

## LEGISLATIVE BILL 557

Passed over the Governor's veto April 8, 1988.

Introduced by Hall, 7

AN ACT relating to public health and welfare; to amend sections 71-102, 71-107, 71-112, and 71-131, Reissue Revised Statutes of Nebraska, 1943, section 33-150, Revised Statutes Supplement, 1986, and sections 71-101, 71-110, 71-113, 71-114, and 71-162, Revised Statutes Supplement, 1987; to state intent; to define terms; to provide for the certification of nutritionists; to create a fund; to create a board; to require fees; to provide continuing education requirements; to provide powers and duties for the Department of Health; to provide a penalty; to harmonize provisions; to provide severability; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. (1) The Legislature finds that:

(a) The unregulated practice of dietetic and nutrition services 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 dietetic and nutrition services. 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 dietetic and nutrition services 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 certified nutritionists.

Sec. 2. As used in sections 1 to 10 of this act, unless the context otherwise requires:

(1) Board shall mean the Board of Examiners in Dietetics and Nutrition;

(2) Certified nutritionist shall mean a person who is certified to practice dietetic and nutrition services pursuant to the Uniform Licensing Law and who holds a current certificate issued by the department pursuant to section 6 of this act; and

(3) Dietetic and nutrition services shall mean the offering or rendering of nutritional services to individuals or groups and shall include, but not be limited to:

(a) Assessment of nutritional requirements of individuals and groups using anthropometric, biochemical, clinical, dietary, and demographic data for clinical, research, and program planning purposes;

(b) Development, implementation, and evaluation of nutritional care plans for individuals and groups which establish priorities, goals, and objectives for meeting nutritional needs consistent with scientific knowledge and procedures; and

(c) Provision of nutritional counseling and education as components of preventative, curative, and restorative health care throughout the life cycle.

Sec. 3. After September 1, 1989, no person shall represent himself or herself as a certified nutritionist unless he or she is certified for such purpose pursuant to the Uniform Licensing Law.

Sec. 4. The Nutritionists Fund is hereby created. All money in the fund shall be used exclusively by the Bureau of Examining Boards to carry out the statutory and regulatory duties pertaining to the practice of dietetic and nutrition services. The State Treasurer shall credit to the Nutritionists Fund, on and after the effective date of this act, all certification and renewal fees for the practice of dietetic and nutrition services remitted to the state treasury by the department pursuant to section 71-162, except such amounts distributed pursuant to sections 33-150 and 71-6228. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

Sec. 5. A person shall be qualified to be a certified nutritionist if such person furnishes evidence that he or she:

(1)(a) Has received a baccalaureate or postbaccalaureate degree from a regionally accredited college or university with a major course of study in human nutrition, food and nutrition, dietetics, or food systems management or an equivalent major course of

study approved by the department;

(b) Has satisfactorily completed a program of supervised clinical experience approved by the department. Such clinical experience shall consist of not less than nine hundred hours of a planned continuous experience in dietetic and nutrition services under the supervision of an individual meeting the qualifications of a certified nutritionist; and

(c) Except as provided in section 7 of this act, has satisfactorily passed the examination approved by the board; or

(2) Has received a master's or doctorate degree from a regionally accredited college or university in human nutrition, nutrition education, foods and nutrition, or public health nutrition or in an equivalent major course of study approved by the department.

Sec. 6. The department shall issue a certificate, signed by the Director of Health, to each person who is qualified to be a certified nutritionist.

Sec. 7. Upon payment of the fee provided in section 71-162 and the provision of evidence to the board of his or her professional education, training, experience, and qualifications to practice dietetic and nutrition services, a certificate to practice as a certified nutritionist shall be issued without examination to any applicant who (1) applies to the department for a certificate by September 1, 1989, and (2) satisfies the requirements established in section 5 of this act.

Sec. 8. (1) Except as otherwise provided in section 10 of this act, each certified nutritionist shall, in the period since his or her certificate was issued or last renewed, complete at least thirty hours of approved continuing education courses, clinics, forums, lectures, training programs, or seminars. The board and the department shall determine the manner in which attendance at all approved courses, clinics, forums, lectures, training programs, or seminars will be monitored, recorded, and submitted to the department. Such rules and regulations shall be adopted and promulgated in the manner and form prescribed by sections 71-161.09 and 71-161.10.

