

**2009 DRAFTING REQUEST**

**Bill**

Received: 02/04/2009

Received By: tkuczens

Wanted: As time permits

Identical to LRB:

For: Sandy Pasch (608) 266-7671

By/Representing: Carol

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: Rep.Pasch@legis.wisconsin.gov

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

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Dietitian Licensure

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**Instructions:**

See attached

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**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>
/?	tkuczens 02/04/2009	bkraft 02/04/2009		_____			State
/1	tkuczens 09/04/2009	bkraft 09/04/2009	phenry 02/04/2009	_____	cduerst 02/04/2009		
/2			jfrantze 09/08/2009	_____	sbasford 09/08/2009	lparisi 09/08/2009	

FE Sent For: 02/10/2009.

"1/2" sent for @intro. 9/23/09 <END>

"1/2" Analysis  
Mistakenly did not  
call for a FE

→ All parties agreed it  
should have one  
so FE was submitted  
for "1/2"  
(see attached)

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/1	tkuczens 09/04/2009	bkraft 09/04/2009	phenry 02/04/2009	_____	cduerst 02/04/2009		
/2			jfrantze 09/08/2009	_____	sbasford 09/08/2009		

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**<END>**

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#### Instructions:

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/?	tkuczens 02/04/2009	bkraft 02/04/2009		_____			State
/1			phenry 02/04/2009	_____	cduerst 02/04/2009		

FE Sent For: (circled)

12 bjk 9/4

9/8

9/8

<END>

02-10-2009  
"/1"

see attached (circled)

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By/Representing: **Carol**

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Drafter: **tkuczens**

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Extra Copies:

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See attached

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/?

tkuczens

1 bjk 2/4

  
<END>

FE Sent For:

**Kuczenski, Tracy**

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**From:** Pasch, Sandy  
**Sent:** Wednesday, January 28, 2009 12:16 PM  
**To:** Kuczenski, Tracy  
**Subject:** Pasch draft request for Dietitian Licensure  
**Attachments:** 09-15541.pdf

Tracy-

Attached, if necessary, is a copy of the LRB that we would like drafted by Rep. Pasch for introduction in the State Assembly.

Let us know if you need anything further.

2009 BILL

SAV

No changes

2/4/09

repeal

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), 251.06 (3) (e) 2., 252.14  
8 (1) (ar) 4m., 440.03 (13) (b) 23., 440.08 (2) (a) 27m., 446.02 (6m), subchapter V  
9 (title) of chapter 448 [precedes 448.70], 448.70 (2), 448.70 (3), 448.78 (intro.),  
10 448.78 (1), 448.78 (3) (a), 448.78 (3) (b), 448.78 (5), 448.80, 448.84 (1), 448.84 (2),  
11 448.86, 448.87 (2) (intro.) and (a), 448.87 (2) (b), 448.87 (2) (e), 448.87 (2) (g),  
12 450.10 (3) (a) 5m., 632.895 (1) (b) 5. b. and 655.45 (1m); *to repeal and recreate*  
13 440.08 (2) (a) 27m. and 448.86 (2); and *to create* 448.70 (1d), 448.70 (1r), (6) and  
14 (7), 448.71, 448.72 (7), 448.72 (11), 448.72 (12), 448.76 (7), 448.82 (1) and 448.86



**BILL**

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

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***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.

This bill directs the board to license, not certify, persons as “dietitians or nutritionists.” With certain exceptions, 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 certain titles or initials.

“Dietitian” is defined under current law as an individual who practices dietetics, which means, generally, using certain nutrition principles to achieve or maintain the health and assess the nutritional needs of and provide nutritional counseling to an individual or group of individuals.

This bill changes the title of a person licensed by the board from “dietitian” to “dietitian or nutritionist,” and changes the title of the board to the Dietetics and Nutrition Care Services Affiliated Credentialing Board. In the bill, a dietitian or nutritionist is a person who practices dietetics and nutrition care services. The bill defines “dietetics and nutrition care services,” generally, as the integration and application of certain scientific principles to achieve and maintain optimal human health. In the bill, the practice of dietetics and nutrition care services includes assessing nutritional needs and dietetic and nutrition therapy and excludes the retail sale of food products or vitamins.

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

Under current law, to be certified as a dietitian or nutritionist, a person must: 1) receive a bachelor’s, master’s, or doctoral degree in certain nutrition fields from a college or university that the board determines is accredited or receive a degree from a program in nutrition approved by the board; 2) complete at least 900 supervised hours of dietetics practice; and 3) pass the registration examination, or its equivalent, established by the American Dietetic Association (ADA). A person who has satisfied these educational and practice requirements 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, a person must: 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; 2) complete 900 supervised practice hours under a supervised practice program

**BILL**

accredited by the ADA; and 3) pass the registration examination for dietitians established by the ADA. A person who satisfies these educational and practice requirements and who submits a letter from the ADA verifying their registration eligibility status, may obtain a temporary license.

The bill requires an applicant for renewal of a license to provide DRL with proof of registration with the ADA or 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 in certain fields 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. 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.

Under the bill, the following persons do not need to obtain a license from the board: 1) a licensed or certified nurse, chiropractor, dentist, physician, physical therapist, podiatrist, athletic trainer, occupational therapist, optometrist, pharmacist, or acupuncturist lawfully practicing within the scope of that license or certificate; 2) a dietitian or nutritionist serving in the U.S. armed forces; 3) a retailer that furnishes oral or written general nutrition information about food and other goods; 4) a person who is not practicing dietetics and nutrition care services who provides general nutrition information about food and other goods; and 5) 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~~ dietitians dietetics and

**BILL****SECTION 1**

1 nutrition care services affiliated credentialing board consisting of the following  
2 members appointed for 4-year terms:

3           <sup>√</sup>  
SECTION 2. 15.406 (2) (a) of the statutes is amended to read:

4           15.406 (2) (a) Three dietitians individuals who are certified licensed as a  
5 dietitian or nutritionist under subch. V of ch. 448.

6           <sup>√</sup>  
SECTION 3. 48.981 (2) (a) 24. of the statutes is amended to read:

7           48.981 (2) (a) 24. A dietitian or nutritionist.

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

9           146.81 (1) (em) ~~A dietitian-certified~~ An individual licensed as a dietitian or  
10 nutritionist under subch. V of ch. 448.

11           <sup>√</sup>  
SECTION 5. 146.89 (1) (r) of the statutes is amended to read:

12           146.89 (1) (r) “Volunteer health care provider” means an individual who is  
13 licensed as a physician under ch. 448, dentist or dental hygienist under ch. 447,  
14 registered nurse, practical nurse, or nurse-midwife under ch. 441, optometrist  
15 under ch. 449, ~~or~~ physician assistant under ch. 448, ~~or~~ pharmacist under ch. 450, ~~who~~  
16 ~~is certified as a dietitian or nutritionist~~ or nutritionist under subch. V of ch. 448, or who is a nurse  
17 practitioner, as defined in s. 255.06 (1) (d), or who performs functions described for  
18 pharmacy technicians in rules promulgated by the pharmacy examining board, and  
19 who receives no income from the practice of that health care profession or who  
20 receives no income from the practice of that health care profession when providing  
21 services at the nonprofit agency or school specified under sub. (3).

22           <sup>√</sup>  
SECTION 6. 146.997 (1) (d) 6. of the statutes is amended to read:

23           146.997 (1) (d) 6. ~~A dietitian-certified~~ An individual licensed as a dietitian or  
24 nutritionist under subch. V of ch. 448.

25           <sup>√</sup>  
SECTION 7. 180.1901 (1m) (br) of the statutes is amended to read:

**BILL**

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

3           **SECTION 8.** <sup>✓</sup> 251.06 (3) (e) 2. of the statutes is amended to read:

4           251.06 **(3)** (e) 2. A public health nutritionist, who is a ~~certified~~ licensed dietitian  
5           or nutritionist, as defined in s. 448.70 ~~(1m)~~ (5), is credentialed as a registered  
6           dietitian by the Commission on Dietetic Registration, and meets qualifications that  
7           the department shall specify by rule.

8           **SECTION 9.** <sup>✓</sup> 252.14 (1) (ar) 4m. of the statutes is amended to read:

9           252.14 **(1)** (ar) 4m. ~~A dietitian certified~~ An individual licensed as a dietitian  
10          or nutritionist under subch. V of ch. 448.

