



# North Carolina Board of Dietetics/Nutrition

1000 Centre Green Way, Suite 200 • Cary, North Carolina 27513  
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October 21, 2014

Karen Cochrane-Brown  
Joint Legislative Administrative Procedure Oversight Committee  
N.C. General Assembly  
300 N. Salisbury Street, Suite 545  
Raleigh, NC 27603

Dear Ms. Cochrane-Brown:

In accordance with North Carolina General Statute 93B-2(a) & (b), the North Carolina Board of Dietetics/Nutrition submits this Annual Report along with the attached Financial Report for the fiscal year 2013-2014. If you have any questions regarding either report or need further elaboration on the activities of the Board, please do not hesitate to contact the Board office at (919) 228-6390.

Annual Report for fiscal year July 1, 2013 – June 30, 2014:

(1) The address of the board, and the names of its members and officers:

**ADDRESS:**

North Carolina Board of Dietetics/Nutrition (NCBDN)  
1000 Centre Green Way, Suite 200  
Cary, NC 27513

**BOARD OF DIRECTORS:**

Kathy Sodoma, RD, LDN	Professional Member, Management	Chair
Christie Nicholson, MS, RD, LDN	Professional Member, Consulting	Vice Chair
Colonel Richard W. Holden, Sr.	Public Member	Treasurer
Diane Danchi, RD, LDN	Professional Member, Public Health	Secretary
Cathleen E. Ostrowski, MS, RD, LDN	Professional Member, Education	
Phyllis Hilliard, MPH	Public Member	
Brenda Burgin Ross, MS, RD, LDN	Professional Member, Clinical	

(1a) The total number of licensees supervised by the Board:

- 2,467

(2) The number of persons who applied to the board for examination:

- 0

(3) The number of persons who were refused examination:

- 0

(4) The number who took the examination:

- 0

(5) The number to whom initial licenses were issued:

- 216

(5a) The number who failed examination:

- 0

(6) The number who applied for license by reciprocity or comity:

- 0

(7) The number who were granted licenses by reciprocity or comity:

- 0

(7a) The number of official complaints received involving licensed and unlicensed activities:

- 5

(7b) The number of disciplinary actions taken against licensees, or other actions taken against non-licensees, including injunctive relief:

- In fiscal year 2011-2012, one matter was turned over to a local district attorney's office. This person was accused of fraudulently using the credentials Registered Dietitian and a false social-security number. This person was charged with attempting to obtain property through false pretenses. On March 14, 2013 this person pled guilty to these charges, and was sentenced to eleven to fourteen months imprisonment. This sentence was suspended, however, on the condition that this person serve thirty-six months on supervised probation. The judge also required that this person surrender any professional license this person may possess and that this person must not misrepresent this person's credentials, professional status or training to any perspective employer.

In April of 2014 the NCBDN received another complaint regarding this same person which, upon investigation, revealed this person had stolen the LDN license of two different licensees, and was applying for jobs using their licenses. This matter was once again turned over to the local prosecutor to take action if warranted.

- One cease and desist letter was sent to an unlicensed person who was advertising herself as a licensed dietitian/nutritionist and advertising nutrition care services.

(8) The number of licenses suspended or revoked:

- 0

(9) The number of licenses terminated for any reason other than failure to pay the required renewal fee:

- 0

(10) The substance of any anticipated request by the occupational licensing board to the General Assembly to amend statutes related to the occupational licensing board:

- The North Carolina Board of Dietetics/Nutrition is considering some statutory changes, but at this point it would be premature to provide any specific language. If an anticipated amendment request becomes more concrete, the Board will be happy to supplement this report.

(11) The substance of any anticipated change in rules adopted by the occupational licensing board or the substance of any anticipated adoption of new rules by the occupational licensing board:

## **21 NCAC 17.0404 DECLARATORY RULINGS**

(a) The issuance of a declaratory ruling by the Board is governed by G.S. 150B-4.

(b) A request for a declaratory ruling shall be in writing and addressed to the Board. The request shall contain the following information:

- (1) The name and address of the person requesting the ruling;
- (2) The statute or rule to which the request relates;
- (3) A concise statement of the manner in which the person has been, or may be aggrieved by the statute or rule; and
- (4) A statement as to whether a hearing is desired, and if desired, the reason therefore.

(c) The Board shall refuse to issue a declaratory ruling under the following circumstances:

- (1) When the Board has already made a controlling decision on substantially similar facts in a contested case.
- (2) When the facts underlying the request for a ruling on a rule were specifically considered at the time of the adoption of the rule in question; or

- (3) When the subject matter of the request is involved in pending litigation in North Carolina.


**21 NCAC 17.0405 PETITIONS FOR ADOPTION, AMENDMENT OR REPEAL OF RULES**

- (d) The procedure for petitioning the Board to adopt, amend, or repeal a rule and for the Board's response is governed by G.S. 150B-20.
- (e) Rule-making petitions shall be sent to the Board. No special form is required, but the petitioner shall state his or her name and address. The petition shall include:
  - (5) A draft of any proposed rule or amendment to a rule;
  - (6) The reasons for the proposal;
  - (7) The effect of the proposal on existing rules or decisions;
  - (8) Any data supporting the proposed rule change;
  - (9) Practices likely to be affected by the proposed rule change; and
  - (10) Persons likely to be affected by the proposed rule change.
- (f) The Board, based on a study of the facts stated in the petition, whether the public interest will be better served by granting or denying the petition, and any other relevant information, shall make a decision as to whether to grant or deny the petition.

**21 NCAC 17.0406 RULE MAKING NOTICE**

Persons or agencies desiring to receive individual notice of the Board's rule making shall file a written request with the Board furnishing their name, mailing address, and electronic mailing address, if applicable.

Respectfully submitted,



Charla M. Burill  
Executive Director/Executive Secretary  
North Carolina Board of Dietetics/Nutrition