



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-1288/1<sup>2</sup>

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Monday  
12/17

2007 BILL

In 12/11/07

Regen

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

***Analysis by the Legislative Reference Bureau***

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

**BILL**

**Licensure and use of titles**

Under current law, a person may be certified as a dietitian by the Dietitians Affiliated Credentialing Board (board) in the Department of Regulation and Licensing (DRL). With certain exceptions, current law prohibits a person who is not certified by the board from designating himself or herself as a dietitian, claiming to provide dietetic services, or using any title or initial that would represent that person as certified or licensed as a dietitian or in a nutrition-related field.

"Dietitian" is defined under current law as an individual who practices dietetics, which is defined to mean the integration and application of principles from nutritional science, biochemistry, food systems management, and other fields in order to achieve or maintain the health of an individual or group of individuals. "Dietetics" is further defined under current law to include assessing the nutritional needs of an individual or group of individuals; establishing priorities, goals and objectives to meet those nutritional needs; and providing nutritional counseling.

This bill changes the definition of "dietitian" to mean a person who practices dietetics and nutrition care services. The bill defines "dietetics and nutrition care services" to mean the integration and application of principles derived from the sciences of food, nutrition, management, communication, biology, physiology, behavior, and the social sciences to achieve and maintain optimal human health. The bill defines the "practice of dietetics and nutrition care services" to exclude the retail sale of food products or vitamins, but to include: 1) the assessment of the nutritional needs of an individual or group of individuals; 2) establishing priorities, goals, and objectives to meet these nutritional needs; and 3) medical nutrition therapy. The bill defines "medical nutrition therapy" as nutritional diagnostic services, therapy, and counseling services provided for the purpose of managing disease.

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

**Requirements for licensure by the board**

To be certified as a dietitian <sup>or nutritionist</sup> under current law, a person must do all of the following:

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

title of a person licensed by the board from "dietitian" to "dietitian or nutritionist" and defines a dietitian or nutritionist as

The bill also changes the title of the board to the Dietetics and Nutrition Care Services Affiliated Credentialing Board

persons as a licensed dietitian or nutritionist

degree

degree

**BILL**

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

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

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

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

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

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

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

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

The bill requires an applicant for renewal of a license to provide DRL with the following: 1) proof of registration with the ADA; and 2) satisfactory completion of continuing education requirements established by the board by rule.

***Exemptions from licensure***

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

X Under the bill, only the following persons do not need to obtain a license from the board: 1) a physician; 2) a dietitian serving in the U.S. armed forces; 3) a licensed chiropractor who has obtained nutritional counseling certification; 4) a retailer that furnishes oral or written general nutrition information about food and other goods in connection with the marketing and distribution of those goods; 5) a person who is not practicing dietetics and nutrition care services who provides general nutrition

**BILL**

information about food and other goods; and 6) a person who provides weight control services under a program of instruction approved in writing by a licensed dietitian, a physician, or a person registered as a dietitian with the ADA.

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:*

Insert 4-1

1 SECTION 1. 15.406 (2) (a) of the <sup>or individuals</sup> statutes is amended to read: <sup>as a dietitian or nutritionist</sup>

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

3 448.

Insert 4-4

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

5 146.81 (1) (em) ~~A dietitian certified~~ <sup>An individual</sup> 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 <sup>or nutritionist</sup> 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 dietitian certified~~ <sup>or An individual</sup> dietitian licensed under subch. V of ch.

17 448.

Insert 4-18

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

19 252.14 (1) (ar) 4m. ~~A dietitian certified~~ <sup>An individual</sup> licensed under subch. V of ch. 448.

as a dietitian or nutritionist

**BILL**

Insert 5-1

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

2           446.02 (6m) No chiropractor may provide counsel, direction, guidance, advice,  
3 or a recommendation to a patient regarding the health effects of vitamins, herbs, or  
4 nutritional supplements unless the chiropractor has been issued a certificate under  
5 sub. (2) (c). This subsection does not apply to a chiropractor licensed under this  
6 chapter who is certified licensed as a dietitian dietitian <sup>or nutritionist</sup> under subch. V of ch. 448.

Insert 5-7

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

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

9           448.70 (1d) "Accreditation commission" means the commission on  
10 accreditation for dietetics education of the American Dietetic Association or its  
11 successor.

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

14           448.70 (4) "Certified Licensed dietitian" means an individual who is certified  
15 licensed as a dietitian <sup>or nutritionist</sup> under this subchapter.

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

17           448.70 (2) "Dietetics and nutrition care services" means the integration and  
18 application of principles of nutritional science, biochemistry, derived from the  
19 sciences of food science, physiology, food systems, nutrition, management,  
20 behavioral science communication, biology, physiology, behavior, and the social  
21 science in order sciences to achieve or and maintain the optimal human health of an  
22 individual or group of individuals. "Dietetics" includes assessing the nutritional  
23 needs of an individual or group of individuals and determining available resources  
24 and constraints in meeting those nutritional needs; establishing priorities, goals and  
25 objectives that meet those nutritional needs and are consistent with available

**BILL**

1 resources and constraints; providing nutrition counseling; or developing,  
2 implementing and managing nutritional care systems.

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

4 448.70 (3) "Dietitian" <sup>or nutritionist</sup> means an individual who practices dietetics and  
5 nutrition care services.

6 SECTION 12. 448.70 (5) to (8) <sup>(7)</sup> of the statutes are created to read:

7 448.70 (5) "Medical nutrition therapy" means nutritional diagnostic <sup>services</sup> ~~services,~~ <sup>keep comma</sup>  
8 therapy, and counseling <sup>services</sup> provided to an individual or group of individuals for the  
9 purpose of managing disease. Such services include nutrition assessment,  
10 interventions, reassessment, and follow-up <sup>interventions</sup> instruction.

11 ~~(6) "Nutritionist" means a dietitian.~~

12 <sup>(6)</sup> ~~(6)~~ <sup>(7)</sup> "Practice of dietetics and nutrition care services" includes each of the  
13 following but does not include the retail sale of food products or vitamins:

14 (a) Assessing the nutritional needs of an individual or group of individuals  
15 based upon biochemical, anthropometric, physical, and dietary data; determining  
16 the resources and constraints to meet the nutritional needs of that individual or  
17 group of individuals; and recommending proper nutrition intake to satisfy those  
18 needs.

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

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

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

**BILL**

1 (e) Providing medical nutrition therapy.

2 <sup>(B)(7)</sup> (8) "Registration commission" means the commission on dietetic registration  
3 of the American Dietetic Association or its successor.

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

<sup>License required.</sup>

5 **448.71** Except as provided in s. 448.72, no person may practice dietetics and  
6 nutrition care services unless the person is licensed as a dietitian <sup>or nutritionist</sup> under this  
7 subchapter.

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

10 **448.72 Applicability.** (intro.) This subchapter does not do any of the  
11 following: ~~(1) (intro.) Require~~ require a certificate license under this subchapter for  
12 any of the following:

13 **SECTION 15.** 448.72 (1) (a) and (b) of the statutes are repealed.

14 **SECTION 16.** 448.72 (1) (c) of the statutes is renumbered 448.72 (9) and  
15 amended to read:

16 448.72 (9) A person pursuing a supervised course of study, including  
17 internships, leading to a degree or certificate in dietetics and nutrition care services  
18 from an accredited educational program ~~or an educational program approved by the~~  
19 ~~affiliated credentialing board~~ accredited by the accreditation commission.

