



North Carolina Board of Dietetics/Nutrition

Bylaws

Article I – Name and Location

Section 1.

The name of the quasi-governmental agency shall be the North Carolina Board of Dietetics/Nutrition, hereinafter referred to as the NCBDN or the Board.

Section 2.

The Board address is: 1135 Kildaire Farm Road, Suite 200, Cary, North Carolina 27511.

Article II – Purpose

Section 1.

The Board was created by an act of the General Assembly and receives its statutory authority from Article 25 of Chapter 90 of the General Statutes, hereinafter referred to as the Act.

Section 2.

The purpose of this Board is to safeguard the public health, safety and welfare, and to protect the public from being harmed by unqualified persons by providing for the licensure and regulation of persons engaged in the practice of dietetics or nutrition and by the establishment of educational standards for those persons.

Article III – Composition of the Board

Section 1.

- (1) The Board shall consist of seven members: Three members shall be dietitian/nutritionists licensed under the Act.
- (2) Two members shall be nutritionists licensed under the Act.
- (3) One member shall be a physician licensed under Article 1 of Chapter 90 of the General Statutes.
- (4) One member shall not be licensed under this Article and shall represent the public at large.

Section 2.

The professional members of the Board shall:

- (1) Be citizens of the United States and residents of this state;
- (2) Have practiced in the field of dietetics/nutrition for at least three years; and
- (3) Be licensed under the Act.

Section 3.

The licensed physician member of the Board shall be a citizen of the United States and a resident of North Carolina.

Section 4.

The member appointed from the public at large shall be a citizen of the United States and a resident of North Carolina and shall not be any of the following:

- (1) A dietitian/nutritionist or nutritionist;
- (2) An agent or employee of a person engaged in the profession of dietetics or nutrition;
- (3) A licensed health care professional or a person enrolled in a program to become prepared to be a licensed health care professional;
- (4) An agent or employee of a health care institution, a health care insurer, or a health care professional school;
- (5) A member of any allied health profession or enrolled in a program to become prepared to be a member of an allied health profession; or
- (6) The spouse of an individual who is not eligible to serve as a public member of the Board.

Section 5.

The members of the Board shall be appointed as follows:

- (1) The Governor shall appoint the following members:
 - a. One licensed dietitian/nutritionist as described G.S. 90-353(a1)(1), who shall be an educator on the faculty of a college or university accredited at the time from the appropriate regional accrediting agency recognized by the Council on Higher Education Accreditation and the United States Department of Education, specializing in the field of dietetics or nutrition.
 - b. The licensed physician as described in G.S. 90-353(a1)(3).
 - c. The public member as described in G.S. 90-353(a1)(4).
- (2) The General Assembly upon the recommendation of the Speaker of the House of Representatives shall appoint one licensed dietitian/nutritionist as described in G.S. 90-353(a1)(1) and one licensed nutritionist as described in G.S. 90-353(a1)(2), both in accordance with G.S. 120-121. One of these appointees shall be a dietitian/nutritionist or a nutritionist whose primary practice is clinical dietetics or nutrition in a hospital or long-term care institution regulated under Article 5 or Part 1 of Article 6 of Chapter 131E of the General Statutes.
- (3) The General Assembly upon the recommendation of the President Pro Tempore of the Senate shall appoint one licensed dietitian/nutritionist as described in G.S. 90 353(a1)(1) and one licensed nutritionist as described in G.S. 90 353(a1)(2), both in accordance with G.S. 120-121. One of these appointees shall be a dietitian/nutritionist or a nutritionist whose primary practice is consulting in, or the private practice of, dietetics or nutrition.

Section 6.

Members of the Board shall:

- (1) Take office on the first day of July immediately following the expired term of that office; and
- (2) Serve for a term of three years and until their successors are appointed and qualified.

Section 7.

No member shall serve on the Board for more than two consecutive terms unless the Board member is continuing to serve while waiting for a successor to be appointed and qualified.

Section 8.

