

THE REPORT OF THE DIRECTOR OF THE DIVISION OF PUBLIC HEALTH ON THE PROPOSAL TO MAKE CHANGES IN THE SCOPE OF PRACTICE OF MEDICAL NUTRITION THERAPISTS

Date: April 12, 2021

To: The Speaker of the Nebraska Legislature
The Chairperson of the Executive Board of the Legislature
The Chairperson and Members of the Legislative Health and Human Services
Committee

From: Gary J. Anthonie, MD
Chief Medical Officer
Director, Division of Public Health
Department of Health and Human Services



Introduction

The Regulation of Health Professions Act (as defined in Neb. Rev. Stat., Section 71 -6201, et. seq.) is commonly referred to as the Credentialing Review Program. The Department of Health and Human Services Division of Public Health administers this Act. As Chief Medical Officer I am presenting this report under the authority of this Act.

Summary of the Medical Nutrition Therapy Proposal

Medical Nutrition Therapists in Nebraska are seeking to upgrade and modernize their licensure statute to bring it up-to-date regarding current practice standards and practices as well as to provide for greater inclusiveness vis-à-vis other related nutrition professionals as long as they meet the educational and training standards defined in the proposal.

The full text of their proposal can be found under the Medical Nutrition Therapy subject area of the credentialing review program link at

<https://dhhs.ne.gov/Licensure/Pages/Credentialing-Review.aspx>

Summary of Technical Committee and Board of Health Recommendations

The technical review committee members recommended in favor of the Medical Nutrition Therapy proposal. The Board of Health also recommended in favor of this proposal. I concur with these recommendations, and my comments regarding my reasons for supporting the proposal follow, below.

The Director's Recommendations on the Proposal

Discussion on the six statutory criteria of the Credentialing Review Program as they relate to the Medical Nutrition Therapy proposal

Criterion one: *The health, safety, and welfare of the public are inadequately addressed by the present scope of practice or limitations on the scope of practice.*

This profession's licensure statute is in need of an update and this proposal accomplishes this task.

Criterion two: *Enactment of the proposed change in scope of practice would benefit the health, safety, or welfare of the public.*

This proposal would benefit the public by clarifying in greater detail exactly what medical nutrition therapists do and how they go about doing what they do. It would also increase access to services by implementing a dual licensure process that would hold promise of increasing the number of nutrition professionals who would now be allowed to provide medical nutrition therapy.

Criterion three: *The proposed change in scope of practice does not create a significant new danger to the health, safety, or welfare of the public.*

Nothing in the record of this review indicates that this proposal would create any new danger to the health, safety, or welfare of the public.

Criterion four: *The current education and training for the health profession adequately prepares practitioners to perform the new skill or service.*

The education and training standards proposed by the applicants would adequately prepare practitioners to provide services safely and effectively.

Criterion five: *There are appropriate post-professional programs and competence assessment measures available to assure that the practitioner is competent to perform the new skill of service in a safe manner.*

Current post-professional programs and competency assessment measures would be able to provide assurance that medical nutrition therapists are competent to perform the new skill or service in a safe manner.

Criterion six: *There are adequate measures to assess whether practitioners are competently performing the new skill or service and to take appropriate action if they are not performing competently.*

Current assessment measures pertinent to the evaluation and review of the services of medical nutrition therapists would be adequate to determine whether or not these professionals are practicing competently.

Final Thoughts

I support passage of the final amended version of the applicants' proposal.