

**ONE HUNDRED EIGHTH LEGISLATURE - SECOND SESSION - 2024**  
**COMMITTEE STATEMENT**  
**LB1373**

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**Hearing Date:** Thursday February 22, 2024  
**Committee On:** Health and Human Services  
**Introducer:** Blood  
**One Liner:** Adopt the Dietitian Licensure Compact and change provisions relating to criminal background checks

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**  
**Aye:** 7 Senators Ballard, Cavanaugh, M., Day, Hansen, Hardin, Riepe, Walz  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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**Testimony:**

<b>Proponents:</b> Senator Carol Blood Shannon Muhs	<b>Representing:</b> Opening Presenter Nebraska Academy of Nutrition and Dietetics
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<b>Opponents:</b>	<b>Representing:</b>
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<b>Neutral:</b>	<b>Representing:</b>
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\* ADA Accommodation Written Testimony

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**Summary of purpose and/or changes:**

LB 1373 creates the Dietitian Licensure Compact.

The Compact consists of 14 Articles: purpose; definitions; state participation; compact privilege; obtaining a new home state license; active military members/spouses; adverse actions; establishment of the compact commission; data system; rulemaking; oversight, dispute resolution, and enforcement; construction and severability; and consistent effect and conflict with other state laws.

LB 1373 also adds criminal background checks requirements and updates the medical nutrition therapy statutes with the new language.

Sec. 1 Cites the Dietitian Licensure Compact. The State of Nebraska adopts the Dietitian Licensure Compact (the following sections are capitalized to show they are sections of the Compact and not the bill):

SECTION 1 consists of the purpose of the Compact. The purpose of the Compact is to facilitate interstate Practice of Dietetics with the goal of improving public access to dietetics services and preserve the regulatory authority of States



to protect public health and safety.

SECTION 2 provides definitions. The practice of dietetics is defined as the synthesis and application of dietetics, primarily for the provision of nutrition care services. Registered dietitian is defined as a person who has completed applicable education, experience, examination, and recertification requirements approved by CDR; is credentialed by CDR as a registered dietitian or a registered dietitian nutritionist; and is legally authorized to use the title registered dietitian or registered dietitian nutritionist and the corresponding abbreviations. Definitions are also provided for ACEND (Accreditation Council for Education in Nutrition and Dietetics), active military member, adverse action, alternative program, charter member state, continuing education, CDR (Commission on Dietetic Registration), Compact Commission, Compact Privilege, current significant investigative information, data system, encumbered license, encumbrance, executive committee, home state, investigative information, jurisprudence, license, licensee, member state, remote state, rule, single state license, state, and unencumbered license.

SECTION 3 outlines the state participation in the Compact. The member state shall participate in the data system, notify the Commission of adverse actions, implement procedures for background checks, comply with the Rules of the Commission, require an applicant to obtain/retain a license in the home state, and recognize a Compact Privilege granted to a licensee who meets the Compact requirements.

Individuals not residing in a member state shall continue to be able to apply for a member state's single state license as provided under the laws of each Member State. Nothing in this Compact shall affect the requirements established by a member State for the issuance of a Single State License. At no point shall the Compact Commission have the power to define the requirements for the issuance of a single state license to practice dietetics. The member states shall retain sole jurisdiction over the provision of these requirements.

SECTION 4 provides requirements for the Compact Privilege. A licensee must meet requirements relating to education, notification to the Commission, fees, jurisprudence or reports of adverse actions.

The Compact Privilege is valid until the expiration date of the home state license. To maintain a Compact Privilege, renewal of the Compact Privilege shall be congruent with the renewal of the home state. Licensees shall be responsible for educating themselves on, and complying with, any and all state laws relating to the Practice of Dietetics in such Remote State.

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

SECTION 5 outlines the process for obtaining a new home state license based on a Compact Privilege. A Licensee may hold a home state license, which allows for a Compact Privilege in other member states, in only one member state at a time. If a licensee changes home state by moving between two member states, the licensee shall file an application, pay all applicable fees, and notify the current and new home state. The new home state shall, upon receiving the application, verify that the licensee meets the data system requirements and require a background check. Nothing in the Compact shall interfere with single state licenses.

