

**2007 DRAFTING REQUEST**

**Bill**

Received: **12/29/2006**

Received By: **tkuczens**

Wanted: **As time permits**

Identical to LRB:

For: **Tim Carpenter (608) 266-8535**

By/Representing: **G. Stuart Ewy**

This file may be shown to any legislator: **NO**

Drafter: **tkuczens**

May Contact:

Adtl. Drafters:

Subject: **Occupational Reg. - prof lic**

Extra Copies: **CTS**

Submit via email: **YES**

Requester's email: **Sen.Carpenter@legis.wisconsin.gov**

Carbon copy (CC:) to: **tracy.kuczenski@legis.wisconsin.gov**

**Pre Topic:**

No specific pre topic given

**Topic:**

Requiring licensure for dietitians.

**Instructions:**

See Attached

**Drafting History:**

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Handwritten notes: 15/14, 1/40, 1/28, 1/28

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dietitians

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FE Sent For:

3277  
<END>



## Kuczenski, Tracy

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**From:** Sen. Carpenter  
**Sent:** Wednesday, December 20, 2006 1:51 PM  
**To:** Kuczenski, Tracy  
**Subject:** Drafting request

**Attachments:** Pleuss Joan 061215.doc

Tracy K Kuczenski-

Hello Tracy-

At the request of Tim's constituent, Joan Pleuss, Tim would like a bill drafted would make the profession of dieticians regulated by the Dept. of Reg and licensing. She has provided a "draft" of this bill so I don't know if this has been previously drafted by you or another LRB attorney. Attached is the draft. Please review and let me know what you think. The bill draft should specifically state that Tim is introducing this on behalf of Joan Pleuss.

If you have any questions, please let me know.

Regards,

G. Stuart Ewy  
Chief of Staff  
Office of Senator Tim Carpenter  
State Capitol 126 S  
608.266.8535



Pleuss Joan  
61215.doc (89 KB).

Constituent Joan Pleuss would like to have dietitians licensed and regulated by Reg & Licensing.

## **Chapter 440: Department of Regulation and Licensing**

440.01-440.26 will remain the same as they pertain uniformly to the duties of a board and fees.

440.05 (1) (a) Standard Fees: Initial credential: \$53. Each applicant for an initial credential shall pay the initial credential fee to the department when the application materials for the initial credential are submitted to the department.

440.05 (1) (b) Examination..... If the department approves an examination prepared, administered, and graded by a test service provider, the fee to the department shall be an amount equal to the department's best estimate of the actual cost of approving the examination, including selecting, evaluating, and reviewing the examination.

440.08 (2) (27m) Renewal Dates, Fees and Applications: Dietitian: November 1 of each even-numbered year; \$56.

## **Subchapter V (Actual Practice Act)**

**448.70 Definitions.** In this subchapter:

- (1) "Affiliated credentialing board" means the dietitians affiliated credentialing board.
  - (1m) "Licensed dietitian/nutritionist" means an individual who is licensed under this subchapter.
- (2) "Dietetics" 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.
- (3) "Practice of dietetics or nutrition care services" includes, but is not limited to, each of the following:
  - (a) Assessing the nutrition needs of an individual or group of individuals based upon biochemical, anthropometric, physical, and dietary data, determining the resources and constraints to meet the nutrition needs of that individual or group of individuals, and recommending proper nutrition intake to satisfy those needs.
  - (b) Establishing priorities, goals, and objectives to meet the nutrition needs of the individual or group of individuals based on available resources and constraints.

- (c) Providing nutrition counseling regarding health and disease.
- (d) Developing, implementing, and managing nutrition care systems.
- (e) Evaluating, adjusting, and maintaining standards of quality in dietetics and nutrition care services.
- (f) Providing medical nutrition therapy.

(4) "Medical Nutrition Therapy" means nutritional diagnostic, therapy, and counseling services provided by a licensed dietitian/nutritionist for the purpose of managing disease. Such services include, but are not limited to: nutrition assessment, interventions, reassessment, and follow-up interventions.

(5) "Dietitian" means an individual who practices dietetics or nutrition care services.

(6) "Dietetics" and "Nutrition Care Services" do not include the retail sale of food products or vitamins.

**448.72 Applicability.** This subchapter does not do any of the following:

- (1) Require licensure under this subchapter for any of the following:
  - (a) A physician or doctor of osteopathy as defined under s. 448.01(5).
  - (b) A person pursuing a supervised course of study, including internships, leading to a degree or certificate in dietetics and nutrition care services from an educational program accredited by the American Dietetic Association's Commission on Accreditation for Dietetics Education (CADE).
  - (c) A dietetic technician or assistant who is working under the supervision of a licensed dietitian/nutritionist.
  - (d) A dietitian who is serving in the U.S. armed forces, as defined in s. 40.02 (57m), or in the commissioned corps of the federal public health service or is employed by the U.S. Veterans Administration, and who is engaged in the practice of dietetics or nutrition care services as part of their service or employment.
  - (e) A person who markets or distributes food, food materials, herbs or dietary or food supplements, who explains the use, benefits or preparation of food, food materials, herbs or dietary or food supplements, or who furnishes or disseminates nutritional information on food, food materials, herbs or dietary or food supplements; if the person does not use the title "dietitian", "licensed dietitian/nutritionist", or any of the titles or initials stated in s. 448.76, or use any title or initials that represent the

person as licensed as a dietitian or licensed in a nutrition related field and the person complies with applicable federal, state and local laws.

