

AMENDMENTS TO LB1373

Introduced by Health and Human Services.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. This section shall be known and may be cited as the
4 Dietitian Licensure Compact. The State of Nebraska adopts the Dietitian
5 Licensure Compact in the form substantially as follows:

6 SECTION 1. PURPOSE

7 The purpose of this Compact is to facilitate interstate Practice of
8 Dietetics with the goal of improving public access to dietetics services.
9 This Compact preserves the regulatory authority of States to protect
10 public health and safety through the current system of State licensure,
11 while also providing for licensure portability through a Compact
12 Privilege granted to qualifying professionals.

13 This Compact is designed to achieve the following objectives:

14 A. Increase public access to dietetics services;

15 B. Provide opportunities for interstate practice by Licensed
16 Dietitians who meet uniform requirements;

17 C. Eliminate the necessity for Licenses in multiple States;

18 D. Reduce administrative burdens on Member States and Licensees;

19 E. Enhance the States' ability to protect the public's health and
20 safety;

21 F. Encourage the cooperation of Member States in regulating
22 multistate practice of Licensed Dietitians;

23 G. Support relocating Active Military Members and their spouses;

24 H. Enhance the exchange of licensure, investigative, and
25 disciplinary information among Member States; and

26 I. Vest all Member States with the authority to hold a Licensed
27 Dietitian accountable for meeting all State practice laws in the State in

1 which the patient is located at the time care is rendered.

2 SECTION 2. DEFINITIONS

3 As used in this Compact, and except as otherwise provided, the
4 following definitions shall apply:

5 A. "ACEND" means the Accreditation Council for Education in
6 Nutrition and Dietetics or its successor organization.

7 B. "Active Military Member" means any individual with full-time duty
8 status in the active armed forces of the United States, including members
9 of the National Guard and Reserve.

10 C. "Adverse Action" means any administrative, civil, equitable, or
11 criminal action permitted by a State's laws which is imposed by a
12 Licensing Authority or other authority against a Licensee, including
13 actions against an individual's License or Compact Privilege such as
14 revocation, suspension, probation, monitoring of the Licensee, limitation
15 on the Licensee's practice, or any other Encumbrance on licensure
16 affecting a Licensee's authorization to practice, including issuance of a
17 cease and desist action.

18 D. "Alternative Program" means a non-disciplinary monitoring or
19 practice remediation process approved by a Licensing Authority.

20 E. "Charter Member State" means any Member State which enacted this
21 Compact by law before the Effective Date specified in Section 12.

22 F. "Continuing Education" means a requirement, as a condition of
23 License renewal, to provide evidence of participation in, and completion
24 of, educational and professional activities relevant to practice or area
25 of work.

26 G. "CDR" means the Commission on Dietetic Registration or its
27 successor organization.

28 H. "Compact Commission" means the government agency whose membership
29 consists of all States that have enacted this Compact, which is known as
30 the Dietitian Licensure Compact Commission, as described in Section 8 of
31 this Compact, and which shall operate as an instrumentality of the Member

1 States.

2 I. "Compact Privilege" means a legal authorization, which is
3 equivalent to a License, permitting the Practice of Dietetics in a Remote
4 State.

5 J. "Current Significant Investigative Information" means:

6 1. Investigative Information that a Licensing Authority, after a
7 preliminary inquiry that includes notification and an opportunity for the
8 subject Licensee to respond, if required by State law, has reason to
9 believe is not groundless and, if proved true, would indicate more than a
10 minor infraction; or

11 2. Investigative Information that indicates that the subject
12 Licensee represents an immediate threat to public health and safety
13 regardless of whether the subject Licensee has been notified and had an
14 opportunity to respond.

15 K. "Data System" means a repository of information about Licensees,
16 including, but not limited to, Continuing Education, examination,
17 licensure, investigative, Compact Privilege, and Adverse Action
18 information.

19 L. "Encumbered License" means a License in which an Adverse Action
20 restricts a Licensee's ability to practice dietetics.

21 M. "Encumbrance" means a revocation or suspension of, or any
22 limitation on a Licensee's full and unrestricted Practice of Dietetics by
23 a Licensing Authority.

24 N. "Executive Committee" means a group of delegates elected or
25 appointed to act on behalf of, and within the powers granted to them by,
26 this Compact, and the Compact Commission.

27 O. "Home State" means the Member State that is the Licensee's
28 primary State of residence or that has been designated pursuant to
29 Section 6 of this Compact.

30 P. "Investigative Information" means information, records, and
31 documents received or generated by a Licensing Authority pursuant to an

1 investigation.

2 Q. "Jurisprudence Requirement" means an assessment of an
3 individual's knowledge of the State laws and regulations governing the
4 Practice of Dietetics in such State.

5 R. "License" means an authorization from a Member State to either:

6 1. Engage in the Practice of Dietetics (including medical nutrition
7 therapy); or

8 2. Use the title "dietitian," "licensed dietitian," "licensed
9 dietitian nutritionist," "certified dietitian," or other title describing
10 a substantially similar practitioner as the Compact Commission may
11 further define by Rule.

12 S. "Licensee" or "Licensed Dietitian" means an individual who
13 currently holds a License and who meets all of the requirements outlined
14 in Section 4 of this Compact.

15 T. "Licensing Authority" means the board or agency of a State, or
16 equivalent, that is responsible for the licensing and regulation of the
17 Practice of Dietetics.

18 U. "Member State" means a State that has enacted the Compact.

19 V. "Practice of Dietetics" means the synthesis and application of
20 dietetics, primarily for the provision of nutrition care services,
21 including medical nutrition therapy, in person or via telehealth, to
22 prevent, manage, or treat diseases or medical conditions and promote
23 wellness.

24 W. "Registered Dietitian" means a person who:

25 1. Has completed applicable education, experience, examination, and
26 recertification requirements approved by CDR;

27 2. Is credentialed by CDR as a registered dietitian or a registered
28 dietitian nutritionist; and

29 3. Is legally authorized to use the title registered dietitian or
30 registered dietitian nutritionist and the corresponding abbreviations
31 "RD" or "RDN."

1 X. "Remote State" means a Member State other than the Home State,
2 where a Licensee is exercising or seeking to exercise a Compact
3 Privilege.

4 Y. "Rule" means a regulation promulgated by the Compact Commission
5 that has the force of law.

6 Z. "Single State License" means a License issued by a Member State
7 within the issuing State and does not include a Compact Privilege in any
8 other Member State.

9 AA. "State" means any state, commonwealth, district, or territory of
10 the United States of America.

11 BB. "Unencumbered License" means a License that authorizes a
12 Licensee to engage in the full and unrestricted Practice of Dietetics.

13 SECTION 3. STATE PARTICIPATION IN THE COMPACT

14 A. To participate in the Compact, a State must currently:

- 15 1. License and regulate the Practice of Dietetics; and
16 2. Have a mechanism in place for receiving and investigating
17 complaints about Licensees.

