



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

This meeting will be held in person. The public is welcome to attend any Open Session discussion in the Lower Level, Goldenrod Room or as part of the WebEX using this link:

<https://sonvideo.webex.com/sonvideo/j.php?MTID=m0bf6bf8c20771dd4bacc2f86d1ffd554>

or call in information is 1-408-418-9388 using meeting number of 2491 804 0660

AGENDA Revision*	Date Posted: 9.19.2023, 10.6.2023, 10.10.2023
<p><b><u>Date and Time:</u></b> Wednesday October 11, 2023 <b>12:00 p.m.</b></p> <p><b><u>Location:</u></b> State Office Building 301 Centennial Mall South (14<sup>th</sup> and M Street) Lower Level, Goldenrod Room Lincoln, Nebraska</p> <p><b><u>For Information Contact:</u></b> Carrie Oldehoeft 402-471-2117 or dhhs.licensure2117 @nebraska.gov</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>New member:</b> <ul style="list-style-type: none"> <li>• Introduction of New Board Member: Dr. David Freestone</li> <li>• Assignment of Board Mentor</li> </ul> </li> <li>3. <b>Adoption of Agenda</b></li> <li>4. <b>Approval of Minutes</b></li> <li>5. <b>Updates and Reports</b> <ol style="list-style-type: none"> <li>a. *Regulations</li> <li>b. Statistics: Examinations, Licensing, Administrative Penalties, Renewals, Disciplinary and Non-Disciplinary Information, and School Report (attached to agenda)</li> </ol> </li> <li>6. <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:</p> <ul style="list-style-type: none"> <li>2.22.2023</li> <li>6.7.2023</li> <li>7.25.2023</li> <li>8.23.2023</li> <li>10.11.2023</li> </ul>
--	--

**Item 4B**

**Active Licenses (as of 9.18.2023):**

		<b>SUMMARY CO</b>
	<b>License Statuses:</b>	<b>Active</b>
<b>Profession</b>	<b>License Types</b>	
Medical Nutrition T	Medical Nutrition Therapist	635
	<b>Grand Total</b>	<b>635</b>

**Examinations:**

No Reports

**Disciplinary and Non-Disciplinary Actions:**

No reports

**Renewals:** No Report

**These minutes have not been approved by the board**

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

**August 23, 2023**

**1. ROLL CALL**

The meeting of the Board of Medical Nutrition Therapy was called to order by the Chair, Crystal Zabka Belsky, via WebEx in the Lower Level -Goldenrod Room, Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska, at 1:00 pm. Copies of the agenda were sent to the Board members, and other interested parties in accordance with the Nebraska Open Meetings Act, posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>, and posted in the Licensure Unit on 8.14.2023

**Members Present:**

Kristy Anderson - Member  
Crystal Zabka Belsky - Chair  
Frink, Shannon - Member  
Dodge, Melissa - Member

**Members Absent:**

**Others Present:**

Ann Oertwich, Program Manager, Licensure Unit  
Dina Mekic, Program Manager, Licensure unit  
Lindsay Braddock, Unit Administrator, Licensure Unit  
Carrie Oldehoeft Health Licensing Coordinator, Licensure Unit  
TJ O'Neill, Assistant Attorney General  
Teresa Hampton – DHHS Attorney, Via WebEx

## **2. ADOPTION OF AGENDA**

**MOTION:** Dodge moved, seconded by Anderson, to approve the agenda. A roll call vote was taken. Voting aye: Anderson, Zabka Belsky, Frink, Dodge (4). Voting nay: None (0). Absent: None (0), Vacant: (1) Motion carried.

## **3. APPROVAL OF MINUTES**

**MOTION:** Dodge moved, seconded by Anderson, to approve the minutes of 7.25.2023. A roll call vote was taken. Voting aye: Anderson, Zabka Belsky, Frink, Dodge (4). Voting nay: None (0). Absent: None (0), Vacant: (1) Motion carried.