(f) A person who provides weight control services; provided the program has been reviewed by, consultation is available from, and no program change can be initiated without prior approval of:

(a) A licensed dietitian/nutritionist.

(b) A person who is licensed or certified under the laws of another state which has licensure or certification requirements that the affiliated credentialing board determines to be substantially equivalent to the licensure requirements under s 448.78.

(c) A dietitian registered by the Commission on Dietetic Registration, the credentialing agency of the American Dietetic Association.

(2) Prohibit a dietetic student described in sub (1) (b) from using the title "dietitian student" or any other title, letters or designation that clearly indicates his or her status as a student or trainee.

(3) Prohibit an individual described in sub. (1) (d) from using the title "dietitian" or any letters or designation that represents or may tend to represent the individual as a dietitian, if the title, letters or designation is used only in the course of the individual's service or employment.

(4) Prohibit an individual who is registered as a dietitian with the Commission on Dietetic Registration, the credentialing agency of the American Dietetic Association, from using the title "registered dietitian" or the initials "RD".

(5) Prohibit an individual who is registered as a dietetic technician with the Commission on Dietetic Registration, the credentialing agency of the American Dietetic Association, from using the title "dietetic technician", "dietetic technician registered", or "D.T.R.".

(6) Prohibit an individual moving in to Wisconsin from another state from using the title "dietitian" or "licensed dietitian/nutritionist" if the person is registered as a dietitian with the Commission on Dietetic Registration, the credentialing agency of the American Dietetic Association, or is licensed or certified under the laws of another state which has licensure or certification requirements that the affiliated credentialing board determines to be substantially equivalent to the licensure requirements under 448.78.

#### **448.74 Duties of affiliated credentialing board.**

The affiliated credentialing board shall promulgate rules that do all of the following:

- (1) Determine whether applicants meet criteria for the approval of educational programs and training under s. 448.78 (4) and (5).
- (2) Establish a code of ethics to govern the professional conduct of licensed dietitians/nutritionists.
- (3) Obtain proof of completion of Continuing Professional Education (CPE) requirements as described under s. 448.86 (3).

#### **448.76 Use of titles.**

Except as provided in s. 448.72 (1)(e) and (2) to (6), no person may designate himself or herself as a dietitian or use or assume the title "dietitian", "nutritionist", "licensed dietitian", "licensed nutritionist", "licensed dietitian nutritionist", "nutrition consultant", "nutritional consultant", or append to the person's name the letters "LDN", "LD", "LN" or use any title or initials that represent the person as licensed as a dietitian or licensed in a nutrition-related field.

#### **448.78 Licensure of dietitians.**

In the interest of public safety and welfare, and in order to assure that those individuals who practice dietetics or nutrition care services in this state are duly qualified, a license to practice dietetics or nutrition care services is required.

The affiliated credentialing board shall grant a license as a dietitian/nutritionist to an individual who does all of the following:

- (1) Submits an application for the license to the department on a form provided by the department.
- (2) Pays the fee specified in s. 440.05 (1)
- (3) Receives a minimum of a Baccalaureate Degree granted by a US regionally accredited degree granting institution in the US, or foreign equivalent, and completes a Didactic (academic) Program in Dietetics (DPD) accredited/approved by the American Dietetic Association's Commission on Accreditation for Dietetics Education (CADE).

(4) Submits evidence satisfactory to the affiliated credentialing board that he or she has completed a supervised practice program accredited/approved by the American Dietetic Association's Commission on Accreditation for Dietetics Education (CADE) with a minimum of 900 supervised practice hours.

(5) Passes the registration examination for dietitians established by the Commission on Dietetic Registration, the credentialing agency of the American Dietetic Association.

Paragraphs (3), (4), and (5) shall not apply to those who meet the requirement of (6) (a) below.

(6) Submits evidence satisfactory to the affiliated credentialing board that he or she has done the following:

(a) Provided evidence to the affiliated credentialing board of current certification as a dietitian in the state of Wisconsin or current registration as a Registered Dietitian (RD) by the Commission on Dietetic Registration, credentialing agency of the American Dietetic Association, within one year from the date that this chapter goes into effect.

#### **448.80 Temporary License**

Upon application and payment of the fee specified in s. 440.05 (6) , the affiliated credentialing board may grant a temporary license to an individual who satisfies the requirements under s. 448.78 (1) and (2) and submits a letter verifying registration eligibility status with the Commission on Dietetic Registration, credentialing agency for the American Dietetic Association. A temporary license granted under this section is valid for a period designated by the affiliated credentialing board, not to exceed 9 months, and may be renewed once by the affiliated credentialing board.

#### **448.82 Reciprocal License**

Upon application and payment of the fee specified in s. 440.05 (2) , the affiliated credentialing board shall grant a license to a Registered Dietitian (RD) or an individual who holds a similar license or certificate in another state or territory of the United States if the affiliated credentialing board determines that the requirements for receiving the license or certificate in the other state or territory are substantially equivalent to the requirements for licensure under s. 448.78 .

