

2024

STATE OF NEBRASKA

**STATUTES RELATING TO
MEDICAL NUTRITION THERAPY PRACTICE ACT**

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES

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Division of Public Health
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INDEX

MEDICAL NUTRITION THERAPY PRACTICE ACT

- 38-1801. Act, how cited.
 - 38-1802. Legislative findings.
 - 38-1803. Definitions, where found.
 - 38-1804. Assessment, defined.
 - 38-1805. Board, defined.
 - 38-1806. Consultation, defined.
 - 38-1807. General nutrition services.
 - 38-1808. Licensed medical nutrition therapist, defined.
 - 38-1809. Medical nutrition therapy, defined.
 - 38-1810. Patient, defined.
 - 38-1811. Board; membership; qualifications.
 - 38-1812. License required; activities not subject to act.
 - 38-1813. Licensed medical nutrition therapist; qualifications.
 - 38-1814. Reciprocity; military spouse; temporary license.
 - 38-1815. Fees.
 - 38-1816. Act, how construed.
 - 38-1817. Licensed nutritionist; eligibility; qualifications.
 - 38-1818. Appropriate supervision; requirements.
 - 38-1819. Temporary license.
 - 38-1820. Medical nutrition therapy; authorized; use of titles, abbreviations, words; limitations.
 - 38-1821. Licensed dietitian nutritionist; licensed nutritionist; practice requirements; authorized activities; limitations.
 - 38-1822. Student; accredited course on dietetics and nutrition; practice; limitations.
 - 38-1823. Compact Privilege
 - 38-4701. Dietitian Licensure Compact.
-
- 71-1,285. Transferred to section 38-1802.
 - 71-1,286. Transferred to section 38-1803.
 - 71-1,287. Transferred to section 38-1812.
 - 71-1,288. Repealed. Laws 2003, LB 242, s. 154.
 - 71-1,289. Transferred to section 38-1813.
 - 71-1,290. Repealed. Laws 2007, LB 463, § 1319.
 - 71-1,291. Repealed. Laws 2007, LB 463, § 1319.
 - 71-1,291.01. Repealed. Laws 2007, LB 463, § 1319.
 - 71-1,292. Repealed. Laws 2007, LB 463, § 1319.
 - 71-1,293. Transferred to section 38-1816.
 - 71-1,294. Repealed. Laws 2007, LB 463, § 1319.

STATUTES PERTAINING TO MEDICAL NUTRITION THERAPY PRACTICE ACT

38-1801. Act, how cited.

Sections 38-1801 to 38-1823 shall be known and may be cited as the Medical Nutrition Therapy Practice Act.

Source:Laws 2007, LB463, § 623; Laws 2023, LB227, § 24; Laws 2024, LB1215, § 8.

Operative Date: January 1, 2025

38-1802. 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 dietitians and nutritionists 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 dietitian nutritionists and licensed nutritionists.

Source:Laws 1988, LB 557, § 1; Laws 1995, LB 406, § 20; R.S.1943, (2003), § 71-1,285; Laws 2007, LB463, § 624; Laws 2023, LB227, § 25.

38-1803. Definitions, where found.

For purposes of the Medical Nutrition Therapy Practice Act and elsewhere in the Uniform Credentialing Act, unless the context otherwise requires, the definitions found in sections 38-1803.01 to 38-1810.05 apply.

Source:Laws 1988, LB 557, § 2; Laws 1995, LB 406, § 21; Laws 1999, LB 828, § 146; R.S.1943, (2003), § 71-1,286; Laws 2007, LB463, § 625; Laws 2023, LB227, § 26.

38-1803.01. Appropriate supervision, defined.

Appropriate supervision means the specific type, intensity, and frequency of supervision determined by an assessment of a combination of factors, which include discipline, level of education and experience of the supervisee, and assigned level of responsibility.

Source:Laws 2023, LB227, § 27.

38-1804. Repealed. Laws 2023, LB227, § 121.

38-1805. Board, defined.

Board means the Board of Medical Nutrition Therapy.

Source:Laws 2007, LB463, § 627.

38-1806. Consultation, defined.

Consultation means conferring with a physician, nurse practitioner, or physician assistant regarding the provision of medical nutrition therapy. In the inpatient setting, consultation may be satisfied by practicing under clinical privileges or following facility-established protocols. In the outpatient setting, consultation may be satisfied by conferring with a consulting physician or the referring primary care practitioner or physician of the patient.

Source:Laws 2007, LB463, § 628; Laws 2023, LB227, § 28.

38-1807. General nonmedical nutrition information, defined.

General nonmedical nutrition information means information on any of the following:

(1) Principles of good nutrition and food preparation;

(2) Food that should be included in the normal diet;

(3) Essential nutrients needed by the human body;

(4) Recommended amounts of essential nutrients required by the human body;

(5) Actions of nutrients in the human body; and

(6) Food and supplements that are good sources of essential nutrients required by the human body.

Source:Laws 2007, LB463, § 629; Laws 2023, LB227, § 29.

38-1807.01. General supervision for the purpose of post-degree clinical practice experience, defined.

General supervision for the purpose of post-degree clinical practice experience means the qualified supervisor is onsite and present at the location where nutrition-care services are provided or is immediately available by means of electronic communications to the supervisee providing the services and both maintains continued involvement in the appropriate aspects of patient care and has primary responsibility for all nutrition-care services rendered by the supervisee.

Source:Laws 2023, LB227, § 30.

38-1808. Licensed dietitian nutritionist, defined.

Licensed dietitian nutritionist means a person who is licensed to practice medical nutrition therapy pursuant to the Uniform Credentialing Act and who holds a current license issued by the department pursuant to section 38-1813.

Source:Laws 2007, LB463, § 630; Laws 2023, LB227, § 31.

38-1808.01. Licensed nutritionist, defined.

Licensed nutritionist means a person who is licensed to practice medical nutrition therapy pursuant to the Uniform Credentialing Act and who holds a current license issued by the department pursuant to section 38-1817.

Source:Laws 2023, LB227, § 32.

38-1809. Medical nutrition therapy, defined.

Medical nutrition therapy means the assessment of the nutritional status of patients and the provision of the following nutrition-care services for the treatment or management of a disease or medical condition by:

- (1) Assessing and evaluating the nutritional needs of people and groups and determining resources and constraints in the practice setting, including ordering laboratory tests to check and track nutrition status, creating dietary plans and orders, and monitoring the effectiveness of such plans and orders;
- (2) Establishing priorities, goals, and objectives that meet nutritional needs and are consistent with available resources and constraints;
- (3) Providing nutrition counseling; and
- (4) Ordering therapeutic diets.

Source:Laws 2007, LB463, § 631; Laws 2023, LB227, § 33.

38-1809.01. Nutrition-care services, defined.

Nutrition-care services means any or all of the following services provided within a systematic process:

- (1) Assessing and evaluating the nutritional needs of people and groups and determining resources and constraints in the practice setting, including ordering laboratory tests to check and track nutrition status, creating dietary plans and orders, and monitoring the effectiveness of such plans and orders;
- (2) Establishing priorities, goals, and objectives that meet nutritional needs and are consistent with available resources and constraints;
- (3) Providing nutrition counseling, including in health and disease;
- (4) Developing, implementing, and managing nutrition-care systems;
- (5) Evaluating, changing, and maintaining appropriate standards of quality in food and nutrition services; and
- (6) Ordering therapeutic diets.

Source:Laws 2023, LB227, § 34.

38-1809.02. Nutrition counseling, defined.

Nutrition counseling means a supportive process, characterized by a collaborative counselor-patient or counselor-client relationship with individuals or groups, to establish food and nutrition priorities, goals, and individualized action plans and general physical activity guidance that acknowledge and foster responsibility for self-care to treat or manage an existing disease or medical condition or to promote health and wellness.

Source:Laws 2023, LB227, § 35.

38-1810. Patient, defined.

Patient means an individual recipient of medical nutrition therapy, whether in the outpatient or inpatient setting.

Source:Laws 2007, LB463, § 632; Laws 2023, LB227, § 41.

38-1810.01. Practice of dietetics and nutrition, defined.

