

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 572

Introduced by Riepe, 12.

Read first time January 17, 2023

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Medical Nutrition Therapy Practice Act;
2 to amend sections 38-1801, 38-1802, 38-1803, 38-1806, 38-1807,
3 38-1808, 38-1809, 38-1810, 38-1811, 38-1812, and 38-1816, Reissue
4 Revised Statutes of Nebraska, and section 38-1813, Revised Statutes
5 Cumulative Supplement, 2022; to provide, change, and eliminate
6 definitions; to restate intent; to change membership on a board; to
7 provide and change licensure requirements; to change provisions
8 regarding scope of practice; to harmonize provisions; to repeal the
9 original sections; and to outright repeal section 38-1804, Reissue
10 Revised Statutes of Nebraska.

11 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-1801, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 38-1801 Sections 38-1801 to 38-1816 and sections 4, 7, 9, 11 to 17,
4 and 22 to 27 of this act shall be known and may be cited as the Medical
5 Nutrition Therapy Practice Act.

6 Sec. 2. Section 38-1802, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 38-1802 (1) The Legislature finds that:

9 (a) The unregulated practice of medical nutrition therapy can
10 clearly harm or endanger the health, safety, and welfare of the public;

11 (b) The public can reasonably be expected to benefit from an
12 assurance of initial and continuing professional ability; and

13 (c) The public cannot be effectively protected by a less cost-
14 effective means than state regulation of the practice of medical
15 nutrition therapy. The Legislature also finds that dietitians and
16 nutritionists ~~medical nutrition therapists~~ must exercise independent
17 judgment and that professional education, training, and experience are
18 required to make such judgment.

19 (2) The Legislature further finds that the practice of medical
20 nutrition therapy in the State of Nebraska is not sufficiently regulated
21 for the protection of the health, safety, and welfare of the public. It
22 declares that this is a matter of statewide concern and it shall be the
23 policy of the State of Nebraska to promote high standards of professional
24 performance by those persons representing themselves as licensed
25 dietitian nutritionists and licensed nutritionists ~~medical nutrition~~
26 ~~therapists~~.

27 Sec. 3. Section 38-1803, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 38-1803 For purposes of the Medical Nutrition Therapy Practice Act
30 and elsewhere in the Uniform Credentialing Act, unless the context
31 otherwise requires, the definitions found in sections 38-1805 ~~38-1804~~ to

1 38-1810 and sections 4, 7, 9, and 11 to 17 of this act apply.

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

6 Sec. 5. Section 38-1806, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 38-1806 Consultation means conferring with a physician, nurse
9 practitioner, or physician assistant regarding the provision of medical
10 nutrition therapy activities of the licensed medical nutrition therapist.
11 In the inpatient setting, consultation may be satisfied by practicing
12 under clinical privileges or following facility-established protocols. In
13 the outpatient setting, consultation may be satisfied by conferring with
14 a consulting physician or the referring primary care practitioner or
15 physician of the patient.

16 Sec. 6. Section 38-1807, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 38-1807 General nonmedical nutrition information means information
19 on any of the following:

20 (1) Principles of good nutrition and food preparation;

21 (2) Food that should be included in the normal diet;

22 (3) Essential nutrients needed by the human body;

23 (4) Recommended amounts of essential nutrients required by the human
24 body;

25 (5) Actions of nutrients in the human body; and

26 (6) Food and supplements that are good sources of essential
27 nutrients required by the human body.

28 ~~General nutrition services includes, but is not limited to:~~

29 ~~(1) Identifying the nutritional needs of individuals and groups in~~
30 ~~relation to normal nutritional requirements; and~~

31 ~~(2) Planning, implementing, and evaluating nutrition education~~

1 ~~programs for individuals and groups in the selection of food to meet~~
2 ~~normal nutritional needs throughout the life cycle.~~

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

11 Sec. 8. Section 38-1808, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 38-1808 Licensed dietitian nutritionist ~~medical nutrition therapist~~
14 means a person who is licensed to practice medical nutrition therapy
15 pursuant to the Uniform Credentialing Act and who holds a current license
16 issued by the department pursuant to section 38-1813 ~~the Medical~~
17 ~~Nutrition Therapy Practice Act.~~