#### **448.84 Examinations.**

**448.84(1)**

(1) The affiliated credentialing board shall conduct or arrange for examinations for licensure at least semiannually and at times and places determined by the affiliated credentialing board, and shall provide public notice of each examination at least 90 days before the date of the examination.

**448.84(2)**

(2) Examinations held under sub. (1) shall consist of written or oral tests, or both, requiring applicants to demonstrate minimum competency in subjects substantially related to the practice of dietetics and nutrition care services.

**448.86 Issuance of license; expiration and renewal.**

**448.86(1)**

(1) The department shall issue a license to each individual who is licensed under this subchapter.

**448.86(2)**

(2) The renewal dates for licenses granted under this subchapter, other than temporary licenses granted under s. 448.80 , are specified under s. 440.08 (2) (a) . Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee specified in s. 440.08 (2) (a).

**448.86 (3)**

(3) Applicant for renewal shall show proof of Continuing Professional Education (CPE) credits at a level equal to or greater than the requirements of the Commission on Dietetic Registration (CDR), the credentialing agency of the American Dietetic Association, by showing proof of current registration status with the CDR or by submitting CDR's Subsequent Approval CPE Reporting Forms for Licensed Dietitians.

**448.87 Disciplinary proceedings and actions.**

**448.87(1)**

(1) Subject to the rules promulgated under s. 440.03 (1) , the affiliated credentialing

board may make investigations and conduct hearings to determine whether a violation of this subchapter or any rule promulgated under this subchapter has occurred.

**448.87(2)**

(2) Subject to the rules promulgated under s. 440.03 (1) , the affiliated credentialing board may reprimand a dietitian/nutritionist licensed under this subchapter or deny, limit, suspend or revoke a license granted under this subchapter if it finds that the applicant or licensed dietitian/nutritionist has done any of the following:

**448.87(2) (a)** Made a material misstatement in an application for a license or for renewal of a license.

**448.87(2)(b)** Subject to ss. 111.321 , 111.322 and 111.335 , been convicted of an offense the circumstances of which substantially relate to the practice of dietetics or nutrition care services.

**448.87(2)(c)** Advertised in a manner that is false, deceptive or misleading.

**448.87(2) (d)** Advertised, practiced or attempted to practice under another's name.

**448.87(2)(e)** Subject to ss. 111.321 , 111.322 and 111.34 , practiced dietetics or nutrition care services while his or her ability to practice was impaired by alcohol or other drugs.

**448.87(2) (f)** Engaged in unprofessional or unethical conduct in violation of the code of ethics established in the rules promulgated under s. 448.74 (2) .

**448.87(2) (g)** Engaged in conduct while practicing dietetics or nutrition care services which evidences a lack of knowledge or ability to apply professional principles or skills.

**448.87(2) (h)** Violated this subchapter or any rule promulgated under this subchapter.

**448.94 Penalties.**

Any person who violates this subchapter or any rule promulgated under this subchapter may be fined not more than \$1,000 or imprisoned for not more than 6 months or both.





Other  
State of Wisconsin  
2007 - 2008 LEGISLATURE

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LRB-1288?  
TKK: [signature]  
d-note  
RM Run

in 3/15/07

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen

1 AN ACT ...; relating to: licensure of dietitians

*Analysis by the Legislative Reference Bureau*

This is a preliminary draft. An analysis will be provided in a later version.  
For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2 SECTION 1. 15.406 (2) (a) of the statutes is amended to read:  
3 15.406 (2) (a) Three dietitians who are certified licensed under subch. V of ch.  
4 448.

5 History: 1993 a. 107, 443; 1997 a. 75, 175; 1999 a. 9, 180; 2001 a. 70.  
6 SECTION 2. 146.81 (1) (em) of the statutes is amended to read:  
7 146.81 (1) (em) A dietitian certified licensed under subch. V of ch. 448.

History: 1979 c. 221; 1981 c. 39 s. 22; 1983 a. 27; 1983 a. 189 s. 329 (1); 1983 a. 535; 1985 a. 315; 1987 a. 27, 70, 264; 1987 a. 399 ss. 403br, 491r; 1987 a. 403; 1989 a. 31, 168, 199, 200, 229, 316, 359; 1991 a. 39, 160, 269; 1993 a. 27, 32, 105, 112, 183, 385, 443, 496; 1995 a. 27 s. 9145 (1); 1995 a. 77, 98, 352; 1997 a. 27, 67, 75, 156, 175; 1999 a. 9, 32, 151, 180, 188; 2001 a. 38, 70, 74, 80, 89; 2005 a. 262, 387.  
7 SECTION 3. 146.89 (1) (r) of the statutes is amended to read:

1           146.89 (1) (r) "Volunteer health care provider" means an individual who is  
2 licensed as a physician under ch. 448, dentist or dental hygienist under ch. 447,  
3 registered nurse, practical nurse, or nurse-midwife under ch. 441, optometrist  
4 under ch. 449, or physician assistant under ch. 448, who is ~~certified~~ licensed as a  
5 dietitian under subch. V of ch. 448, or who is a nurse practitioner, as defined in s.  
6 255.06 (1) (d), and who receives no income from the practice of that health care  
7 profession or who receives no income from the practice of that health care profession  
8 when providing services at the nonprofit agency or school specified under sub. (3).