Practice of dietetics and nutrition means the integration and application of scientific principles derived from the study of food, nutrition, biochemistry, metabolism, nutrigenomics, physiology, food management, and behavioral and social sciences in achieving and maintaining health throughout the life span and in providing nutrition care in person or by telehealth, including medical nutrition therapy, for the purpose of disease management and prevention, or to treat or rehabilitate an illness, injury, or condition. The primary functions of the practice of dietetics and nutrition are the provision of medical nutrition therapy for the purpose of disease management or to treat or rehabilitate an illness, injury, or condition and the provision of other nutrition-care services for health and wellness and as primary prevention of chronic disease.

Source:Laws 2023, LB227, § 36.

38-1810.02. Primary care practitioner, defined.

Primary care practitioner means a physician licensed pursuant to section 38-2026 or sections 38-2029 to 38-2033 who provides primary care services, a nurse practitioner licensed pursuant to section 38-2317 who provides primary care services, or a physician assistant licensed pursuant to section 38-2049 who provides primary care services under a collaborative agreement with the supervision of a physician.

Source:Laws 2023, LB227, § 37.

38-1810.03. Qualified supervisor, defined; qualifications; licensure; required, when.

(1) Qualified supervisor means:

(a) When supervising the provision of medical nutrition therapy by a person who is completing post-degree clinical practice experience, a person who either:

(i) Is a licensed dietitian nutritionist, a licensed nutritionist, or a health care provider licensed in any state or territory, including licensed or certified dietitian nutritionists and licensed nutritionists, whose scope of practice includes the provision of medical nutrition therapy; or

(ii) In the case of a person in a state that does not provide for such licensure or certification, meets such other criteria as the board may establish, including by a registered dietitian nutritionist or a certified nutrition specialist, or is a health care provider authorized in another state or territory to provide medical nutrition therapy; and

(b) When supervising the provision of nutrition-care services that does not constitute medical nutrition therapy, a person who:

(i) Meets the qualifications of subdivision (1)(a) of this section; or

(ii) Has worked in the field of clinical nutrition for at least three of the last five years immediately preceding commencement of the applicant's supervised practice experience and holds a master's or doctoral degree with a major course of study in dietetics, human nutrition, foods and nutrition, clinical nutrition, applied clinical nutrition, community nutrition, public health nutrition, naturopathic medicine, nutrition education, nutrition counseling, nutrition science, nutrition and functional medicine, nutritional biochemistry, or nutrition and integrative health, or an equivalent course of study as approved by the board.

(2) In order to qualify as a qualified supervisor in Nebraska, a supervisor obtaining a doctoral degree outside the United States or its territories shall have such degree validated by the board as equivalent to the doctoral degree conferred by an accredited college or university in the United States or its territories.

(3) A qualified supervisor shall be licensed under the Uniform Credentialing Act to provide medical nutrition therapy if supervising an applicant providing medical nutrition therapy to a person in this state.

Source:Laws 2023, LB227, § 38.

38-1810.04. Registered dietitian or registered dietitian nutritionist, defined.

Registered dietitian or registered dietitian nutritionist means a person who is currently registered as a registered dietitian or a registered dietitian nutritionist by the Commission on Dietetic Registration of the Academy of Nutrition and Dietetics or a similar successor entity approved by the department.

Source:Laws 2023, LB227, § 39.

38-1810.05. Therapeutic diet, defined.

Therapeutic diet means a diet intervention prescribed by a physician or other health care professional that provides food or nutrients via oral, enteral, or parenteral routes as part of the treatment of a disease or diagnosed clinical condition to modify, eliminate, decrease, or increase identified micronutrients or macronutrients in the diet or to provide mechanically altered food when indicated.

Source:Laws 2023, LB227, § 40.

38-1811. Board; membership; qualifications.

(1) The board shall consist of three professional members, one physician, and one public member appointed pursuant to section 38-158 until December 1, 2023.

(2) Beginning on December 1, 2023, the board shall consist of five members as follows: Three professional members, of which one shall be a licensed nutritionist or a licensed dietitian nutritionist and two shall be licensed dietitian nutritionists; one physician; and one public member.

(3) The members shall meet the requirements of sections 38-164 and 38-165.

Source:Laws 2007, LB463, § 633; Laws 2023, LB227, § 42.

38-1812. License or Compact Privilege required; consultation required for practice; activities not subject to licensure.

No person shall practice medical nutrition therapy unless such person is licensed for such purpose pursuant to the Uniform Credentialing Act or holds a Compact Privilege under the Dietitian Licensure Compact. The practice of medical nutrition therapy shall be provided with the consultation of a physician licensed pursuant to section 38-2026 or sections 38-2029 to 38-2033, a nurse practitioner licensed pursuant to section 38-2317, or a physician assistant licensed pursuant to section 38-2049. The Medical Nutrition Therapy Practice Act shall not be construed to require a license under the act in order to:

(1) Practice medical nutrition therapy within the scope of the official duties of an employee of the state or federal government or while serving in the armed forces of the United States;

(2) Engage in practice within the scope of a credential issued under the Uniform Credentialing Act;

(3) Practice medical nutrition therapy as a student while pursuing a course of study leading to a degree in dietetics, nutrition, or an equivalent major course of study from an accredited school or program as part of a supervised course of study, if all of the following apply: (a) The person is not engaged in the unrestricted practice of medical nutrition therapy; (b) the person uses a title clearly indicating the person's status as a student or trainee; and (c) the person is in compliance with appropriate supervision requirements developed by the board, including the requirement that the supervised practice experience must be under the order, control, and full professional responsibility of such supervisor. Nothing in this subdivision shall be construed to permit students, trainees, or supervisees to practice medical nutrition therapy other than as specifically allowed in this subdivision and as provided in section 38-1822;

(4) Be employed as a nutrition or dietetic technician or other food service professional who is working in a hospital setting or other regulated health care facility or program and who has been trained and is supervised while engaged in the provision of medical nutrition therapy by an individual licensed pursuant to the Medical Nutrition Therapy Practice Act whose services are retained by that facility or program on a full-time or regular, part-time, or consultant basis;

(5) Provide individualized nutrition information, guidance, motivation, nutrition recommendations, behavior change management, health coaching, holistic and wellness education, or other nutrition-care services that do not constitute medical nutrition therapy as long as such activity is being performed by a person who is not licensed under the Medical Nutrition Therapy Practice Act and who is not acting in the capacity of or claiming to be a licensed dietitian nutritionist or licensed nutritionist;

(6) Accept or transmit written, verbal, delegated, or electromagnetically transmitted orders for medical nutrition therapy from a referring provider by a registered nurse or licensed practical nurse;

(7) Provide medical nutrition therapy without remuneration to family members;

(8) Aide in the provision of medical nutrition therapy if:

(a) The person performs nutrition-care services at the direction of an individual licensed under the Uniform Credentialing Act whose scope of practice includes provision of medical nutrition therapy; and

(b) The person performs only support activities of medical nutrition therapy that do not require the exercise of independent judgment for which a license under the Medical Nutrition Therapy Practice Act is required;

(9) Practice medical nutrition therapy if the practitioner is licensed in another state, United States territory, or country, has received at least a baccalaureate degree, and is 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;

(10) Perform individualized general nutrition-care services, not constituting medical nutrition therapy, incidental to the practice of the profession insofar as it does not exceed the scope of the person's education and training;

(11) Market or distribute food, food materials, or dietary supplements, advise regarding the use of those products or the preparation of those products, or counsel individuals or groups in the selection of products to meet general nutrition needs;

(12) Conduct classes or disseminate general nonmedical nutrition information;

- (13) Provide care for the sick in accordance with the tenets and practices of any bona fide church or religious denomination;
- (14) Practice medical nutrition therapy for the limited purpose of education and research by any person with a master's or doctoral degree from a United States accredited college or university with a major course of study in nutrition or an equivalent course of study as approved by the department;
- (15) Provide information and instructions regarding food intake or exercise as a part of a weight control program;
- (16) Participate in academic teaching or research with an advanced postgraduate degree; and
- (17) Present a general program of instruction for medical weight control for an individual with prediabetes or obesity if the program has been approved in writing by, consultation is available from, and no program change is initiated without prior approval from, any one of the following:
- (a) A licensed dietitian nutritionist or a licensed nutritionist;
 - (b) A registered dietitian or registered dietitian nutritionist;
 - (c) A certified nutritionist specialist; or
 - (d) A licensed health care practitioner acting within the scope of such practitioner's license as part of a plan of care.