20 **SECTION 17.** 448.72 (1) (d) of the statutes is repealed.

21 **SECTION 18.** 448.72 (1) (e) of the statutes is renumbered 448.72 (10) and  
22 amended to read: <sup>or nutritionist</sup>

23 448.72 (10) A dietitian <sup>or nutritionist</sup> who is serving in the U.S. armed forces, as defined in  
24 s. 40.02 (57m), or in the commissioned corps of the federal public health service or

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## BILL

1 is employed by the U.S. veterans administration, and who is engaged in the practice  
2 of dietetics and nutrition care services as part of that service or employment.

3 SECTION 19. 448.72 (1) (f) of the statutes is repealed.

4 SECTION 20. 448.72 (2) of the statutes is renumbered 448.76 (2) and amended  
5 to read: or nutritionist

6 448.76 (2) ~~Prohibit a~~ A dietetic student described in sub. (1) (e) ~~from using s.~~  
7 448.72 (9) may use the title "dietitian student" or any other title, letters, or  
8 designation that clearly indicates his or her status as a student or trainee.

9 SECTION 21. 448.72 (3) of the statutes is renumbered 448.76 (3) and amended  
10 to read: or nutritionist or nutritionist

11 448.76 (3) ~~Prohibit an~~ An individual described in sub. (1) (e) ~~from using s.~~  
12 448.72 (10) may use the title "dietitian" or any letters or designation that represents  
13 or may tend to represent the individual as a dietitian, if the title, letters, or  
14 designation is used only in the course of the individual's service or employment.

15 SECTION 22. 448.72 (4) of the statutes is renumbered 448.76 (4) and amended  
16 to read:

17 448.76 (4) ~~Prohibit an~~ An individual who is registered as a dietitian with the  
18 registration commission ~~on dietetic registration of the American Dietetic Association~~  
19 ~~from using~~ may use the title "dietitian" or "registered dietitian" or the initials, "R.D."

20 SECTION 23. 448.72 (5) of the statutes is renumbered 448.76 (5) and amended  
21 to read:

22 448.76 (5) ~~Prohibit an~~ An individual who is registered as a dietetic technician  
23 with the registration commission ~~on dietetic registration of the American Dietetic~~  
24 ~~Association from using~~ may use the title "dietetic technician" or, "dietetic technician  
25 registered" registered, or the initials, "D.T.R."



**BILL**

1        **SECTION 24.** 448.72 (6) of the statutes is renumbered 448.76 (6) and amended  
2        to read:

3        448.76 (6) Prohibit an An individual from using may use the title "dietitian",  
4        "licensed dietitian" <sup>or "certified dietitian or nutritionist"</sup> if the person is licensed or certified as a  
5        dietitian under the laws of another state which has licensure or certification  
6        requirements that the affiliated credentialing board determines to be substantially  
7        equivalent to the requirements under s. 448.78.

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

9        448.72 (7) A physician as defined in s. 448.01 (5).

10        (8) A person who is lawfully practicing within the scope of a license granted  
11        under ch. 446, who satisfies the requirements of s. 446.02 (2) (c), and who is lawfully  
12        practicing within the scope of the certificate issued under s. 446.02 (2) (c).

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

14        448.72 (11) (a) A retailer that furnishes oral or written general nutrition  
15        information related to food, food materials, dietary supplements, and other goods  
16        sold at the retailer's establishment or a similar establishment in connection with the  
17        marketing and distribution of those goods at the retailer's establishment.

18        (b) A person that furnishes oral or written general nutrition information  
19        related to food, food materials, or dietary supplements or the marketing of food, food  
20        materials, or dietary supplements, provided the person is not practicing dietetics and  
21        nutrition care services.

22        **SECTION 27.** 448.72 (12) of the statutes is created to read:

23        448.72 (12) A person who provides weight control services to an individual or  
24        group of individuals, provided the person complies with s. 448.76 and presents a

**BILL**

1 general program of instruction for weight control that has been approved in writing  
2 by one of the following:

3 (a) A person licensed under this subchapter.

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

*or nutritionist*

5 (c) A person who is licensed as a dietitian under the laws of another state which  
6 has licensure requirements that the affiliated credentialing board determines to be  
7 substantially equivalent to the licensure requirements under s. 448.78.

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

9 **SECTION 28.** 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:

12 **SECTION 29.** 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).

15 **SECTION 30.** 448.74 (1g) and (1r) of the statutes ~~are~~ <sup>is</sup> created to read:

16 448.74 (1g) ~~Standards for acceptable examination performance by an~~  
17 ~~applicant for licensure as a dietitian.~~

18 (1r) ~~Continuing education requirements for licensed dietitians~~ <sup>to be satisfied by an individual</sup> applying to  
19 renew a license under s. 448.86 (3) that substantially conform to the continuing  
20 professional education requirements established by the registration commission.

21 **SECTION 31.** 448.74 (2) of the statutes is amended to read:

22 448.74 (2) ~~Establish a code of ethics~~ Standards of practice to govern the  
23 professional conduct of ~~certified licensed dietitians, including a code of ethics.~~  
*an individual licensed as a dietitian or nutritionist*

24 **SECTION 32.** 448.76 of the statutes is renumbered 448.76 (1) and amended to  
25 read:

Insert 10-9

Insert 10-12

## BILL

1 448.76 (1) Except as provided in s. 448.72 (1) (e) and subs. (2) to (6) (7), a person  
 2 who is not ~~a certified licensed as a dietitian~~ <sup>or nutritionist</sup> may not designate himself or herself as  
 3 a dietitian, ~~claim to provide dietetic services;~~ <sup>or nutritionist</sup> use or assume the title, "dietitian,"  
 4 "certified dietitian," "licensed dietitian," "nutritionist," "certified nutritionist,"  
 5 "licensed nutritionist," "dietitian <sup>or</sup> and nutritionist," "certified dietitian <sup>or</sup> and  
 6 nutritionist," "licensed dietitian <sup>or</sup> and nutritionist," nutrition consultant," or  
 7 "nutritional consultant"; append to the person's name the letters "L.D.," "L.N.," or  
 8 "L.D.N.;" or use any title or initials that represent or may tend to represent the  
 9 person as certified or licensed as a dietitian <sup>or nutritionist</sup> or as certified or licensed in a  
 10 nutrition-related field.

11 SECTION 33. 448.76 (7) of the statutes is created to read:

12 448.76 (7) An individual with a temporary license under s. 448.80 shall use the  
 13 title "registry eligible dietitian," <sup>or nutritionist</sup> which title is not to be abbreviated or capitalized.

14 SECTION 34. 448.78 (intro.) of the statutes is amended to read:

15 448.78 ~~Certification~~ <sup>License</sup> ~~of dietitians.~~ <sup>as a dietitian or nutritionist</sup> (intro.) The affiliated  
 16 credentialing board shall grant a certificate license <sup>or nutritionist</sup> as a dietitian to an individual  
 17 who does all of the following:

18 SECTION 35. 448.78 (1) of the statutes is amended to read:

19 448.78 (1) Submits an application for the certificate license to the department  
 20 on a form provided by the department.