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

22 Sec. 10. Section 38-1809, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 38-1809 Medical nutrition therapy means the assessment of the
25 nutritional status of patients and the provision of the following
26 nutrition-care services for the treatment or management of a disease or
27 medical condition by: assessment of the nutritional status of patients.
28 ~~Medical nutrition therapy involves the assessment of patient nutritional~~
29 ~~status followed by treatment, ranging from diet modification to~~
30 ~~specialized nutrition support, such as determining nutrient needs for~~
31 ~~enteral and parenteral nutrition, and monitoring to evaluate patient~~

1 ~~response to such treatment.~~

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

7 (2) Establishing priorities, goals, and objectives that meet
8 nutritional needs and are consistent with available resources and
9 constraints;

10 (3) Providing nutrition counseling; and

11 (4) Ordering therapeutic diets.

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

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

19 (2) Establishing priorities, goals, and objectives that meet
20 nutritional needs and are consistent with available resources and
21 constraints;

22 (3) Providing nutrition counseling, including in health and disease;

23 (4) Developing, implementing, and managing nutrition-care systems;

24 (5) Evaluating, changing, and maintaining appropriate standards of
25 quality in food and nutrition services; and

26 (6) Ordering therapeutic diets.

27 Sec. 12. Nutrition counseling means a supportive process,
28 characterized by a collaborative counselor-patient or counselor-client
29 relationship with individuals or groups, to establish food and nutrition
30 priorities, goals, and individualized action plans and general physical
31 activity guidance that acknowledge and foster responsibility for self-

1 care to treat or manage an existing disease or medical condition or to
2 promote health and wellness.

3 Sec. 13. Practice of dietetics and nutrition means the integration
4 and application of scientific principles derived from the study of food,
5 nutrition, biochemistry, metabolism, nutrigenomics, physiology, food
6 management, and behavioral and social sciences in achieving and
7 maintaining health throughout the life span and in providing nutrition
8 care in person or by telehealth, including medical nutrition therapy, for
9 the purpose of disease management and prevention, or to treat or
10 rehabilitate an illness, injury, or condition. The primary functions of
11 the practice of dietetics and nutrition are the provision of medical
12 nutrition therapy for the purpose of disease management or to treat or
13 rehabilitate an illness, injury, or condition and the provision of other
14 nutrition-care services for health and wellness and as primary prevention
15 of chronic disease.

16 Sec. 14. Primary care practitioner means a physician licensed
17 pursuant to section 38-2026 or sections 38-2029 to 38-2033 who provides
18 primary care services, a nurse practitioner licensed pursuant to section
19 38-2317 who provides primary care services, or a physician assistant
20 licensed pursuant to section 38-2049 who provides primary care services
21 under a collaborative agreement with the supervision of a physician.

22 Sec. 15. (1) Qualified supervisor means:

23 (a) When supervising the provision of medical nutrition therapy by a
24 person who is completing post-degree clinical practice experience, a
25 person who either:

26 (i) Is a licensed dietitian nutritionist, a licensed nutritionist,
27 or a health care provider licensed in any state or territory, including
28 licensed or certified dietitian nutritionists and licensed nutritionists,
29 whose scope of practice includes the provision of medical nutrition
30 therapy; or

31 (ii) In the case of a person in a state that does not provide for

1 such licensure or certification, meets such other criteria as the board
2 may establish, including by a registered dietitian nutritionist or a
3 certified nutrition specialist, or is a health care provider authorized
4 in another state or territory to provide medical nutrition therapy; and

5 (b) When supervising the provision of nutrition-care services that
6 does not constitute medical nutrition therapy, a person who:

7 (i) Meets the qualifications of subdivision (1)(a) of this section;
8 or

9 (ii) Has worked in the field of clinical nutrition for at least
10 three of the last five years immediately preceding commencement of the
11 applicant's supervised practice experience and holds a master's or
12 doctoral degree with a major course of study in dietetics, human
13 nutrition, foods and nutrition, clinical nutrition, applied clinical
14 nutrition, community nutrition, public health nutrition, naturopathic
15 medicine, nutrition education, nutrition counseling, nutrition science,
16 nutrition and functional medicine, nutritional biochemistry, or nutrition
17 and integrative health, or an equivalent course of study as approved by
18 the board.