Source:Laws 1988, LB 557, § 3; Laws 1995, LB 406, § 22; R.S.1943, (2003), § 71-1,287; Laws 2007, LB463, § 634; Laws 2023, LB227, § 43; Laws 2024, LB1215, § 10.

Operative Date: January 1, 2025

38-1813. Licensed dietitian nutritionist; eligibility; qualifications; prior licensure; how treated.

- (1) A person shall be eligible to be a licensed dietitian nutritionist if such person is eighteen years of age or older, submits a completed application as required by the board, submits fees required by the board, and furnishes evidence of:
- (a) A current, valid registration as a registered dietitian nutritionist with the Commission on Dietetic Registration or a similar successor entity approved by the department; or
 - (b)(i)(A) A master's or doctoral degree from a college or university accredited at the time of graduation from the appropriate accrediting agency recognized by the Council for Higher Education Accreditation and the United States Department of Education with a major course of study in human nutrition, foods and nutrition, dietetics, food systems management, nutrition education, nutrition, nutrition science, clinical nutrition, applied clinical nutrition, nutrition counseling, nutrition and functional medicine, nutritional biochemistry, nutrition and integrative health, or an equivalent course of study that, as approved by the board, meets the competency requirements of an accredited didactic program in dietetics of the Accreditation Council for Education in Nutrition and Dietetics or a similar successor entity approved by the Department of Health and Human Services; or
 - (B) An academic degree from a foreign country that has been validated as equivalent by a credential evaluation agency recognized by the United States Department of Education and that, as approved by the board, meets the competency requirements of an accredited didactic program in dietetics of the Accreditation Council for Education in Nutrition and Dietetics;
 - (ii) Successful completion of a planned clinical program in an approved practice of dietetics and nutrition that, as approved by the board, meets the competency requirements of an accredited supervised practice experience in dietetics of the Accreditation Council for Education in Nutrition and Dietetics comprised of not less than one thousand hours of practice under the supervision of a registered dietitian nutritionist. A supervisor who obtained a doctoral degree outside of the United States and territories of the United States shall have the degree validated as equivalent to a doctoral degree conferred by an accredited college or university in the United States by a credential evaluation agency recognized by the United States Department of Education as approved by the Department of Health and Human Services; and
 - (iii) Successful completion of the examination for dietitian nutritionists administered by the Commission on Dietetic Registration of the Academy of Nutrition and Dietetics or a similar successor entity approved by the Department of Health and Human Services.
- (2) A person licensed as a licensed medical nutrition therapist and credentialed as a registered dietitian nutritionist by the Commission on Dietetic Registration or a similar successor entity recognized by the board on September 2, 2023, shall be deemed to be licensed as a licensed dietitian nutritionist for the term of the license. A person licensed as a licensed medical nutrition therapist who is not credentialed as a registered dietitian on September 2, 2023, shall be deemed to be licensed as a licensed nutritionist for the term of the license.

Source:Laws 1988, LB 557, § 5; Laws 1995, LB 406, § 24; R.S.1943, (2003), § 71-1,289; Laws 2007, LB463, § 635; Laws 2020, LB1002, § 41; Laws 2021, LB528, § 8; Laws 2023, LB227, § 44.

Cross References

- **Credentialing, general requirements and issuance procedures, see section 38-121 et seq.**

38-1814. Reciprocity; military spouse; temporary license.

The department, with the recommendation of the board, may issue a license based on licensure in another jurisdiction to an individual who meets the requirements of the Medical Nutrition Therapy Practice Act or substantially equivalent requirements as determined by the department, with the recommendation of the board. An applicant for a license to practice under the act who is a military spouse may apply for a temporary license as provided in section 38-129.01.

Source:Laws 2007, LB463, § 636; Laws 2017, LB88, § 59.

38-1815. Fees.

The department shall establish and collect fees for credentialing under the Medical Nutrition Therapy Practice Act as provided in sections 38-151 to 38-157.

Source:Laws 2007, LB463, § 637.

38-1816. Act, how construed; assisted-living facilities or nursing facilities; provision of medical nutrition therapy.

(1) Nothing in the Medical Nutrition Therapy Practice Act shall be construed to permit a licensed dietitian nutritionist or a licensed nutritionist to practice any other profession regulated under the Uniform Credentialing Act.

(2) Nothing in the Medical Nutrition Therapy Practice Act shall require assisted-living facilities or nursing facilities to provide medical nutrition therapy, unless otherwise required by law, or employ or consult with licensed dietitian nutritionists or licensed nutritionists, so long as any medical nutrition therapy provided in such facilities is provided under an exemption listed under section 38-1812.

Source:Laws 1988, LB 557, § 9; Laws 1994, LB 853, § 1; Laws 1995, LB 406, § 29; R.S.1943, (2003), § 71-1,293; Laws 2007, LB463, § 638; Laws 2023, LB227, § 51.

38-1817. Licensed nutritionist; eligibility; qualifications.

A person shall be eligible to be a licensed nutritionist if such person is eighteen years of age or older, submits a completed application as required by the board, submits fees required by the board, and furnishes evidence of:

(1) Certification as a certified nutrition specialist or proof of successful completion of the examination administered by the board for Certification of Nutrition Specialists of the American Nutrition Association or a similar successor entity approved by the department or an equivalent examination dealing with all aspects of the practice of dietetics and nutrition approved by the department;(2)(a) A master's or doctoral degree from a college or university accredited at the time of graduation from the appropriate accrediting agency recognized by the Council on Higher Education Accreditation and the United States Department of Education with a major course of study as approved by the board that provides the knowledge requirements necessary for the competent provision of medical nutrition therapy; or(b) An academic degree from a foreign country that has been validated as equivalent to the degree and course of study described in subdivision (a) of this subdivision as determined by the board;(3) Successful completion of coursework leading to competence in medical nutrition therapy which includes (a) fifteen semester hours of clinical or life sciences, including such courses as chemistry, organic chemistry, biology, molecular biology, biotechnology, botany, genetics, genomics, neuroscience, experimental science, immunotherapy, pathology, pharmacology, toxicology, research methods, applied statistics, biostatistics, epidemiology, energy production, molecular pathways, hormone and transmitter regulations and imbalance, and pathophysiologic base of disease, with at least three semester hours in human anatomy and physiology or the equivalent, and (b) fifteen semester hours of nutrition and metabolism, with at least six semester hours in biochemistry or an equivalent approved by the board; and (4) Successful completion of a board-approved, planned, continuous internship or a documented, planned, continuous, supervised practice experience with a qualified supervisor, demonstrating competency in nutrition-care services and the provision of medical nutrition therapy comprised of not less than one thousand hours involving at least two hundred hours of nutrition assessment and nutrition diagnosis, two hundred hours of nutrition intervention or counseling, and two hundred hours of nutrition monitoring and evaluation. A minimum of seven hundred hours of the supervised practice experience is required in professional work settings, and no more than three hundred hours may be in alternate supervised experiences such as observational interactions between patient and practitioner, simulation, case studies, or role playing. This experience shall be under the supervision of a qualified supervisor. Qualified supervisors shall provide general supervision of an applicant's supervised practice experience in the provision of medical nutrition therapy and provide appropriate supervision of an applicant's provision of other nutrition-care services that do not constitute medical nutrition therapy. For purposes of this subdivision, a supervisor shall be licensed in this state if supervising an applicant providing medical nutrition therapy to a person in this state. A supervisor who obtained a doctoral degree outside of the United States and territories of the United States shall have the degree validated as equivalent to a doctoral degree conferred by an accredited college or university in the United States by a credential evaluation agency recognized by the United States Department of Education.

Source:Laws 2023, LB227, § 45.

38-1818. Appropriate supervision; requirements.

The board shall develop requirements for appropriate supervision consistent with prevailing professional standards considering factors that include, but are not limited to, level of education, experience, and level of responsibility. The requirements shall include:

- (1) Adequate, active, and continuing review of the supervisee's activities to assure that the supervisee is performing as directed and complying with the statutes and all related administrative regulations;
- (2) Personal review by the qualified supervisor of the supervisee's practice on a regular basis and regularly scheduled, face-to-face, education and review conferences between the qualified supervisor and the supervisee;
- (3) Personal review of all charts, records, and clinical notes of the supervisee on a regular basis;
- (4) Designation of an alternate qualified supervisor to supervise any services provided in the event of a qualified supervisor's absence; and
- (5) Knowledge of, and adherence to, by each supervisee and qualified supervisor, the assigned level of responsibility and the permissible types of supervision and documentation as determined by the board in supervision requirements.