9 **History:** 1989 a. 206; 1991 a. 269; 1993 a. 28, 490; 1995 a. 27 ss. 4378 to 4380, 9126 (19); 1997 a. 27, 57, 67; 1999 a. 23; 2003 a. 92; 2005 a. 188.

9           **SECTION 4.** 146.997 (1) (d) 6. of the statutes is amended to read:

10           146.997 (1) (d) 6. A ~~dietician certified~~ dietician licensed under subch. V of ch.  
11 448.

12 **History:** 1999 a. 176, 186; 2001 a. 38, 70, 74, 89, 105; 2003 a. 33; 2005 a. 22.

12           **SECTION 5.** 252.14 (1) (ar) 4m. of the statutes is amended to read:

13           252.14 (1) (ar) 4m. A dietitian ~~certified~~ licensed under subch. V of ch. 448.

14 **History:** 1989 a. 201; 1991 a. 32, 39, 160, 189, 269, 315; 1993 a. 27 ss. 326 to 331; Stats. 1993 s. 252.14; 1993 a. 105, 190, 252, 443; 1993 a. 490 s. 143; 1993 a. 491, 495; 1995 a. 27 ss. 6322, 9145 (1); 1997 a. 27, 35, 67, 75, 175; 1999 a. 9, 32, 180; 2001 a. 70, 80, 89; 2005 a. 22.

14           **SECTION 6.** 446.02 (6m) of the statutes is amended to read:

15           446.02 (6m) No chiropractor may provide counsel, direction, guidance, advice,  
16 or a recommendation to a patient regarding the health effects of vitamins, herbs, or  
17 nutritional supplements unless the chiropractor has been issued a certificate under  
18 sub. (2) (c). This subsection does not apply to a chiropractor licensed under this  
19 chapter who is ~~certified~~ licensed as a dietitian under subch. V of ch. 448.

20 **History:** 1975 c. 39, 199, 383; 1977 c. 29, 418; 1979 c. 98, 162, 337; 1981 c. 380; 1991 a. 39; 1993 a. 31; 1995 a. 94, 166; 2001 a. 70; 2005 a. 25.

20           **SECTION 7.** 448.70 (1) of the statutes is renumbered 448.70 (1g).

21           **SECTION 8.** 448.70 (1d) of the statutes is created to read:

1 448.70 (1d) "Accreditation commission" means the commission on  
2 accreditation for dietetics education of the American Dietetic Association or its  
3 successor.

4 SECTION 9. 448.70 (1m) of the statutes is renumbered 448.70 (4) and amended  
5 to read:

6 448.70 (4) "Certified Licensed dietitian" means an individual who is certified  
7 licensed as a dietitian under this subchapter.

8 History: 1993 a. 443.

8 SECTION 10. 448.70 (2) of the statutes is amended to read:

9 448.70 (2) "Dietetics" means the integration and application of principles of  
10 derived from the sciences of nutritional science nutrition, biochemistry, food science  
11 management, and physiology, food systems management, and the behavioral science  
12 and social science sciences in order to achieve or maintain the health of an individual  
13 or group of individuals. "Dietetics" includes assessing the nutritional needs of an  
14 individual or group of individuals and determining available resources and  
15 constraints in meeting those nutritional needs; establishing priorities, goals and  
16 objectives that meet those nutritional needs and are consistent with available  
17 resources and constraints; providing nutrition counseling; or developing,  
18 implementing and managing nutritional care systems.

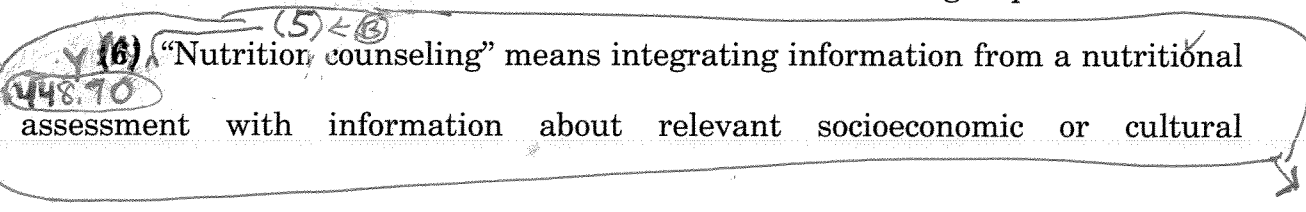
19 History: 1993 a. 443.

19 SECTION 11. 448.70 (5) to (8) of the statutes are created to read:

20 448.70 (5) "Nutritional assessment" means the evaluation of biochemical,  
21 anthropometric, physical, and dietary data pertaining to an individual or group of  
22 individuals to determine the nutrient needs of the individual or group of individuals.

23 448.70 (6) "Nutrition counseling" means integrating information from a nutritional  
24 assessment with information about relevant socioeconomic or cultural

move up



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1 characteristics of an individual or group of individuals in order to assist the  
2 individual or group of individuals with appropriate nutritional intake.

3 (7) "Practice of dietetics" means one or more of the following but does not  
4 include the retail sale of food products or vitamins:

5 (a) To perform nutritional assessment or nutritional counseling, including for  
6 the purpose of managing disease.

