



2007 BILL

Oye
1/7

in 12/20/07
soon

Regen

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

academic degree
must be deemed
equivalent to
the degree
granted by a
United States
Regionally accredited
college or
university

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.

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

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

3 **SECTION 11.** 440.08 (2) (a) 27m. of the statutes, as affected by 2007 Wisconsin
4 Act 20 and 2007 Wisconsin Act ... (this act), is repealed and recreated to read:

5 440.08 (2) (a) 27m. Dietitian or nutritionist: November 1 of each
6 even-numbered year.

7 **SECTION 12.** 446.02 (6m) of the statutes is amended to read:

8 446.02 (6m) No chiropractor may provide counsel, direction, guidance, advice,
9 or a recommendation to a patient regarding the health effects of vitamins, herbs, or
10 nutritional supplements unless the chiropractor has been issued a certificate under
11 sub. (2) (c). This subsection does not apply to a chiropractor licensed under this
12 chapter who is certified licensed as a dietician dietitian or nutritionist under subch.
13 V of ch. 448.

14 **SECTION 13.** Subchapter V (title) of chapter 448 [precedes 448.70] of the
15 statutes is amended to read:

CHAPTER 448

SUBCHAPTER V

DIETITIANS DIETETICS AND NUTRITION

CARE SERVICES AFFILIATED

CREDENTIALING BOARD

21 **SECTION 14.** 448.70 (1) of the statutes is renumbered 448.70 (1g) and amended
22 to read:

23 448.70 (1g) "Affiliated credentialing board" means the dietitians dietetics and
24 nutrition care services affiliated credentialing board.

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 License 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

Change component

repealed

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 dietitian 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

BILL

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. *accredited*

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**SECTION 42**

*an independent agency
approved by*

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

BILL

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:

LRB-1288

Kuczenski, Tracy

From: Ewy, Stuart
Sent: Friday, January 04, 2008 3:54 PM
To: Kuczenski, Tracy
Subject: Dieticians

Hi Tracy-

Tim's constituent found that a comma is needed in the analysis section of the bill. Can you please add the comma where indicated and have a new draft prepared as soon as practicable?

please add two commas to the last sentence of the second to the last paragraph in the LRB analysis so that it reads, "The bill defines "medical nutrition therapy" as nutritional diagnostic, therapy, and counseling services provided for the purpose of managing disease."

Thank you!

Regards,

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

We have reviewed the introducible bill draft received January 3, 2008 and have just one final request related to wording within the "Analysis by the Legislative Reference Bureau."

In our reply of December 19, 2007, WDA had requested as follows:

"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."

We appreciate that the current LRB Analysis version does in fact delete the additional "services" term directly

following "diagnostic". Unfortunately, punctuation was not added as requested so that it now reads, **"The bill defines "medical nutrition therapy" as nutritional diagnostic therapy and counseling services provided for the purpose of managing disease."** By deleting commas after diagnostic and therapy, an entirely different meaning is created. We are concerned that legislators reviewing this analysis quickly will be wondering what "nutritional diagnostic therapy" means. The wording we requested comes directly from federal statute and we sincerely hope that this correction--originally requested and included in the bill draft--can be made to the LRB analysis as well.

In other words, please add two commas to the last sentence of the second to the last paragraph in the LRB analysis so that it reads, **"The bill defines "medical nutrition therapy" as nutritional diagnostic, therapy, and counseling services provided for the purpose of managing disease."**

Thank you in advance for your prompt response. We look forward to receiving the final bill draft as soon as possible. We would love to start circulating this bill next week so that we can introduce it to the legislature by January 18th.



2007 BILL

in 1/4/08

by 1/7/08

Regen

1 AN ACT *to repeal* 448.72 (1) (a) and (b), 448.72 (1) (d), 448.72 (1) (f), 448.72 (2),
2 448.74 (1), 448.78 (3) (c) and 448.78 (4) (a), (b) and (c); *to renumber and*
3 *amend* 448.70 (1), 448.70 (1m), 448.72 (1) (c), 448.72 (1) (e), 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 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 academic degree must be deemed equivalent to the degree granted by a United States regionally accredited college or university.

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; or 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.

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 License 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.

25 **SECTION 27.** 448.72 (2) of the statutes is repealed.

BILL

1 **SECTION 28.** 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 nutritionist” or any letters or designation
5 that represents or may tend to represent the individual as a dietitian or nutritionist,
6 if the title, letters, or designation is used only in the course of the individual’s service
7 or employment.