(2) Each certified nutritionist shall submit evidence, on forms provided by the department, that he or she has satisfied the requirements for renewal in accordance with section 71-110.

Sec. 9. (1) Nothing in sections 1 to 10 of this act shall be construed to permit a certified

nutritionist to practice any other profession regulated under Chapter 71, article 1, 3, 27, 37, 47, or 61.

(2) Any person who represents himself or herself as a certified nutritionist without first being certified pursuant to the Uniform Licensing Law shall be guilty of a Class IV misdemeanor.

Sec. 10. (1) Notwithstanding any other provision in the Uniform Licensing Law, the initial certificate shall be valid for one year and shall expire on September 1, 1990. Commencing on September 1, 1990, a certificate shall be renewed on September 1 of each even-numbered year. The department, on the recommendation of the board, shall set the initial certification fee and the biennial certification renewal fee for certified nutritionists pursuant to section 71-162.

(2) The department, on the recommendation of the board, shall determine the continuing education requirements for a certified nutritionist for the period September 1, 1989, to September 1, 1990.

Sec. 11. That section 33-150, Revised Statutes Supplement, 1986, be amended to read as follows:

33-150. The State Treasurer shall credit to the General Fund of the state fifteen percent of all fees remitted to the state treasury by the state boards of examiners in medicine and surgery, chiropractic, respiratory care, dentistry, including fees from dental hygienists, dietetics and nutrition, social work, athletic training, professional counseling, optometry, pharmacy, embalming and funeral directing, including fees received from funeral establishments as well as embalmers and funeral directors, podiatry, and veterinary medicine, the Board of Occupational Therapy Practice, the Board of Cosmetology Examiners, the Board of Barber Examiners, the Board of Nursing, the State Real Estate Commission, the Brand Fund of the Secretary of State, the State Board of Examiners for Professional Engineers and Architects, the State Athletic Commissioner, the Nebraska Oil and Gas Conservation Commission pursuant to sections 57-906 and 57-911, and any other state board, bureau, division, fund, or commission not mentioned above, if and when fifteen percent of all such fees remitted into the treasury be is appropriated or reappropriated to the General Fund of the state by the Legislature for the uses and purposes of the General Fund during any biennium. Nothing in this section shall be construed to apply to the fees inuring to the Nebraska Brand Inspection and Theft

Prevention Fund and funds of the State Racing Commission.

Sec. 12. That section 71-101, Revised Statutes Supplement, 1987, be amended to read as follows:

71-101. Sections 71-101 to 71-1,107.30, 71-1,133 to 71-1,277, 71-1325 to 71-1354, and 71-2801 to 71-2822 and sections 1 to 10 of this act shall be known and may be cited as the Uniform Licensing Law.

For purposes of the Uniform Licensing Law, unless the context otherwise requires:

(1) Board of examiners or board shall mean one of the boards appointed by the State Board of Health;

(2) Licensed, when applied to any licensee in any of the professions named in section 71-102, shall mean a person licensed under the Uniform Licensing Law;

(3) Profession or health profession shall mean and refer to any of the several groups named in section 71-102;

(4) Department shall mean the Department of Health;

(5) Whenever the masculine gender is used, it shall be construed to include the feminine, and the singular number shall include the plural when consistent with the intent of the Uniform Licensing Law;

(6) License, licensing, or licensure shall mean permission to engage in a health profession which would otherwise be unlawful in this state in the absence of such permission and which is granted to individuals who meet prerequisite qualifications and allows them to perform prescribed health professional tasks and use a particular title; and

(7) Certificate, certify, or certification, with respect to professions, shall mean a voluntary process by which a statutory, regulatory entity grants recognition to an individual who has met certain prerequisite qualifications specified by such regulatory entity and who may assume or use certified in the title or designation to perform prescribed health professional tasks. When appropriate, certificate shall also mean a document issued by the department which designates particular credentials for an individual.

Sec. 13. That section 71-102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-102. (1) No person shall engage in the practice of medicine and surgery, athletic training, respiratory care, osteopathy, chiropractic, dentistry, dental hygiene, pharmacy, podiatry, optometry, physical

therapy, audiology, speech-language pathology, embalming, funeral directing, psychology, or veterinary medicine and surgery, as defined in the Uniform Licensing Law, unless such person shall have obtained from the Department of Health a license for that purpose.

(2) No person shall hold himself or herself out as a certified social worker or certified master social worker unless such person shall have obtained from the department a certificate for that purpose.