19 (2) In order to qualify as a qualified supervisor in Nebraska, a
20 supervisor obtaining a doctoral degree outside the United States or its
21 territories shall have such degree validated by the board as equivalent
22 to the doctoral degree conferred by an accredited college or university
23 in the United States or its territories.

24 (3) A qualified supervisor shall be licensed under the Uniform
25 Credentialing Act to provide medical nutrition therapy if supervising an
26 applicant providing medical nutrition therapy to a person in this state.

27 Sec. 16. Registered dietitian or registered dietitian nutritionist
28 means a person who is currently registered as a registered dietitian or a
29 registered dietitian nutritionist by the Commission on Dietetic
30 Registration of the Academy of Nutrition and Dietetics or a similar
31 successor entity approved by the department.

1 Sec. 17. Therapeutic diet means a diet intervention prescribed by a
2 physician or other health care professional that provides food or
3 nutrients via oral, enteral, or parenteral routes as part of the
4 treatment of a disease or diagnosed clinical condition to modify,
5 eliminate, decrease, or increase identified micronutrients or
6 macronutrients in the diet or to provide mechanically altered food when
7 indicated.

8 Sec. 18. Section 38-1810, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 38-1810 Patient means an individual recipient of medical nutrition
11 therapy, whether in the outpatient or inpatient setting ~~a person with a~~
12 ~~disease, illness, injury, or medical condition for which nutritional~~
13 ~~interventions are an essential component of standard care.~~

14 Sec. 19. Section 38-1811, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 38-1811 (1) The board shall consist of three professional members,
17 one physician, and one public member appointed pursuant to section 38-158
18 until December 1, 2023.

19 (2) Beginning on December 1, 2023, the board shall consist of five
20 members as follows: Three professional members, of which one shall be a
21 licensed nutritionist or a licensed dietitian nutritionist and two shall
22 be licensed dietitian nutritionists; one physician; and one public
23 member.

24 (3) The members shall meet the requirements of sections 38-164 and
25 38-165.

26 Sec. 20. Section 38-1812, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 38-1812 No person shall practice medical nutrition therapy unless he
29 ~~or she is~~ licensed for such purpose pursuant to the Uniform Credentialing
30 Act. The practice of medical nutrition therapy shall be provided with the
31 consultation of a physician licensed pursuant to section 38-2026 or

1 sections 38-2029 to 38-2033, a nurse practitioner licensed pursuant to
2 section 38-2317, or a physician assistant licensed pursuant to section
3 38-2049. The Medical Nutrition Therapy Practice Act shall not be
4 construed to require a license under the act in order to ~~The practice of~~
5 ~~medical nutrition therapy shall not include:~~

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

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

11 (3) Practice medical nutrition therapy as a student while pursuing a
12 course of study leading to a degree in dietetics, nutrition, or an
13 equivalent major course of study from an accredited school or program as
14 part of a supervised course of study, if all of the following apply: (a)
15 The person is not engaged in the unrestricted practice of medical
16 nutrition therapy; (b) the person uses a title clearly indicating the
17 person's status as a student or trainee; and (c) the person is in
18 compliance with appropriate supervision requirements developed by the
19 board, including the requirement that the supervised practice experience
20 must be under the order, control, and full professional responsibility of
21 such supervisor. Nothing in this subdivision shall be construed to permit
22 students, trainees, or supervisees to practice medical nutrition therapy
23 other than as specifically allowed in this subdivision and as provided in
24 section 27 of this act;

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

1 (5) Provide nutrition information, guidance, motivation, nutrition
2 recommendations, behavior change management, health coaching, holistic
3 and wellness education, or other nutrition-care services that do not
4 constitute medical nutrition therapy as long as such activity is being
5 performed by a person who is not licensed under the Medical Nutrition
6 Therapy Practice Act and who is not acting in the capacity of or claiming
7 to be a licensed dietitian nutritionist or licensed nutritionist;

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

11 (7) Provide medical nutrition therapy without remuneration to family
12 members;

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

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

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

21 ~~(1) Any person credentialed in this state pursuant to the Uniform~~
22 ~~Credentialing Act and engaging in such profession or occupation for which~~
23 ~~he or she is credentialed;~~