7 (b) To establish priorities, goals, and objectives that meet nutritional needs of  
8 an individual or group of individuals in a manner consistent with available resources  
9 and constraints.

10 (c) To develop, implement, and manage nutrition care systems.

11 (d) To evaluate, adjust, and improve standards of quality in dietetics.

12 (8) "Registration commission" means the commission on dietetic registration  
13 of the American Dietetic Association or its successor.

*→ insert from p. 7 ✓*

14 SECTION 12. 448.72 (1) (intro.) of the statutes is amended to read:

15 448.72 (1) (intro.) Require a certificate license under this subchapter for any  
16 of the following:

History: 1993 a. 443; 1997 a. 75.

17 SECTION 13. 448.72 (1) (a) of the statutes is repealed and recreated to read:

18 448.72 (1) (a) A physician as defined in s. 448.01 (5).

19 SECTION 14. 448.72 (1) (b) of the statutes is repealed.

20 SECTION 15. 448.72 (1) (c) and (d) of the statutes are amended to read:

21 448.72 (1) (c) A person pursuing a supervised course of study, including  
22 internships, leading to a degree or certificate in dietetics from an accredited  
23 educational program accredited by the accreditation commission or an educational  
24 program approved by the affiliated credentialing board.

1 (d) A dietetic technician or assistant who is working under the supervision of  
2 a certified licensed dietitian.

3 History: 1993 a. 443; 1997 a. 75.

3 **SECTION 16.** 448.72 (1) (f) of the statutes is amended to read:

4 448.72 (1) (f) A person who markets or distributes food, food materials, herbs,  
5 or dietary or food supplements; who explains the use, benefits, or preparation of  
6 food, food materials, herbs, or dietary or food supplements; who furnishes  
7 nutritional information on food, food materials, herbs, or dietary or food  
8 supplements; or who disseminates nutritional information or literature, if the  
9 person ~~does not use the title "dietitian" or "certified dietitian" and the person~~  
10 complies with applicable s. 448.71 (2) and federal, state and local laws applicable to  
11 the marketing and distribution of food, food materials, herbs, or dietary or food  
12 supplements.

13 History: 1993 a. 443; 1997 a. 75.

13 **SECTION 17.** 448.72 (1) (g) of the statutes is created to read:

14 448.72 (1) (g) A person who provides services through a weight control program  
15 to an individual or group of individuals, if the program has been reviewed by,  
16 consultation to the person who provides services regarding the program is available  
17 from, and no program change is initiated without the prior approval of, one of the  
18 following:

19 1. A licensed dietitian.

20 2. A person who is licensed or certified under the laws of another state which  
21 has licensure or certification requirements that the affiliated credentialing board  
22 determines to be substantially equivalent to the licensure requirements under s.  
23 448.78.

24 3. A person who is registered as a dietitian with the registration commission.

1 SECTION 18. 448.72 (4) to (5) of the statutes are amended to read:

2 448.72 (4) Prohibit an individual who is registered as a dietitian with the  
3 registration commission ~~on dietetic registration of the American Dietetic Association~~  
4 from using the title "dietitian" or "registered dietitian" or the initials, "R.D.".

5 (5) Prohibit an individual who is registered as a dietetic technician with the  
6 registration commission ~~on dietetic registration of the American Dietetic Association,~~  
7 from using the title "dietetic technician" or, "dietetic technician ~~registered~~" or the  
8 initials, "D.T.R.".

History: 1993 a. 443; 1997 a. 75.

9 SECTION 19. 448.74 (intro.) of the statutes is amended to read:

10 448.74 **Duties of affiliated credentialing board.** (intro.) The affiliated  
11 credentialing board shall promulgate rules that ~~do all~~ establish each of the following:

History: 1993 a. 443.

12 SECTION 20. 448.74 (1) of the statutes is amended to read:

13 448.74 (1) ~~Establish criteria~~ Criteria for the approval of educational programs  
14 and training under s. 448.78 (3) and (4).

History: 1993 a. 443.

15 SECTION 21. 448.74 (2) of the statutes is amended to read:

16 448.74 (2) ~~Establish a code of ethics~~ Standards of practice to govern the  
17 professional conduct of ~~certified~~ licensed dietitians, including a code of ethics.

History: 1993 a. 443.

18 SECTION 22. 448.74 (1g) and (1r) of the statutes are created to read:

19 448.74 (1g) Standards for acceptable examination performance by an  
20 applicant for licensure as a dietitian.

21 (1r) Continuing education requirements for licensed dietitians applying to  
22 renew a license under s. 448.86 (3) that substantially conform to the continuing

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*registered*

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1 professional education requirements established by the registration commission on  
2 dietetic registration of the American Dietetic Association.

History: 1993 a. 443; 1997 a. 75.

SECTION 23. 448.76 (title) of the statutes is amended to read:

448.76 (title) Use License required; use of titles.

History: 1993 a. 443; 1997 a. 75.

