



Council of Holistic Health Educators

North Carolina Dietetics Practice Act Guidance for Unlicensed Practitioners

September 27, 2018

Note: Information contained within this document is not offered as legal advice and should not be used as a substitute for seeking professional legal advice. While a new law has been passed, there may be additional regulations codified based on that law in the future.

On June 25th, 2018 North Carolina Governor Roy Cooper signed into law H.B. 357, creating a new exemption for the unlicensed providing of nutrition advice. Specifically, anyone may now provide “nutrition information, guidance, encouragement, individualized nutrition recommendations, or weight control services” without a license, so long as these actions are not for the purpose of diagnosing, treating, or curing a medical condition. Further, no individual may hold themselves out to be “a licensed dietitian/nutritionist or a licensed nutritionist” unless they are otherwise licensed.

Analysis

The new exemption allows holistic practitioners to perform most of the services provided by their education and training for remuneration, namely individualized meal planning, food recommendations, as well as education and recommendation (but not prescribing) of dietary supplements. However the use of “functional” evaluations where a practitioner is in physical contact with a client is still off limits to those who are not expressly authorized under the law.

To be exempt from licensure, holistic practitioners shall not practice “medical nutrition therapy” which is defined as the “provision of nutrition care services for the *purpose* of managing or treating a medical condition.” As a practical matter, holistic practitioners should never attempt, advertise, or give the impression that they can diagnose, treat, or cure a disease. Furthermore, they should make it clear in their disclosure statements, client consultations, advertising and marketing, and website that their services are not for the purpose of providing medical nutrition therapy.

Frequently Asked Questions

Will I need to hang a sign in my office or have an otherwise visible notice that I am not licensed?

No, there is no requirement that you notify or display that you are not licensed, but it’s always a good best-practice to include this in your disclosure forms to clients.

If a client has a previously diagnosed medical condition, can I still work with them?

Yes, but you must make it clear in both verbal and writing disclosures and agreements with the client that the *purpose* of your interaction and services are not to provide medical nutrition therapy, and you will not attempt to diagnose, treat, or cure any disease.

My client is currently under a doctor’s care, does this limit what I can do with them?

No, again so long your purpose is not medical nutrition therapy.

Can I practice via the internet?

Yes. The new law defines Telepractice as “The delivery of services under this Article by means other than in-person, including by telephone, e-mail, Internet, or other methods of electronic communication.” Further it states:

“Telepractice” as defined in the new law “is not prohibited ... so long as (i) it is appropriate for the individual receiving the services and (ii) the level of care provided meets the required level of care for that individual. An individual providing services regulated by this Article via telepractice shall comply with, and shall be subject to, all the licensing and disciplinary provisions of this Article.”

Providing nutrition advice via telepractice is not prohibited so long as you are not providing or giving the impression that you provide medical nutrition therapy, or in using certain protected titles. Great care should be given to this practice, particularly to states that *do* restrict the practice of nutrition, such as by licensure. While it is unlikely, that state could pursue a court injunction against you for providing nutrition advice to their citizens, even though the practice is legal in your home state.

Can I order lab tests?

No. While you may educate and recommend to clients that they seek out lab tests on their own, you may not order or prescribe such tests. You can certainly provide your clients with information and education about laboratory testing, and encourage them to seek out such testing on their own.

Can I help my client interpret lab results?

Yes, and no. Laboratory testing has significant consequences for holistic practitioners, and in general you should avoid direct involvement with them. You can certainly provide the client with general information and education about lab testing, but you must be extremely careful that you are not discussing anything which could be construed as diagnosing, treating, or curing a disease, or medical nutrition therapy. The best practice here is to simply educate the client about laboratory testing, but insist that they speak to their doctor who can order those tests for them, or seek out those which they may order on their own absent a doctor’s order.

Can I call myself a holistic nutritionist? What about a certified holistic nutritionist?

You may not use the occupational title of “nutritionist” and care must be given in your marketing, website, and promotional materials that you do not give the impression that you are a nutritionist, or that you are licensed or otherwise certified by the state. If you have a board certification, for example NANP, you could say that you are “NANP Certified in Holistic Nutrition.” If you are an NTP, for

example, you could call yourself a “Nutritional Therapist” or say that you are a Specialist in Holistic Nutrition. It is only the title “nutritionist” or “dietitian” that are restricted.

We will update this document as new information becomes available. Should you have any questions please do not hesitate to contact the Council of Holistic Health Educators.

About the Council of Holistic Health Educators

The Council is the only nonprofit advocacy organization dedicated to protecting the rights of holistic schools, educators, and practitioners. We work to protect the practice of holistic health by defeating harmful legislation, and lobby to pass laws that protect and grow our diverse profession’s ability to practice. Find out more at www.HolisticCouncil.org