



## NOTICE OF MEETING and AGENDA BOARD OF MEDICAL NUTRITION THERAPY

This meeting will be held in-person. A conference call phone line has been established for the public to call in or the public is welcome to attend any Open Session discussion at the State Office Building. If calling in, please use the following to attend the Open Session items of the Board meeting:

PUBLIC CALL IN #: 888-820-1398

PARTICIPANT #: 8986450#

AGENDA		Date Posted: 2.10.2023
<p><b><u>Date and Time:</u></b> Friday February 22, 2023 1:00 p.m.</p> <p><b><u>Location:</u></b> State Office Building 301 Centennial Mall South (14<sup>th</sup> and M Street) Lower Level Room A Lincoln, Nebraska</p> <p><b><u>For Information Contact:</u></b> Carrie Oldehoft 402-471-2117 or <a href="mailto:dhhs.licensure2117@nebraska.gov">dhhs.licensure2117@nebraska.gov</a></p>	<ol style="list-style-type: none"> <li>1. <b>Call Meeting to Order and Roll Call</b> <b><u>Announcement:</u></b> There is a current copy of the Open Meetings Act on the table with staff and available on the website listed below</li> <li>2. <b>Adoption of Agenda</b></li> <li>3. <b>Approval of Minutes</b></li> <li>4. <b>Updates and Reports</b> <ol style="list-style-type: none"> <li>a. Executive Order 22-08 signed 12.21.2022 <a href="https://govdocs.nebraska.gov/docs/pilot/pubs/eofiles/22-08.pdf">https://govdocs.nebraska.gov/docs/pilot/pubs/eofiles/22-08.pdf</a></li> <li>b. 2023 Legislation                             <ul style="list-style-type: none"> <li>• LB 16: Occupational Board Reform, Reciprocity Pathway, and changes to the Preliminary Conviction application <a href="#">Nebraska Legislature - Legislative Document</a></li> <li>• LB 572: Changes to the Medical Nutrition Therapy Practice Act <a href="#">Nebraska Legislature - Legislative Document</a></li> </ul> </li> <li>c. Statistics: Examinations, Licensing, Administrative Penalties, Renewals, Disciplinary and Non-Disciplinary Information, and School Report (attached to agenda)</li> </ol> </li> <li>5. <b>CLOSED SESSION (approx 1:25 pm): Investigative Reports/Other Confidential Information</b> <b><u>Purpose:</u></b> To hear discussions of investigative and confidential nature, and for the prevention of needless injury to the reputation of the individuals</li> <li>6. <b>OPEN SESSION (approx 1:45 pm): Review, Recommendations, and Report Out</b> (Applications, Mail Ballot Voting Results, and Reinstatements)</li> <li>7. <b>Annual Business</b> <ol style="list-style-type: none"> <li>a. Approval of Method of Noticing Meeting Agendas (Neb.Rev.Stat. 84-1407-1414)</li> <li>b. Board Member Per Diems &amp; Compensation Recommendations (Neb.Rev.Stat. §38-171)</li> <li>c. Board Goals for 2023 (Review By-Laws and Conviction Guidelines, Other?)</li> <li>d. Elections and Appointments                             <ul style="list-style-type: none"> <li>• Election of Officers and Appointment of Investigative Consultants; Assign new member mentor</li> </ul> </li> </ol> </li> <li>8. <b>Adjourn</b></li> </ol>	

**Nebraska Open Meetings Act: 84-1407 through 84-1414** <https://ago.nebraska.gov/open-meetings>

<p>All items known at the time of distribution of this agenda are listed. A current agenda is available at the Department of Health and Human Services, Division of Public Health, Licensure Unit and at the following website: <a href="https://dhhs.ne.gov/Licensure/Pages/Agendas-and-Minutes.aspx">https://dhhs.ne.gov/Licensure/Pages/Agendas-and-Minutes.aspx</a> <b>NOTICE:</b> If auxiliary aids or reasonable accommodations are needed for attendance at the meeting, please call the Licensure Unit at (402) 471-2117 (voice), or for persons with hearing impairments, please call the Nebraska Relay System at 711 (TDD), prior to the meeting date. Advance notice of 7 days is needed when requesting an interpreter.</p>	<p>2023 Meeting Dates: 2.22.2023</p>
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**Item 4.c.**

- **Active Licenses:** 744
- **Disciplinary and Non-Disciplinary Actions:** Last Disciplinary Action was in 2009
- **Renewals:** No Report

**Item 7.a-b.**

38-171. Board; advisory committee or body; compensation; limitation; expenses.