18 B. A Member State shall:

19 1. Participate fully in the Compact Commission's Data System,
20 including using the unique identifier as defined in Rules;

21 2. Notify the Compact Commission, in compliance with the terms of
22 the Compact and Rules, of any Adverse Action or the availability of
23 Current Significant Investigative Information regarding a Licensee;

24 3. Implement or utilize procedures for considering the criminal
25 history record information of applicants for an initial Compact
26 Privilege. These procedures shall include the submission of fingerprints
27 or other biometric-based information by applicants for the purpose of
28 obtaining an applicant's criminal history record information from the
29 Federal Bureau of Investigation and the agency responsible for retaining
30 that State's criminal records;

31 a. A Member State must fully implement a criminal history record

1 information requirement, within a time frame established by Rule, which
2 includes receiving the results of the Federal Bureau of Investigation
3 record search and shall use those results in determining Compact
4 Privilege eligibility.

5 b. Communication between a Member State and the Compact Commission
6 or among Member States regarding the verification of eligibility for a
7 Compact Privilege shall not include any information received from the
8 Federal Bureau of Investigation relating to a federal criminal history
9 record information check performed by a Member State.

10 4. Comply with and enforce the Rules of the Compact Commission;

11 5. Require an applicant for a Compact Privilege to obtain or retain
12 a License in the Licensee's Home State and meet the Home State's
13 qualifications for licensure or renewal of licensure, as well as all
14 other applicable State laws; and

15 6. Recognize a Compact Privilege granted to a Licensee who meets all
16 of the requirements outlined in Section 4 of this Compact in accordance
17 with the terms of the Compact and Rules.

18 C. Member States may set and collect a fee for granting a Compact
19 Privilege.

20 D. Individuals not residing in a Member State shall continue to be
21 able to apply for a Member State's Single State License as provided under
22 the laws of each Member State. However, the Single State License granted
23 to these individuals shall not be recognized as granting a Compact
24 Privilege to engage in the Practice of Dietetics in any other Member
25 State.

26 E. Nothing in this Compact shall affect the requirements established
27 by a Member State for the issuance of a Single State License.

28 F. At no point shall the Compact Commission have the power to define
29 the requirements for the issuance of a Single State License to practice
30 dietetics. The Member States shall retain sole jurisdiction over the
31 provision of these requirements.

1 SECTION 4. COMPACT PRIVILEGE

2 A. To exercise the Compact Privilege under the terms and provisions
3 of the Compact, the Licensee shall:

4 1. Satisfy one of the following:

5 a. Hold a valid current registration that gives the applicant the
6 right to use the term Registered Dietitian; or

7 b. Complete all of the following:

8 i. An education program which is either:

9 a) A master's degree or doctoral degree that is programmatically
10 accredited by (i) ACEND; or (ii) a dietetics accrediting agency
11 recognized by the United States Department of Education, which the
12 Compact Commission may by Rule determine, and from a college or
13 university accredited at the time of graduation by the appropriate
14 regional accrediting agency recognized by the Council on Higher Education
15 Accreditation and the United States Department of Education.

16 b) An academic degree from a college or university in a foreign
17 country equivalent to the degree described in subparagraph (a) that is
18 programmatically accredited by (i) ACEND; or (ii) a dietetics accrediting
19 agency recognized by the United States Department of Education, which the
20 Compact Commission may by Rule determine.

21 ii. A planned, documented, supervised practice experience in
22 dietetics that is programmatically accredited by (i) ACEND, or (ii) a
23 dietetics accrediting agency recognized by the United States Department
24 of Education which the Compact Commission may by Rule determine and which
25 involves at least one thousand hours of practice experience under the
26 supervision of a Registered Dietitian or a Licensed Dietitian.

27 iii. Successful completion of either: (i) the Registration
28 Examination for Dietitians administered by CDR, or (ii) a national
29 credentialing examination for dietitians approved by the Compact
30 Commission by Rule; such completion being no more than five years prior
31 to the date of the Licensee's application for initial licensure and

1 accompanied by a period of continuous licensure thereafter, all of which
2 may be further governed by the Rules of the Compact Commission.

3 2. Hold an Unencumbered License in the Home State;

4 3. Notify the Compact Commission that the Licensee is seeking a
5 Compact Privilege within a Remote State(s);

6 4. Pay any applicable fees, including any State fee, for the Compact
7 Privilege;

8 5. Meet any Jurisprudence Requirements established by the Remote
9 State(s) in which the Licensee is seeking a Compact Privilege; and

10 6. Report to the Compact Commission any Adverse Action, Encumbrance,
11 or restriction on a License taken by any non-Member State within thirty
12 days from the date the action is taken.

13 B. The Compact Privilege is valid until the expiration date of the
14 Home State License. To maintain a Compact Privilege, renewal of the
15 Compact Privilege shall be congruent with the renewal of the Home State
16 License as the Compact Commission may define by Rule. The Licensee must
17 comply with the requirements of subsection 4(A) to maintain the Compact
18 Privilege in the Remote State(s).

19 C. A Licensee exercising a Compact Privilege shall adhere to the
20 laws and regulations of the Remote State. Licensees shall be responsible
21 for educating themselves on, and complying with, any and all State laws
22 relating to the Practice of Dietetics in such Remote State.

23 D. Notwithstanding anything to the contrary provided in this Compact
24 or State law, a Licensee exercising a Compact Privilege shall not be
25 required to complete Continuing Education Requirements required by a
26 Remote State. A Licensee exercising a Compact Privilege is only required
27 to meet any Continuing Education Requirements as required by the Home
28 State.

29 SECTION 5. OBTAINING A NEW HOME STATE LICENSE BASED ON A COMPACT
30 PRIVILEGE

31 A. A Licensee may hold a Home State License, which allows for a

1 Compact Privilege in other Member States, in only one Member State at a
2 time.

3 B. If a Licensee changes Home State by moving between two Member
4 States:

5 1. The Licensee shall file an application for obtaining a new Home
6 State License based on a Compact Privilege, pay all applicable fees, and
7 notify the current and new Home State in accordance with the Rules of the
8 Compact Commission.

9 2. Upon receipt of an application for obtaining a new Home State
10 License by virtue of a Compact Privilege, the new Home State shall verify
11 that the Licensee meets the criteria in Section 4 of this Compact via the
12 Data System, and require that the Licensee complete the following:

13 a. Federal Bureau of Investigation fingerprint based criminal
14 history record information check;

15 b. Any other criminal history record information required by the new
16 Home State; and

17 c. Any Jurisprudence Requirements of the new Home State.

18 3. The former Home State shall convert the former Home State License
19 into a Compact Privilege once the new Home State has activated the new
20 Home State License in accordance with applicable Rules adopted by the
21 Compact Commission.

22 4. Notwithstanding any other provision of this Compact, if the
23 Licensee cannot meet the criteria in Section 4 of this Compact, the new
24 Home State may apply its requirements for issuing a new Single State
25 License.

26 5. The Licensee shall pay all applicable fees to the new Home State
27 in order to be issued a new Home State License.

28 C. If a Licensee changes their State of residence by moving from a
29 Member State to a non-Member State, or from a non-Member State to a
30 Member State, the State criteria shall apply for issuance of a Single
31 State License in the new State.