SECTION 24. 448.76 of the statutes is renumbered 448.71 (2) and amended to read:

448.71 (2) Except as provided in s. 448.72 (1) (e) and (2) to (6), ~~a~~ no person who is not a certified dietitian may not designate himself or herself as a dietitian, or use or assume the title, "dietitian", "certified dietitian", or "licensed dietitian"; claim to provide dietetic services append to the person's name the letters "L.D."; or use any title or initials that represent or may tend to represent the person as certified or licensed as a dietitian or as certified or licensed in a nutrition-related field.

History: 1993 a. 443; 1997 a. 75.

SECTION 25. 448.71 (1) of the statutes is created to read:

448.71 (1) Except as provided in s. 448.72, no person may practice dietetics unless the person is licensed as a dietitian under this subchapter.

SECTION 26. 448.78 (intro.) of the statutes is amended to read:

448.78 Certification Licensure of dietitians. (intro) The affiliated credentialing board shall grant a certificate license as a dietitian to an individual who does all of the following:

History: 1993 a. 443.

SECTION 27. 448.78 (1) of the statutes is amended to read:

448.78 (1) Submits an application for the certificate license to the department on a form provided by the department.

History: 1993 a. 443.

SECTION 28. 448.78 (3) (a) of the statutes is amended to read:

plain

o

\* Change Component

insert from p. 6

renumbered 448.71 (title) and

3  
4

7  
8  
9  
10

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1           448.78 (3) (a) Received a bachelor's, master's or doctoral degree in human  
2     ~~nutrition, nutrition education, food and nutrition, dietetics or food systems~~  
3     ~~management from a~~ an academic program that meets accreditation standards  
4     established by the accreditation commission at a college or university that is  
5     regionally accredited, ~~as determined by the affiliated credentialing board, by the~~  
6     accreditation commission and that is located in a state or territory of the United  
7     States.

History: 1993 a. 443.

8           **SECTION 29.** 448.78 (3) (b) of the statutes is amended to read:

9           448.78 (3) (b) Received a bachelor's, master's or doctoral degree in human  
10    ~~nutrition, nutrition education, food and nutrition, dietetics or food systems~~  
11    ~~management from a~~ program at a college or university that is not located in a state  
12    or territory of the United States if the affiliated credentialing board determines that  
13    the program is substantially equivalent to a program under par. (a).

History: 1993 a. 443.

14          **SECTION 30.** 448.78 (3) (c) of the statutes is repealed.

15          **SECTION 31.** 448.78 (4) (intro.) of the statutes is renumbered 448.78 (4) and  
16    amended to read:

17           448.78 (4) Submits evidence satisfactory to the affiliated credentialing board  
18    that he or she has completed a supervised practice program accredited by the  
19    accreditation commission with at least 900 supervised practice hours of dietetics  
20    ~~practice in any state or territory of the United States under the supervision of any~~  
21    of the following:

History: 1993 a. 443.

22          **SECTION 32.** 448.78 (4) (a), (b) and (c) of the statutes are repealed.

23          **SECTION 33.** 448.78 (5) of the statutes is amended to read:



1 448.78 (5) Passes the registration examination for dietitians established by the  
2 registration commission ~~on dietetic registration of the American dietetic association,~~  
3 or passes an equivalent examination approved by the affiliated credentialing board,  
4 and held under s. 448.84, to determine fitness to practice dietetics.

5 History: 1993 a. 443.

5 **SECTION 34.** 448.80 of the statutes is amended to read:

6 **448.80 Temporary certificate license.** Upon application and payment of  
7 the fee specified in s. 440.05 (6), the affiliated credentialing board may grant a  
8 temporary dietitian certificate license to an individual who satisfies the  
9 requirements under s. 448.78 (1) ~~to (4)~~ and (2) and has submitted an application to  
10 take the next available examination under s. 448.84 submits a letter verifying that  
11 the individual is registered with the registration commission. A temporary  
12 certificate license granted under this section is valid for a period designated by the  
13 affiliated credentialing board, not to exceed 9 months, and may be renewed once by  
14 the affiliated credentialing board.

15 History: 1993 a. 443.

15 **SECTION 35.** 448.82 of the statutes is renumbered 448.82 (intro.) and amended  
16 to read:

17 **448.82 Reciprocal certificate license.** (intro.) Upon application and  
18 payment of the fee specified in s. 440.05 (2), the affiliated credentialing board shall  
19 grant a dietitian certificate license to an the following:

20 (2) An individual who holds a similar certificate or license issued by in another  
21 state or territory of the United States if the affiliated credentialing board determines  
22 that the requirements for receiving the certificate or license in the other state or  
23 territory are substantially equivalent to the requirements under s. 448.78.

24 History: 1993 a. 443.

24 **SECTION 36.** 448.82 (1) of the statutes is created to read:

1 448.82 (1) An individual who is registered with the registration<sup>✓</sup> commission.

2 SECTION 37. 448.84 (1) of the statutes is amended to read:

no (B)

3 448.84 Examinations. (1) The affiliated credentialing board shall conduct  
4 or arrange for examinations for dietitian<sup>✓</sup> certification licensure at least  
5 semiannually and at times and places determined by the affiliated credentialing  
6 board, and shall provide public notice of each examination at least 90 days before the  
7 date of the examination.

History: 1993 a. 443.

8 SECTION 38. 448.86 of the statutes is amended to read:

9 448.86 Issuance of certificate license; expiration and renewal. (1) The  
10 department shall issue a certificate license to each individual who is certified  
11 licensed under this subchapter.

