

Burgos, Alexander N

From: Marnie Jones <director@ncbdn.org>
Sent: Wednesday, March 11, 2026 2:03 PM
To: Ascher, Seth M
Cc: Burgos, Alexander N; hjones@jordanprice.com
Subject: RE: [External] NCBDN: Early Review Request/March 2026

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Sounds great. Please send invites for virtual attendance to myself and our attorney Henry:
director@ncbdn.org and hjones@jordanprice.com

Thank you, Seth!

Serving North Carolina,

Marnie Jones

Executive Director
North Carolina Board of Dietetics/Nutrition
1135 Kildaire Farm Rd. Ste 200
Cary, NC 27511
Direct: 919-678-7609
Fax: 919-882-1776
www.ncbdn.org

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From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Tuesday, March 10, 2026 5:46 PM
To: Marnie Jones <director@ncbdn.org>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; hjones@jordanprice.com
Subject: Re: [External] NCBDN: Early Review Request/March 2026

Good afternoon,

I have reviewed your request, and anticipate recommending that the Commission grant the early review, and approve the attached report at the upcoming March meeting.

The RRC will formally review this request at its meeting on Thursday, March 26, 2026, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an invite should be sent to you as we get close to the meeting, or you are welcome to attend in person. If there are any other representatives from your agency who want to attend virtually, let me know prior to the meeting, and we will get invites out to them as well.

Burgos, Alexander N

From: Ascher, Seth M
Sent: Tuesday, March 10, 2026 5:46 PM
To: director@ncbdn.org
Cc: Burgos, Alexander N; hjones@jordanprice.com
Subject: Re: [External] NCBDN: Early Review Request/March 2026
Attachments: 21 NCAC 17_Comment_Period_Result_Staff Rec.xlsx

Good afternoon,

I have reviewed your request, and anticipate recommending that the Commission grant the early review, and approve the attached report at the upcoming March meeting.

The RRC will formally review this request at its meeting on Thursday, March 26, 2026, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting, or you are welcome to attend in person. If there are any other representatives from your agency who want to attend virtually, let me know prior to the meeting, and we will get invites out to them as well.

Seth Ascher

Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1934

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From: Marnie Jones <director@ncbdn.org>
Sent: Tuesday, March 10, 2026 12:15 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; hjones@jordanprice.com <hjones@jordanprice.com>
Subject: [External] NCBDN: Early Review Request/March 2026

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Dear Mr. Ascher-

Thank you so much for the guidance below! I would like to formally request an early review of 21 NCAC 17 on behalf of the NC Board of Dietetics/Nutrition. Attached, you will find our formal letter requesting early review at the March 2026 RRC meeting, in addition to a copy of the required report.

Official posting of the notice for early request has been made on our website, and stakeholder emails have been sent: <https://ncbdn.org/governing-documents/rules-regulations/>

Please let me know if I've missed any required information to process this request.

I appreciate your guidance on this process! It has been very helpful.

Serving North Carolina,

Marnie Jones

Executive Director
North Carolina Board of Dietetics/Nutrition
1135 Kildaire Farm Rd. Ste 200
Cary, NC 27511
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Fax: 919-882-1776

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From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Tuesday, February 24, 2026 4:13 PM
To: Marnie Jones <director@ncbdn.org>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] FW: Early Review Request

Marnie,

Apologies for the delayed response.

Requests for early review are covered by 26 NCAC 05.0205. <http://reports.oah.state.nc.us/ncac/title%2026%20-%20administrative%20hearings/chapter%2005%20-%20rules%20review%20commission/26%20ncac%2005%20.0205.pdf>

In effect, you are required to submit a request in writing (via email is fine) the information required by the rule, and post notification of the request in the same manner as you sent out notice of the reports (on your website and interested person's mailing list).

Once you make that request, it can go on the Commission's agenda for consideration. Assuming there are no comments or concerns raised, the Commission may be willing to approve the reports at the same meeting they grant the request.

If it would be helpful, you can look at an approved request from the Secretary of State's office from June 2025: <https://www.oah.nc.gov/news/events/rrc-meeting-agenda-june-2025>. It sounds like your circumstances are fairly similar, and if so, I would likely make the same recommendation.

Let me know if you have further questions.

Seth Ascher

Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1934

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From: Marnie Jones <director@ncbdc.org>
Sent: Monday, February 23, 2026 12:25 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] FW: Early Review Request

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Hi Seth-

I'm just circling back to you on the below; I wasn't sure if my email had been received, or if there was a better person to reach out to about requesting an earlier periodic rules review for our agency. Please let me know next steps or if there is a different contact person to request this from.

Thank you!

Serving North Carolina,

Marnie Jones

Executive Director
North Carolina Board of Dietetics/Nutrition
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From: Marnie Jones
Sent: Thursday, February 12, 2026 1:35 PM
To: seth.ascher@oah.nc.gov
Subject: Early Review Request

Mr. Ascher:

Good afternoon!

