

2009 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB440)

Received: **01/26/2010**

Received By: **tkuczens**

Wanted: **As time permits**

Identical to LRB:

For: **Sandy Pasch (608) 266-7671**

By/Representing: **Fred Ludwig**

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

Drafter: **tkuczens**

May Contact:

Adtl. 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**

Pre Topic:

No specific pre topic given

Topic:

Licensure of dietitians

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>
/?	tkuczens 02/11/2010	bkraft 02/11/2010		_____			
/P1	tkuczens 02/19/2010	bkraft 02/19/2010	rschluet 02/15/2010	_____	cduerst 02/15/2010		
/P2	tkuczens 03/04/2010	bkraft 03/04/2010	mduchek 02/22/2010	_____	sbasford 02/22/2010		
/P3	tkuczens	bkraft	jfrantze	_____	cduerst		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	03/11/2010	03/11/2010	03/08/2010 _____		03/08/2010		
/1			rschluet _____ 03/12/2010 _____		sbasford _____ 03/12/2010	sbasford 03/12/2010	

FE Sent For:

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/P3			jfrantze	_____	cduerst		

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[Signature]
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			03/08/2010 _____		03/08/2010		

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1/P3 bjk 3/4

[Handwritten signatures and dates]
3/8
2/18

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/P1			rschluet 02/15/2010	_____	cduerst 02/15/2010		

1/P2 bjk 2/19

(Handwritten signature)

2/19 <END>

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FE Sent For:

<END>

Kuczenski, Tracy

From: Ludwig, Frederic
Sent: Thursday, January 21, 2010 1:54 PM
To: Kuczenski, Tracy
Subject: [REDACTED]

Attachments: AB 440 Amendment Lanugage 1.21.10.doc



AB 440 Amendment
Lanugage 1.21...

About time we put you back to work on this...

2/10/2010 Per Fred:

also exempt midwives licensed under subch. XII of ch. 440 from the
licensure requirement.

Proposed language changes to AB 440

1.5.10

LRB 1946/2 50088

SB 115 LRB 1554/1

5 6090

1.) Titles, etc.

- Any reference to "Dietetic and nutrition therapy" and "Dietetics and nutrition care services" would be changed to "Dietetic nutrition therapy" and "Dietetic nutrition care services".

2.) Scope of practice

- "Delete" 448.70 (6) – Pages 7-8, Lines 16-25 and 1-5 – in AB 440.

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

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

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

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

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

~~(e) Providing dietetic and nutrition therapy.~~

Eliminate the above – 448.70 (6) – and replace with:

"Dietetic nutrition care services" shall mean the integration and application of principles derived from the sciences of food, nutrition, management, communication, biology, physiology, behavior and the social sciences to achieve and maintain optimal human health. This application and practice of dietetic nutrition care services shall include the following Scope of Practice:

(a) Dietetic Nutrition Therapy; and

(b) Nutrition Care Process.

- **"Dietetic nutrition therapy"** means the use of specific nutrition services generally provided by the use of the Nutrition Care Process that is focused

on the management of diseases, and treatment or rehabilitation of injuries or conditions. DNT involves in-depth individualized nutrition assessment, determination of the nutrition diagnosis, determination and application of the nutrition intervention personalized for the individual or group, and periodic monitoring, evaluation, re-assessment and intervention tailored to manage the disease, injury or condition. DNT services are provided for individuals with medically prescribed diets including but not limited to tube feedings, specialized intravenous solutions and specialized oral feedings.

- **"Medically prescribed diet"** means a diet prescribed when specific food or nutrient levels need to be monitored, altered, or both as a component of a treatment program for an individual whose health status is impaired or at risk due to disease, injury, or surgery and may only be performed as initiated by or in consultation with a physician licensed to practice medicine in all of its branches, or by an individual authorized by state license to prescribe
- **"Nutrition Care Process"** means a systematic problem-solving method that registered dietitians use to critically think and make decisions to address nutrition related problems and provide safe and effective quality nutrition care. It consists of the following four distinct, but interrelated and connected steps:

- (a) The systematic process of obtaining, verifying and interpreting biochemical, anthropometric, physical, and dietary data in order to make decisions about the nature and cause of nutrition related problems. It is an ongoing, dynamic process that involves not only initial data collection, but also reassessment and analysis of patient, client or community needs and provides the foundation for nutrition diagnosis and nutritional recommendations including enteral and parenteral nutrition. *assessment*
- (b) Identifying and labeling nutritional problems that a dietetics practitioner is responsible for treating independently. *diagnosis*
- (c) Purposefully planned actions intended to positively change a nutrition-related behavior, environmental condition, or aspect of health status for an individual and his or her family as caregivers, target groups, or community at large.
- (d) Identifying patient and client outcomes relevant to the nutrition diagnosis and intervention plans and goals and comparing those outcomes with previous status, intervention goals or a reference standard to determine the progress made in achieving desired outcomes of nutrition care and whether planned interventions should be continued or revised.