11          **SECTION 10.** <sup>✓</sup> 440.03 (13) (b) 23. of the statutes is amended to read:

12          440.03 **(13)** (b) 23. Dietitian or nutritionist.

13          **SECTION 11.** <sup>✓</sup> 440.08 (2) (a) 27m. of the statutes is amended to read:

14          440.08 **(2)** (a) 27m. Dietitian or nutritionist: November 1 of each  
15          even-numbered year; \$56.

16          **SECTION 12.** <sup>✓</sup> 440.08 (2) (a) 27m. of the statutes, as affected by 2007 Wisconsin  
17          Act 20 and 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

18          440.08 **(2)** (a) 27m. Dietitian or nutritionist: November 1 of each  
19          even-numbered year.

20          **SECTION 13.** <sup>✓</sup> 446.02 (6m) of the statutes is amended to read:

21          446.02 **(6m)** No chiropractor may provide counsel, direction, guidance, advice,  
22          or a recommendation to a patient regarding the health effects of vitamins, herbs, or  
23          nutritional supplements unless the chiropractor has been issued a certificate under  
24          sub. (2) (c). This subsection does not apply to a chiropractor licensed under this

**BILL****SECTION 13**

1 chapter who is certified licensed as a ~~dietician~~ dietitian or nutritionist under subch.  
2 V of ch. 448.

3 **SECTION 14.** <sup>√</sup> Subchapter V (title) of chapter 448 [precedes 448.70] of the  
4 statutes is amended to read:

**CHAPTER 448**

## SUBCHAPTER V

DIETITIANS DIETETICS AND NUTRITIONCARE SERVICES AFFILIATED

## CREDENTIALING BOARD

5  
6  
7  
8  
9  
10 **SECTION 15.** <sup>√</sup> 448.70 (1) of the statutes is renumbered 448.70 (1g) and amended  
11 to read:

12 448.70 (1g) “Affiliated credentialing board” means the ~~dietitians~~ dietetics and  
13 nutrition care services affiliated credentialing board.

14 **SECTION 16.** <sup>√</sup> 448.70 (1d) of the statutes is created to read:

15 448.70 (1d) “Accreditation commission” means the commission on  
16 accreditation for dietetics education of the American Dietetic Association or its  
17 successor.

18 **SECTION 17.** <sup>√</sup> 448.70 (1m) of the statutes is renumbered 448.70 (5) and amended  
19 to read:

20 448.70 (5) “Certified Licensed dietitian or nutritionist” means an individual  
21 who is certified licensed as a dietitian or nutritionist under this subchapter.

22 **SECTION 18.** <sup>√</sup> 448.70 (1r), (6) and (7) of the statutes are created to read:

23 448.70 (1r) “Dietetic and nutrition therapy” means nutritional diagnostic,  
24 therapy, and counseling services provided to an individual or group of individuals for

**BILL**

1 the purpose of managing disease. Such services include nutrition assessment,  
2 interventions, reassessment, and follow-up interventions.

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

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

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

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

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

17 (e) Providing dietetic and nutrition therapy.

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

20 **SECTION 19.** 448.70 (2) of the statutes is amended to read:

21 448.70 (2) "Dietetics and nutrition care services" means the integration and  
22 application of principles of ~~nutritional science, biochemistry, derived from the~~  
23 sciences of food science, physiology, food systems, nutrition, management,  
24 behavioral science communication, biology, physiology, behavior, and the social  
25 ~~science in order~~ sciences to achieve or and maintain the optimal human health of an

## BILL

## SECTION 19

1 individual or group of individuals. “Dietetics” includes assessing the nutritional  
2 needs of an individual or group of individuals and determining available resources  
3 and constraints in meeting those nutritional needs; establishing priorities, goals and  
4 objectives that meet those nutritional needs and are consistent with available  
5 resources and constraints; providing nutrition counseling; or developing,  
6 implementing and managing nutritional care systems.

7 SECTION 20. 448.70 (3) of the statutes is amended to read:

8 448.70 (3) “Dietitian or nutritionist” means an individual who practices  
9 engages in the practice of dietetics and nutrition care services.

10 SECTION 21. 448.71 of the statutes is created to read:

11 **448.71 License required.** Except as provided in s. 448.72, no person may  
12 engage in the practice of dietetics and nutrition care services unless the person is  
13 licensed as a dietitian or nutritionist under this subchapter.

14 SECTION 22. 448.72 (intro.) and (1) (intro.) of the statutes are consolidated,  
15 renumbered 448.72 (intro.) and amended to read:

16 **448.72 Applicability.** (intro.) This No license is required under this  
17 subchapter does not do any of the following: (1) (intro.) Require a certificate under  
18 this subchapter for any of the following:

19 SECTION 23. 448.72 (1) (a) and (b) of the statutes are repealed.

20 SECTION 24. 448.72 (1) (c) of the statutes is renumbered 448.72 (9) and  
21 amended to read:

22 448.72 (9) A person pursuing a supervised course of study, including  
23 internships, leading to a degree or certificate student enrolled in a dietetics  
24 educational program that is from an accredited educational program or an  
25 educational program approved by the affiliated credentialing board accreditation

**BILL**

1 commission if the student's enrollment is for the purpose of meeting eligibility  
2 requirements to take the examination for dietitians established by the registration  
3 commission.

4           SECTION 25. 448.72 (1) (d) of the statutes is repealed. ✓

5           SECTION 26. 448.72 (1) (e) of the statutes is renumbered 448.72 (10) and  
6 amended to read:

7           448.72 (10) A dietitian or nutritionist who is serving in the U.S. armed forces,  
8 as defined in s. 40.02 (57m), or in the commissioned corps of the federal public health  
9 service or is employed by the U.S. veterans administration, and who is engaged in  
10 the practice of dietetics and nutrition care services as part of that service or  
11 employment.

12           SECTION 27. 448.72 (1) (f) of the statutes is repealed. ✓

13           SECTION 28. 448.72 (2) of the statutes is repealed. ✓

14           SECTION 29. 448.72 (3) of the statutes is renumbered 448.76 (3) and amended  
15 to read:

16           448.76 (3) ~~Prohibit an~~ An individual described in sub. (1) (e) ~~from using s.~~  
17 448.72 (10) may use the title "dietitian or nutritionist" or any letters or designation  
18 that represents or may tend to represent the individual as a dietitian or nutritionist,  
19 if the title, letters, or designation is used only in the course of the individual's service  
20 or employment.

21           SECTION 30. 448.72 (4) of the statutes is renumbered 448.76 (4) and amended  
22 to read:

23           448.76 (4) ~~Prohibit an~~ An individual who is registered as a dietitian with the  
24 registration ~~commission on dietetic registration of the American Dietetic Association~~  
25 ~~from using~~ may use the title "dietitian" or "registered dietitian" or the initials, "R.D.".



**BILL****SECTION 31**

1                    <sup>✓</sup>  
2                    **SECTION 31.** 448.72 (5) of the statutes is renumbered 448.76 (5) and amended  
3 to read:

4                    448.76 (5) ~~Prohibit an~~ An individual who is registered as a dietetic technician  
5 with the registration commission ~~on dietetic registration of the American Dietetic~~  
6 ~~Association from using~~ may use the title “dietetic technician” ~~or,~~ “dietetic technician  
7 ~~registered”~~ registered, or the initials, “D.T.R.”.

8                    <sup>✓</sup>  
9                    **SECTION 32.** 448.72 (6) of the statutes is renumbered 448.76 (6) and amended  
10 to read:

11                    448.76 (6) ~~Prohibit an~~ An individual ~~from using~~ may use the title “dietitian”,  
12 ,” “dietitian or nutritionist,” “licensed dietitian” ~~or,~~ “licensed dietitian or  
13 nutritionist,” “certified dietitian”, or “certified dietitian or nutritionist” if the person  
14 is licensed or certified as a dietitian or nutritionist under the laws of another state  
15 which has licensure or certification requirements that the affiliated credentialing  
16 board determines to be substantially equivalent to the requirements under s. 448.78.

17                    <sup>✓</sup>  
18                    **SECTION 33.** 448.72 (7) of the statutes is created to read:

19                    448.72 (7) A person who is lawfully practicing within the scope of a license or  
20 certificate granted under chs. 441, 446, or 447, subchs. I to IV, VI, and VII of ch. 448,  
21 or 449 to 451.

