

ONE HUNDRED EIGHTH LEGISLATURE - FIRST SESSION - 2023
COMMITTEE STATEMENT (CORRECTED)
LB572

Hearing Date: Friday February 03, 2023
Committee On: Health and Human Services
Introducer: Riepe
One Liner: Provide, change, and eliminate provisions relating to the Medical Nutrition Therapy Practice Act

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:
Aye: 6 Senators Ballard, Day, Hansen, B., Hardin, Riepe, Walz
Nay:
Absent:
Present Not Voting: 1 Senator Cavanaugh, M.

Testimony:

Proponents:

Senator Merv Riepe
Kelly Satter
Paula Ridder Gooder
Carrie Nielsen
Anna Trauernicht
Chris Young

Representing:

Introducer
Self
Nebraska Academy of Nutrition and Dietetics
Nebraska Academy of Nutrition and Dietetics
Nebraska Hospital Association
Falls City Care Center

Opponents:

Representing:

Neutral:

Jacob Carmichael
Jalene Carpenter

Representing:

Self
Nebraska Healthcare Association

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB572 updates the Medical Nutrition Therapy Act by making terminology consistent with other states and provides a pathway to licensure for certified nutrition specialists.

LB572 contains exemptions to clarify the activities for which no licensure is required, including providing nutrition information, guidance, motivation, nutrition recommendations, behavior change management, health coaching, holistic and wellness education, or other nutrition-care services that do not constitute medical nutrition therapy

Section by Section:

Sec. 1: Sections 38-1801 to 38-1816 and sections 4, 7, 9, 11 to 17, and 22 to 27 of this act shall be known and may be cited as the Medical Nutrition Therapy Practice Act

Sec. 2: Change "medical nutrition therapists" to dietitians and nutritionists

Sec. 3: Include 38-1508 and sections 4,7,9, and 11 to 17 as definitions under the Medical Nutrition Therapy Practice Act.

Sec. 4: Appropriate supervision means the specific type, intensity, and frequency of supervision determined by an assessment of a combination of factors, which include discipline, level of education and experience of the supervisee, and assigned level of responsibility.

Sec. 5: 38-1806 Consultation means conferring with a physician, nurse practitioner, or physician assistant regarding the provision of medical nutrition therapy. During inpatient such consultation is satisfied through clinical privileges or following facility protocols. In outpatient consultation is satisfied through conferring with a consulting physician or the referring primary care practitioner or physician of the patient.

Sec. 6: General nonmedical nutrition information means information on any of the following:

- (1) Principles of good nutrition and food preparation;
- (2) Food that should be included in the normal diet;
- (3) Essential nutrients needed by the human body;
- (4) Recommended amounts of essential nutrients required by the human body;
- (5) Actions of nutrients in the human body; and
- (6) Food and supplements that are good sources of essential nutrients required by the human body.

Sec. 7: General supervision for the purpose of post-degree clinical practice experience means the qualified supervisor is onsite and present at the location where nutrition-care services are provided or is immediately available by means of electronic communications to the supervisee providing the services and both maintains continued involvement in the appropriate aspects of patient care and has primary responsibility for all nutrition-care services rendered by the supervisee.

Sec. 8: Dietitian nutritionist means a person who holds a license pursuant to 38-1813

Sec. 9: Licensed nutritionist means a person who is licensed to practice medical nutrition therapy pursuant to the Uniform Credentialing Act and who holds a current license issued by the department pursuant to section 22 of this act.

Sec. 10: Medical nutrition therapy means the assessment of the nutritional status of patients and the provision of the following nutrition-care services for the treatment or management of a disease or medical condition by:

- (1) Assessing and evaluating the nutritional needs of people and groups and determining resources and constraints in the practice setting, including ordering laboratory tests to check and track nutrition status, creating dietary plans and orders, and monitoring the effectiveness of such plans and orders
- (2) Establishing priorities, goals, and objectives that meet nutritional needs and are consistent with available resources and constraints
- (3) Providing nutrition counseling; and
- (4) Ordering therapeutic diets

Sec. 11: Nutrition-care services means any or all of the following services provided within a systematic process:

- (1) Assessing and evaluating the nutritional needs of people and groups and determining resources and constraints in the practice setting, including ordering laboratory tests to check and track nutrition status, creating dietary plans and orders, and monitoring the effectiveness of such plans and orders;

- (2) Establishing priorities, goals, and objectives that meet nutritional needs and are consistent with available resources and constraints;
- (3) Providing nutrition counseling, including in health and disease;
- (4) Developing, implementing, and managing nutrition-care systems;
- (5) Evaluating, changing, and maintaining appropriate standards of quality in food and nutrition services; and
- (6) Ordering therapeutic diets.