- (a) The Governor may remove members of the Board, after notice and opportunity for hearing, for:
- (1) Incompetence;
 - (2) Neglect of duty, which shall mean:

- (A) Failure to attend 75% of all regularly scheduled meetings of the Board during the Board's fiscal calendar year;
 - (B) Failure to attend meetings or to participate in committees to which appointment was accepted; or
 - (C) Failure to respond to mail referenda without justification;
- (3) Unprofessional conduct;
 - (4) Conviction of any felony;
 - (5) Failure to meet the qualifications of the Act; or
 - (6) Committing any act prohibited by the Act.
- (b) Opportunity for hearing shall be defined as:
- (1) A receipt of a certified letter stating reasons for possible removal from the Board; and
 - (2) Opportunity to be heard by the Board.

Section 9.

A Board vacancy shall be filled by the appointing authority originally filling that position. Vacancies in appointments by the General Assembly shall be filled in accordance with G.S. 120-122.

Article IV – Functions

The Board shall:

- (1) Determine the qualifications and fitness of applicants for licenses, renewal of licenses, and reciprocal licenses.
- (2) Adopt rules necessary to conduct its business, carry out its duties, and administer the Act.
- (3) Adopt and publish a code of ethics.
- (4) Deny, issue, suspend, revoke, and renew licenses in accordance with the Act.
- (5) Conduct investigations, subpoena individuals and records, and do all other things necessary and proper to discipline persons licensed under the Act and to enforce the Act.
- (6) Employ professional, clerical, investigative or special personnel necessary to carry out the provisions of the Act, and purchase or rent office space, equipment, and supplies.
- (7) Adopt a seal by which it shall authenticate its proceedings, official records, and licenses.
- (8) Conduct administrative hearings in accordance with Article 3A of Chapter 150B of the General Statutes when a "contested case" as defined in G.S. 150B-2(2) arises under the Act.
- (9) Establish reasonable fees for applications for examination; initial, provisional, and renewal licenses; and other services provided by the Board.
- (10) Submit an annual report to the Governor and General Assembly of all its official actions during the preceding year, together with any recommendations and findings regarding improvements of the practice of dietetics or nutrition.
- (11) Publish and make available upon request the licensure standards prescribed under the Act and all rules adopted by the Board.
- (12) Request and receive the assistance of State educational institutions or other State agencies.
- (13) Approve and evaluate continuing education requirements for persons seeking to renew licensure under the Act.
- (14) Publish, and make available to the public, records of any Board action resulting in any disciplinary action taken by the Board or criminal action taken by the State for any violation of the Act.
- (15) Request that the Department of Public Safety conduct criminal history record checks of applicants for licensure pursuant to G.S. 143B-966.

- (16) Comply with all rules and regulations of the North Carolina Ethics Commission regarding conflict of interest, appearance of conflict of interest, rules of conduct, and statement of economic interest.

Article V – Meetings

Section 1.

The Board shall hold at least four meetings a year. At each meeting such business that comes within the jurisdiction of the Board may be transacted. The time and place of meetings shall be fixed by the Chair. Notice for regularly scheduled public meetings shall be given to Board members and the public at least seven days prior to the date of the meeting.

Section 2.

Additional meetings of the Board may be called by the Chair or by request to the Chair from any two Board members.

Section 3.

Between meetings of the Board the Chair, or the Executive Director/Secretary acting under the supervision of the Chair, may submit any matters, which in his/her opinion require immediate action, to each member of the Board by post or electronic mail, to obtain a referendum. The votes shall be cast by post or electronic mail. Such action shall be ratified at the next scheduled meeting of the Board.

Section 4.

The Board shall hold meetings in accordance with Chapter 143, Article 33C of the North Carolina General Statutes, which states that all meetings be open to the public. Pursuant to Chapter 143, Article 33, the Board may hold a closed meeting for the following exceptions:

- (1) To prevent the disclosure of information that is privileged or confidential pursuant to Chapter 132 of the General Statutes;
- (2) To prevent the premature disclosure of an honorary degree, scholarship, prize or similar award;
- (3) To consult with an attorney employed or retained by the Board in order to preserve the attorney-client privilege between the attorney and the Board;
- (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the Board;
- (5) To establish, or to instruct the Board's staff or negotiating agents concerning the position to be taken by or on behalf of the Board in negotiating the price of a contract or proposed contract for the acquisition of real property or the amount of compensation and other material terms of an employment contract or proposed employment contract;
- (6) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct;
- (7) To investigate, examine, or determine the character and other qualifications of applicants for licensure or to take disciplinary action against persons holding such licenses; and
- (8) To prepare, approve, administer, or grade examinations for licensure.