12 (2) The renewal dates for certificates licenses granted under this subchapter,  
13 other than temporary certificates licenses granted under s. 448.80, are specified  
14 under s. 440.08 (2) (a). Renewal applications shall be submitted to the department  
15 on a form provided by the department and shall include the renewal fee specified in  
16 s. 440.08 (2) (a).

History: 1993 a. 443; 1997 a. 175.

17 SECTION 39. 448.86 (3) of the statutes is created to read:

18 448.86 (3) An applicant for renewal of a license granted under this subchapter<sup>✓</sup>  
19 shall be registered with the registration<sup>✓</sup> commission and shall provide proof of  
20 registration and satisfactory completion of continuing education requirements  
21 established by rule under s. 448.74 (3). <sup>er ← 1r</sup>

22 SECTION 40. 448.87 (2) (intro) and (a) of the statutes are amended to read:

23 448.87 (2) <sup>(intro.)</sup> Subject to the rules promulgated under s. 440.03 (1), the affiliated  
24 credentialing board may reprimand a certified licensed dietitian or deny, limit,

1 suspend or revoke a certificate license granted under this subchapter if it finds that  
2 the applicant or certified licensed dietitian has done any of the following:

3 (a) Made a material misstatement in an application for a certificate license or  
4 for renewal of a certificate license.

5 **History:** 1993 a. 443; 1999 a. 180 s. 55.

~~SECTION 41. 448.87 (2) (f) of the statutes is amended to read:~~

6 448.87 (2) (f) Engaged in unprofessional or unethical conduct in violation of the  
7 code of ethics established in the rules promulgated under s. 448.74 (2) (4). *plain*

8 **History:** 1993 a. 443; 1999 a. 180 s. 55.

**SECTION 42.** 450.10 (3) (a) 5m. of the statutes is amended to read:

9 450.10 (3) (a) 5m. A dietitian certified licensed under subch. V of ch. 448.

10 **History:** 1985 a. 146; 1987 a. 264, 399; 1989 a. 31, 316; 1991 a. 39, 160; 1993 a. 222, 443; 1995 a. 27 s. 9145 (1); 1995 a. 448; 1997 a. 27, 67, 75, 175; 1999 a. 9, 32, 180; 2001 a. 70, 80.

**SECTION 43.** 632.895 (1) (b) 5. b. of the statutes is amended to read:

11 632.895 (1) (b) 5. b. A dietitian certified licensed under subch. V of ch. 448, if  
12 the nutrition counseling is provided on or after July 1, 1995.

13 **History:** 1981 c. 39 ss. 4 to 12, 18, 20; 1981 c. 85, 99; 1981 c. 314 ss. 122, 123, 125; 1983 a. 36, 429; 1985 a. 29, 56, 311; 1987 a. 195, 327, 403; 1989 a. 129, 201, 229, 316, 332, 359; 1991 a. 32, 45, 123; 1993 a. 443, 450; 1995 a. 27 ss. 7048, 9126 (19); 1995 a. 201, 225; 1997 a. 27, 35, 75, 175, 237; 1999 a. 32, 115; 1999 a. 150 s. 672; 2001 a. 16, 82.

**SECTION 44.** 655.45 (1m) of the statutes is amended to read:

14 655.45 (1m) For the quarter beginning on July 1, 1995, and for each quarter  
15 thereafter, the director of state courts shall file reports complying with sub. (2) with  
16 the dietitians affiliated credentialing board regarding health care providers certified  
17 licensed by the dietitians affiliated credentialing board.

18 **History:** 1985 a. 340; 1989 a. 187 s. 28; 1993 a. 107, 443; 1997 a. 75, 175.

**SECTION 45. Nonstatutory provisions.**

19 (1) EXEMPTION FROM CERTAIN LICENSURE REQUIREMENTS. Notwithstanding  
20 section 448.78 (3) to (5) of the statutes, as affected by this act, the dietitians affiliated  
21 credentialing board may grant a license under section 448.78 of the statutes to a  
22 person who no later than the first day of the 13th month beginning after the effective

1 date of this act provides sufficient evidence to the dietitians affiliated credentialing  
2 board that the person holds a valid certificate from the dietitians affiliated  
3 credentialing board or is currently registered as a registered dietician with the  
4 commission on dietetic registration of the American Dietetic Association.

5 (END)

*0-Note*

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-12887dn

TKK: kje

Date

Senator Carpenter:

Please review this draft carefully to ensure that it accomplishes your intent. Although I referenced the materials provided by Joan Pleuss to create this draft, in some cases I retained the language of the current statutes or drafted alternative language where doing so enhanced clarity or conformed to drafting conventions.

I have several comments and questions for your consideration.

1. License required. I added proposed s. 448.71 (1), which prohibits the practice of dietetics without a license. Please let me know if it was your intent to leave this provision out.

2. Use of terms.

X a. Dietitian/nutritionist. The background materials submitted by Joan Pleuss for this draft use the compound term, dietitian/nutritionist. Are these two separate classifications, or are the terms synonyms? If the terms are synonyms, I recommend using dietitian alone, to simplify subch. V of ch. 448 and any cross-references to dietitians found throughout the statutes. If necessary, we could add the term, "nutritionist" to the definition of dietitian.

