

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Dietetics/Nutrition

RULE CITATION: 21 NCAC 17 .0101

DEADLINE FOR RECEIPT: Friday, July 12, 2019

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a)(1), line 6, consider adding a citation, so it reads: "Act" means Dietetics/Nutrition Act in G.S. 90, Article 25." If you do so, you can replace the citation in (a)(3), line 14 with "the Act."

In (a)(3), line 10, are the contents of these forms addressed by other rules or law, as addressed in G.S. 150B-2(8a)(d)?

In (a)(4), lines 18 and 19, I take it the Rule uses the terms "regionally accredited" and "validated" to conform with the language in G.S. 90-375.1?

In (7)(b), line 31, insert an "or" after "ordering"

In (b), Page 2, line 23, to be consistent with (a), please insert a "shall" before "mean:"

In (b)(1) through (9), so that I'm clear – the Board is purposely not using quotation marks?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: June 27, 2019

21 NCAC 17.0101 is readopted with changes as published in 33:20 NCR 2049-2056 as follows:

21 NCAC 17.0101 DEFINITIONS AND ACRONYMS

(a) As used in this Chapter, the following terms and phrases, which have not already been defined in the Practice Act, G.S. 90-350 through 90-369, ~~shall have the meanings specified:~~ mean:

(1) "Act" means Dietetics/Nutrition Practice Act.

~~(2) "ADA" means The American Dietetic Association.~~

~~(2)(3)~~ (2) "Applicant" means any person who has applied to the Board for a license to ~~practice~~ dietetics/nutrition provide medical nutrition therapy in the State of North Carolina.

~~(3)(4)~~ (3) "Application" means a written request directed to and received by the Board, on forms supplied by the Board, for a license to ~~practice dietetics/nutrition provide medical nutrition therapy in the State of North Carolina,~~ together with all information, ~~documents~~ documents, and other materials necessary ~~for the Board to act on that application.~~ to demonstrate that the applicant has met the requirements for licensure as specified in G.S. 90, Article 25.

~~(5) "CDR" means the Commission on Dietetic Registration which is a member of the National Commission for Health Certifying Agencies.~~

~~(6) "CADE" means the Commission on Accreditation for Dietetics Education.~~

~~(4)(7)~~ (4) "Degree" means a degree received from a college or university that was regionally accredited at the time the degree was ~~conferred.~~ conferred, or a validated foreign equivalent.

~~(5)(8)~~ (5) "Dietitian/nutritionist" or "nutritionist" means one engaged in ~~dietetics/nutrition~~ dietetics or nutrition practice.

~~(9) "Executive Secretary" means the person employed to carry out the administrative functions of the Board.~~

~~(6)(10)~~ (6) "Health care practitioner" includes any individual who is licensed under G.S. ~~90,~~ 90 and whose licensed scope of practice includes dietetics or nutrition.

~~(7)(11)~~ (7) "Nutrition assessment" means:

(a) the evaluation of the nutrition needs of individuals and groups by licensed dietitians/nutritionists and licensed nutritionists based upon biochemical, anthropometric, nutrigenomic, physical, and food and diet history data to determine nutritional needs and ~~recommend appropriate nutrition intake~~ order therapeutic diets, including, including enteral and parenteral nutrition, nutrition; and

(b) the ordering laboratory tests related to the practice of nutrition and dietetics.

~~(8)(12)~~ (8) "Nutrition counseling" means the advice and assistance provided by licensed dietitians/nutritionists and licensed nutritionists to individuals or groups on nutrition intake by integrating information from the nutrition assessment with information on food and other sources of nutrient and meal preparation consistent with therapeutic needs and cultural background, which shall include ethnicity, race, language, religious and spiritual beliefs, education, and socioeconomic status ~~status.~~ and therapeutic needs.

- (13) ~~"Provisionally licensed dietitian/nutritionist" means a person provisionally licensed under the act.~~
- (14) ~~"Equivalent major course of study" means one which meets the knowledge requirements of the ADA Approved Didactic Program in Dietetics as referenced in the most current edition of the "Eligibility Requirements and Accreditation Standards for Didactic Programs in Dietetics (DPD)" which is hereby incorporated by reference including any subsequent amendments and editions of the referenced material. Copies of this manual are available at no charge through the ADA's website at: <http://www.eatright.org/CADE/content.aspx?id=57>.~~
- (15) ~~"Supervised practice program" means one which meets the standards of the ADA accredited Dietetic Internship Program as referenced in the most current edition of the "Eligibility Requirements and Accreditation Standards for Dietetic Internship Programs (DI)" which is hereby incorporated by reference including any subsequent amendments and editions of the referenced material. Copies of this manual are available at no charge through the ADA's website at: <http://www.eatright.org/CADE/content.aspx?id=57>.~~
- (16) ~~"Medical nutrition therapy" (MNT) is an evidence based application of the Nutrition Care Process, as currently defined by the ADA, AND, focused on prevention, delay or management of diseases and conditions, and involves an in depth assessment, periodic reassessment and intervention. The ADA's AND's definition of "Nutrition Care Process," which is listed in the ADA's AND's "Definition of Terms List," is hereby incorporated by reference including any subsequent amendments and editions of the referenced material. Copies of this publication can be found on the ADA's AND's website at: <http://www.eatright.org/HealthProfessionals/content.aspx?id=6867>. <http://www.eatrightpro.org/-/media/eatrightpro%20files/practice/scope%20of%20practice/definition%20of%20terms%20list.aspx>.~~