Section 5.

The Board may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in Section 4.

Section 6

In accordance with North Carolina General Statute §143-318.18 the Board or a Committee of the Board may meet outside of a regularly scheduled public meeting to investigate, examine, or determine the character and other qualifications of applicants for professional or occupational licenses or certificates or to take disciplinary actions against persons holding such licenses or certificates, (i) while preparing, approving, administering, or grading examinations or (ii) while meeting with respect to an individual applicant for or holder of such a license or certificate.

Section 7.

The majority of the Board members shall constitute a quorum. The approval of the competency examination shall require a vote of two-thirds of the entire Board.

Section 8.

Robert's Rules of Order Newly Revised shall guide the proceedings of meetings of the Board in all cases in which they are not inconsistent with these Bylaws, the Act, and the Rules.

Section 9.

Each member of the Board shall receive reimbursement for travel, meals, and lodging expenses incurred on official Board business and a per diem, in accordance with the North Carolina General Statutes, and the policies and procedures of the Board.

Article VI – Officers

Section 1.

The officers of the Board shall consist of a Chair, a Vice-Chair, a Secretary, and a Treasurer.

Section 2.

Qualifications:

- (1) Members of the Board shall be eligible to serve as officers until their term ends and until their successors are appointed and qualified.
- (2) The Chair shall have served on the Board for 6 months prior to being elected to office.
- (3) Officers shall be elected by a majority of the members of the Board.

Section 3.

Term of office:

- (1) The officers shall be elected and serve for a term of one year or until their successors are elected.
- (2) An officer shall serve no more than six consecutive years unless the officer is continuing to serve while waiting for a successor to be appointed and qualified.

Section 4.

Election of Officers:

- (1) The election of officers shall take place annually at the first meeting scheduled after June 30 of that year.
- (2) A majority vote shall elect the officers. If a candidate does not receive a majority vote on the first ballot, re-balloting shall be limited to the two nominees receiving the highest number of votes. In case of a tie on the re-balloting the choice shall be determined by lot.

(3) Officers shall assume duties at the close of the session at which they are elected.

Section 5.

Duties of Officers:

(1) The Chair shall:

- (a) Preside at all meetings of the Board;
- (b) Preside at all public hearings;
- (c) Prepare, in consultation with the Board and staff, the agenda for any meeting of the Board;
- (d) Appoint committees of the Board, and, to the extent authorized by the Board, other committees and personnel not otherwise provided for in the bylaws;
- (e) Fill all vacant officer positions otherwise not provided for;
- (f) Negotiate or delegate a qualified representative of the Board to negotiate contracts as authorized by the Board except those contracts of routine type authorized by the Board, which shall be signed by the Executive Director/Secretary;
- (g) Retain the right to vote on all matters before the Board, casting that vote at the same time all voters cast their votes;
- (h) Serve or delegate a qualified representative of the Board in its contacts with governmental, civic, business, professional, and other organizations;
- (i) Set dates for Board meetings;
- (j) Serve as a signature for checks. Co-sign monthly checks when available, which are in excess of \$5000, submitted by the Treasurer. Authorize Executive Director/Secretary as a signature on checks;
- (k) Authorize payment in the absence or inability of the Treasurer to authorize payment;
- (l) Keep the Vice-Chair current on all Board business;
- (m) Review written reports from Board members, committees, government agencies, professional associations, and other organizations;
- (n) Provide direction to the Office of the Executive Director/Secretary in the preparation of the annual report;
- (o) Lead the Human Resource Committee and direct the Board in performance review of employees and contract services;
- (p) Have general powers of supervision and active management usually vested in that office.

(2) The Vice-Chair shall:

- (a) Be knowledgeable of all duties of the Chair and keep current on all Board business;
- (b) Perform the duties of the office of the Chair in the absence or disability of the Chair;
- (c) Assist Chair when delegated to serve as official representative of the Board in its contacts with governmental, civic, business, professional, and other organizations;
- (d) Assist Chair with rulemaking procedures;
- (e) Direct special task forces appointed by the Board;
- (f) Serve on the Human Resource Committee and assist with performance review of employees; and
- (g) Perform other duties as assigned.