22                    <sup>✓</sup>  
23                    **SECTION 34.** 448.72 (11) of the statutes is created to read:

24                    448.72 (11) (a) A retailer that furnishes oral or written general nutrition  
information related to food, food materials, dietary supplements, and other goods  
sold at the retailer’s establishment or a similar establishment in connection with the  
marketing and distribution of the food, food materials, dietary supplements, or other  
goods at the retailer’s establishment.

**BILL**

1 (b) A person that furnishes oral or written general nutrition information  
2 related to food, food materials, or dietary supplements or the marketing of food, food  
3 materials, or dietary supplements, provided the person is not engaged in the practice  
4 of dietetics and nutrition care services.

5 **SECTION 35.** <sup>✓</sup> 448.72 (12) of the statutes is created to read:

6 448.72 (12) A person who provides weight control services to an individual or  
7 group of individuals, provided the person complies with s. 448.76 and presents a  
8 general program of instruction for weight control that has been approved in writing  
9 by one of the following:

10 (a) A person licensed under this subchapter.

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

12 (c) A person who is licensed or certified as a dietitian or nutritionist under the  
13 laws of another state which has licensure or certification requirements that the  
14 affiliated credentialing board determines to be substantially equivalent to the  
15 licensure requirements under s. 448.78.

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

17 **SECTION 36.** <sup>✓</sup> 448.74 (intro.) and (2) of the statutes are consolidated,  
18 renumbered 448.74 and amended to read:

19 **448.74 Duties of affiliated credentialing board.** The affiliated  
20 credentialing board shall promulgate rules that do all of the following: ~~(2) Establish~~  
21 ~~a code of ethics~~ establish by rule standards of practice to govern the professional  
22 conduct of ~~certified dietitians~~ an individual licensed as a dietitian or nutritionist,  
23 including a code of ethics.

24 **SECTION 37.** <sup>✓</sup> 448.74 (1) of the statutes is repealed.

**BILL****SECTION 38**

1           SECTION 38. 448.76<sup>✓</sup> of the statutes is renumbered 448.76 (1) and amended to  
2 read:

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

13           SECTION 39. 448.76<sup>✓</sup> (7) of the statutes is created to read:

14           448.76 (7) An individual with a temporary license under s. 448.80 shall use the  
15 title "registry eligible dietitian," which title shall not be abbreviated or capitalized.

16           SECTION 40. 448.78<sup>✓</sup> (intro.) of the statutes is amended to read:

17           **448.78    ~~Certification of dietitians~~   Licensure as a dietitian or**  
18 **nutritionist.** (intro.) The affiliated credentialing board shall grant a ~~certificate~~  
19 license as a dietitian or nutritionist to an individual who does all of the following:

20           SECTION 41. 448.78<sup>✓</sup> (1) of the statutes is amended to read:

21           448.78 (1) Submits an application for the ~~certificate~~ license to the department  
22 on a form provided by the department.

23           SECTION 42. 448.78<sup>✓</sup> (3) (a) of the statutes is amended to read:

24           448.78 (3) (a) ~~Received~~ Possesses a bachelor's, master's, or doctoral degree in  
25 ~~human nutrition, nutrition education, food and nutrition, dietetics or food systems~~

**BILL**

1 ~~management from a program at granted by a United States regionally accredited~~  
 2 ~~college or university that is regionally accredited, as determined by the affiliated~~  
 3 ~~credentialing board, and that is located in a state or territory of the United States~~  
 4 ~~and successfully completes a didactic program in dietetics accredited by the~~  
 5 ~~accreditation commission.~~

6 ~~✓~~  
 SECTION 43. 448.78 (3) (b) of the statutes is amended to read:

7 448.78 (3) (b) ~~Received Possesses~~ a bachelor's, master's, or doctoral degree in  
 8 human nutrition, nutrition education, food and nutrition, dietetics or food systems  
 9 management from a program at granted by a college or university that is not located  
 10 in a state or territory of the United States if an independent agency approved by the  
 11 ~~affiliated credentialing board determines~~ registration commission has determined  
 12 that the program degree is substantially equivalent to a program degree described  
 13 under par. (a).

14 ~~✓~~  
 SECTION 44. 448.78 (3) (c) of the statutes is repealed.

15 ~~✓~~  
 SECTION 45. 448.78 (4) (intro.) of the statutes is renumbered 448.78 (4) and  
 16 amended to read:

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

22 ~~✓~~  
 SECTION 46. 448.78 (4) (a), (b) and (c) of the statutes are repealed.

23 ~~✓~~  
 SECTION 47. 448.78 (5) of the statutes is amended to read:

24 448.78 (5) Passes the registration examination for dietitians established by the  
 25 registration commission ~~on dietetic registration of the American dietetic association,~~

**BILL****SECTION 47**

1 ~~or passes an equivalent examination approved by the affiliated credentialing board,~~  
2 ~~and held under s. 448.84, to determine fitness to practice dietetics.~~

3 **SECTION 48.** <sup>✓</sup> 448.80 of the statutes is amended to read:

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

13 **SECTION 49.** <sup>✓</sup> 448.82 of the statutes is renumbered 448.82 (intro.) and amended  
14 to read:

15 **448.82 Reciprocal certificate license.** (intro.) Upon application and  
16 payment of the fee specified in s. 440.05 (2), the affiliated credentialing board shall  
17 grant a dietitian ~~certificate~~ license to an the following:

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

22 **SECTION 50.** <sup>✓</sup> 448.82 (1) of the statutes is created to read:

23 448.82 (1) An individual who is registered with the registration commission.

24 **SECTION 51.** <sup>✓</sup> 448.84 (1) of the statutes is amended to read:

**BILL**

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

6           SECTION 52. 448.84 (2) of the statutes is amended to read:

7           448.84 (2) Examinations held under sub. (1) shall consist of written or oral  
8           tests, or both, requiring applicants to demonstrate minimum competency in subjects  
9           substantially related to the practice of dietetics and nutrition care services.

10          SECTION 53. 448.86 of the statutes is amended to read:

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

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

19          SECTION 54. 448.86 (2) of the statutes, as affected by 2007 Wisconsin Act 20 and  
20          2009 Wisconsin Act .... (this act), is repealed and recreated to read:

21          448.86 (2) The renewal dates for licenses granted under this subchapter, other  
22          than temporary licenses granted under s. 448.80, are specified under s. 440.08 (2) (a).  
23          Renewal applications shall be submitted to the department on a form provided by the  
24          department and shall include the renewal fee determined by the department under  
25          s. 440.03 (9) (a).

## BILL

1           SECTION 55. 448.86 (3) of the statutes is created to read:

2           448.86 (3) An applicant for renewal of a license granted under this subchapter  
3 shall provide to the department proof of satisfactory completion of at least the  
4 minimum continuing professional education credits required by the registration  
5 commission and shall submit one of the following:

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

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

10          SECTION 56. 448.87 (2) (intro.) and (a) of the statutes are amended to read:

11          448.87 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the  
12 affiliated credentialing board may reprimand a ~~certified~~ licensed dietitian or  
13 nutritionist or deny, limit, suspend, or revoke a ~~certificate~~ license granted under this  
14 subchapter if it finds that the applicant or ~~certified~~ licensed dietitian or nutritionist  
15 has done any of the following:

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

18          SECTION 57. 448.87 (2) (b) of the statutes is amended to read:

19          448.87 (2) (b) Subject to ss. 111.321, 111.322 and 111.335, been convicted of an  
20 offense the circumstances of which substantially relate to the practice of dietetics  
21 and nutrition care services.

22          SECTION 58. 448.87 (2) (e) of the statutes is amended to read:

23          448.87 (2) (e) Subject to ss. 111.321, 111.322 and 111.34, ~~practiced~~ engaged in  
24 the practice of dietetics and nutrition care services while his or her ability to practice  
25 was impaired by alcohol or other drugs.

**BILL**

1           <sup>✓</sup>  
SECTION 59. 448.87 (2) (g) of the statutes is amended to read:

2           448.87 (2) (g) Engaged in conduct while ~~practicing~~ engaged in the practice of  
3           dietetics and nutrition care services which evidences a lack of knowledge or ability  
4           to apply professional principles or skills.

