

HEALTH AND HUMAN SERVICES COMMITTEE OF THE NEBRASKA LEGISLATURE

Report as required by Neb. Rev. Stat. 84-948

Committee Members

Senator Brian Hardin, Chairperson, District 48
Senator John Fredrickson, Vice-Chairperson, District 20
Senator Merv Riepe, District 12
Senator Glen Meyer, District 17
Senator Dan Quick, District 35
Senator Ben Hansen, District 16
Senator Beau Ballard, District 21

Committee Staff

John Duggar, Legal Counsel
Bryson Bartels, Research Analyst

Table of Contents

Occupational Board Act.....	3
Committee Findings.....	4
Conclusion.....	9

Occupational Board Reform Act

The Legislature passed the Occupational Board Reform Act in 2018 (Neb. Rev. Stat. §§ 84-901 to 84-920) with an operative date of July 1, 2019. The act requires that:

“Beginning in 2019, each standing committee of the Legislature shall annually review and analyze approximately twenty percent of the occupational regulations within the jurisdiction of the committee and prepare and submit an annual report electronically to the Clerk of the Legislature by December 15 of each year as provided in this section. Each committee shall complete this process for all occupational regulations within its jurisdiction within five years and every five years thereafter. Each report shall include the committee's recommendations regarding whether the occupational regulations should be terminated, continued, or modified.” (Neb. Rev. Stat. § 84-948)

Committee Findings

Neb. Rev. Stat. 84-948 requires the report to include the following with answers in bold:

(3) A committee's report shall include, but not be limited to, the following:

(a) The title of the regulated occupation and the name of the occupational board responsible for enforcement of the occupational regulations.

Medical Nutritional Therapists, Board of Medical Nutritional Therapy

The Board of Medical Nutritional Therapy provides recommendations to the Department of Health and Human Services regarding the issuance or denial of credentials, and provides recommendations to the Department of Health and Human Services regarding rules and regulations to carry out the Uniform Credentialing Act.

(b) The statutory citation or other authorization for the creation of the occupational regulations and occupational board;

Neb. Rev. Stat. 38-1801 to 38-1823

(c) The number of members of the occupational board and how the members are appointed;

5 members appointed by Board of Health; no legislative approval required

(d) The qualifications for membership on the occupational board;

Qualification for membership of the Board of Medical Nutritional Therapy may be found in the Nebraska Revised Statutes, section 38-1811. The board shall consist of three professional members, one physician, and one public member. The members shall meet the requirements of sections 38-164 and 38-165. The professional Medical Nutrition Therapists and physician shall have held and maintained an active credential and be and have been actively engaged in the practice of his or her profession for a period of five years just preceding his or her appointment and shall maintain such credential and practice while serving as a board member.

(e) The number of times the occupational board is required to meet during the year and the number of times it actually met;

• Required FY 2025-2024:

1

• Held FY 2025-2024:

6

• Required FY 2024-2023:
1
• Held FY 2024-2023:
10
• Required FY 2023-2022:
1
• Held FY 2023-2022:
5
• Required FY 2022-2021:
1
• Held FY 2022-2021:
5
• Required FY 2021-2020:
1
• Held FY 2021-2020:
9

(f) Annual budget information for the occupational board for the five most recently completed fiscal years;

The Nebraska Board of Medical Nutrition Therapy operates under the Division of Public Health within the Nebraska Department of Health and Human Services (DHHS). It is self-funded through dedicated cash funds generated by licensure and renewal fees, rather than relying on state tax appropriations. [

While precise line-item operating budgets for the individual, smaller health boards are not published as standalone documents, you can track their financial health through overarching state agency budgets and legislative fiscal notes:

- **Funding Source:** The board is supported by the Professions Occupations Cash Fund, with operating costs (such as travel reimbursements for board members) absorbed within existing appropriations.
- **Historical Activity:** Legislative budget documents indicate that minor regulatory or board scope changes generally require minimal, if any, additional state appropriations. Board expenditures typically fluctuate closely with licensing application/renewal volume, which supports the state's Licensing and Credentialing software systems.
- **Fee Revenue Details:** Specific revenue and expenditure records for the Board of Medical Nutrition Therapy are consolidated into larger professional health boards' reports. Historical fund balances and revenue trends for all occupational cash funds can be reviewed in the biennial [State Government Cash and Revolving Funds Reports](#).

For a more granular financial breakdown of occupational licensure boards, state expenditures are cumulative across all agencies. You can review yearly appropriations and cumulative revenues on the [Nebraska Budget Information Portal](#).

(g) For the immediately preceding five calendar years, or for the period of time less than five years for which the information is practically available, the number of government certifications, occupational licenses, and registrations the occupational board has issued, revoke, denied, or assessed penalties against, listed anonymously and separately per type of credential, and the reasons for such revocations, denials, other penalties.

The exact, aggregate number of Medical Nutrition Therapy (MNT) licenses and revocations issued over the past five years is not published in a single, open-access annual report by the Nebraska Department of Health and Human Services (DHHS).

