

**ARTICLE 20.5-01
GENERAL ADMINISTRATION**

Chapter
20.5-01-01 Organization of the Board

**CHAPTER 20.5-01-01
ORGANIZATION OF THE BOARD**

Section
20.5-01-01-01 Organization of the Board of Dietetic Practice

20.5-01-01-01. Organization of the board of dietetic practice.

1. **History and function.** The 1985 legislative assembly passed legislation to license dietitians and nutritionists, codified as North Dakota Century Code chapter 43-44. This chapter requires the governor to appoint a state board of dietetic practice. It is the responsibility of the board to license dietitians and nutritionists.
2. **Board membership.** The board consists of five members appointed by the governor. Three members must be licensed registered dietitians, one other member must be a licensed nutritionist, and one member represents consumer interests. Each board member serves a term of three years. No member may serve more than two successive terms on the board.
3. **Officers.** Officers are elected annually. The board may hire an executive secretary and other employees as it deems necessary.
4. **Inquiries.** Inquiries regarding the board may be addressed to:

North Dakota Board of Dietetic Practice
~~2304 Jackson Avenue~~ 603 Foster Ave NW
~~Bismarck, ND 58501-2273~~ Cooperstown, ND 58425

Email: ndbodp@gmail.com

Phone: 701-253-0700

Fax: 888-681-2813

History: Effective December 1, 1986; amended effective October 1, 1993; July 1, 2009; April 1, 2013.

General Authority: NDCC 28-32-02.1

Law Implemented: NDCC 43-44-03

ARTICLE 20.5-02
INITIAL LICENSURE AND RENEWALS

| | |
|------------|--------------------------------|
| Chapter | |
| 20.5-02-01 | Initial Licensure and Renewals |
| 20.5-02-02 | Code of Ethics |
| 20.5-02-03 | Grievances |

CHAPTER 20.5-02-01
INITIAL LICENSURE AND RENEWALS

| | |
|---------------|----------------------------|
| Section | |
| 20.5-02-01-01 | Licensure Application |
| 20.5-02-01-02 | Initial Licensure |
| 20.5-02-01-03 | Licensure Renewal |
| 20.5-02-01-04 | Fees |
| 20.5-02-01-05 | Continuing Education |
| 20.5-02-01-06 | <u>Provisional License</u> |

20.5-02-01-01. Licensure application.

An application for a license for dietetic practice must be made to the state board of dietetic practice on forms approved by the board found at www.ndbodp.com. The application must contain such information as the board may reasonably require.

1. Each application for a license as a licensed registered dietitian must be accompanied by:
 - a. The prescribed fee; and
 - b. ~~A copy of the certificate indicating~~ Verification of registration by the commission on dietetic registration of the academy of nutrition and dietetics or its predecessor or successor organization.
 - c. A background check or fingerprinting if requested by the board.
2. Each application for a license as a licensed nutritionist must be accompanied by:
 - a. The prescribed fee; and
 - b. Proof that the applicant:
 - (1) ~~Has received a master's or doctorate degree in human nutrition, nutrition education, foods and nutrition, or public health nutrition from an accredited college or university; or a master's or doctorate degree in a related field that meets eligibility requirements of the commission on dietetic registration of the academy of nutrition and dietetics or its predecessor or successor organization; or in a field of nutrition as specified in NDCC 43-44-07 and have completed coursework leading to competence in medical nutrition therapy. A transcript must be mailed or electronically sent to the board from the college or university of origin.~~

a. If the degree is greater than ten years old, the applicant must submit evidence of at least seventy-five continuing professional education units received in the past five years.

~~(2) Has completed and received a baccalaureate degree and a minimum of nine semester hours or twelve quarter hours of academic nutrition credits with at least two semester hours or three quarter hours in advanced nutrition. Such advanced nutrition must have human physiology and either organic chemistry or biochemistry as a prerequisite. For applicants who enroll in a baccalaureate program after August 1, 2000, the applicant's baccalaureate degree must be in the field of dietetics or food and nutrition as approved by the board and from an accredited college or university. If the baccalaureate degree is greater than ten years old, evidence of seventy-five hours of continuing education under section 20.5-02-01-05 must be provided.~~ Has completed a board-approved internship demonstrating competency in nutrition care services and the provision of medical nutrition therapy of not less than 1000 hours. The scope of activities may include up to 300 hours of alternate supervised experiential learning such as observational client-practitioner interactions, simulation, case studies, and role playing, but must also include at least 700 hours in a professional work setting. This experience must be under the supervision of a qualified supervisor as defined in NDCC 43-44-01 and need not be a paid experience. The following shall be necessary to determine and verify the supervised practice experience:

a. The qualified supervisor shall have primary responsibility of all nutrition care services rendered by the individual and have access to all relevant patient records kept during the supervised practice experience. Medical nutrition therapy cannot be provided by the individual without onsite supervision by the supervisor.

