

## CHAPTER 40

# Department of Labor, Licensing and Regulation Panel for Dietetics

(Statutory Authority: 1976 Code §§ 40-1-50, 40-1-70, and 40-20-50)

### **40-1. Definitions.**

Definitions found in Section 40-20-20, et seq., apply to this chapter.

(A) "Applicant" means any person who has made application for licensure in this state to engage in the practice of dietetics. Applicants may include those exempt from the licensing requirements pursuant to Section 40-20-110.

(B) "Continuing education" means an organized educational program designed to expand a licensee's knowledge base beyond the basic entry-level educational requirements for the practice of dietetics. Course content must relate to the practice of dietetics whether the subject is research, treatment, documentation, education, or management.

(C) For purposes of continuing education as defined in this chapter, "One Continuing Education Unit (CEU)" is sixty (60) minutes of instruction or organized learning for all purposes including continuing competency.

(D) "Nutritional assessment" means the integrative evaluation of nutritionally relevant data to develop an individualized nutritional care plan. These data may include:

- (1) Nutrient intake;
- (2) Anthropometric measurements;
- (3) Biochemical values;
- (4) Physical and metabolic parameters;
- (5) Socio-economic factors;
- (6) Current medical diagnosis and medications; and
- (7) Pathophysiological processes.

The mere collection of these data for use in assessment is not nutritional assessment and does not require a dietitian licensed under this section.

(E) "Nutritional counseling" means the advising of individuals or groups regarding nutritional intake by integrating information from the nutritional assessment with information on food and other sources of nutrients and meal preparation consistent with cultural background and socioeconomic status. The distribution by an individual of written information prepared by a licensee is not nutritional counseling, and any person distributing the written information need not be licensed under this section.

(F) "Nutritional education" means a planned program based on learning objectives with expected outcomes designed to modify nutrition-related behaviors. This does not prohibit an individual from providing general non-medical nutrition information if the person does not violate this section.

(G) "Nutritional care standards" means policies and procedures pertaining to the provision of nutritional care in institutional and community settings.

(H) "Nutritional care" means the application of the science of nutrition in the health and disease of people.

(I) "Commission" means "The Commission on Dietetic Registration" of the Academy of Nutrition and Dietetics.

(J) "The Academy" means "The Academy of Nutrition and Dietetics."

(K) "Medical nutrition therapy" means the use of specific nutrition services to treat, or rehabilitate an illness, injury, or condition. Medical nutrition therapy includes nutrition assessment, intervention, education, and counseling.

(L) "Council on postsecondary accreditation" is synonymous with "Commission on recognition of post-secondary accreditation."

(M) For purposes of this section, the terms "Nutritionist", "Nutrition counselor" and like terms may indicate the person is practicing dietetics.

(N) "General nutrition information" means information on the following:

- (1) Principles of good nutrition and food preparation;
- (2) Food to be included in the normal daily diet;
- (3) The essential nutrients needed by the body;
- (4) Recommended amounts of the essential nutrients;
- (5) The actions of nutrients on the body;
- (6) The effects of deficiencies or excesses of nutrients; or
- (7) Food and supplements that are good sources of essential nutrients.

**HISTORY: Added by State Register Volume 32, Issue No. 6, eff June 27, 2008. Amended by State Register Volume 37, Issue No. 5, eff May 24, 2013; SCSR 47-5 Doc. No. 5155, eff May 26, 2023.**

#### **40-2. Officers of the Panel; Elections.**

At the first meeting of each calendar year, the panel shall elect from among its members a chairman, vice-chairman, and other officers as the panel determines to be necessary. Officers shall serve terms of one year and until their successors have been elected.

**HISTORY: Added by State Register Volume 32, Issue No. 6, eff June 27, 2008.**

#### **40-3. Officer Duties and Panel Policy.**

(A) Duties of officers:

(1) The Chair shall preside at all panel meetings at which the chairman attends and perform all duties prescribed by law or Panel regulations.

(2) The Chair may appoint such advisory committees of Panel members and others as may assist the Panel in carrying out its responsibilities.

(3) The Vice-Chair shall perform the duties of the Chair if the Chair is absent or disabled. If the office of Chair becomes vacant, the Vice-Chair will serve until a successor is elected.

(B) The policy of the Panel is that members shall attend regular and special meetings as scheduled, and shall be compensated on a per diem basis when attending meetings or conducting official business for the agency as provided by law for members of state boards, committees, and commissions.