1 D. Nothing in this Compact shall interfere with a Licensee's ability
2 to hold a Single State License in multiple States; however, for the
3 purposes of this Compact, a Licensee shall have only one Home State
4 License.

5 E. Nothing in this Compact shall affect the requirements established
6 by a Member State for the issuance of a Single State License.

7 SECTION 6. ACTIVE MILITARY MEMBERS OR THEIR SPOUSES

8 An Active Military Member, or their spouse, shall designate a Home
9 State where the individual has a current License in good standing. The
10 individual may retain the Home State designation during the period the
11 service member is on active duty.

12 SECTION 7. ADVERSE ACTIONS

13 A. In addition to the other powers conferred by State law, a Remote
14 State shall have the authority, in accordance with existing State due
15 process law, to:

16 1. Take Adverse Action against a Licensee's Compact Privilege within
17 that Member State; and

18 2. Issue subpoenas for both hearings and investigations that require
19 the attendance and testimony of witnesses as well as the production of
20 evidence. Subpoenas issued by a Licensing Authority in a Member State for
21 the attendance and testimony of witnesses or the production of evidence
22 from another Member State shall be enforced in the latter State by any
23 court of competent jurisdiction, according to the practice and procedure
24 applicable to subpoenas issued in proceedings pending before that court.
25 The issuing authority shall pay any witness fees, travel expenses,
26 mileage, and other fees required by the service statutes of the State in
27 which the witnesses or evidence are located.

28 B. Only the Home State shall have the power to take Adverse Action
29 against a Licensee's Home State License.

30 C. For purposes of taking Adverse Action, the Home State shall give
31 the same priority and effect to reported conduct received from a Member

1 State as it would if the conduct had occurred within the Home State. In
2 so doing, the Home State shall apply its own State laws to determine
3 appropriate action.

4 D. The Home State shall complete any pending investigations of a
5 Licensee who changes Home States during the course of the investigations.
6 The Home State shall also have authority to take appropriate action(s)
7 and shall promptly report the conclusions of the investigations to the
8 administrator of the Data System. The administrator of the Data System
9 shall promptly notify the new Home State of any Adverse Actions.

10 E. A Member State, if otherwise permitted by State law, may recover
11 from the affected Licensee the costs of investigations and dispositions
12 of cases resulting from any Adverse Action taken against that Licensee.

13 F. A Member State may take Adverse Action based on the factual
14 findings of another Remote State, provided that the Member State follows
15 its own procedures for taking the Adverse Action.

16 G. Joint Investigations:

17 1. In addition to the authority granted to a Member State by its
18 respective State law, any Member State may participate with other Member
19 States in joint investigations of Licensees.

20 2. Member States shall share any investigative, litigation, or
21 compliance materials in furtherance of any joint investigation initiated
22 under the Compact.

23 H. If Adverse Action is taken by the Home State against a Licensee's
24 Home State License resulting in an Encumbrance on the Home State License,
25 the Licensee's Compact Privilege(s) in all other Member States shall be
26 revoked until all Encumbrances have been removed from the Home State
27 License. All Home State disciplinary orders that impose Adverse Action
28 against a Licensee shall include a statement that the Licensee's Compact
29 Privileges are revoked in all Member States during the pendency of the
30 order.

31 I. Once an Encumbered License in the Home State is restored to an

1 Unencumbered License (as certified by the Home State's Licensing
2 Authority), the Licensee must meet the requirements of Section 4(A) of
3 this Compact and follow the administrative requirements to reapply to
4 obtain a Compact Privilege in any Remote State.

5 J. If a Member State takes Adverse Action, it shall promptly notify
6 the administrator of the Data System. The administrator of the Data
7 System shall promptly notify the other Member States State of any Adverse
8 Actions.

9 K. Nothing in this Compact shall override a Member State's decision
10 that participation in an Alternative Program may be used in lieu of
11 Adverse Action.

12 SECTION 8. ESTABLISHMENT OF THE DIETITIAN LICENSURE COMPACT
13 COMMISSION

14 A. The Compact Member States hereby create and establish a joint
15 government agency whose membership consists of all Member States that
16 have enacted the Compact known as the Dietitian Licensure Compact
17 Commission. The Compact Commission is an instrumentality of the Compact
18 States acting jointly and not an instrumentality of any one State. The
19 Compact Commission shall come into existence on or after the effective
20 date of the Compact as set forth in Section 12 of this Compact.

21 B. Membership, Voting, and Meetings

22 1. Each Member State shall have and be limited to one delegate
23 selected by that Member State's Licensing Authority.

24 2. The delegate shall be the primary administrator of the Licensing
25 Authority or their designee.

26 3. The Compact Commission shall by Rule or bylaw establish a term of
27 office for delegates and may by Rule or bylaw establish term limits.

28 4. The Compact Commission may recommend removal or suspension of any
29 delegate from office.

30 5. A Member State's Licensing Authority shall fill any vacancy of
31 its delegate occurring on the Compact Commission within sixty days of the

1 vacancy.

2 6. Each delegate shall be entitled to one vote on all matters before
3 the Compact Commission requiring a vote by the delegates.

4 7. Delegates shall meet and vote by such means as set forth in the
5 bylaws. The bylaws may provide for delegates to meet and vote in-person
6 or by telecommunication, video conference, or other means of
7 communication.

8 8. The Compact Commission shall meet at least once during each
9 calendar year. Additional meetings may be held as set forth in the
10 bylaws. The Compact Commission may meet in person or by
11 telecommunication, video conference, or other means of communication.

12 C. The Compact Commission shall have the following powers:

13 1. Establish the fiscal year of the Compact Commission;

14 2. Establish code of conduct and conflict of interest policies;

15 3. Establish and amend Rules and bylaws;

16 4. Maintain its financial records in accordance with the bylaws;

17 5. Meet and take such actions as are consistent with the provisions
18 of this Compact, the Compact Commission's Rules, and the bylaws;

19 6. Initiate and conclude legal proceedings or actions in the name of
20 the Compact Commission, provided that the standing of any Licensing
21 Authority to sue or be sued under applicable law shall not be affected;

22 7. Maintain and certify records and information provided to a Member
23 State as the authenticated business records of the Compact Commission,
24 and designate an agent to do so on the Compact Commission's behalf;

25 8. Purchase and maintain insurance and bonds;

26 9. Borrow, accept, or contract for services of personnel, including,
27 but not limited to, employees of a Member State;

28 10. Conduct an annual financial review;

29 11. Hire employees, elect or appoint officers, fix compensation,
30 define duties, grant such individuals appropriate authority to carry out
31 the purposes of the Compact, and establish the Compact Commission's

1 personnel policies and programs relating to conflicts of interest,
2 qualifications of personnel, and other related personnel matters;

3 12. Assess and collect fees;

4 13. Accept any and all appropriate donations, grants of money, other
5 sources of revenue, equipment, supplies, materials, services, and gifts,
6 and receive, utilize, and dispose of the same; provided that at all times
7 the Compact Commission shall avoid any actual or appearance of
8 impropriety or conflict of interest;

9 14. Lease, purchase, retain, own, hold, improve, or use any
10 property, real, personal, or mixed, or any undivided interest therein;

11 15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or
12 otherwise dispose of any property real, personal, or mixed;

13 16. Establish a budget and make expenditures;

14 17. Borrow money;

15 18. Appoint committees, including standing committees, composed of
16 members, State regulators, State legislators or their representatives,
17 and consumer representatives, and such other interested persons as may be
18 designated in this Compact or the bylaws;

19 19. Provide and receive information from, and cooperate with, law
20 enforcement agencies;

21 20. Establish and elect an Executive Committee, including a chair
22 and a vice chair;

23 21. Determine whether a State's adopted language is materially
24 different from the model compact language such that the State would not
25 qualify for participation in the Compact; and

26 22. Perform such other functions as may be necessary or appropriate
27 to achieve the purposes of this Compact.