(b) As used in this Chapter, the following acronyms mean:

- (1) ACBN: the American Clinical Board of Nutrition, whose Diplomate of the American Clinical Board of Nutrition credential is accredited by the National Commission for Certifying Agencies. ACEND: the Accreditation Council for Education in Nutrition and Dietetics.
- (2) ACEND: the Accreditation Council for Education in Nutrition and Dietetics. AND: the Academy of Nutrition and Dietetics.
- (3) AND: the Academy of Nutrition and Dietetics. BCNS: the Board for Certification of Nutrition Specialists, whose Certified Nutrition Specialist credential is accredited by the National Commission for Certifying Agencies.
- (4) BCNS: the Board for Certification of Nutrition Specialists, whose Certified Nutrition Specialist credential is accredited by the National Commission for Certifying Agencies. CDR: the Commission on Dietetic Registration, whose Registered Dietitian Nutritionist credential is accredited by the National Commission for Certifying Agencies.
- (5) CDR: the Commission on Dietetic Registration, whose Registered Dietitian Nutritionist credential is accredited by the National Commission for Certifying Agencies. ACBN: the American Clinical

Board of Nutrition, whose Diplomate of the American Clinical Board of Nutrition credential is
accredited by the National Commission for Certifying Agencies.

(6) LDN: licensed dietitian/nutritionist.

(7) LN: licensed nutritionist.

(8) PLDN: provisionally licensed dietitian/nutritionist.

(9) PLN: provisionally licensed nutritionist.

*History Note: Authority G.S. 90-352; 90-356;
Temporary Adoption Eff. March 19, 1992 for a period of 180 days to expire on September 13, 1992;
Eff. June 1, 1992;
Recodified from 21 NCAC 17 .0001 Eff. February 1, 1995;
Amended Eff. December 1, 2011; April 1, 2010; July 18, 2002; March 1, ~~1996~~. 1996;
Readopted Eff. August 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Dietetics/Nutrition

RULE CITATION: 21 NCAC 17 .0104

DEADLINE FOR RECEIPT: Friday, July 12, 2019

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (b)(3), are these fees known to your regulated public? Are they in Rule 21 NCAC 17 .0113?

In (c), line 16, consider replacing "on" with "via"

In (f), line 37, delete the comma after "Rule"

In (j), Page 2, line 31, please bracket the removal of "program"

In (j)(2), Page 3, line 5, what is "professional work setting"? Does your regulated public know?

In (j)(2)(A), line 9, what is "relevant" here?

In (j)(2)(B), line 13, please replace "is" with "shall be"

In (j)(2)(B)(v), line 22, what are "domestic partners" here? Does your regulated public know?

In (k), line 32, please bracket the removal of "program"

On line 35, what is "professional work setting"? Does your regulated public know?

In (k)(2), Page 4, line 7, replace "is" with "shall be"

In (k)(3)(E), line 16, what are "domestic partners" here? Does your regulated public know?

In (k)(4), lines 18 and 19, please make this consistent with (j)(2)(D) and replace "must" with "shall" and insert a comma after "true" before "including:"

In (k)(4)(C), lines 24-25, I know that "nutrition assessment" and "nutrition counseling" are defined. What do the rest of these terms mean? Does your regulated public know?

In (m)(2), Page 5, line 26, insert a "the" before "applicant"

Amanda J. Reeder
Commission Counsel
Date submitted to agency: June 27, 2019

In (o), why do you need the language on line 34? Why not just state "A rejected applicant shall have 60 days from the date of the official rejection to request an administrative hearing."?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: June 27, 2019

21 NCAC 17. 0104 is readopted with changes as published in 33:20 NCR 2049-2056 as follows:

21 NCAC 17 .0104 APPLICATIONS

(a) Each applicant for initial licensure or renewal shall file a completed application with the Board. Application forms are available at www.ncbdn.org.