(3) No person shall hold himself or herself out as a certified professional counselor unless such person has obtained from the department a certificate for such purpose.

(4) No person shall hold himself or herself out as a certified nutritionist unless such person has obtained from the department a certificate for such purpose.

Sec. 14. That section 71-107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-107. Every person licensed or certified under the Uniform Licensing Law to practice a profession shall keep such license or certificate displayed in the office or place in which he or she practices and place and keep placed, in a conspicuous place at each entrance thereto, a sign, in intelligible lettering not less than one inch in height, containing the name of such person immediately followed by the recognized abbreviation indicating the professional degree, if any, held by such person. In addition to the foregoing, those persons licensed or certified to practice osteopathy, chiropractic, podiatry, optometry, audiology, speech-language pathology, dietetic and nutrition services, professional counseling, social work, or physical therapy shall cause to be placed upon such signs, in lettering of equal height, the word Osteopath, Chiropractor, Podiatrist, Optometrist, Audiologist, Speech-Language Pathologist, Nutritionist, Professional Counselor, Social Worker, or Physical Therapist, as the case may be. The same wording shall be used in all signs, announcements, stationery, and advertisements of such licensees and certificate holders.

Sec. 15. That section 71-110, Revised Statutes Supplement, 1987, be amended to read as follows:

71-110. (1) The different licenses to practice a profession or certificates shall be renewed biennially, except as provided in sections 71-1,228,

71-1,263, and 71-1,275 and section 10 of this act, upon request of the licensee or certificate holder without examination. The biennial license or certificate renewals provided for in this section shall be accomplished in such manner as the department, with the approval of the board, shall establish by rule and regulation. The biennial expiration date in the different professions shall be as follows: January, pharmacy and psychology; February, embalming and funeral directing; March, dentistry and dental hygiene; April, podiatry and veterinary medicine and surgery; May, athletic training; June, respiratory care; August, chiropractic and optometry; September, dietetics and nutrition and osteopathy; October, medicine and surgery and social work; November, physical therapy; and December, audiology and speech-language pathology and professional counseling. The request for renewal need not be in any particular form and shall be accompanied by the legal fee. Such fee shall be paid not later than the date of the expiration of such license or certificate, except that while actively engaged in the military service of the United States, as defined in the Soldiers' and Sailors' Civil Relief Act of 1940 as amended, persons licensed or certified to practice the professions above named shall not be required to pay the renewal license or certificate fee.

(2) At least thirty days before the expiration of a license or certificate, as set forth in subsection (1) of this section, the department shall notify each licensee or certificate holder by a letter addressed to him or her at his or her last place of residence as noted upon its records. Any licensee or certificate holder who fails to pay the renewal fee on or before the date of expiration of his or her license or certificate shall be given a second notice in the same manner advising him or her (a) of the failure to pay, (b) that the license or certificate on that account has expired, (c) that the department will suspend action for thirty days following the date of expiration, (d) that upon the receipt of the renewal fee, together with an additional fee of ten dollars, within that time, no order of revocation will be entered, and (e) that upon the failure to receive the amount then due and ten dollars in addition to the regular renewal fee, as provided by subsection (1) of this section, an order of revocation will be entered.

(3) Any licensee or certificate holder who allows a license or certificate to lapse by failing to renew the same, as provided in subsections (1) and (2)

of this section, may be reinstated upon the recommendation of the board of examiners for his or her profession and the payment of the regular and additional renewal fees then due.

Sec. 16. That section 71-112, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-112. The boards of examiners provided in section 71-111 shall be designated as follows: For medicine and surgery and osteopathy, Examiners in Medicine and Surgery; for athletic training, Examiners in Athletic Training; for respiratory care, Examiners in Respiratory Care Practice; for chiropractic, Examiners in Chiropractic; for dentistry and dental hygiene, Examiners in Dentistry; for optometry, Examiners in Optometry; for physical therapy, Examiners in Physical Therapy; for pharmacy, Examiners in Pharmacy; for audiology and speech-language pathology, Examiners in Audiology and Speech-Language Pathology; for dietetic and nutrition services, Examiners in Dietetics and Nutrition; for social work, Examiners in Social Work; for professional counseling, Examiners in Professional Counseling; for embalming and funeral directing, Examiners in Embalming and Funeral Directing; for podiatry, Examiners in Podiatry; for psychology, Examiners of Psychologists; and for veterinary medicine and surgery, Examiners in Veterinary Medicine.