## **4. Updates and Reports**

- a. Changes to the Medical Nutrition Therapy Practice Act
  - Oldehoeft updated the board with the changes to the application and creation of the supervisor verification affidavit.
  - Braddock updated the board with the update on board changes that will be presented September 18 to Board of Health and DHHS is starting to work on regulation changes.
- b. Statistics: Examinations, Licensing, Administrative Penalties, Renewals, Disciplinary and Non-Disciplinary Information, and School Report (attached to agenda)

## **10. ADJOURNMENT**

Next meeting in person October 11, 2023 @ 12:00 pm, Zabka Belsky declared the meeting adjourned at 1:35 pm.

Respectfully Submitted,

---

Kristy Anderson, Vice-chair  
Board of Medical Nutrition Therapy

Summarized by: Carrie Oldehoeft, Health Licensing Coordinator – Licensure Unit

## 5a **Draft regulations**

EFFECTIVE  
XX-XX-XXXX

NEBRASKA DEPARTMENT OF  
HEALTH AND HUMAN SERVICES

172 NAC 61

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 61 MEDICAL NUTRITION THERAPISTS

001. SCOPE AND AUTHORITY. These regulations govern the licensing of medical nutrition therapists under Nebraska Revised Statute (Neb. Rev. Stat.) §§ 38-~~1801~~ 1802 to 38-1816 and the Uniform Credentialing Act.

002. DEFINITIONS. Definitions set out in the Medical Nutrition Therapy Practice Act, the Uniform Credentialing Act, 172 Nebraska Administrative Code (NAC) 10, and the following apply to this chapter.

002.01 ASSESSMENT. Assessment is defined in Neb. Rev. Stat. § 38-1804. It includes the following activities:

- (A) The collection of information, review of records, and verification of information. The records and information include anthropometric data, diagnoses, laboratory values, medications, diet orders, physical assessment data, and food preference or diet history information;
- (B) Determining a complete nutritional plan of care to meet fluid need, calorie, or protein need, need for specific form of food, need for specific adaptive devices for feeding techniques, or need for supplemental food, fluid, or medical nutritional product for a patient;
- (C) Reviewing or refining goals set for the patient;
- (D) Reviewing or refining a plan to achieve the established goals for a patient;
- (E) Recommending changes in a physician's diet order, for a patient, to a physician when a possible need for a change is identified by a medical nutrition therapist; and
- (F) Writing a therapeutic diet order for a patient in accordance with Neb. Rev. Stat. 38-1813.

002.02 DATA COLLECTION. Data collection is the collection of anthropometric data such as height, weight, age, laboratory values, current medications, diagnoses, food preference, and diet history.

002.03 HOUR. An hour, for the purposes of 172 NAC 61-003.02(B), 172 NAC 61-003.03(B), and continuing education, is an academic hour and calculated as follows:

- (A) 1 semester hour of academic credit equals 15 clock hours;
- (B) 1 quarter hour of academic credit equals 10 clock hours; and
- (C) 1 trimester hour of academic credit equals 12 clock hours.

~~002.04 LICENSE EXAMINATION. The license examination is The Registration Examination for Dietitians, as established by the Commission on Dietetic Registration, the credentialing~~

EFFECTIVE  
XXXXXXX

NEBRASKA DEPARTMENT OF  
HEALTH AND HUMAN SERVICES

172 NAC 61

~~agency of the Academy of Nutrition and Dietetics, or any other examination established by the Commission on Dietetic Registration and determined by the Board to be equivalent.~~

002.05 OBSERVATION. Observation is watching the patient during intake of food and fluid.

003. LICENSE REQUIREMENTS. To obtain a license, an individual must submit a complete application provided by the Department and provide documentation demonstrating that the applicant meets the licensing requirements of Neb. Rev. Stat. § 38-1813, 172 NAC 10, and this chapter.