Sec. 12: Nutrition counseling means a supportive process, characterized by a collaborative counselor-patient or counselor-client relationship with individuals or groups, to establish food and nutrition priorities, goals, and individualized action plans and general physical activity guidance that acknowledge and foster responsibility for self-care to treat or manage an existing disease or medical condition or to promote health and wellness.

Sec. 13: Practice of dietetics and nutrition means the integration and application of scientific principles derived from the study of food, nutrition, biochemistry, metabolism, nutrigenomics, physiology, food management, and behavioral and social sciences in achieving and maintaining health throughout the life span and in providing nutrition care in person or by telehealth, including medical nutrition therapy, for the purpose of disease management and prevention, or to treat or

rehabilitate an illness, injury, or condition. The primary functions of the practice of dietetics and nutrition are the provision of medical nutrition therapy for the purpose of disease management or to treat or rehabilitate an illness, injury, or condition and the provision of other nutrition-care services for health and wellness and as primary prevention of chronic disease.

Sec. 14: Primary care practitioner means a physician licensed pursuant to section 38-2026 or sections 38-2029 to 38-2033 who provides primary care services, a nurse practitioner licensed pursuant to section 38-2317 who provides primary care services, or a physician assistant licensed pursuant to section 38-2049 who provides primary care services under a collaborative agreement with the supervision of a physician.

Sec. 15: (1) A qualified supervisor means when supervising the provision of medical nutrition therapy by a person who is completing post-degree clinical practice experience, a person who is either a licensed dietitian nutritionist, a licensed nutritionist or a health care provider or someone in another state with similar qualifications but no license exists or someone who meets the qualifications of Subdivision (1)(a) or has sufficient experience in the field for 3 of the last 5 years.

(2) A degree obtain outside the US must be validated

(3) A qualified supervisor shall be licensed under the Uniform 25 Credentialing Act

Sec 16: Registered dietitian or registered dietitian nutritionist means a person who is currently registered as a registered dietitian or a registered dietitian nutritionist.

Sec 17: Therapeutic diet means a diet intervention prescribed by a 2 physician or other health care professional

Sec 18: Under 38-1810 Patient means an individual recipient of medical nutrition therapy, whether in the outpatient or inpatient setting

Sec 19: Changes Health board language to include a licensed nutritionist or a licensed dietitian nutritionist

Sec 20: (1) The practice of medical nutrition therapy shall be provided with the consultation of a physician, nurse practitioner, or PA.

(2) The act shall not require a license if:

(a) a fed or state employee while serving in the armed forces, (b) are acting within the scope of the

existing credentialing act, (c) practicing as a student in the course of study, (d) working in a hospital setting under someone who was licensed under the Act, (e) providing nutrition guidance that does not fall under the Act (f) Transmit nutrition orders (g) Provide free therapy to family members (h) Aid or support in nutrition therapy under a licensed person (i) Licensed in another state (j) performing nutrition-care (k) marketing of food and advise regarding supplements (l) Conduct classes about general nutrition information (m) Provide care for sick tenants and religious

practices (n) Practice medical nutrition therapy for the limited purpose of education and research

(o) Present a general program of instruction with written approval of licensee under the act.

Sec 21: A licensed dietitian nutritionist Must be 18 years of age and show evidence of: (1) registration with the Commission on Dietetic Registration, (2) a masters or Doctorate, (3) completion of board approved education program, (4) pass board exam

Sec 22: A licensed nutritionist must be 18 years of age and show evidence of: (1) registration with the Commission on Dietetic Registration, (2) a masters or Doctorate, (3) completion of board approved education program, (4) pass board exam

Sec 23: The board shall develop requirements to include: (1) administrative review (2) personal review of face-to-face education (3) personal review of all charts, records and clinical notes (4) Backup qualified supervisors (5) Levels of responsibility

Sec 24: A temporary license to practice medical nutrition therapy may be granted to any person who meets all the requirements for a license except passage of the examination

Sec 25: Only a licensed dietitian nutritionist or licensed nutritionist may provide medical nutrition therapy. Registered Dietitian may use rd or rdn, Nutrition Specialist may use cns

Sec 26: A licensed dietitian nutritionist or a licensed nutritionist, unless otherwise exempt, shall Provide medical nutrition therapy using evidence-based practice, use specialized knowledge, use critical thinking. They may: accept referrals, recommend or order patient diets, order tests, implement Rx adjustments.

Sec 27: A student enrolled in an accredited course on dietetics and nutrition recognized by the board may perform any action necessary to complete the student's course of study and engage in the practice of medical nutrition therapy under the appropriate supervision.

Sec 28: Nothing in the Medical Nutrition Therapy Practice Act shall require assisted living facilities or nursing facilities to provide medical nutrition therapy, unless otherwise required by law, or employ or consult with licensed dietitian nutritionists or licensed nutritionists, so long as any medical nutrition therapy provided in such facilities is provided under an exemption listed under section of this act

Sec 29: Repealer

Sec 30: Outright Repealer

Ben Hansen, Chairperson