28 D. The Executive Committee

29 1. The Executive Committee shall have the power to act on behalf of
30 the Compact Commission according to the terms of this Compact. The
31 powers, duties, and responsibilities of the Executive Committee shall

1 include:

2 a. Oversee the day-to-day activities of the administration of the
3 Compact including enforcement and compliance with the provisions of the
4 Compact, its Rules and bylaws, and other such duties as deemed necessary;

5 b. Recommend to the Compact Commission changes to the Rules or
6 bylaws, changes to this Compact legislation, fees charged to Compact
7 Member States, fees charged to Licensees, and other fees;

8 c. Ensure Compact administration services are appropriately
9 provided, including by contract;

10 d. Prepare and recommend the budget;

11 e. Maintain financial records on behalf of the Compact Commission;

12 f. Monitor Compact compliance of Member States and provide
13 compliance reports to the Compact Commission;

14 g. Establish additional committees as necessary;

15 h. Exercise the powers and duties of the Compact Commission during
16 the interim between Compact Commission meetings, except for adopting or
17 amending Rules, adopting or amending bylaws, and exercising any other
18 powers and duties expressly reserved to the Compact Commission by Rule or
19 bylaw; and

20 i. Other duties as provided in the Rules or bylaws of the Compact
21 Commission.

22 2. The Executive Committee shall be composed of nine members:

23 a. The chair and vice chair of the Compact Commission shall be
24 voting members of the Executive Committee;

25 b. Five voting members from the current membership of the Compact
26 Commission, elected by the Compact Commission;

27 c. One ex officio, nonvoting member from a recognized professional
28 association representing dietitians; and

29 d. One ex officio, nonvoting member from a recognized national
30 credentialing organization for dietitians.

31 3. The Compact Commission may remove any member of the Executive

1 Committee as provided in the Compact Commission's bylaws.

2 4. The Executive Committee shall meet at least annually.

3 a. Executive Committee meetings shall be open to the public, except
4 that the Executive Committee may meet in a closed, nonpublic meeting as
5 provided in subsection (F)(2).

6 b. The Executive Committee shall give thirty days' notice of its
7 meetings, posted on the website of the Compact Commission and as
8 determined to provide notice to persons with an interest in the business
9 of the Compact Commission.

10 c. The Executive Committee may hold a special meeting in accordance
11 with subsection (F)(1)(b).

12 E. The Compact Commission shall adopt and provide to the Member
13 States an annual report.

14 F. Meetings of the Compact Commission

15 1. All meetings shall be open to the public, except that the Compact
16 Commission may meet in a closed, nonpublic meeting as provided in
17 subsection (F)(2).

18 a. Public notice for all meetings of the full Compact Commission
19 shall be given in the same manner as required under the rulemaking
20 provisions in Section 10, except that the Compact Commission may hold a
21 special meeting as provided in subsection (F)(1)(b).

22 b. The Compact Commission may hold a special meeting when it must
23 meet to conduct emergency business by giving twenty-four hours' notice to
24 all Member States, on the Compact Commission's website, and by other
25 means as provided in the Compact Commission's Rules. The Compact
26 Commission's legal counsel shall certify that the Compact Commission's
27 need to meet qualifies as an emergency.

28 2. The Compact Commission or the Executive Committee or other
29 committees of the Compact Commission may convene in a closed, nonpublic
30 meeting for the Compact Commission or Executive Committee or other
31 committees of the Compact Commission to receive legal advice or to

1 discuss:

2 a. Non-compliance of a Member State with its obligations under the
3 Compact;

4 b. The employment, compensation, discipline, or other matters,
5 practices, or procedures related to specific employees;

6 c. Current or threatened discipline of a Licensee by the Compact
7 Commission or by a Member State's Licensing Authority;

8 d. Current, threatened, or reasonably anticipated litigation;

9 e. Negotiation of contracts for the purchase, lease, or sale of
10 goods, services, or real estate;

11 f. Accusing any person of a crime or formally censuring any person;

12 g. Trade secrets or commercial or financial information that is
13 privileged or confidential;

14 h. Information of a personal nature where disclosure would
15 constitute a clearly unwarranted invasion of personal privacy;

16 i. Investigative records compiled for law enforcement purposes;

17 j. Information related to any investigative reports prepared by or
18 on behalf of or for use of the Compact Commission or other committee
19 charged with responsibility of investigation or determination of
20 compliance issues pursuant to the Compact;

21 k. Matters specifically exempted from disclosure by federal or
22 Member State law; or

23 l. Other matters as specified in the Rules of the Compact
24 Commission.

25 3. If a meeting, or portion of a meeting, is closed, the presiding
26 officer shall state that the meeting will be closed and reference each
27 relevant exempting provision, and such reference shall be recorded in the
28 minutes.

29 4. The Compact Commission shall keep minutes that fully and clearly
30 describe all matters discussed in a meeting and shall provide a full and
31 accurate summary of actions taken, and the reasons therefore, including a

1 description of the views expressed. All documents considered in
2 connection with an action shall be identified in such minutes. All
3 minutes and documents of a closed meeting shall remain under seal,
4 subject to release only by a majority vote of the Compact Commission or
5 order of a court of competent jurisdiction.

6 G. Financing of the Compact Commission

7 1. The Compact Commission shall pay, or provide for the payment of,
8 the reasonable expenses of its establishment, organization, and ongoing
9 activities.

10 2. The Compact Commission may accept any and all appropriate revenue
11 sources as provided in subsection (C)(13).

12 3. The Compact Commission may levy on and collect an annual
13 assessment from each Member State and impose fees on Licensees of Member
14 States to whom it grants a Compact Privilege to cover the cost of the
15 operations and activities of the Compact Commission and its staff, which
16 must, in a total amount, be sufficient to cover its annual budget as
17 approved each year for which revenue is not provided by other sources.
18 The aggregate annual assessment amount for Member States shall be
19 allocated based upon a formula that the Compact Commission shall
20 promulgate by Rule.

21 4. The Compact Commission shall not incur obligations of any kind
22 prior to securing the funds adequate to meet the same; nor shall the
23 Compact Commission pledge the credit of any of the Member States, except
24 by and with the authority of the Member State.