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

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

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

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

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

21 448.76 (6) ~~Prohibit an~~ An individual ~~from using~~ may use the title “dietitian”,
22 ” “dietitian or nutritionist,” “licensed dietitian” or, “licensed dietitian or
23 nutritionist.” “certified dietitian,” or “certified dietitian or nutritionist” if the person
24 is licensed or certified as a dietitian or nutritionist under the laws of another state

BILL

1 which has licensure or certification requirements that the affiliated credentialing
2 board determines to be substantially equivalent to the requirements under s. 448.78.

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

4 448.72 (7) A physician as defined in s. 448.01 (5).

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

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

9 448.72 (11) (a) A retailer that furnishes oral or written general nutrition
10 information related to food, food materials, dietary supplements, and other goods
11 sold at the retailer's establishment or a similar establishment in connection with the
12 marketing and distribution of those goods at the retailer's establishment.

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

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

18 448.72 (12) A person who provides weight control services to an individual or
19 group of individuals, provided the person complies with s. 448.76 and presents a
20 general program of instruction for weight control that has been approved in writing
21 by one of the following:

22 (a) A person licensed under this subchapter.

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

24 (c) A person who is licensed as a dietitian or nutritionist under the laws of
25 another state which has licensure requirements that the affiliated credentialing

BILL

1 board determines to be substantially equivalent to the licensure requirements under
2 s. 448.78.

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

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

6 **448.74 Duties of affiliated credentialing board.** (intro.) The affiliated
7 credentialing board shall promulgate rules that do all of the following: ~~(2) Establish~~
8 ~~a code of ethics~~ establish by rule standards of practice to govern the professional
9 conduct of certified dietitians an individual licensed as a dietitian or nutritionist,
10 including a code of ethics.

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

12 **SECTION 37.** 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) and subs. (2) to (6) (7),~~ a person
15 who is not ~~a certified~~ licensed as a dietitian or nutritionist may not designate himself
16 or herself as a dietitian, ~~claim to provide dietetic services or nutritionist; use or~~
17 assume the title, "dietitian," "certified dietitian," "licensed dietitian," "nutritionist,"
18 "certified nutritionist," "licensed nutritionist," "dietitian or nutritionist," "certified
19 dietitian or nutritionist," "licensed dietitian or nutritionist," nutrition consultant,"
20 or "nutritional consultant"; append to the person's name the letters "L.D.," "L.N.," or
21 "L.D.N.;" or use any title or initials that represent or may tend to represent the
22 person as certified or licensed as a dietitian or nutritionist or as certified or licensed
23 in a nutrition-related field.

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

BILL

1 448.76 (7) An individual with a temporary license under s. 448.80 shall use the
2 title "registry eligible dietitian," which title is not to be abbreviated or capitalized.

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

4 **448.78 ~~Certification of dietitians~~ Licensure as a dietitian or**
5 **nutritionist.** (intro.) The affiliated credentialing board shall grant a ~~certificate~~
6 ~~license~~ as a dietitian or nutritionist to an individual who does all of the following:

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

8 448.78 (1) Submits an application for the ~~certificate~~ license to the department
9 on a form provided by the department.

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

11 448.78 (3) (a) ~~Received~~ Possesses a bachelor's, master's, or doctoral degree in
12 human nutrition, nutrition education, food and nutrition, dietetics or food systems
13 management from a program at ~~granted by a~~ United States regionally accredited
14 college or university that is regionally accredited, as determined by the affiliated
15 credentialing board, and that is located in a state or territory of the United States
16 and successfully completes a didactic program in dietetics accredited by the
17 accreditation commission.

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

19 448.78 (3) (b) ~~Received~~ Possesses a bachelor's, master's, or doctoral degree in
20 human nutrition, nutrition education, food and nutrition, dietetics or food systems
21 management from a program at ~~granted by a~~ college or university that is not located
22 in a state or territory of the United States if an independent agency approved by the
23 affiliated credentialing board determines registration commission has determined
24 that the program degree is substantially equivalent to a program degree granted
25 under par. (a).

BILL

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

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

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

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

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

11 448.78 (5) Passes the registration examination for dietitians established by the
12 registration ~~commission on dietetic registration of the American dietetic association,~~
13 ~~or passes an equivalent examination approved by the affiliated credentialing board,~~
14 ~~and held under s. 448.84, to determine fitness to practice dietetics.~~

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

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

BILL

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

3 **448.82 Reciprocal certificate license.** (intro.) Upon application and
4 payment of the fee specified in s. 440.05 (2), the affiliated credentialing board shall
5 grant a ~~dietitian certificate~~ license to ~~an~~ the following:

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

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

11 448.82 (1) An individual who is registered with the registration commission.