Sec. 17. That section 71-113, Revised Statutes Supplement, 1987, be amended to read as follows:

71-113. (1) Each board of examiners shall consist of four members, including one layperson, except that (a) in audiology and speech-language pathology the board shall consist of five members, including one layperson, (b) in dentistry the board shall consist of eight members, including one layperson, (c) in medicine and surgery the board shall consist of seven members, including one layperson, (d) in pharmacy the board shall consist of five members, including one lay member, and (e) in psychology the board shall consist of six members, including one layperson.

(2) Membership on the Board of Examiners in Audiology and Speech-Language Pathology shall consist of two members who are audiologists, two members who are speech-language pathologists, and one layperson.

(3) Membership on the Board of Examiners in Social Work shall consist of two certified master social workers, one certified social worker, and one layperson. One of the professional examiners shall also be a member



of a racial or cultural minority.

(4) Membership on the Board of Examiners in Athletic Training shall consist of three athletic trainers and one layperson.

(5) Membership on the Board of Examiners in Professional Counseling shall consist of two certified professional counselors, one registered counselor, and one layperson.

(6) Membership on the Board of Examiners in Respiratory Care Practice shall consist of two respiratory care practitioners, one physician, and one layperson.

(7) Two of the six professional members of the Board of Examiners in Medicine and Surgery shall be officials or members of the instructional staff of an accredited medical school in this state.

(8) Two of the seven professional members of the Board of Examiners in Dentistry shall be officials or members of the instructional staff of an accredited school or college of dentistry in this state.

(9) Membership on the Board of Examiners in Dietetics and Nutrition shall consist of three certified nutritionists and one layperson.

Sec. 18. That section 71-114, Revised Statutes Supplement, 1987, be amended to read as follows:

71-114. (1) Except as provided in subsections (4) and (6) of this section, every professional member of a board of examiners shall be and have been actively engaged in the practice of his or her profession in the State of Nebraska, under a license or certificate issued in this state, for a period of five years just preceding his or her appointment, except for the members of boards of examiners for professions coming within the scope of the Uniform Licensing Law for the first time and for a period of five years thereafter. Members appointed during such period shall be required to meet the minimum qualifications for licensure in the profession in this state and shall, insofar as possible, meet the requirements as to years of practice in this state otherwise provided by this section.

(2) A lay member of a board of examiners shall be of the age of legal majority and shall have been a resident of the State of Nebraska for at least five years immediately prior to appointment to the board. Such a lay member shall never serve in a capacity to judge professional competence and shall be a representative of consumer viewpoints.

(3) Each member of the Board of Examiners in

Audiology and Speech-Language Pathology shall have been a resident of the State of Nebraska for at least one year immediately prior to appointment and shall also have been engaged in rendering services to the public in audiology or speech-language pathology for at least three years immediately prior to appointment.

(4) The requirement of five years of experience shall apply to members of the Board of Examiners of Psychologists, except that up to two of the five years may have been served in teaching or research.

(5) All professional members of boards of examiners appointed to an initial board shall be licensed within six months after being appointed to the board or within six months after the date by which members of the profession must are required to be licensed, whichever is later. If for any reason a professional member is not licensed within such time period, a new professional member shall be appointed.

(6) Each professional member of a board of examiners first appointed to the Boards of Examiners in Social Work, Athletic Training, Professional Counseling, and Respiratory Care Practice, and Dietetics and Nutrition, respectively, shall be a person who is and has been actively engaged in the practice of social work, athletic training, professional counseling, ~~or~~ respiratory care, or dietetic and nutrition services, respectively, for at least two years immediately preceding his or her appointment to the board and shall be licensed, certified, or registered, as appropriate, within six months after being appointed or within six months after members of the profession must are required to be licensed, certified, or registered, whichever is later. If for any reason a professional member cannot be licensed, certified, or registered, as appropriate, within such time period, a new professional member shall be appointed.

Sec. 19. That section 71-131, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-131. (1) In the absence of any specific requirement or provision relating to any particular profession:

(a) The department may adopt and promulgate rules and regulations pertaining to the grading of examination papers;

(b) An examinee must obtain an average grade of seventy-five percent;

(c) An examinee must obtain a grade of sixty percent in each subject in which examined; and

(d) An examinee who fails to comply with subdivisions (b) and (c) of this subsection may take the entire examination over without charge at any time within fourteen months, except that in the case in which a national standardized examination is utilized by any examining board, which requires the payment of a fee to purchase such examination, the department shall require the applicant to pay the appropriate examination fee.

