



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1288/P2

TKK:kjf:rwn

Ups:
Fix request
sheet
pls

in 9/14/07

insert
d-note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

1 **AN ACT to repeal** 448.72 (1) (a), (b) and (c), 448.72 (1) (f), 448.78 (3) (c) and 448.78
2 (4) (a), (b) and (c); **to renumber** 448.70 (1); **to renumber and amend** 448.70
3 (1m), 448.72 (1) (d), 448.72 (1) (e), 448.72 (2), 448.72 (3), 448.72 (4), 448.72 (5),
4 448.72 (6), 448.76, 448.78 (4) (intro.) and 448.82; **to consolidate, renumber**
5 **and amend** 448.72 (intro.) and (1) (intro.); **to amend** 15.406 (2) (a), 146.81 (1)
6 (em), 146.89 (1) (r), 146.997 (1) (d) 6., 252.14 (1) (ar) 4m., 446.02 (6m), 448.70
7 (2), 448.70 (3), 448.74 (intro.), 448.74 (1), 448.74 (2), 448.78 (intro.), 448.78 (1),
8 448.78 (3) (a), 448.78 (3) (b), 448.78 (5), 448.80, 448.84 (1), 448.84 (2), 448.86,
9 448.87 (2) (intro.) and (a), 448.87 (2) (b), 448.87 (2) (e), 448.87 (2) (g), 450.10 (3)
10 (a) 5m., 632.895 (1) (b) 5. b. and 655.45 (1m); and **to create** 448.70 (1d), 448.70
11 (5) to (9), 448.71, 448.72 (7) and (8), 448.72 (11), 448.72 (12), 448.74 (1g) and (1r),
12 448.82 (1) and 448.86 (3) of the statutes; **relating to:** licensure of dietitians

12

insert
analysis

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

and
requiring the
exercise of
rule-making
powers

authority

→ anal space

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:

1 **SECTION 1.** 15.406 (2) (a) of the statutes is amended to read:

2 15.406 (2) (a) Three dietitians who are ~~certified~~ licensed under subch. V of ch.
3 448.

4 **SECTION 2.** 146.81 (1) (em) of the statutes is amended to read:

5 146.81 (1) (em) A dietitian ~~certified~~ licensed under subch. V of ch. 448.

6 **SECTION 3.** 146.89 (1) (r) of the statutes is amended to read:

7 146.89 (1) (r) "Volunteer health care provider" means an individual who is
8 licensed as a physician under ch. 448, dentist or dental hygienist under ch. 447,
9 registered nurse, practical nurse, or nurse-midwife under ch. 441, optometrist
10 under ch. 449, or physician assistant under ch. 448, who is ~~certified~~ licensed as a
11 dietitian under subch. V of ch. 448, or who is a nurse practitioner, as defined in s.
12 255.06 (1) (d), and who receives no income from the practice of that health care
13 profession or who receives no income from the practice of that health care profession
14 when providing services at the nonprofit agency or school specified under sub. (3).

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

16 146.997 (1) (d) 6. A dietician ~~certified~~ dietitian licensed under subch. V of ch.
17 448.

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

19 252.14 (1) (ar) 4m. A dietitian ~~certified~~ licensed under subch. V of ch. 448.

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

1 SECTION 11. 448.70 (3) of the statutes is amended to read:

2 448.70 (3) "Dietitian" means an individual who practices dietetics and
3 nutrition care services.

4 SECTION 12. 448.70 (5) to (9) of the statutes are created to read:

5 448.70 (5) "Nutrition counseling" means integrating information from a
6 nutritional assessment with information about relevant socioeconomic or cultural
7 characteristics of an individual or group of individuals in order to assist the
8 individual or group of individuals with appropriate nutritional intake.

9 (6) "Nutritional assessment" means the evaluation of biochemical,
10 anthropometric, physical, and dietary data pertaining to an individual or group of
11 individuals to determine the nutrient needs of the individual or group of individuals.

12 (7) "Nutritionist" means a dietitian.

13 (8) "Practice of dietetics and nutrition care services" means one or more of the
14 following but does not include the retail sale of food products or vitamins:

15 (a) To perform nutritional assessment or nutrition counseling, including for the
16 purpose of managing disease.

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

20 (c) To evaluate, adjust, and improve standards of quality in dietetics.

21 (9) "Registration commission" means the commission on dietetic registration
22 of the American Dietetic Association or its successor.

23 SECTION 13. 448.71 of the statutes is created to read:

Insert 4-5

Insert 4-13

✓ (8)

g

(6)

(9)

1 **448.71** Except as provided in s. 448.72, no person may practice dietetics and
2 nutrition care services unless the person is licensed as a dietician under this
3 subchapter. *le dietitian*

4 **SECTION 14.** 448.72 (intro.) and (1) (intro.) of the statutes are consolidated,
5 renumbered 448.72 (intro.) and amended to read:

6 **448.72 Applicability.** (intro.) This subchapter does not ~~do any of the~~
7 following: ~~(1) (intro.) Require~~ require a certificate license under this subchapter for
8 any of the following:

9 **SECTION 15.** 448.72 (1) (a), *g and* (b) and (c) of the statutes are repealed.

10 **SECTION 16.** 448.72 (1) (d) of the statutes is renumbered 448.72 (9) and
11 amended to read:

12 448.72 (9) A dietetic technician or assistant who is working under the
13 supervision of a certified licensed dietitian.

14 **SECTION 17.** 448.72 (1) (e) of the statutes is renumbered 448.72 (10) and
15 amended to read:

16 448.72 (10) A dietitian who is serving in the U.S. armed forces, as defined in
17 s. 40.02 (57m), or in the commissioned corps of the federal public health service or
18 is employed by the U.S. veterans administration, and who is engaged in the practice
19 of dietetics and nutrition care services as part of that service or employment.

20 **SECTION 18.** 448.72 (1) (f) of the statutes is repealed.

21 **SECTION 19.** 448.72 (2) of the statutes is renumbered 448.76 (2) and amended
22 to read:

23 448.76 (2) Prohibit a A dietetic student described in sub. (1) (c) from using may
24 use the title "dietitian student" or any other title, letters, or designation that clearly
25 indicates his or her status as a student or trainee. *plain* *s. 448.72(9)*

Insert 5-14

1 **SECTION 20.** 448.72 (3) of the statutes[✓] is renumbered 448.76 (3) and amended
2 to read:

3 448.76 (3) ~~Prohibit an~~ An individual described in sub. ~~(1) (e) from using s.~~
4 448.72 (10) may use the title "dietitian" or any letters or designation that represents
5 or may tend to represent the individual as a dietitian, if the title, letters, or
6 designation is used only in the course of the individual's service or employment.