(3) The Secretary shall:

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- (a) Be responsible for taking notes of all proceedings of each Board meeting and public hearing;
 - (b) Provide draft minutes from each meeting to the Executive Director/Secretary for editing;
 - (c) Approve the original draft minutes before they are distributed to the Board for review and approval;
 - (d) Provide direction as needed for the maintenance of an up-to-date file of original minutes approved by the Board at the Office of the Executive Director/Secretary and the distribution of copies to all Board members;
 - (e) Providing direction as needed to the Executive Director/Secretary in maintaining a current roster of the Board for distribution to members;
 - (f) Perform the duties of the office of Chair in the absence of the Chair and the Vice-Chair; and
 - (g) Perform other duties as assigned.
- (4) The Treasurer shall:
- (a) Provide direction as needed to the office of the Executive Director/Secretary in maintaining full and accurate financial accounts;
 - (b) Review, as needed, the deposit slips and fee spreadsheets made by the Office of the Executive Director/Secretary for accuracy in mathematical computations, account assignment, and for compliance with the law, rules, policies, and procedures;
 - (c) Review monthly disbursement sheets, invoices, direct deposits, and bank statements as prepared by the Office of the Executive Director/Secretary;
 - (d) Serve as a signature on checks or provide electronic approval of checks: 1) in excess of \$5000; 2) for payroll of Executive Director/Secretary (if Direct Deposit is not utilized); and/or for benefit of Executive Director/Secretary;
 - (e) Review, approve, and co-sign expense reimbursement requests for Board Members and Employees;
 - (f) Review monthly financial statements for accuracy and present financial report to the Board at each regularly scheduled meeting;
 - (g) Provide direction as needed to the Office of the Executive Director/Secretary and the contracted CPA firm in the timely completion of the annual financial audit of the Board, including the preparation of the Comprehensive Annual Financial Report for the Office of the State Controller;
 - (h) Present the final report of the annual financial audit to the Board and direct the Office of the Executive Director/Secretary to make copies available to each Board member and the Office of the State Controller, the Office of State Budget & Management, the Office of Attorney General, the Joint Legislative Administrative Oversight Committee, the Department of Secretary of State, and the Office of the State Auditor;
 - (i) Provide direction as needed to the Office of the Executive Director/Secretary in the timely completion of the annual *Self-Assessment of Internal Controls Questionnaire* and *Letter of Certification* required by the State Controller;
 - (j) Assist the Executive Director/Secretary with the contract bids for CPA services every 3 years;
 - (k) Work with the Executive Director/Secretary to prepare the annual budget for review by the Board, present the final budget to the Board for approval, and provide copies of the budget to each Board member;
 - (l) Serve on the NCBDN Human Resource Committee and assist with performance review of employees;

- (m) Perform the duties of the office of the Chair in the absence or disability of the Chair, Vice-Chair, and Secretary; and
- (n) Perform other duties as assigned.

Article VII – Amendments and Suspension of Bylaws

Section 1.

- (a) Bylaws may be amended by a vote of two-thirds of all the members of the Board. This vote may occur at any meeting of the Board, provided:
 - (1) The proposed amendment has been circulated to each member of the Board at least ten (10) days prior to the meeting in which the vote will be taken; and
 - (2) That no amendment shall be made which is in conflict with the Constitution, General Statutes, and Rules.
- (b) In the event that a Board member is unable to attend the meeting at which the Bylaws are to be considered, the use of an absentee ballot is authorized for that Board member. The ballot will remain sealed until the vote is counted on the proposed Bylaw amendment(s).

Section 2.

Any article or section of the Bylaws may be suspended at any regular or special meeting of the Board for that meeting by consent of two-thirds of the total Board membership.

These Bylaws were amended on January 7, 2002; July 22, 2002; October 25, 2002, October 20, 2003, September 22, 2004, January 8, 2006, April 2, 2008, August 5, 2009, October 22, 2012, September 14, 2015, October 16, 2017, September 23, 2020; July 14, 2021.