21 SECTION 36. 448.78 (3) (a) of the statutes is amended to read:

22 448.78 (3) (a) ~~Received Possesses~~ a bachelor's, master's, or doctoral degree in  
 23 human nutrition, nutrition education, food and nutrition, dietetics or food systems  
 24 management from a program at granted by a United States regionally accredited  
 25 college or university ~~that is regionally accredited, as determined by the affiliated~~

**BILL**

1 ~~credentialing board, and that is located in a state or territory of the United States~~  
2 ~~and successfully completes a didactic program in dietetics approved by the~~  
3 ~~accreditation commission.~~

4 **SECTION 37.** 448.78 (3) (b) of the statutes is amended to read:

5 448.78 (3) (b) ~~Received Possesses~~ a bachelor's, master's, or doctoral degree in  
6 ~~human nutrition, nutrition education, food and nutrition, dietetics or food systems~~  
7 ~~management from a program at a college or university that is not located in a state~~  
8 ~~or territory of the United States if the affiliated credentialing board determines that~~  
9 the educational program <sup>granted by</sup> offered by the college or university is substantially  
10 equivalent to <sup>plan</sup> a ~~the program~~ <sup>degree</sup> under par. (a).  
<sub>degree granted</sub>

11 **SECTION 38.** 448.78 (3) (c) of the statutes is repealed.

12 **SECTION 39.** 448.78 (4) (intro.) of the statutes is renumbered 448.78 (4) and  
13 amended to read:

14 448.78 (4) Submits evidence satisfactory to the affiliated credentialing board  
15 that he or she has completed a supervised practice program accredited by the  
16 accreditation commission with at least 900 supervised practice hours of dietetics  
17 practice in any state or territory of the United States under the supervision of any  
18 of the following:

19 **SECTION 40.** 448.78 (4) (a), (b) and (c) of the statutes are repealed.

20 **SECTION 41.** 448.78 (5) of the statutes is amended to read:

21 448.78 (5) Passes the registration examination for dietitians established by the  
22 registration commission on dietetic registration of the American dietetic association,  
23 or passes an equivalent examination approved by the affiliated credentialing board,  
24 and held under s. 448.84, to determine fitness to practice dietetics.

25 **SECTION 42.** 448.80 of the statutes is amended to read:

**BILL**

1           **448.80 Temporary certificate license.** Upon application and payment of  
2 the fee specified in s. 440.05 (6), the affiliated credentialing board may grant a  
3 temporary dietitian ~~certificate~~ license to an individual who satisfies the  
4 requirements under s. 448.78 (1) to (4) and ~~has submitted an application to take the~~  
5 ~~next available examination under s. 448.84~~ submits a letter from the registration  
6 commission verifying registration eligibility status. A temporary certificate license  
7 granted under this section is valid for a period designated by the affiliated  
8 credentialing board, not to exceed ~~9~~<sup>16</sup> months, and may be renewed once by the  
9 affiliated credentialing board.

10           **SECTION 43.** 448.82 of the <sup>✓</sup>statutes is renumbered 448.82 (intro.) and amended  
11 to read:

12           **448.82 Reciprocal certificate license.** (intro.) Upon application and  
13 payment of the fee specified in s. 440.05 (2), the affiliated credentialing board shall  
14 grant a ~~dietitian certificate~~ license to an the following:

15           **(2)** An individual who holds a similar certificate or license <sup>MOVE</sup> issued by in another  
16 state or territory of the United States if the affiliated credentialing board determines  
17 that the requirements for receiving the certificate or license in the other state or  
18 territory are substantially equivalent to the requirements under s. 448.78.

19           **SECTION 44.** 448.82 (1) of the <sup>✓</sup>statutes is created to read:

20           448.82 **(1)** An individual who is registered with the registration commission.

21           **SECTION 45.** 448.84 (1) of the statutes is amended to read:

22           448.84 **(1)** The affiliated credentialing board shall conduct or arrange contract  
23 for administration of examinations for dietitian certification licensure <sup>or nutritionist</sup> at least  
24 semiannually ~~and at times and places determined by the affiliated credentialing~~

BILL

1 board, locations within this state and shall provide public notice of each examination  
2 at least 90 days before the date of the examination.

3 SECTION 46. 448.84 (2) of the statutes is amended to read:

4 448.84 (2) Examinations held under sub. (1) shall consist of written or oral  
5 tests, or both, requiring applicants to demonstrate minimum competency in subjects  
6 substantially related to the practice of dietetics and nutrition care services.

7 SECTION 47. 448.86 of the statutes is amended to read:

8 **448.86 Issuance of certificate license; expiration and renewal.** (1) The  
9 department shall issue a certificate license to each individual who is certified  
10 licensed under this subchapter.

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

Insert 14-16A and 14-16B

16 SECTION 48. 448.86 (3) of the statutes is created to read:

17 448.86 (3) An applicant for renewal of a license granted under this subchapter  
18 shall be registered with the registration commission and shall provide to the  
19 department proof of registration and satisfactory completion of continuing education  
20 requirements established by rule under s. 448.74 (1r).

21 SECTION 49. 448.87 (2) (intro.) and (a) of the statutes are amended to read:

22 448.87 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the  
23 affiliated credentialing board may reprimand a ~~certified~~ licensed dietitian <sup>or nutritionist</sup> or deny,  
24 limit, suspend or revoke a certificate license granted under this subchapter if it finds  
25 that the applicant or ~~certified~~ licensed dietitian <sup>or nutritionist</sup> has done any of the following:

**BILL**

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

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

4 448.87 (2) (b) Subject to ss. 111.321, 111.322 and 111.335, been convicted of an  
5 offense the circumstances of which substantially relate to the practice of dietetics  
6 and nutrition care services.

7 **SECTION 51.** 448.87 (2) (e) of the statutes is amended to read:

8 448.87 (2) (e) Subject to ss. 111.321, 111.322 and 111.34, practiced dietetics and  
9 nutrition care services while his or her ability to practice was impaired by alcohol or  
10 other drugs.

11 **SECTION 52.** 448.87 (2) (g) of the statutes is amended to read:

12 448.87 (2) (g) Engaged in conduct while practicing dietetics and nutrition care  
13 services which evidences a lack of knowledge or ability to apply professional  
14 principles or skills.

15 **SECTION 53.** 450.10 (3) (a) 5m. of the statutes is amended to read:

16 450.10 (3) (a) 5m. ~~A dietitian certified licensed~~ <sup>An individual</sup> under subch. V of ch. 448.

17 **SECTION 54.** 632.895 (1) (b) 5. b. of the statutes is amended to read:

18 632.895 (1) (b) 5. b. ~~A dietitian certified licensed~~ <sup>An individual</sup> under subch. V of ch. 448, if  
19 the nutrition counseling is provided on or after July 1, 1995. <sub>as a dietitian or nutritionist</sub>

20 **SECTION 55.** 655.45 (1m) of the statutes is amended to read:

21 655.45 (1m) For the quarter beginning on July 1, 1995, and for each quarter  
22 thereafter, the director of state courts shall file reports complying with sub. (2) with  
23 the dietitians affiliated credentialing board regarding health care providers certified  
24 licensed by the dietitians affiliated credentialing board.

