

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1288/1dn
TKK:kjf:pg

September 20, 2007

Senator Carpenter:

This draft incorporates the changes and additions proposed by the Wisconsin Dietetic Association (Association) by e-mail correspondence dated August 7, 2007. Please review this introducible draft to be sure that it accomplishes your intent. I have the following comments and questions:

A. Definitions. In the attachment to the e-mail entitled *Additional Licensure Bill Edits*, the Association requested that I use, "verbatim," several definitions provided by the Association. I cannot accommodate the Association's request with respect to the following definitions for the following reasons:

1. **"Licensed dietitian/nutritionist (L.D.N.)" means an individual who is licensed as a dietitian under this subchapter.**

Because the term, "Licensed dietitian/nutritionist (L.D.N.);" is not used elsewhere in the subchapter, I cannot create a definition for the term. In addition, I have already defined an individual who is licensed as a dietitian under this subchapter as a "licensed dietitian." The Dietitians Affiliated Credentialing Board (board) is not authorized by the subchapter to issue a dietitian/nutritionist (L.D.N.) license, and it would be unworkable to have two terms for a person holding a license under the subchapter. Finally, the slash ("/") is not used in the statutes in the manner requested by the Association.

I could, however, accommodate the Association's request by doing all of the following:

a. Remove the definition of "licensed dietitian" and replace with the definition of "licensed dietitian or nutritionist (L.D.N.);" modified as follows:

"Licensed dietitian or nutritionist" or "L.D.N." means an individual who is licensed as a dietitian or nutritionist under this subchapter.

b. Replace the defined term, "dietitian," with "dietitian or nutritionist" and eliminate the definition of "nutritionist."

c. Replace all references to the term, "dietitian" with "dietitian or nutritionist."

Please let me know how you would like me to proceed.

2. “Dietetics and nutrition care services” means the integration and application of principles derived from the sciences of food, nutrition, management, communication, and biological, physiological, behavioral, and social sciences to achieve and maintain optimal human health.

To make the definition read more smoothly, I modified it as follows:

“Dietetics and nutrition care services” means the integration and application of principles derived from the sciences of food, nutrition, management, communication, biology, physiology, and behavior, and ~~biological, physiological, behavioral, and the~~ social sciences to achieve and maintain optimal human health.

Okay?

3. “Practice of dietetics and nutrition care services” includes, but is not limited to, each of the following:

I eliminated the clause, “but is not limited to.” The clause does not add anything substantive to the definition because it follows the word, “includes,” which is not restrictive. If there are activities or practices which the Association would like to include in a catch-all paragraph 448.70 (7) (f), please let me know.

The introduction to the definition, above, now reads as follows:

“Practice of dietetics and nutrition care services” includes each of the following but does not include the retail sale of food products or vitamins:

I also modified paragraph (c) of the definition of “practice of dietetics and nutrition care services” to include the subjects (an individual or group of individuals) of nutrition counseling.

4. “Medical nutrition therapy” means nutritional diagnostic, therapy, and counseling services provided by a licensed dietitian for the purpose of managing disease....

I eliminated the clause “by a licensed dietitian” from the definition of medical nutrition therapy because this created a circular definition: the practice of dietetics and nutrition care services includes nutritional diagnostic services provided by a person who is licensed to practice dietetics and nutrition care services.

I also moved the term, “services” after diagnostic; I think therapy and counseling stand on their own and work better as nouns than adjectives. Please let me know if you disagree.

B. Validated academic degree. The Association asked that I amend s. 448.78 (3) (b) to require an academic degree obtained at a college or university that is located in the United States be “validated.” I’m not sure what this means.

Who or what organization is validating the academic degree?

I did not modify s. 448.78 (3) (b) to include the underlined text. However, I did eliminate “a state or territory of” so that the language of this paragraph parallels the language provided by the Association for s. 448.78 (3) (a).

Please let me know if you would like to make any additional changes to the bill or if you have additional questions.

Tracy K. Kuczenski
Legislative Attorney
Phone: (608) 266-9867
E-mail: tracy.kuczenski@legis.wisconsin.gov