Source:Laws 2023, LB227, § 46.

38-1819. Temporary license.

- (1) A temporary license to practice medical nutrition therapy may be granted to any person who meets all the requirements for a license except passage of the examination required by section 38-1813 or 38-1817. A temporary licensee shall be supervised by a qualified supervisor. A temporary license shall be valid for one year or until the temporary licensee takes the examination, whichever occurs first. The temporary licensee shall be designated by a title clearly indicating such licensee's status as a student or trainee. If a temporary licensee fails the examination required by section 38-1813 or 38-1817, the temporary license shall be null and void, except that the department, with the recommendation of the board, may extend the temporary license upon a showing of good cause for up to six months. A temporary license shall not be issued to any person who fails to pass the examination if such person did not hold a valid temporary license prior to the failure to pass the examination.
- (2) This section shall not apply to a temporary license issued as provided under section 38-129.01.

Source:Laws 2023, LB227, § 47.

38-1820. Medical nutrition therapy; authorized; use of titles, abbreviations, words; limitations.

- (1) Unless otherwise authorized or exempted under the Medical Nutrition Therapy Practice Act:
 - (a) Only a licensed dietitian nutritionist or licensed nutritionist may provide medical nutrition therapy; and
 - (b) No person shall use the title dietitian nutritionist, nutritionist, dietitian, licensed dietitian nutritionist, licensed medical nutrition therapist, licensed nutritionist, medical nutrition therapist, or licensed nutrition specialist, or the abbreviation LDN or LN, or any other title, designation, word, letter, abbreviation, or insignia indicating that the person is a provider of medical nutrition therapy or licensed under the Medical Nutrition Therapy Practice Act unless the person is a licensed dietitian nutritionist or a licensed nutritionist.
- (2) Only a person who is issued a license as a dietitian nutritionist under the act may use the words licensed dietitian nutritionist, dietitian nutritionist, or dietitian or the letters LDN in connection with such person's name. Only a person who is issued a license as a nutritionist under the act may use the words licensed nutritionist or the letters LN in connection with such person's name. Only a person licensed under the act may use the word nutritionist in connection with such person's name. A person may use any lawfully earned federally trademarked title, and the following persons may use the following words, titles, or letters: (a) A registered dietitian nutritionist may use registered dietitian, registered dietitian nutritionist, rd, or rdn; (b) a person who is credentialed by the Board for Certification of Nutrition Specialists as a certified nutrition specialist may use certified nutrition specialist or cns; or (c) a board-certified nutrition pharmacist may use the title nutrition specialist.

Source:Laws 2023, LB227, § 48.

38-1821. Licensed dietitian nutritionist; licensed nutritionist; practice requirements; authorized activities; limitations.

- (1) A licensed dietitian nutritionist or a licensed nutritionist, unless otherwise exempt, shall:
 - (a) Provide medical nutrition therapy using evidence-based practice and the nutrition-care services process for patients and clients in clinical and community settings for the purpose of treatment or management of a diagnosed medical disease or medical condition. The nutrition-care services process involves application of the scientific method to medical nutrition therapy and consists of four distinct, but interrelated, steps of nutrition assessment, nutrition diagnosis, nutrition intervention, and nutrition monitoring and evaluation;

(b) Use specialized knowledge and skill to apply the systematic problem-solving method to make diagnostic judgments when providing medical nutrition therapy for safe, effective, and high-quality care; and
(c) Use critical thinking to collect relevant data, determine nutrition diagnosis based upon interpreted data, establish patient and client goals, determine a nutrition plan and interventions to solve the problem, and evaluate the effectiveness of interventions and progress toward the desired goals or outcomes.

(2) A licensed dietitian nutritionist or a licensed nutritionist may:

(a) Accept or transmit written, verbal, delegated, or electromagnetically transmitted orders from a referring provider consistent with the Medical Nutrition Therapy Practice Act and rules and regulations adopted and promulgated pursuant to the act and with any controlling protocols established to implement medical nutrition therapy;

(b) Recommend and order patient diets, including therapeutic diets, oral nutrition supplements, and dietary supplements, in accordance with the Medical Nutrition Therapy Practice Act and the rules and regulations adopted and promulgated pursuant to the act. Therapeutic diets may include oral, enteral, or parenteral nutrition therapy. Enteral and parenteral nutrition therapy consists of enteral feedings or specialized intravenous solutions and associated nutrition-related services as part of a therapeutic diet and shall only be ordered, initiated, or performed by a licensed dietitian nutritionist or licensed nutritionist who also meets one of the following criteria:

(i) The licensee is a registered dietitian nutritionist;

(ii) The licensee is a certified nutrition support clinician certified by the National Board of Nutrition Support Certification; or

(iii) The licensee meets other requirements demonstrating competency as determined by the board in evaluating and ordering enteral and parenteral therapy and administering enteral therapy;

(c) Order medical or laboratory tests related to nutritional therapeutic treatments;

(d) Implement prescription drug dose adjustments for specific disease treatment protocols within the limits of such licensee's knowledge, skills, judgment, and clinical practice guidelines pursuant to any applicable and controlling facility-approved protocol and as approved and delegated by the licensed prescriber, physician, or other authorized health care provider who prescribed the drug or drugs to be adjusted. Nothing in this subdivision shall be construed to permit individuals licensed under the Medical Nutrition Therapy Practice Act to independently prescribe or initiate drug treatment. A licensed dietitian nutritionist or a licensed nutritionist may recommend and order or discontinue vitamin and mineral supplements; and

(e) Develop, implement, and manage nutrition-care services systems and evaluate, change, and maintain appropriate standards of quality in food and nutrition-care services.

(3)(a) Nothing in this section shall be construed to limit the ability of any other licensed health care professional to order therapeutic diets if ordering therapeutic diets falls within the scope of practice of the licensed health care professional.

(b) Nothing in this section shall be construed to limit the ability of persons who are not licensed dietitian nutritionists or licensed nutritionists from providing services which they are lawfully able to provide.

Source:Laws 2023, LB227, § 49.

38-1822. Student; accredited course on dietetics and nutrition; practice; limitations.

A student enrolled in an accredited course on dietetics and nutrition recognized by the board may perform any action necessary to complete the student's course of study and engage in the practice of medical nutrition therapy under the appropriate supervision of a supervisor in accordance with section 38-1813 or 38-1817 for a period of no more than five years after the student completes the course of study. The board may, in its discretion, grant a limited extension to such five-year period in the event of extraordinary circumstances to allow the student to satisfy the qualifications for licensure under section 38-1813 or 38-1817. For purposes of this section, extraordinary circumstances may include circumstances in which a person who legally provides medical nutrition therapy in another state has not met the qualifications for licensure under section 38-1813 or 38-1817 within the five-year period after completion of the course of study.

Source:Laws 2023, LB227, § 50.

38-1823. Compact Privilege.

(1) A person holding a Compact Privilege under the Dietitian Licensure Compact may engage in the Practice of Dietetics in Nebraska as authorized pursuant to such compact.

(2) The board may approve, and the department may adopt and promulgate, rules and regulations as necessary to carry out this section.

Source:Laws 2024, LB1215, § 9.

Operative Date: January 1, 2025

38-4701. Dietitian Licensure Compact.

This section shall be known and may be cited as the Dietitian Licensure Compact. The State of Nebraska adopts the Dietitian Licensure Compact in the form substantially as follows:

SECTION 1. PURPOSE

The purpose of this Compact is to facilitate interstate Practice of Dietetics with the goal of improving public access to dietetics services. This Compact preserves the regulatory authority of States to protect public health and safety through the current system of State licensure, while also providing for licensure portability through a Compact Privilege granted to qualifying professionals.

This Compact is designed to achieve the following objectives:

- A. Increase public access to dietetics services;
- B. Provide opportunities for interstate practice by Licensed Dietitians who meet uniform requirements;
- C. Eliminate the necessity for Licenses in multiple States;
- D. Reduce administrative burdens on Member States and Licensees;
- E. Enhance the States' ability to protect the public's health and safety;
- F. Encourage the cooperation of Member States in regulating multistate practice of Licensed Dietitians;
- G. Support relocating Active Military Members and their spouses;
- H. Enhance the exchange of licensure, investigative, and disciplinary information among Member States; and
- I. Vest all Member States with the authority to hold a Licensed Dietitian accountable for meeting all State practice laws in the State in which the patient is located at the time care is rendered.