24 ~~(2) Any student engaged in an academic program under the supervision~~
25 ~~of a licensed medical nutrition therapist as part of a major course of~~
26 ~~study in human nutrition, food and nutrition, or dietetics, or an~~
27 ~~equivalent major course of study approved by the board, and who is~~
28 ~~designated with a title which clearly indicates the person's status as a~~
29 ~~student or trainee;~~

30 ~~(3) Persons practicing medical nutrition therapy who serve in the~~
31 ~~armed forces of the United States or the United States Public Health~~

1 ~~Service or who are employed by the United States Department of Veterans~~
2 ~~Affairs or other federal agencies, if their practice is limited to that~~
3 ~~service or employment;~~

4 (9) Practice ~~(4) Persons practicing~~ medical nutrition therapy if the
5 practitioner is ~~who are~~ licensed in another state, United States
6 territory ~~possession,~~ or country, has ~~or have~~ received at least a
7 baccalaureate degree, and is ~~are~~ in this state for the purpose of:

8 (a) Consultation, ~~if the practice in this state is limited to~~
9 consultation; or

10 (b) Conducting a teaching clinical demonstration in connection with
11 a program of basic clinical education, graduate education, or
12 postgraduate education which is sponsored by a dietetic education program
13 or a major course of study in human nutrition, food and nutrition, or
14 dietetics, or an equivalent major course of study approved by the board;

15 (10) Perform ~~(5) Persons performing~~ general nutrition-care ~~nutrition~~
16 services, not constituting medical nutrition therapy, incidental to the
17 practice of the profession insofar as it does not exceed the scope of the
18 person's ~~their~~ education and training;

19 (11) Market ~~(6) Persons who market~~ or distribute food, food
20 materials, or dietary supplements, advise regarding ~~including persons~~
21 ~~employed in health food stores, or persons engaged in the advising of the~~
22 use of those products, ~~or the preparation of those products,~~ or counsel
23 ~~the counseling of~~ individuals or groups in the selection of products to
24 meet general nutrition needs;

25 (12) Conduct ~~(7) Persons conducting~~ classes or disseminate
26 ~~disseminating information related to~~ general nonmedical ~~nutrition~~
27 information ~~services~~;

28 (13) Provide ~~(8) Persons who~~ care for the sick in accordance with
29 the tenets and practices of any bona fide church or religious
30 denomination;

31 (14) Practice ~~medical nutrition therapy for the limited purpose of~~

1 education and research by any person with a master's or doctoral degree
2 from a United States accredited college or university with a major course
3 of study in nutrition or an equivalent course of study as approved by the
4 department;

5 (15) Provide (9) Persons who provide information and instructions
6 regarding food intake or exercise as a part of a weight control program;
7 and

8 (16) Participate (10) Persons with advanced postgraduate degrees
9 involved in academic teaching or research with an advanced postgraduate
10 degree; and -

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

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

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

18 (c) A certified nutritionist specialist; or

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

21 Sec. 21. Section 38-1813, Revised Statutes Cumulative Supplement,
22 2022, is amended to read:

23 38-1813 (1) A person shall be eligible ~~qualified~~ to be a licensed
24 dietitian nutritionist ~~medical nutrition therapist~~ if such person is
25 eighteen years of age or older, submits a completed application as
26 required by the board, submits fees required by the board, and furnishes
27 evidence of that he or she:

28 (a) A current, valid registration as a registered dietitian
29 nutritionist with the Commission on Dietetic Registration or a similar
30 successor entity approved by the department; or

31 (b)(i)(A) A master's or doctoral degree from a college or university

1 accredited at the time of graduation from the appropriate accrediting
2 agency recognized by the Council for Higher Education Accreditation and
3 the United States Department of Education with a major course of study in
4 human nutrition, foods and nutrition, dietetics, food systems management,
5 nutrition education, nutrition, nutrition science, clinical nutrition,
6 applied clinical nutrition, nutrition counseling, nutrition and
7 functional medicine, nutritional biochemistry, nutrition and integrative
8 health, or an equivalent course of study that, as approved by the board,
9 meets the competency requirements of an accredited didactic program in
10 dietetics of the Accreditation Council for Education in Nutrition and
11 Dietetics or a similar successor entity approved by the Department of
12 Health and Human Services; or