5           <sup>✓</sup>  
SECTION 60. 450.10 (3) (a) 5m. of the statutes is amended to read:

6           450.10 (3) (a) 5m. ~~A dietitian-certified~~ An individual licensed as a dietitian or  
7           nutritionist under subch. V of ch. 448.

8           <sup>✓</sup>  
SECTION 61. 632.895 (1) (b) 5. b. of the statutes is amended to read:

9           632.895 (1) (b) 5. b. ~~A dietitian-certified~~ An individual licensed as a dietitian  
10          or nutritionist under subch. V of ch. 448, if the nutrition counseling is provided on  
11          or after July 1, 1995.

12          <sup>✓</sup>  
SECTION 62. 655.45 (1m) of the statutes is amended to read:

13          655.45 (1m) For the quarter beginning on July 1, 1995, and for each quarter  
14          thereafter, the director of state courts shall file reports complying with sub. (2) with  
15          the ~~dietitians~~ dietetics and nutrition care services affiliated credentialing board  
16          regarding health care providers ~~certified~~ licensed by the ~~dietitians~~ dietetics and  
17          nutrition care services affiliated credentialing board.

18           **SECTION 63. Nonstatutory provisions.**

19           (1) EXEMPTIONS FROM CERTAIN LICENSURE REQUIREMENTS.

20           (a) *Individuals certified by the dietitians affiliated credentialing board as a*  
21           *dietitian on the effective date of this act.* Notwithstanding section 448.78 (3) to (5) of  
22           the statutes, as affected by this act, no later than the first day of the 7th month  
23           beginning after the effective date of this paragraph, the dietetics and nutrition care  
24           services affiliated credentialing board shall grant a license under section 448.78 of  
25           the statutes, as affected by this act, to an individual who, on the the effective date



**BILL****SECTION 63**

1 of this act, held a valid certificate as a dietitian granted by the dietitians affiliated  
2 credentialing board.

3 (b) *Individuals registered as a registered dietitian with the American Dietetic*  
4 *Association on the effective date of this act.* Notwithstanding section 448.78 (3) to (5)  
5 of the statutes, as affected by this act, the dietetics and nutrition care services  
6 affiliated credentialing board shall grant a license under section 448.78 of the  
7 statutes, as affected by this act, to an individual who no later than the first day of  
8 the 13th month beginning after the effective date of this paragraph provides  
9 sufficient evidence to the dietetics and nutrition care services affiliated credentialing  
10 board that the individual was registered as a registered dietitian with the  
11 commission on dietetic registration of the American Dietetic Association on the  
12 effective date of this act.

13 **SECTION 64. Effective dates.** This act takes effect on the first day of the 7th  
14 month beginning after publication, except as follows:

15 (1) The repeal and recreation of sections 440.08 (2) (a) 27m. and 448.86 (2) of  
16 the statutes takes effect on July 1, 2009.

17 (2) SECTION 63 (1) of this act takes effect on the day after publication.

18 (END)

## Barman, Mike

---

**From:** LRB.Legal  
**Sent:** Tuesday, February 10, 2009 3:05 PM  
**To:** Ludwig, Frederic  
**Subject:** RE: Fiscal Estimate on LRB 09-1946/1 Topic: Dietitian Licensure

I will submit your "early FE" request to DOA.

Let me know if I can be of further assistance.

**Mike Barman (Senior Program Assistant)**  
State of Wisconsin - Legislative Reference Bureau  
Legal Section - Front Office  
1 East Main Street, Suite 200, Madison, WI 53703  
(608) 266-3561 / [mike.barman@legis.wisconsin.gov](mailto:mike.barman@legis.wisconsin.gov)

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**From:** Ludwig, Frederic  
**Sent:** Tuesday, February 10, 2009 2:48 PM  
**To:** LRB.Legal  
**Subject:** Fiscal Estimate on LRB 09-1946/1 Topic: Dietitian Licensure

Representative Pasch would like to request a fiscal estimate on LRB 09-1946/1 re: Dietitian Licensure before its introduction. Please contact our office if you have any questions.

Thanks,  
Fred

--

Fred Ludwig  
**Office of Representative Sandy Pasch**  
608.266.7671 (Office)  
888.534.0022 (Toll-free)  
608.282.3622 (Fax)

# Memo

To: Representative **Pasch**

(The Draft's Requester)

**Per your request ... the attached fiscal estimate was prepared for your un-introduced 2009 session draft.**

**LRB Number: 2009 LRB-1946**

**Version: "/1 "**

**Fiscal Estimate Prepared By: (agency abbr.) DORL**

**If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.**

**Entered In Computer And Copy Sent To Requester Via E-Mail: 02/19/ 2009**

**\* \* \* \* \***

**To: LRB – Legal Section PA's**

**Subject:** *Fiscal Estimate Received For An Unintroduced Draft*

> **If redrafted** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version.

> **If introduced** ... and the version of the attached fiscal estimate is for a **previous version** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version. Have Mike (or Christina) get the ball rolling on getting a fiscal estimate prepared for the introduced version.

> **If introduced** ... and the version of the attached fiscal estimate is for the **current version** ... please write the draft's introduction number below and give to Mike (or Christina) to process.

**THIS DRAFT WAS INTRODUCED AS: 2007 \_\_\_\_\_**

## Barman, Mike

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**From:** Barman, Mike  
**Sent:** Thursday, February 19, 2009 9:44 AM  
**To:** Rep.Pasch  
**Cc:** Ludwig, Frederic  
**Subject:** LRB-1946/1 (un-introduced) (FE by DORL - attached - for your review)

**Attachments:** FE\_Pasch.PDF



FE\_Pasch.PDF (415  
KB)

**Mike Barman (Senior Program Assistant)**  
State of Wisconsin - Legislative Reference Bureau  
Legal Section - Front Office  
1 East Main Street, Suite 200, Madison, WI 53703  
(608) 266-3561 / [mike.barman@legis.wisconsin.gov](mailto:mike.barman@legis.wisconsin.gov)

### Fiscal Estimate - 2009 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>09-1946/1</b>	<b>Introduction Number</b>	
<b>Description</b> Licensure of dietitians and requiring the exercise of rule-making authority		
<b>Fiscal Effect</b>		
<b>State:</b> <input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs		
<b>Local:</b> <input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs      3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs      4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
<b>Fund Sources Affected</b> <b>Affected Ch. 20 Appropriations</b> <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS 20.165 (1)(g) and 20.165 (1)(i)		
<b>Agency/Prepared By</b> R&L/ Jim Parker (608) 266-0746	<b>Authorized Signature</b> Jim Parker (608) 266-0746	<b>Date</b> 2/17/2009

## Fiscal Estimate Narratives

R&L 2/17/2009

LRB Number	09-1946/1	Introduction Number	Estimate Type	Original
<b>Description</b> Licensure of dietitians and requiring the exercise of rule-making authority				

### Assumptions Used in Arriving at Fiscal Estimate

Total One-time costs: \$7,610

#### Division of Professional Credentialing:

Print new original wall cert for every current certified dietitian. Website changes, template changes, update forms.

24 Program Assistant Supervisor hours @ \$32.212 per hour = \$773

Supplies and Services = \$1,400

#### Division of Board Services:

Promulgate rules.

20 Bureau Director hours @ \$44.645 per hour = \$893

#### Office of Legal Counsel:

Rule revisions.