However, you can verify or determine the specific license dates, issuance numbers, and active rosters using the following steps:

- **Look Up Licensees:** Visit the official [Nebraska HHS License Information System](#) to query individual practitioners and their original issuance dates.
- **Request Roster Data:** To obtain the total number of licenses issued in a specific date range, submit a written public record request or contact the [DHHS Licensure Unit](#) directly by calling (402) 471-2115.
- **Order Certification Documents:** You can also request an official certification via the [Certification and Verification Form](#), which includes the issuance date, profession, and license number.

(h) A review of the basic assumptions underlying the creation of the occupational regulations;

The regulations in Title 172, Chapter 61, appear to be consistent with the underlying statutory authority.

(i) A statement from the occupational board on the effectiveness of the occupational regulations

The Vice-Chair of the Board of Medical Nutrition Therapy stated that rules and regulations “Provide defined scope of service for licensed professional practices within. Regulations result in professional accountability.”

(j) A comparison of whether and how other states regulate the occupation;

State regulation of medical nutrition therapy (MNT) and dietitians primarily ensures public safety by restricting the practice and title of MNT to qualified, state-licensed professionals. According to the [National Conference of State Legislatures](#), allied health laws, practice acts, and interstate compacts dictate how practitioners can provide services.

State approaches to regulating dietitians and nutritionists vary significantly, generally falling into one of three categories:

- **Licensure Laws:** These are the most restrictive and narrowly tailored regulations. They dictate exactly who can legally assess nutritional status and provide MNT, often requiring specific degrees, supervised practice hours, and board examinations.
- **Statutory Certification:** Limits the use of specific professional titles (such as "Licensed Dietitian" or "Licensed Nutritionist") to individuals who meet state requirements. However, people without the certification can legally provide general nutrition education.
- **Registration:** The least restrictive type, which simply requires practitioners to register their practice with the state, primarily acting as an entitlement law to prevent the use of the specific "dietitian" title by non-qualified individuals.

In Nebraska, the Medical Nutrition Therapy Practice Act requires practitioners providing MNT—defined as the assessment and nutritional management of diseases and medical conditions—to hold a valid license. Also, a dietitian engaging in the practice of medical nutrition therapy is required to have a license. Students under supervision may practice medical nutrition therapy as well as persons under the Dietician Licensure Compact.

Please see Nebraska Revised Statutes 38-1817 to 38-1823.

Please also see link from Academy of Nutrition and Dietetics:

<https://www.eatrightpro.org/>

(4) Subject to subsection)5) of this section, each committee shall also analyze, and include in its report, whether the occupational regulations meet the policies stated in section 84-946 considering the following recommended courses of action for meeting such policies:

The regulations in Title 172, Chapter 61, appear to be consistent with the underlying statutory authority.

- (a) If the need is to protect consumers against fraud, the likely recommendation will be to strengthen powers under the Uniform Deceptive Trade Practices Act or require disclosures that will reduce misleading attributes of the specific goods or services:

N/A

- (b) If the need is to protect consumers unclean facilities or to promote general health and safety, the likely recommendation will be to require periodic inspections of such facilities;

N/A

- (c) If the need is protect consumers against potential damages from failure by providers to complete a contract fully or up to standards, the likely recommendation will be to require that providers be bonded:

N/A

- (d) If the need is to protect a person who is not party to a contract between the provider and consumer, the likely recommendation will be to require that the provider have insurance;

N/A

- (e) If the need is to protect consumers against potential damages by transient providers, the likely recommendation will be to require that providers register their businesses with the Secretary of State;

N/A

- (f) If the need is to protect consumers against a shortfall or imbalance of knowledge about the goods or services relative to the providers' knowledge, the likely recommendation will be to enact government certification; and

N/A

- (g) If the need is to address a systematic information shortfall such that a reasonable consumer is unable to distinguish between the quality of providers, there is an absence of institutions that provide adequate guidance to the consumer, and the consumer's inability to distinguish between providers and the lack of adequate guidance allows for undue risk of present, significant, and substantiated harms, the likely recommendation will be to enact an occupational license.

N/A

(5) If a lawful occupation is subject to the Nebraska Regulation of Health Professions Act, the analysis under subsection (4) of this section shall be made using the least restrictive method of regulation as set out in section 71-6222.

N/A

(6) In developing recommendations under this section, the committee shall review any report issued to the Legislature pursuant to the Nebraska Regulation of Health Professions Act, if applicable, and consider any findings or recommendations of such report related to the occupational regulations under review.

N/A

(7) If the committee finds that it is necessary to change occupational regulations, the committee shall recommend the least restrictive regulation consistent with the public interest and the policies in this section and section 84-946.

NA

Conclusion

The licenses, certifications, and registrations overseen by DHHS and the Board of Medical Nutrition Therapy are intended to protect the health, safety, and welfare of Nebraskans. As a whole, regulation of genetic counselors is appropriate and balanced and does not need modification at this time.