

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1249

Introduced by Hansen, B., 16.

Read first time January 20, 2022

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 Supplement, 2021; to provide, change, and eliminate definitions; to
6 restate intent; to change membership on a board; to provide and
7 change licensure requirements; to change provisions regarding the
8 scope of practice; to harmonize provisions; to repeal the original
9 sections; and to outright repeal section 38-1804, Reissue Revised
10 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, 5, 8, 10, 12 to
4 24, and 28 to 33 of this act shall be known and may be cited as the
5 Medical 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, 5, 8, 10, and 12 to 24 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. Certified nutrition specialist means a person certified as
7 a certified nutrition specialist by the Board for Certification of
8 Nutrition Specialists of the American Nutrition Association or a similar
9 successor entity approved by the department.

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

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

19 Sec. 7. Section 38-1807, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 38-1807 General nonmedical nutrition information means information
22 on any of the following:

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

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

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

26 (4) Recommended amounts of essential nutrients required by the human
27 body;

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

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

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

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

3 ~~(2) Planning, implementing, and evaluating nutrition education~~
4 ~~programs for individuals and groups in the selection of food to meet~~
5 ~~normal nutritional needs throughout the life cycle.~~

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

13 Sec. 9. Section 38-1808, Reissue Revised Statutes of Nebraska, is
14 amended to read:

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

20 Sec. 10. Licensed nutritionist means a person who is licensed to
21 practice medical nutrition therapy pursuant to the Uniform Credentialing
22 Act and who holds a current license issued by the department pursuant to
23 section 28 of this act.

24 Sec. 11. Section 38-1809, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 38-1809 Medical nutrition therapy means the provision of nutrition-
27 care services as part of the treatment or management of a disease or
28 medical condition, including, but not limited to: the assessment of the
29 nutritional status of patients. Medical nutrition therapy involves the
30 assessment of patient nutritional status followed by treatment, ranging
31 from diet modification to specialized nutrition support, such as

1 ~~determining nutrient needs for enteral and parenteral nutrition, and~~
2 ~~monitoring to evaluate patient response to such treatment.~~

3 (1) Interpreting anthropometric, biochemical, clinical, and dietary
4 data in acute and chronic disease states and to establish a nutrition
5 diagnosis, plan and implement nutrition interventions including
6 recommending and ordering nutrient needs based on dietary data for
7 enteral and parenteral nutrition, and monitor and evaluate interventions,
8 as allowed under section 32 of this act;

9 (2) Developing, directing, and managing food service operations with
10 functions in nutrition-care or collaborating with directors of food and
11 nutrition services at such operations, including food service operations:

12 (a) Connected with health care facilities as defined in section
13 71-413 that prepare or provide therapeutic diets; or

14 (b) Otherwise utilized in the management or treatment of diseases or
15 medical conditions; or

16 (3) Medical weight control.

17 Sec. 12. Medical weight control means medical nutrition therapy for
18 the purpose of reducing, maintaining, or gaining weight.

19 Sec. 13. Nonmedical weight control means nutrition-care services
20 for the purpose of reducing, maintaining, or gaining weight that do not
21 constitute the treatment of a disease or medical condition. The term
22 includes weight control services for healthy population groups to achieve
23 or maintain a healthy weight.

24 Sec. 14. Nutrition assessment means the ongoing, dynamic,
25 systematic process of obtaining, reassessing, verifying, and interpreting
26 biochemical, anthropometric, nutrigenomic, physical, and dietary data to
27 make decisions about the nature and cause of nutrition-related problems
28 and recommendations, including enteral and parenteral nutrition. Data
29 collection alone does not constitute nutrition assessment.

30 Sec. 15. Nutrition-care services means any or all of the following
31 services provided within a systematic process:

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

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

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

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

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

13 (6) Ordering therapeutic diets.

14 Sec. 16. Nutrition counseling means a supportive process
15 characterized by a collaborative relationship between a trained counselor
16 and individuals or groups to establish food and nutrition priorities,
17 goals, and individualized action plans and general physical activity
18 guidance that acknowledge and foster responsibility for selfcare to treat
19 an existing condition or promote health.

20 Sec. 17. Nutrition diagnosis means identifying and labeling
21 nutritional problems managed and treated by a licensed dietitian
22 nutritionist or licensed nutritionist but does not include the medical
23 differential diagnosis of the health status of a person.