13 (B) An academic degree from a foreign country that has been
14 validated as equivalent by a credential evaluation agency recognized by
15 the United States Department of Education and that, as approved by the
16 board, meets the competency requirements of an accredited didactic
17 program in dietetics of the Accreditation Council for Education in
18 Nutrition and Dietetics;

19 (ii) Successful completion of a planned clinical program in an
20 approved practice of dietetics and nutrition that, as approved by the
21 board, meets the competency requirements of an accredited supervised
22 practice experience in dietetics of the Accreditation Council for
23 Education in Nutrition and Dietetics comprised of not less than one
24 thousand hours of practice under the supervision of a registered
25 dietitian nutritionist. A supervisor who obtained a doctoral degree
26 outside of the United States and territories of the United States shall
27 have the degree validated as equivalent to a doctoral degree conferred by
28 an accredited college or university in the United States by a credential
29 evaluation agency recognized by the United States Department of Education
30 as approved by the Department of Health and Human Services; and

31 (iii) Successful completion of the examination for dietitian

1 nutritionists administered by the Commission on Dietetic Registration of
2 the Academy of Nutrition and Dietetics or a similar successor entity
3 approved by the Department of Health and Human Services.

4 (2) A person licensed as a licensed medical nutrition therapist and
5 credentialed as a registered dietitian nutritionist by the Commission on
6 Dietetic Registration or a similar successor entity recognized by the
7 board on the effective date of this act shall be deemed to be licensed as
8 a licensed dietitian nutritionist for the term of the license. A person
9 licensed as a licensed medical nutrition therapist who is not
10 credentialed as a registered dietitian on the effective date of this act
11 shall be deemed to be licensed as a licensed nutritionist for the term of
12 the license.

13 ~~(a) Has met the requirements for and is a registered dietitian by~~
14 ~~the American Dietetic Association or an equivalent entity recognized by~~
15 ~~the board;~~

16 ~~(b)(i) Has satisfactorily passed an examination approved by the~~
17 ~~board;~~

18 ~~(ii) Has received a baccalaureate degree from an accredited college~~
19 ~~or university with a major course of study in human nutrition, food and~~
20 ~~nutrition, dietetics, or an equivalent major course of study approved by~~
21 ~~the board; and~~

22 ~~(iii) Has satisfactorily completed a program of supervised clinical~~
23 ~~experience approved by the department. Such clinical experience shall~~
24 ~~consist of not less than nine hundred hours of a planned continuous~~
25 ~~experience in human nutrition, food and nutrition, or dietetics under the~~
26 ~~supervision of an individual meeting the qualifications of this section;~~
27 ~~or~~

28 ~~(c)(i) Has satisfactorily passed an examination approved by the~~
29 ~~board; and~~

30 ~~(ii)(A) Has received a master's or doctorate degree from an~~
31 ~~accredited college or university in human nutrition, nutrition education,~~

1 ~~food and nutrition, or public health nutrition or in an equivalent major~~
2 ~~course of study approved by the board; or~~

3 ~~(B) Has received a master's or doctorate degree from an accredited~~
4 ~~college or university which includes a major course of study in clinical~~
5 ~~nutrition. Such course of study shall consist of not less than a combined~~
6 ~~two hundred hours of biochemistry and physiology and not less than~~
7 ~~seventy-five hours in human nutrition.~~

8 ~~(2) For purposes of this section, accredited college or university~~
9 ~~means an institution currently listed with the United States Secretary of~~
10 ~~Education as accredited. Applicants who have obtained their education~~
11 ~~outside of the United States and its territories shall have their~~
12 ~~academic degrees validated as equivalent to a baccalaureate or master's~~
13 ~~degree conferred by a United States accredited college or university.~~

14 ~~(3)(a) The practice of medical nutrition therapy shall be performed~~
15 ~~under the consultation of a physician licensed pursuant to section~~
16 ~~38-2026 or sections 38-2029 to 38-2033.~~

17 ~~(b) A licensed medical nutrition therapist may order patient diets,~~
18 ~~including therapeutic diets, in accordance with this subsection.~~