SECTION 2. DEFINITIONS

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

- A. "ACEND" means the Accreditation Council for Education in Nutrition and Dietetics or its successor organization.
- B. "Active Military Member" means any individual with full-time duty status in the active armed forces of the United States, including members of the National Guard and Reserve.
- C. "Adverse Action" means any administrative, civil, equitable, or criminal action permitted by a State's laws which is imposed by a Licensing Authority or other authority against a Licensee, including actions against an individual's License or Compact Privilege such as revocation, suspension, probation, monitoring of the Licensee, limitation on the Licensee's practice, or any other Encumbrance on licensure affecting a Licensee's authorization to practice, including issuance of a cease and desist action.
- D. "Alternative Program" means a non-disciplinary monitoring or practice remediation process approved by a Licensing Authority.
- E. "Charter Member State" means any Member State which enacted this Compact by law before the Effective Date specified in Section 12.
- F. "Continuing Education" means a requirement, as a condition of License renewal, to provide evidence of participation in, and completion of, educational and professional activities relevant to practice or area of work.
- G. "CDR" means the Commission on Dietetic Registration or its successor organization.
- H. "Compact Commission" means the government agency whose membership consists of all States that have enacted this Compact, which is known as the Dietitian Licensure Compact Commission, as described in Section 8 of this Compact, and which shall operate as an instrumentality of the Member States.
- I. "Compact Privilege" means a legal authorization, which is equivalent to a License, permitting the Practice of Dietetics in a Remote State.
- J. "Current Significant Investigative Information" means:
 - 1. Investigative Information that a Licensing Authority, after a preliminary inquiry that includes notification and an opportunity for the subject Licensee to respond, if required by State law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or
 - 2. Investigative Information that indicates that the subject Licensee represents an immediate threat to public health and safety regardless of whether the subject Licensee has been notified and had an opportunity to respond.
- K. "Data System" means a repository of information about Licensees, including, but not limited to, Continuing Education, examination, licensure, investigative, Compact Privilege, and Adverse Action information.
- L. "Encumbered License" means a License in which an Adverse Action restricts a Licensee's ability to practice dietetics.
- M. "Encumbrance" means a revocation or suspension of, or any limitation on a Licensee's full and unrestricted Practice of Dietetics by a Licensing Authority.
- N. "Executive Committee" means a group of delegates elected or appointed to act on behalf of, and within the powers granted to them by, this Compact, and the Compact Commission.
- O. "Home State" means the Member State that is the Licensee's primary State of residence or that has been designated pursuant to Section 6 of this Compact.

P. "Investigative Information" means information, records, and documents received or generated by a Licensing Authority pursuant to an investigation.

Q. "Jurisprudence Requirement" means an assessment of an individual's knowledge of the State laws and regulations governing the Practice of Dietetics in such State.

R. "License" means an authorization from a Member State to either:

1. Engage in the Practice of Dietetics (including medical nutrition therapy); or
2. Use the title "dietitian," "licensed dietitian," "licensed dietitian nutritionist," "certified dietitian," or other title describing a substantially similar practitioner as the Compact Commission may further define by Rule.

S. "Licensee" or "Licensed Dietitian" means an individual who currently holds a License and who meets all of the requirements outlined in Section 4 of this Compact.

T. "Licensing Authority" means the board or agency of a State, or equivalent, that is responsible for the licensing and regulation of the Practice of Dietetics.

U. "Member State" means a State that has enacted the Compact.

V. "Practice of Dietetics" means the synthesis and application of dietetics, primarily for the provision of nutrition care services, including medical nutrition therapy, in person or via telehealth, to prevent, manage, or treat diseases or medical conditions and promote wellness.

W. "Registered Dietitian" means a person who:

1. Has completed applicable education, experience, examination, and recertification requirements approved by CDR;
2. Is credentialed by CDR as a registered dietitian or a registered dietitian nutritionist; and
3. Is legally authorized to use the title registered dietitian or registered dietitian nutritionist and the corresponding abbreviations "RD" or "RDN."

X. "Remote State" means a Member State other than the Home State, where a Licensee is exercising or seeking to exercise a Compact Privilege.

Y. "Rule" means a regulation promulgated by the Compact Commission that has the force of law.

Z. "Single State License" means a License issued by a Member State within the issuing State and does not include a Compact Privilege in any other Member State.

AA. "State" means any state, commonwealth, district, or territory of the United States of America.

BB. "Unencumbered License" means a License that authorizes a Licensee to engage in the full and unrestricted Practice of Dietetics.

SECTION 3. STATE PARTICIPATION IN THE COMPACT

A. To participate in the Compact, a State must currently:

1. License and regulate the Practice of Dietetics; and
2. Have a mechanism in place for receiving and investigating complaints about Licensees.

B. A Member State shall:

1. Participate fully in the Compact Commission's Data System, including using the unique identifier as defined in Rules;
2. Notify the Compact Commission, in compliance with the terms of the Compact and Rules, of any Adverse Action or the availability of Current Significant Investigative Information regarding a Licensee;
3. Implement or utilize procedures for considering the criminal history record information of applicants for an initial Compact Privilege. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records;
 - a. A Member State must fully implement a criminal history record information requirement, within a time frame established by Rule, which includes receiving the results of the Federal Bureau of Investigation record search and shall use those results in determining Compact Privilege eligibility.
 - b. Communication between a Member State and the Compact Commission or among Member States regarding the verification of eligibility for a Compact Privilege shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal history record information check performed by a Member State.
4. Comply with and enforce the Rules of the Compact Commission;
5. Require an applicant for a Compact Privilege to obtain or retain a License in the Licensee's Home State and meet the Home State's qualifications for licensure or renewal of licensure, as well as all other applicable State laws; and
6. Recognize a Compact Privilege granted to a Licensee who meets all of the requirements outlined in Section 4 of this Compact in accordance with the terms of the Compact and Rules.

C. Member States may set and collect a fee for granting a Compact Privilege.

D. Individuals not residing in a Member State shall continue to be able to apply for a Member State's Single State License as provided under the laws of each Member State. However, the Single State License granted to these individuals shall not be recognized as granting a Compact Privilege to engage in the Practice of Dietetics in any other Member State.

E. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single State License.

F. At no point shall the Compact Commission have the power to define the requirements for the issuance of a Single State License to practice dietetics. The Member States shall retain sole jurisdiction over the provision of these requirements.

SECTION 4. COMPACT PRIVILEGE

A. To exercise the Compact Privilege under the terms and provisions of the Compact, the Licensee shall:

1. Satisfy one of the following:

a. Hold a valid current registration that gives the applicant the right to use the term Registered Dietitian; or

b. Complete all of the following:

i. An education program which is either:

a) A master's degree or doctoral degree that is programmatically accredited by (i) ACEND; or (ii) a dietetics accrediting agency recognized by the United States Department of Education, which the Compact Commission may by Rule determine, and from a college or university accredited at the time of graduation by the appropriate regional accrediting agency recognized by the Council on Higher Education Accreditation and the United States Department of Education.

b) An academic degree from a college or university in a foreign country equivalent to the degree described in subparagraph (a) that is programmatically accredited by (i) ACEND; or (ii) a dietetics accrediting agency recognized by the United States Department of Education, which the Compact Commission may by Rule determine.

ii. A planned, documented, supervised practice experience in dietetics that is programmatically accredited by (i) ACEND, or (ii) a dietetics accrediting agency recognized by the United States Department of Education which the Compact Commission may by Rule determine and which involves at least one thousand hours of practice experience under the supervision of a Registered Dietitian or a Licensed Dietitian.

iii. Successful completion of either: (i) the Registration Examination for Dietitians administered by CDR, or (ii) a national credentialing examination for dietitians approved by the Compact Commission by Rule; such completion being no more than five years prior to the date of the Licensee's application for initial licensure and accompanied by a period of continuous licensure thereafter, all of which may be further governed by the Rules of the Compact Commission.

2. Hold an Unencumbered License in the Home State;

3. Notify the Compact Commission that the Licensee is seeking a Compact Privilege within a Remote State(s);

4. Pay any applicable fees, including any State fee, for the Compact Privilege;

5. Meet any Jurisprudence Requirements established by the Remote State(s) in which the Licensee is seeking a Compact Privilege; and

6. Report to the Compact Commission any Adverse Action, Encumbrance, or restriction on a License taken by any non-Member State within thirty days from the date the action is taken.