(b) ~~Applicants shall submit an application that is typed or written in ink;~~ A complete application shall be:

(1) typed;

(2) signed by the applicant under the penalty of perjury affirming that the information on the application is true and releasing to the Board information pertaining to the application; and

(3) accompanied by the appropriate nonrefundable application, issuance, and criminal history record check fees fees; and

(4) accompanied by such evidence, statements statements, or documents showing to the satisfaction of the Board that applicant meets requirements. demonstrating the applicant meets the applicable requirements specified in G.S. 90-357.5, and the applicant is not in violation of G.S. 90-363.

(c) Applicants shall submit a completed application ~~to:~~ to the North Carolina Board of Dietetics/Nutrition, 1000 Centre Green Way, Suite 200, Cary, NC 27513. Dietetics/Nutrition on its website at www.ncbdn.org.

~~(d) Applications and all documents filed in support thereof shall become the property of the Board upon receipt.~~

~~(d) (e)~~ The Board shall not consider review an application until the applicant pays the application fee. The fee may be paid online via credit card, or by check mailed to: North Carolina Board of Dietetics/Nutrition, 140 Preston Executive Drive, Suite 205-C, Cary, NC 27513.

~~(e) (f) Applicants seeking examination eligibility from the Board must submit the application at least 60 days prior to the date the applicant wishes to take the examination. Examination information for each of the examinations the Board recognizes may be found on the following websites:~~

(1) Information regarding the Registered Dietitian Nutritionist examination offered by the Commission on Dietetic Registration may be found at: <https://www.cdrnet.org/program-director/student-instructions>.

(2) Information regarding the Certified Nutrition Specialist examination offered by the Board for Certification of Nutrition Specialists may be found at: www.nutritionspecialists.org/CNSExam.

(3) Information regarding the Diplomate of the American Clinical Board of Nutrition examination offered by the American Clinical Board of Nutrition may be found at: <https://www.acbn.org/handbook.pdf>.

~~(f) (g) Before cancelling an application, the The Executive Secretary Director shall send a notice to an applicant who does not complete the application which that lists the additional materials required. An incomplete application shall be valid for a period of six months from the date the application is filed with the Board. After six months, if an application has not been completed by the applicant and ready for Board review, the application shall be considered cancelled due to failure to complete. Complete applications that the Board determines require additional evidence under Paragraph (m) of this Rule, shall be eligible for consideration for the timeline set forth in that Paragraph.~~

~~(g)(h)~~ Applicants, Applicants who must provide providing evidence of current registration as a Registered Dietitian Nutritionist by the CDR in G.S. ~~90-357(3)a,~~ 90-357.5(a)(2) shall submit a ~~notarized~~ photocopy of the applicant's signed registration identification ~~card, card,~~ or a copy of a CDR Credential Verification certificate certifying that the applicant is a Registered Dietitian Nutritionist.

~~(h)(i)~~ Applicants, who must provide Applicants providing evidence of completing academic requirements in G.S. 90-357(3) b.1, c.1 and d, 90-357.5(a)(1) shall either:

- (1) Submit transcripts and a verification statement ~~which that~~ includes the original signature of the Program Director of a college or university ~~in which where~~ the course of study was ~~approved~~ accredited by the ~~Commission on Accreditation for Dietetics Education~~ ACEND as meeting the ~~current knowledge requirements of the ADA; the competency requirements of the most current edition of the Accreditation Standards for Nutrition and Dietetic Didactic Programs;~~ or
- (2) Submit ~~sufficient~~ documentation, including official transcripts, ~~for the Board to determine if the equivalent major course of study meets the ADA requirements as referenced in 21 NCAC 17.0101(14); demonstrating the course of study met the competency requirements of the most current edition of the ACEND Accreditation Standards for Nutrition and Dietetic Didactic Programs.~~

~~(j)~~ Applicants, who must provide evidence of completing supervised practice program in G.S. 90-357(3)b.2 and c.2, shall either:

- ~~(1) — Submit a verification statement which includes the original signature of the Program Director or Sponsor of a supervised practice program; or~~
- ~~(2) — Submit sufficient documentation for the Board to determine if the supervised practice program meets the ADA requirements as referenced in 21 NCAC 17.0101(15).~~

(i) Applicants providing evidence of completing academic requirements in G.S. 90-357.5(c) shall submit documentation, including official transcripts, demonstrating completion of the requirements stated in G.S. 90-357.5(c)(1).