Each member of a board shall, in addition to necessary traveling and lodging expenses, receive a per diem for each day actually engaged in the discharge of his or her duties, including compensation for the time spent in traveling to and from the place of conducting business. Traveling and lodging expenses shall be on the same basis as provided in sections 81-1174 to 81-1177. The compensation per day shall not exceed fifty dollars and shall be determined by each board with the approval of the department. Persons serving on an advisory committee or body under section 38-161 shall receive remuneration of expenses as provided in sections 81-1174 to 81-1177, including compensation for time spent in traveling to and from the place of conducting business, and a per diem of fifty dollars.

Some Samples for consideration:

1. \$50 For 1 day of preparation for each meeting (investigations/applications).
2. \$50 Attending the Board meeting (in person or by conference call).
3. \$50 Each day of travel where overnight arrangements have been made (board meeting or national meeting).
4. \$50 Each day the member is representing the board at a national meeting of state licensing boards.
5. \$50 Regulation Hearing, Legislative Hearing, or other board related meetings when representing the Board (prior board approval required).

**PUBLIC MEETINGS: NOTICE AND AGENDA REQUIRED**

<https://ago.nebraska.gov/open-meetings>

**E.** Section 84-1411 sets out several requirements for the notice which must be given for a public meeting and for the agenda which must be prepared: (1) the public body must give reasonable advance publicized notice of the time and place of each meeting, (2) that notice must be transmitted to all members of the body and to the public, (3) the notice must contain an agenda of subjects known at the time of the publicized notice, or a statement that such an agenda, which must be kept continually current, is readily available for inspection at the principal office of the public body during normal business hours.

1. **Notice.** 2020 Neb. Laws LB 148, § 3 placed restrictions on certain public bodies with respect to publication of meeting notices. Under § 84-1411(1)(b)(i)-(iii), governing bodies of political subdivisions and their advisory committees must publish notice in a newspaper of general circulation within the public body's jurisdiction and, if available, on the newspaper's web site. Governing bodies of cities of the second class or villages and their advisory committees must either publish notice in a newspaper of general circulation within the public body's jurisdiction and, if available, on the newspaper's web site, or by posting written notice in three conspicuous public places in the city or village. The posting locations shall remain the same for each meeting. For all other public bodies, notice shall be given by a method designated by the public body. Governing bodies of political subdivisions and their advisory committees may, in addition to the requirements set out above, provide notice of their meetings by any other appropriate method designated by the public body. Section 84-1411(1)(c). Section 84-1411(1)(d) requires each public body to record the method(s) and date(s) of such notice in its minutes. Public bodies holding meetings by videoconferencing and telephone conference call, as provided in § 84-1411(2) and (3) respectively, must follow the meeting notification requirements in § 84-1411(1).

**MINUTES OF THE MEETING OF THE  
BOARD OF MEDICAL NUTRITION THERAPY**

**October 15, 2019**

**Draft**  
The Board has not approved  
these minutes

**1. ROLL CALL**

The meeting of the Board of Medical Nutrition Therapy was called to order by the Chair, Crystal Zabka Belsky, in LU1 Conference Room, Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska, at 3:05 p.m. Copies of the agenda were sent to the Board members, and other interested parties in accordance with the Open Meetings Law.

**Members Present:**

Kristy Anderson	-	Member
Cristina Fernandez, MD	-	Member
Crystal Zabka Belsky	-	Chair

**Members Absent:**

Elizabeth Kenyon	-	Member (entered meeting at 3:17 p.m.)
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**Others Present:**

Kris Chiles, Program Manager, Licensure Unit  
Angela Andersen, Health Licensing Coordinator, Licensure Unit  
Ami Huff, Assistant Attorney General via conference call  
Sharon Fitts, Investigations via conference call

**2. ADOPTION OF AGENDA**

**MOTION:** Fernandez moved, seconded by Anderson, to approve the agenda. A roll call vote was taken. Voting aye: Anderson, Fernandez, Zabka Belsky (3). Voting nay: None (0). Absent: Kenyon (1). Motion carried.