~~003.01 COMMISSION ON DIETETIC REGISTRATION. If applying based on holding registration, the applicant must submit official documentation of registration with the Commission on Dietetic Registration.~~

~~003.02 BACCALAUREATE DEGREE AND SUPERVISED CLINICAL EXPERIENCE. If applying based on a baccalaureate degree, the applicant must provide the following:~~

- ~~(A) An official transcript, submitted directly from the issuing institution, verifying completion of a baccalaureate degree with a major course of study in human nutrition, food and nutrition, dietetics, or an equivalent major course of study approved by the Board;~~
- ~~(B) Documentation of at least 900 hours of supervised clinical experience. An individual must provide documentation of completing at least 60 semester hours, or 90 quarter hours, or 75 trimester hours of academic credit to equal the 900 hours of clinical experience; and~~
- ~~(C) Official documentation of the license examination score sent directly from the Commission on Dietetic Registration or Academy of Nutrition and Dietetics. The examination is scored on a scale of 1–50. The minimum scaled score required to pass the examination is 25.~~

003.03 MASTER'S OR DOCTORAL DEGREE. If applying based on a master's or doctoral degree, the applicant must provide the following:

- (A) An official transcript, submitted directly from the issuing institution, verifying completion of one of the following:
  - (i) A master's or doctorate degree in human nutrition, nutrition education, foods and nutrition, or public health nutrition or in an equivalent major course of study with the intent of the degree being nutrition in nature and approved by the Board; or
  - (ii) A master's or doctoral degree which included a major course of study in clinical nutrition;
- ~~(B) Verification of completion of not less than a combined 200 hours of biochemistry and physiology and not less than 75 hours in human nutrition. An individual must provide documentation of completing at least 13.5 semester hours, or 20 quarter hours, or 17 trimester hours to equal the 200 hours needed for the combined biochemistry and physiology; and at least 5 semester hours, or 7.5 quarter hours, or 6.25 trimester hours to equal the 75 hours needed in human nutrition; and~~
- ~~(C) Official documentation of the license examination score sent directly from the Commission on Dietetic Registration or Academy of Nutrition and Dietetics. The examination is scored on a scale of 1–50. The minimum scaled score required to pass the examination is 25.~~

EFFECTIVE  
XXXXXX

NEBRASKA DEPARTMENT OF  
HEALTH AND HUMAN SERVICES

172 NAC 61

~~003.04 RECIPROCITY. To obtain a license based on reciprocity, an applicant must submit a complete application provided by the Department and provide documentation demonstrating that the applicant meets the requirements of Neb. Rev. Stat. §§ 38-1813, 38-129.02, 172 NAC 10, and this chapter.~~

003.05 RESIDENCY. All applicants receiving a license pursuant to 172 NAC 61 must submit documentation of establishing residency in Nebraska as required by Neb. Rev. Stat. § 38-129.02. Such documentation must be submitted within 90 days of establishment of residency and consist of a rental or lease agreement with the signature of the owner or landlord and the applicant, a deed or title to residential real property with the name of the applicant as an owner, or documents with the name and address of the applicant such as mortgage bills, home utility bills, medical or employee documents or similar documents that show the applicant residing in Nebraska.

004. RENEWAL, WAIVER OF CONTINUING EDUCATION, AND INACTIVE STATUS. The applicant must meet the requirements set out in 172 NAC 10 and this chapter. All medical nutrition therapy licenses issued by the Department will expire on September 1, of each odd-numbered year.

005. CONTINUING EDUCATION REQUIREMENTS. Each medical nutrition therapist who is in active practice in the State of Nebraska must complete 30 hours of continuing education programs or activities during the preceding 24-month period prior to the expiration date.

005.01 ACCEPTABLE SUBJECT MATTER. The subject matter for each continuing education program must clearly relate to maintaining skills necessary for the safe and competent practice of medical nutrition therapy as defined in Neb. Rev. Stat. § **38-1809**.

005.01(A) ACADEMIC CREDIT. If using academic credit hours, the hours must be completed through an undergraduate or graduate college or university program.

005.01(B) CONTINUING EDUCATION PROGRAM. 60 minutes of participation equals 1 continuing education hour when completing workshops, seminars, conferences, or electronic interactive presentations for purposes of obtaining continuing education credit.