(2) In pharmacy all applicants shall be required to attain a grade to be determined by the Board of Examiners in Pharmacy in an examination in pharmacy and a grade of seventy-five percent in an examination in jurisprudence of pharmacy. When an applicant falls below the designated grade in one of the two examinations, the applicant may take that examination over without charge at any time within fourteen months at any regular session of such board held for the purpose of giving examinations or at the first regular session of the board held for the purpose of giving examinations thereafter if not held within that time. If an applicant falls below the designated grade in both the examination in pharmacy and the examination in jurisprudence of pharmacy, the applicant shall take both examinations over and the applicant may do this without charge at any time within fourteen months at any regular session of the board held for the purpose of giving examinations or at the first regular session of the board held for the purpose of giving examinations thereafter if not held within that time. Notwithstanding any provision of this section, whenever the Board of Examiners in Pharmacy utilizes a national standardized examination, which requires the payment of a fee to purchase such examination, the department shall require the applicant to pay the appropriate examination fee.

(3) In social work the passing criterion for such examination shall be established and may be changed by the Board of Examiners in Social Work by rule and regulation. The board may exempt an applicant from the written examination if he or she meets all the requirements for certification without examination pursuant to section 71-1,260 or rules and regulations adopted and promulgated by the department pursuant to section 71-139.

(4) In professional counseling the passing criterion for such examination shall be established and may be changed by the Board of Examiners in Professional Counseling by regulation. The board may exempt an applicant from the written examination if he or she

meets all of the requirements for certification without examination pursuant to section 71-1,271 or rules and regulations adopted and promulgated by the department pursuant to section 71-139.

(5) In medicine and surgery the passing grade shall be determined by the department upon recommendation of the Board of Examiners in Medicine and Surgery. Applicants taking the examination for the first time for licensure in this state in medicine and surgery, osteopathic medicine, or osteopathic medicine and surgery shall take the entire examination in one administration period. When an applicant falls below the designated grade or grades for the entire examination, the applicant may take the entire examination over at any regular session of the board held for the purpose of giving examinations. Applicants who fall below the designated grade in a separate component of the examination may retake only that component at any regular session of the board held for the purpose of giving component examinations. No applicant may retake any separate component of or the entire examination for licensure more than three times without first providing documentation of successful completion of one additional year of postgraduate medical education at an accredited school or college of medicine or osteopathy. No more than seven years shall lapse between initial examination of an applicant and successful completion by an applicant of all components of the examination for licensure in medicine and surgery, osteopathic medicine, or osteopathic medicine and surgery. A passing grade or score for a component shall become invalid at the end of a period of seven years. Fees for examination shall be determined by the department upon the recommendation of the Board of Examiners in Medicine and Surgery in amounts necessary to cover the actual cost of the examination and expenses of administration. Separate fees shall be established in the same manner for reexamination for the entire examination and for reexamination for any separate component of the examination.

(6) In psychology the passing grade shall be determined by the department upon recommendation of the Board of Examiners of Psychologists. Fees for reexamination shall be the same as the fee for the initial examination.

(7) In chiropractic the passing grade shall be determined by the department upon recommendation of the Board of Examiners in Chiropractic. Fees for reexamination shall be the same as the fee for the

initial examination.

(8) In dentistry the passing grade shall be determined by the department upon the recommendation of the Board of Examiners in Dentistry.

(9) In athletic training the passing grade shall be determined by the department upon the recommendation of the Board of Examiners in Athletic Training. Fees for reexamination shall be the same as the fee for the initial examination. If an applicant fails the first examination, the applicant shall, after the expiration of six months and within two years from the first failure, be allowed to take a second examination upon payment of the examination fee. Applicants failing the second examination may take the examination a third time if the applicant qualifies under the rules and regulations of the department in effect at the time of his or her application for reexamination.

(10) In respiratory care the passing grade shall be determined by the department on the recommendation of the Board of Examiners in Respiratory Care Practice. Fees for reexamination shall be the same as the fee for the initial examination.

