Report of Findings and Recommendations

By the

Board of Health

on the Application for Credentialing

of the

Nebraska Dietetic Association

to the

Director of Health

and the

Nebraska Legislature

February 10, 1987

Introduction

The Nebraska Regulation of Health Professions Act created a three-tier process for the review of proposals pertaining to the credentialing of health occupations. These three tiers are the technical review committees, the Board of Health, and the Director of Health. The Board of Health reviews specific proposals for credentialing only after the technical committees have completed their reports on these proposals. After the Board completes its reports on the proposals, these reports, and those of the technical committees are presented to the Director of Health, who in turn prepares his own report on them. All reports are submitted to the Legislature for its consideration.

Each of these three review bodies issues reports that represent the advice of their membership on the proposals in question. Each report is a separate, independent response to the proposals, and is in no way dependent upon the reports that have preceded it.

The Board of Health reviews credentialing proposals only after receiving a preliminary recommendation on each proposal from an advisory committee selected from its own membership. This committee met on January 6, 1987, in order to give the full board its advice on the proposal of the dietitians and nutritionists. The full Board of Health met on January 12, 1987, and formulated its own, independent report on this proposal. The following pages constitute the body of this report.

Recommendations

In their application the Nebraska Dietetic Association sought certification for anyone claiming to be a dietitian or nutritionist, and mandatory registration for all other practitioners engaged in the provision of dietetic and nutrition services for remuneration. The technical committee decided not to recommend the credentialing of this occupation at this time. The Board of Health also recommended against the credentialing of this occupation.

Discussion

The Board of Health formulated its recommendation on this proposal by conducting votes on motions which asked the individual Board members to either support or reject the actions taken by the Dietitians and Nutritionists Technical Review Committee on the three criteria of LB 407 as they pertain to the proposal.

The Board did not formally discuss the first criterion. The Board voted thirteen to zero in favor of a motion by Dr. Schenken to support the technical committee finding that the unregulated practice of the field of Dietetics and Nutrition can clearly harm the public health and welfare, and the potential for harm is not remote or dependent upon tenuous argument. All thirteen Board members present voted aye: Brown-Arfmann, and Adickes were absent. By this action, the Board determined that there was harm to the public inherent in the current practice situation.

The Board did not formally discuss the second criterion. The Board voted eleven to two in favor of a motion by Dr. Schenken to support the technical committee finding that the public needs and can reasonably be expected to benefit from an assurance of initial and continuing

professional ability in the field of Dietetics and Nutrition. Voting aye were: Hilkemann, Masek, Nelson, Coleman, Gilmore, Bartels, Schenken, Quinn, Rhodes, Kenney, and Schneider. Voting nay were: Clark and Powell. Brown-Arfmann and Adickes were absent. By this action, the Board determined that the public does stand to benefit from an assurance of initial and continuing professional ability.

The Board did not formally discuss the third criterion. The Board voted eleven to two in favor of a motion by Dr. Schenken to support the technical committee finding that the public can be effectively protected by other means in a more cost-effective manner than by credentialing dietitians and nutritionists. Voting aye were: Hilkemann, Masek, Nelson, Coleman, Clark, Powell, Bartels, Schenken, Quinn, Rhodes, and Kenney. Voting nay were: Gilmore and Schneider. Brown-Arfmann and Adickes were absent. By this action the Board decided that credentialing of this group was not the most cost-effective means of resolving the problems identified.

The Board did not discuss the levels of credentialing regarding this proposal because the Board, by its vote on criterion three, decided not to recommend credentialing of Dietitians and Nutritionists at this time.