15 Paralegal hours @ \$38.194 per hour = \$573

15 Attorney hours @ \$74.321 per hour = \$1,115

#### Office of Exams:

80 Licensing Exam Specialist @ \$35.693 per hour = \$2,856

All hourly rates include a fringe rate of 42.09%

### Long-Range Fiscal Implications

## Fiscal Estimate Worksheet - 2009 Session

Detailed Estimate of Annual Fiscal Effect

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> 09-1946/1		<b>Introduction Number</b>	
<b>Description</b> Licensure of dietitians and requiring the exercise of rule-making authority			
<b>I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):</b>  Division of Board Services = \$893, Division of Professional Credentialing = \$2,173, Office of Legal Counsel = \$1,688, Office of Exams = \$2,856			
<b>II. Annualized Costs:</b>		<b>Annualized Fiscal Impact on funds from:</b>	
		Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>			
	State Operations - Salaries and Fringes	\$6,210	\$
	(FTE Position Changes)		
	State Operations - Other Costs	1,400	
	Local Assistance		
	Aids to Individuals or Organizations		
	<b>TOTAL State Costs by Category</b>	<b>\$7,610</b>	<b>\$</b>
<b>B. State Costs by Source of Funds</b>			
	GPR		
	FED		
	PRO/PRS (20.165(1)(g) and (i))	7,610	
	SEG/SEG-S		
<b>III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</b>			
		Increased Rev	Decreased Rev
	GPR Taxes	\$	\$
	GPR Earned		
	FED		
	PRO/PRS		
	SEG/SEG-S		
	<b>TOTAL State Revenues</b>	<b>\$</b>	<b>\$</b>
<b>NET ANNUALIZED FISCAL IMPACT</b>			
		State	Local
NET CHANGE IN COSTS		\$7,610	\$
NET CHANGE IN REVENUE		\$	\$
<b>Agency/Prepared By</b>		<b>Authorized Signature</b>	<b>Date</b>
R&L/ Jim Parker (608) 266-0746		Jim Parker (608) 266-0746	2/17/2009



State of Wisconsin  
2009 - 2010 LEGISLATURE

FROM  
S0088/1

-1946/2  
LRB S0088/1  
TKK:bjk&kjf:jf  
stays ✓ RMNR

ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 2009 ASSEMBLY BILL (LRB-1946/1)

SA

9/4/09  
500M

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), 251.06 (3) (e) 2., 252.14  
8 (1) (ar) 4m., 440.03 (13) (b) 23., 440.08 (2) (a) 27m., 446.02 (6m), subchapter V  
9 (title) of chapter 448 [precedes 448.70], 448.70 (2), 448.70 (3), 448.78 (intro.),  
10 448.78 (1), 448.78 (3) (a), 448.78 (3) (b), 448.78 (5), 448.80, 448.84 (1), 448.84 (2),  
11 448.86, 448.87 (2) (intro.) and (a), 448.87 (2) (b), 448.87 (2) (e), 448.87 (2) (g),  
12 450.10 (3) (a) 5m., 632.895 (1) (b) 5. b. and 655.45 (1m); and *to create* 448.70  
13 (1d), 448.70 (1r), 448.70 (6) and (7), 448.71, 448.72 (7), 448.72 (11), 448.72 (12),



1 448.76 (7), 448.82 (1), 448.86 (3) and 448.865 of the statutes; **relating to:**  
 2 licensure of dietitian nutritionists and requiring the exercise of rule-making  
 3 authority.

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

x This substitute amendment 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.

x This substitute amendment directs the board to license, not certify, persons as "dietitian nutritionists." With certain exceptions, the substitute amendment prohibits a person who is not licensed from practicing dietetics or nutrition care services. The substitute amendment also prohibits, with certain exceptions, a person who is not licensed by the board from using certain titles or initials.

"Dietitian" is defined under current law as an individual who practices dietetics, which means, generally, using certain nutrition principles to achieve or maintain the health and assess the nutritional needs of and provide nutritional counseling to an individual or group of individuals.

x This substitute amendment changes the title of the board to the Dietetics and Nutrition Care Services Affiliated Credentialing Board. This substitute amendment changes the title of a person licensed by the board from "dietitian" to "dietitian nutritionist." In the substitute amendment, a dietitian nutritionist is a person who

x practices dietetics and nutrition care services. The substitute amendment defines "dietetics and nutrition care services," generally, as the integration and application of certain scientific principles to achieve and maintain optimal human health. In the substitute amendment, the practice of dietetics and nutrition care services includes assessing nutritional needs and dietetic and nutrition therapy and excludes the retail sale of food products or vitamins.

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

Under current law, to be certified as a dietitian, a person must: 1) receive a bachelor's, master's, or doctoral degree in certain nutrition fields from a college or university that the board determines is accredited or receive a degree from a program in nutrition approved by the board; 2) complete at least 900 supervised hours of dietetics practice; and 3) pass the registration examination, or its equivalent, established by the American Dietetic Association (ADA). A person who has satisfied these educational and practice requirements and who has applied to take the next available examination, may obtain a temporary dietitian certificate.

x Under the bill substitute amendment, to be licensed as a dietitian nutritionist by the board, a person must: 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; 2) complete 900 supervised practice hours under a supervised practice program accredited by the ADA; and 3) pass the registration examination for dietitians established by the ADA. A person who satisfies these educational and practice requirements and who submits a letter from the ADA verifying their registration eligibility status, may obtain a temporary license.

^ The bill substitute amendment requires an applicant for renewal of a license to provide DRL with proof of registration with the ADA or 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 in certain fields 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. 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.

bill Under the bill substitute amendment, the following persons do not need to obtain a license from the board: 1) a licensed or certified nurse, chiropractor, dentist, physician, physical therapist, podiatrist, athletic trainer, occupational therapist, optometrist, pharmacist, or acupuncturist lawfully practicing within the scope of that license or certificate; 2) a dietitian nutritionist serving in the U.S. armed forces; 3) a retailer that furnishes oral or written general nutrition information about food and other goods; 4) a person who is not practicing dietetics and nutrition care services who provides general nutrition information about food and other goods, provided the person discloses to the person's client that the person is not licensed as a dietitian nutritionist; and 5) a person who provides weight control services under a program of instruction approved in writing by a licensed dietitian nutritionist, a physician, or a person registered as a dietitian with the ADA.

***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:

1           15.406 (2) ~~DIETITIANS~~ DIETETICS AND NUTRITION CARE SERVICES AFFILIATED  
2 CREDENTIALING BOARD. (intro.) There is created in the department of regulation and  
3 licensing, attached to the medical examining board, a ~~dietitians~~ dietetics and  
4 nutrition care services affiliated credentialing board consisting of the following  
5 members appointed for 4-year terms:

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

7           15.406 (2) (a) Three ~~dietitians~~ individuals who are ~~certified~~ licensed as a  
8 dietitian nutritionist under subch. V of ch. 448.

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

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

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

12          146.81 (1) (em) ~~A dietitian certified~~ An individual licensed as a dietitian  
13 nutritionist under subch. V of ch. 448.

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

15          146.89 (1) (r) "Volunteer health care provider" means an individual who is  
16 licensed as a physician under ch. 448, dentist or dental hygienist under ch. 447,  
17 registered nurse, practical nurse, or nurse-midwife under ch. 441, optometrist  
18 under ch. 449, ~~or~~ physician assistant under ch. 448, ~~or~~ pharmacist under ch. 450, ~~who~~  
19 ~~is certified as a~~ dietitian nutritionist under subch. V of ch. 448, or who is a nurse  
20 practitioner, as defined in s. 255.06 (1) (d), or who performs functions described for  
21 pharmacy technicians in rules promulgated by the pharmacy examining board, and  
22 who receives no income from the practice of that health care profession or who  
23 receives no income from the practice of that health care profession when providing  
24 services at the nonprofit agency or school specified under sub. (3).

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

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

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

4           180.1901 (1m) (br) ~~Dietitians~~ Dietetics and nutrition care services affiliated  
5 credentialing board under subch. V of ch. 448.

6           **SECTION 8.** 251.06 (3) (e) 2. of the statutes is amended to read:

7           251.06 (3) (e) 2. A public health nutritionist, who is a ~~certified~~ licensed dietitian  
8 nutritionist, as defined in s. 448.70 (1m) (5), is credentialed as a registered dietitian  
9 by the Commission on Dietetic Registration, and meets qualifications that the  
10 department shall specify by rule.

11          **SECTION 9.** 252.14 (1) (ar) 4m. of the statutes is amended to read:

12          252.14 (1) (ar) 4m. ~~A dietitian certified~~ An individual licensed as a dietitian  
13 nutritionist under subch. V of ch. 448.

14          **SECTION 10.** 440.03 (13) (b) 23. of the statutes is amended to read:

15          440.03 (13) (b) 23. Dietitian nutritionist.

16          **SECTION 11.** 440.08 (2) (a) 27m. of the statutes, as affected by 2007 Wisconsin  
17 Act 20, is amended to read:

18          440.08 (2) (a) 27m. Dietitian nutritionist: November 1 of each even-numbered  
19 year.