**HISTORY: Added by State Register Volume 32, Issue No. 6, eff June 27, 2008.**

#### **40-4. Meetings.**

(1) The panel shall meet at least two (2) times during every calendar year and at other times upon the call of the chairman or a majority of the panel members.

(2) A majority of the members of the panel constitutes a quorum; however, if there is a vacancy on the panel, a majority of the members serving constitutes a quorum.

(3) Panel members are required to attend meetings or to provide proper notice and justification of inability to do so. Unexcused absences from meetings may result in removal from the Panel as provided in Section 1-3-240, South Carolina Code of Laws 1976, as amended. The Panel shall make the final decisions as to an acceptable excuse for absences of panel members.

**HISTORY: Added by State Register Volume 32, Issue No. 6, eff June 27, 2008.**

#### **40-5. Licensing Provisions.**

Applicant for initial licensure as a licensed dietitian may apply by examination or registration.

**HISTORY:** Added by State Register Volume 32, Issue No. 6, eff June 27, 2008. Amended by SCSR 47-5 Doc. No. 5155, eff May 26, 2023.

##### **40-5.1. Licensure by Examination.**

As a prerequisite to the issuance of an initial license, the applicant shall provide evidence of passing an examination for dietitians offered by or as approved by the Panel. An applicant for licensure by examination shall submit to the Panel:

- (1) The completed application on the forms approved by the Panel along with required fees. Electronic submission is acceptable.
- (2) Proof of passage of examination from a Panel-approved examination provider.
- (3) Transcripts from all degree-granting institutions of higher education sent directly to the Panel office.
- (4) License verifications from all jurisdictions in which the applicant holds or has held a license. Verification must be sent directly to the Panel office from the issuing jurisdiction.
- (5) The Panel may request additional verification of any requirements or credentials as it may deem necessary.

**HISTORY:** Added by State Register Volume 32, Issue No. 6, eff June 27, 2008. Amended by SCSR 47-5 Doc. No. 5155, eff May 26, 2023.

##### **40-5.2. Licensure by Registration.**

An applicant for licensure based on registration by the Commission on Dietetic Registration shall submit to the Panel:

- (1) The completed application on the forms approved by the Panel along with required fees. Electronic submission is acceptable.
- (2) A copy of the valid current registration card from the Commission on Dietetic Registration.
- (3) License verifications from all jurisdictions in which the applicant holds or has held a license. Verification must be sent directly to the Panel office from the issuing jurisdiction.
- (4) The Panel may request additional verification of any requirements or credentials as it may deem necessary.

**HISTORY:** Added by State Register Volume 32, Issue No. 6, eff June 27, 2008. Amended by SCSR 43-5 Doc. No. 4851, eff May 24, 2019; SCSR 47-5 Doc. No. 5155, eff May 26, 2023.

##### **40-5.3. Repealed.**

**HISTORY:** Former Regulation, titled Licensure by Endorsement, had the following history: Added by State Register Volume 32, Issue No. 6, eff June 27, 2008. Amended by SCSR 43-5 Doc. No. 4851, eff May 24, 2019. Repealed by SCSR 47-5 Doc. No. 5155, eff May 26, 2023.

##### **40-5.4. Foreign-Educated Applicants.**

For the purpose of proving accreditation of a course of study at a foreign institution, an applicant shall have the applicant's academic credentials independently validated as equivalent by an accreditation agency that is recognized by "the commission on recognition of post-secondary accreditation," or its predecessor, or have the applicant's academic credentials independently validated by an agency specializing in education evaluations which is acceptable to the panel. A copy of the validation shall be attached to the application as part of the application.

**HISTORY:** Added by State Register Volume 32, Issue No. 6, eff June 27, 2008. Amended by SCSR 47-5 Doc. No. 5155, eff May 26, 2023.

##### **40-5.5. Change of Address or Name.**

A licensee shall notify the panel of a change of address providing at least a new address, telephone number, and signed request for the change within thirty (30) days of the change occurring. A licensee

shall notify the panel of a change of name by providing legal evidence of the name change and a signed request for the change within thirty (30) days of the change occurring.

**HISTORY:** Added by State Register Volume 32, Issue No. 6, eff June 27, 2008. Amended by SCSR 47-5 Doc. No. 5155, eff May 26, 2023.

#### **40-5.6. Repealed.**

**HISTORY:** Former Regulation, titled Applications Property of Panel, had the following history: Added by State Register Volume 32, Issue No. 6, eff June 27, 2008. Repealed by SCSR 47-5 Doc. No. 5155, eff May 26, 2023.

#### **40-6. Requirements for Renewal.**

All renewals shall be filed with the panel prior to May 31 of the renewal year.