25 5. The Compact Commission shall keep accurate accounts of all
26 receipts and disbursements. The receipts and disbursements of the Compact
27 Commission shall be subject to the financial review and accounting
28 procedures established under its bylaws. However, all receipts and
29 disbursements of funds handled by the Compact Commission shall be subject
30 to an annual financial review by a certified or licensed public
31 accountant, and the report of the financial review shall be included in

1 and become part of the annual report of the Compact Commission.

2 H. Qualified Immunity, Defense, and Indemnification

3 1. The members, officers, executive director, employees and
4 representatives of the Compact Commission shall have no greater liability
5 than a state employee would have under the same or similar circumstances,
6 either personally or in their official capacity, for any claim for damage
7 to or loss of property or personal injury or other civil liability caused
8 by or arising out of any actual or alleged act, error, or omission that
9 occurred, or that the person against whom the claim is made had a
10 reasonable basis for believing occurred within the scope of Compact
11 Commission employment, duties, or responsibilities; provided that nothing
12 in this paragraph shall be construed to protect any such person from suit
13 or liability for any damage, loss, injury, or liability caused by the
14 intentional or willful or wanton misconduct of that person. The
15 procurement of insurance of any type by the Compact Commission shall not
16 in any way compromise or limit the immunity granted hereunder.

17 2. The Compact Commission shall defend any member, officer,
18 executive director, employee, and representative of the Compact
19 Commission in any civil action seeking to impose liability arising out of
20 any actual or alleged act, error, or omission that occurred within the
21 scope of Compact Commission employment, duties, or responsibilities, or
22 as determined by the Compact Commission that the person against whom the
23 claim is made had a reasonable basis for believing occurred within the
24 scope of Compact Commission employment, duties, or responsibilities;
25 provided that nothing herein shall be construed to prohibit that person
26 from retaining their own counsel at their own expense; and provided
27 further, that the actual or alleged act, error, or omission did not
28 result from that person's intentional or willful or wanton misconduct.

29 3. The Compact Commission shall indemnify and hold harmless any
30 member, officer, executive director, employee, and representative of the
31 Compact Commission for the amount of any settlement or judgment obtained

1 against that person arising out of any actual or alleged act, error, or
2 omission that occurred within the scope of Compact Commission employment,
3 duties, or responsibilities, or that such person had a reasonable basis
4 for believing occurred within the scope of Compact Commission employment,
5 duties, or responsibilities, provided that the actual or alleged act,
6 error, or omission did not result from the intentional or willful or
7 wanton misconduct of that person.

8 4. Nothing herein shall be construed as a limitation on the
9 liability of any Licensee for professional malpractice or misconduct,
10 which shall be governed solely by any other applicable State laws.

11 5. Nothing in this Compact shall be interpreted to waive or
12 otherwise abrogate a Member State's state action immunity or state action
13 affirmative defense with respect to antitrust claims under the Sherman
14 Act, Clayton Act, or any other State or federal antitrust or
15 anticompetitive law or regulation.

16 6. Nothing in this Compact shall be construed to be a waiver of
17 sovereign immunity by the Member States or by the Compact Commission.

18 SECTION 9. DATA SYSTEM

19 A. The Compact Commission shall provide for the development,
20 maintenance, operation, and utilization of a coordinated Data System.

21 B. The Compact Commission shall assign each applicant for a Compact
22 Privilege a unique identifier, as determined by the Rules.

23 C. Notwithstanding any other provision of State law to the contrary,
24 a Member State shall submit a uniform data set to the Data System on all
25 individuals to whom this Compact is applicable as required by the Rules
26 of the Compact Commission, including:

27 1. Identifying information;

28 2. Licensure data;

29 3. Adverse Actions against a License or Compact Privilege and
30 information related thereto;

31 4. Nonconfidential information related to Alternative Program

1 participation, the beginning and ending dates of such participation, and
2 other information related to such participation not made confidential
3 under Member State law;

4 5. Any denial of application for licensure, and the reason(s) for
5 such denial;

6 6. The presence of Current Significant Investigative Information;
7 and

8 7. Other information that may facilitate the administration of this
9 Compact or the protection of the public, as determined by the Rules of
10 the Compact Commission.

11 D. The records and information provided to a Member State pursuant
12 to this Compact or through the Data System, when certified by the Compact
13 Commission or an agent thereof, shall constitute the authenticated
14 business records of the Compact Commission, and shall be entitled to any
15 associated hearsay exception in any relevant judicial, quasi-judicial, or
16 administrative proceedings in a Member State.

17 E. Current Significant Investigative Information pertaining to a
18 Licensee in any Member State will only be available to other Member
19 States.

20 F. It is the responsibility of the Member States to report any
21 Adverse Action against a Licensee and to monitor the Data System to
22 determine whether any Adverse Action has been taken against a Licensee.
23 Adverse Action information pertaining to a Licensee in any Member State
24 will be available to any other Member State.

25 G. Member States contributing information to the Data System may
26 designate information that may not be shared with the public without the
27 express permission of the contributing State.

28 H. Any information submitted to the Data System that is subsequently
29 expunged pursuant to federal law or the laws of the Member State
30 contributing the information shall be removed from the Data System.

31 SECTION 10. RULEMAKING

1 A. The Compact Commission shall promulgate reasonable Rules in order
2 to effectively and efficiently implement and administer the purposes and
3 provisions of the Compact. A Rule shall be invalid and have no force or
4 effect only if a court of competent jurisdiction holds that the Rule is
5 invalid because the Compact Commission exercised its rulemaking authority
6 in a manner that is beyond the scope and purposes of the Compact, or the
7 powers granted hereunder, or based upon another applicable standard of
8 review.

9 B. The Rules of the Compact Commission shall have the force of law
10 in each Member State, provided however that where the Rules conflict with
11 the laws or regulations of a Member State that relate to the procedures,
12 actions, and processes a Licensed Dietitian is permitted to undertake in
13 that State and the circumstances under which they may do so, as held by a
14 court of competent jurisdiction, the Rules of the Compact Commission
15 shall be ineffective in that State to the extent of the conflict.

16 C. The Compact Commission shall exercise its rulemaking powers
17 pursuant to the criteria set forth in this Section and the Rules adopted
18 thereunder. Rules shall become binding on the day following adoption or
19 as of the date specified in the Rule or amendment, whichever is later.

20 D. If a majority of the legislatures of the Member States rejects a
21 Rule or portion of a Rule, by enactment of a statute or resolution in the
22 same manner used to adopt the Compact within four years of the date of
23 adoption of the Rule, then such Rule shall have no further force and
24 effect in any Member State.

25 E. Rules shall be adopted at a regular or special meeting of the
26 Compact Commission.

27 F. Prior to adoption of a proposed Rule, the Compact Commission
28 shall hold a public hearing and allow persons to provide oral and written
29 comments, data, facts, opinions, and arguments.

30 G. Prior to adoption of a proposed Rule by the Compact Commission,
31 and at least thirty days in advance of the meeting at which the Compact

1 Commission will hold a public hearing on the proposed Rule, the Compact
2 Commission shall provide a Notice of Proposed rulemaking:

3 1. On the website of the Compact Commission or other publicly
4 accessible platform;

5 2. To persons who have requested notice of the Compact Commission's
6 notices of proposed rulemaking; and

7 3. In such other way(s) as the Compact Commission may by Rule
8 specify.