24 Sec. 18. Nutrition intervention means the purposefully planned
25 actions and nutrition counseling intended to positively change nutrition-
26 related behavior, risk factors, environmental conditions, or aspects of
27 health care status.

28 Sec. 19. Nutrition monitoring and evaluation means identifying
29 patient or client outcomes relevant to the nutrition diagnosis and
30 comparing the outcomes with a previous health status, intervention goals,
31 or a reference standard to determine the progress made in achieving the

1 desired outcomes of nutrition-care services and to determine if planned
2 interventions should be continued or revised.

3 Sec. 20. 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 from behavioral and social sciences in achieving and
7 maintaining health throughout the life span and in providing nutrition-
8 care services in person or by telehealth, including medical nutrition
9 therapy, for the purpose of disease management and prevention, or to
10 treat or rehabilitate an illness, injury or condition. The primary
11 functions of the practice of dietetics and nutrition are the provision of
12 medical nutrition therapy for the purpose of disease management or to
13 treat or rehabilitate an illness, injury, or condition and the provision
14 of other nutrition-care services for health and wellness and as primary
15 prevention of chronic disease.

16 Sec. 21. (1) Qualified supervisor means:

17 (a) When supervising the provision of medical nutrition therapy, a
18 person who either:

19 (i) Is a licensed dietitian nutritionist, a licensed nutritionist,
20 or a health care provider licensed in any state or territory, including
21 licensed or certified dietitian nutritionists and licensed nutritionists,
22 whose scope of practice includes the provision of medical nutrition
23 therapy; or

24 (ii) In the case of a person in a state that does not provide for
25 such licensure or certification, meets such other criteria as the board
26 may establish, including by a registered dietitian nutritionist or a
27 certified nutrition specialist, or is a health care provider authorized
28 in another state or territory to provide medical nutrition therapy; and

29 (b) When supervising the provision of nutrition-care services that
30 do not constitute medical nutrition therapy, a person who:

31 (i) Meets the qualifications of subdivision (1)(a) of this section;

1 or

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

12 (2) In order to qualify as a qualified supervisor in Nebraska, a
13 supervisor obtaining a doctoral degree outside the United States or its
14 territories shall have such degree validated by the board as equivalent
15 to the doctoral degree conferred by an accredited college or university
16 in the United States or its territories.

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

20 Sec. 22. Registered dietitian or registered dietitian nutritionist
21 means a person who is currently registered as a registered dietitian or a
22 registered dietitian nutritionist by the Commission on Dietetic
23 Registration of the Academy of Nutrition and Dietetics or a similar
24 successor entity approved by the department.

25 Sec. 23. Therapeutic diet means a diet intervention prescribed by a
26 physician or other health care professional that provides food or
27 nutrients via oral, enteral, or parenteral routes as part of the
28 treatment of a disease or diagnosed clinical condition to modify,
29 eliminate, decrease, or increase identified micronutrients or
30 macronutrients in the diet or to provide mechanically altered food when
31 indicated.

1 Sec. 24. Section 38-1810, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 ~~38-1810 Patient means an individual recipient of medical nutrition~~
4 ~~therapy, whether in the outpatient or inpatient setting a person with a~~
5 ~~disease, illness, injury, or medical condition for which nutritional~~
6 ~~interventions are an essential component of standard care.~~

7 Sec. 25. Section 38-1811, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 38-1811 (1) The board shall consist of three professional members,
10 one physician, and one public member appointed pursuant to section 38-158
11 until December 1, 2022.

12 (2) Beginning on December 1, 2022, the board shall consist of five
13 members as follows: Three professional members, of which one shall be a
14 licensed nutritionist or a licensed dietitian nutritionist, and two shall
15 be licensed dietitian nutritionists; one physician; and one public
16 member.

17 (3) The members shall meet the requirements of sections 38-164 and
18 38-165.