(1) Renewal applications must be accompanied by the appropriate fee and a statement attesting to the required number of continuing education units (CEUs) per biennium.

(2) Renewals received after May 31 will be late. A licensee may renew their license by submitting the renewal applications along with the appropriate renewal fee and late fee by June 30 of the renewal year.

(3) If a licensee fails to timely renew his/her license, the license is deemed inactive and the licensee may not practice as a dietitian in this State until the license is reinstated to practice.

**HISTORY:** Added by State Register Volume 32, Issue No. 6, eff June 27, 2008. Amended by SCSR 47-5 Doc. No. 5155, eff May 26, 2023.

#### **40-7. Reinstatement of Inactive Licenses.**

(A) A license that has not been timely renewed shall be placed in inactive status after June 30 of the renewal year.

(B) An individual seeking to reinstate an inactive license shall complete the application for reinstatement, provide evidence of compliance with cumulative continuing education requirements and pay the current renewal fee, late fee, and payment of a reinstatement fee.

(C) An individual seeking to reinstate a license which has been inactive for more than four years must reapply for licensure and must meet the current licensure requirements including but not limited to complying with S.C. Code Section 40-20-60's requirements.

(D) The panel may deny reinstatement based on evidence of misconduct.

**HISTORY:** Added by State Register Volume 32, Issue No. 6, eff June 27, 2008. Amended by SCSR 47-5 Doc. No. 5155, eff May 26, 2023.

#### **40-8. Continuing Competency; Continuing Education Units.**

(A) Persons licensed to practice dietetics are required to demonstrate continuing professional competency. Licensee shall submit proof of continuing education units as a condition of renewal by:

(1) Active CDR registration; or

(2) Completion of thirty (30) hours of continuing education units from CDR-accredited providers.

(B) Evidence of continuing education units shall include a certificate of attendance signed by program provider or designee; the number of continuing education units requested; titles of presentations; speakers' or instructors' qualifications; timing outlines; application of learning; and other documentation as the panel may require.

**HISTORY:** Added by State Register Volume 32, Issue No. 6, eff June 27, 2008. Amended by State Register Volume 40, Issue No. 5, Doc. No. 4592, eff May 27, 2016; SCSR 47-5 Doc. No. 5155, eff May 26, 2023.

#### **40-9. Fees.**

Fees must be assessed, collected, and adjusted on behalf of the panel by the Department. The Panel may charge fees as shown in South Carolina Code of Regulations Chapter 10-13.

**HISTORY:** Added by State Register Volume 32, Issue No. 6, eff June 27, 2008. Amended by SCSR 47-5 Doc. No. 5155, eff May 26, 2023.

#### **40–10. Misconduct Defined.**

Misconduct means any one or more of the following:

- (1) violation of any of the provisions of Section 40–20–30, Section 40–20–100, or Section 40–20–130(A), or Section 40–1–110 Code of Laws of South Carolina, 1976, as amended; and
- (2) violation of any of the Code of Ethics as adopted by the Panel.

**HISTORY:** Added by State Register Volume 32, Issue No. 6, eff June 27, 2008. Amended by SCSR 47–5 Doc. No. 5155, eff May 26, 2023.

#### **40–11. Code of Ethics.**

Licensed professionals in the field of dietetics, must maintain high standards of integrity and professional conduct, accept responsibility for their actions, continually seek to enhance their professional capabilities, practice with fairness and honesty, and encourage others to act in a professional manner consistent with the licensure standards and responsibilities set forth in these Rules, The Academy of Nutrition and Dietetics/Commission on Dietetic Registration, and as may be adopted from time to time:

- (1) The licensed dietitian conducts himself/herself with honesty, integrity, and fairness.
- (2) The licensed dietitian practices dietetics based on scientific principles and current information.
- (3) The licensed dietitian presents substantiated information and interprets controversial information without personal bias, recognizing that legitimate differences of opinion exist.
- (4) The licensed dietitian assumes responsibility and accountability for personal competence in practice, continually striving to increase professional knowledge and skills and to apply them in practice.
- (5) The licensed dietitian recognizes and exercises professional judgment within the limits of his/her qualifications and collaborates with others, seeks counsel, or makes referrals as appropriate.
- (6) The licensed dietitian provides sufficient information to enable clients and others to make their own informed decisions.
- (7) The licensed dietitian protects confidential information and makes full disclosure about any limitations on his/her ability to guarantee full confidentiality.
- (8) The licensed dietitian provides professional services with objectivity and with respect for the unique needs and values of individuals.
- (9) The licensed dietitian provides professional services in a manner that is sensitive to cultural differences and does not discriminate against others on the basis of race, ethnicity, creed, religion, disability, sex, age, sexual orientation, or national origin.
- (10) The licensed dietitian does not engage in sexual harassment in connection with professional practice.
- (11) The licensed dietitian provides objective evaluations of performance for employees and coworkers, candidates for employment, students, professional association memberships, awards, or scholarships.
- (12) The licensed dietitian makes all reasonable effort to avoid bias in any kind of professional evaluation of others.
- (13) The licensed dietitian is alert to situations that might cause a conflict of interest or have the appearance of a conflict.
- (14) The licensed dietitian provides full disclosure when a real or potential conflict of interest arises.
- (15) The licensed dietitian who wishes to inform the public and colleagues of his/her services does so by using factual information. The licensed dietitian does not advertise in a false or misleading manner.
- (16) The licensed dietitian promotes or endorses products in a manner that is neither false nor misleading. The licensed dietitian permits the use of his/her name for the purpose of certifying that dietetics services have been rendered only if he/she has provided or supervised the provision of those services.

(17) The licensed dietitian withdraws from professional practice under the following circumstances:

- (a) The licensed dietitian has engaged in any substance abuse that could affect his/her practice;
- (b) The licensed dietitian has been adjudged by a court to be mentally incompetent;
- (c) The licensed dietitian has an emotional or mental disability that affects his/her practice in a manner that could harm the client or others.

(18) The licensed dietitian complies with all applicable laws and regulations concerning the profession and is subject to disciplinary action under the following circumstances:

- (a) The licensed dietitian has been convicted of a crime under the laws of the United States which is a felony or a misdemeanor, an essential element of which is dishonesty, and which is related to the practice of the profession.
- (b) The licensed dietitian has been disciplined by a state, and at least one of the grounds for the discipline is the same or substantially equivalent to these principles.
- (c) The licensed dietitian has committed an act of misfeasance or malfeasance which is directly related to the practice of the profession as determined by a court of competent jurisdiction, a licensing board, or an agency of a governmental body.

(19) The licensed dietitian shall report to the appropriate authorities any incident of which he/she has personal knowledge, of unethical dietetic practice by any individual or organization.

**HISTORY:** Added by State Register Volume 32, Issue No. 6, eff June 27, 2008. Amended by State Register Volume 37, Issue No. 6, eff June 28, 2013.

#### **40-12. Complaints.**

(A) Complaints shall be filed and processed in accordance with Chapter 1 of Title 40 and the Administrative Procedures Act, South Carolina Code of Laws 1976, as amended.

(B) Anyone may complain to the panel alleging that a person has committed an action prohibited by this section.

**HISTORY:** Added by State Register Volume 32, Issue No. 6, eff June 27, 2008.

#### **40-13. Appeals.**

A person aggrieved by a final action of the panel denying or revoking his/her license may appeal in accordance with Section 40-1-160 and the Administrative Procedures Act, South Carolina Code of Laws 1976, as amended.

**HISTORY:** Added by State Register Volume 32, Issue No. 6, eff June 27, 2008.

#### **40-14. Weight Program Exemption.**

A "general program of weight control" is a program designed for one or more population groups in order to achieve or maintain a healthy weight. It is not based on an individual nutrition assessment and does not provide medical nutrition therapy (MNT) as defined in this section. The program includes the diet plan and any information provided to customers including written guidelines for instruction to customers.

**HISTORY:** Added by State Register Volume 32, Issue No. 6, eff June 27, 2008.

#### **40-15. Interpretation of Standards.**

The standards in this chapter and regulations are interpreted in a manner consistent with The Standards of Professional Responsibility and the Standards of Practice adopted by the Academy of Nutrition and Dietetics Commission on Dietetic Registration.

**HISTORY:** Added by State Register Volume 32, Issue No. 6, eff June 27, 2008. Amended by State Register Volume 37, Issue No. 6, eff June 28, 2013.

#### **40-16. Repealed.**

**HISTORY:** Former Regulation, titled Licensure Timeframes, had the following history: Added by State Register Volume 32, Issue No. 6, eff June 27, 2008. Repealed by SCSR 47-5 Doc. No. 5155, eff May 26, 2023.

**40-17. Reporting of Disciplinary Actions.**

The South Carolina Panel on Dietetics may report disciplinary actions to the Academy of Nutrition and Dietetics Commission on Dietetic Registration.

**HISTORY:** Added by State Register Volume 37, Issue No. 6, eff June 28, 2013.