~~(k) Applicants who have obtained their education outside of the United States and its territories must:~~

- ~~(1) — Have their academic degree evaluated by CDR, as equivalent to the baccalaureate or higher degree conferred by a U.S. college or university accredited by the regional accrediting agencies recognized by the Council on Postsecondary Accreditation and the U.S. Department of Education; and~~
- ~~(2) — Have any Board required documents submitted in a language other than English be accompanied by a certified translation thereof in English from World Education Services, Inc.~~

(j) Applicants providing evidence of completing a supervised practice **program experience** in G.S. 90-357.5(a)(1)(b) shall either:

- (1) Submit a verification statement that includes the original signature of the Program Director of a documented, supervised practice experience that has been accredited by the ACEND as meeting the competency requirements of the most current edition of the Accreditation Standards for Nutrition and Dietetics Internship Programs; or

(2) Submit documentation demonstrating at least 1000 hours of documented, supervised practice experience, meeting the competency requirements of the most current edition of the Accreditation Standards for Nutrition and Dietetics Internship Programs issued by ACEND. The scope of activities may include alternate supervised experiential learning such as simulation, case studies, and role playing, but must also include at least 750 hours in a professional work setting. The 1000 hours must be concurrent with or following completion of the academic requirements for licensure and need not be a paid experience. The following shall be necessary to determine and verify supervised practice experience:

(A) The supervisor shall have access to all relevant patient/client records kept during the supervised practice experience. The supervisor shall review performance by periodic observation, either in real-time, or by some recording of the nutrition service.

(B) If there is more than one supervisor or facility for different parts of the supervised practice experience, information and verification of each part is required.

(C) The applicant shall provide to the Board for each supervisor/facility:

- (i) the name and address of the facility providing the supervised practice experience;
- (ii) the name, address, phone, and title of the supervisor who supervised the supervised practice experience;
- (iii) a summary of nutrition services performed, along with dates and hours spent performing them;
- (iv) evidence that the supervisor met the requirements stated in G.S. 90-357.5(a)(1)(b) at the time of supervision; and
- (v) an attestation that the supervisor is not related to, married to, or domestic partners with the supervisee.

(D) Each supervisor shall review the evidence provided by the applicant and verify that the information is true, including:

- (i) that the applicant participated in nutrition services under his or her supervision, stating the total number of hours;
- (ii) providing a summary of the nutrition services provided under his or her supervision; and
- (iii) providing an evaluation of the applicant for the Board to be able to assess the applicant's performance in completion of the competencies required by ACEND.

(k) Applicants providing evidence of completing a supervised practice program experience in G.S. 90-357.5(c)(2) shall submit documentation demonstrating at least 1000 hours of documented, supervised practice experience, meeting the requirements as stated in G.S. 90-357.5(c)(2). The scope of activities may include alternate supervised experiential learning such as simulation, case studies, and role playing, but must also include at least 750 hours in a professional work setting. The 1000 hours must be concurrent with or following completion of the academic requirements for

1 licensure and need not be a paid experience. The following shall be necessary to determine and verify the supervised
2 practice experience:

3 (1) The supervisor shall have access to all relevant patient/client records kept during the supervised
4 practice experience. The supervisor shall review performance by periodic observation, either in real-
5 time or by some recording of the nutrition service.

6 (2) If there is more than one supervisor or facility for different parts of the supervised practice
7 experience, information and verification of each part is required.

8 (3) The applicant shall provide to the Board for each supervisor/facility:

9 (A) the name and address of the facility providing the supervised practice experience;

10 (B) the name, address, phone, and title of the supervisor who supervised the supervised practice
11 experience;

12 (C) a summary of nutrition services performed, along with dates, and hours spent performing
13 them;

14 (D) evidence that the supervisor met the requirements as stated in G.S. 90-357.5(c)(2) at the
15 time of supervision; and

16 (E) an attestation that the supervisor is not related to, married to, or domestic partners with the
17 supervisee.

18 (4) Each supervisor must review the evidence provided by the applicant and verify that the information
19 is true including:

20 (A) that the applicant participated in nutrition services under his or her supervision, stating the
21 total number of hours;

22 (B) providing a summary of the nutrition services provided under his or her supervision; and

23 (C) providing an evaluation of the applicant for the Board to be able to assess the applicant's
24 performance in the areas of nutrition assessment; nutrition intervention, education,
25 counseling, or management; and nutrition monitoring or evaluation.

26 (l) Applicants who have obtained their education outside of the United States and its territories shall:

27 (1) Have their academic degree(s) evaluated by a Board-approved foreign credential evaluating service
28 as equivalent to a baccalaureate or higher degree conferred by a U.S. college or university accredited
29 by the regional accrediting agencies recognized by the Council on Higher Education Accreditation
30 and the U.S. Department of Education; and

31 (2) All documents submitted in a language other than English shall be accompanied by a certified
32 translation thereof in English from a Board-approved translation service.