9 H. The Notice of Proposed rulemaking shall include:

10 1. The time, date, and location of the public hearing at which the
11 Compact Commission will hear public comments on the proposed Rule and, if
12 different, the time, date, and location of the meeting where the Compact
13 Commission will consider and vote on the proposed Rule;

14 2. If the hearing is held via telecommunication, video conference,
15 or other means of communication, the Compact Commission shall include the
16 mechanism for access to the hearing in the Notice of Proposed rulemaking;

17 3. The text of the proposed Rule and the reason therefore;

18 4. A request for comments on the proposed Rule from any interested
19 person; and

20 5. The manner in which interested persons may submit written
21 comments.

22 I. All hearings will be recorded. A copy of the recording and all
23 written comments and documents received by the Compact Commission in
24 response to the proposed Rule shall be available to the public.

25 J. Nothing in this Section shall be construed as requiring a
26 separate hearing on each Rule. Rules may be grouped for the convenience
27 of the Compact Commission at hearings required by this Section.

28 K. The Compact Commission shall, by majority vote of all members,
29 take final action on the proposed Rule based on the rulemaking record and
30 the full text of the Rule.

31 1. The Compact Commission may adopt changes to the proposed Rule

1 provided the changes do not enlarge the original purpose of the proposed
2 Rule.

3 2. The Compact Commission shall provide an explanation of the
4 reasons for substantive changes made to the proposed Rule as well as
5 reasons for substantive changes not made that were recommended by
6 commenters.

7 3. The Compact Commission shall determine a reasonable effective
8 date for the Rule. Except for an emergency as provided in subsection
9 10(L), the effective date of the Rule shall be no sooner than thirty days
10 after issuing the notice that it adopted or amended the Rule.

11 L. Upon determination that an emergency exists, the Compact
12 Commission may consider and adopt an emergency Rule with twenty-four
13 hours' notice, with opportunity to comment, provided that the usual
14 rulemaking procedures provided in the Compact and in this Section shall
15 be retroactively applied to the Rule as soon as reasonably possible, in
16 no event later than ninety days after the effective date of the Rule. For
17 the purposes of this provision, an emergency Rule is one that must be
18 adopted immediately in order to:

- 19 1. Meet an imminent threat to public health, safety, or welfare;
20 2. Prevent a loss of Compact Commission or Member State funds;
21 3. Meet a deadline for the promulgation of a Rule that is
22 established by federal law or rule; or
23 4. Protect public health and safety.

24 M. The Compact Commission or an authorized committee of the Compact
25 Commission may direct revision to a previously adopted Rule for purposes
26 of correcting typographical errors, errors in format, errors in
27 consistency, or grammatical errors. Public notice of any revision shall
28 be posted on the website of the Compact Commission. The revision shall be
29 subject to challenge by any person for a period of thirty days after
30 posting. The revision may be challenged only on grounds that the revision
31 results in a material change to a Rule. A challenge shall be made in

1 writing and delivered to the Compact Commission prior to the end of the
2 notice period. If no challenge is made, the revision will take effect
3 without further action. If the revision is challenged, the revision may
4 not take effect without the approval of the Compact Commission.

5 N. No Member State's rulemaking requirements shall apply under this
6 Compact.

7 SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

8 A. Oversight

9 1. The executive and judicial branches of State government in each
10 Member State shall enforce this Compact and take all actions necessary
11 and appropriate to implement this Compact.

12 2. Except as otherwise provided in this Compact, venue is proper and
13 judicial proceedings by or against the Compact Commission shall be
14 brought solely and exclusively in a court of competent jurisdiction where
15 the principal office of the Compact Commission is located. The Compact
16 Commission may waive venue and jurisdictional defenses to the extent it
17 adopts or consents to participate in alternative dispute resolution
18 proceedings. Nothing herein shall affect or limit the selection or
19 propriety of venue in any action against a Licensee for professional
20 malpractice, misconduct, or any such similar matter.

21 3. The Compact Commission shall be entitled to receive service of
22 process in any proceeding regarding the enforcement or interpretation of
23 the Compact and shall have standing to intervene in such a proceeding for
24 all purposes. Failure to provide the Compact Commission service of
25 process shall render a judgment or order void as to the Compact
26 Commission, this Compact, or promulgated Rules.

27 B. Default, Technical Assistance, and Termination

28 1. If the Compact Commission determines that a Member State has
29 defaulted in the performance of its obligations or responsibilities under
30 this Compact or the promulgated Rules, the Compact Commission shall
31 provide written notice to the defaulting State. The notice of default

1 shall describe the default, the proposed means of curing the default, and
2 any other action that the Compact Commission may take and shall offer
3 training and specific technical assistance regarding the default.

4 2. The Compact Commission shall provide a copy of the notice of
5 default to the other Member States.

6 C. If a State in default fails to cure the default, the defaulting
7 State may be terminated from the Compact upon an affirmative vote of a
8 majority of the delegates of the Member States, and all rights,
9 privileges, and benefits conferred on that State by this Compact may be
10 terminated on the effective date of termination. A cure of the default
11 does not relieve the offending State of obligations or liabilities
12 incurred during the period of default.

13 D. Termination of membership in the Compact shall be imposed only
14 after all other means of securing compliance have been exhausted. Notice
15 of intent to suspend or terminate shall be given by the Compact
16 Commission to the governor, the majority and minority leaders of the
17 defaulting State's legislature, the defaulting State's Licensing
18 Authority, and each of the Member States' Licensing Authority.

19 E. A State that has been terminated is responsible for all
20 assessments, obligations, and liabilities incurred through the effective
21 date of termination, including obligations that extend beyond the
22 effective date of termination.

23 F. Upon the termination of a State's membership from this Compact,
24 that State shall immediately provide notice to all Licensees within that
25 State of such termination. The terminated State shall continue to
26 recognize all Compact Privileges granted pursuant to this Compact for a
27 minimum of six months after the date of said notice of termination.

28 G. The Compact Commission shall not bear any costs related to a
29 State that is found to be in default or that has been terminated from the
30 Compact, unless agreed upon in writing between the Compact Commission and
31 the defaulting State.

1 H. The defaulting State may appeal the action of the Compact
2 Commission by petitioning the United States District Court for the
3 District of Columbia or the federal district where the Compact Commission
4 has its principal offices. The prevailing party shall be awarded all
5 costs of such litigation, including reasonable attorney's fees.

6 I. Dispute Resolution

7 1. Upon request by a Member State, the Compact Commission shall
8 attempt to resolve disputes related to the Compact that arise among
9 Member States and between Member and non-Member States.

10 2. The Compact Commission shall promulgate a Rule providing for both
11 mediation and binding dispute resolution for disputes as appropriate.

