North Carolina Board of Dietetics/Nutrition

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GUIDELINE C

UNLICENSED INDIVIDUALS AIDING THE PRACTICE OF DIETETICS/NUTRITION VERSUS PROVISIONALLY LICENSED DIETITIANS/NUTRITIONISTS

The following information is intended for students who have completed the academic and supervised practice experience requirements necessary for North Carolina licensure, but have not yet passed one of the exams recognized by the North Carolina Board of Dietetics/Nutrition (the NCBDN).

North Carolina General Statute 90-368(4) allows for an unlicensed person to aid in the practice of dietetics/nutrition when that person works under the **direct supervision** of a North Carolina licensed dietitian/nutritionist, licensed nutritionist, or other licensed health care practitioner whose licensed scope of practice includes the practice of dietetics or nutrition. In contrast, under § 90-361, a provisionally licensed dietitian/nutritionist (PLDN) or a provisionally licensed nutritionist (PLN),[1] is allowed to practice as a dietitian/nutritionist or nutritionist under the **supervision** of a dietitian/nutritionist or nutritionist licensed in North Carolina.

Direct supervision for those individuals aiding in the practice of dietetics/nutrition is defined in the North Carolina Administrative Code under 21 NCAC 17.0401(3). **Direct supervision** means that a licensed practitioner shall:

> (A) be available for consultation on delegated nutrition care activities being performed by the person being supervised, either through on-site or through electronic communication, and shall be available to render assistance when needed to the unlicensed personnel and patient or client, or shall have arranged for another licensee to be available in the absence of the licensed dietitian/nutritionist; provided that the licensed dietitian/nutritionist shall be on-site at the service delivery site and within audible and visual range of any unlicensed personnel person described in Subparagraph (b)(3) of this Rule for the provision of any nutrition care activities;
> (B) directly and personally examine, evaluate and approve the acts or functions of the person supervised; and
> (C) meet with the unlicensed personnel in a joint effort to establish, maintain and elevate a level of performance to ensure the health, safety and welfare of clients or patients during the provision of nutrition care activities, and provide sufficient guidance and direction as to enable the unlicensed personnel to competently perform the delegated activity or function.

Under 21 NCAC 17.0401, North Carolina regulations further provide the following regarding the **direct supervision** of unlicensed persons assisting in the practice of dietetics/nutrition:

> (c) The licensed dietitian/nutritionist may delegate nutrition care activities to unlicensed personnel that are appropriate to the level of knowledge and skill of the unlicensed personnel. The licensed dietitian/nutritionist shall be responsible for the initial and ongoing determination of the competence of the unlicensed personnel to perform any delegated acts or functions. Delegation of nutrition care activities shall be in writing and shall identify the patient or client and the act or function assigned to the unlicensed personnel. The licensed dietitian/nutritionist shall supervise the nutrition care activities of the unlicensed personnel and maintain responsibility for nutrition care activities performed by all

[1] North Carolina General Statute § 90-361 provides that "the Board may grant a provisional license for a period not exceeding 12 months to any individual who has successfully completed the educational and clinical practice requirements and has made application to take the examination required" so long as the PLDN or LN practices under the supervision of dietitian/nutritionist licensed in this State.

personnel to whom the care is delegated. The licensed dietitian/nutritionist shall not delegate the entire spectrum of nutrition care services, but may delegate specific acts and functions which support the licensed dietitian/nutritionist's provision of nutrition care services. The licensed dietitian/nutritionist shall have the responsibility for clinical record keeping, and shall ensure that case notes and other records of services identify whether the licensed dietitian/nutritionist or the unlicensed personnel was the direct provider of the service.

(d) The following variables shall be considered by the licensed dietitian/nutritionist in determining whether or not an activity or function may be delegated to unlicensed personnel:

1) knowledge and skills of the unlicensed personnel which include both basic educational and experience preparation and continuing education and experience;

(2) the competence of the unlicensed personnel for the activity or function;

(3) the variables in each service setting which include:

(A) the complexity and frequency of nutrition care needed by a given client population;

(B) the acuity and stability of the client's condition; and

(C) established policies, procedures, practices, and channels of communication of the facilities where the delegated activities or functions are being performed which lend support to the types of nutrition care activities being delegated, or not delegated, to unlicensed personnel; and16

(4) whether the licensed dietitian/nutritionist has the skills, experience and ability to competently supervise the unlicensed personnel for the activity or function.

In short, if one is not provisionally licensed or otherwise exempt, and is aiding in the practice of dietetics or nutrition, one must practice under the **direct supervision** of a licensed dietitian/nutritionist, licensed nutritionist, or other licensed health care practitioner whose licensed scope of practice includes the practice of dietetics or nutrition, which includes the supervising licensee taking full responsibility for the clinical record keeping, and thus co-signing all of the clinical notes the unlicensed persons drafts.

In contrast, if one becomes provisionally licensed in North Carolina, one can practice as a dietitian/nutritionist or nutritionist under the **supervision** of a licensed dietitian/nutritionist or licensed nutritionist. What supervision looks like once one becomes a PLDN or PLN is not clearly defined in the statute or rules, but the NCBDN takes the position that the supervision required of a PLDN or PLN is less than the **"direct supervision,"** defined under 21 NCAC 17.0401, which is required of an unlicensed person. That being noted, when deciding how much supervision of a PLDN or PLN is required, it may be prudent for the licensed dietitian/nutritionist or licensed nutritionist to still consider and apply the variables outlined in 21 NCAC 17.0401(d), which are detailed above.

Once the LDN or LN has determined the PLDN's or PLN's level of competence, in accord with the facility's policies and accreditation requirements, the LDN or LN may decide how much supervision is required of the PLDN or PLN, and what activities the PLDN or PLN is competent to handle. If the supervising LDN or LN is confident in the competence level of the PLDN or PLN, so long as it is in line with the facility's policies, the LDN or LN is not necessarily required to co-sign the clinical notes drafted by the PLDN or PLN. But, the LDN or LN should remain mindful, that in choosing to serve as a supervisor, the LDN or LN, along with the PLDN or PLN, shall remain responsible for all consequences arising from the PLDN's or PLN's practice of dietetics and/or nutrition.

This document has been reviewed and approved by the North Carolina Board of Dietetics/Nutrition for use as a guideline only. It is provided to help unlicensed persons better understand the North Carolina Dietetics/Nutrition Practice Act. It is not all inclusive or exclusive. This guideline is provided as information only, and is not intended to address any specific case scenario. This document should not be construed to impose any requirements or limitations on unlicensed persons in addition to those set forth in the Act and Rules. Similarly, this document in no way enlarges the Board's civil liability, and alleged violations of the guidance set forth in this document shall not be considered in any proceeding against the Board. In the event of a conflict between this document and the North Carolina Dietetics/Nutrition Practice Act and associated Rules, the Act and Rules will govern.

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