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

c. The supervisee must identify as a student or trainee throughout the supervised practice experience.

d. The applicant shall provide to the Board for each supervisor or facility:

1. the name and address of the facility providing the supervised practice experience;

2. the name, address, phone, and title of the supervisor who supervised the supervised practice experience;

3. a summary of nutrition services performed, along with dates, and hours spent performing them documented on a board-approved form;

4. evidence that the supervisor met the requirements of a qualified supervisor as defined in NDCC 43-44-01 at the time of supervision;
and

5. 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:

1. that the applicant participated in nutrition services under his or her supervision, stating the total number of hours for each required category;

2. providing a summary of the nutrition services provided under his or her supervision;

3. attesting that onsite supervision as defined in NDCC 43-44-01 was provided for activities constituting medical nutrition therapy, and general supervision was provided for all other nutrition care services completed by the individual;

4. providing an evaluation of the applicant for the Board to be able to assess the applicant's competence in the areas of nutrition assessment; nutrition intervention, education, counseling, or management; and nutrition monitoring or evaluation for the treatment or management of a disease or medical condition.

(3) Has passed a board-approved examination administered by the board for certification of nutrition specialists or the diplomate examination administered by the American clinical board of nutrition; or has valid certification and has been given the right to use the credential CNS or diplomate of the American clinical board of nutrition.

(4) A background check or fingerprinting if requested by the board.

3. All applications must be signed by the applicant and notarized. Each application for a provisional license must be accompanied by:

a. The prescribed fee;

b. Written confirmation of the date that a board-approved examination is scheduled;

c. Proof of being under the supervision of a North Dakota licensed dietitian or nutritionist; and

d. A background check or fingerprinting if requested by the board.

For individuals applying for a provisional license as a nutritionist, applicants must also submit:

(1) Evidence of successful completion of academic requirements within the past five years. A transcript must be mailed or electronically sent to the board from the college or university of origin;

(2) Evidence of successful completion of supervised practice requirements within the past five years.

4. ~~The board may request such additional information or clarification of information provided in the application as it deems necessary. Each application for limited practice without a license must be accompanied by:~~
 - a. The prescribed fee; and
 - b. Written verification of licensure from the licensing authority, which includes that jurisdiction's requirements for licensure and confirms that the licensee is in good standing.
5. ~~Any applicant who was previously issued a license from the board will have any prior licensing records, including complaints and disciplinary measures taken, applied to the record of the new license All applications must be signed by the applicant and notarized.~~
6. The board may request such additional information or clarification of information provided in the application as it deems necessary.
7. Any applicant who was previously issued a license from the board will have any prior licensing records, including complaints and disciplinary measures taken, applied to the record of the new license.

History: Effective December 1, 1986; amended effective May 1, 1987; October 1, 2000; January 1, 2006; April 1, 2013.

General Authority: NDCC 43-44-03

Law Implemented: NDCC 43-44-07, 43-44-08

20.5-02-01-02. Initial licensure.

An applicant shall be issued a license based on compliance with requirements stated in NDCC 43-44 and the rules in the chapter.

It is the responsibility of the licensee to immediately notify the Board of any change to the licensee contact information, including name change, email address and mailing address.

~~Any person who has maintained membership in the American institute of nutrition, American society for clinical nutrition, or the American board of nutrition, and who can present evidence to the board regarding employment and competence as a nutritionist prior to July 1, 1985, will be granted a license as a licensed registered dietitian or a licensed nutritionist upon application and proof of certification or registration to the board.~~

History: Effective December 1, 1986; amended effective October 1, 2000.

General Authority: NDCC 43-44-03

Law Implemented: NDCC 43-44-09

20.5-02-01-03. Licensure renewal.

For renewals submitted prior to September 30, 2022. Licenses are renewable annually and are effective for a renewal year which runs from October first to the following September thirtieth.

1. Applications for renewal of license will be mailed by the board on or before June first to all licenseholders. Fees are payable to the board on or before July first of the year preceding the renewal year.

2. License fees are considered delinquent and a late charge is assessed if the renewal application is not postmarked on or before July first of the year preceding the renewal year.
3. A licensee may have the licensee's license renewed up to one year after the license has lapsed without submitting a new application. To apply for renewal of a lapsed license, an applicant must submit:
 - a. The renewal form;
 - b. The initial license fee;
 - c. Late charges assessed by the board;
 - d. CPE unit activity form; and
 - e. Commission on dietetic registration card for LRD only.
4. Renewal licenses must be mailed on or before September twentieth of the renewal year if the renewal request is complete and postmarked on or before July first.
5. Notwithstanding the provisions in this section regarding renewal of lapsed licenses, once a license has lapsed, the person who held the lapsed license may not practice as a dietitian or use a title reserved under state law for individuals who are licensed by the board until the person's license is renewed or until a new license is issued. A person whose license has lapsed but who continues to practice as a dietitian or use a restricted title violates state law and this chapter. Such a violation is grounds for denying an application by the former licensee for renewal of the lapsed license or for a new license.