7 **SECTION 21.** 448.72 (4) of the statutes[✓] is renumbered 448.76 (4) and amended
8 to read:

9 448.76 (4) ~~Prohibit an~~ An individual who is registered as a dietitian with the
10 registration commission ~~on dietetic registration of the American Dietetic Association~~
11 ~~from using~~ may use the title "dietitian" or "registered dietitian" or the initials, "R.D."

12 **SECTION 22.** 448.72 (5) of the statutes[✓] is renumbered 448.76 (5) and amended
13 to read:

14 448.76 (5) ~~Prohibit an~~ An individual who is registered as a dietetic technician
15 with the registration commission ~~on dietetic registration of the American Dietetic~~
16 ~~Association from using~~ may use the title "dietetic technician" or, "dietetic technician
17 registered" registered, or the initials, "D.T.R."

18 **SECTION 23.** 448.72 (6) of the statutes[✓] is renumbered 448.76 (6) and amended
19 to read:

20 448.76 (6) ~~Prohibit an~~ An individual ~~from using~~ may use the title "dietitian",
21 "licensed dietitian" or "certified dietitian" if the person is licensed or certified as a
22 dietitian under the laws of another state which has licensure or certification
23 requirements that the affiliated credentialing board determines to be substantially
24 equivalent to the requirements under s. 448.78.

25 **SECTION 24.** 448.72 (7) and (8) of the statutes[✓] are created to read:

1 448.72 (7) A physician as defined in s. 448.01 (5).

2 (8) A person who is lawfully practicing within the scope of a license granted

3 under ch. 446 who satisfies the requirements of s. 446.02 (2) (c).

and who is lawfully practicing within the scope of the certificate issued under s. 446.02(2)(c)

4 SECTION 25. 448.72 (11) of the statutes is created to read:

5 448.72 (11) (a) A retailer that furnishes free oral or written general nutrition

6 information to a customer about food, food materials, dietary supplements, and other

7 goods sold at the retailer's establishment in connection with the marketing and

8 distribution of those goods at the retailer's establishment.

9 (b) A person that furnishes free oral or written information on food, food

10 materials, or dietary supplements.

general nutrition related to or the marketing of food, food materials, or dietary supplements, provided the person is not practicing dietetics and nutrition care services

11 SECTION 26. 448.72 (12) of the statutes is created to read:

12 448.72 (12) A person who provides weight control services to an individual or

13 group of individuals, provided the person complies with s. 448.76 and presents a

14 general program of instruction for weight control that has been approved in writing

15 by one of the following:

16 (a) A person licensed under this subchapter.

17 (b) A physician as defined in s. 448.01 (5).

18 (c) A person who is licensed as a dietitian under the laws of another state which

19 has licensure requirements that the affiliated credentialing board determines to be

20 substantially equivalent to the licensure requirements under s. 448.78.

21 (d) A person who is registered as a dietitian with the registration commission.

22 SECTION 27. 448.74 (intro.) of the statutes is amended to read:

23 448.74 Duties of affiliated credentialing board. (intro.) The affiliated

24 credentialing board shall promulgate rules that do all establish each of the following:

25 SECTION 28. 448.74 (1) of the statutes is amended to read:

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

3 SECTION 29. 448.74 (1g) and (1r) of the statutes are created to read:

4 448.74 (1g) Standards for acceptable examination performance by an
5 applicant for licensure as a dietitian.

6 (1r) Continuing education requirements for licensed dietitians applying to
7 renew a license under s. 448.86 (3) that substantially conform to the continuing
8 professional education requirements established by the registration commission.

9 SECTION 30. 448.74 (2) of the statutes is amended to read:

10 448.74 (2) ~~Establish a code of ethics~~ Standards of practice to govern the
11 professional conduct of certified licensed dietitians, including a code of ethics.

12 SECTION 31. 448.76 of the statutes is renumbered 448.76 (1) and amended to
13 read:

14 448.76 (1) Except as provided in s. 448.72 (1) (e) (10) and subs. (2) to (6), a
15 person who is not ~~a certified licensed~~ as a dietitian may not designate himself or
16 herself as a dietitian, ~~claim to provide dietetic services; use or assume the title,~~
17 "dietitian," "certified dietitian," "licensed dietitian," "nutritionist," "certified
18 nutritionist," ~~or "licensed nutritionist,"~~ append to the person's name the letters
19 "L.D.," or use any title or initials that represent or may tend to represent the person
20 as certified or licensed as a dietitian or as certified or licensed in a nutrition-related
21 field.

22 SECTION 32. 448.78 (intro.) of the statutes is amended to read:

23 448.78 **Certification Licensure of dietitians.** (intro.) The affiliated
24 credentialing board shall grant a certificate license as a dietitian to an individual
25 who does all of the following:

Insert 8-22

Handwritten annotations: "dielitian and nutritionist", "certified dietitian and nutritionist", "licensed dietitian and nutritionist", "nutrition consultant", "or nutritional consultant", "(7)", "L.N.", "or L.D.N.", "comma", "10", "6", "7", "8", "9", "10", "11", "12", "13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25".

1 SECTION 33. 448.78 (1) of the statutes is amended to read:

2 448.78 (1) Submits an application for the ~~certificate~~ license to the department
3 on a form provided by the department.

4 SECTION 34. 448.78 (3) (a) of the statutes is amended to read:

5 448.78 (3) (a) ~~Received~~ ^{Possesses} a bachelor's, master's, or doctoral degree in human
6 nutrition, ~~nutrition education, food and nutrition, dietetics or food systems~~
7 ~~management from a program at~~ ^{United States regionally accredited} granted by a college or university that is regionally
8 ~~accredited, as determined by the affiliated credentialing board,~~ by the accreditation
9 commission and that is located in a state or territory of the United States, and
10 successfully completed an educational program in dietetics approved by the
11 accreditation commission. ^{← completes a didactic ← didactic}

12 SECTION 35. 448.78 (3) (b) of the statutes is amended to read:

13 448.78 (3) (b) ~~Received~~ ^{Possesses} a bachelor's, master's, or doctoral degree in human
14 nutrition, ~~nutrition education, food and nutrition, dietetics or food systems~~
15 ~~management from a program at a college or university that is not located in a state~~
16 ~~or territory of the United States if the affiliated credentialing board determines that~~
17 ^{educational offered by the college or university} the program is substantially equivalent to ~~a~~ ^{the} program under par. (a).