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

21          446.02 (6m) No chiropractor may provide counsel, direction, guidance, advice,  
22 or a recommendation to a patient regarding the health effects of vitamins, herbs, or  
23 nutritional supplements unless the chiropractor has been issued a certificate under  
24 sub. (2) (c). This subsection does not apply to a chiropractor licensed under this

1 chapter who is ~~certified~~ licensed as a ~~dietician~~ dietitian nutritionist under subch. V  
2 of ch. 448.

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

5 **CHAPTER 448**

6 **SUBCHAPTER V**

7 **DIETITIANS DIETETICS AND NUTRITION**

8 **CARE SERVICES AFFILIATED**

9 **CREDENTIALING BOARD**

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

12 448.70 (1g) “Affiliated credentialing board” means the ~~dietitians~~ dietetics and  
13 nutrition care services affiliated credentialing board.

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

15 448.70 (1d) “Accreditation commission” means the commission on  
16 accreditation for dietetics education of the American Dietetic Association or its  
17 successor.

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

20 448.70 (5) “~~Certified~~ Licensed dietitian nutritionist” means an individual who  
21 is ~~certified~~ licensed as a dietitian nutritionist under this subchapter.

22 **SECTION 17.** 448.70 (1r) of the statutes is created to read:

23 448.70 (1r) “Dietetic and nutrition therapy” means nutritional diagnostic,  
24 therapy, and counseling services provided to an individual or group of individuals for

1 the purpose of managing disease. Such services include nutrition assessment,  
2 interventions, reassessment, and follow-up interventions.

3 **SECTION 18.** 448.70 (2) of the statutes is amended to read:

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

15 **SECTION 19.** 448.70 (3) of the statutes is amended to read:

16 448.70 (3) “Dietitian nutritionist” means an individual who ~~practices~~ engages  
17 in the practice of dietetics and nutrition care services.

18 **SECTION 20.** 448.70 (6) and (7) of the statutes are created to read:

19 448.70 (6) “Practice of dietetics and nutrition care services” includes each of the  
20 following but does not include the retail sale of food products or vitamins:

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

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

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

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

8 (e) Providing dietetic and nutrition therapy.

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

11 SECTION 21. 448.71 of the statutes is created to read:

12 **448.71 License required.** Except as provided in s. 448.72, no person may  
13 engage in the practice of dietetics and nutrition care services unless the person is  
14 licensed as a dietitian nutritionist under this subchapter.

15 SECTION 22. 448.72 (intro.) and (1) (intro.) of the statutes are consolidated,  
16 renumbered 448.72 (intro.) and amended to read:

17 **448.72 Applicability.** (intro.) This No license is required under this  
18 subchapter does not do any of the following: (1) (intro.) Require a certificate under  
19 this subchapter for any of the following:

20 SECTION 23. 448.72 (1) (a) and (b) of the statutes are repealed.

21 SECTION 24. 448.72 (1) (c) of the statutes is renumbered 448.72 (9) and  
22 amended to read:

23 448.72 (9) A person pursuing a supervised course of study, including  
24 internships, leading to a degree or certificate student enrolled in a dietetics  
25 educational program that is from an accredited educational program or an

1 ~~educational program approved by the affiliated credentialing board accreditation~~  
2 ~~commission if the student's enrollment is for the purpose of meeting eligibility~~  
3 ~~requirements to take the examination for dietitians established by the registration~~  
4 ~~commission.~~

5 **SECTION 25.** 448.72 (1) (d) of the statutes is repealed.

6 **SECTION 26.** 448.72 (1) (e) of the statutes is renumbered 448.72 (10) and  
7 amended to read:

8 448.72 (10) A dietitian nutritionist who is serving in the U.S. armed forces, as  
9 defined in s. 40.02 (57m), or in the commissioned corps of the federal public health  
10 service or is employed by the U.S. veterans administration, and who is engaged in  
11 the practice of dietetics and nutrition care services as part of that service or  
12 employment.

13 **SECTION 27.** 448.72 (1) (f) of the statutes is repealed.

14 **SECTION 28.** 448.72 (2) of the statutes is repealed.

15 **SECTION 29.** 448.72 (3) of the statutes is renumbered 448.76 (3) and amended  
16 to read:

17 448.76 (3) ~~Prohibit an~~ An individual described in ~~sub. (1) (e) from using s.~~  
18 448.72 (10) may use the title "dietitian nutritionist" or any letters or designation that  
19 represents or may tend to represent the individual as a dietitian nutritionist, if the  
20 title, letters, or designation is used only in the course of the individual's service or  
21 employment.

22 **SECTION 30.** 448.72 (4) of the statutes is renumbered 448.76 (4) and amended  
23 to read:



1           448.76 (4) ~~Prohibit an~~ An individual who is registered as a dietitian with the  
2 registration commission on dietetic registration of the American Dietetic Association  
3 ~~from using~~ may use the title “~~dietitian~~” or “~~registered dietitian~~” or the initials, “R.D.”.

4           **SECTION 31.** 448.72 (5) of the statutes is renumbered 448.76 (5) and amended  
5 to read:

6           448.76 (5) ~~Prohibit an~~ An individual who is registered as a dietetic technician  
7 with the registration commission on dietetic registration of the American Dietetic  
8 Association from using may use the title “~~dietetic technician~~” or, “~~dietetic technician~~  
9 ~~registered~~” registered,” or the initials, “D.T.R.”.

10           **SECTION 32.** 448.72 (6) of the statutes is renumbered 448.76 (6) and amended  
11 to read:

12           448.76 (6) ~~Prohibit an~~ An individual ~~from using~~ may use the title “~~dietitian~~,”  
13 “dietitian nutritionist,” “~~licensed dietitian~~” or, “licensed dietitian nutritionist,  
14 “certified dietitian,” or certified dietitian nutritionist” if the person is licensed or  
15 certified as a dietitian or dietitian nutritionist under the laws of another state which  
16 has licensure or certification requirements that the affiliated credentialing board  
17 determines to be substantially equivalent to the requirements under s. 448.78.

18           **SECTION 33.** 448.72 (7) of the statutes is created to read:

19           448.72 (7) A person who is lawfully practicing within the scope of a license or  
20 certificate granted under chs. 441, 446, or 447, subchs. I to IV, VI, and VII of ch. 448,  
21 or 449 to 451.

22           **SECTION 34.** 448.72 (11) of the statutes is created to read:

23           448.72 (11) (a) A retailer that furnishes oral or written general nutrition  
24 information related to food, food materials, dietary supplements, and other goods  
25 sold at the retailer’s establishment or a similar establishment in connection with the

1 marketing and distribution of the food, food materials, dietary supplements, or other  
2 goods at the retailer's establishment.

3 (b) A person who furnishes information to a client or group of clients regarding  
4 lifestyle, or who markets, distributes, sells, or furnishes general nutrition  
5 information to a client or group of clients as to the use of herbs, vitamins, minerals,  
6 amino acids, carbohydrates, sugars, enzymes, food concentrates, foods, and food or  
7 dietary supplements, and who complies with s. 448.865. A person under this  
8 paragraph may not provide dietetic and nutrition therapy or engage in the practice  
9 of dietetics and nutrition care services other than as specified in this paragraph.

10 **SECTION 35.** 448.72 (12) of the statutes is created to read:

11 448.72 (12) A person who provides weight control services to an individual or  
12 group of individuals, provided the person complies with s. 448.76 and presents a  
13 general program of instruction for weight control that has been approved in writing  
14 by one of the following:

15 (a) A person licensed under this subchapter.

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

17 (c) A person who is licensed or certified as a dietitian or dietitian nutritionist  
18 under the laws of another state which has licensure or certification requirements  
19 that the affiliated credentialing board determines to be substantially equivalent to  
20 the licensure requirements under s. 448.78.

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

22 **SECTION 36.** 448.74 (intro.) and (2) of the statutes are consolidated,  
23 renumbered 448.74 and amended to read:

24 **448.74 Duties of affiliated credentialing board.** The affiliated  
25 credentialing board shall promulgate rules that do all of the following: ~~(2) Establish~~

1 ~~a code of ethics~~ establish by rule standards of practice to govern the professional  
2 conduct of ~~certified dietitians~~ an individual licensed as a dietitian nutritionist,  
3 including a code of ethics, and may promulgate rules necessary for the  
4 administration and enforcement of this subchapter.

5 **SECTION 37.** 448.74 (1) of the statutes is repealed.