For renewals submitted on or after October 1, 2022. Licenses are renewable annually and are effective for a renewal year which runs from October first to the following September thirtieth.

1. Applications Instructions for renewal of license will be mailed or emailed by the board on or before June first at least 90 days prior to the end of the licensing year to all license holders. Fees are payable to the board on or before July August first of the year preceding the renewal year.
2. License fees are considered delinquent and a late charge is assessed if the renewal application is not postmarked on or before July August first of the year preceding the renewal year.
3. A licensee may have the licensee's license renewed up to one year after the license has lapsed without submitting a new application. To apply for renewal of a lapsed license, an applicant must submit:
 - a. The renewal form;
 - b. The initial renewal license fee;
 - c. Late charges assessed by the board;
 - d. CPE unit activity form; Confirmation of compliance with continuing education requirements; and

- e. Commission on dietetic registration card for LRD only. Verification of current registration as a registered dietitian nutritionist with the commission on dietetic registration or certification as a certified nutrition specialist or diplomate of the American clinical board of nutrition. Licensed nutritionists who are grandfathered in do not need to meet this requirement.
4. Renewal licenses must be mailed ~~mailed~~ emailed on or before September ~~twentieth~~ thirtieth of the renewal year if the renewal request is complete and postmarked on or before July ~~August~~ first.
 5. Notwithstanding the provisions in this section regarding renewal of lapsed licenses, once a license has lapsed, the person who held the lapsed license may not practice as a dietitian or nutritionist or use a title reserved under state law for individuals who are licensed by the board until the person's license is renewed or until a new license is issued. A person whose license has lapsed but who continues to practice as a dietitian or nutritionist or use a restricted title violates state law and this chapter. Such a violation is grounds for denying an application by the former licensee for renewal of the lapsed license or for a new license.

History: Effective December 1, 1986; amended effective October 1, 2000; January 1, 2006.

General Authority: NDCC 43-44-03

Law Implemented: NDCC 43-44-03, 43-44-14

20.5-02-01-04. Fees.

The board has adopted the following fee payment schedule:

1. Initial license fee:

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| Licensed registered dietitian | \$ 60 <u>75</u> .00 |
| Licensed nutritionist | \$ 60 <u>75</u> .00 |
| Limited permit <u>Provisional license</u> | \$25.00 |
| <u>Provisional licensee exam passage</u> | \$ <u>50</u> .00 |
| <u>Limited practice without a license</u> | \$ <u>25</u> .00 |

2. License fees for renewal are:

| | |
|--|-------------------------------|
| Licensed registered dietitian | \$ 4 <u>50</u> .00 |
| Licensed nutritionist | \$ 4 <u>50</u> .00 |
| Limited permit <u>Provisional license</u> | \$25.00 |

3. Late fees in the amount of ~~ten dollars per month~~ fifty percent of the renewal fee must be charged for all applications received by the board which are postmarked after July August first of the year prior to the year of renewal.
4. ~~An application for a new license from a person whose license has lapsed within the last twelve months will be treated as an application for renewal of the lapsed license and must be accompanied by all applicable late fees. Initial and renewal licensing fees are~~

nutritionist examination or the certified nutrition specialist examination or the diplomate of the American clinical board of nutrition examination.

1. A provisional license shall be issued for the period of time up to the scheduled examination date and upon the applicant completing the requirements for application as referenced in section 20.5-02-01-01.
2. Following the successful passing of one of the licensing examinations, the provisionally licensed dietitian or nutritionist may apply for licensure as a registered dietitian or nutritionist and shall be required to pay a licensing fee of fifty dollars.
3. If the provisionally licensed dietitian or nutritionist does not successfully pass the licensing examination, the provisionally licensed dietitian or nutritionist may renew a maximum of one time until the date of the next examination, at which time the provisional license expires and must be surrendered to the board.

History: Effective

General Authority: NDCC 43-44-12

Law Implemented: NDCC 43-44-12

CHAPTER 20.5-02-02
CODE OF ETHICS

Section

20.5-02-02-01 Code of Ethics

20.5-02-02-02 Unacceptable Professional Conduct

20.5-02-02-01. Code of ethics.

~~The board has adopted and incorporated into these rules by reference, the code of ethics for the profession of dietetics and review process for alleged violations of the academy of nutrition and dietetics or its predecessor or successor organization, as revised June 1, 1999.~~

Licensees shall comply with the following code of ethics in their professional practice and conduct. The code reflects the ethical principles of the dietetic and nutrition professional and outlines obligations of the licensee to self, client, society, and the profession and sets forth mandatory standards of conduct for all licensees.