SECTION 6 provides requirements for active military members or their spouses. An active military member, or their spouse, shall designate a home state where the individual has a current License in good standing. The individual may retain the home state designation during the period the service member is on active duty.

SECTION 7 outlines the process for taking adverse actions. A remote state shall have the authority to take adverse



action against a Licensee's Compact Privilege within that member state; and issue subpoenas. Only the home state shall have the power to take adverse action against a licensee's home state license and shall apply its own state laws to determine appropriate action. Processes are provided for joint investigations, restorations of encumbered licenses and revocations. Notification requirements to the data system are also provided. An alternative program may be used in lieu of adverse action.

SECTION 8 establishes the Dietitian Licensure Compact Commission. The Compact Member States create and establish a joint government agency whose membership consists of all member states that have enacted the Dietitian Licensure Compact Commission. The Compact Commission is an instrumentality of the Compact States acting jointly and not an instrumentality of any one State. The Compact Commission shall come into existence on or after the effective date of the Compact. Powers and duties of the Commission as well as financial responsibilities are provided. The Executive Committee shall have the power to act on behalf of the Commission and their powers and duties, membership requirements, meeting requirements and removal criteria are also provided. Liability and immunity provisions for the Commission are outlined.

SECTION 9 outlines the data system. The Commission shall provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system and shall assign each applicant a unique identifier. A member state shall submit a uniform data set to the Data System on all individuals to whom this Compact is applicable. Requirements relating to hearsay exceptions, the sharing of information to the public, current significant investigative information, and uniformity of data are provided.

SECTION 10 outlines the rulemaking process. The Compact Commission shall promulgate reasonable rules. A rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the rule is invalid because the Compact Commission exercised its rulemaking authority beyond the scope and purposes of the Compact. If a majority of the legislatures of the member states rejects a Commission Rule by statute within 4 years of the adoption of the rule, then such rule shall no further force and effect in any participating State or to any state applying to participate in the Compact. Requirements relating to hearings and emergency rules are provided.

SECTION 11 outlines the oversight, dispute resolution, and enforcement of the Compact. The executive and judicial branches of State government in each member state shall enforce this Compact and take all actions necessary and appropriate to implement the Compact. Venue and service of process requirements are provided. If the Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this Compact or rules, the Commission shall provide written notice to the defaulting State. Notice of the default shall be provided to the other participating states. If the defaulting State fails to cure the default, this State may be terminated from the Compact upon a majority vote of the delegates of the participating states. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Dispute resolution and legal actions in federal district court are also provided.

SECTION 12 states that the Compact comes into effect on which the Compact statute is enacted into law in the 7th member state. The default process is outlined. Any Member State may withdraw from this Compact by enacting a statute repealing that State's enactment of the Compact and shall take effect 180 days after enactment of the repealing statute. The Compact may be amended by the member states subject to laws of the member states.

SECTION 13 allows for the construction and severability of provisions. The Compact Commission may deny a state's participation in the Compact or terminate a member state's participation in the Compact, if it determines that a constitutional requirement of a member state is a material departure from the Compact.

SECTION 14 addresses consistent effect and conflict with other state laws. Any laws, statutes, regulations, or other legal requirements in a Member State in conflict with the Compact are superseded to the extent of the conflict. All



permissible agreements between the Commission and the Member States are binding in accordance with their terms.

Sec. 2: Criminal background check language is added to licensing application process.

Sec. 3: New language is added to the citation of the Medical Nutrition Therapy Practice Act.

Sec. 4: A person holding a Compact Privilege under the Compact may engage in the Practice of Dietetics in Nebraska. The Board of Medical Nutrition Therapy may approve, and DHHS may adopt and promulgate, rules and regulations as necessary to carry out this section.

Sec. 5: Adds Compact Privilege under the Compact to medical nutrition therapy licensing statute.

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

Sec. 7: Repealer

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**Explanation of amendments:**

Standing Committee Amendment 2724 retains the original provisions of the bill, but makes changes in the background checks provisions of the bill. Dietitian is added to the health professions that need to have a background check and the current new background check language is stricken.

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Ben Hansen, Chairperson