I was referred by Alex Burgos to reach out to you regarding a request for an early review for our agency's periodic rules. The NC Board of Dietetics/Nutrition is scheduled for September 2026 (21 NCAC 17) however, our public comment period concluded on December 28, 2025, and the Board did not receive any comments. On January 20, 2026, the Board motioned to approve the final determination report after receiving no comments to respond to. The report was sent to Alex Burgos on January 20, 2026, but it wasn't clear until today that a request for early review needed to go through you; my apologies.

Since we have completed this process earlier than anticipated, the NCBDN would like to request their RRC review to be moved up, if that is possible. We are a very small agency with only 2.5 staff and are anticipating a very busy 2026, so hoping to balance resources as much as possible during this process. Please let me know if there is anything at all you need from us. This is my first go-round with periodic review, so bear with me as I continue to learn the process.

Many thanks!

Serving North Carolina,

Marnie Jones

Executive Director
North Carolina Board of Dietetics/Nutrition
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Via Electronic Mail

March 10, 2026

Seth Ascher, Counsel
seth.ascher@oah.nc.gov
Rules Review Commission

Re: Request for Early Review Pursuant to 26 NCAC 05 .0205

Dear Mr. Ascher:

I am writing on behalf of the North Carolina Board of Dietetics/Nutrition (the "Board") to request early review of our attached Step 1 report for the following rules:
21 NCAC 17

The classification report for these Subchapters were posted as required on our website and that of OAH. The public comment period was open from October 23, 2025 through December 28, 2025. Notice was also sent to stakeholders via email. No public comments were received. With no public comments received, on January 21, 2026, the Board motioned that all rules were deemed necessary and the stage 1 report was complete and ready for RRC review. These subchapters are presently on the RRC schedule for September 2026.

I am writing to request the following:

1. Schedule the Board's Request for Early Review for the RRC's March 26, 2026, meeting.
2. If the RRC approves Early Review, I would ask that they schedule the early review of the Step One reports for the same meeting, March 26, 2026.

If the RRC approves the two requests above, that will conclude RRC review of 21 NCAC 17 Step 1 reports for the North Carolina Board of Dietetics/Nutrition.

The Board anticipates a busy legislative year with the introduction of a Compact bill. With a small staff of only 3, early review by the RRC will help shift the periodic rules review process earlier in 2026, thus freeing up resources that may be needed to implement compact legislation later in the year.

This Early Review Request has been posted on our website and notice has been sent to our stakeholders. The website posting and notice to stakeholders include the mandated provision that anyone wishing to object to expedited review may contact the RRC per 26 NCAC 05 .0205(b).

We understand that your recommendation to RRC regarding our early review request is contingent on your workload and that of the Commission. I appreciate your willingness to consider this request. Please let me know if you have any questions or need further information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marnie Jones".

Marnie Jones
Executive Director & Rulemaking Coordinator

cc: Henry Jones, General Counsel

G.S. 150B-21.3A Report for 21 NCAC 17, BOARD OF DIETETICS/NUTRITION									
Agency - Board of Dietetics/Nutrition									
Comment Period - October 23, 2025 - December 28, 2025									
Date Submitted to APO - Filled in by RRC staff									
Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]
	SECTION .0100 – LICENSURE	21 NCAC 17 .0101	DEFINITIONS, ACRONYMS, AND INITIALISMS	Amended Eff. March 15, 2023	Necessary	No		No	Necessary
		21 NCAC 17 .0103	QUALIFICATIONS FOR LICENSURE	Amended Eff. March 15, 2023	Necessary	No		No	Necessary
		21 NCAC 17 .0104	APPLICATIONS	Amended Eff. January 1, 2023	Necessary	No		No	Necessary
		21 NCAC 17 .0105	EXAMINATION FOR LICENSURE	Readopted Eff. August 1, 2019	Necessary	No		No	Necessary
		21 NCAC 17 .0107	PROVISIONAL LICENSE	Readopted Eff. August 1, 2019	Necessary	No		No	Necessary
		21 NCAC 17 .0108	DISAPPROVED APPLICATION	Amended Eff. January 1, 2023	Necessary	No		No	Necessary
		21 NCAC 17 .0109	ISSUANCE AND RENEWAL OF LICENSE	Readopted Eff. August 1, 2019	Necessary	No		No	Necessary
		21 NCAC 17 .0110	LICENSURE CERTIFICATE	Amended Eff. January 1, 2023	Necessary	No		No	Necessary
		21 NCAC 17 .0111	INACTIVE STATUS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016	Necessary	No		No	Necessary
		21 NCAC 17 .0112	SUSPENSION, REVOCATION AND DENIAL OF LICENSE	Amended Eff. January 1, 2023	Necessary	No		No	Necessary
		21 NCAC 17 .0113	FEES	Amended Eff. November 1, 2022	Necessary	No		No	Necessary
		21 NCAC 17 .0114	CODE OF ETHICS FOR PROFESSIONAL PRACTICE AND CONDUCT	Amended Eff. January 1, 2023	Necessary	No		No	Necessary
		21 NCAC 17 .0117	SUSPENSION OF AUTHORITY AND ESCROW OF FUNDS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016	Necessary	No		No	Necessary
	21 NCAC 17 .0118	ARMED SERVICES LICENSEES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016	Necessary	No		No	Necessary	
	21 NCAC 17 .0119	DECLARATORY RULINGS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016	Necessary	No		No	Necessary	
	21 NCAC 17 .0120	PETITIONS FOR ADOPTION, AMENDMENT, OR REPEAL OF RULES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016	Necessary	No		No	Necessary	
	21 NCAC 17 .0121	RULE MAKING NOTICE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016	Necessary	No		No	Necessary	
	SECTION .0300 - DIETETIC/NUTRITION STUDENTS OR TRAINEES	21 NCAC 17 .0302	REQUIREMENTS	Amended Eff. March 15, 2023	Necessary	No		No	Necessary
		21 NCAC 17 .0303	SUPERVISION	Amended Eff. March 15, 2023	Necessary	No		No	Necessary
		21 NCAC 17 .0304	RECORDS AND REPORTS	Amended Eff. January 1, 2023	Necessary	No		No	Necessary