- “Delete” 448.70 (3) – Page 7, Lines 13-14 – in AB 440.

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

Eliminate the above – 448.70 (3) – and replace with:

448.70 (3) "Licensed dietitian nutritionist" means an individual who engages in the practice of dietetic nutrition care services. Activities of a licensed dietitian nutritionist do not include the medical differential diagnosis of the health status of an individual.

3.) Applicability under 448.72

- “Delete” 448.72 (11) (b) – Page 11, Lines 1-7 in AB 440.

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

- “Move” 448.72 (11) (a) – Page 10, Lines 20-24 in AB 440 – to a new section and modify as follows:

~~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~~

“A retailer that sells food, food materials, dietary supplements and other goods at the retailer’s establishment or a similar establishment may furnish oral or written general non-medical nutrition information related to the sale, marketing or distribution of their goods.

- “General non-medical nutrition information” means information on the following:
 - (a) Principles of good nutrition and food preparation;
 - (b) Food to be included in the normal daily diet;
 - (c) The essential nutrients needed by the body;
 - (d) Recommended amounts of the essential nutrients, based on established standards.

- (e) The actions of nutrients on the body;
- (f) The effects of deficiencies or excesses of nutrients; or
- (g) Food and supplements that are good sources of essential nutrients.

- **“Move” 448.72 (12) (b)** – Page 11, Lines 9-18 in AB 440 – to a new section and modify as follows:

~~“A person who provides weight control services to an individual or group of individuals, provided the person complies with s 448.76 not licensed under this subchapter may provide weight control services to an individual or a group of individuals, provided the person complies with 448.76 and presents a general program of instruction for weight control that has been approved in writing by one of the following:~~

- ~~(a) A person licensed under this subchapter.~~
- ~~(b) A physician as defined in s. 448.01 (5).~~
- ~~(c) A person who is licensed or certified as a dietitian or dietitian nutritionist under the laws of another state which has licensure or certification requirements that the affiliated credentialing board determines to be substantially equivalent to the licensure requirements under s. 448.78.~~

A person not licensed under this subchapter may provide weight control services through a program that has been reviewed and approved by a consultation available from a licensed dietitian nutritionist, or a dietitian licensed in another state, which has licensure requirements at least as stringent as the requirements for licensure requirements under s. 448.78, a dietitian registered by the affiliated credentialing board or a physician as defined in s. 448.01 (5). Program changes may not be initiated without prior approval by the program approver.

4.) Religious Exemption

- Include the following religious exemption under 448.72:
448.72 (13) The practice of the tenets of any church or religious sect that is organized and operated for a religious purpose in this state, provided that a member of such church or religious sect provides nutritional services only to adherents of the same church or religious sect, complies with s. 448.865 (1) (b) and does not designate himself or herself by any term or title which implies that such member is engaged in the practice of dietetic nutrition care services.

5.) Disclosure required to provide certain services

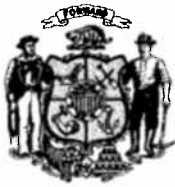
- Modify 448.865 of the statutes to read:

This, together with sub. (4) below, limits disclosure to persons providing services under s. 448.72(9) to (11) but instructions re: religious exception suggest (12) should not be included. d-note provided.

448.865 – Any individual who provides nutrition services or advice to a client or group of clients and is not licensed under this subchapter and who is not practicing within the scope of a license or certificate granted under chs. 441, 446, or 447, subchs. I to IV, VI, and VII of ch. 448, or 449 to 451 shall comply with the following:

- (1) Provide to the client or clients of the person a written disclosure that contains the following information:
 - (a) The name, professional title, business address, and business telephone number of the person.
 - (b) A statement that the person is not licensed as a dietitian nutritionist in this state and cannot provide dietetic nutrition therapy.
 - (c) A statement that the person may not provide a medical diagnosis or recommend that the client of the person discontinue medically prescribed treatments.
- (2) Clearly post in the person's place of business a copy of the written disclosure under sub. (1).
- (3) Prior to providing services to a client, obtain from the client a signed and dated statement on which the client confirms receiving and reading the disclosure required under sub. (1). The person shall maintain the signed statement in the client's file for 7 years after the client has ceased being a client of the person.
- (4) 448.865 does not apply to a retailer under 448.72 ~~(11)(a)~~.

(8)



State of Wisconsin
2009 - 2010 LEGISLATURE

FROM
1946/2

S0257/PI
LRB-1946/2
TKK:bjk&kjf

stays

(B) ASSEMBLY SUBSTITUTE AMENDMENTS;

RMMR
Inserts

(B) TO 2009 ASSEMBLY BILL 440

LPS - Please sort.

