dietitians/nutritionists or licensed nutritionists.

Section 15 allows DPS to provide criminal background checks on applicants for licensure to the Board. DPS would be allowed to charge a fee not exceeding the actual cost of conducting the background check.

EFFECTIVE DATE: Section 12 will become effective October 1, 2018, and apply to acts committed on or after that date. The remainder of the act became effective July 1, 2018.

Trina Griffin of the Legislative Analysis Division substantially contributed to this summary.