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

21 38-1812 No person shall practice medical nutrition therapy unless he
22 ~~or she is~~ licensed for such purpose pursuant to the Uniform Credentialing
23 Act. The practice of medical nutrition therapy shall be provided with the
24 consultation of a physician licensed pursuant to section 38-2026 or
25 sections 38-2029 to 38-2033. The Medical Nutrition Therapy Practice Act
26 shall not be construed to require a license under the act in order to The
27 ~~practice of medical nutrition therapy shall not include:~~

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

31 (2) Engage in practice within the scope of a credential issued under

1 the Uniform Credentialing Act;

2 (3) Practice medical nutrition therapy as a student while pursuing a
3 course of study leading to a degree in dietetics, nutrition, or an
4 equivalent major course of study from an accredited school or program as
5 part of a supervised course of study, if all of the following apply: (a)
6 The person is not engaged in the unrestricted practice of medical
7 nutrition therapy; (b) the person uses a title clearly indicating the
8 person's status as a student or trainee; and (c) the person is in
9 compliance with appropriate supervision requirements developed by the
10 board, including the requirement that the supervised practice experience
11 must be under the order, control, and full professional responsibility of
12 such supervisor. Nothing in this subdivision shall be construed to permit
13 students, trainees, or supervisees to practice medical nutrition therapy
14 other than as specifically allowed in this subdivision and as provided in
15 section 33 of this act;

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

23 (5) Furnish or explain general nonmedical nutrition information
24 regarding the use of food, food ingredients, food preparation, herbs, or
25 dietary supplements and who is not acting in the capacity of or claiming
26 to be a licensed dietitian nutritionist or licensed nutritionist;

27 (6) Provide nutrition information, guidance, motivation, nutrition
28 recommendations, behavior change management, health coaching, holistic
29 and wellness education, nonmedical weight control or other nutrition-care
30 services that do not constitute medical nutrition therapy as long as such
31 activity is being performed by a person who is not licensed under the

1 Medical Nutrition Therapy Practice Act and who is not acting in the
2 capacity of or claiming to be a licensed dietitian nutritionist or
3 licensed nutritionist;

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

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

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

11 (c) A certified nutritionist specialist; or

12 (d) A licensed health care practitioner acting within the scope of
13 such practitioner's license as part of a plan of care;

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

17 (9) Provide nutrition-care services without remuneration to family
18 members;

19 (10) Aide in the provision of medical nutrition therapy if:

20 (a) The person performs nutrition-care services at the direction of
21 an individual licensed under the Uniform Credentialing Act whose scope of
22 practice includes provision of nutrition-care services for the treatment
23 or management of a disease or medical condition; and

24 (b) The person performs only support activities of medical nutrition
25 therapy that do not require the exercise of independent judgement for
26 which a license under the Medical Nutrition Therapy Practice Act is
27 required;

28 (11) Engage in activities and services that seek to fulfill post-
29 degree practice experience requirements in order to qualify for licensing
30 as a licensed dietitian nutritionist or licensed nutritionist if all of
31 the following apply: (a) The person is not engaged in the unrestricted

1 practice of medical nutrition therapy, (b) the person uses a title
2 clearly indicating the person's status as a student or trainee, and (c)
3 the person is in compliance with appropriate supervision requirements
4 developed by the board, including the requirement that the supervised
5 practice experience must be under the order, control, and full
6 professional responsibility of such supervisor;

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

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

16 ~~(3) Persons practicing medical nutrition therapy who serve in the~~
17 ~~armed forces of the United States or the United States Public Health~~
18 ~~Service or who are employed by the United States Department of Veterans~~
19 ~~Affairs or other federal agencies, if their practice is limited to that~~
20 ~~service or employment;~~

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

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

27 (b) Conducting a teaching clinical demonstration in connection with
28 a program of basic clinical education, graduate education, or
29 postgraduate education which is sponsored by a dietetic education program
30 or a major course of study in human nutrition, food and nutrition, or
31 dietetics, or an equivalent major course of study approved by the board;

1 ~~(5) Persons performing general nutrition services incidental to the~~
2 ~~practice of the profession insofar as it does not exceed the scope of~~
3 ~~their education and training;~~

4 ~~(6) Persons who market or distribute food, food materials, or~~
5 ~~dietary supplements, including persons employed in health food stores, or~~
6 ~~persons engaged in the advising of the use of those products, or the~~
7 ~~preparation of those products, or the counseling of individuals or groups~~
8 ~~in the selection of products to meet general nutrition needs;~~

9 ~~(7) Persons conducting classes or disseminating information related~~
10 ~~to general nutrition services;~~

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

14 (14) Practice dietetics and nutrition for the limited purpose of
15 education and research by any person with a master's or doctoral degree
16 from a United States accredited college or university with a major course
17 of study in nutrition or an equivalent course of study as approved by the
18 department.