SA
X-ref

Inserts

in 2/11/10 wanted 2/15/10 or sooner
9:38 AM

September 23, 2009 - Introduced by Representatives PASCH, HEBL, DANOU, SPANBAUER, FIELDS, A. OTT, ZEPNICK, SOLETSKI, RICHARDS, SUDER and LOTHIAN, cosponsored by Senators VINEHOUT, CARPENTER, LEHMAN, TAYLOR and PLALE. Referred to Committee on Health and Healthcare Reform.

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 (title) and (1), 448.86 (2), 448.87 (2) (intro.) and (a), 448.87 (2) (b), 448.87
12 (2) (e), 448.87 (2) (g), 450.10 (3) (a) 5m., 632.895 (1) (b) 5. b. and 655.45 (1m); and
13 *to create* 448.70 (1d), 448.70 (1r), 448.70 (6) and (7), 448.71, 448.72 (7), 448.72
14 (11), 448.72 (12), 448.76 (7), 448.82 (1), 448.86 (3) and 448.865 of the statutes;

ASSEMBLY BILL 440

- 1 **relating to:** licensure of dietitian nutritionists and requiring the exercise of
2 rule-making authority.

Analysis by the Legislative Reference Bureau

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

Licensure and use of titles

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

This bill directs the board to license, not certify, persons as “dietitian 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 the board to the Dietetics and Nutrition Care Services Affiliated Credentialing Board. This bill changes the title of a person licensed by the board from “dietitian” to “dietitian nutritionist.” In the bill, a dietitian 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, 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 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

ASSEMBLY BILL 440

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 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 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:

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

3 CREDENTIALING BOARD. (intro.) There is created in the department of regulation and

4 licensing, attached to the medical examining board, a dietitians dietetics and

dietetic

DIETETIC CS

ASSEMBLY BILL 440

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

3 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 nutritionist under subch. V of ch. 448.

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

7 48.981 (2) (a) 24. A dietitian 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
10 nutritionist under subch. V of ch. 448.

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

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

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

Insert 4-11

ASSEMBLY BILL 440

1

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

Dietetic

3

SECTION 8. 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
nutritionist, as defined in s. 448.70 (1m) (5), is credentialed as a registered dietitian
by the Commission on Dietetic Registration, and meets qualifications that the
department shall specify by rule.

8

SECTION 9. 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
nutritionist under subch. V of ch. 448.

11

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

12

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

13

SECTION 11. 440.08 (2) (a) 27m. of the statutes, as affected by 2007 Wisconsin

14

Act 20 is amended to read:

15

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

17

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

18

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 ~~certified~~ licensed as a ~~dietician~~ dietitian nutritionist under subch. V
of ch. 448.

24

SECTION 13. Subchapter V (title) of chapter 448 [precedes 448.70] of the

25

statutes is amended to read:

ASSEMBLY BILL 440

CHAPTER 448

SUBCHAPTER V

DIETETIC

all caps

DIETITIANS DIETETICS AND NUTRITION

CARE SERVICES AFFILIATED

CREDENTIALING BOARD

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

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

dietetics and dietetic

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

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

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

448.70 (5) "Certified Licensed dietitian nutritionist" means an individual who is certified licensed as a dietitian nutritionist under this subchapter.

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

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

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

Insert 6-19

Move section to after line 11, p. 7

ASSEMBLY BILL 440

Dietetic

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

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

~~dietetics~~

12
 13 448.70 (3) "Dietitian nutritionist" means an individual who ~~practices~~ engages
 14 in the practice of ~~dietetics and~~ n^outrition care services.

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

15
 16 448.70 (6) "Practice of ~~dietetics and~~ n^outrition care services" includes each of the
 17 following but does not include the retail sale of food products or vitamins:

- 18 (a) Assessing the nutritional needs of an individual or group of individuals
 19 based upon biochemical, anthropometric, physical, and dietary data; determining
 20 the resources and constraints to meet the nutritional needs of that individual or
 21 group of individuals; and recommending proper nutrition intake to satisfy those
 22 needs.
- 23 (b) Establishing priorities, goals, and objectives to meet the nutritional needs
 24 of the individual or group of individuals based on available resources and
 25 constraints.

Insert 7-15

Insert 7-16

Insert 7-17

ASSEMBLY BILL 440

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

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

5 (e) Providing dietetic and nutrition therapy.

6 (9) (1) "Registration commission" means the commission on dietetic registration
7 of the American Dietetic Association or its successor.

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

9 448.71 License required. Except as provided in s. 448.72, no person may
10 engage in the practice of dietetics and ^{dietetic} nutrition care services unless the person is
11 licensed ~~as a dietitian nutritionist~~ under this subchapter.