B. The Compact Privilege is valid until the expiration date of the Home State License. To maintain a Compact Privilege, renewal of the Compact Privilege shall be congruent with the renewal of the Home State License as the Compact Commission may define by Rule. The Licensee must comply with the requirements of subsection 4(A) to maintain the Compact Privilege in the Remote State(s).

C. A Licensee exercising a Compact Privilege shall adhere to the laws and regulations of the Remote State.

Licensees shall be responsible for educating themselves on, and complying with, any and all State laws relating to the Practice of Dietetics in such Remote State.

D. Notwithstanding anything to the contrary provided in this Compact or State law, a Licensee exercising a Compact Privilege shall not be required to complete Continuing Education Requirements required by a Remote State. A Licensee exercising a Compact Privilege is only required to meet any Continuing Education Requirements as required by the Home State.

SECTION 5. OBTAINING A NEW HOME STATE LICENSE BASED ON A COMPACT PRIVILEGE

A. A Licensee may hold a Home State License, which allows for a Compact Privilege in other Member States, in only one Member State at a time.

B. If a Licensee changes Home State by moving between two Member States:

1. The Licensee shall file an application for obtaining a new Home State License based on a Compact Privilege, pay all applicable fees, and notify the current and new Home State in accordance with the Rules of the Compact Commission.

2. Upon receipt of an application for obtaining a new Home State License by virtue of a Compact Privilege, the new Home State shall verify that the Licensee meets the criteria in Section 4 of this Compact via the Data System, and require that the Licensee complete the following:
 - a. Federal Bureau of Investigation fingerprint based criminal history record information check;
 - b. Any other criminal history record information required by the new Home State; and
 - c. Any Jurisprudence Requirements of the new Home State.
3. The former Home State shall convert the former Home State License into a Compact Privilege once the new Home State has activated the new Home State License in accordance with applicable Rules adopted by the Compact Commission.
4. Notwithstanding any other provision of this Compact, if the Licensee cannot meet the criteria in Section 4 of this Compact, the new Home State may apply its requirements for issuing a new Single State License.
5. The Licensee shall pay all applicable fees to the new Home State in order to be issued a new Home State License.
- C. If a Licensee changes their State of residence by moving from a Member State to a non-Member State, or from a non-Member State to a Member State, the State criteria shall apply for issuance of a Single State License in the new State.
- D. Nothing in this Compact shall interfere with a Licensee's ability to hold a Single State License in multiple States; however, for the purposes of this Compact, a Licensee shall have only one Home State License.
- E. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single State License.

SECTION 6. ACTIVE MILITARY MEMBERS OR THEIR SPOUSES

An Active Military Member, or their spouse, shall designate a Home State where the individual has a current License in good standing. The individual may retain the Home State designation during the period the service member is on active duty.

SECTION 7. ADVERSE ACTIONS

- A. In addition to the other powers conferred by State law, a Remote State shall have the authority, in accordance with existing State due process law, to:
 1. Take Adverse Action against a Licensee's Compact Privilege within that Member State; and
 2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a Licensing Authority in a Member State for the attendance and testimony of witnesses or the production of evidence from another Member State shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure applicable to subpoenas issued in proceedings pending before that court. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the State in which the witnesses or evidence are located.
- B. Only the Home State shall have the power to take Adverse Action against a Licensee's Home State License.
- C. For purposes of taking Adverse Action, the Home State shall give the same priority and effect to reported conduct received from a Member State as it would if the conduct had occurred within the Home State. In so doing, the Home State shall apply its own State laws to determine appropriate action.
- D. The Home State shall complete any pending investigations of a Licensee who changes Home States during the course of the investigations. The Home State shall also have authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the administrator of the Data System. The administrator of the Data System shall promptly notify the new Home State of any Adverse Actions.
- E. A Member State, if otherwise permitted by State law, may recover from the affected Licensee the costs of investigations and dispositions of cases resulting from any Adverse Action taken against that Licensee.
- F. A Member State may take Adverse Action based on the factual findings of another Remote State, provided that the Member State follows its own procedures for taking the Adverse Action.
- G. Joint Investigations:
 1. In addition to the authority granted to a Member State by its respective State law, any Member State may participate with other Member States in joint investigations of Licensees.
 2. Member States shall share any investigative, litigation, or compliance materials in furtherance of any joint investigation initiated under the Compact.
- H. If Adverse Action is taken by the Home State against a Licensee's Home State License resulting in an Encumbrance on the Home State License, the Licensee's Compact Privilege(s) in all other Member States shall be revoked until all Encumbrances have been removed from the Home State License. All Home State disciplinary orders that impose Adverse Action against a Licensee shall include a statement that the Licensee's Compact Privileges are revoked in all Member States during the pendency of the order.

I. Once an Encumbered License in the Home State is restored to an Unencumbered License (as certified by the Home State's Licensing Authority), the Licensee must meet the requirements of Section 4(A) of this Compact and follow the administrative requirements to reapply to obtain a Compact Privilege in any Remote State.

J. If a Member State takes Adverse Action, it shall promptly notify the administrator of the Data System. The administrator of the Data System shall promptly notify the other Member States State of any Adverse Actions.

K. Nothing in this Compact shall override a Member State's decision that participation in an Alternative Program may be used in lieu of Adverse Action.

SECTION 8. ESTABLISHMENT OF THE DIETITIAN LICENSURE COMPACT COMMISSION

A. The Compact Member States hereby create and establish a joint government agency whose membership consists of all Member States that have enacted the Compact known as the Dietitian Licensure Compact Commission. The Compact Commission is an instrumentality of the Compact States acting jointly and not an instrumentality of any one State. The Compact Commission shall come into existence on or after the effective date of the Compact as set forth in Section 12 of this Compact.

B. Membership, Voting, and Meetings

1. Each Member State shall have and be limited to one delegate selected by that Member State's Licensing Authority.

2. The delegate shall be the primary administrator of the Licensing Authority or their designee.

3. The Compact Commission shall by Rule or bylaw establish a term of office for delegates and may by Rule or bylaw establish term limits.

4. The Compact Commission may recommend removal or suspension of any delegate from office.

5. A Member State's Licensing Authority shall fill any vacancy of its delegate occurring on the Compact Commission within sixty days of the vacancy.

6. Each delegate shall be entitled to one vote on all matters before the Compact Commission requiring a vote by the delegates.

7. Delegates shall meet and vote by such means as set forth in the bylaws. The bylaws may provide for delegates to meet and vote in-person or by telecommunication, video conference, or other means of communication.

8. The Compact Commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The Compact Commission may meet in person or by telecommunication, video conference, or other means of communication.

C. The Compact Commission shall have the following powers:

1. Establish the fiscal year of the Compact Commission;

2. Establish code of conduct and conflict of interest policies;

3. Establish and amend Rules and bylaws;

4. Maintain its financial records in accordance with the bylaws;

5. Meet and take such actions as are consistent with the provisions of this Compact, the Compact Commission's Rules, and the bylaws;

6. Initiate and conclude legal proceedings or actions in the name of the Compact Commission, provided that the standing of any Licensing Authority to sue or be sued under applicable law shall not be affected;

7. Maintain and certify records and information provided to a Member State as the authenticated business records of the Compact Commission, and designate an agent to do so on the Compact Commission's behalf;

8. Purchase and maintain insurance and bonds;

9. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Member State;

10. Conduct an annual financial review;

11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Compact Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

12. Assess and collect fees;

13. Accept any and all appropriate donations, grants of money, other sources of revenue, equipment, supplies, materials, services, and gifts, and receive, utilize, and dispose of the same; provided that at all times the Compact Commission shall avoid any actual or appearance of impropriety or conflict of interest;

14. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest therein;

15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

16. Establish a budget and make expenditures;

17. Borrow money;

18. Appoint committees, including standing committees, composed of members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact or the bylaws;

19. Provide and receive information from, and cooperate with, law enforcement agencies;

20. Establish and elect an Executive Committee, including a chair and a vice chair;

21. Determine whether a State's adopted language is materially different from the model compact language such that the State would not qualify for participation in the Compact; and

22. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact.