18 SECTION 36. 448.78 (3) (c) of the statutes is repealed.

19 SECTION 37. 448.78 (4) (intro.) of the statutes is renumbered 448.78 (4) and
20 amended to read:

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

1 SECTION 38. 448.78 (4) (a), (b) and (c) of the statutes are repealed.

2 SECTION 39. 448.78 (5) of the statutes is amended to read:

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

7 SECTION 40. 448.80 of the statutes is amended to read:

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

17 SECTION 41. 448.82 of the statutes is renumbered 448.82 (intro.) and amended
18 to read:

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

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

1 SECTION 42. 448.82 (1) of the statutes is created to read:

2 448.82 (1) An individual who is registered with the registration commission.

3 SECTION 43. 448.84 (1) of the statutes is amended to read:

4 448.84 (1) The affiliated credentialing board shall conduct or ~~arrange~~ ^{contract} for

5 ^{administration of} examinations for ^{plain} ~~dietitian certification licensure~~ at least semiannually and at times

6 ~~and places determined by the affiliated credentialing board,~~ ^{locations within this state} and shall provide public

7 notice of each examination at least 90 days before the date of the examination.

8 SECTION 44. 448.84 (2) of the statutes is amended to read:

9 448.84 (2) Examinations held under sub. (1) shall consist of written or oral
10 tests, or both, requiring applicants to demonstrate minimum competency in subjects
11 substantially related to the practice of dietetics and nutrition care services.

12 SECTION 45. 448.86 of the statutes is amended to read:

13 **448.86 Issuance of certificate license; expiration and renewal.** (1) The
14 department shall issue a certificate license to each individual who is certified
15 licensed under this subchapter.

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

21 SECTION 46. 448.86 (3) of the statutes is created to read:

22 448.86 (3) An applicant for renewal of a license granted under this subchapter
23 shall be registered with the registration commission and shall provide ^{to the department} proof of
24 registration and satisfactory completion of continuing education requirements
25 established by rule under s. 448.74 (1r).

1 **SECTION 47.** 448.87 (2) (intro.) and (a) of the statutes are amended to read:

2 448.87 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the
3 affiliated credentialing board may reprimand a ~~certified~~ licensed dietitian or deny,
4 limit, suspend or revoke a ~~certificate~~ license granted under this subchapter if it finds
5 that the applicant or ~~certified~~ licensed dietitian has done any of the following:

6 (a) Made a material misstatement in an application for a ~~certificate~~ license or
7 for renewal of a ~~certificate~~ license.

8 **SECTION 48.** 448.87 (2) (b) of the statutes is amended to read:

9 448.87 (2) (b) Subject to ss. 111.321, 111.322 and 111.335, been convicted of an
10 offense the circumstances of which substantially relate to the practice of dietetics
11 and nutrition care services.

12 **SECTION 49.** 448.87 (2) (e) of the statutes is amended to read:

13 448.87 (2) (e) Subject to ss. 111.321, 111.322 and 111.34, practiced dietetics and
14 nutrition care services while his or her ability to practice was impaired by alcohol or
15 other drugs.

16 **SECTION 50.** 448.87 (2) (g) of the statutes is amended to read:

17 448.87 (2) (g) Engaged in conduct while practicing dietetics and nutrition care
18 services which evidences a lack of knowledge or ability to apply professional
19 principles or skills.

20 **SECTION 51.** 450.10 (3) (a) 5m. of the statutes is amended to read:

21 450.10 (3) (a) 5m. A dietitian ~~certified~~ licensed under subch. V of ch. 448.

22 **SECTION 52.** 632.895 (1) (b) 5. b. of the statutes is amended to read:

23 632.895 (1) (b) 5. b. A dietitian ~~certified~~ licensed under subch. V of ch. 448, if
24 the nutrition counseling is provided on or after July 1, 1995.

25 **SECTION 53.** 655.45 (1m) of the statutes is amended to read:

LPS:

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1288/P2ins
TKK:kjf:nwn

Single space analysis and change components in analysis to anal:text and titles to anal:title; sub-sub

1 **Insert analysis**

2 This bill makes a number of changes to the regulation of dietitians.

3 ← **Licensure and use of titles.**

4 Under current law, a person may be certified as a dietitian by the Dietitians

5 Affiliated Credentialing Board in the Department of Regulation and Licensing (DRL)

6 (board). With certain exceptions, current law prohibits a person who is not certified

7 by the board from designating him or herself as a dietitian, claiming to provide

8 dietetic services, or using any title or initial that would represent that person as

9 certified or licensed as a dietitian or in a nutrition-related field.

10 "Dietitian" is defined under current law as an individual who practices

11 dietetics, which is defined to mean the integration and application of principles from

12 nutrition science, biochemistry, food systems management, and other fields in order

13 to achieve or maintain the health of an individual or group of individuals. "Dietetics"

14 is further defined under current law to include assessing the nutritional needs of an

15 individual or group of individuals; establishing priorities, goals and objectives to

16 meet those nutritional needs; and providing nutritional counseling.

17 This bill changes the definition of "dietitian" to mean a person who practices

18 dietetics and nutrition care services. The bill defines "dietetics and nutrition care

19 services" to mean the integration and application of principles derived from the

20 sciences of food, nutrition, management, communication, biology, physiology,

21 behavior, and the social sciences to achieve and maintain optimal human health.

22 The bill defines the "practice of dietetics and nutrition care services" to exclude the

23 retail sale of food products or vitamins, but to include: 1) the assessment of the

1 nutritional needs of an individual or group of individuals; 2) establishing priorities,
 2 goals, and objectives to meet these nutritional needs; and 3) medical nutrition
 3 therapy. The bill defines "medical nutrition therapy" as nutritional diagnostic
 4 services, therapy, and counseling services provided for the purpose of managing
 5 disease.