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

14 448.72 Applicability. (intro.) This No license is required under this
15 subchapter does not do any of the following: (1) (intro.) Require a certificate under
16 this subchapter for any of the following:

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

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

20 448.72 (9) A person ~~pursuing a supervised course of study, including~~
21 ~~internships, leading to a degree or certificate~~ student enrolled in a dietetics
22 educational program that is ~~from an~~ accredited educational program or an
23 educational program approved by the affiliated credentialing board accreditation
24 commission if the student's enrollment is for the purpose of meeting eligibility

ASSEMBLY BILL 440

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

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

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

6 448.72 (10) A dietitian nutritionist who is serving in the U.S. armed forces, as
7 defined in s. 40.02 (57m), or in the commissioned corps of the federal public health
8 service or is employed by the U.S. veterans administration, and who is engaged in
9 the practice of ~~dietetics~~ and ~~nutrition care services~~ as part of that service or
10 employment. dietetic

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

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

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

15 448.76 (3) ~~Prohibit an~~ An individual described in ~~sub. (1) (e) from using s.~~
16 448.72 (10) may use the title "dietitian nutritionist" or any letters or designation that
17 represents or may tend to represent the individual as a dietitian nutritionist, if the
18 title, letters, or designation is used only in the course of the individual's service or
19 employment.

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

22 448.76 (4) ~~Prohibit an~~ An individual who is registered as a dietitian with the
23 registration ~~commission on dietetic registration of the American Dietetic Association~~
24 from using may use the title "dietitian" or "registered dietitian" or the initials, "R.D."

ASSEMBLY BILL 440

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

3 448.76 (5) ~~Prohibit an An~~ individual who is registered as a dietetic technician
4 with the registration commission ~~on dietetic registration of the American Dietetic~~
5 ~~Association from using~~ may use the title "dietetic technician" ~~or,~~ "dietetic technician
6 registered" registered, or the initials, "D.T.R."

7 SECTION 32. 448.72 (6) of the statutes is renumbered 448.76 (6) and amended
8 to read:

9 448.76 (6) ~~Prohibit an An~~ individual ~~from using~~ may use the title "dietitian",
10 "dietitian nutritionist," "licensed dietitian" ~~or,~~ "licensed dietitian nutritionist,"
11 "certified dietitian," or certified dietitian nutritionist" if the person is licensed or
12 certified as a dietitian or dietitian nutritionist under the laws of another state which
13 has licensure or certification requirements that the affiliated credentialing board
14 determines to be substantially equivalent to the requirements under s. 448.78.

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

16 448.72 (7) A person who is lawfully practicing within the scope of a license or
17 certificate granted under ^{subchg III of chg 440 ↑} chs. 441, 446, or 447, subchs. I to IV, VI, and VII of ch. 448,
18 or ^{chsg} 449 to 451.

19 SECTION 34. 448.72 (11) ⁽⁸⁾ of the statutes is created to read:

20 448.72 (11) (a) A retailer that furnishes oral or written general nutrition
21 information related to food, food materials, dietary supplements, and other goods
22 and that furnishes oral or written general non sold at the retailer's establishment or a similar establishment in connection with the medical
23 marketing and distribution of the food, food materials, dietary supplements, or other nutrition
24 goods at the retailer's establishment. information related to the sales

ASSEMBLY BILL 440

le

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

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

9 (11) 448.72 (12) (a) A person who provides weight control services to an individual or
 10 group of individuals provided the person complies with s. 448.76 and presents a
 11 through a general program of instruction for weight control that has been approved in writing
 12 by one of the following: reviewed and

13 1 (a) A person licensed under this subchapter.

14 2 (b) A physician as defined in s. 448.01 (5).

15 3 (c) A person who is licensed or certified as a dietitian or dietitian nutritionist
 16 under the laws of another state that which has licensure or certification requirements
 17 that the affiliated credentialing board determines to be substantially equivalent to
 18 the licensure requirements under s. 448.78.

19 4 (d) A person who is registered as a dietitian with the registration commission.

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

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

Insert 11-20

ASSEMBLY BILL 440

1 including a code of ethics, and may promulgate rules necessary for the
 2 administration and enforcement of this subchapter.

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

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

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

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

16 448.76 (7) An individual with a temporary license under s. 448.80 shall use the
 17 title “registry eligible dietitian,” which title shall not be abbreviated or capitalized.

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

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

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

23 448.78 (1) Submits an application for the certificate license to the department
 24 on a form provided by the department.

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

ASSEMBLY BILL 440

1 448.78 (3) (a) ~~Received Possesses~~ a bachelor's, master's, or doctoral degree in
2 human nutrition, nutrition education, food and nutrition, dietetics or food systems
3 management from a program at ~~granted by a United States regionally accredited~~
4 college or university that is regionally accredited, as determined by the affiliated
5 credentialing board, and that is located in a state or territory of the United States
6 and successfully completes a didactic program in dietetics accredited by the
7 accreditation commission.

