

2003

STATE OF NEBRASKA

STATUTES RELATING TO
MEDICAL NUTRITION THERAPY

NEBRASKA HEALTH AND HUMAN SERVICES SYSTEM



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PRACTICE OF MEDICAL NUTRITION THERAPY

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STATUTES PERTAINING TO MEDICAL NUTRITION THERAPY

71-1,285. Legislative findings. (1) The Legislature finds that:

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

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

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

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

Source: Laws 1988, LB 557, §1; Laws 1995, LB 406, §20. Operative date September 1, 1995.

71-1,286. Terms, defined. As used in sections 71-1,285 to 71-1,294, unless the context otherwise requires:

(1) Assessment means the process of evaluating the nutritional status of patients. The assessment includes review and analysis of medical and diet histories, biochemical lab values, and anthropometric measurements to determine nutritional status and appropriate nutritional treatment;

(2) Board means the Board of Medical Nutrition Therapy;

(3) Consultation means conferring with a physician regarding the activities of the licensed medical nutrition therapist;

(4) General nutrition services includes, but is not limited to:

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

(b) Planning, implementing, and evaluating nutrition education programs for individuals and groups in the selection of food to meet normal nutritional needs throughout the life cycle;

(5) Licensed medical nutrition therapist means a person who is licensed to practice medical nutrition therapy pursuant to the Uniform Licensing Law and who holds a current license issued by the department pursuant to section 71-1,290;

(6) Medical nutrition therapy means the assessment of the nutritional status of patients. It involves the assessment of patient nutritional status followed by treatment, ranging from diet modification to specialized nutrition support, such as determining nutrient needs for enteral and parenteral nutrition, and monitoring to evaluate patient response to such treatment; and

(7) Patient means a person with a disease, illness, injury, or medical condition for which nutritional interventions are an essential component of standard care.

Source: Laws 1988, LB 557, § 2; Laws 1995, LB 406, § 21; Laws 1999, LB 828, § 146. Effective date August 28, 1999.

71-1,287. License; when required. After September 1, 1996, no person shall practice medical nutrition therapy unless he or she is licensed for such purpose pursuant to the Uniform Licensing Law. The practice of medical nutrition therapy shall not include:

(1) Any person licensed or certified in this state pursuant to Chapter 71 and engaging in such profession or occupation for which he or she is licensed or certified;

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

(3) Persons practicing medical nutrition therapy who serve in the Armed Forces or the Public Health Service, or are employed by the United States Department of Veterans Affairs, if their practice is limited to that service or employment;

(4) Persons practicing medical nutrition therapy who are licensed in another state, United States possession, or country, or have received at least a baccalaureate degree, and are in this state for the purpose of:

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

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

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

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

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

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

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

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

Source: Laws 1988, LB 557, §3; Laws 1995, LB 406, §22. Operative date September 1, 1995.

71-1,288. Repealed. Laws 2003, LB 242, s. 154.

71-1,289. Licensed medical nutrition therapist; qualifications. A person shall be qualified to be a licensed medical nutrition therapist if such person furnishes evidence that he or she:

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

(2) (a) Has satisfactorily passed an examination approved by the board;

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

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

(3) (a) Has satisfactorily passed an examination approved by the board; and

(b) (i) Has received a master's or doctorate degree from an accredited college or university in human nutrition, nutrition education, food and nutrition, or public health nutrition or in an equivalent major course of study approved by the board; or

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

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

The practice of medical nutrition therapy shall be performed under the consultation of a physician licensed pursuant to section 71-1,104 or sections 71-1,137 to 71-1,141.

Source: Laws 1988, LB 557, §5; Laws 1995, LB 406, §24. Operative date September 1, 1995.

71-1,290. License; issuance. The department shall issue a license, signed by the Director of Regulation and Licensure, to each person who is qualified to be a licensed medical nutrition therapist.

Source: Laws 1988, LB 557, §6; Laws 1995, LB 406, §25; Laws 1996, LB 1044, §478. Operative date January 1, 1997.

71-1,291. License; issuance without examination. Upon payment of the required fee and the provision of evidence to the board of his or her professional education, training, experience, and qualifications to practice medical nutrition therapy, a license to practice as a medical nutrition therapist shall be issued without examination to any applicant who (1) applies to the department for a license by September 1, 1996, and (2)(a) satisfies the requirements of subdivision (1) of section 71-1,289, (b) satisfies the requirements of subdivisions (2)(b) and (2)(c) of section 71-1,289, (c) satisfies the requirements of subdivision (2)(b) of section 71-1,289 and has been practicing medical nutrition therapy with the general public for at least five years, or (d) satisfies the requirements of subdivision (3)(b) of section 71-1,289.

Any person who is a certified nutritionist on September 1, 1995, who applies to the department for a license on or before September 1, 1996, shall be issued a license to practice as a medical nutrition therapist without examination upon payment of the required fee.

Source: Laws 1988, LB 557, § 7; Laws 1995, LB 406, § 26; Laws 2003, LB 242, § 71. Operative date July 1, 2004.

71-1,291.01. Reciprocal licensing; when authorized. Pursuant to section 71-139, the board shall grant a license to any applicant who presents proof of current licensure as a medical nutrition therapist or licensure by some other title in another state which has licensure requirements considered by the board to be at least as stringent as the requirements for licensure prescribed by section 71-1,289.

Source: Laws 1995, LB 406, §27. Operative date September 1, 1995.

71-1,292. Medical nutrition therapist; license; renewal; continuing competency requirements. Each licensed medical nutrition therapist shall, in the period since his or her license was issued or last renewed, complete continuing competency activities as required by the board pursuant to section 71-161.09 as a prerequisite for the licensee's next subsequent license renewal.

Source: Laws 1988, LB 557, § 8; Laws 1995, LB 406, § 28; Laws 2002, LB 1021, § 32. Operative date January 1, 2003.

71-1,293. Licensed medical nutrition therapist; restrictions; prohibited act; penalty. (1) Nothing in sections 71-1,285 to 71-1,294 shall be construed to permit a licensed medical nutrition therapist to practice any other profession regulated under the Nebraska Cosmetology Act, the Occupational Therapy Practice Act, or Chapter 71, article 1, 37, or 47.

(2) Any person who represents himself or herself as a licensed medical nutrition therapist without first being licensed pursuant to the Uniform Licensing Law shall be guilty of a Class IV misdemeanor.

Source: Laws 1988, LB 557, §9; Laws 1994, LB 853, §1; Laws 1995, LB 406, §29. Operative date September 1, 1995.

71-1,294. Medical nutrition therapist; license; renewal. A medical nutrition therapist's license shall be renewed on September 1 of each odd-numbered year.

Source: Laws 1988, LB 557, § 10; Laws 1995, LB 406, § 30; Laws 2002, LB 1021, § 33; Laws 2003, LB 242, § 72. Operative date July 1, 2004.