6 The bill directs the board to license, not certify, dietitians. The bill prohibits a
 7 person who is not licensed from practicing dietetics or nutrition care services. The
 8 bill also prohibits, with certain exceptions, a person who is not licensed by the board
 9 from using any of the following titles or initials: dietitian, certified dietitian, licensed
 10 dietitian, nutritionist, certified nutritionist, licensed nutritionist,
 11 dietitian and nutritionist, certified dietitian and nutritionist, licensed dietitian and nutritionist,
 12 nutrition consultant, nutritional consultant, L.D., L.N., L.D.N., or any title or
 13 initials that may tend to represent that the person is certified or licensed as a
 14 dietitian or in a nutrition-related field.

15 ← ***Requirements for licensure by the board.***

16 To be certified as a dietitian under current law, a person must do all of the
 17 following:

18 1. Receive a bachelor's, master's, or doctoral degree in certain fields, including
 19 human nutrition, nutrition education, and food system management, received from
 20 a college or university that the board determines is regionally accredited. If the
 21 college or university is not located in the United States, the program must be
 22 substantially equivalent to a program offered by a regionally accredited college or
 23 university. Alternatively, a person may receive a degree from a program approved
 24 by the board.

25 2. Complete at least 900 supervised hours of dietetics practice.

commission on accreditation for dietetics education

1 3. Pass the registration examination, or its equivalent, established by the
2 American Dietetic Association (ADA).

3 Under current law, a person who has satisfied the educational and practice
4 requirements described above, and who has applied to take the next available
5 examination, may obtain a temporary dietitian certificate.

6 Under the bill, to be licensed by the board, an individual must do all of the
7 following:

8 1. Possess a bachelor's, master's, or doctoral degree granted from a regionally
9 accredited college or university and complete a didactic program in dietetics
10 approved by the ADA. If the college or university is not located in the United States,
11 the board must determine that the educational program is substantially equivalent
12 to the ADA-approved program.

13 2. Complete 900 supervised practice hours under a supervised practice
14 program accredited by the ADA.

15 3. Pass the registration examination for dietitians established by the ADA.

16 Under the bill, a person who satisfies the educational and practice
17 requirements described above, and who submits a letter from the ADA verifying that
18 person's registration eligibility status, may obtain a temporary license.

19 The bill requires an applicant for renewal of a license to provide the
20 Department of Regulation and Licensing with the following: 1) proof of registration
21 with the ADA, and 2) satisfactory completion of continuing education requirements
22 established by the board by rule.

23 ← ***Exemptions from licensure***

24 Current law exempts a person who is licensed or certified and lawfully
25 practicing as any of the following from obtaining certification from the board

his or her

1 provided the person practices within the scope of their license or certificate and does
2 not claim to be a dietitian or licensed in a nutrition-related field: nurses,
3 chiropractors, dentists, physicians, physical therapists, podiatrists, athletic
4 trainers, occupational therapists, optometrists, pharmacists, acupuncturists,
5 nursing home administrators, and persons to whom a practice or procedure is
6 delegated by any of the above. In addition, current law exempts the following from
7 obtaining certification from the board: 1) persons who are pursuing a degree or
8 certificate from an educational program approved by the board; 2) a dietetic
9 technician or assistant working under the supervision of a certified dietitian; 3) a
10 dietitian serving in the U.S. armed forces; ^{and} 4) a person who markets or distributed
11 food and other goods, ^{who} explains the use, benefits, or preparation of food and other
12 goods, ^{who} and furnishes nutritional information about food and other goods provided
13 that person does not claim to be a dietitian or certified dietitian and that person
14 complies with applicable law.

15 Under the bill, only the following persons do not need to obtain a license from
16 the board: 1) a physician; 2) a dietitian serving in the U.S. armed forces; 3) a licensed
17 chiropractor who has obtained nutritional counseling certification; 4) a retailer that
18 furnishes oral or written general nutrition information about food and other goods
19 in connection with the marketing and distribution of those goods; 5) a person who is
20 not practicing dietetics and nutrition care services who provides general nutrition
21 information about food and other goods; and 6) a person who provides weight control
22 services under a program of instruction approved in writing by a licensed dietitian,
23 a physician, or a person registered as a dietitian with the ADA.

24 ~~Insert 4-5~~ 3-16

1 448.70 (2) “Dietetics and nutrition care services” means the integration and
 2 application of principles of ~~nutritional science, biochemistry, derived from the~~
 3 ~~sciences of food science, physiology, food systems, nutrition,~~ management,
 4 ~~behavioral science~~ communication, biology, physiology, behavior, and the social
 5 science in order ~~sciences~~ to achieve ~~or~~ and maintain the optimal human health of an
 6 individual ~~or group of individuals.~~ “Dietetics” includes ~~assessing the nutritional~~
 7 ~~needs of an individual or group of individuals and determining available resources~~
 8 ~~and constraints in meeting those nutritional needs; establishing priorities, goals and~~
 9 ~~objectives that meet those nutritional needs and are consistent with available~~
 10 ~~resources and constraints; providing nutrition counseling; or developing,~~
 11 ~~implementing and managing nutritional care systems.~~

Insert 4-5

12 448.70
 13 (5) “Medical nutrition therapy” means nutritional diagnostic services, therapy,
 14 and counseling provided to an individual or group of individuals for the purpose of
 15 managing disease. Such services include nutrition assessment, interventions,
 16 reassessment, and follow-up instruction.

Insert 4-13

17 (7) “Practice of dietetics and nutrition care services” includes each of the
 18 following but does not include the retail sale of food products or vitamins:
 19

20 (a) Assessing the nutritional needs of an individual or group of individuals
 21 based upon biochemical, anthropometric, physical, and dietary data; determining
 22 the resources and constrains ^{to} meet the nutritional needs of that individual or group
 23 of individuals; and recommending proper nutrition intake to satisfy those needs.

1 (b) Establishing priorities, goals, and objectives to meet the nutritional needs
2 of the individual or group of individuals based on available resources and
3 constraints.

4 (c) Providing nutrition counseling to an individual or group of individuals
5 regarding health and disease.

6 (d) Evaluating, adjusting, and maintaining standards of quality in dietetics
7 and nutrition care services.

8 (e) Providing medical nutrition therapy.