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

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

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

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

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

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

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

ASSEMBLY BILL 440**SECTION 47**

1 448.78 (5) Passes the registration examination for dietitians established by the
2 ~~registration commission on dietetic registration of the American dietetic association,~~
3 ~~or passes an equivalent examination approved by the affiliated credentialing board,~~
4 ~~and held under s. 448.84, to determine fitness to practice dietetics.~~

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

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

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

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

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

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

25 **448.82 (1)** An individual who is registered with the registration commission.

ASSEMBLY BILL 440

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

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

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

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

11 SECTION 53. 448.86 (title) and (1) of the statutes are amended to read:

12 **448.86 (title) Issuance of certificate license; expiration and renewal.**

13 (1) The department shall issue a ~~certificate~~ license to each individual who is ~~certified~~
14 licensed under this subchapter.

15 SECTION 54. 448.86 (2) of the statutes, as affected by 2007 Wisconsin Act 20,
16 is amended to read:

17 448.86 (2) The renewal dates for ~~certificates~~ licenses granted under this
18 subchapter, other than temporary ~~certificates~~ licenses granted under s. 448.80, are
19 specified under s. 440.08 (2) (a). Renewal applications shall be submitted to the
20 department on a form provided by the department and shall include the renewal fee
21 determined by the department under s. 440.03 (9) (a).

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

23 448.86 (3) An applicant for renewal of a license granted under this subchapter
24 shall provide to the department proof of satisfactory completion of at least the

ASSEMBLY BILL 440

1 minimum continuing professional education credits required by the registration
2 commission and shall submit one of the following:

- 3 (a) Proof of valid registration with the registration commission.
- 4 (b) Verification from the registration commission that the applicant has
- 5 completed and accurately reported at least the minimum continuing professional
- 6 education credits required by the commission.

7 **SECTION 56.** 448.865 of the statutes is created to read:

8 **448.865 Disclosure required to provide certain services.** A person
9 providing services as authorized under s. 448.72(11) (b) shall comply with all of the
10 following:

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

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

15 (b) A statement that the person is not licensed as a dietitian nutritionist in this
16 state and can not provide dietetic nutrition therapy

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

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

22 (3) Prior to providing services to a client, obtain from the client a signed and
23 dated statement on which the client confirms receiving and reading the disclosure
24 required under sub. (1). The person shall maintain the signed statement in the
25 client's file for 7 years after the client has ceased being a client of the person.

(a) to

Insert 16-17

Insert 16-21

ASSEMBLY BILL 440

1 SECTION 57. 448.87 (2) (intro.) and (a) of the statutes are amended to read:

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

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

9 SECTION 58. 448.87 (2) (b) of the statutes is amended to read:

10 448.87 (2) (b) Subject to ss. 111.321, 111.322 and 111.335, been convicted of an
11 offense the circumstances of which substantially relate to the practice of ~~dietics~~
12 and ^{dietic} nutrition care services. ↑ ↑

13 SECTION 59. 448.87 (2) (e) of the statutes is amended to read:

14 448.87 (2) (e) Subject to ss. 111.321, 111.322 and 111.34, ~~practiced~~ engaged in
15 the practice of ^{dietics} dietetics and nutrition care services while his or her ability to practice
16 was impaired by alcohol or other drugs. ^{dietic}

17 SECTION 60. 448.87 (2) (g) of the statutes is amended to read:

18 448.87 (2) (g) Engaged in conduct while ~~practicing~~ engaged in the practice of
19 ^{dietics} dietetics and nutrition care services which evidences a lack of knowledge or ability
20 to apply professional principles or skills. ^{dietic}

21 SECTION 61. 450.10 (3) (a) 5m. of the statutes is amended to read:

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

24 SECTION 62. 632.895 (1) (b) 5. b. of the statutes is amended to read:

ASSEMBLY BILL 440

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

4 **SECTION 63.** 655.45 (1m) of the statutes is amended to read:

5 655.45 (1m) For the quarter beginning on July 1, 1995, and for each quarter
6 thereafter, the director of state courts shall file reports complying with sub. (2) with
7 the dietitians dietetics and nutrition care services affiliated credentialing board
8 regarding health care providers certified licensed by the dietitians dietetics and
9 nutrition care services affiliated credentialing board. dietetic

10 **SECTION 64. Nonstatutory provisions.**

11 (1) EXEMPTIONS FROM CERTAIN LICENSURE REQUIREMENTS.

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

20 (b) *Individuals registered as a registered dietitian with the American Dietetic*
21 *Association on the effective date of this act.* Notwithstanding section 448.78 (3) to (5)
22 of the statutes, as affected by this act, the dietetics and nutrition care services
23 affiliated credentialing board shall grant a license under section 448.78 of the
24 statutes, as affected by this act, to an individual who no later than the first day of
25 the 13th month beginning after the effective date of this paragraph provides

ASSEMBLY BILL 440

1 sufficient evidence to the dietetics and ^{dietetic} nutrition care services affiliated credentialing
2 board that the individual was registered as a registered dietitian with the
3 commission on dietetic registration of the American Dietetic Association on the
4 effective date of this act.

