

Instructions:

Print the regulation as shown below. All other items remain unchanged.

Text:

17-3. Barber Schools, Teachers and Instructors; Teachers and Instructors to Devote Full Time.

All teachers and instructors in barber schools or colleges are required to give full time to the students during the time they are on the school or college premises and engaged in providing instruction. Professional or barbering work performed by a teacher or instructor at a barber school or college must be for student barber instructional purposes only.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Rationale:

The updated regulations will clarify that teachers and instructors in barber schools or colleges may not provide professional services to clients during the time they are working in school settings.

Document No. 5155
DEPARTMENT OF LABOR, LICENSING AND REGULATION
PANEL FOR DIETETICS
CHAPTER 40
Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, and 40-20-50

- 40-1. Definitions.
- 40-5. Licensing Provisions.
 - 40-5.1. Licensure by Examination.
 - 40-5.2. Licensure by Registration.
 - 40-5.3. Licensure by Endorsement.
 - 40-5.4. Foreign Educated Applicants.
 - 40-5.5. Change of Address or Name.
 - 40-5.6. Applications Property of Panel.
- 40-6. Requirements for Renewal.
- 40-7. Reinstatement/Reactivation of Expired, Lapsed Licenses.
- 40-8. Continuing Competency; Continuing Education Credits.
- 40-9. Fees.
- 40-10. Misconduct Defined.
- 40-16. Licensure Timeframes.

Synopsis:

The Panel for Dietetics proposes to amend sections in Chapter 40 related to continuing education as well as requirements for initial licensing, renewal, and reinstatement.

The Notice of Drafting was published in the *State Register* on March 25, 2022.

Instructions:

Print the regulation as shown below. All other items remain unchanged.

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Text:

40-1. Definitions.

Definitions found in Section 40-20-20, et seq., apply to this chapter.

(A) "Applicant" means any person who has made application for licensure in this state to engage in the practice of dietetics. Applicants may include those exempt from the licensing requirements pursuant to Section 40-20-110.

(B) "Continuing education" means an organized educational program designed to expand a licensee's knowledge base beyond the basic entry-level educational requirements for the practice of dietetics. Course content must relate to the practice of dietetics whether the subject is research, treatment, documentation, education, or management.

(C) For purposes of continuing education as defined in this chapter, "One Continuing Education Unit (CEU)" is sixty (60) minutes of instruction or organized learning for all purposes including continuing competency.

(D) "Nutritional assessment" means the integrative evaluation of nutritionally relevant data to develop an individualized nutritional care plan. These data may include:

- (1) Nutrient intake;
- (2) Anthropometric measurements;
- (3) Biochemical values;
- (4) Physical and metabolic parameters;
- (5) Socio-economic factors;
- (6) Current medical diagnosis and medications; and
- (7) Pathophysiological processes.

The mere collection of these data for use in assessment is not nutritional assessment and does not require a dietitian licensed under this section.

(E) "Nutritional counseling" means the advising of individuals or groups regarding nutritional intake by integrating information from the nutritional assessment with information on food and other sources of nutrients and meal preparation consistent with cultural background and socioeconomic status. The distribution by an individual of written information prepared by a licensee is not nutritional counseling, and any person distributing the written information need not be licensed under this section.

(F) "Nutritional education" means a planned program based on learning objectives with expected outcomes designed to modify nutrition-related behaviors. This does not prohibit an individual from providing general non-medical nutrition information if the person does not violate this section.

(G) "Nutritional care standards" means policies and procedures pertaining to the provision of nutritional care in institutional and community settings.

(H) "Nutritional care" means the application of the science of nutrition in the health and disease of people.

(I) "Commission" means "The Commission on Dietetic Registration" of the Academy of Nutrition and Dietetics.

(J) "The Academy" means "The Academy of Nutrition and Dietetics."

(K) "Medical nutrition therapy" means the use of specific nutrition services to treat, or rehabilitate an illness, injury, or condition. Medical nutrition therapy includes nutrition assessment, intervention, education, and counseling.

(L) "Council on postsecondary accreditation" is synonymous with "Commission on recognition of post-secondary accreditation."

(M) For purposes of this section, the terms "Nutritionist", "Nutrition counselor" and like terms may indicate the person is practicing dietetics.

(N) "General nutrition information" means information on the following:

- (1) Principles of good nutrition and food preparation;
- (2) Food to be included in the normal daily diet;
- (3) The essential nutrients needed by the body;
- (4) Recommended amounts of the essential nutrients;
- (5) The actions of nutrients on the body;
- (6) The effects of deficiencies or excesses of nutrients; or

(7) Food and supplements that are good sources of essential nutrients.