(11) In dietetic and nutrition services the passing criterion for such examination shall be established and may be changed by the Board of Examiners in Dietetics and Nutrition by rule and regulation. The board may exempt an applicant from the written examination if he or she meets all of the requirements for certification without examination pursuant to section 7 of this act or rules and regulations adopted and promulgated by the department pursuant to section 71-139.

Sec. 20. That section 71-162, Revised Statutes Supplement, 1987, be amended to read as follows:

71-162. (1) The following fees shall be collected by the department and turned in to the state treasury as is now provided by law:

(a) Not less than fifty dollars nor more than three hundred dollars for a license issued on the basis of an examination given by the appropriate state or national board of examiners or on the basis of a license granted by another state or territory to practice dental hygiene, athletic training, respiratory care, embalming, physical therapy, dentistry, podiatry, optometry, pharmacy, chiropractic, audiology, speech-language pathology, or funeral directing and for a license to practice psychology issued on the basis of such an

examination or foreign license, one hundred dollars plus actual costs incurred in issuing the license, as determined by the department, except that the total fee shall not exceed four hundred dollars;

(b) Not less than twenty dollars nor more than four hundred dollars for the biennial renewal of a license to practice medicine and surgery, osteopathy, or any of the professions enumerated in subdivision (a) of this subsection;

(c) For a license to practice medicine and surgery and osteopathy issued upon the basis of an examination given by the board of examiners, three hundred dollars, and this may be adjusted by the department upon recommendation of the Board of Examiners in Medicine and Surgery to cover necessary expenses;

(d) For a license to practice medicine and surgery and osteopathy issued without examination based on a license granted in another state, territory, or the District of Columbia, two hundred dollars, and this may be adjusted by the department upon recommendation of the Board of Examiners in Medicine and Surgery to cover necessary expenses;

(e) For a certificate as a certified professional counselor, not to exceed two hundred fifty dollars nor less than one hundred twenty-five dollars. The fee for a certificate as a registered counselor shall not exceed one hundred dollars nor be less than twenty-five dollars. The fee for renewal of a certificate as a certified professional counselor shall not exceed one hundred seventy-five dollars nor be less than one hundred dollars. The fee for renewal of a certificate as a registered counselor shall not exceed seventy-five dollars nor be less than twenty dollars. The fee for certification by reciprocity shall not exceed two hundred fifty dollars nor be less than one hundred twenty-five dollars;

(f) For a certificate as a certified master social worker, not to exceed two hundred twenty-five dollars nor less than one hundred dollars. The fee for a certificate as a certified social worker shall not exceed one hundred seventy-five dollars nor be less than one hundred dollars. The fee for renewal of a certificate as a certified master social worker shall not exceed one hundred seventy-five dollars nor be less than one hundred dollars. The fee for renewal of a certificate as a certified social worker shall not exceed one hundred fifty dollars nor be less than seventy-five dollars. The fee for certification by reciprocity shall not exceed two hundred dollars nor be

less than one hundred dollars;

(g) For a certificate as a certified nutritionist, not to exceed two hundred fifty dollars nor less than fifty dollars. The fee for renewal of a certificate as a certified nutritionist shall not exceed one hundred dollars nor be less than twenty dollars. The fee for certification by reciprocity shall not exceed two hundred fifty dollars nor be less than fifty dollars;

~~(g)~~ (h) For a certified statement that a licensee or certificate holder is licensed or certified in this state, five dollars, and for verification that a licensee or certificate holder is licensed or certified in this state, two dollars; and

~~(h)~~ (i) For a duplicate original license or certificate, five dollars, except that for a duplicate license to practice psychology the fee shall be ten dollars.

All money paid as license, certificate, and renewal fees shall be kept in a separate fund to be used for the benefit of the profession so paying such fees.

(2) The department, upon the recommendation of the appropriate examining board, shall determine the exact fee to be charged for a license or license renewal or certificate or certificate renewal in each profession enumerated in subdivisions (1)(a), (b), (e), ~~and (f)~~, and (g) of this section based on the administrative costs incurred by the board. Such board may provide differing rates for licenses issued on the basis of an examination and licenses issued on the basis of a license from another state or territory.

Sec. 21. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 22. That original sections 71-102, 71-107, 71-112, and 71-131, Reissue Revised Statutes of Nebraska, 1943, section 33-150, Revised Statutes Supplement, 1986, and sections 71-101, 71-110, 71-113, 71-114, and 71-162, Revised Statutes Supplement, 1987, are repealed.