005.01(C) PRESENTER. A presenter may receive continuing education credit for only the initial presentation during a renewal period. Credit will not be given for subsequent presentations of the same program or activity.

005.01(D) GENERAL NUTRITION PROGRAM. A maximum of 10 hours of continuing education relating to general nutrition, defined in Neb. Rev. Stat. § 38-1807, may be used as credit for each renewal period.

005.01(E) EXHIBITS. 25 exhibits equal 1 continuing education hour. A maximum of 3 continuing education hours may be used as credit per renewal period.

005.01(F) POSTER SESSIONS. 6 poster sessions equal 1 continuing education hour; a maximum of 3 continuing education hours may be used as credit each renewal period.

EFFECTIVE  
XXXXXXXX

NEBRASKA DEPARTMENT OF  
HEALTH AND HUMAN SERVICES

172 NAC 61

005.01(G) HOME STUDY PROGRAM. A maximum of 15 hours of continuing education hours may be used as credit for each renewal period. The provider of the program must have a system to monitor knowledge obtained by the licensee completing a home study program, such as, but not limited to a final examination or program evaluation.

005.01(H) VIDEO OR AUDIO MEDIA OR JOURNAL CLUB. A maximum of 15 hours of continuing education hours may be used as credit for obtained each renewal period. The provider of a video or audio media must issue a certificate of completion. A journal club must be an organized activity, with a pre-determined discussion topic and must be conducted in a monitored environment by another licensed medical nutrition therapist.

005.01(I) CERTIFICATE PROGRAMS. 20 hours of continuing education, unless noted otherwise, may be used for completing a certificate program as follows:

- (i) Certified Nutrition Support Clinician sponsored by the National Board of Nutrition Support Certification, Inc;
- (ii) Certified Diabetes Educator sponsored by the National Certification Board for Diabetes Educators;
- (iii) Certified Lifestyle and Weight Management Consultant sponsored by the American Council on Exercise;
- (iii) Certificate programs sponsored by the Commission on Dietetic Registration, such as:
  - (1) Board Certification as a Specialist in Pediatric Nutrition;
  - (2) Board Certification as a Specialist in Renal Nutrition;
  - (3) Board Certification as a Specialist in Gerontological Nutrition;
  - (4) Board Certification as a Specialist in Oncology Nutrition; or
  - (5) Board Certification as a Specialist in Sports Dietetics;
- (v) International Board of Lactation Consultant Examiners; or
- (vi) Certificate Programs approved through the Academy of Nutrition and Dietetics, such as:
  - (1) Certificate of Training in Childhood and Adolescent Weight Management sponsored by the Commission on Dietetic Registration, 29 hours are acceptable; or
  - (2) Certificate Training in Adult Weight Management sponsored by the Commission on Dietetic Registration, 28 hours are acceptable.

005.02 NONACCEPTABLE SUBJECT MATERIAL. The following topic areas do not count towards continuing education for renewal or reinstatement:

- (A) Menu planning;
- (B) Dietetic association business meeting or delegate report;
- (C) Cooking or baking demonstrations;
- (D) Food service sanitation;
- (E) Catering;
- (F) Garnishing techniques;
- (G) Publishing an employee training manual;
- (H) Sales presentation on a company's new product;
- (I) Marketing self as dietitian or medical nutrition therapist;
- (J) Language training; and

EFFECTIVE  
XXXXXXXXXX

NEBRASKA DEPARTMENT OF  
HEALTH AND HUMAN SERVICES

172 NAC 61

(K) Health service administration, such as management, grant writing, and human resources.

006. REINSTATEMENT. The applicant must meet the requirements set out in 172 NAC 10.

007. ANCILLARY PERSONNEL. Ancillary personnel may:

- (A) Collect data to be submitted to the medical nutrition therapist in writing for medical records;
- (B) Document an observation, such as anthropometric data and food preferences, for medical records or on the patient's chart; and
- (C) Direct questions to the physician in charge or the medical nutrition therapist and may make recommendations based on observations.

008. FEES. Fees are set out in 172 NAC 2.