25 **SECTION 56. Nonstatutory provisions.**

Insert 15-20

**BILL**

1 (1) EXEMPTION FROM CERTAIN LICENSURE REQUIREMENTS. Notwithstanding  
 2 section 448.78 (3) to (5) of the statutes, as affected by this act, the dietitians affiliated  
 3 credentialing board may grant a license under section 448.78 of the statutes to a  
 4 person who no later than the first day of the 13th month beginning after the effective  
 5 date of this act provides sufficient evidence to the dietitians affiliated credentialing  
 6 board that the person holds a valid certificate from the dietitians affiliated  
 7 credentialing board or is currently registered as a registered dietitian with the  
 8 commission on dietetic registration of the American Dietetic Association.

(END)

Insert 16-9

use 3x

dietetics and nutrition care services



**2007-2008 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1288/2ins  
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1           **INSERT 4-1**

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

3           15.406 (2) ~~DIETITIANS~~ DIETETICS AND NUTRITION CARE SERVICES AFFILIATED

4           CREDENTIALING BOARD. (intro.) There is created in the department of regulation and  
5           licensing, attached to the medical examining board, a ~~dietitians~~ dietetics and  
6           nutrition care services affiliated credentialing board consisting of the following  
7           members appointed for 4-year terms:

8           **History:** 1993 a. 107, 443; 1997 a. 75, 175; 1999 a. 9, 180; 2001 a. 70.

8           **INSERT 4-4**

9           **SECTION 2.** 48.981 (2) (a) 24. of the statutes is amended to read:

10          48.981 (2) (a) 24. A dietitian or nutritionist.

**History:** Sup. Ct. Order, 59 Wis. 2d R1, R3 (1973); 1977 c. 355; 1977 c. 447 s. 210; 1979 c. 300; 1983 a. 172, 190, 299, 538; 1985 a. 29 ss. 917 to 930m, 3200 (56); 1985 a. 176, 234; 1987 a. 27, 186, 209; 1987 a. 332 s. 64; 1987 a. 334, 355, 399, 403; 1989 a. 31, 41, 102, 316, 359; 1991 a. 160, 263; 1993 a. 16, 105, 218, 227, 230, 246, 272, 318, 395, 443, 446, 491; 1995 a. 275, 289, 369, 456; 1997 a. 27, 114, 292, 293; 1999 a. 9, 20, 32, 56, 84, 149, 192; 2001 a. 16, 38, 59, 69, 70, 103, 105; 2003 a. 33, 279, 321; 2005 a. 113, 232, 344, 406, 434; 2005 a. 443 s. 265; s. 13.93 (2) (c).

11          **INSERT 4-18**

12          **SECTION 3.** 180.1901 (1m) (br) of the statutes is amended to read:

13          180.1901 (1m) (br) ~~Dietitians~~ Dietetics and nutrition care services affiliated  
14          credentialing board under subch. V of ch. 448.

15          **History:** 1989 a. 303; 1993 a. 473; 1995 a. 167; 1997 a. 75, 156, 175; 1999 a. 9, 32, 180; 2001 a. 74, 80; 2003 a. 41.

15          **INSERT 5-1**

16          **SECTION 4.** 440.03 (13) (b) 23. of the statutes is amended to read:

17          440.03 (13) (b) 23. Dietitian or nutritionist.

**History:** 1977 c. 418 ss. 24, 792; 1979 c. 34, 221, 337; 1981 c. 94; 1985 a. 29, 340; 1989 a. 31, 340; 1991 a. 39; 1993 a. 16, 102, 107, 443, 445, 490, 491; 1995 a. 27 ss. 6472g, 6472j, 9126 (19); 1995 a. 233; 1997 a. 27, 75, 79; 1997 a. 191 ss. 312, 313, 318; 1997 a. 231, 237; 1997 a. 261 ss. 1 to 4, 7, 10, 13; 1997 a. 311; 1999 a. 9, 32; 2001 a. 16, 66, 80; 2003 a. 151; 2005 a. 25.

18          **SECTION 5.** 440.08 (2) (a) 27m. of the statutes is amended to read:

19          440.08 (2) (a) 27m. Dietitian or nutritionist: November 1 of each  
20          even-numbered year; \$56.

**History:** 1991 a. 39 ss. 3305, 3313; 1991 a. 78, 160, 167, 269, 278, 315; 1993 a. 3, 16, 102, 105, 107, 443, 463, 465; 1993 a. 490 ss. 228 to 230, 274, 275; 1995 a. 27, 233, 321, 322, 461; 1997 a. 27, 75, 81, 96, 156, 191, 237, 261, 300; 1999 a. 9, 32; 2001 a. 16, 70, 74, 80, 89; 2003 a. 150, 270, 285, 327; 2005 a. 25, 31, 242, 292, 297, 407.



1 requirements to take the examination for dietitians established by the registration  
2 commission.

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

3 **INSERT 10-12**

4 **SECTION 10.** 448.74 (1) of the statutes is repealed.

5 **INSERT 14-16**

6 **SECTION 11.** 448.86 (3) of the statutes is created to read:

7 448.86 (3) An applicant for renewal of a license granted under this subchapter  
8 shall provide to the department proof of satisfactory completion of at least the  
9 minimum continuing professional education credits required by the registration  
10 commission and shall submit one of the following:

11 (a) Proof of valid registration with the registration commission.

12 (b) Verification from the registration commission that the applicant has  
13 completed and accurately reported at least the minimum continuing professional  
14 education credits required by the commission.

15 **INSERT 15-20**

16 **SECTION 12.** 655.45 (1m) of the statutes is amended to read:

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

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

22 **INSERT 16-9**

23 **SECTION 13. Effective dates.** This act takes effect on the day after publication

24 except as follows:

*g.A.*  
*W.A.O.*

1

(1) The repeal and recreation of section 440.08 (2) (a) 27m. (by SECTION 6) of the

2

statutes takes effect on July 1, 2009.

1           **INSERT 10-9**

2           **SECTION 1.** 448.74 (intro.) and (2) of the statutes are consolidated, renumbered  
3 448.74 and amended to read:

4           **448.74 Duties of affiliated credentialing board.** (intro.) The affiliated  
5 credentialing board shall promulgate rules that do all of the following:

6 History: 1993 a. 443.

6           ~~(2) Establish a code of ethics~~ establish by rule standards of practice to govern  
7 the professional conduct of certified dietitians an individual licensed as a dietitian  
8 or nutritionist, including a code of ethics.

9 History: 1993 a. 443.

9           **INSERT 14-16A**

10           **SECTION 2.** 448.86 (2) of the statutes, as affected by 2007 Wisconsin Act 20 and  
11 2007 Wisconsin Act .... (this act), is repealed and recreated to read:

12           448.86 (2) The renewal dates for licenses granted under this subchapter, other  
13 than temporary licenses granted under s. 448.80, are specified under s. 440.08 (2) (a).  
14 Renewal applications shall be submitted to the department on a form provided by the  
15 department and shall include the renewal fee determined by the department under  
16 s. 440.03 (9) (a).

17           **INSERT 16-9**

18           **SECTION 3. Effective dates.** This act takes effect on the day after publication,  
19 except as follows:

20           (1) The repeal and recreation of section 440.08 (2) (a) 27m. (by SECTION) and  
21 section 448.86 (2) (by SECTION 2) of the statutes takes effect on July 1, 2009.