9 **Insert 5-14**

10 **SECTION 1.** 448.72 (1) (c) of the statutes is renumbered 448.72 (9) and amended
11 to read:

12 448.72 (9) A person pursuing a supervised course of study, including
13 internships, leading to a degree or certificate in dietetics and nutrition care services
14 from an ~~accredited~~ educational program ~~or an educational program approved by the~~
15 ~~affiliated credentialing board~~ accredited by the accreditation commission.

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

16 **SECTION 2.** 448.72 (1) (d) of the statutes is repealed.

17 **Insert 8-22**

18 **SECTION 3.** 448.76 (7) of the statutes is created to read:

19 448.76 (7) An individual with a temporary license under s. 448.80 shall use the
20 title "registry eligible dietitian," which title is not to be abbreviated or capitalized.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

1
LRB-1288/P2dn
TKK:kjf:nwn

Date

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 email 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 can not 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 (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.

3. **“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 changes.

or questions

Tracy K. Kuczenski

Legislative Attorney

Phone: (608) 266-9867

E-mail: tracy.kuczenski@legis.wisconsin.gov

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

Kuczenski, Tracy

From: Ewy, Stuart
Sent: Tuesday, October 02, 2007 2:02 PM
To: Kuczenski, Tracy
Subject: FW: Dietitians Licensure Bill--revised draft

Attachments: 9.28.07_WDAresponse.doc; LDN_documentation_09_07.doc; 9.28.07_Edits_to_Bill.doc



9.28.07_WDAresponse.doc (47 KB...)
LDN_documentation_09_07.doc (9...)
9.28.07_Edits_to_Bill.doc (30 ...)

Hi Tracy

Here is a copy of the email Tim received from Joan Pleuss to the latest draft. Please let me know if you have any questions or comments.

Cheers,
Regards,

G. Stuart Ewy
Chief of Staff
Office of Senator Tim Carpenter
State Capitol 306 S
608.266.8535

-----Original Message-----

From: Pleuss, Joan [mailto:jpleuss@mcw.edu]
Sent: Friday, September 28, 2007 12:04 PM
To: Sen.Carpenter
Subject: Dietitians Licensure Bill--revised draft

Dear Senator Carpenter,

Thank you for your prompt reply of the last version of the dietitian's bill together with the LRB drafter's note that you sent on September 20.

My dietitian colleagues and I are now very pleased to send you the "introducible bill". To reply to the drafting attorney, we are including the following in this email:

- 1) a response to the drafter's comments and questions in the attached "9.28.07 WDA response" document, in which all of our responses are in bold italics embedded within the text of the Drafter's Note,
- 2) a complete list of links to dietitian licensure and certification statutes in other states for easy reference, and
- 3) a list of all remaining additional edits to the bill, in the "9.28.07 Edits to Bill" attachment.

Thank you for forwarding this email and its three attachments to the LRB drafting attorney (Tracy Kuczenski) at your earliest convenience. We are enthused at the prospect of receiving a final draft of this bill in the very near future!

Sincerely,
Joan

Joan Pleuss, MS, RD, CDE, CD
2870 So 49 St
Milwaukee, WI 53219

414-327-3766 (H)
414-805-7306 (B)

DRAFTER'S NOTE

**FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1288/1dn
TKK:kjf:pg

September 20, 2007

(9/28/07 WDA Response in Bold Italics Throughout)

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.

Thank you for proposing an alternative to eliminating “nutritionist” in the title and acronym, L.D.N. The national trend in licensure of dietitians is to include both terms (dietitian and nutritionist), in order to help protect the public by making it more obvious that qualified nutritionists are licensed.

While we can live with “Licensed dietitian or nutritionist”, we are including a table below, which lists multiple other states whose statutes include the previously requested title, “Licensed Dietitian/Nutritionist” or something similar. We have also attached a complete listing of links to these statutes, for your reference.

Based on the information we have provided, could you please re-visit your comments as to why we cannot have “licensed dietitian/nutritionist” in the bill and see if, based on other states, it would be allowed in Wisconsin? If Wisconsin statute would not permit it then we fall back to our original acceptance of “Licensed dietitian or nutritionist” (L.D.N.).

STATE	TITLE	ACRONYM
AL	Licensed Dietitian/nutritionist	LD
DE	Licensed Dietitian/nutritionist	LDN
FL	Licensed Dietitian/Nutritionist	LD/N
LA	Licensed Dietitians/Nutritionists	LDN
MA	Licensed Dietitian/nutritionist	LDN
MD	Licensed Dietitian/Nutritionist	LDN
MI	Licensed Dietitian/Nutritionist	Acronym Pending
NC	Licensed Dietitian/nutritionist	LDN
TN	Licensed Dietitian/nutritionist	LDN
IL	Licensed Dietitian Nutritionist	LDN
PA	Licensed Dietitian-Nutritionist	LDN
CT	Certified Dietitian-Nutritionists	CD-N
KY	Licensed Dietitian and Certified Nutritionists	LD and CN
AK	Separate licenses	LD
MN	Separate licenses	LD and LN
ND	Separate licenses	LN and LRD

- ✓ 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? *Yes, this is fine.*

✓ 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. *This is fine.*

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. *Thank you for asking. We do not believe we need a catch-all paragraph, unless there is somewhat standard language which you would recommend.*

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: *This is fine.*

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. *Also fine.*

✓ 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. *No problem eliminating “by a licensed dietitian.”*

✓ 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. *We disagree; “nutritional diagnostic services” sounds to us more like medical or laboratory testing, which we do not perform. We request that the definition of medical nutrition therapy be left as is with your circular definition correction above and one other exception. We unfortunately included a one-word typo in our 8/6/07 “Additional Edits” request. The last word in the definition should be “interventions” and not “instruction.” In other words, we request that the paragraph should read as:*

“Medical nutrition therapy” means nutritional diagnostic, therapy, and counseling services for the purpose of managing disease. Such services include, but are not limited to: nutrition assessment, interventions, reassessment, and follow-up interventions.

Or, if you again prefer to remove “are not limited to”, the definition could read:

“Medical nutrition therapy” means nutritional diagnostic, therapy, and counseling services for the purpose of managing disease. Such services include: nutrition assessment, interventions, reassessment, and follow-up interventions.

✓ 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 [outside] the United States be “validated.” I’m not sure what this means.

The Commission on Dietetic Registration (CDR), credentialing agency for ADA, relies on a) several non-profit agencies or b) US regionally accredited colleges/universities to provide degree equivalency statements. Some of the large universities have a department within the registrar’s office that deals with this activity and provides letters on university letterhead attesting to the foreign degree equivalency to a degree granted by a US. Regionally accredited college or university.