5 **SECTION 65. Effective date.**

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

8 (END)

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0257/?ins
TKK:.....

1 **Insert 4-11**

2 **SECTION 1.** 146.89 (1) (r) 1. of the statutes, as affected by 2009 Wisconsin Act
3 93, is amended to read:

4 146.89 (1) (r) 1. Licensed as a physician under ch. 448, a dentist or dental
5 hygienist under ch. 447, a registered nurse, practical nurse, or nurse-midwife under
6 ch. 441, an optometrist under ch. 449, a physician assistant under ch. 448, a dietitian
7 nutritionist under subch. V of ch. 448, a pharmacist under ch. 450, a chiropractor
8 under ch. 446, a podiatrist under subch. IV of ch. 448, or a physical therapist under
9 subch. III of ch. 448.

History: 1989 a. 206; 1991 a. 269; 1993 a. 28, 490; 1995 a. 27 ss. 4378 to 4380, 9126 (19); 1997 a. 27, 57, 67; 1999 a. 23; 2003 a. 92; 2005 a. 188; 2007 a. 20 s. 9121 (6)
(a); 2007 a. 201; 2009 a. 93.

10 **SECTION 2.** 146.89 (1) (r) 2. of the statutes, as affected by 2009 Wisconsin Act
11 93, is repealed.

1 **Insert 6-19**

2 448.70 (2m) "Dietetic nutrition therapy" means use of the nutrition care
3 process ^{together with} and a medically prescribed diet for the management of disease and the
4 treatment or rehabilitation of an injury or condition.

5 **Insert 7-15**

 ****NOTE: The drafting instructions directed me to change this term to "licensed
 dietitian nutritionist," but there is already a definition for "licensed dietitian nutritionist"
 at s. 448.70 (5).

6 **SECTION 1.** 448.70 (4) of the statutes is created to read:

7 448.70 (4) "General non^omedical nutrition information" means information
8 about any of the following:

- 9 (a) Principles of good nutrition and food preparation.
10 (b) Foods to be included in a normal daily diet.
11 (c) Essential nutrients.
12 (d) Sources of essential nutrients.
13 (e) Recommended daily allowances of essential nutrients, based on established
14 standards.

 ****NOTE: Is the clause "based on established standards" necessary? If so,
 standards established by who or what?

- 15 (f) The actions of nutrients in the body.
16 (g) The effects of an excess or deficiency of a nutrient.

17 **Insert 7-16**

18 448.70 (6) "Medically prescribed diet" means a diet prescribed to an individual
19 by or in consultation with a physician, as defined in s. 448.01 (5), and includes a diet
20 administered to the individual by tube feeding, specialized oral feeding, or
21 intravenously.

1 (b) Use of nutrition care process.

2 **Insert 11-20**

****NOTE: The drafting instructions directed me to modify subd. 4. to read "a dietitian registered by the affiliated credentialing board." Because the affiliated credentialing board does not register dietitians, I did not make this change.

3 (b) A person who provides weight control services as provided under par. (a)
4 may not initiate changes to the program of instruction until the changes have been
5 reviewed and approved in writing by the person who reviewed and approved the
6 program of instruction under par. (a).

7 **SECTION 2.** 448.72 (12) of the statutes is created to read:

8 448.72 (12) A person practicing under the disciplines, tenets, or traditions of
9 a recognized religious organization and providing information to other persons who
10 are adherents to or members of the same recognized religious organization if the
11 person complies with s. 448.865 (1) (b).

> ****NOTE: The drafting instructions directed me to permit a person practicing his
> or her religion to "provide nutritional services". What does "provide nutrition services"
> mean? Can you be more specific? How does "provide nutrition services" differ from
> dietetic nutrition care services? For now, I have "providing information" as a
> placeholder.

****NOTE: There is no need to specify that a person providing services under this
exception must not designate him or herself by protected titles; see s. 448.76 (1).

12 **Insert 16-17**

VV] ****NOTE: The drafting instructions for the religious exception (proposed s. 448.72
(12)) contained an explicit reference to this paragraph (s. 448.865 (1) (b)); this lead me to
believe that persons practicing under the religious exemption are required only to provide
a written statement that the person is not licensed, but not to comply with the remainder
of this section. Is that your intent?] led

13 **Insert 16-21**

****NOTE: Will a student enrolled in a dietetics educational program, authorized
under s. 448.72 (9) to practice, have a place of business?

****NOTE: The drafting instructions included information about why a physician would prescribe a medically prescribed diet. Is that information necessary? That is, isn't it enough to know that the diet is a medically prescribed diet?