12 J. Enforcement

13 1. By supermajority vote, the Compact Commission may initiate legal
14 action against a Member State in default in the United States District
15 Court for the District of Columbia or the federal district where the
16 Compact Commission has its principal offices to enforce compliance with
17 the provisions of the Compact and its promulgated Rules. The relief
18 sought may include both injunctive relief and damages. In the event
19 judicial enforcement is necessary, the prevailing party shall be awarded
20 all costs of such litigation, including reasonable attorney's fees. The
21 remedies herein shall not be the exclusive remedies of the Compact
22 Commission. The Compact Commission may pursue any other remedies
23 available under federal or the defaulting Member State's law.

24 2. A Member State may initiate legal action against the Compact
25 Commission in the United States District Court for the District of
26 Columbia or the federal district where the Compact Commission has its
27 principal offices to enforce compliance with the provisions of the
28 Compact and its promulgated Rules. The relief sought may include both
29 injunctive relief and damages. In the event judicial enforcement is
30 necessary, the prevailing party shall be awarded all costs of such
31 litigation, including reasonable attorney's fees.

1 3. No party other than a Member State shall enforce this Compact
2 against the Compact Commission.

3 SECTION 12. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

4 A. The Compact shall come into effect on the date on which the
5 Compact statute is enacted into law in the seventh Member State.

6 1. On or after the effective date of the Compact, the Compact
7 Commission shall convene and review the enactment of each of the first
8 seven Member States ("Charter Member States") to determine if the statute
9 enacted by each such Charter Member State is materially different than
10 the model Compact statute.

11 a. A Charter Member State whose enactment is found to be materially
12 different from the model Compact statute shall be entitled to the default
13 process set forth in Section 11 of this Compact.

14 b. If any Member State is later found to be in default, or is
15 terminated, or withdraws from the Compact, the Compact Commission shall
16 remain in existence and the Compact shall remain in effect even if the
17 number of Member States should be less than seven.

18 2. Member States enacting the Compact subsequent to the seven
19 initial Charter Member States shall be subject to the process set forth
20 in Section 8(C)(21) of this Compact to determine if their enactments are
21 materially different from the model Compact statute and whether they
22 qualify for participation in the Compact.

23 3. All actions taken for the benefit of the Compact Commission or in
24 furtherance of the purposes of the administration of the Compact prior to
25 the effective date of the Compact or the Compact Commission coming into
26 existence shall be considered to be actions of the Compact Commission
27 unless specifically repudiated by the Compact Commission.

28 4. Any State that joins the Compact subsequent to the Compact
29 Commission's initial adoption of the Rules and bylaws shall be subject to
30 the Rules and bylaws as they exist on the date on which the Compact
31 becomes law in that State. Any Rule that has been previously adopted by

1 the Compact Commission shall have the full force and effect of law on the
2 day the Compact becomes law in that State.

3 B. Any Member State may withdraw from this Compact by enacting a
4 statute repealing the same.

5 1. A Member State's withdrawal shall not take effect until one
6 hundred eighty days after enactment of the repealing statute.

7 2. Withdrawal shall not affect the continuing requirement of the
8 withdrawing State's Licensing Authority to comply with the investigative
9 and Adverse Action reporting requirements of this Compact prior to the
10 effective date of withdrawal.

11 3. Upon the enactment of a statute withdrawing from this Compact, a
12 State shall immediately provide notice of such withdrawal to all
13 Licensees within that State. Notwithstanding any subsequent statutory
14 enactment to the contrary, such withdrawing State shall continue to
15 recognize all Compact Privileges granted pursuant to this Compact for a
16 minimum of one hundred eighty days after the date of such notice of
17 withdrawal.

18 C. Nothing contained in this Compact shall be construed to
19 invalidate or prevent any licensure agreement or other cooperative
20 arrangement between a Member State and a non-Member State that does not
21 conflict with the provisions of this Compact.

22 D. This Compact may be amended by the Member States. No amendment to
23 this Compact shall become effective and binding upon any Member State
24 until it is enacted into the laws of all Member States.

25 SECTION 13. CONSTRUCTION AND SEVERABILITY

26 A. This Compact and the Compact Commission's rulemaking authority
27 shall be liberally construed so as to effectuate the purposes and the
28 implementation and administration of the Compact. Provisions of the
29 Compact expressly authorizing or requiring the promulgation of Rules
30 shall not be construed to limit the Compact Commission's rulemaking
31 authority solely for those purposes.

1 B. The provisions of this Compact shall be severable and if any
2 phrase, clause, sentence, or provision of this Compact is held by a court
3 of competent jurisdiction to be contrary to the constitution of any
4 Member State, a State seeking participation in the Compact, or of the
5 United States, or the applicability thereof to any government, agency,
6 person, or circumstance is held to be unconstitutional by a court of
7 competent jurisdiction, the validity of the remainder of this Compact and
8 the applicability thereof to any other government, agency, person, or
9 circumstance shall not be affected thereby.

10 C. Notwithstanding subsection 13(B), the Compact Commission may deny
11 a State's participation in the Compact or, in accordance with the
12 requirements of Section 11(B) of this Compact, terminate a Member State's
13 participation in the Compact, if it determines that a constitutional
14 requirement of a Member State is a material departure from the Compact.
15 Otherwise, if this Compact shall be held to be contrary to the
16 constitution of any Member State, the Compact shall remain in full force
17 and effect as to the remaining Member States and in full force and effect
18 as to the Member State affected as to all severable matters.

19 SECTION 14. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

20 A. Nothing herein shall prevent or inhibit the enforcement of any
21 other law of a Member State that is not inconsistent with the Compact.

22 B. Any laws, statutes, regulations, or other legal requirements in a
23 Member State in conflict with the Compact are superseded to the extent of
24 the conflict.

25 C. All permissible agreements between the Compact Commission and the
26 Member States are binding in accordance with their terms.

27 Sec. 2. Section 38-131, Revised Statutes Supplement, 2023, is
28 amended to read:

29 38-131 (1) An applicant for an initial license to practice as a
30 registered nurse, a licensed practical nurse, a physical therapist, a
31 physical therapy assistant, a psychologist, an advanced emergency medical

1 technician, an emergency medical technician, an audiologist, a speech-
2 language pathologist, a licensed independent mental health practitioner,
3 an occupational therapist, an occupational therapy assistant, a
4 dietitian, or a paramedic or to practice a profession which is authorized
5 to prescribe controlled substances shall be subject to a criminal
6 background check. Except as provided in subsection (4) of this section,
7 such an applicant for an initial license shall submit a full set of
8 fingerprints to the Nebraska State Patrol for a criminal history record
9 information check. The applicant shall authorize release of the results
10 of the national criminal history record information check by the Federal
11 Bureau of Investigation to the department. The applicant shall pay the
12 actual cost of the fingerprinting and criminal background check.

13 (2) The Nebraska State Patrol is authorized to submit the
14 fingerprints of such applicants to the Federal Bureau of Investigation
15 and to issue a report to the department that includes the criminal
16 history record information concerning the applicant. The Nebraska State
17 Patrol shall forward submitted fingerprints to the Federal Bureau of
18 Investigation for a national criminal history record information check.
19 The Nebraska State Patrol shall issue a report to the department that
20 includes the criminal history record information concerning the
21 applicant.