19 ~~(9) Persons who provide information and instructions regarding food~~
20 ~~intake or exercise as a part of a weight control program; and~~

21 ~~(10) Persons with advanced postgraduate degrees involved in academic~~
22 ~~teaching or research.~~

23 Sec. 27. Section 38-1813, Revised Statutes Supplement, 2021, is
24 amended to read:

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

30 (a)(i) A current, valid registration as a registered dietitian
31 nutritionist with the Commission on Dietetic Registration or a similar

1 successor entity approved by the department;

2 (ii) A baccalaureate, master's, or doctoral degree from a college or
3 university accredited at the time of graduation from the appropriate
4 accrediting agency recognized by the Council for Higher Education
5 Accreditation and the United States Department of Education with a major
6 course of study in human nutrition, foods and nutrition, dietetics, food
7 systems management, nutrition education, nutrition, nutrition science,
8 clinical nutrition, applied clinical nutrition, nutrition counseling,
9 nutrition and functional medicine, nutritional biochemistry, nutrition
10 and integrative health, or an equivalent course of study that, as
11 approved by the board, meets the competency requirements of an accredited
12 didactic program in dietetics of the Accreditation Council for Education
13 in Nutrition and Dietetics or a similar successor entity approved by the
14 department; or

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

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

1 as approved by the department; and

2 (c) Successful completion of the examination for dietitian
3 nutritionists administered by the Commission on Dietetic Registration of
4 the Academy of Nutrition and Dietetics or a similar successor entity
5 approved by the department.

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

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

18 ~~(b)(i) Has satisfactorily passed an examination approved by the~~
19 ~~board;~~

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

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

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

1 ~~(ii)(A) Has received a master's or doctorate degree from an~~
2 ~~accredited college or university in human nutrition, nutrition education,~~
3 ~~food and nutrition, or public health nutrition or in an equivalent major~~
4 ~~course of study approved by the board; or~~

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

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

16 ~~(3)(a) The practice of medical nutrition therapy shall be performed~~
17 ~~under the consultation of a physician licensed pursuant to section~~
18 ~~38-2026 or sections 38-2029 to 38-2033.~~

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

21 Sec. 28. A person shall be eligible to be a licensed nutritionist
22 if such person is eighteen years of age or older, submits a completed
23 application as required by the board, submits fees required by the board,
24 and furnishes evidence of:

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

31 (b) 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 on Higher Education Accreditation and
3 the United States Department of Education with a major in human
4 nutrition, foods and nutrition, community nutrition, public health
5 nutrition, nutrition education, nutrition, nutrition science, clinical
6 nutrition, applied clinical nutrition, nutrition counseling, nutrition
7 and functional medicine, nutritional biochemistry, nutrition and
8 integrative health, or an equivalent course of study as approved by the
9 board that provides the knowledge requirements necessary for the
10 competent provision of medical nutrition therapy; or

11 (c) An academic degree from a foreign country that has been
12 validated as equivalent to the degree and course of study described in
13 subdivision (b) of this subsection as determined by the board;

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

26 (3) Successful completion of a board-approved, planned, continuous
27 internship or a documented, planned, continuous, supervised practice
28 experience with a qualified supervisor, demonstrating competency in
29 nutrition-care services and the provision of medical nutrition therapy
30 comprised of not less than one thousand hours involving at least two
31 hundred hours of nutrition assessment and nutrition diagnosis, two

1 hundred hours of nutrition intervention or counseling, and two hundred
2 hours of nutrition monitoring and evaluation. A minimum of seven hundred
3 hours of the supervised practice experience is required in professional
4 work settings and no more than three hundred hours may be in alternate
5 supervised experiences such as observational interactions between client
6 and practitioner, simulation, case studies, or role playing. This
7 experience shall be under the supervision of a qualified supervisor.
8 Qualified supervisors shall provide appropriate supervision of an
9 applicant's supervised practice experience in the provision of medical
10 nutrition therapy and provide general supervision of an applicant's
11 provision of other nutrition-care services that do not constitute medical
12 nutrition therapy. For purposes of this subdivision, a supervisor shall
13 be licensed in this state if supervising an applicant providing medical
14 nutrition therapy to a person in this state. A supervisor who obtained a
15 doctoral degree outside of the United States and territories of the
16 United States shall have the degree validated as equivalent to a doctoral
17 degree conferred by an accredited college or university in the United
18 States by a credential evaluation agency recognized by the United States
19 Department of Education.