State of Wisconsin  
2007 - 2008 LEGISLATURE

3  
LRB-1288/2

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TODAY

2007 BILL

repeal

1 AN ACT *to repeal* 448.72 (1) (a) and (b), 448.72 (1) (d), 448.72 (1) (f), 448.74 (1),  
2 448.78 (3) (c) and 448.78 (4) (a), (b) and (c); *to renumber and amend* 448.70  
3 (1), 448.70 (1m), 448.72 (1) (c), 448.72 (1) (e), 448.72 (2), 448.72 (3), 448.72 (4),  
4 448.72 (5), 448.72 (6), 448.76, 448.78 (4) (intro.) and 448.82; *to consolidate,*  
5 *renumber and amend* 448.72 (intro.) and (1) (intro.) and 448.74 (intro.) and  
6 (2); *to amend* 15.406 (2) (intro.), 15.406 (2) (a), 48.981 (2) (a) 24., 146.81 (1)  
7 (em), 146.89 (1) (r), 146.997 (1) (d) 6., 180.1901 (1m) (br), 252.14 (1) (ar) 4m.,  
8 440.03 (13) (b) 23., 440.08 (2) (a) 27m., 446.02 (6m), subchapter V (title) of  
9 chapter 448 [precedes 448.70], 448.70 (2), 448.70 (3), 448.78 (intro.), 448.78 (1),  
10 448.78 (3) (a), 448.78 (3) (b), 448.78 (5), 448.80, 448.84 (1), 448.84 (2), 448.86,  
11 448.87 (2) (intro.) and (a), 448.87 (2) (b), 448.87 (2) (e), 448.87 (2) (g), 450.10 (3)  
12 (a) 5m., 632.895 (1) (b) 5. b. and 655.45 (1m); *to repeal and recreate* 440.08  
13 (2) (a) 27m. and 448.86 (2); and *to create* 448.70 (1d), 448.70 (5) to (7), 448.71,  
14 448.72 (7) and (8), 448.72 (11), 448.72 (12), 448.76 (7), 448.82 (1) and 448.86 (3)

**BILL**

1 of the statutes; **relating to:** licensure of dietitians and requiring the exercise  
2 of rule-making authority.

---

***Analysis by the Legislative Reference Bureau***

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

***Licensure and use of titles***

Under current law, a person may be certified as a dietitian by the Dietitians Affiliated Credentialing Board (board) in the Department of Regulation and Licensing (DRL). With certain exceptions, current law prohibits a person who is not certified by the board from designating himself or herself as a dietitian, claiming to provide dietetic services, or using any title or initial that would represent that person as certified or licensed as a dietitian or in a nutrition-related field.

“Dietitian” is defined under current law as an individual who practices dietetics, which is defined to mean the integration and application of principles from nutritional science, biochemistry, food systems management, and other fields in order to achieve or maintain the health of an individual or group of individuals. “Dietetics” is further defined under current law to include assessing the nutritional needs of an individual or group of individuals; establishing priorities, goals and objectives to meet those nutritional needs; and providing nutritional counseling.

This bill changes the title of a person licensed by the board from “dietitian” to “dietitian or nutritionist,” and defines a dietitian or nutritionist as a person who practices dietetics and nutrition care services. The bill also changes the title of the board to the Dietetics and Nutrition Care Services Affiliated Credentialing Board. The bill defines “dietetics and nutrition care services” to mean the integration and application of principles derived from the sciences of food, nutrition, management, communication, biology, physiology, behavior, and the social sciences to achieve and maintain optimal human health. The bill defines the “practice of dietetics and nutrition care services” to exclude the retail sale of food products or vitamins, but to include: 1) the assessment of the nutritional needs of an individual or group of individuals; 2) establishing priorities, goals, and objectives to meet these nutritional needs; and 3) medical nutrition therapy. The bill defines “medical nutrition therapy” as nutritional diagnostic services, therapy, and counseling services provided for the purpose of managing disease.

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

**BILL*****Requirements for licensure by the board***

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

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

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

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

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

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

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

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

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

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

The bill requires an applicant for renewal of a license to provide DRL with the following: 1) proof of registration with the ADA; and 2) satisfactory completion of continuing education requirements established by the board by rule.

***Exemptions from licensure***

Current law exempts a person who is licensed or certified and lawfully practicing as any of the following from obtaining certification from the board provided the person practices within the scope of his or her license or certificate and does not claim to be a dietitian or licensed in a nutrition-related field: nurses, chiropractors, dentists, physicians, physical therapists, podiatrists, athletic trainers, occupational therapists, optometrists, pharmacists, acupuncturists, nursing home administrators, and persons to whom a practice or procedure is delegated by any of the above. In addition, current law exempts the following from obtaining certification from the board: 1) persons who are pursuing a degree or certificate from an educational program approved by the board; 2) a dietetic technician or assistant working under the supervision of a certified dietitian; 3) a dietitian serving in the U.S. armed forces; and 4) a person who markets or distributes



**BILL**

food and other goods, who explains the use, benefits, or preparation of food and other goods, and who furnishes nutritional information about food and other goods provided that person does not claim to be a dietitian or certified dietitian and that person complies with applicable law.

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

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

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

2           15.406 (2) ~~DIETITIANS~~ DIETETICS AND NUTRITION CARE SERVICES AFFILIATED  
3 CREDENTIALING BOARD. (intro.) There is created in the department of regulation and  
4 licensing, attached to the medical examining board, a dietitians dietetics and  
5 nutrition care services affiliated credentialing board consisting of the following  
6 members appointed for 4-year terms:

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

8           15.406 (2) (a) Three dietitians individuals who are certified licensed as a  
9 dietitian or nutritionist under subch. V of ch. 448.

10          **SECTION 3.** 48.981 (2) (a) 24. of the statutes is amended to read:

11          48.981 (2) (a) 24. A dietitian or nutritionist.

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

**BILL**

1           146.81 (1) (em) ~~A dietitian certified~~ An individual licensed as a dietitian or  
2 nutritionist under subch. V of ch. 448.

3           **SECTION 5.** 146.89 (1) (r) of the statutes is amended to read:

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

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

14           146.997 (1) (d) 6. ~~A dietician certified~~ An individual licensed as a dietitian or  
15 nutritionist under subch. V of ch. 448.

16           **SECTION 7.** 180.1901 (1m) (br) of the statutes is amended to read:

17           180.1901 (1m) (br) ~~Dietitians~~ Dietetics and nutrition care services affiliated  
18 credentialing board under subch. V of ch. 448.

19           **SECTION 8.** 252.14 (1) (ar) 4m. of the statutes is amended to read:

20           252.14 (1) (ar) 4m. ~~A dietitian certified~~ An individual licensed as a dietitian  
21 or nutritionist under subch. V of ch. 448.

22           **SECTION 9.** 440.03 (13) (b) 23. of the statutes is amended to read:

23           440.03 (13) (b) 23. Dietitian or nutritionist.

24           **SECTION 10.** 440.08 (2) (a) 27m. of the statutes is amended to read:



**BILL**

1           **SECTION 15.** 448.70 (1d) of the statutes is created to read:

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

5           **SECTION 16.** 448.70 (1m) of the statutes is renumbered 448.70 (4) and amended  
6 to read:

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

9           **SECTION 17.** 448.70 (2) of the statutes is amended to read:

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

21          **SECTION 18.** 448.70 (3) of the statutes is amended to read:

22          448.70 (3) "Dietitian or nutritionist" means an individual who practices  
23 dietetics and nutrition care services.