G.S. 150B-21.3A Report for 21 NCAC 17, BOARD OF DIETETICS/NUTRITION

Agency - Board of Dietetics/Nutrition

Comment Period - October 23, 2025 - December 28, 2025

Date Submitted to APO - Filled in by RRC staff

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]
	SECTION .0400 - UNLICENSED INDIVIDUALS	21 NCAC 17 .0401	INDIVIDUALS AIDING THE PRACTICE OF DIETETICS OR NUTRITION	Amended Eff March 15, 2023	Necessary	No		No	Necessary
		21 NCAC 17 .0402	INDIVIDUALS PROVIDING NUTRITION INFORMATION	Amended Eff. January 1, 2023	Necessary	No		No	Necessary
		21 NCAC 17 .0403	TELEPRACTICE	Amended Eff. January 1, 2023	Necessary	No		No	Necessary
	SECTION .0500 – INVESTIGATIVE PROCESS, COMPLAINTS, AND ADMINISTRATIVE HEARINGS	21 NCAC 17 .0501	DEFINITIONS	Eff. January 1, 2023	Necessary	No		No	Necessary
		21 NCAC 17 .0502	COMPLAINTS	Eff. January 1, 2023	Necessary	No		No	Necessary
		21 NCAC 17 .0503	INVESTIGATIONS	Eff. January 1, 2023	Necessary	No		No	Necessary
		21 NCAC 17 .0504	RIGHT TO HEARING	Eff. January 1, 2023	Necessary	No		No	Necessary
		21 NCAC 17 .0505	REQUEST FOR HEARING	Eff. January 1, 2023	Necessary	No		No	Necessary
		21 NCAC 17 .0506	GRANTING OR DENYING HEARING REQUEST	Eff. January 1, 2023	Necessary	No		No	Necessary
		21 NCAC 17 .0507	NOTICE OF HEARING	Eff. January 1, 2023	Necessary	No		No	Necessary
		21 NCAC 17 .0508	CONTESTED CASES	Eff. January 1, 2023	Necessary	No		No	Necessary
		21 NCAC 17 .0509	INFORMAL PROCEDURES	Eff. January 1, 2023	Necessary	No		No	Necessary
		21 NCAC 17 .0510	INFORMAL RESOLUTION	Eff. January 1, 2023	Necessary	No		No	Necessary
		21 NCAC 17 .0511	DISQUALIFICATION OF BOARD MEMBERS	Eff. January 1, 2023	Necessary	No		No	Necessary
		21 NCAC 17 .0512	SUBPOENAS	Eff. January 1, 2023	Necessary	No		No	Necessary
		21 NCAC 17 .0513	WITNESSES	Eff. January 1, 2023	Necessary	No		No	Necessary
		21 NCAC 17 .0514	FINAL DECISION	Eff. January 1, 2023	Necessary	No		No	Necessary
		21 NCAC 17 .0515	PROPOSALS FOR DECISION	Eff. January 1, 2023	Necessary	No		No	Necessary
		21 NCAC 17 .0516	DISCIPLINARY COSTS	Eff. January 1, 2023	Necessary	No		No	Necessary
		21 NCAC 17 .0517	DRUG TESTING AND INTERVENTION	Eff. January 1, 2023	Necessary	No		No	Necessary