20 Sec. 29. The board shall develop requirements for appropriate
21 supervision consistent with prevailing professional standards considering
22 factors that include, but are not limited to, level of education,
23 experience, and level of responsibility. The requirements shall include:

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

27 (2) Personal review by the qualified supervisor of the supervisee's
28 practice on a regular basis and regularly scheduled, face-to-face,
29 education and review conferences between the qualified supervisor and the
30 supervisee;

31 (3) Personal review of all charts, records, and clinical notes of

1 the supervisee on a regular basis;

2 (4) In the event of a qualified supervisor's absence, designation of
3 an alternate qualified supervisor to supervise any services provided
4 during such absence; and

5 (5) Each supervisee and qualified supervisor must know and adhere to
6 the assigned level of responsibility and to the permissible types of
7 supervision and documentation as determined by the board in supervision
8 requirements.

9 Sec. 30. (1) A temporary license to practice medical nutrition
10 therapy may be granted to any person who meets all the requirements for a
11 license except passage of the examination required by section 38-1813 or
12 section 28 of this act. A temporary licensee shall be supervised by a
13 qualified supervisor. A temporary license shall be valid for one year or
14 until the temporary licensee takes the examination, whichever occurs
15 first. The temporary licensee shall be designated by a title clearly
16 indicating such licensee's status as a student or trainee. If a temporary
17 licensee fails the examination required by section 38-1813 or section 28
18 of this act, the temporary license shall be null and void, except that
19 the department, with the recommendation of the board, may extend the
20 temporary license upon a showing of good cause for up to six months. A
21 temporary license shall not be issued to any person who fails to pass the
22 examination if such person did not hold a valid temporary license prior
23 to the failure to pass the examination.

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

26 Sec. 31. (1) Unless otherwise authorized or exempted under the
27 Medical Nutrition Therapy Practice Act, (a) only a licensed dietitian
28 nutritionist or licensed nutritionist may provide medical nutrition
29 therapy, and (b) no person shall use the title dietitian nutritionist,
30 nutritionist, dietitian, nutrition counselor, nutrition specialist,
31 nutritional therapy practitioner, nutritional therapy consultant,

1 certified nutrition therapy practitioner, master nutrition therapist,
2 licensed dietitian nutritionist, licensed medical nutrition therapist,
3 licensed nutritionist dietician, licensed nutrition specialist, medical
4 nutrition therapist, or licensed nutrition specialist, or the
5 abbreviation LDN or LN, or any other title, designation, word, letter,
6 abbreviation, or insignia indicating that the person is a provider of
7 medical nutrition therapy or licensed under the Medical Nutrition Therapy
8 Practice Act unless the person is a licensed dietitian nutritionist or a
9 licensed nutritionist.

10 (2) Only a person who is issued a license as a dietitian
11 nutritionist under the act may use the words licensed dietitian
12 nutritionist, dietitian nutritionist, or dietitian or the letters LDN in
13 connection with such person's name. Only a person who is issued a license
14 as a nutritionist under the act may use the words licensed nutritionist
15 or the letters LN in connection with his or her name. Only a person
16 licensed under the act may use the word nutritionist in connection with
17 such person's name. A person may use any lawfully earned federally
18 trademarked title, and the following persons may use the following words,
19 titles, or letters: (a) A registered dietitian nutritionist may use
20 registered dietitian, registered dietitian nutritionist, rd, or rdn; (b)
21 a person who is credentialed by the Board for Certification of Nutrition
22 Specialists as a certified nutrition specialist may use certified
23 nutrition specialist or cns; or (c) a board-certified nutrition
24 pharmacist may use the title nutrition specialist.