33 (3) The following foreign credential evaluating and translation services are Board-approved:

34 (A) Academic and Professional International Evaluation, Inc., which may be found at:
35 www.apie.org;

36 (B) Academic Credentials Evaluation Institute, Inc., which may be found at:
37 <https://www.acei-global.org/>;

- (C) American Education Research Corporation, Inc., which may be found at:
<http://www.aerc-eval.com/>;
- (D) Association of International Credential Evaluators, Inc., which may be found at:
www.aice-eval.org;
- (E) Bruscan Educational Information Services, which may be found at:
<http://www.bruscan.com/>;
- (F) Center for Educational Documentation, Inc., which may be found at:
<http://www.cedevaluations.com/>;
- (G) Education Credential Evaluators, Inc., which may be found at: www.ece.org;
- (H) Educational Perspectives, which may be found at: <https://www.edperspective.org/>;
- (I) Foundation for International Services, Inc., which may be found at: <https://www.fis-web.com/>;
- (J) International Education Research Foundation, which may be found at: www.ierf.org;
- (K) Josef Silny & Associates, which may be found at: <http://www.jsilny.org/>;
- (L) SpanTran: The Evaluation Company, which may be found at: <https://www.spantran.com/>;
or
- (M) World Education Services, Inc., which may be found at: <https://www.wes.org/>.

(m) If the Board determines that the application does not demonstrate satisfaction of the requirements specified in G.S. 90-357.5, the Board shall notify the applicant in writing. The notification shall include what is required to demonstrate the applicant meets the statutory requirements, and the applicant shall be:

- (1) offered the ability to place the application on hold for a time period of up to one year from the date of the letter providing the Board's determination, so long as such a request is made in writing within 30 days of the date of the letter. During this hold time, the applicant may provide other evidence demonstrating the applicant satisfied the requirements the Board determined were not met;
- (2) offered the opportunity to appear for an interview before the Board. At any time during that interview, applicant may stop the interview, and request to have all or any part of requested information provided in writing; and
- (3) offered the ability to withdraw the application so long as such a request is made in writing within 30 days of the date of the letter. The applicant will be allowed to apply for licensure at a later time.

(n) If an applicant who received the notice specified in Paragraph (m) of this Rule does not provide a written response to the Board within 30 days of the date of the notification requesting that he or she be granted an interview or his or her application be placed on hold or withdrawn, the Board shall issue the applicant an official rejection as provided in G.S. § 90-358.

(o) A rejected applicant shall be deemed to be a "person aggrieved" within the meaning of G.S. 150B-2(6). The applicant shall have 60 days from the date of official rejection to request an administrative hearing.

History Note: Authority G.S. ~~90-356; 90-356;~~ 90-357.5; 90-358;

1 *Filed as a Temporary Adoption Eff. March 19, 1992 for a Period of 180 Days to Expire on*
2 *September 13, 1992;*
3 *Eff. June 1, 1992;*
4 *Recodified from 21 NCAC 17 .0004 Eff. February 1, 1995;*
5 *Amended Eff. December 1, 2011; July 18, 2002; March 1, ~~1996~~, 1996;*
6 *Readopted Eff. August 1, 2019.*

21 NCAC 17 .0105 is readopted as published in 33:20 NCR 2049-2056 as follows:

21 NCAC 17 .0105 EXAMINATION FOR LICENSURE

~~(a) The Board approves the examination offered by the Commission on Dietetic Registration (CDR).~~

~~(b) The examination shall be offered by ACT year round at designated ACT testing centers to qualified applicants for licensing.~~

~~(c) The Board recognizes the passing score set by the CDR.~~

The Board shall recognize the passing scores set by the testing agencies for the exams in G.S. 90-359 as “successful completion.”

History Note: Authority G.S. 90-356; 90-359;

Filed as a Temporary Adoption Eff. March 19, 1992 for a Period of 180 Days to Expire on September 13, 1992;

~~*Authority G.S. 90-356; 90-359;*~~

~~*Eff. June 1, 1992;*~~

~~*Recodified from 21 NCAC 17 .0005 Eff. February 1, 1995;*~~

~~*Amended Eff. July 18, 2002; 2002;*~~

Readopted Eff. August 1, 2019.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Dietetics/Nutrition

RULE CITATION: 21 NCAC 17 .0107

DEADLINE FOR RECEIPT: Friday, July 12, 2019

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (d)(1), line 30, I take it these fees are addressed by Rule 21 NCAC 17 .0113 or known to your regulated public?

In (d)(2), is this the application set forth in Rule .0104?

In (e), line 34, please insert a space between "17" and ".0105," Do not show it as a change – simply do it.