D. The Executive Committee

1. The Executive Committee shall have the power to act on behalf of the Compact Commission according to the terms of this Compact. The powers, duties, and responsibilities of the Executive Committee shall include:

a. Oversee the day-to-day activities of the administration of the Compact including enforcement and compliance with the provisions of the Compact, its Rules and bylaws, and other such duties as deemed necessary;

b. Recommend to the Compact Commission changes to the Rules or bylaws, changes to this Compact legislation, fees charged to Compact Member States, fees charged to Licensees, and other fees;

c. Ensure Compact administration services are appropriately provided, including by contract;

d. Prepare and recommend the budget;

e. Maintain financial records on behalf of the Compact Commission;

f. Monitor Compact compliance of Member States and provide compliance reports to the Compact Commission;

g. Establish additional committees as necessary;

h. Exercise the powers and duties of the Compact Commission during the interim between Compact Commission meetings, except for adopting or amending Rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the Compact Commission by Rule or bylaw; and

i. Other duties as provided in the Rules or bylaws of the Compact Commission.

2. The Executive Committee shall be composed of nine members:

a. The chair and vice chair of the Compact Commission shall be voting members of the Executive Committee;

b. Five voting members from the current membership of the Compact Commission, elected by the Compact Commission;

c. One ex officio, nonvoting member from a recognized professional association representing dietitians; and

d. One ex officio, nonvoting member from a recognized national credentialing organization for dietitians.

3. The Compact Commission may remove any member of the Executive Committee as provided in the Compact Commission's bylaws.

4. The Executive Committee shall meet at least annually.

a. Executive Committee meetings shall be open to the public, except that the Executive Committee may meet in a closed, nonpublic meeting as provided in subsection (F)(2).

b. The Executive Committee shall give thirty days' notice of its meetings, posted on the website of the Compact Commission and as determined to provide notice to persons with an interest in the business of the Compact Commission.

c. The Executive Committee may hold a special meeting in accordance with subsection (F)(1)(b).

E. The Compact Commission shall adopt and provide to the Member States an annual report.

F. Meetings of the Compact Commission

1. All meetings shall be open to the public, except that the Compact Commission may meet in a closed, nonpublic meeting as provided in subsection (F)(2).

a. Public notice for all meetings of the full Compact Commission shall be given in the same manner as required under the rulemaking provisions in Section 10, except that the Compact Commission may hold a special meeting as provided in subsection (F)(1)(b).

b. The Compact Commission may hold a special meeting when it must meet to conduct emergency business by giving twenty-four hours' notice to all Member States, on the Compact Commission's website, and by other means as provided in the Compact Commission's Rules. The Compact Commission's legal counsel shall certify that the Compact Commission's need to meet qualifies as an emergency.

2. The Compact Commission or the Executive Committee or other committees of the Compact Commission may convene in a closed, nonpublic meeting for the Compact Commission or Executive Committee or other committees of the Compact Commission to receive legal advice or to discuss:

a. Non-compliance of a Member State with its obligations under the Compact;

b. The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees;

c. Current or threatened discipline of a Licensee by the Compact Commission or by a Member State's Licensing Authority;

d. Current, threatened, or reasonably anticipated litigation;

- e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;
- f. Accusing any person of a crime or formally censuring any person;
- g. Trade secrets or commercial or financial information that is privileged or confidential;
- h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- i. Investigative records compiled for law enforcement purposes;
- j. Information related to any investigative reports prepared by or on behalf of or for use of the Compact Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact;
- k. Matters specifically exempted from disclosure by federal or Member State law; or
- l. Other matters as specified in the Rules of the Compact Commission.

3. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.

4. The Compact Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Compact Commission or order of a court of competent jurisdiction.

G. Financing of the Compact Commission

1. The Compact Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Compact Commission may accept any and all appropriate revenue sources as provided in subsection (C)(13).

3. The Compact Commission may levy on and collect an annual assessment from each Member State and impose fees on Licensees of Member States to whom it grants a Compact Privilege to cover the cost of the operations and activities of the Compact Commission and its staff, which must, in a total amount, be sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for Member States shall be allocated based upon a formula that the Compact Commission shall promulgate by Rule.

4. The Compact Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Compact Commission pledge the credit of any of the Member States, except by and with the authority of the Member State.

5. The Compact Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Compact Commission shall be subject to the financial review and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Compact Commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the Compact Commission.

H. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees and representatives of the Compact Commission shall have no greater liability than a state employee would have under the same or similar circumstances, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Compact Commission employment, duties, or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the Compact Commission shall not in any way compromise or limit the immunity granted hereunder.

2. The Compact Commission shall defend any member, officer, executive director, employee, and representative of the Compact Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Compact Commission employment, duties, or responsibilities, or as determined by the Compact Commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Compact Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining their own counsel at their own expense; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Compact Commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the Compact Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Compact Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Compact Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

4. Nothing herein shall be construed as a limitation on the liability of any Licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable State laws.

5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a Member State's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other State or federal antitrust or anticompetitive law or regulation.

6. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the Member States or by the Compact Commission.

SECTION 9. DATA SYSTEM

A. The Compact Commission shall provide for the development, maintenance, operation, and utilization of a coordinated Data System.

B. The Compact Commission shall assign each applicant for a Compact Privilege a unique identifier, as determined by the Rules.

C. Notwithstanding any other provision of State law to the contrary, a Member State shall submit a uniform data set to the Data System on all individuals to whom this Compact is applicable as required by the Rules of the Compact Commission, including:

1. Identifying information;

2. Licensure data;

3. Adverse Actions against a License or Compact Privilege and information related thereto;

4. Nonconfidential information related to Alternative Program participation, the beginning and ending dates of such participation, and other information related to such participation not made confidential under Member State law;

5. Any denial of application for licensure, and the reason(s) for such denial;

6. The presence of Current Significant Investigative Information; and

7. Other information that may facilitate the administration of this Compact or the protection of the public, as determined by the Rules of the Compact Commission.

D. The records and information provided to a Member State pursuant to this Compact or through the Data System, when certified by the Compact Commission or an agent thereof, shall constitute the authenticated business records of the Compact Commission, and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial, or administrative proceedings in a Member State.

E. Current Significant Investigative Information pertaining to a Licensee in any Member State will only be available to other Member States.

F. It is the responsibility of the Member States to report any Adverse Action against a Licensee and to monitor the Data System to determine whether any Adverse Action has been taken against a Licensee. Adverse Action information pertaining to a Licensee in any Member State will be available to any other Member State.

G. Member States contributing information to the Data System may designate information that may not be shared with the public without the express permission of the contributing State.

H. Any information submitted to the Data System that is subsequently expunged pursuant to federal law or the laws of the Member State contributing the information shall be removed from the Data System.

SECTION 10. RULEMAKING

A. The Compact Commission shall promulgate reasonable Rules in order to effectively and efficiently implement and administer the purposes and provisions of the Compact. A Rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the Rule is invalid because the Compact Commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the Compact, or the powers granted hereunder, or based upon another applicable standard of review.

B. The Rules of the Compact Commission shall have the force of law in each Member State, provided however that where the Rules conflict with the laws or regulations of a Member State that relate to the procedures, actions, and processes a Licensed Dietitian is permitted to undertake in that State and the circumstances under which they may do so, as held by a court of competent jurisdiction, the Rules of the Compact Commission shall be ineffective in that State to the extent of the conflict.

C. The Compact Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Section and the Rules adopted thereunder. Rules shall become binding on the day following adoption or as of the date specified in the Rule or amendment, whichever is later.

D. If a majority of the legislatures of the Member States rejects a Rule or portion of a Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Member State.

E. Rules shall be adopted at a regular or special meeting of the Compact Commission.

F. Prior to adoption of a proposed Rule, the Compact Commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.

G. Prior to adoption of a proposed Rule by the Compact Commission, and at least thirty days in advance of the meeting at which the Compact Commission will hold a public hearing on the proposed Rule, the Compact Commission shall provide a Notice of Proposed rulemaking:

1. On the website of the Compact Commission or other publicly accessible platform;
2. To persons who have requested notice of the Compact Commission's notices of proposed rulemaking; and
3. In such other way(s) as the Compact Commission may by Rule specify.

H. The Notice of Proposed rulemaking shall include:

1. The time, date, and location of the public hearing at which the Compact Commission will hear public comments on the proposed Rule and, if different, the time, date, and location of the meeting where the Compact Commission will consider and vote on the proposed Rule;
2. If the hearing is held via telecommunication, video conference, or other means of communication, the Compact Commission shall include the mechanism for access to the hearing in the Notice of Proposed rulemaking;
3. The text of the proposed Rule and the reason therefore;
4. A request for comments on the proposed Rule from any interested person; and
5. The manner in which interested persons may submit written comments.