24          **SECTION 19.** 448.70 (5) to (7) of the statutes are created to read:

**BILL**

1           448.70 (5) "Medical nutrition therapy" means nutritional diagnostic, therapy,  
2 and counseling services provided to an individual or group of individuals for the  
3 purpose of managing disease. Such services include nutrition assessment,  
4 interventions, reassessment, and follow-up interventions.

5           (6) "Practice of dietetics and nutrition care services" includes each of the  
6 following but does not include the retail sale of food products or vitamins:

7           (a) Assessing the nutritional needs of an individual or group of individuals  
8 based upon biochemical, anthropometric, physical, and dietary data; determining  
9 the resources and constraints to meet the nutritional needs of that individual or  
10 group of individuals; and recommending proper nutrition intake to satisfy those  
11 needs.

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

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

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

19           (e) Providing medical nutrition therapy.

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

22           **SECTION 20.** 448.71 of the statutes is created to read:

23           **448.71 Licensed required.** Except as provided in s. 448.72, no person may  
24 practice dietetics and nutrition care services unless the person is licensed as a  
25 dietitian or nutritionist under this subchapter.

**BILL**

1           **SECTION 21.** 448.72 (intro.) and (1) (intro.) of the statutes are consolidated,  
2           renumbered 448.72 (intro.) and amended to read:

3           **448.72 Applicability.** (intro.) This subchapter does not do any of the  
4           following: ~~(1) (intro.)~~ Require require a certificate license under this subchapter for  
5           any of the following:

6           **SECTION 22.** 448.72 (1) (a) and (b) of the statutes are repealed.

7           **SECTION 23.** 448.72 (1) (c) of the statutes is renumbered 448.72 (9) and  
8           amended to read:

9           **448.72 (9)** ~~A person pursuing a supervised course of study, including~~  
10          ~~internships, leading to a degree or certificate~~ student enrolled in a dietetics  
11          educational program that is from an accredited educational program or an  
12          educational program approved by the affiliated credentialing board accreditation  
13          commission if the student's enrollment is for the purpose of meeting eligibility  
14          requirements to take the examination for dietitians established by the registration  
15          commission.

16          **SECTION 24.** 448.72 (1) (d) of the statutes is repealed.

17          **SECTION 25.** 448.72 (1) (e) of the statutes is renumbered 448.72 (10) and  
18          amended to read:

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

24          **SECTION 26.** 448.72 (1) (f) of the statutes is repealed.

**BILL**

1           **SECTION 27.** 448.72 (2) of the statutes is renumbered 448.76 (2) and amended  
2 to read:

3           448.76 (2) ~~Prohibit a~~ A dietetic student described in sub. (1) (e) ~~from using s.~~  
4 448.72 (9) may use the title “dietitian or nutritionist student” or any other title,  
5 letters, or designation that clearly indicates his or her status as a student or trainee.

6           **SECTION 28.** 448.72 (3) of the statutes is renumbered 448.76 (3) and amended  
7 to read:

8           448.76 (3) ~~Prohibit an~~ An individual described in sub. (1) (e) ~~from using s.~~  
9 448.72 (10) may use the title “dietitian or nutritionist” or any letters or designation  
10 that represents or may tend to represent the individual as a dietitian or nutritionist,  
11 if the title, letters, or designation is used only in the course of the individual’s service  
12 or employment.

13           **SECTION 29.** 448.72 (4) of the statutes is renumbered 448.76 (4) and amended  
14 to read:

15           448.76 (4) ~~Prohibit an~~ An individual who is registered as a dietitian with the  
16 registration commission ~~on dietetic registration of the American Dietetic Association~~  
17 ~~from using~~ may use the title “dietitian” or “registered dietitian” or the initials, “R.D.”.

18           **SECTION 30.** 448.72 (5) of the statutes is renumbered 448.76 (5) and amended  
19 to read:

20           448.76 (5) ~~Prohibit an~~ An individual who is registered as a dietetic technician  
21 with the registration commission ~~on dietetic registration of the American Dietetic~~  
22 ~~Association from using~~ may use the title “dietetic technician” or, “dietetic technician  
23 registered” registered, or the initials, “D.T.R.”.

24           **SECTION 31.** 448.72 (6) of the statutes is renumbered 448.76 (6) and amended  
25 to read:

**BILL**

1           448.76 (6) ~~Prohibit an~~ An individual from using ~~may use~~ the title “dietitian”,  
2           ” “dietitian or nutritionist,” “licensed dietitian” ~~or,~~ “licensed dietitian or  
3           nutritionist,” “certified dietitian”, ” or “certified dietician or nutritionist” if the person  
4           is licensed or certified as a dietitian or nutritionist under the laws of another state  
5           which has licensure or certification requirements that the affiliated credentialing  
6           board determines to be substantially equivalent to the requirements under s. 448.78.

7           **SECTION 32.** 448.72 (7) and (8) of the statutes are created to read:

8           448.72 (7) A physician as defined in s. 448.01 (5).

9           (8) A person who is lawfully practicing within the scope of a license granted  
10          under ch. 446, who satisfies the requirements of s. 446.02 (2) (c), and who is lawfully  
11          practicing within the scope of the certificate issued under s. 446.02 (2) (c).

12          **SECTION 33.** 448.72 (11) of the statutes is created to read:

13          448.72 (11) (a) A retailer that furnishes oral or written general nutrition  
14          information related to food, food materials, dietary supplements, and other goods  
15          sold at the retailer’s establishment or a similar establishment in connection with the  
16          marketing and distribution of those goods at the retailer’s establishment.

17          (b) A person that furnishes oral or written general nutrition information  
18          related to food, food materials, or dietary supplements or the marketing of food, food  
19          materials, or dietary supplements, provided the person is not practicing dietetics and  
20          nutrition care services.

21          **SECTION 34.** 448.72 (12) of the statutes is created to read:

22          448.72 (12) A person who provides weight control services to an individual or  
23          group of individuals, provided the person complies with s. 448.76 and presents a  
24          general program of instruction for weight control that has been approved in writing  
25          by one of the following:



**BILL**

1 (a) A person licensed under this subchapter.

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

3 (c) A person who is licensed as a dietitian or nutritionist under the laws of  
4 another state which has licensure requirements that the affiliated credentialing  
5 board determines to be substantially equivalent to the licensure requirements under  
6 s. 448.78.

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

8 **SECTION 35.** 448.74 (intro.) and (2) of the statutes are consolidated,  
9 renumbered 448.74 and amended to read:

10 **448.74 Duties of affiliated credentialing board.** (intro.) The affiliated  
11 credentialing board shall promulgate rules that do all of the following: ~~(2) Establish~~  
12 ~~a code of ethics~~ establish by rule standards of practice to govern the professional  
13 conduct of certified dietitians an individual licensed as a dietitian or nutritionist,  
14 including a code of ethics.

15 **SECTION 36.** 448.74 (1) of the statutes is repealed.

16 **SECTION 37.** 448.76 of the statutes is renumbered 448.76 (1) and amended to  
17 read:

18 448.76 (1) Except as provided in s. 448.72 (1) (e) and subs. (2) to (6) (7), a person  
19 who is not ~~a certified~~ licensed as a dietitian or nutritionist may not designate himself  
20 or herself as a dietitian, ~~claim to provide dietetic services or nutritionist; use or~~  
21 assume the title, "dietitian," "certified dietitian," "licensed dietitian," "nutritionist,"  
22 "certified nutritionist," "licensed nutritionist," "dietitian or nutritionist," "certified  
23 dietitian or nutritionist," "licensed dietitian or nutritionist," nutrition consultant,"  
24 or "nutritional consultant"; append to the person's name the letters "L.D.," "L.N.," or  
25 "L.D.N.;" or use any title or initials that represent or may tend to represent the

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1 person as certified or licensed as a dietitian or nutritionist or as certified or licensed  
2 in a nutrition-related field.

