



# DIETETICS/NUTRITION PRACTICE ACT

## STATE OF NORTH CAROLINA

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*Ratified bill effective July 1, 2018*

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### CHAPTER 90. MEDICINE, ALLIED OCCUPATIONS

#### Article 25.

#### *Dietetics/Nutrition.*

#### **§ 90-350. Short title.**

This Article shall be known as the Dietetics/Nutrition Practice Act.

#### **§ 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 or nutrition and by the establishment of educational standards for those persons.

#### **§ 90-352. Definitions.**

The following definitions apply in this Article, unless the context otherwise requires:

- (1) ACEND. – The Accreditation Council for Education in Nutrition and Dietetics, which is the Academy of Nutrition and Dietetics' accrediting agency for education programs preparing students for careers as Registered Dietitian Nutritionists or 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. - 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 dietetics is the provision of medical nutrition therapy.
  - (2a) Diplomate of the American Clinical Board of Nutrition. – An individual certified by the American Clinical Board of Nutrition.
- (3) Licensed dietitian/nutritionist or licensed nutritionist. - An individual licensed in good standing to practice 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. - 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, 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.
- The term does not include the retail sale of food products or vitamins.
- (5) Registered Dietitian Nutritionist. – An individual registered with the Commission on Dietetic Registration, the credentialing agency of the Academy of Nutrition and Dietetics.
  - (6) Telepractice. – The delivery of services under this Article by means other than in-person, including, but not limited to, telephone, e-mail, Internet, or other methods of electronic communication.

**§ 90-353. Creation of Board.**

- (a) The North Carolina Board of Dietetics/Nutrition is created.
- (a1) The Board shall consist of the following seven members:
  - (1) Three members shall be dietitian/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) Licensed dietitian/nutritionist and licensed nutritionist members of the Board shall meet all of the following criteria:
  - (1) Be citizens of the United States and residents of this State.
  - (2) Have practiced in the field of dietetics or nutrition for at least three years.
  - (3) Be licensed under this Article, except that 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 member of the Board appointed from the public at large shall be a citizen of the United States and a resident of this State and shall not be any of the following:
  - (1) A dietitian/nutritionist or nutritionist.
  - (2) An agent or employee of a person engaged in the profession of 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 is not eligible to serve as a public member of the Board.

**§ 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 following members:
    - a. One licensed dietitian/nutritionist as described 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 member as described in G.S. 90-353(a1)(4).

- (2) The General Assembly upon the recommendation of the Speaker of the House of Representatives shall appoint one licensed dietitian/nutritionist as described in 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 these appointees shall be a dietitian/nutritionist or a nutritionist 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 one licensed dietitian/nutritionist as described in 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 these appointees shall be a dietitian/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 any of the following reasons:
  - (1) Incompetence.
  - (2) Neglect of duty.
  - (3) Unprofessional conduct.
  - (4) Conviction of any felony.
  - (5) Failure to meet the qualifications of this Article.
  - (6) Committing any act prohibited by this Article.
- (e) Any vacancy shall be filled by the appointing authority originally filling that position, except that any vacancy in appointments by the General Assembly shall be filled in accordance with G.S. 120-122.
- (f) Members of the Board shall receive no compensation for their services, but shall be entitled to travel, per diem, and other expenses authorized by G.S. 93B-5.

**§ 90-355. Election of officers; meetings of Board.**

- (a) The Board shall elect a chairman and a vice-chairman who shall hold office according to rules adopted by the Board.
- (b) The Board shall hold at least two regular meetings each year as provided by rules adopted by the Board. The Board may hold additional meetings upon the call of the chairman or any two Board members. A majority of the Board membership shall constitute a quorum.

**§ 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.
- (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.
- (4) Deny, issue, suspend, revoke, and renew licenses in accordance with this 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.
- (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.
- (7) Adopt a seal by which it shall authenticate its proceedings, official records, and 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.
- (9) Establish reasonable fees for applications for examination; initial, provisional, and renewal licenses; and other services provided by the 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 or nutrition.
- (11) Publish and make available upon request the licensure standards prescribed under this Article and all rules adopted by the Board.
- (12) Request and receive the assistance of State educational institutions or other State agencies.
- (13) Approve 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.

**G.S. 90-357 is repealed.**

**§ 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 1000 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 1000 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, 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 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 for applicants returning to active status as a licensed dietitian/nutritionist or 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, and 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 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 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.

**§ 90-358. Notification of applicant following evaluation of application.**

After evaluation of the application and of any other evidence submitted, the Board shall notify each applicant that the application and evidence submitted are satisfactory and accepted, or unsatisfactory and rejected. If rejected, the notice shall state the reasons for the rejection.

