

SECTION .0400 - UNLICENSED INDIVIDUALS

21 NCAC 17 .0401 INDIVIDUALS AIDING THE PRACTICE OF DIETETICS OR NUTRITION

(a) As used in this Section, the following terms and phrases, which have not already been defined in Article 25 of Chapter 90 of the General Statutes shall have the meanings specified:

- (1) "Direct supervision" as referenced in G.S. 90-368(4) means that a licensed dietitian/nutritionist, licensed nutritionist, or other licensed health care practitioner whose licensed scope of practice includes the practice of dietetics or nutrition 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, licensed nutritionist, or other licensed health care practitioner whose licensed scope of practice includes the practice of dietetics or nutrition;
 - (B) directly and personally examine, evaluate, and approve the acts or functions of the person supervised; and
 - (C) provide sufficient guidance and direction as to enable the unlicensed personnel to perform the delegated activity or function.
- (2) "Nutrition care activities" means activities performed by unlicensed personnel that are delegated by licensed dietitians/nutritionists, licensed nutritionists, or other licensed health care practitioners whose licensed scope of practice includes the practice of dietetics or nutrition in accordance with Paragraphs (b), (c), and (d) of this Rule and that support the provision of medical nutrition therapy as referenced in G.S. 90-352(3a).

(b) The licensed dietitian/nutritionist, licensed nutritionist, or other licensed health care practitioner whose licensed scope of practice includes the practice of dietetics or nutrition:

- (1) may delegate nutrition care activities to unlicensed personnel that are appropriate to the level of knowledge and skill of the unlicensed personnel;
- (2) 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;
- (3) shall supervise the nutrition care activities of the unlicensed personnel and maintain responsibility for nutrition care activities performed by all personnel to whom the care is delegated;
- (4) shall not delegate the entire spectrum of medical nutrition therapy but may delegate specific acts and functions which support the licensed professional's provision of medical nutrition therapy; and
- (5) shall have the responsibility for clinical record documentation.

(c) The following variables shall be considered by the licensed dietitian/nutritionist, licensed nutritionist, or other licensed health care practitioner whose licensed scope of practice includes the practice of dietetics or nutrition 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; and
- (4) whether the licensed dietitian/nutritionist, licensed nutritionist, or other licensed health care practitioner whose licensed scope of practice includes the practice of dietetics or nutrition has the skills, experience, and ability to supervise the unlicensed personnel for the activity or function.

(d) Tasks, treatments, or interventions that may not be delegated include, but are not limited to:

- (1) assessments of data, problem identification, and outcome evaluation;
- (2) tasks, treatments, or intervention that require a license; and

- (3) any and all aspects of care or activities that require independent clinical judgment or knowledge by a licensee.

*History Note: Authority G.S. 90-356(2); 90-368(4);
Eff. March 1, 1996;
Amended Eff. May 1, 2010; July 18, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016;
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