3 **SECTION 38.** 448.76 (7) of the statutes is created to read:

4 448.76 (7) An individual with a temporary license under s. 448.80 shall use the  
5 title "registry eligible dietitian or nutritionist," which title is not to be abbreviated  
6 or capitalized.

7 **SECTION 39.** 448.78 (intro.) of the statutes is amended to read:

8 **448.78 Certification of dietitians Licensure as a dietitian or**  
9 **nutritionist.** (intro.) The affiliated credentialing board shall grant a certificate  
10 license as a dietitian or nutritionist to an individual who does all of the following:

11 **SECTION 40.** 448.78 (1) of the statutes is amended to read:

12 448.78 (1) Submits an application for the certificate license to the department  
13 on a form provided by the department.

14 **SECTION 41.** 448.78 (3) (a) of the statutes is amended to read:

15 448.78 (3) (a) ~~Received Possesses~~ a bachelor's, master's, or doctoral degree in  
16 ~~human nutrition, nutrition education, food and nutrition, dietetics or food systems~~  
17 ~~management from a program at granted by a United States regionally accredited~~  
18 ~~college or university that is regionally accredited, as determined by the affiliated~~  
19 ~~credentialing board, and that is located in a state or territory of the United States~~  
20 ~~and successfully completes a didactic program in dietetics approved by the~~  
21 ~~accreditation commission.~~

22 **SECTION 42.** 448.78 (3) (b) of the statutes is amended to read:

23 448.78 (3) (b) ~~Received Possesses~~ a bachelor's, master's, or doctoral degree in  
24 ~~human nutrition, nutrition education, food and nutrition, dietetics or food systems~~  
25 ~~management from a program at granted by a college or university that is not located~~

**BILL**

1 in ~~a state or territory~~ of the United States if the affiliated credentialing board  
2 determines registration commission has determined that the program degree is  
3 substantially equivalent to a program degree granted under par. (a).

4 **SECTION 43.** 448.78 (3) (c) of the statutes is repealed.

5 **SECTION 44.** 448.78 (4) (intro.) of the statutes is renumbered 448.78 (4) and  
6 amended to read:

7 448.78 (4) Submits evidence satisfactory to the affiliated credentialing board  
8 that he or she has completed a supervised practice program accredited by the  
9 accreditation commission with at least 900 supervised practice hours of dietetics  
10 ~~practice in any state or territory of the United States under the supervision of any~~  
11 ~~of the following.~~

12 **SECTION 45.** 448.78 (4) (a), (b) and (c) of the statutes are repealed.

13 **SECTION 46.** 448.78 (5) of the statutes is amended to read:

14 448.78 (5) Passes the registration examination for dietitians established by the  
15 registration commission ~~on dietetic registration of the American dietetic association,~~  
16 ~~or passes an equivalent examination approved by the affiliated credentialing board,~~  
17 ~~and held under s. 448.84, to determine fitness to practice dietetics.~~

18 **SECTION 47.** 448.80 of the statutes is amended to read:

19 **448.80 Temporary certificate license.** Upon application and payment of  
20 the fee specified in s. 440.05 (6), the affiliated credentialing board may grant a  
21 temporary dietitian ~~certificate~~ license to an individual who satisfies the  
22 requirements under s. 448.78 (1) to (4) and ~~has submitted an application to take the~~  
23 ~~next available examination under s. 448.84~~ submits a letter from the registration  
24 commission verifying registration eligibility status. A temporary certificate license  
25 granted under this section is valid for a period designated by the affiliated

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1 credentialing board, not to exceed 9 6 months, and may be renewed once by the  
2 affiliated credentialing board.

3 **SECTION 48.** 448.82 of the statutes is renumbered 448.82 (intro.) and amended  
4 to read:

5 **448.82 Reciprocal certificate license.** (intro.) Upon application and  
6 payment of the fee specified in s. 440.05 (2), the affiliated credentialing board shall  
7 grant a ~~dietitian certificate~~ license to ~~an~~ the following:

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

12 **SECTION 49.** 448.82 (1) of the statutes is created to read:

13 448.82 (1) An individual who is registered with the registration commission.

14 **SECTION 50.** 448.84 (1) of the statutes is amended to read:

15 448.84 (1) The affiliated credentialing board shall conduct or ~~arrange~~ contract  
16 for administration of examinations for dietitian certification or nutritionist licensure  
17 at least semiannually and at ~~times and places determined by the affiliated~~  
18 ~~credentialing board,~~ locations within this state and shall provide public notice of  
19 each examination at least 90 days before the date of the examination.

20 **SECTION 51.** 448.84 (2) of the statutes is amended to read:

21 448.84 (2) Examinations held under sub. (1) shall consist of written or oral  
22 tests, or both, requiring applicants to demonstrate minimum competency in subjects  
23 substantially related to the practice of dietetics and nutrition care services.

24 **SECTION 52.** 448.86 of the statutes is amended to read:

**BILL**

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

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

9           **SECTION 53.** 448.86 (2) of the statutes, as affected by 2007 Wisconsin Act 20 and  
10 2007 Wisconsin Act ... (this act), is repealed and recreated to read:

11           **448.86 (2)** The renewal dates for licenses granted under this subchapter, other  
12 than temporary licenses granted under s. 448.80, are specified under s. 440.08 (2) (a).  
13 Renewal applications shall be submitted to the department on a form provided by the  
14 department and shall include the renewal fee determined by the department under  
15 s. 440.03 (9) (a).

16           **SECTION 54.** 448.86 (3) of the statutes is created to read:

17           **448.86 (3)** An applicant for renewal of a license granted under this subchapter  
18 shall provide to the department proof of satisfactory completion of at least the  
19 minimum continuing professional education credits required by the registration  
20 commission and shall submit one of the following:

21           (a) Proof of valid registration with the registration commission.

22           (b) Verification from the registration commission that the applicant has  
23 completed and accurately reported at least the minimum continuing professional  
24 education credits required by the commission.

25           **SECTION 55.** 448.87 (2) (intro.) and (a) of the statutes are amended to read:

**BILL**

1           448.87 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the  
2 affiliated credentialing board may reprimand a ~~certified~~ licensed dietitian or  
3 nutritionist or deny, limit, suspend or revoke a ~~certificate~~ license granted under this  
4 subchapter if it finds that the applicant or ~~certified~~ licensed dietitian or nutritionist  
5 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 56.** 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 57.** 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 58.** 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 59.** 450.10 (3) (a) 5m. of the statutes is amended to read:

21           450.10 (3) (a) 5m. ~~A dietitian certified~~ An individual licensed as a dietitian or  
22 nutritionist under subch. V of ch. 448.

23           **SECTION 60.** 632.895 (1) (b) 5. b. of the statutes is amended to read:



## Kuczenski, Tracy

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**From:** Ewy, Stuart  
**Sent:** Thursday, December 20, 2007 3:34 PM  
**To:** Kuczenski, Tracy  
**Subject:** D bill

Hi Tracy-

One more response to your proposed changes to the bill. This, from Joan Pleuss:

We are thrilled with the drafter's quick response to our requested changes, yet have one more suggestion which might be the preference of the drafter as well.