1. The licensee shall provide professional services with objectivity and with respect for the unique needs and values of individuals as determined through the nutritional assessment.

2. The licensee shall conduct all practices of dietetics or nutrition with honesty and integrity.

3. The licensee shall present substantiated information and interpret controversial information without personal bias, recognizing that legitimate differences of opinion exist.

4. The licensee shall practice dietetics or nutrition based on scientific principles and current information.

5. The licensee shall assume responsibility and accountability for personal competence in practice.

6. The licensee shall inform the public of his or her services by using factual information and shall not advertise in a false or misleading manner.

7. The licensee shall not exercise undue influence on a client, including the promotion or the sale of services or products. The licensee shall be alert to any conflicts of interest and shall provide full disclosure when a real or potential conflict of interest arises.

8. The licensee shall not reveal information about a client obtained in a professional capacity, without prior consent of the client, except as authorized or required by law and shall make full disclosure about any limitations on his or her ability to guarantee this.

9. The licensee shall recognize and exercise professional judgment within the limits of the licensee's qualifications and shall not accept or perform professional responsibilities which the licensee knows or has reason to know that he or she is not qualified to perform.

10. The licensee shall take action, with prior consent of the client, to inform a client's physician or other health care practitioner in cases where a client's nutritional status indicates a change in health status.

11. The licensee shall give sufficient information based on the client's ability to process information such that the client can make his or her own informed decisions. The licensee shall not guarantee that nutrition care services will cause any certain outcome or particular result for the client.

12. The licensee shall permit use of that licensee's name for the purpose of certifying that dietetic or nutrition services have been rendered only if the licensee has provided or supervised those services.

13. The licensee shall demonstrate professionalism and respect in all communication, including social media.

History: Effective December 1, 1986; amended effective October 1, 2000; April 1, 2013.

General Authority: NDCC 43-44-03

Law Implemented: NDCC 43-44-03

20.5-02-02-02. Unacceptable professional conduct.

The following constitute unacceptable professional conduct by a licensed registered dietitian or nutritionist and shall subject such licensee or potential licensee to discipline, revocation of licensure, and or sanction:

1. Taking financial advantage of a client, or using one's position within an agency to enhance one's private practice or the private practice of others for personal gain.
2. Entering into any illegal acts with a client.
3. Participating in, condoning, or being an accessory to dishonesty, fraud, deceit, or misrepresentation in the practice of dietetics or nutrition.
4. Not providing clients with accurate and complete information regarding the extent and nature of the services available to them.
5. Convicted of a criminal act which affects the practice of the profession. (North Dakota Century Code section 12.1-33-02.1).
6. Violating any federal or state confidentiality client care regulation statutes.
7. Violating any federal or state discrimination statutes or regulations.
8. ~~Refusal to~~ Not seeking adequate and appropriate treatment for any illness or disorder which interferes with professional functioning or ability to perform the basic expected functions, or both, of a dietitian or a nutritionist.
9. Using misrepresentation in the procurement of licensing as a dietitian or nutritionist or knowingly assisting another in the procurement of licensing through misrepresentation. Misrepresentation of professional qualifications, certifications, accreditations, affiliation, and employment experiences.

10. Failure to report through the proper channels the incompetent, unethical, or illegal practice of any licensed dietitian or nutritionist who is providing such service.
11. Participating in activities that constitute a conflict of professional interest and adversely affect the licensee's ability to provide dietetic or nutrition services.
12. ~~Violating any of the principles of ethics as listed in the code of ethics for the profession of dietetics and review process for alleged violations of the academy of nutrition and dietetics or its predecessor or successor organization as revised June 1, 1999. Being disciplined by an agency of another state that regulates the practice of dietetics or nutrition and at least one of the grounds for the discipline is the same or substantially equivalent to the grounds for discipline in this state.~~
13. Providing any inaccurate, misleading, or false information to the board regarding a licensure action.
14. Providing inaccurate or incompetent services to a client which present a risk of harm to the client, even if harm does not actually occur.

History: Effective June 1, 1991; amended effective October 1, 2000; April 1, 2013.

General Authority: NDCC 43-44-03

Law Implemented: NDCC 43-44-03

**CHAPTER 20.5-02-03
GRIEVANCES**

Section

20.5-02-03-01 Grievance Procedure

20.5-02-03-01. Grievance procedure.

Grievances must be processed in accordance with the provisions of North Dakota Century Code chapter 28-32.

History: Effective December 1, 1986.

General Authority: NDCC 43-44-03

Law Implemented: NDCC 28-32-05