22 (3) This section shall not apply to a dentist who is an applicant
23 for a dental locum tenens under section 38-1122, to a physician or
24 osteopathic physician who is an applicant for a physician locum tenens
25 under section 38-2036, or to a veterinarian who is an applicant for a
26 veterinarian locum tenens under section 38-3335.

27 (4) An applicant for a temporary educational permit as defined in
28 section 38-2019 shall have ninety days from the issuance of the permit to
29 comply with subsection (1) of this section and shall have such permit
30 suspended after such ninety-day period if the criminal background check
31 is not complete or revoked if the criminal background check reveals that

1 the applicant was not qualified for the permit.

2 (5) The department and the Nebraska State Patrol may adopt and
3 promulgate rules and regulations concerning costs associated with the
4 fingerprinting and the national criminal history record information
5 check.

6 (6) For purposes of interpretation by the Federal Bureau of
7 Investigation, the term department in this section means the Division of
8 Public Health of the Department of Health and Human Services.

9 Sec. 3. Section 38-1801, Revised Statutes Supplement, 2023, is
10 amended to read:

11 38-1801 Sections 38-1801 to 38-1822 and section 4 of this act shall
12 be known and may be cited as the Medical Nutrition Therapy Practice Act.

13 Sec. 4. (1) A person holding a Compact Privilege under the
14 Dietitian Licensure Compact may engage in the Practice of Dietetics in
15 Nebraska as authorized pursuant to such compact.

16 (2) The board may approve, and the department may adopt and
17 promulgate, rules and regulations as necessary to carry out this section.

18 Sec. 5. Section 38-1812, Revised Statutes Supplement, 2023, is
19 amended to read:

20 38-1812 No person shall practice medical nutrition therapy unless
21 such person is licensed for such purpose pursuant to the Uniform
22 Credentialing Act or holds a Compact Privilege under the Dietitian
23 Licensure Compact. The practice of medical nutrition therapy shall be
24 provided with the consultation of a physician licensed pursuant to
25 section 38-2026 or sections 38-2029 to 38-2033, a nurse practitioner
26 licensed pursuant to section 38-2317, or a physician assistant licensed
27 pursuant to section 38-2049. The Medical Nutrition Therapy Practice Act
28 shall not be construed to require a license under the act in order to:

29 (1) Practice medical nutrition therapy within the scope of the
30 official duties of an employee of the state or federal government or
31 while serving in the armed forces of the United States;

1 (2) Engage in practice within the scope of a credential issued under
2 the Uniform Credentialing Act;

3 (3) Practice medical nutrition therapy as a student while pursuing a
4 course of study leading to a degree in dietetics, nutrition, or an
5 equivalent major course of study from an accredited school or program as
6 part of a supervised course of study, if all of the following apply: (a)
7 The person is not engaged in the unrestricted practice of medical
8 nutrition therapy; (b) the person uses a title clearly indicating the
9 person's status as a student or trainee; and (c) the person is in
10 compliance with appropriate supervision requirements developed by the
11 board, including the requirement that the supervised practice experience
12 must be under the order, control, and full professional responsibility of
13 such supervisor. Nothing in this subdivision shall be construed to permit
14 students, trainees, or supervisees to practice medical nutrition therapy
15 other than as specifically allowed in this subdivision and as provided in
16 section 38-1822;

17 (4) Be employed as a nutrition or dietetic technician or other food
18 service professional who is working in a hospital setting or other
19 regulated health care facility or program and who has been trained and is
20 supervised while engaged in the provision of medical nutrition therapy by
21 an individual licensed pursuant to the Medical Nutrition Therapy Practice
22 Act whose services are retained by that facility or program on a full-
23 time or regular, part-time, or consultant basis;

24 (5) Provide individualized nutrition information, guidance,
25 motivation, nutrition recommendations, behavior change management, health
26 coaching, holistic and wellness education, or other nutrition-care
27 services that do not constitute medical nutrition therapy as long as such
28 activity is being performed by a person who is not licensed under the
29 Medical Nutrition Therapy Practice Act and who is not acting in the
30 capacity of or claiming to be a licensed dietitian nutritionist or
31 licensed nutritionist;

1 (6) Accept or transmit written, verbal, delegated, or
2 electromagnetically transmitted orders for medical nutrition therapy from
3 a referring provider by a registered nurse or licensed practical nurse;

4 (7) Provide medical nutrition therapy without remuneration to family
5 members;

6 (8) Aide in the provision of medical nutrition therapy if:

7 (a) The person performs nutrition-care services at the direction of
8 an individual licensed under the Uniform Credentialing Act whose scope of
9 practice includes provision of medical nutrition therapy; and

10 (b) The person performs only support activities of medical nutrition
11 therapy that do not require the exercise of independent judgment for
12 which a license under the Medical Nutrition Therapy Practice Act is
13 required;

14 (9) Practice medical nutrition therapy if the practitioner is
15 licensed in another state, United States territory, or country, has
16 received at least a baccalaureate degree, and is in this state for the
17 purpose of:

18 (a) Consultation, if the practice in this state is limited to
19 consultation; or

20 (b) Conducting a teaching clinical demonstration in connection with
21 a program of basic clinical education, graduate education, or
22 postgraduate education which is sponsored by a dietetic education program
23 or a major course of study in human nutrition, food and nutrition, or
24 dietetics, or an equivalent major course of study approved by the board;

25 (10) Perform individualized general nutrition-care services, not
26 constituting medical nutrition therapy, incidental to the practice of the
27 profession insofar as it does not exceed the scope of the person's
28 education and training;

29 (11) Market or distribute food, food materials, or dietary
30 supplements, advise regarding the use of those products or the
31 preparation of those products, or counsel individuals or groups in the

1 selection of products to meet general nutrition needs;

2 (12) Conduct classes or disseminate general nonmedical nutrition
3 information;

4 (13) Provide care for the sick in accordance with the tenets and
5 practices of any bona fide church or religious denomination;

6 (14) Practice medical nutrition therapy for the limited purpose of
7 education and research by any person with a master's or doctoral degree
8 from a United States accredited college or university with a major course
9 of study in nutrition or an equivalent course of study as approved by the
10 department;

11 (15) Provide information and instructions regarding food intake or
12 exercise as a part of a weight control program;

13 (16) Participate in academic teaching or research with an advanced
14 postgraduate degree; and

15 (17) Present a general program of instruction for medical weight
16 control for an individual with prediabetes or obesity if the program has
17 been approved in writing by, consultation is available from, and no
18 program change is initiated without prior approval from, any one of the
19 following:

20 (a) A licensed dietitian nutritionist or a licensed nutritionist;

21 (b) A registered dietitian or registered dietitian nutritionist;

22 (c) A certified nutritionist specialist; or

23 (d) A licensed health care practitioner acting within the scope of
24 such practitioner's license as part of a plan of care.

25 Sec. 6. This act becomes operative on January 1, 2025.

26 Sec. 7. Original sections 38-131, 38-1801, and 38-1812, Revised
27 Statutes Supplement, 2023, are repealed.