Who or what organization is validating the academic degree? ***In addition to major universities, as mentioned above, CDR relies on the following non-profit agencies to conduct the degree equivalence:***

Credentials Evaluation Services, Inc.
International Education Research
Foundation
P.O. Box 3665
Culver City, CA 90231
310/258-9451
<<http://www.ierf.org/>><http://www.ierf.org/>

Josef Silny & Associates
International Education Consultants
7101 SW 102nd Avenue
Miami, FL 33173
305/273-1616
Fax: 305/273-1338 or 273-1984
<<mailto:info@jsilny.com>>info@jsilny.com
<<http://www.jsilny.com/>><http://www.jsilny.com/>

World Education Services, Inc. (WES)
Bowling Green Station
P.O. Box 5087
New York, NY 10274-5087
212/966-6311
Fax: 212/739-6100
<<mailto:info@wes.org>>info@wes.org
<<http://www.wes.org/>><http://www.wes.org/>

Educational Credential Evaluators, Inc.

P.O. Box 514070
Milwaukee, WI 53203-3470
414/289-3400
Fax: 414/289-3411
<mailto:eval@ece.org>eval@ece.org
WES - Branch Offices:
Chicago - 312/222-0882
Miami - 305/358-6688
Washington, DC - 202/331-2925
San Francisco, CA - 415/677-9378

Academic Credentials Evaluation Institute, Inc.

P.O. Box 6908
Beverly Hills, CA 90212
310/275-3530 or 800/234-1597
Fax: 310/275-3528
<mailto:acei@acei1.com>acei@acei1.com
<http://www.acei1.com/>http://www.acei1.com/
Association of International Credential Evaluators, Inc.
P.O. Box 6756
Beverly Hills, CA 90212
310/550-3305 or 888/263-2423
<mailto:info@aice-eval.org>info@aice-eval.org
<http://www.aice-eval.org/>http://www.aice-eval.org/

International Consultants of Delaware, Inc.

3600 Market Street, Suite 450
Philadelphia, PA 19104
or
International Consultants of Delaware, Inc.
P.O. Box 8629
Philadelphia, PA 19101
215/222-8454, ext. 510
Fax: 215/349-0026
<mailto:icd@icdel.com>icd@icdel.com
<http://www.icdel.com/>http://www.icdel.com/

Foreign Educational Document Service

P.O. Box 4091
Stockton, CA 95204
209/948-6589

Foundation for International Services, Inc.

21540 30th Drive, SE, Suite 320
Bothell, WA 98021
425/487-2245<http://www.fis-web.com>
info@fis-web.com
www.fis-web.com

Academic and Professional International Evaluation, Inc. (APIE)

P.O. Box 5787
Los Alamitos, CA 90721-5787
562/594-6498
<mailto:apie@msn.com>apie@msn.com
<http://www.apie.org>www.apie.org

The term validated in the statute could be defined in the regulations; however, we believe we have a simpler solution. Applicants who apply to the Dept. of Regulation

and Licensing for a license, reciprocal license or temporary license will have had to demonstrate validity of their academic degree with CDR already; CDR requires this before providing a letter verifying registration eligibility status (pre-exam) or granting a "registered dietitian" credential (post-exam).

With this in mind, we suggest that the wording of 448.78 (3)(b) be modified as follows:

Possesses a bachelor's, master's or doctoral degree granted by a college or university outside the United States that has been determined equivalent to a degree granted by a United States regionally accredited college or university, as under par. (a).

If we need to define "equivalent", this could be defined in the rules or a glossary, using language from above.

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).

Eliminating "a state or territory of" makes perfect sense.

- 3 -

LRB-1288/1dn
TKK:kjf:pg

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

Thank you for your detailed work on this bill draft. Please refer to the "9.27.07 Additional Edits" document for other requested minor edits.

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

*d-note -
M. confirm
ok*

Additional Dietitian Licensure Bill Edits

September 28, 2007

✓ **Page 6, lines 7-10; 448.70 (5):** Please revise the definition of "medical nutrition therapy" as per WDA response to item #4 in the 9/20/07 Drafter's Note, so that it reads:

448.70 (5) "Medical nutrition therapy" means nutritional diagnostic, therapy, and counseling services for the purpose of managing disease. Such services include: nutrition assessment, interventions, reassessment, and follow-up interventions.

✓ **Page 7, line 5; 448.71:** We entirely approve of this addition to the bill. Does this section have a title? *No - oversight: license required.*

✓ **Page 7, lines 16 - 19:** Because there is no credential referred to as a "certificate in dietetics and nutrition care services," please replace language previously requested (8/6/07) and granted:

448.72 (9): 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 accreditation commission.

with the following more clearly and accurately worded exemption:

person
448.72 (9): A student enrolled in a dietetics education program accredited by the accreditation commission to meet eligibility requirements to write the registration commission's examination for dietitians.

delete - de to leave out? does it matter why the person is not licensed?
✓ **Page 10, line 13 & 14; 448.74 (1):** Reads that the affiliated credentialing board shall . . . establish . . . "Criteria for the approval of educational programs and training under s. 448.78 (3) and (4)." We are not absolutely opposed to this language, but we believe it to be unnecessary. Registered dietitians applying for a license merely need to show proof of registration status with the registration commission as verification that criteria for "approval of educational programs and training under s. 448.78 (3) and (4)" have been met. Certified dietitians who are not registered but are grandfathered in within the first year under 448.78 (6)(a) need only show proof of current certification as a dietitian in Wisconsin. Newly graduated dietitians who have completed their didactic requirements (s. 448.78 (3)) and 900 hours supervised practice (448.78 (4)) need only submit "a letter from the registration commission verifying registration eligibility status" as proof of their eligibility for a temporary license (as spelled out in s. 448.80).

repealed
ok ✓ **Page 10, lines 16 & 17; 448.74 (1g):** Reads that the affiliated credentialing board shall . . . establish . . . "Standards for acceptable examination performance by an applicant for licensure as a dietitian." We oppose this language as we believe it implies the board can make its own interpretations re: failure or passing of the registration commission's registration exam. We

believe the bill would be much clearer if this language were deleted; s. 448.78 (5) already clearly establishes one of the requirements of licensure as "Passes the registration examination for dietitians established by the registration commission."