Re: the "student dietitian" section which the drafter proposed to leave unchanged, we'd like to suggest another alternative: deleting the entire section. Since these students are clearly exempted from the requirements of this statute in 448.72 (9), we believe this section spelling out what a student may call him/herself (448.76 (2)) is not necessary. One additional reason we would prefer this option in lieu of leaving 448.76 (2) as it was just brought to our attention. One could read the current wording in a way that translates to mean the student could call him/herself a "dietitian" or a "nutritionist student".

Regards,

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



## Kuczenski, Tracy

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**From:** Kuczenski, Tracy  
**Sent:** Thursday, December 20, 2007 10:10 AM  
**To:** Ewy, Stuart  
**Subject:** RE: Dieticians Bill

Hi Stuart -

I have reviewed and addressed all of the typos and changes to the draft as requested by Ms. Pleuss with one exception:

Ms. Pleuss requests that, under s. 448.76 (2), the title that may be used by a dietetic student be changed to "dietitian student" rather than "dietitian or nutritionist student". I did not make this change. The language of this section is permissive, meaning that a dietitian student may, under this section, be referred to as a "dietitian or nutritionist student" without running afoul of the licensing laws. However, this section also permits the student to use any other title (such as "dietitian student") so long as the person identifies him or herself as a student. For that reason, I don't believe we need to change this section.

Also, please advise Ms. Pleuss that the language under s. 448.78 (3) (b) will read: "Possesses a bachelor's masters, or doctoral degree granted by a college or university that is not located in the United States if an independent agency approved by the registration commission has determined that the degree is substantially equivalent to a degree granted under par. (a)."

Finally, please apologize to Ms. Pleuss for the typographical errors - these are unacceptable. In addition, I apologize for failing to modify the analysis to reflect the changes to the statutory language.

Our editing and proofing sections have reduced staff through the new year; for that reason, the draft may not be ready until after that point.

Happy holidays,  
Tracy

*Tracy K. Kuczenski*  
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*Wisconsin Legislative Reference Bureau*  
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**From:** Ewy, Stuart  
**Sent:** Thursday, December 20, 2007 8:40 AM  
**To:** Kuczenski, Tracy  
**Subject:** RE: Dieticians Bill

Opps:

**12/19/07**

The Wisconsin Dietetic Association is very pleased with the detailed revision of the introducible licensure bill draft received December 18, 2007. Upon thorough review of the draft, we found just 3 typos, four requested minor wording changes in the bill draft, and three requested simple changes in the LRB Analysis to make this overview congruent with changes already included in the bill draft. They are listed below.

For the sake of advancing our bill through the legislative process, we would appreciate your prompt response in compiling a final draft.

**Typos:**

1. Page 4, line 4: “dietitians” should be lined out so that the sentence reads, “There is created in the department of regulation and licensing, attached to the medical examining board, a dietetics and nutrition care services affiliated credentialing board. . .” instead of “. . . a dietitians dietetics and nutrition care services credentialing board. . .”
2. Page 8, line 23: The new title of 448.71, as clarified in the drafters 11/13/07 questions and comments, should read “License required” rather than “Licensed required.”
3. Page 13, line 25: Line through the word “from” so that the sentence reads, “Possesses a bachelor’s master’s or doctoral degree granted by a college or university . . .” rather than “Possesses a bachelor’s master’s or doctoral degree from granted by a college or university . . .”

### Requested Wording Changes in Bill Draft:

1. On page 13, Lines 4 – 6, **448.76 (7)** specifies the title to be used by dietitians or nutritionists with a temporary license. We had previously requested “registry eligible dietitian,” as this reflects their status with the registration commission as being nearly registered as a registered dietitian. Since that credential is not “registered dietitian or nutritionist” but simply “registered dietitian”, we’d prefer that this term be left as previously requested (“registry eligible dietitian”) if possible. If this is not possible, we could live with the revision.
2. Page 10, line 4: Using the same line of reasoning, we’d prefer that the title used for a dietetic student in **448.76 (2)** be “dietitian student” rather than “dietitian or nutritionist student.”
3. Page 13, line 20: Please replace “approved” with “accredited” in **448.78 (3)** so that the sentence finishes, “. . . and successfully completes a didactic program in dietetics accredited by the accreditation commission.”
4. Page 14, line 1: To further clarify that neither the affiliated credentialing board nor the registration commission determine foreign degree equivalency, please reword **448.78 (3)(b)** to read, “Possesses a bachelor’s, master’s or doctoral degree granted by a college or university that is not located in the United States if an outside agency accepted by the registration commission has determined that the degree is substantially equivalent to a degree granted under par. (a).”

### Changes to “Analysis by the Legislative Reference Bureau”

1. Page 2, last sentence of the second to the last paragraph: Please delete the first “services” in this sentence so that it reads, “The bill defines “medical nutrition therapy” as nutritional diagnostic, therapy, and counseling services provided for the purpose of managing disease.” This is the same change we previously requested and were granted for the MNT definition, now found on page 8, line 1. To leave worded as “. . . nutritional diagnostic services” inappropriately sounds as if we are conducting or providing lab work or testing (which we are not) which could alarm legislators, physicians or other health care professionals reading the overview.
2. Page 3, sentence immediately preceding “*Exemptions from licensure*”: Please change “and” to “or” in the middle of this sentence so that it reads, “The bill requires an applicant for renewal of a license to provide DRL with the following: proof of 1) registration with the ADA; or 2) satisfactory completion of continuing education requirements established by the board by rule.” The rationale for this change was explained in WDA’s 11/16/07 response; i.e., non-RD CDs who become LDNs via the grandfathering

clause will not be required to show proof of registration with the registration commission. We appreciate that the drafter has already made the necessary change to 448.86 (3) in the current bill draft (page 16, lines 17 – 24) to reflect this nuance.

3. Page 3, middle of page, second sentence of point #1: Please correct this sentence so that it reads, “If the college or university is not located in the United States, the academic degree must be deemed equivalent to the degree granted by a United States regionally accredited college or university.”

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**From:** Kuczenski, Tracy  
**Sent:** Thursday, December 20, 2007 8:39 AM  
**To:** Ewy, Stuart  
**Subject:** RE: Dieticians Bill

Hi Stuart -

I think you forgot to attach the questions...

I actually have a pretty full plate at the moment - BUT. If the questions/instructions are fairly simple, I could get to them right away or after the 25th at the latest.

*Tracy K. Kuczenski*  
*Legislative Attorney*  
*Wisconsin Legislative Reference Bureau*  
*(608) 266-9867*  
*[Tracy.Kuczenski@legis.wisconsin.gov](mailto:Tracy.Kuczenski@legis.wisconsin.gov)*

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**From:** Ewy, Stuart  
**Sent:** Thursday, December 20, 2007 8:37 AM  
**To:** Kuczenski, Tracy  
**Subject:** Dieticians Bill

Tracy Kuczenski

Hi Tracy-

Looks like we may be in the home stretch. Joan emailed back the following comments. Let me know when you think you might be able to address them.

Thank you!

G. Stuart Ewy  
Office of Sen. Tim Carpenter.