**3. APPROVAL OF MINUTES (10-9-18)**

**MOTION:** Fernandez moved, seconded by Zabka Belsky, to approve the minutes of 10-9-18. A roll call vote was taken. Voting aye: Fernandez, Zabka Belsky (2). Voting nay: None (0). Absent: Kenyon (1). Abstain: Anderson (1) Motion carried.

**4. INVESTIGATIVE REPORTS AND CONFIDENTIAL INFORMATION – CLOSED SESSION**

**MOTION:** Anderson moved, seconded by Fernandez, to enter into closed session at 3:14 p.m. to hear discussions of investigative/confidential nature, and for the prevention of needless injury to the reputations of the individuals. Zabka Belsky repeated the motion purpose. A roll call vote was taken. Voting aye: Anderson, Fernandez, Zabka Belsky (3). Voting nay: None (0). Absent: Kenyon (1). Motion carried.

3:36 p.m. - Huff and Fitts departed the meeting

**MOTION:** Kenyon moved, seconded by Fernandez, to return to open session at 3:40 p.m. A roll call vote was taken. Voting aye: Anderson, Fernandez, Kenyon, Zabka Belsky (4). Voting nay: None (0). Absent: None (0). Motion carried.

**5. REVIEW, RECOMMENDATIONS AND REPORT OUT – OPEN SESSION**

There were no applications for review.

**6. 172 NAC 61: REVIEW, RECOMMENDATION, AND APPROVAL OF PUBLIC HEARING COMMENTS (HEARING 10.3.2019) [HTTPS://WWW.NEBRASKA.GOV/NESOS/RULES-AND-REGS/REGTRACK/DETAILS.CGI?PROPOSAL\\_ID=2048](https://www.nebraska.gov/nesos/rules-and-regs/regtrack/details.cgi?proposal_id=2048)**

Testimony #1 language on E & F do not coincide with Medical Nutrition Therapy statutes. Unable to change due to statutes.

Suggestions from the board to work until legislation changed:

- Physician could do a standing diet order.
- MNT could do a recommendation and the physician would carry it out.
- MNT could write the recommendation with the assistance of the physician.
- Give MNT the ability to change/modify an order with the physician's permission.
- Zabka Belsky volunteered to email the Academy for clarification on this issue. She will send her proposed email to Chiles for review before sending.

Testimony 1-7 were the same questions.

**MOTION:** Fernandez moved, seconded by Kenyon, to approve regulations. A roll call vote was taken. Voting aye: Anderson, Fernandez, Kenyon, Zabka Belsky (4). Voting nay: None (0). Absent: None (0). Motion carried.

**7. MEDICAL NUTRITION THERAPISTS FEEDING PATIENTS (QUESTION FROM DEPARTMENT OF VETERANS AFFAIRS)**

The question came in from Department of Veterans Affairs for the Board to answer.

- All board members were in agreement that the question was too vague and clarification was needed on the specific reason the question was being asked. Chiles replied with the statutes pertaining to Medical Nutrition Therapy to avoid taking a legal stance without further clarification.

**8. CURRENT CONTINUING EDUCATION REVIEW PROCESS QUESTIONS**

- Continuing educations credits audits for that met the guidelines.
- Regulation changes mean more hours that will be nutrition related.
- 10 hours for general nutrition out of the 30 hours total. The Board agreed that it was necessary to have those hours to keep up to date with current standards especially if the MNT is in a specialty setting.

**9. REPORTS AND UPDATES: DISCIPLINARY/NON-DISCIPLINARY ACTION REPORT, LICENSE AND RENEWAL STATISTICS, EXAMINATION STATISTICS, AND ADMINISTRATIVE FEES**

There are no new discipline or administrative penalties to report since the Board last met on 10-9-2018.

There are currently 613 licensed Medical Nutrition Therapists

**10. ADJOURNMENT**

Zabka Belsky declared the meeting adjourned at 4:16 p.m.

Respectfully Submitted,

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Elizabeth Kenyon, Secretary  
Board of Medical Nutrition Therapy