6 **SECTION 38.** 448.76 of the statutes is renumbered 448.76 (1) and amended to  
7 read:

8 448.76 (1) Except as provided in ~~s. 448.72 (1) (e) and (2) subs. (3) to (6) (7),~~ a  
9 person who is not ~~a certified~~ licensed as a dietitian nutritionist may not designate  
10 himself or herself as a dietitian, ~~claim to provide dietetic services~~ nutritionist; use  
11 or assume the title “dietitian,” “certified dietitian,” “licensed dietitian” “certified  
12 nutritionist,” “licensed nutritionist,” “dietitian nutritionist,” “certified dietitian  
13 nutritionist,” or “licensed dietitian nutritionist”; append to the person’s name the  
14 letters “L.D.,” “L.N.,” or “L.D.N.”; or use any title or initials that represent or may  
15 tend to represent the person as certified or licensed as a dietitian nutritionist or as  
16 certified or licensed in a nutrition-related field.

17 **SECTION 39.** 448.76 (7) of the statutes is created to read:

18 448.76 (7) An individual with a temporary license under s. 448.80 shall use the  
19 title “registry eligible dietitian,” which title shall not be abbreviated or capitalized.

20 **SECTION 40.** 448.78 (intro.) of the statutes is amended to read:

21 **448.78 Certification of dietitians Licensure as a dietitian nutritionist.**  
22 (intro.) The affiliated credentialing board shall grant a ~~certificate~~ license as a  
23 dietitian nutritionist to an individual who does all of the following:

24 **SECTION 41.** 448.78 (1) of the statutes is amended to read:

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

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

4           448.78 (3) (a) ~~Received Possesses~~ a bachelor's, master's, or doctoral degree in  
5 ~~human nutrition, nutrition education, food and nutrition, dietetics or food systems~~  
6 ~~management from a program at granted by a United States regionally accredited~~  
7 ~~college or university that is regionally accredited, as determined by the affiliated~~  
8 ~~credentialing board, and that is located in a state or territory of the United States~~  
9 ~~and successfully completes a didactic program in dietetics accredited by the~~  
10 ~~accreditation commission.~~

11           **SECTION 43.** 448.78 (3) (b) of the statutes is amended to read:

12           448.78 (3) (b) ~~Received Possesses~~ a bachelor's, master's, or doctoral degree in  
13 ~~human nutrition, nutrition education, food and nutrition, dietetics or food systems~~  
14 ~~management from a program at granted by a college or university that is not located~~  
15 ~~in a state or territory of the United States if an independent agency approved by the~~  
16 ~~affiliated credentialing board determines registration commission has determined~~  
17 ~~that the program degree is substantially equivalent to a program degree described~~  
18 ~~under par. (a).~~

19           **SECTION 44.** 448.78 (3) (c) of the statutes is repealed.

20           **SECTION 45.** 448.78 (4) (intro.) of the statutes is renumbered 448.78 (4) and  
21 amended to read:

22           448.78 (4) Submits evidence satisfactory to the affiliated credentialing board  
23 that he or she has completed a supervised practice program accredited by the  
24 accreditation commission with at least 900 supervised practice hours of dietetics

1 ~~practice in any state or territory of the United States under the supervision of any~~  
2 ~~of the following:~~

3 **SECTION 46.** 448.78 (4) (a), (b) and (c) of the statutes are repealed.

4 **SECTION 47.** 448.78 (5) of the statutes is amended to read:

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

9 **SECTION 48.** 448.80 of the statutes is amended to read:

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

19 **SECTION 49.** 448.82 of the statutes is renumbered 448.82 (intro.) and amended  
20 to read:

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

24 **(2)** An individual who holds a ~~similar~~ certificate or license ~~in~~ issued by another  
25 state or territory of the United States if the affiliated credentialing board determines

1 that the requirements for receiving the certificate or license in the other state or  
2 territory are substantially equivalent to the requirements under s. 448.78.

3 SECTION 50. 448.82 (1) of the statutes is created to read:

4 448.82 (1) An individual who is registered with the registration commission.

5 SECTION 51. 448.84 (1) of the statutes is amended to read:

6 448.84 (1) The affiliated credentialing board shall conduct or ~~arrange~~ contract  
7 for administration of examinations for dietitian ~~certification~~ nutritionist licensure  
8 at least semiannually ~~and at times and places determined by the affiliated~~  
9 ~~credentialing board, locations within this state~~ and shall provide public notice of  
10 each examination at least 90 days before the date of the examination.

11 SECTION 52. 448.84 (2) of the statutes is amended to read:

12 448.84 (2) Examinations held under sub. (1) shall consist of written or oral  
13 tests, or both, requiring applicants to demonstrate minimum competency in subjects  
14 substantially related to the practice of dietetics and nutrition care services.

15 SECTION 53. 448.86 of the statutes <sup>(title) and (1) are</sup> is amended to read:

16 **448.86 Issuance of certificate license; expiration and renewal.** (1) The  
17 department shall issue a certificate license to each individual who is certified  
18 licensed under this subchapter.

→ 19 <sup>SECTION # 448.86(2) of the statutes as affected by 2007 Wisconsin Act 20, 15</sup>  
448.86(2) The renewal dates for certificates licenses granted under this subchapter,

20 other than temporary certificates licenses granted under s. 448.80, are specified  
21 under s. 440.08 (2) (a). Renewal applications shall be submitted to the department  
22 on a form provided by the department and shall include the renewal fee determined  
23 by the department under s. 440.03 (9) (a).

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

1           448.86 (3) An applicant for renewal of a license granted under this subchapter  
2 shall provide to the department proof of satisfactory completion of at least the  
3 minimum continuing professional education credits required by the registration  
4 commission and shall submit one of the following:

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

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

9           **SECTION 55.** 448.865 of the statutes is created to read:

10           **448.865 Disclosure required to provide certain services.** A person  
11 providing services as authorized under s. 448.72 (11) (b) shall comply with all of the  
12 following:

13           (1) Provide to the client or clients of the person a written disclosure that  
14 contains the following information:

15           (a) The name, professional title, business address, and business telephone  
16 number of the person.

17           (b) A statement that the person is not licensed as a dietitian nutritionist in this  
18 state.

19           (c) A statement that the person may not provide a medical diagnosis or  
20 recommend that the client of the person discontinue medically prescribed  
21 treatments.

22           (2) Clearly post in the person's place of business a copy of the written disclosure  
23 under sub. (1).

24           (3) Prior to providing services to a client, obtain from the client a signed and  
25 dated statement on which the client confirms receiving and reading the disclosure

1 required under sub. (1). The person shall maintain the signed statement in the  
2 client's file for 7 years after the client has ceased being a client of the person.

3 **SECTION 56.** 448.87 (2) (intro.) and (a) of the statutes are amended to read:

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

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

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

12 448.87 (2) (b) Subject to ss. 111.321, 111.322 and 111.335, been convicted of an  
13 offense the circumstances of which substantially relate to the practice of dietetics  
14 and nutrition care services.

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

16 448.87 (2) (e) Subject to ss. 111.321, 111.322 and 111.34, practiced engaged in  
17 the practice of dietetics and nutrition care services while his or her ability to practice  
18 was impaired by alcohol or other drugs.

19 **SECTION 59.** 448.87 (2) (g) of the statutes is amended to read:

20 448.87 (2) (g) Engaged in conduct while practicing engaged in the practice of  
21 dietetics and nutrition care services which evidences a lack of knowledge or ability  
22 to apply professional principles or skills.

23 **SECTION 60.** 450.10 (3) (a) 5m. of the statutes is amended to read:

24 450.10 (3) (a) 5m. ~~-A dietitian-certified~~ An individual licensed as a dietitian  
25 nutritionist under subch. V of ch. 448.



1           **SECTION 61.** 632.895 (1) (b) 5. b. of the statutes is amended to read:

2           632.895 (1) (b) 5. b. ~~A dietitian certified~~ An individual licensed as a dietitian  
3 nutritionist under subch. V of ch. 448, if the nutrition counseling is provided on or  
4 after July 1, 1995.

5           **SECTION 62.** 655.45 (1m) of the statutes is amended to read:

6           655.45 (1m) For the quarter beginning on July 1, 1995, and for each quarter  
7 thereafter, the director of state courts shall file reports complying with sub. (2) with  
8 the dietitians dietetics and nutrition care services affiliated credentialing board  
9 regarding health care providers ~~certified~~ licensed by the dietitians dietetics and  
10 nutrition care services affiliated credentialing board.