19 Sec. 22. A person shall be eligible to be a licensed nutritionist
20 if such person is eighteen years of age or older, submits a completed
21 application as required by the board, submits fees required by the board,
22 and furnishes evidence of:

23 (1) Certification as a certified nutrition specialist or proof of
24 successful completion of the examination administered by the board for
25 Certification of Nutrition Specialists of the American Nutrition
26 Association or a similar successor entity approved by the department or
27 an equivalent examination dealing with all aspects of the practice of
28 dietetics and nutrition approved by the department;

29 (2)(a) A master's or doctoral degree from a college or university
30 accredited at the time of graduation from the appropriate accrediting
31 agency recognized by the Council on Higher Education Accreditation and

1 the United States Department of Education with a major course of study as
2 approved by the board that provides the knowledge requirements necessary
3 for the competent provision of medical nutrition therapy; or

4 (b) An academic degree from a foreign country that has been
5 validated as equivalent to the degree and course of study described in
6 subdivision (b) of this subdivision as determined by the board;

7 (3) Successful completion of coursework leading to competence in
8 medical nutrition therapy which includes (a) fifteen semester hours of
9 clinical or life sciences, including such courses as chemistry, organic
10 chemistry, biology, molecular biology, biotechnology, botany, genetics,
11 genomics, neuroscience, experimental science, immunotherapy, pathology,
12 pharmacology, toxicology, research methods, applied statistics,
13 biostatistics, epidemiology, energy production, molecular pathways,
14 hormone and transmitter regulations and imbalance, and pathophysiologic
15 base of disease, with at least three semester hours in human anatomy and
16 physiology or the equivalent, and (b) fifteen semester hours of nutrition
17 and metabolism, with at least six semester hours in biochemistry or an
18 equivalent approved by the board; and

19 (4) Successful completion of a board-approved, planned, continuous
20 internship or a documented, planned, continuous, supervised practice
21 experience with a qualified supervisor, demonstrating competency in
22 nutrition-care services and the provision of medical nutrition therapy
23 comprised of not less than one thousand hours involving at least two
24 hundred hours of nutrition assessment and nutrition diagnosis, two
25 hundred hours of nutrition intervention or counseling, and two hundred
26 hours of nutrition monitoring and evaluation. A minimum of seven hundred
27 hours of the supervised practice experience is required in professional
28 work settings, and no more than three hundred hours may be in alternate
29 supervised experiences such as observational interactions between patient
30 and practitioner, simulation, case studies, or role playing. This
31 experience shall be under the supervision of a qualified supervisor.

1 Qualified supervisors shall provide general supervision of an applicant's
2 supervised practice experience in the provision of medical nutrition
3 therapy and provide appropriate supervision of an applicant's provision
4 of other nutrition-care services that do not constitute medical nutrition
5 therapy. For purposes of this subdivision, a supervisor shall be licensed
6 in this state if supervising an applicant providing medical nutrition
7 therapy to a person in this state. A supervisor who obtained a doctoral
8 degree outside of the United States and territories of the United States
9 shall have the degree validated as equivalent to a doctoral degree
10 conferred by an accredited college or university in the United States by
11 a credential evaluation agency recognized by the United States Department
12 of Education.

13 Sec. 23. The board shall develop requirements for appropriate
14 supervision consistent with prevailing professional standards considering
15 factors that include, but are not limited to, level of education,
16 experience, and level of responsibility. The requirements shall include:

17 (1) Adequate, active, and continuing review of the supervisee's
18 activities to assure that the supervisee is performing as directed and
19 complying with the statutes and all related administrative regulations;

20 (2) Personal review by the qualified supervisor of the supervisee's
21 practice on a regular basis and regularly scheduled, face-to-face,
22 education and review conferences between the qualified supervisor and the
23 supervisee;

24 (3) Personal review of all charts, records, and clinical notes of
25 the supervisee on a regular basis;

26 (4) Designation of an alternate qualified supervisor to supervise
27 any services provided in the event of a qualified supervisor's absence;
28 and

29 (5) Knowledge of, and adherence to, by each supervisee and qualified
30 supervisor, the assigned level of responsibility and the permissible
31 types of supervision and documentation as determined by the board in

1 supervision requirements.