On line 37, please underline the addition of "G.S. 90-359."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: June 27, 2019

21 NCAC 17 .0107 is readopted with changes as published in 33:20 NCR 2049-2056 as follows:

21 NCAC 17 .0107 PROVISIONAL LICENSE

(a) Applicants for a provisional license under G.S. 90-357.5(a) shall provide evidence of completing the academic educational and **clinical practice supervised practice experience** requirements ~~by:~~ by submitting the information required by Rule 21 NCAC 17 .0104(h) and (j), and providing evidence of making application to take the Registered Dietitian Nutritionist examination. Applicants granted provisional licensure under G.S. 90-357.5(a) shall be given the credential "PLDN."

(1) ~~Submitting transcripts and a verification statement which includes the original signature of the Program Director of a college or university in which the course of study has been approved by the Commission on Accreditation for Dietetics Education as meeting the current knowledge requirements of the ADA; or~~

(2) ~~Submit sufficient documentation for the Board to determine if the equivalent major course of study meets the ADA requirements as referenced in 21 NCAC 17.0101(14).~~

~~(b) Applicants shall provide evidence of completing a supervised practice program by:~~

(1) ~~Submitting a verification statement which includes the original signature of the Program Director or Sponsor of a supervised practice program which has been approved by CDR to meet the dietetic practice requirements of ADA; or~~

(2) ~~Submit sufficient documentation for the Board to determine if the supervised practice program meets the ADA requirements as referenced in 21 NCAC 17.0101(15).~~

(b) Applicants for a provisional license under G.S. 90-357.5(c) shall provide evidence of completing the educational and **clinical practice supervised practice experience** requirements by submitting the information required by Rule 21 NCAC 17.0104(i) and (k), and providing evidence of making application to take the Certified Nutrition Specialist examination or the Diplomate of the American Clinical Board of Nutrition examination. Applicants granted a provisional license under G.S. 90-357.5(c) shall be given the credential "PLN."

~~(c) Applicants shall provide evidence of making application to take the examination. Applications for a provisional license are available at www.ncbndn.org.~~

(d) A provisional license shall be issued for a period of not exceeding one year 12 months upon the applicant completing the following:

(1) payment of ~~application, issuance fees;~~ issuance, and criminal history record check fees;

(2) submission of a ~~completed~~ completed, approved application as provided by the Board; and

(3) provision of evidence of being under the supervision of North Carolina licensed ~~dietitian(s)/nutritionist(s); dietitian(s)/nutritionist(s) or licensed nutritionist(s).~~

(e) Following the successful ~~completion~~ completion, as defined in 21 NCAC 17.0105, of one of the licensing examination, examinations, the provisionally licensed dietitian/nutritionist or provisionally licensed nutritionist shall ~~remit~~ submit a completed application for licensure pursuant to G.S. 90-357.5, upgrading license, payment of fees, and evidence of passing one of the ~~examination~~ examinations referenced in 21 NCAC 17 .0105. G.S. 90-359. If the

1 provisionally licensed dietitian/nutritionist or provisionally licensed nutritionist successfully completes one of the
2 licensing ~~examination~~ examinations and ~~obtains a license~~ submits an application for licensure pursuant to ~~G.S. 90-357~~
3 G.S. 90-357.5 within ~~six~~ 12 months of the date that the provisional license became effective, the ~~provisional license~~
4 ~~or renewal fee shall be deducted from the issuance fee.~~ provisionally licensed dietitian/nutritionist or provisionally
5 licensed nutritionist shall only be required to pay the balance of the issuance fee.

6 (f) If the provisionally licensed dietitian/nutritionist or provisionally licensed nutritionist does not successfully
7 complete the licensing examination and apply for a license pursuant to G.S. 90-357.5 within 12 months of the date
8 that the provisional license became effective, the provisionally licensed dietitian/nutritionist or provisionally licensed
9 nutritionist must reapply and pay all applicable fees in order to obtain licensure under G.S. 90-357.5.

10
11 *History Note:* Authority G.S. 90-356; ~~90-361~~; 90-357.5; 90-361;

12 *Filed as a Temporary Adoption Eff. March 19, 1992 for a Period of 180 Days to Expire on*
13 *September 13, 1992;*

14 *Eff. June 1, 1992;*

15 *Recodified from 21 NCAC 17.0007 Eff. February 1, 1995;*

16 *Amended Eff. December 1, 2011; July 18, 2002; March 1, 1996; February 1, ~~1995~~, 1995;*

17 *Readopted Eff. August 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Dietetics/Nutrition

RULE CITATION: 21 NCAC 17 .0109

DEADLINE FOR RECEIPT: Friday, July 12, 2019

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (d), lines 14-15, this language was added after publication in the Register. Was it added in response to public comment?

Also, what are the contents of this application? Are they set forth in another Rule or law?

In (e), line 19, consider replacing "should" with "shall" or "are to"

In (f), lines 24-26, how does this work? Does this address new charges or convictions within the most recent licensure period? What are addressing here?