I. All hearings will be recorded. A copy of the recording and all written comments and documents received by the Compact Commission in response to the proposed Rule shall be available to the public.

J. Nothing in this Section shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the convenience of the Compact Commission at hearings required by this Section.

K. The Compact Commission shall, by majority vote of all members, take final action on the proposed Rule based on the rulemaking record and the full text of the Rule.

1. The Compact Commission may adopt changes to the proposed Rule provided the changes do not enlarge the original purpose of the proposed Rule.
2. The Compact Commission shall provide an explanation of the reasons for substantive changes made to the proposed Rule as well as reasons for substantive changes not made that were recommended by commenters.
3. The Compact Commission shall determine a reasonable effective date for the Rule. Except for an emergency as provided in subsection 10(L), the effective date of the Rule shall be no sooner than thirty days after issuing the notice that it adopted or amended the Rule.

L. Upon determination that an emergency exists, the Compact Commission may consider and adopt an emergency Rule with twenty-four hours' notice, with opportunity to comment, provided that the usual rulemaking procedures provided in the Compact and in this Section shall be retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety days after the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of Compact Commission or Member State funds;
3. Meet a deadline for the promulgation of a Rule that is established by federal law or rule; or
4. Protect public health and safety.

M. The Compact Commission or an authorized committee of the Compact Commission may direct revision to a previously adopted Rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revision shall be posted on the website of the Compact Commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made in writing and delivered to the Compact Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Compact Commission.

N. No Member State's rulemaking requirements shall apply under this Compact.

SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

1. The executive and judicial branches of State government in each Member State shall enforce this Compact and take all actions necessary and appropriate to implement this Compact.

2. Except as otherwise provided in this Compact, venue is proper and judicial proceedings by or against the Compact Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Compact Commission is located. The Compact Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a Licensee for professional malpractice, misconduct, or any such similar matter.

3. The Compact Commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the Compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the Compact Commission service of process shall render a judgment or order void as to the Compact Commission, this Compact, or promulgated Rules.

B. Default, Technical Assistance, and Termination

1. If the Compact Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, the Compact Commission shall provide written notice to the defaulting State. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the Compact Commission may take and shall offer training and specific technical assistance regarding the default.

2. The Compact Commission shall provide a copy of the notice of default to the other Member States.

C. If a State in default fails to cure the default, the defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the delegates of the Member States, and all rights, privileges, and benefits conferred on that State by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default.

D. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Compact Commission to the governor, the majority and minority leaders of the defaulting State's legislature, the defaulting State's Licensing Authority, and each of the Member States' Licensing Authority.

E. A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

F. Upon the termination of a State's membership from this Compact, that State shall immediately provide notice to all Licensees within that State of such termination. The terminated State shall continue to recognize all Compact Privileges granted pursuant to this Compact for a minimum of six months after the date of said notice of termination.

G. The Compact Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Compact Commission and the defaulting State.

H. The defaulting State may appeal the action of the Compact Commission by petitioning the United States District Court for the District of Columbia or the federal district where the Compact Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

I. Dispute Resolution

1. Upon request by a Member State, the Compact Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between Member and non-Member States.

2. The Compact Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.

J. Enforcement

1. By supermajority vote, the Compact Commission may initiate legal action against a Member State in default in the United States District Court for the District of Columbia or the federal district where the Compact Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees. The remedies herein shall not be the exclusive remedies of the Compact Commission. The Compact Commission may pursue any other remedies available under federal or the defaulting Member State's law.

2. A Member State may initiate legal action against the Compact Commission in the United States District Court for the District of Columbia or the federal district where the Compact Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. No party other than a Member State shall enforce this Compact against the Compact Commission.

SECTION 12. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the seventh Member State.

1. On or after the effective date of the Compact, the Compact Commission shall convene and review the enactment of each of the first seven Member States ("Charter Member States") to determine if the statute enacted by each such Charter Member State is materially different than the model Compact statute.

a. A Charter Member State whose enactment is found to be materially different from the model Compact statute shall be entitled to the default process set forth in Section 11 of this Compact.

b. If any Member State is later found to be in default, or is terminated, or withdraws from the Compact, the Compact Commission shall remain in existence and the Compact shall remain in effect even if the number of Member States should be less than seven.

2. Member States enacting the Compact subsequent to the seven initial Charter Member States shall be subject to the process set forth in Section 8(C)(21) of this Compact to determine if their enactments are materially different from the model Compact statute and whether they qualify for participation in the Compact.

3. All actions taken for the benefit of the Compact Commission or in furtherance of the purposes of the administration of the Compact prior to the effective date of the Compact or the Compact Commission coming into existence shall be considered to be actions of the Compact Commission unless specifically repudiated by the Compact Commission.

4. Any State that joins the Compact subsequent to the Compact Commission's initial adoption of the Rules and bylaws shall be subject to the Rules and bylaws as they exist on the date on which the Compact becomes law in that State. Any Rule that has been previously adopted by the Compact Commission shall have the full force and effect of law on the day the Compact becomes law in that State.

B. Any Member State may withdraw from this Compact by enacting a statute repealing the same.

1. A Member State's withdrawal shall not take effect until one hundred eighty days after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing State's Licensing Authority to comply with the investigative and Adverse Action reporting requirements of this Compact prior to the effective date of withdrawal.

3. Upon the enactment of a statute withdrawing from this Compact, a State shall immediately provide notice of such withdrawal to all Licensees within that State. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing State shall continue to recognize all Compact Privileges granted pursuant to this Compact for a minimum of one hundred eighty days after the date of such notice of withdrawal.

C. Nothing contained in this Compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a Member State and a non-Member State that does not conflict with the provisions of this Compact.

D. This Compact may be amended by the Member States. No amendment to this Compact shall become effective and binding upon any Member State until it is enacted into the laws of all Member States.

SECTION 13. CONSTRUCTION AND SEVERABILITY

A. This Compact and the Compact Commission's rulemaking authority shall be liberally construed so as to effectuate the purposes and the implementation and administration of the Compact. Provisions of the Compact expressly authorizing or requiring the promulgation of Rules shall not be construed to limit the Compact Commission's rulemaking authority solely for those purposes.

B. The provisions of this Compact shall be severable and if any phrase, clause, sentence, or provision of this Compact is held by a court of competent jurisdiction to be contrary to the constitution of any Member State, a State seeking participation in the Compact, or of the United States, or the applicability thereof to any government, agency, person, or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this Compact and the applicability thereof to any other government, agency, person, or circumstance shall not be affected thereby.

C. Notwithstanding subsection 13(B), the Compact Commission may deny a State's participation in the Compact or, in accordance with the requirements of Section 11(B) of this Compact, terminate a Member State's participation in the Compact, if it determines that a constitutional requirement of a Member State is a material departure from the Compact. Otherwise, if this Compact shall be held to be contrary to the constitution of any Member State, the Compact shall remain in full force and effect as to the remaining Member States and in full force and effect as to the Member State affected as to all severable matters.

SECTION 14. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

A. Nothing herein shall prevent or inhibit the enforcement of any other law of a Member State that is not inconsistent with the Compact.

B. Any laws, statutes, regulations, or other legal requirements in a Member State in conflict with the Compact are superseded to the extent of the conflict.

C. All permissible agreements between the Compact Commission and the Member States are binding in accordance with their terms.

Source:Laws 2024, LB1215, § 2.

Operative Date: January 1, 2025

- 71-1,285. Transferred to section 38-1802.
- 71-1,286. Transferred to section 38-1803.
- 71-1,287. Transferred to section 38-1812.
- 71-1,288. Repealed. Laws 2003, LB 242, s. 154.
- 71-1,289. Transferred to section 38-1813.
- 71-1,290. Repealed. Laws 2007, LB 463, § 1319.
- 71-1,291. Repealed. Laws 2007, LB 463, § 1319.
- 71-1,291.01. Repealed. Laws 2007, LB 463, § 1319.
- 71-1,292. Repealed. Laws 2007, LB 463, § 1319.
- 71-1,293. Transferred to section 38-1816.
- 71-1,294. Repealed. Laws 2007, LB 463, § 1319.