2 Sec. 24. (1) A temporary license to practice medical nutrition
3 therapy may be granted to any person who meets all the requirements for a
4 license except passage of the examination required by section 38-1813 or
5 section 22 of this act. A temporary licensee shall be supervised by a
6 qualified supervisor. A temporary license shall be valid for one year or
7 until the temporary licensee takes the examination, whichever occurs
8 first. The temporary licensee shall be designated by a title clearly
9 indicating such licensee's status as a student or trainee. If a temporary
10 licensee fails the examination required by section 38-1813 or section 22
11 of this act, the temporary license shall be null and void, except that
12 the department, with the recommendation of the board, may extend the
13 temporary license upon a showing of good cause for up to six months. A
14 temporary license shall not be issued to any person who fails to pass the
15 examination if such person did not hold a valid temporary license prior
16 to the failure to pass the examination.

17 (2) This section shall not apply to a temporary license issued as
18 provided under section 38-129.01.

19 Sec. 25. (1) Unless otherwise authorized or exempted under the
20 Medical Nutrition Therapy Practice Act, (a) only a licensed dietitian
21 nutritionist or licensed nutritionist may provide medical nutrition
22 therapy, and (b) no person shall use the title dietitian nutritionist,
23 nutritionist, dietitian, licensed dietitian nutritionist, licensed
24 medical nutrition therapist, licensed nutritionist dietician, medical
25 nutrition therapist, or licensed nutrition specialist, or the
26 abbreviation LDN or LN, or any other title, designation, word, letter,
27 abbreviation, or insignia indicating that the person is a provider of
28 medical nutrition therapy or licensed under the Medical Nutrition Therapy
29 Practice Act unless the person is a licensed dietitian nutritionist or a
30 licensed nutritionist.

31 (2) Only a person who is issued a license as a dietitian

1 nutritionist under the act may use the words licensed dietitian
2 nutritionist, dietitian nutritionist, or dietitian or the letters LDN in
3 connection with such person's name. Only a person who is issued a license
4 as a nutritionist under the act may use the words licensed nutritionist
5 or the letters LN in connection with such person's name. Only a person
6 licensed under the act may use the word nutritionist in connection with
7 such person's name. A person may use any lawfully earned federally
8 trademarked title, and the following persons may use the following words,
9 titles, or letters: (a) A registered dietitian nutritionist may use
10 registered dietitian, registered dietitian nutritionist, rd, or rdn; (b)
11 a person who is credentialed by the Board for Certification of Nutrition
12 Specialists as a certified nutrition specialist may use certified
13 nutrition specialist or cns; or (c) a board-certified nutrition
14 pharmacist may use the title nutrition specialist.

15 Sec. 26. (1) A licensed dietitian nutritionist or a licensed
16 nutritionist, unless otherwise exempt, shall:

17 (a) Provide medical nutrition therapy using evidence-based practice
18 and the nutrition-care services process for patients and clients in
19 clinical and community settings for the purpose of treatment or
20 management of a diagnosed medical disease or medical condition. The
21 nutrition-care services process involves application of the scientific
22 method to medical nutrition therapy and consists of four distinct, but
23 interrelated, steps of nutrition assessment, nutrition diagnosis,
24 nutrition intervention, and nutrition monitoring and evaluation;

25 (b) Use specialized knowledge and skill to apply the systematic
26 problem-solving method to make diagnostic judgments when providing
27 medical nutrition therapy for safe, effective, and high-quality care; and

28 (c) Use critical thinking to collect relevant data, determine
29 nutrition diagnosis based upon interpreted data, establish patient and
30 client goals, determine a nutrition plan and interventions to solve the
31 problem, and evaluate the effectiveness of interventions and progress

1 toward the desired goals or outcomes.