25 Sec. 32. (1) A licensed dietitian nutritionist or a licensed
26 nutritionist, unless otherwise exempt, shall:

27 (a) Provide medical nutrition therapy using evidence-based practice
28 and the nutrition-care process for patients and clients in clinical and
29 community settings for the purpose of treatment or management of a
30 diagnosed medical disease or medical condition. The nutrition-care
31 process involves application of the scientific method to medical

1 nutrition therapy and consists of four distinct, but interrelated, steps
2 of nutrition assessment, nutrition diagnosis, nutrition intervention, and
3 nutrition monitoring and evaluation;

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

7 (c) Use critical thinking to collect relevant data, determine
8 nutrition diagnosis based upon interpreted data, establish patient and
9 client goals, determine a nutrition plan and interventions to solve the
10 problem, and evaluate the effectiveness of interventions and progress
11 toward the desired goals or outcomes.

12 (2) A licensed dietitian nutritionist or a licensed nutritionist
13 may:

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

19 (b) Recommend and order patient diets, including therapeutic diets,
20 oral nutrition supplements, and dietary supplements, in accordance with
21 the Medical Nutrition Therapy Practice Act and the rules and regulations
22 adopted and promulgated pursuant to the act. Therapeutic diets may
23 include oral, enteral, or parenteral nutrition therapy. Enteral and
24 parenteral nutrition therapy consists of enteral feedings or specialized
25 intravenous solutions and associated nutrition-related services as part
26 of a therapeutic diet and shall only be ordered, initiated, or performed
27 by a licensed dietitian nutritionist or licensed nutritionist who also
28 meets one of the following criteria:

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

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

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

4 (c) Order medical or laboratory tests related to nutritional
5 therapeutic treatments; and

6 (d) Implement prescription drug dose adjustments for specific
7 disease treatment protocols within the limits of such licensee's
8 knowledge, skills, judgment, and clinical practice guidelines pursuant to
9 any applicable and controlling facility-approved protocol and as approved
10 and delegated by the licensed prescriber, physician, or other authorized
11 health care provider who prescribed the drug or drugs to be adjusted.
12 Nothing in this subdivision shall be construed to permit individuals
13 licensed under the Medical Nutrition Therapy Practice Act to
14 independently prescribe or initiate drug treatment. A licensed dietitian
15 nutritionist or a licensed nutritionist may recommend and order or
16 discontinue vitamin and mineral supplements.

17 (3) Nothing in this section shall be construed to limit the ability
18 of any other licensed health care professional to order therapeutic diets
19 if ordering therapeutic diets falls within the scope of practice of the
20 licensed health care professional.

21 Sec. 33. A student enrolled in an accredited course on dietetics
22 and nutrition recognized by the board may perform any action necessary to
23 complete the student's course of study and engage in the practice of
24 medical nutrition therapy under the appropriate supervision of a
25 supervisor in accordance with section 38-1813 or section 28 of this act
26 for a period of no more than five years after the student completes the
27 course of study. The board may, in its discretion, grant a limited
28 extension to such five-year period in the event of extraordinary
29 circumstances to allow the student to satisfy the qualifications for
30 licensure under section 38-1813 or section 28 of this act. For purposes
31 of this section, extraordinary circumstances may include circumstances in

1 which a person who legally provides medical nutrition therapy in another
2 state has not met the qualifications for licensure under section 38-1813
3 or section 28 of this act within the five-year period after completion of
4 the course of study.

5 Sec. 34. Section 38-1816, Reissue Revised Statutes of Nebraska, is
6 amended to read:

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

11 (2) Nothing in the Medical Nutrition Therapy Practice Act shall
12 require a health care facility, as defined in section 71-413, to employ
13 or consult additional licensed dietitians or licensed dietitian
14 nutritionists or to provide medical nutrition therapy in such health care
15 facility, unless ordered by a physician, except as otherwise required by
16 law.

17 Sec. 35. Original sections 38-1801, 38-1802, 38-1803, 38-1806,
18 38-1807, 38-1808, 38-1809, 38-1810, 38-1811, 38-1812, and 38-1816,
19 Reissue Revised Statutes of Nebraska, and section 38-1813, Revised
20 Statutes Supplement, 2021, are repealed.

21 Sec. 36. The following section is outright repealed: Section
22 38-1804, Reissue Revised Statutes of Nebraska.