****NOTE: As I read the definitions for "dietetic nutrition therapy" and "medically prescribed diet" together, in order for a licensed dietitian nutritionist to practice dietetic nutrition therapy, the licensed dietitian nutritionist must consult with a physician. Is that your intent?

1 (7) "Nutrition care process" means an integrated and systematic
2 problem-solving method used to analyze and address nutrition-related problems of
3 an individual and provide safe, quality, and effective nutrition care to that
4 individual. "Nutrition care process" includes all of the following:

5 (a) Obtaining, verifying, and interpreting biochemical, anthropometric,
6 physical, and dietary information about the individual to identify and make
7 decisions about the nature and cause of each identified nutrition-related problem.

****NOTE: The drafting instructions directed me to include as par. (b) "Identifying and labeling nutritional problems that a dietetics practitioner is responsible for treating independently." This duplicates the material in par. (a), so I left it out.

8 (b) Identifying desired nutrition-related goals and outcomes for each
9 nutrition-related problem.

10 (c) Making recommendations to the individual and to family members and
11 caretakers of the individual to change behaviors and environmental conditions to
12 address each identified nutrition-related problem and achieve the goals and
13 outcomes identified in par. (b)

14 (d) Monitoring the individual and modifying the recommendations under par.

15 (c) when necessary to achieve the goals and outcomes identified in par. (b).

16 **Insert 7-17**

17 ^{NO} medical differential diagnosis of the health status of an individual:

****NOTE: What does "medical differential diagnosis of the health status of an individual" mean?

18 (a) Dietetic nutrition therapy.

rec'd by drafter
2/12/2010

Page 2

Section 1

Line 6 - Delete "and" - Dietetic and Nutrition Care Services Affiliated Credentialing Board

Page 5

SECTION 19. 448.70 (2m) of the statutes is created to read:

448.70 (2m) "Dietetic nutrition therapy" means ~~use of the nutrition care process together with a medically prescribed diet for the management of disease and the treatment or rehabilitation of an injury or condition. Note from WDA: this was not the definition~~

Change to:

"Dietetic nutrition therapy" means a specific application of nutrition care services generally provided by use of the Nutrition Care Process that is focused on the management of diseases, and treatment or rehabilitation of injuries or conditions. DNT involves in-depth individualized nutrition assessment, determination of the nutrition diagnosis, determination and application of the nutrition intervention personalized for the individual or group, and periodic monitoring, evaluation, re-assessment and intervention tailored to manage the disease, injury or condition. DNT services are provided by the dietitian for individuals and groups utilizing meal plans, medically prescribed diets and tube feedings, specialized intravenous solutions and specialized oral feedings.

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Page 6

448.70 (4) "General nonmedical nutrition information" means information about any of the following:

- (a) Principles of good nutrition and food preparation.
- (b) Foods to be included in a normal daily diet.
- (c) Essential nutrients needed by the body (note from WDA-ok either way)
- (d) Sources of essential nutrients including food and supplements
- (e) Recommended daily allowances of essential nutrients per established evidence-based standards.

****NOTE: Is the clause "based on established standards" necessary? YES If so, standards established by who or what? Note from WDA: evidence based would be RDA and other known scientific recommendations such as USDA Food and Nutrition Center, etc...

- (f) The actions of nutrients in the body.
- (g) The effects of an excess or deficiency of a nutrient.

Page 6

SECTION 22. 448.70 (6) to (9) of the statutes are created to read:

448.70 (6) "Medically prescribed diet" means a diet prescribed ~~to an individual by or in consultation with a physician, as defined in s. 448.01 (5), and includes a diet administered to the individual by tube feeding, specialized oral feeding, or intravenously.~~

****NOTE: The drafting instructions included information about why a physician would prescribe a medically prescribed diet. Is that information necessary? That is, isn't it enough to know that the diet is a medically prescribed diet? Note from WDA: there are unqualified alternative practitioners that are prescribing diets so is necessary

****NOTE: As I read the definitions for "dietetic nutrition therapy" and "medically prescribed diet" together, in order for a licensed dietitian nutritionist to practice dietetic nutrition therapy, the licensed dietitian nutritionist must consult with a physician. Is that your intent? NOTE FROM WDA: NO, that is not our intent- this was not the definition of medically prescribed diet and is actually part of the DNT definition so the questions no longer relevant?

Should be changed to:

"Medically prescribed diet" means a diet prescribed when specific food or nutrient levels need to be monitored, altered, or both as a component of a treatment program for an individual whose health status is impaired or at risk due to disease, injury, or surgery and may only be performed as initiated by or in consultation with a physician, as defined in s 448.01 (5) *or by an individual authorized by state license to prescribe*

✓ **Page 6 (16-19) (7)** "Nutrition care process" means an integrated and systematic problem-solving method used to analyze and address nutrition-related problems of an individual or group and provide safe, quality, and effective nutrition care to that individual or group. "Nutrition care process" includes all of the following

✓ **Page 7 (1-16)**

(a) Obtaining, verifying, and interpreting biochemical, anthropometric, physical, and dietary information ~~about the individual~~ to identify and make decisions about the nature and cause of each identified nutrition-related problem.