2 (2) A licensed dietitian nutritionist or a licensed nutritionist
3 may:

4 (a) Accept or transmit written, verbal, delegated, or
5 electromagnetically transmitted orders from a referring provider
6 consistent with the Medical Nutrition Therapy Practice Act and rules and
7 regulations adopted and promulgated pursuant to the act and with any
8 controlling protocols established to implement medical nutrition therapy;

9 (b) Recommend and order patient diets, including therapeutic diets,
10 oral nutrition supplements, and dietary supplements, in accordance with
11 the Medical Nutrition Therapy Practice Act and the rules and regulations
12 adopted and promulgated pursuant to the act. Therapeutic diets may
13 include oral, enteral, or parenteral nutrition therapy. Enteral and
14 parenteral nutrition therapy consists of enteral feedings or specialized
15 intravenous solutions and associated nutrition-related services as part
16 of a therapeutic diet and shall only be ordered, initiated, or performed
17 by a licensed dietitian nutritionist or licensed nutritionist who also
18 meets one of the following criteria:

19 (i) The licensee is a registered dietitian nutritionist;

20 (ii) The licensee is a certified nutrition support clinician
21 certified by the National Board of Nutrition Support Certification; or

22 (iii) The licensee meets other requirements demonstrating competency
23 as determined by the board in evaluating and ordering enteral and
24 parenteral therapy and administering enteral therapy;

25 (c) Order medical or laboratory tests related to nutritional
26 therapeutic treatments;

27 (d) Implement prescription drug dose adjustments for specific
28 disease treatment protocols within the limits of such licensee's
29 knowledge, skills, judgment, and clinical practice guidelines pursuant to
30 any applicable and controlling facility-approved protocol and as approved
31 and delegated by the licensed prescriber, physician, or other authorized

1 health care provider who prescribed the drug or drugs to be adjusted.
2 Nothing in this subdivision shall be construed to permit individuals
3 licensed under the Medical Nutrition Therapy Practice Act to
4 independently prescribe or initiate drug treatment. A licensed dietitian
5 nutritionist or a licensed nutritionist may recommend and order or
6 discontinue vitamin and mineral supplements; and

7 (e) Develop, implement, and manage nutrition-care services systems
8 and evaluate, change, and maintain appropriate standards of quality in
9 food and nutrition-care services.

10 (3)(a) Nothing in this section shall be construed to limit the
11 ability of any other licensed health care professional to order
12 therapeutic diets if ordering therapeutic diets falls within the scope of
13 practice of the licensed health care professional.

14 (b) Nothing in this section shall be construed to limit the ability
15 of persons who are not licensed dietitian nutritionists or licensed
16 nutritionists from providing services which they are lawfully able to
17 provide.

18 Sec. 27. A student enrolled in an accredited course on dietetics
19 and nutrition recognized by the board may perform any action necessary to
20 complete the student's course of study and engage in the practice of
21 medical nutrition therapy under the appropriate supervision of a
22 supervisor in accordance with section 38-1813 or section 22 of this act
23 for a period of no more than five years after the student completes the
24 course of study. The board may, in its discretion, grant a limited
25 extension to such five-year period in the event of extraordinary
26 circumstances to allow the student to satisfy the qualifications for
27 licensure under section 38-1813 or section 22 of this act. For purposes
28 of this section, extraordinary circumstances may include circumstances in
29 which a person who legally provides medical nutrition therapy in another
30 state has not met the qualifications for licensure under section 38-1813
31 or section 22 of this act within the five-year period after completion of

1 the course of study.

2 Sec. 28. Section 38-1816, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 38-1816 (1) Nothing in the Medical Nutrition Therapy Practice Act
5 shall be construed to permit a licensed dietitian nutritionist or a
6 licensed nutritionist ~~medical nutrition therapist~~ to practice any other
7 profession regulated under the Uniform Credentialing Act.

8 (2) Nothing in the Medical Nutrition Therapy Practice Act shall
9 require assisted living facilities or nursing facilities to provide
10 medical nutrition therapy, unless otherwise required by law, or employ or
11 consult with licensed dietitian nutritionists or licensed nutritionists,
12 so long as any medical nutrition therapy provided in such facilities is
13 provided under an exemption listed under section 20 of this act.

14 Sec. 29. Original sections 38-1801, 38-1802, 38-1803, 38-1806,
15 38-1807, 38-1808, 38-1809, 38-1810, 38-1811, 38-1812, and 38-1816,
16 Reissue Revised Statutes of Nebraska, and section 38-1813, Revised
17 Statutes Cumulative Supplement, 2022, are repealed.

18 Sec. 30. The following section is outright repealed: Section
19 38-1804, Reissue Revised Statutes of Nebraska.