11           **SECTION 63. Nonstatutory provisions.**

12           (1) EXEMPTIONS FROM CERTAIN LICENSURE REQUIREMENTS.

13           (a) *Individuals certified by the dietitians affiliated credentialing board as a*  
14 *dietitian on the effective date of this act.* Notwithstanding section 448.78 (3) to (5) of  
15 the statutes, as affected by this act, no later than the first day of the 7th month  
16 beginning after the effective date of this paragraph, the dietetics and nutrition care  
17 services affiliated credentialing board shall grant a license under section 448.78 of  
18 the statutes, as affected by this act, to an individual who, on the the effective date  
19 of this act, held a valid certificate as a dietitian granted by the dietitians affiliated  
20 credentialing board.

21           (b) *Individuals registered as a registered dietitian with the American Dietetic*  
22 *Association on the effective date of this act.* Notwithstanding section 448.78 (3) to (5)  
23 of the statutes, as affected by this act, the dietetics and nutrition care services  
24 affiliated credentialing board shall grant a license under section 448.78 of the  
25 statutes, as affected by this act, to an individual who no later than the first day of

1 the 13th month beginning after the effective date of this paragraph provides  
2 sufficient evidence to the dietetics and nutrition care services affiliated credentialing  
3 board that the individual was registered as a registered dietitian with the  
4 commission on dietetic registration of the American Dietetic Association on the  
5 effective date of this act.

6 **SECTION 64. Effective date.**

7 (1) This act takes effect on the first day of the 7th month beginning after  
8 publication.

9 (END)

**Parisi, Lori**

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**From:** Ludwig, Frederic

**Sent:** Tuesday, September 08, 2009 1:38 PM

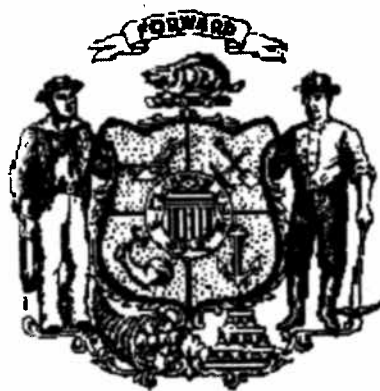
**To:** LRB.Legal

**Subject:** Draft Review: LRB 09-1946/2 Topic: Dietitian Licensure

Please Jacket LRB 09-1946/2 for the ASSEMBLY.

09/08/2009

# **2009 Legislative Session FISCAL ESTIMATE MANUAL**



**State of Wisconsin**  
**Legislative Reference Bureau**  
Informational Bulletin 08-3, December 2008  
<http://www.legis.wisconsin.gov/lrb/pubs/ib/08ib3.pdf>

## FISCAL ESTIMATE PROCESS

### OVERVIEW.

The LRB drafting attorney makes the initial determination that a bill requires a fiscal estimate. Upon introduction, the LRB transmits electronically all drafts requiring a fiscal estimate to the Fiscal Estimate Coordinator at DOA for assignment. If desired, the draft's requester can request to have the fiscal estimate assignments made prior to the draft's introduction. All agencies that would collect money, receive an appropriation, administer a program, or have the most knowledge about the bill are required to prepare a fiscal estimate. Upon completion, an authorized agency representative reviews and approves the fiscal estimate.

Then the agency electronically forwards the fiscal estimate to DOA for its review. Under Joint Rule 46 (5), DOA may correct a computational or other clerical error without making any substantive change. (On its own initiative, however, DOA may submit a *supplemental* fiscal estimate when it disagrees with the *original* fiscal estimate the affected state agency submitted.) DOA then forwards the fiscal estimate to the LRB, which electronically forwards the fiscal estimate to the bill's primary author for review. After introduction, the fiscal estimate is reproduced separately as an appendix to the bill.

### ELECTRONIC TRANSMISSION OF FISCAL ESTIMATES.

Legislative Joint Rules require that all fiscal estimate requests and all documents submitted in the fiscal estimate process be transmitted electronically rather than in paper form. A presiding officer may, however, permit a primary author to transmit a request for a *supplemental* fiscal estimate by other means, and the president of the Senate and the speaker of the Assembly acting jointly may permit, for a limited time, the transmission in paper form.

### FISCAL ESTIMATE DETERMINATIONS.

Prior to the bill's introduction, the bill's requester may challenge the drafting attorney's decision by contacting the LRB chief. The chief's decision at this stage is final.

If someone discovers after introduction that the LRB failed to detect the bill's possible fiscal implications, a request for a fiscal estimate may be submitted to DOA if both the bill's primary author and the LRB chief agree. In this case, legislative action on the bill does not stop for the fiscal estimate to be prepared. Also, per Legislative Joint Rule 49, any legislator may raise a point of order that a fiscal estimate is required when the bill is before the legislator's house. In that case, the presiding officer's decision that the bill needs a fiscal estimate is final subject to overruling by the house. If it is decided that the bill requires a fiscal estimate, the statutes provide that legislative action stops until the fiscal estimate is obtained.

Occasionally a bill is marked "fiscal estimate required" when it does not have a fiscal effect. However, it is better that a few bills come back from agency experts with a fiscal estimate reading "This bill has no fiscal effect because it neither increases nor decreases any state or local fiscal liability or revenue" than to fail to send out for a fiscal estimate a bill that may have a significant hidden fiscal effect.

## Barman, Mike

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**From:** Kuczenski, Tracy  
**Sent:** Monday, October 05, 2009 8:37 AM  
**To:** Barman, Mike  
**Subject:** FW: AB 440 (Dietitians) FE

Hi Mike -

Here is the email correspondence between Fred Ludwig, in Pasch's office, and myself.

Thanks for taking care of this.

Tracy

*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:** Ludwig, Frederic  
**Sent:** Friday, October 02, 2009 3:45 PM  
**To:** Kuczenski, Tracy  
**Subject:** RE: AB 440 (Dietitians) FE

Jeff (Richard's committee clerk) should be getting it back to you.

--  
Fred Ludwig  
**Office of Representative Sandy Pasch**  
608.266.7671 (Office)  
888.534.0022 (Toll-free)  
608.282.3622 (Fax)

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**From:** Kuczenski, Tracy  
**Sent:** Friday, October 02, 2009 3:22 PM  
**To:** Ludwig, Frederic  
**Subject:** AB 440 (Dietitians) FE

Hi Fred -

Did Rep. Pasch decide whether she wants to have the fiscal estimate forwarded on AB 440? If she does, we'll need you to send the jacket back, our bureau chief will hand-write on the jacket that a Fiscal Estimate accompanies the bill, and both will come back to you. If not, we will simply "kill" the fiscal estimate.

A quick refresher -- LRB 09-1946/1 did have a fiscal estimate. However, because I used a substitute amendment from Sen. Vinehout's office as the underlying draft in the substantially modified LRB 09-1946/2, and because substitute amendments never have fiscal estimates, the /2 version (now introduced as AB 440) did not have the fiscal estimate tag. This was an oversight on my part. Because the bill has been introduced, we cannot amend the bill to add the fiscal estimate tag. Because there is no fiscal estimate tag, our offices cannot forward the revised version of the fiscal estimate associated with the new bill.

We do not need to have the "jacket" returned to proceed  
FMB

10/05/2009

Let me know what Rep. Pasch has decided. I did not ever hear back from Sen. Vinehout's office, but SB 115 \*does\* have a fiscal estimate tag, so the fiscal estimate is not being held up in the senate.

Tracy

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

## Barman, Mike

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**From:** Veserat, Jeryn  
**Sent:** Monday, October 05, 2009 8:27 AM  
**To:** Kostelic, Jeff; Ludwig, Frederic  
**Cc:** Inabnet, Kay; Barman, Mike  
**Subject:** AB 440

Jeff and Fred,

I spoke with Mike at LRB, and he said they don't need the bill jacket for AB 440 back, they will just submit the fiscal estimate for AB 440. There aren't any rules specifying that the chief has to initial the bill jacket, so there's no need to take the bill jacket from the Health and Healthcare Reform committee.

Please call me if you have any questions.

**Jeryn Veserat**  
Assembly Chief Clerk Staff  
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FE submittal  
Oked by TKK, SRM  
& Rep. Pasch

Per TKK  
10-05-2009