In (g)(2), Page 2, line 2, what are the contents of this form? Will it be what is in (2)(A) through (F)?

In (i), line 27, what are the contents of this form?

On line 27, I take it these fees are as set forth in Rule 21 NCAC 17 .0113?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: June 27, 2019

21 NCAC 17 .0109 is readopted with changes as published in 33:20 NCR 2049-2056 as follows:

21 NCAC 17 .0109 ISSUANCE AND RENEWAL OF LICENSE

(a) An applicant shall be issued a license based on compliance with requirements stated in G.S. ~~90-357~~ 90-357.5 and the rules in this Chapter.

(b) A licensee shall notify the Board of any change in the licensee's personal or professional mailing address within 30 days of that change.

(c) Licenses shall expire on March 31 of every year. ~~Beginning in 1993, the licenses~~ A license for an LDN or LN shall be issued for a period of one year beginning April 1 and ending March 31. If an LDN or LN license is initially granted, reinstated, or reactivated between January 1 and March 31, the license shall be granted from the time of issuance through March 31 of the following year.

(d) At least ~~60~~ 30 days prior to the expiration date of the license, the Board shall send the licensee written notice via USPS or electronic mail of the amount of renewal fee due, and instructions on how ~~to obtain a license renewal form which must be submitted with the required fee.~~ the licensee may renew online at www.ncbdcn.org. Each applicant for renewal shall file a completed application with the Board.

(e) A licensee's renewal application must be ~~postmarked~~ submitted online prior to the expiration ~~date~~ date. The licensee's renewal fee must also be received or postmarked prior to the expiration date in order to avoid the late renewal fee. If the fee is mailed, it must be sent to the mailing address provided in 21 NCAC 17 .0104(d). The licensee shall be responsible for filing any change of email or physical address where renewal notices should be sent. Failure to receive renewal notice due to the licensee's failure to file change of addresses with the Board is not shall not be justification for late renewal.

(f) ~~The Board may not renew the license of a person who is in violation of the Act, or Board rules at the time of application for renewal. Renewal applications shall require licensees attest that the information on the application is true and complete. The applicant shall provide a written explanation and all available court documents evidencing the circumstances of any pending charge or conviction, not previously made known to the Board, if requested by the Board. The Board shall use these documents when determining if a license should be renewed under G.S. 90-363.~~

(g) Applicants for renewal of licenses shall provide documentation of having met continuing education requirements ~~by submitting either:~~ submitting:

- (1) ~~Evidence of completing continuing education hours to maintain~~ Verification of current certification as a Registered Dietitian Nutritionist by the Commission on Dietetic Registration, CDR, and verification of compliance with CDR's continuing education requirements. These The continuing education standards required to maintain certification standards are contained in the "Professional Development Portfolio ~~Guide~~, Guide," which is hereby incorporated by reference including subsequent amendments ~~or additions and editions~~ of reference material. Copies of this standard may be obtained at no charge from ~~the Commission on Dietetic Registration's CDR's~~ website at: <http://www.cdrnet.org/pdrcenter/>; <https://www.cdrnet.org/pdp/professional-development-portfolio-guide/>; ~~or~~

- (2) A summary of continuing education on the form provided by the Board documenting completion of ~~30~~ 75 hours of continuing education for a ~~two~~ five year period. The continuing education hours must meet the standards contained in the "Professional Development Portfolio Guide." Documentary evidence for continuing education activities shall include the following for each activity:
- (A) the name of provider/sponsor;
 - (B) the name of accrediting organization;
 - (C) the title of the activity;
 - (D) the date attended;
 - (E) the continuing education hours earned; and
 - (F) a record of attendance or participation;
- (3) Verification of current certification as a Certified Nutrition Specialist by the BCNS, and verification of compliance with BCNS's continuing education requirements. The continuing education standards required to maintain certification are listed on the Board for Certification of Nutrition Specialists' website, which is hereby incorporated by reference including subsequent amendments or editions of reference material. Copies of this standard may be obtained at no charge from the BCNS's website at: <https://nutritionspecialists.org/cns-tools/recertification>; or
- (4) Verification of current certification as a Diplomate, American Clinical Board of Nutrition by the ACBN, and verification of compliance with ACBN's continuing education requirements. The continuing education standards required to maintain certification are listed on the American Clinical Board of Nutrition's website, which is hereby incorporated by reference including subsequent amendments or editions of reference material. Copies of this standard may be obtained at no charge from the ACBN's website at: <https://www.acbn.org/policiesprocedures.pdf>.
- (h) The Board shall furnish a ~~A renewal license shall be furnished~~ to each licensee who meets all renewal requirements by the expiration date.
- (i) The Board shall renew a license upon the payment of a late fee within 60 days of the expiration ~~date of March 31.~~ date. If the license has been expired for 60 days or less, the license may be renewed by ~~returning~~ submitting the online license renewal form form, with all appropriate the renewal and late fees fee, and verification of current certification as a Registered Dietitian Nutritionist, Certified Nutrition Specialist, Diplomate, American Clinical Board of Nutrition, or, if following the requirements of Subparagraph (g)(2) of this Rule, continuing education documentation and documentation to the Board, postmarked on or before the end of the 60-day grace period.