**§ 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 examinations shall include the RDN Examination given by the Commission on Dietetic 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.

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

The Board may grant, upon application and payment of proper fees, a license 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 -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.

**§ 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 examinations required under 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.

**§ 90-362. License as constituting property of Board; display requirement; renewal; inactive status.**

- (a) A license issued by the Board is the property of the Board and must be surrendered to the Board on demand.
- (b) The licensee shall display the license certificate in the manner prescribed by the Board.
- (c) The licensee shall inform the Board of any change of the licensee's address.
- (d) The license shall be reissued by the Board annually upon payment of a renewal fee if the licensee is not in violation of this Article at the time of application for renewal and if the applicant fulfills current requirements of continuing education as established by the Board.
- (e) Each person licensed under this Article is responsible for renewing his license before the expiration date. The Board shall notify a licensee of pending license expiration at least 30 days in advance thereof.
- (f) The Board may provide for the late renewal of a license upon the payment of a late fee, but no such late fee renewal may be granted more than five years after a license expires.
- (g) Under procedures and conditions established by the Board, a licensee may request that his license be declared inactive. The licensee may apply for active status at any time and upon meeting the conditions set by the Board shall be declared in active status.

**§ 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.
  - (2) Committing an act or acts of malpractice, gross negligence or incompetence in the practice of dietetics or nutrition.
  - (3) Practicing as a licensed dietitian/nutritionist or a licensed nutritionist without a current license.
  - (4) Engaging in conduct that could result in harm or injury to the public.
  - (5) Conviction of or a plea of guilty or nolo contendere to any crime involving moral turpitude.
  - (6) Adjudication of insanity or incompetency, until proof of recovery from the condition can be established.
  - (7) Engaging in any act or practice-in violation of any of the provisions of this Article or any rule adopted by the Board, or aiding, abetting, or assisting any person in such a violation.
- (b) Denial, refusal to renew, suspension, revocation or imposition of probationary conditions upon a license may be ordered by the Board after a hearing held in accordance with Chapter 150B of the General Statutes and rules adopted by the Board. An application may be made to the Board for reinstatement of a revoked license if the revocation has been in effect for at least one year.

#### **§ 90-364. Fees.**

The Board shall establish fees in accordance with Chapter 150B of the General Statutes for the following purposes:

- (1) For an initial application, a fee not to exceed one hundred dollars (\$100.00).
- (2) For examination or reexamination, a fee not to exceed two hundred dollars (\$200.00).
- (3) For issuance of a license, a fee not to exceed two hundred dollars (\$200.00).
- (4) For the renewal of a license, a fee not to exceed one hundred twenty-five dollars (\$125.00).
- (5) For the late renewal of a license, an additional late fee not to exceed one hundred dollars (\$100.00).
- (6) For a provisional license, a fee not to exceed one hundred dollars (\$100.00).
- (7) For copies of Board rules and licensure standards, charges not exceeding the actual cost of printing and mailing.

#### **§ 90-365. Requirement of license.**

- (a) It shall be unlawful for any person who is not currently licensed under this Article to do any of the following:
  - (1a) Provide medical nutrition therapy.
  - (2) Use the title "dietitian/nutritionist" or "nutritionist."
  - (3) Use the words "dietitian," "nutritionist," "licensed nutritionist," or "licensed dietitian/nutritionist" 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 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 use the designation "DACBN."

#### **§ 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 licensing and disciplinary provisions of the 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 the 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.

#### **§ 90-366. Violation a misdemeanor.**

Any person who violates any provision of this Article shall be guilty of a Class 1 misdemeanor. Each act of such unlawful practice shall constitute a distinct and separate offense.



**§ 90-367. Injunctions.**

The Board may make application to any appropriate court for an order enjoining violations of this Article, and upon a showing by the Board that any person has violated or is about to violate this Article, the court may grant an injunction, restraining order, or take other appropriate action.

**§ 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 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 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 or nutrition if the person works under the direct supervision of a licensed 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 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 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 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, 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, and other relevant section of this Chapter, and whose licensed scope of practice includes the practice of dietetics or nutrition.
  - c. A dietitian/nutritionist or nutritionist registered by the Commission on Dietetic Registration, the Board for Certification of Nutrition Specialists, or the American Clinical Board of Nutrition.
- (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.

**§ 90-369. Third party reimbursement; limitation on modifications.**

Nothing in this Article shall be construed to require direct third-party reimbursement to persons licensed under this Article. (1991, c. 668, s. 1; 2007-123, s. 1.)

**§ 90-370. Costs.**

The Board may assess the costs of disciplinary actions against a licensee or person found to be in violation of this Article or rules adopted by the Board. Costs recovered pursuant to this section shall be the property of the Board. (2009-271, s. 1.)