

## 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.

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

Bismarck, ND 58501-2273

**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

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### **CHAPTER 20.5-02-01**

## **INITIAL LICENSURE AND RENEWALS**

Section

20.5-02-01-01 Licensure Application

20.5-02-01-02 Initial Licensure

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**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. 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 registration by the commission on dietetic registration of the academy of nutrition and dietetics or its predecessor or successor organization.

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

(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.

3. All applications must be signed by the applicant and notarized.

4. The board may request such additional information or clarification of information provided in the application as it deems necessary.

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.

**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.** 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.** 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.

**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:

Licensed registered dietitian \$60.00

Licensed nutritionist \$60.00

Limited permit \$25.00

2. License fees for renewal are:

Licensed registered dietitian \$45.00

Licensed nutritionist \$45.00

Limited permit \$25.00

3. Late fees in the amount of ten dollars per month must be charged for all applications received by the board which are postmarked after July 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.

5. Dietetic practitioners who initially become licensed after August first of any year are exempt from licensure renewal for a period of one year.

6. Limited permits are issued for one year and are renewable for one additional six-month period. On receipt of notification of change in status to registered dietitian, no additional fee is charged until renewal time, at which time the initial fee would be due.

**History:** Effective December 1, 1986; amended effective October 1, 1993; October 1, 2000; January 1, 2006.

**General Authority:** NDCC 43-44-03

**Law Implemented:** NDCC 43-44-03, 43-44-05, 43-44-12

**20.5-02-01-05. Continuing education.** To renew a license, a person must present proof of having attended continuing education approved by the board. The LRD licensee must have attended at least seventy-five hours of continuing education in the licensee's five-year recertification cycle. The five-year recertification cycle for licensed registered dietitians is based on the commission on dietetic registration's recertification cycle. For the licensed nutritionist, it is based on the year of initial licensure. The applicant must retain evidence of having attended the continuing education hours and submit upon request.

Continuing education courses must be related to or increase the professional competence of the attendee. This determination will be made by the board through approval of requested courses. If any licensee allows the licensee's license to lapse for a period of more than one year, the licensee may be required to submit proof of completion of at least fifteen clock-hours of continuing education for each year that the licensee's license has lapsed up to a total of seventy-five hours.

**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

## **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

## **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.

**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 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.
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 seek 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 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 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.

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