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

13 448.84 (1) The affiliated credentialing board shall conduct or arrange contract
14 for administration of examinations for dietitian certification or nutritionist licensure
15 at least semiannually and at times and places determined by the affiliated
16 credentialing board, locations within this state and shall provide public notice of
17 each examination at least 90 days before the date of the examination.

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

19 448.84 (2) Examinations held under sub. (1) shall consist of written or oral
20 tests, or both, requiring applicants to demonstrate minimum competency in subjects
21 substantially related to the practice of dietetics and nutrition care services.

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

23 **448.86 Issuance of certificate license; expiration and renewal.** (1) The
24 department shall issue a certificate license to each individual who is certified
25 licensed under this subchapter.

BILL

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

6 **SECTION 53.** 448.86 (2) of the statutes, as affected by 2007 Wisconsin Act 20 and
7 2007 Wisconsin Act ... (this act), is repealed and recreated to read:

8 448.86 (2) The renewal dates for licenses granted under this subchapter, other
9 than temporary licenses granted under s. 448.80, are specified under s. 440.08 (2) (a).
10 Renewal applications shall be submitted to the department on a form provided by the
11 department and shall include the renewal fee determined by the department under
12 s. 440.03 (9) (a).

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

14 448.86 (3) An applicant for renewal of a license granted under this subchapter
15 shall provide to the department proof of satisfactory completion of at least the
16 minimum continuing professional education credits required by the registration
17 commission and shall submit one of the following:

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

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

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

23 448.87 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the
24 affiliated credentialing board may reprimand a certified licensed dietitian or
25 nutritionist or deny, limit, suspend or revoke a ~~certificate~~ license granted under this

BILL

1 subchapter if it finds that the applicant or ~~certified~~ licensed dietitian or nutritionist
2 has done any of the following:

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

5 **SECTION 56.** 448.87 (2) (b) of the statutes is amended to read:

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

9 **SECTION 57.** 448.87 (2) (e) of the statutes is amended to read:

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

13 **SECTION 58.** 448.87 (2) (g) of the statutes is amended to read:

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

17 **SECTION 59.** 450.10 (3) (a) 5m. of the statutes is amended to read:

18 450.10 (3) (a) 5m. ~~A dietitian certified~~ An individual licensed as a dietitian or
19 nutritionist under subch. V of ch. 448.

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

21 632.895 (1) (b) 5. b. ~~A dietitian certified~~ An individual licensed as a dietitian
22 or nutritionist under subch. V of ch. 448, if the nutrition counseling is provided on
23 or after July 1, 1995.

24 **SECTION 61.** 655.45 (1m) of the statutes is amended to read:

Duerst, Christina

From: Ewy, Stuart
Sent: Tuesday, January 15, 2008 4:37 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-1288/5 Topic: Requiring licensure for dietitians.

Please Jacket LRB 07-1288/5 for the SENATE.

Could this be jacketed by noon Wed 1/16?

Thank you very much,

Regards,

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

SENATE

INTRODUCTION AND REFERRAL OF PROPOSALS

(January 17, 2008)

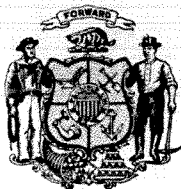
SENATE BILL 394 (LRB -1288)

Relating to: licensure of dietitians and requiring the exercise of rule-making authority.
By Senators Carpenter, Vinehout, Kreitlow, Schultz, Taylor, Plale and Roessler; cosponsored by Representatives Turner, Nelson, Musser, A. Ott and Seidel, by request of Joan Pleuss.

Referred to Committee on **PUBLIC HEALTH, SENIOR ISSUES, LONG TERM CARE AND PRIVACY.**

"Corrected"
info.

Rec
01-18-2008
for
SCC (Jeff)



Corrected copy

01-18-2008

Per Jeff
scc office

2007 SENATE BILL 394

②
More
sponsors
added

January 17, 2008 - Introduced by Senators CARPENTER, VINEHOUT, KREITLOW, SCHULTZ and TAYLOR, cosponsored by Representatives TURNER, NELSON, MUSSER and A. OTT, by request of John Pleuss. Referred to Committee on Public Health, Senior Issues, Long Term Care and Privacy.

①
sponsor
added

changed
to Joan

1 AN ACT *to repeal* 448.72 (1) (a) and (b), 448.72 (1) (d), 448.72 (1) (f), 448.72 (2),
2 448.74 (1), 448.78 (3) (c) and 448.78 (4) (a), (b) and (c); *to renumber and*
3 *amend* 448.70 (1), 448.70 (1m), 448.72 (1) (c), 448.72 (1) (e), 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)