

2007 DRAFTING REQUEST

Senate Amendment (SA-SB394)

Received: **02/28/2008**

Received By: **tkuczens**

Wanted: **As time permits**

Identical to LRB:

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

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

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

Drafter: **tkuczens**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

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

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

Pre Topic:

No specific pre topic given

Topic:

Dietitians -- Exemptions from licensure requirement

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	tkuczens 02/28/2008	bkraft 02/28/2008	nmatzke 02/28/2008	_____	sbasford 02/28/2008	sbasford 02/28/2008	

FE Sent For:

<END>

2007 DRAFTING REQUEST

Senate Amendment (SA-SB394) ✓

Received: 02/28/2008

Received By: tkuczens

Wanted: As time permits

Identical to LRB:

For: Tim Carpenter (608) 266-8535

By/Representing: G. Stuart Ewy

This file may be shown to any legislator: NO

Drafter: tkuczens

May Contact:

Addl. Drafters:

Subject: Occupational Reg. - prof lic

Extra Copies:

Submit via email: YES

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

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

Pre Topic:

No specific pre topic given

Topic:

Dietitians -- Exemptions from licensure requirement

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	tkuczens	1 bjk 2/28	nwn 2/28	<u>nwn</u> <u>2/28</u>			

FE Sent For:

<END>

Kuczenski, Tracy

From: Ewy, Stuart
Sent: Thursday, February 28, 2008 10:43 AM
To: Kuczenski, Tracy
Subject: RE: Dieticians

Hi Tracy-

Thanks for the advice.

Go with this option:

"2. Retain s. 448.72 (8) as it exists in the bill and add the following under s. 448.72 (7): A person licensed or certified under [chs.] 441 or **447** to 451, providing diet, food, or nutrition information within the scope of his or her practice." (emphasis added only for this email)"

If you believe that the phrase "a person lawfully practicing within the scope of a license granted under..." is more clear, and not substantial different in effect, that the other proposed language, we can substitute.

As you know, the intent to make sure that these folks lawfully practicing under the stated statutes that certify or license them, are exempted from having to get a dietician's license if part of their job could be giving nutrition advice to their customers or patients.

Thanks again for your advice and patience with this matter.

Regards,

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

From: Kuczenski, Tracy
Sent: Monday, February 25, 2008 3:16 PM
To: Ewy, Stuart
Subject: RE: Dieticians

Hi Stuart -

If the amendment, "A person licensed or certified under [chs.] 441 or 446 to 451, providing diet, food, or nutrition information within the scope of his or her practice.", is added, I would also amend the bill to eliminate Section 32, which would be duplicative. Most likely I would create the new exemption, above, at s. 448.72 (7), which is the first part of Section 32.

Section 12 is not duplicative and would remain unchanged.

The language applicable to chiropractors under s. 448.72 (8) (in current Section 32) is, obviously, different than the proposed amendment, above. To the extent that you wish to retain that language, there are two options:

1. Incorporate the language from current Section 32 so that the amendment, above, would read as follows:

"A person lawfully practicing within the scope of a license or certificate granted under chs. 441 or 446 to 451."

2. Retain s. 448.72 (8) as it exists in the bill and add the following under s. 448.72 (7): A person licensed or certified under [chs.] 441 or **447** to 451, providing diet, food, or nutrition information within the scope of his or her practice." (emphasis added only for this email)

To be totally honest, I actually like the language, "a person lawfully practicing within the scope of a license granted

under..." better than the language "providing diet, food, or nutrition information within the scope of his or her practice."
Please let me know if the language you propose ("providing diet, food, or nutrition information within the scope of his or her practice.") must remain unchanged or if, in the alternative, I may tweak the language to best achieve clarity in drafting...

Does that help?

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

From: Ewy, Stuart
Sent: Monday, February 25, 2008 2:51 PM
To: Kuczenski, Tracy
Subject: RE: Dieticians

Hi Tracy-

Thanks for the email.

Would an amendment work if, in the exemptions sections, the following was inserted:

"A person licensed or certified under Sections 441 or 446 to 451, providing diet, food, or nutrition information within the scope of his or her practice."

If this amendment was added, would the following sections be duplicative?

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

SECTION 32. 448.72 (7) and (8) of the statutes are created to read:
448.72 (7) A physician as defined in s. 448.01 (5).
(8) A person who is lawfully practicing within the scope of a license granted under ch. 446, who satisfies the requirements of s. 446.02 (2) (c), and who is lawfully practicing within the scope of the certificate issued under s. 446.02 (2) (c).

Regards,

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

From: Kuczenski, Tracy
Sent: Monday, February 25, 2008 11:00 AM
To: Ewy, Stuart
Subject: FW: Dieticians

Hi Stuart -- Just checking in. Any final decision about my message from Friday?

Also, Rep. Moulton's office is waiting to draft an amendment that is identical to the amendment I draft, per your instructions below, for Sen. Carpenter.

Is Rep. Moulton's office still working with Sen. Carpenter's office to make the two drafts identical? I am wondering specifically about the status of SA 2 to SB 394 (LRBa1191), the amendment I prepared several weeks ago addressing the Medical Society concerns. On that point, the two bills differ.

Thanks,
Tracy

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

From: Kuczenski, Tracy
Sent: Friday, February 22, 2008 1:48 PM
To: Ewy, Stuart
Subject: RE: Dieticians

Hi Stuart,

Yes, something like this would work.

I don't think the clause "**except that the person may not represent himself or herself as a dietitian or nutritionist or any other titles or credentials protected under section.....**" is necessary, however, because the draft prohibits any person from representing himself or herself as a dietitian or nutritionist unless the person falls within one of several enumerated exceptions (see Sections 28, 29, 30, 31, 37, and 38 of the bill.). Persons exempted from the licensure requirement (proposed below) would not be included in one of those existing exceptions from the prohibition on the use of titles.

Okay?

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

From: Ewy, Stuart
Sent: Friday, February 22, 2008 1:25 PM
To: Kuczenski, Tracy
Subject: Dieticians

Hi Tracy

Would something like this work for an amendment to the exemptions section of SB 394?

A person licensed or certified under Sections 441, or 447 to 451, providing diet, food, or nutrition information within the scope of his or her practice, except that the person may not represent himself or herself as a dietitian or nutritionist or any other titles or credentials protected under section.....

Regards,

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



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBa1451/1

TKK:.....

Lbjk

SENATE AMENDMENT ,
TO 2007 SENATE BILL 394

bhv

in 2/28/08

wanted 3/1/08

1 At the locations indicated, amend the bill as follows:

2 1. Page 11, line 4: delete that line and substitute:

3 "448.72 (7) A person who is lawfully practicing within the scope of a license or
4 certificate granted under chs. 441 or 447 to 451."

5 (END)