History Note: Authority G.S. 90-356; 90-362; 90-363;
Filed as a Temporary Adoption Eff. March 19, 1992 for a Period of 180 Days to Expire on September 13, 1992;
Eff. June 1, 1992;
Recodified from 21 NCAC 17 .0009 Eff. February 1, 1995;
Amended Eff. December 1, 2011; July 18, 2002; February 1, ~~1995.~~ 1995;

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Dietetics/Nutrition

RULE CITATION: 21 NCAC 17 .0303

DEADLINE FOR RECEIPT: Friday, July 12, 2019

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (1), line 20, I take it you mean the term "nutrition care services" as defined in G.S. 90-352?

In (4), line 27, what are the "acts and functions" you are referring to? I note that Item (2) requires only availability for nutrition care activities. Is what is addressed in (4) different from that?

In (5), line 31, I note that G.S. 90-375.5 refers to different categories of opportunity to practice in this State, including "certification" and "Diplomat of the American Clinical Board." Do you mean the term "licensed" as used in G.S. 93B-1?

§ 93B-1. Definitions.

As used in this Chapter:

"License" means any license (other than a privilege license), certificate, or other evidence of qualification which an individual is required to obtain before he may engage in or represent himself to be a member of a particular profession or occupation.

"Occupational licensing board" means any board, committee, commission, or other agency in North Carolina which is established for the primary purpose of regulating the entry of persons into, and/or the conduct of persons within, a particular profession or occupation, and which is authorized to issue licenses; "occupational licensing board" does not include State agencies, staffed by full-time State employees, which as a part of their regular functions may issue licenses. (1957, c. 1377, s. 1.)

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: June 27, 2019

21 NCAC 17 .0303 is readopted as published in 33:20 NCR 2049-2056 as follows:

21 NCAC 17 .0303 SUPERVISION

~~(a) A planned, continuous program in clinical practice pursuant to G.S. 90-357(3)b.2. shall designate a licensed dietitian/nutritionist who shall supervise a student or trainee; and~~

~~(1) shall meet the qualifications of the current standards of education as referenced in the most current edition of the "Eligibility Requirements and Accreditation Standards for Dietetic Internship Programs (DI)" which is hereby incorporated by reference including any subsequent amendments and editions of the referenced material. Copies of this manual are available at no charge through the ADA's website at: <http://www.eatright.org/CADE/content.aspx?id=57>; and~~

~~(2) shall meet his/her employment qualifications of the sponsoring institution, if any.~~

~~(b) In accordance with the current standards of education referenced in this Rule, a Program Director shall:~~

~~(1) provide student/trainee advisement, evaluation, counseling and supervision;~~

~~(2) provide academic or supervised practice program assessment, planning, implementation and evaluation;~~

~~(3) inform student(s)/trainee(s) of laws, regulations and standards affecting the practice of dietetics/nutrition, including the Dietetics/Nutrition Practice Act and its Rules; and~~

~~(4) advise student(s)/trainee(s) on meeting the requirements to be licensed to practice dietetics/nutrition.~~

For purposes of G.S. 90-368(2), "direct supervision" means the supervising practitioner:

(1) discusses and recommends, with the student or trainee, nutrition care services undertaken by the student or trainee, which are appropriate to the level of nutrition care;

(2) is available for consultation on nutrition care activities being performed by the student or trainee, either through on-site or through electronic communication;

(3) shall be available to render assistance when requested by the student or trainee or the patient or client, or shall have arranged for another practitioner to be available in the absence of the supervising practitioner;

(4) personally observes, evaluates, and approves the acts or functions of the student or trainee supervised; and

(5) shall maintain responsibility for the nutrition care activities performed by the student or trainee. For patients or clients receiving medical nutrition therapy in NC, the supervising practitioner shall be licensed in the State to provide the medical nutrition therapy he or she is supervising. For patients or clients outside of NC, the supervising practitioner shall be lawfully allowed to provide the nutrition care activities in the state where the patients or clients are located.

History Note: Authority G.S. 90-356(2); ~~90-357~~; 90-357.5; 90-368(2);

Eff. March 1, 1996;

Amended Eff. December 1, 2011; July 18, ~~2002~~; 2002;