40-5. Licensing Provisions.

Applicant for initial licensure as a licensed dietitian may apply by examination or registration.

40-5.1. Licensure by Examination.

As a prerequisite to the issuance of an initial license, the applicant shall provide evidence of passing an examination for dietitians offered by or as approved by the Panel. An applicant for licensure by examination shall submit to the Panel:

(1) The completed application on the forms approved by the Panel along with required fees. Electronic submission is acceptable.

(2) Proof of passage of examination from a Panel-approved examination provider.

(3) Transcripts from all degree-granting institutions of higher education sent directly to the Panel office.

(4) License verifications from all jurisdictions in which the applicant holds or has held a license. Verification must be sent directly to the Panel office from the issuing jurisdiction.

(5) The Panel may request additional verification of any requirements or credentials as it may deem necessary.

40-5.2. Licensure by Registration.

An applicant for licensure based on registration by the Commission on Dietetic Registration shall submit to the Panel:

(1) The completed application on the forms approved by the Panel along with required fees. Electronic submission is acceptable.

(2) A copy of the valid current registration card from the Commission on Dietetic Registration.

(3) License verifications from all jurisdictions in which the applicant holds or has held a license. Verification must be sent directly to the Panel office from the issuing jurisdiction.

(4) The Panel may request additional verification of any requirements or credentials as it may deem necessary.

40-5.3. Repealed.

40-5.4. Foreign-Educated Applicants.

For the purpose of proving accreditation of a course of study at a foreign institution, an applicant shall have the applicant's academic credentials independently validated as equivalent by an accreditation agency that is recognized by "the commission on recognition of post-secondary accreditation," or its predecessor, or have the applicant's academic credentials independently validated by an agency specializing in education evaluations which is acceptable to the panel. A copy of the validation shall be attached to the application as part of the application.

40-5.5. Change of Address or Name.

A licensee shall notify the panel of a change of address providing at least a new address, telephone number, and signed request for the change within thirty (30) days of the change occurring. A licensee shall notify the panel of a change of name by providing legal evidence of the name change and a signed request for the change within thirty (30) days of the change occurring.

40-5.6. Repealed.

40-6. Requirements for Renewal.

All renewals shall be filed with the panel prior to May 31 of the renewal year.

(1) Renewal applications must be accompanied by the appropriate fee and a statement attesting to the required number of continuing education units (CEUs) per biennium.

(2) Renewals received after May 31 will be late. A licensee may renew their license by submitting the renewal applications along with the appropriate renewal fee and late fee by June 30 of the renewal year.

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(3) If a licensee fails to timely renew his/her license, the license is deemed inactive and the licensee may not practice as a dietitian in this State until the license is reinstated to practice.

40-7. Reinstatement of Inactive Licenses.

(A) A license that has not been timely renewed shall be placed in inactive status after June 30 of the renewal year.

(B) An individual seeking to reinstate an inactive license shall complete the application for reinstatement, provide evidence of compliance with cumulative continuing education requirements and pay the current renewal fee, late fee, and payment of a reinstatement fee.

(C) An individual seeking to reinstate a license which has been inactive for more than four years must reapply for licensure and must meet the current licensure requirements including but not limited to complying with S.C. Code Section 40-20-60's requirements.

(D) The panel may deny reinstatement based on evidence of misconduct.

40-8. Continuing Competency; Continuing Education Units.

(A) Persons licensed to practice dietetics are required to demonstrate continuing professional competency. Licensee shall submit proof of continuing education units as a condition of renewal by:

(1) Active CDR registration; or

(2) Completion of thirty (30) hours of continuing education units from CDR-accredited providers.

(B) Evidence of continuing education units shall include a certificate of attendance signed by program provider or designee; the number of continuing education units requested; titles of presentations; speakers' or instructors' qualifications; timing outlines; application of learning; and other documentation as the panel may require.

40-9. Fees.

Fees must be assessed, collected, and adjusted on behalf of the panel by the Department. The Panel may charge fees as shown in South Carolina Code of Regulations Chapter 10-13.

40-10. Misconduct Defined.

Misconduct means any one or more of the following:

(1) violation of any of the provisions of Section 40-20-30, Section 40-20-100, or Section 40-20-130(A), or Section 40-1-110 Code of Laws of South Carolina, 1976, as amended; and

(2) violation of any of the Code of Ethics as adopted by the Panel.

40-16. Repealed.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Rationale:

The Panel for Dietetics proposes to amend sections in Chapter 40 related to continuing education as well as requirements for initial licensing, renewal, and reinstatement.