If a nutritionist is not the same as a dietitian because the requirements or training of the two differ, I recommend that we define nutritionist separately and outline the licensure requirements separately. As drafted, I used the simple term, dietitian, which is recognized by the ADA.

X b. Nutrition care services. Similarly, the materials submitted by Joan Pleuss used the term "nutrition care services" both in conjunction with dietetics (as in "A person pursuing a supervised course of study, including internships, leading to a degree or certificate in dietetics and nutrition care services. . .") and as an alternative to dietetics (as in the "[p]ractice of dietetics or nutrition care services includes. . ."). Are the terms synonyms, or do they mean two different things? If they mean two different things, I recommend defining them separately. As drafted, I used the medically recognized term, dietetics, alone throughout the draft in order to avoid confusion. Please let me know if this is a problem.

X c. Nutrition care systems. Within the definition of dietetics, current s. 448.70 (2) uses the term, "nutrition care systems," and it is incorporated into proposed s.

(c)

X 448.70 (7) (d). This term is not defined. Does it differ from performing nutrition assessment and counseling (at proposed s. 448.70 (7) (a) and (b))? If yes, would it be appropriate to define this term? If it does not differ from performing nutrition assessment and counseling, perhaps we could eliminate proposed s. 448.70 (7) (d)?

(c)

d. Herbs. The background materials requested the addition of the term "herbs" to s. 448.72 (1) (f). How do herbs differ from dietary or food supplements? I recommend defining the term to avoid confusion.

3. Practice protection. I have several questions on this topic:

a. The proposed changes to s. 448.72 (1) (a) and (b) eliminate the right of certain persons to incorporate dietetics into their professional practice without obtaining a license issued under subch. V of ch. 448.

X Under current s. 448.72 (1) (a) and (b), the following persons need not be certified as a dietitian to practice dietetics within the scope of their license, permit, or certificate, so long as the person does not claim to be a dietitian or certified or licensed in a nutrition-related field: persons practicing nursing (ch. 441), chiropractic (ch. 446), or dentistry (ch. 447); all persons licensed under ch. 448; persons practicing optometry (ch. 449), pharmacy (ch. 450), or acupuncture (ch. 451); and nursing home administrators (ch. 456) and persons to whom a practice or procedure is delegated by any of the above.

The proposed draft makes this exception **only** for physicians defined under s. 448.01 (5). Is that your intent?

b. Under current law, dietetic technicians or assistants need not be certified if they are working under the supervision of a certified dietitian. Neither term is defined. Is that acceptable? Are these individuals generally working towards licensure or do they require any formalized training? Does the logic of supervision under the certification scheme apply under the licensing scheme?

c. Is it your intent to allow any of the persons enumerated under s. 448.72 (2) through (6) to practice dietetics without a license? If so, I will need to amend the applicable paragraphs.

d. The minimal changes to s. 448.72 (1) (f) potentially create, perhaps inadvertently, a broad exception to the licensing requirements of subch. V of ch. 448. This paragraph made sense when subch. V of ch. 448 served primarily title-protection purposes. However, as amended by the bill, this paragraph would allow persons who are arguably engaging in the practice of dietetics (see, specifically, that portion of the paragraph allowing a person to explain the use, benefits, and preparation of food, provide nutritional information about food, and disseminate literature) to avoid the licensing requirements of this subchapter so long as they do not use certain titles. Is that your intent?

e. Proposed s. 448.72 (1) (g) exempts from licensing requirements persons who provide weight control services so long as the persons providing the services take guidance from certain individuals enumerated at subs. 1. through 3. Persons under subd. 3. are not themselves required to be licensed; is that your intent?

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*none*

f. *Inconsistent significance of registration with the commission on dietetic registration?*

(1) Under s. 448.80, as amended by the bill, persons who hold a registration with the commission, submit an application form with the department, and pay a fee may be granted a temporary license without meeting any other licensure requirements under s. 448.78 (valid for up to 9 months plus one renewal period).

(2) Under s. 448.82 (1), as created by the bill, persons who hold a registration with the registration commission, submit an application form with the department, and pay a fee may be granted a reciprocal license without meeting any other licensure requirements under s. 448.78 (valid for a two-year term).

Do you wish to make any changes to either of these sections?

5. Educational requirements. Please confirm that you want to delete any reference to the subject of the degree a candidate for licensure must receive from an accredited college or university as affected ~~at~~ with the changes to s. 448.78 (3) (a).

Similarly, please confirm that you wish to eliminate the qualifications applicable to the *supervisor* of a candidate for licensure under current law. See s. 448.78 (4) (a) to (c), which are repealed by the bill.

6. Compensation as an element of the practice of dietetics. Do you wish to include compensation as an element of the definition of the practice of dietetics? See, for example, s. 453.02 (6) governing the practice of veterinary medicine. If compensation is included as part of the definition, persons who provide gratuitous dietetic services would not fall under the purview of the affiliated credentialing board's regulatory authority.

I look forward to talking with you after you have had an opportunity to review the draft.

Tracy K. Kuczenski  
Legislative Attorney  
Phone: (608) 266-8967  
E-mail: tracy.kuczenski@legis.wisconsin.gov