✓ **Page 11, after line 20:** It appears as though 448.78 (2) was inadvertently omitted from the "introducible bill." Please re-include:

(Not amended) **448.78 (2) Pays the fee specified in s. 440.05 (1).**

No change to current law, is not in bill.

✓ **Page 13, line 8:** An additional edit to 448.80 Temporary License was inadvertently omitted from the "8.6.07 Edits to Bill" document; "9 months" should be revised to "6 months", so that the end of this section reads:

" . . . is valid for a period designated by the affiliated credentialing board, not to exceed 6 months, and may be renewed once by the affiliated credentialing board."

Dietetic educators surveyed in Wisconsin agreed that this time will be adequate for the registry eligible dietitian to take and retake the registration exam, as needed. Additional time (9 months) is no longer needed now that dietitian registration exams are administered daily on line in regional testing centers.

Page 14, lines 17-20; 448.86 (3): We propose again wording which resembles that originally requested for this section:

Completion
✓ **(3) An applicant for renewal of a license granted under this subchapter shall provide proof of Continuing Professional Education (CPE) credits at a level equal to or greater than the requirements of the registration commission by showing proof of current registration status with the registration commission or by submitting the registration commission's Subsequent Approval CPE Reporting Forms for Licensed Dietitians.**

Rationale: We cannot require all applicants for license renewal to "provide proof of registration" with the registration commission since a small minority of our licensed dietitians will have been grandfathered in as certified dietitians who were never (or are no longer) registered with the registration commission. (This grandfathering of CDs is spelled out on page 16 of the "introducible bill", in Section 56. Nonstatutory provisions.) Fortunately, "the registration commission" understands the need for continuing education documentation for non-RD licensed dietitians and accommodates this select group by allowing them to pay a small fee and submit for continuing education approval using "the registration commission's Subsequent Approval CPE Reporting Forms for Licensed Dietitians". FYI, all registered dietitians are required to document and submit continuing education records to the registration commission via a more complex yet constructive system referred to as the "Professional Development Portfolio."

Page 15, after line 14: It appears as though 448.94 was inadvertently omitted from the “introducible bill.” Please re-include:

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.

*No changes
to current
law.*

Kuczenski, Tracy

From: Kuczenski, Tracy
Sent: Wednesday, November 14, 2007 7:46 AM
To: Ewy, Stuart
Subject: RE: Additional questions and comments re. LRB 7-1288

I'm sorry -- this was my fault -- it is part of the previous draft (448.74 (1r)) but I renumbered it to 448.74 (1m) in the pending version. It would read as follows:

448.74 (1m) Continuing education requirements to be satisfied by an individual applying to renew a license under s. 448.86 (3) that substantially conform to the continuing professional education requirements established by the registration commission.

Hope that solves the mystery!

Tracy

Tracy K. Kuczenski
Legislative Attorney
Wisconsin Legislative Reference Bureau
(608) 266-9867
Tracy.Kuczenski@legis.wisconsin.gov

From: Ewy, Stuart
Sent: Tuesday, November 13, 2007 4:27 PM
To: Kuczenski, Tracy
Subject: RE: Additional questions and comments re. LRB 7-1288

In no. 7, what does "448.74 (1m)" refer to. Is this in the new draft to come? Joan can't find in the existing statutes or the last draft.
-Stuart

From: Kuczenski, Tracy
Sent: Friday, November 09, 2007 8:52 AM
To: Ewy, Stuart
Subject: Additional questions and comments re. LRB 7-1288

Great. Here are my comments and questions:

1. Regarding the Association's request to include ss. 448.78 (2) and 448.94 in the bill:

The association has not requested a change to current law, so neither of these sections need to be included in the bill.

2. Change to title of the Affiliated Credentialing Board governing a dietitian or nutritionist:

Because the title of a licensee will now be "dietitian or nutritionist", I changed the name of the affiliated credentialing board and the title of the subchapter to "Dietetics and Nutrition Care Services Affiliated Credentialing Board." This is consistent with the title of the examining board governing another compound title, "barber or cosmetologist" (a person licensed as a barber or cosmetologist is governed by the Barbering and Cosmetology Examining Board).

3. Title of s. 448.71:

The omission of a title was an oversight on my part -- the title will read "License required."

4. Changes to s. 448.78 (3) (b) regarding degree granted by a college or university that is not located in the United States:

This section will now read as follows:

"Possesses a bachelor's, master's, or doctoral degree granted by a college or university that is not located in the United

States if the registration commission has determined that the degree is substantially equivalent to a degree granted under par. (a)."

Okay?

5. Regarding amendments to the exemption under proposed s. 448.72 (9) for persons pursuing a supervised course of study:

The Association requested that I include the clause: "to meet eligibility requirements to write the registration commission's examination for dietitians".

I wonder whether it is important to include the *reason* that a person is enrolled in a dietetics education program; more importantly, if the person is not enrolled in a dietetics program for that one reason, then that person would need a license under the subchapter. As drafted, I left the clause, above, out, and this provision reads as follows:

"A person enrolled in a didactic program in dietetics accredited by the accreditation commission."

Okay?

6. Examination under s. 448.78 (5):

Does the registration commission prepare registration examinations for any professionals other than dietitians? If not, then I will amend s. 448.78 (5) to strike for dietitians in the clause that reads "registration examination for dietitians". Okay?

7. Regarding your request for changes to s. 448.86 (3):

a. I cross-referenced the continuing education requirements established under s. 448.74 (1m); okay? If this cross-reference is not necessary and it is the Registration Commission and the Registration Commission alone that determines what continuing education requirements need to be met, then I would recommend eliminating s. 448.74 (1m). Please let me know what the Association prefers.

b. For persons who can not demonstrate proof of registration with the Registration Commission, are you asking that the bill require the applicant for renewal to submit the Subsequent Approval CPE Reporting Form for Licensed Dietitians itself to the Department, or some sort of subsequent approval received by the applicant (in lieu of proof of registration) from the Registration Commission after the Registration Commission has reviewed and verified that the applicant has completed and accurately reported the appropriate continuing professional education credits?

Thanks,
Tracy

Tracy K. Kuczenski
Legislative Attorney
Wisconsin Legislative Reference Bureau
(608) 266-9867
Tracy.Kuczenski@legis.wisconsin.gov

From: Ewy, Stuart
Sent: Thursday, November 08, 2007 3:40 PM
To: Kuczenski, Tracy
Subject: RE: Update re LRB 7-1288

Yes, please send them here; I'll pass them on. Thank you.
Stuart

From: Kuczenski, Tracy
Sent: Thursday, November 08, 2007 3:40 PM
To: Ewy, Stuart
Subject: RE: Update re LRB 7-1288

Hi Stuart -

I have a few questions on this latest series of questions/changes to the dietitians bill. May I send them to you via email for you to pass them on to Ms. Pleuss?

Tracy

Tracy K. Kuczenski
Legislative Attorney
Wisconsin Legislative Reference Bureau
(608) 266-9867
Tracy.Kuczenski@legis.wisconsin.gov

Kuczenski, Tracy

From: Ewy, Stuart
Sent: Wednesday, December 05, 2007 1:02 PM
To: Kuczenski, Tracy
Subject: Dieticians Licensing Draft

Hi Tracy:

Here are the next comments from our constituent. The responses are in bold.
Let us know if you have any questions.

Regards,

G. Stuart Ewy
Office of Senator Tim Carpenter
State Capitol 306 S
608.266.8535

Joan Pleuss

Hi Joan-

Here are the latest comments from the drafter of the dieticians licensing bill.

Here are my comments and questions:

- ✓ 1. Regarding the Association's request to include ss. 448.78 (2) and 448.94 in the bill:
The association has not requested a change to current law, so neither of these sections need to be included in the bill.
Understood. Thanks for clarifying.
- ✓ 2. Change to title of the Affiliated Credentialing Board governing a dietitian or nutritionist:
Because the title of a licensee will now be "dietitian or nutritionist", I changed the name of the affiliated credentialing board and the title of the subchapter to "Dietetics and Nutrition Care Services Affiliated Credentialing Board." This is consistent with the title of the examining board governing another compound title, "barber or cosmetologist" (a person licensed as a barber or cosmetologist is governed by the Barbering and Cosmetology Examining Board).
This is perfectly acceptable.
- ✓ 3. Title of s. 448.71:
The omission of a title was an oversight on my part -- the title will read "License required."
Excellent.
- ✓ 4. Changes to s. 448.78 (3) (b) regarding degree granted by a college or university that is not located in the United States:
This section will now read as follows:
"Possesses a bachelor's, master's, or doctoral degree granted by a college or university that is not located in the United States if the registration commission has determined that the degree is substantially equivalent to a degree granted under par. (a)."
Okay?
While the "registration commission" requires the candidate for registration to validate their degree as described previously, it is true that the commission does not grant the RD credential unless it believes the foreign degree has been shown to be equivalent. So your wording above is okay.

✓ 5. Regarding amendments to the exemption under proposed s. 448.72 (9) for persons pursuing a supervised course of study:

The Association requested that I include the clause: "to meet eligibility requirements to write the registration commission's examination for dietitians".

I wonder whether it is important to include the *reason* that a person is enrolled in a dietetics education program; more importantly, if the person is not enrolled in a dietetics program for that one reason, then that person would need a license under the subchapter. As drafted, I left the clause, above, out, and this provision reads as follows:

"A person enrolled in a didactic program in dietetics accredited by the accreditation commission."

Okay?

This revision is not acceptable for two reasons:

- 1) It limits exemption to those enrolled in a didactic program whereas it must also exempt those in a supervised practice or internship.
- 2) It needs to include the clarification that only those students in a education/training program leading to registration as a dietitian are exempted. The "accreditation commission" also accredits education/training programs for students pursuing a dietetic technician credential, and these students would not be exempted from the licensure requirement.

For these reasons, we request the previously recommended wording, which reads:

"448.72 (9): A student enrolled in a dietetics education program accredited by the accreditation commission to meet eligibility requirements to write the registration commission's examination for dietitians."

✓ 6. Examination under s. 448.78 (5):

Does the registration commission prepare registration examinations for any professionals other than dietitians? If not, then I will amend s. 448.78 (5) to strike for dietitians in the clause that reads "registration examination for dietitians". Okay?

The registration commission also prepares and administers examinations for dietetic technicians as well as for advanced level practice dietitians, so please leave in the clause "registration examination for dietitians" so that the section reads: "Passes the registration examination for dietitians established by the registration commission."

✓ 7. Regarding your request for changes to s. 448.86 (3):

- ✓ a. I cross-referenced the continuing education requirements established under s. 448.74 (1m); okay? If this cross-reference is not necessary and it is the Registration Commission and the Registration Commission alone that determines what continuing education requirements need to be met, then I would recommend eliminating s. 448.74 (1m). Please let me know what the Association prefers.

Thank you for clarifying that s. 448.74 (1m) is renumbered from the previous 448.74 (1r) and reads:

"448.74 (1m) Continuing education requirements to be satisfied by an individual applying to renew a license under s. 448.86 (3) that substantially conform to the continuing professional education requirements established by the registration commission."

We agree that it is the Registration Commission and the Registration Commission alone that determines what continuing education requirements need to be met and therefore concur that 448.74 (1m) should be eliminated.

- ✓ b. For persons who can not demonstrate proof of registration with the Registration Commission, are you asking that the bill require the applicant for renewal to submit the Subsequent Approval CPE Reporting Form for Licensed Dietitians itself to the Department, or some sort of subsequent approval received by the applicant (in lieu of proof of registration) from the Registration Commission after the Registration Commission has reviewed and verified that the applicant has completed and accurately reported the appropriate continuing professional education credits?

We are suggesting the latter; i.e., non-RD licensed dietitians shall be required to submit Subsequent

Approval CPE Reporting Forms for Licensed Dietitians to the registration commission, allowing the registration commission to send verification to the WI Dept. of Reg. & Licensing that the LDN has completed and accurately reported the appropriate continuing professional education credits.

With this in mind, the wording previously proposed would be clearer if reworded as follows:

“(3) An applicant for renewal of a license granted under this subchapter shall provide proof of Continuing Professional Education (CPE) credits at a level equal to or greater than the requirements of the registration commission by showing proof of current registration status with the registration commission or by obtaining documentation from the registration commission verifying that appropriate continuing professional education credits have been completed and accurately reported using the Subsequent Approval Licensure Reporting Form.”

Thank you for your attention to these details. We eagerly await the revised introducible draft.