****NOTE: The drafting instructions directed me to include as par. (b) "Identifying and labeling nutritional problems that a dietetics practitioner is responsible for treating independently." This duplicates the material in par. (a), so I left it out. **Note from WDA- ok**

(b) Identifying desired nutrition-related goals and outcomes for each nutrition-related problem.

(c) Making recommendations to the individual and to family members and caretakers of the individual to change behaviors and environmental conditions to address each identified nutrition-related problem and achieve the goals and outcomes identified in par. (b).

(d) Monitoring the individual and modifying the recommendations under par.

(c) when necessary to achieve the goals and outcomes identified in par. (b).

✓ **Page 7 12-14**

(8) "Practice of dietetic ~~and~~ nutrition care services" includes ~~each of~~ the following: ~~but does not include the medical differential diagnosis of the health status of an individual:~~

****NOTE: What does "medical differential diagnosis of the health status of an individual" mean? **Note from WDA Definition = determination of which one of two or more diseases with similar symptoms is the one from which the patient is suffering.** However we could eliminate it now as it was needed due to the definition of nutrition diagnosis in b above which you did not include in the bill. It was to show the difference between a nutrition diagnosis and a medical diagnosis.

Or could it state:

(8) "Dietetic nutrition care services" includes the following scope of practice:

(a) Dietetic nutrition therapy.

(b) Use of **the** nutrition care process.

✓ **Page 10-line 23**

4. A person who is registered as a dietitian with the registration commission.

****NOTE: The drafting instructions directed me to modify subd. 4. to read "a dietitian registered by the affiliated credentialing board." Because the affiliated credentialing board does not register dietitians, I did not make this change.

Note from WDA-ok

We defined for keep on separate handout

SECTION 38. 448.72 (12) of the statutes is created to read:

448.72 (12) A person practicing under the disciplines, tenets, or traditions of a recognized religious organization and providing information and services to other persons who are adherents to or members of the same recognized religious organization if the person complies with s. 448.865 (1) (b).

****NOTE: The drafting instructions directed me to permit a person practicing his or her religion to "provide nutritional services." What does "provide nutrition services" mean? Can you be more specific? How does "provide nutrition services" differ from dietetic nutrition care services"? For now, I have "providing information" as a placeholder. WDA note: See above

****NOTE: There is no need to specify that a person providing services under this exception must not designate him or herself by protected titles; see s. 448.76 (1).

SECTION 59. 448.865 of the statutes is created to read:

448.865 Disclosure required to provide certain services. A person not licensed under this subchapter who provides nutrition services ~~providing services as authorized under s. 448.72 (9) to (11)~~ shall comply with all of the following:

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

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

(b) A statement that the person is not licensed as a dietitian nutritionist in this state and cannot provide dietetic nutrition therapy.

****NOTE: The drafting instructions for the religious exception [proposed s. 448.72 (12)] contained an explicit reference to this paragraph [s. 448.865 (1) (b)]; this led me to believe that persons practicing under the religious exemption are required only to provide a written statement that the person is not licensed, but not to comply with the remainder of this section. Is that your intent? WDA Note: Yes

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

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

****NOTE: Will a student enrolled in a dietetics educational program, authorized under s. 448.72 (9) to practice, have a place of business? WDA Note: no longer applicable since students are not affected by this section as 448.72 was placed in this section and should not have been.

(3) Prior to providing services to a client, obtain from the client a signed and dated statement on which the client confirms receiving and reading the disclosure required under sub. (1). The person shall maintain the signed statement in the client's file for 7 years after the client has ceased being a client of the person.

(4) MISSING retailer info - 448.865 does not apply to a retailer under 448.72 (11) (a).

WDA suggestion: Nutrition services means "the provision of nutritional support for individuals, except for the practice of dietetic nutrition care services under 448.70 (8)

persons who are not licensed or exempt who do _____ that is not the practice of dietetic nutrition care services

ok

ok

seems

rec'd 2/17/2010
by drafter from Lynn Edwards (WI Dietitian)
(reported at meeting w/ Rep. Pasch, Fred L.)

- (a) Interpreting dietary data and recommending nutrient needs relative to medically prescribed diets, including, but not limited to tube feedings, specialized intravenous solutions, and specialized oral feedings;
- (b) Food and prescription drug interactions; and
- (c) Developing and managing food service operations whose chief function is nutrition care and provision of medically prescribed diets.

- **"Medically prescribed diet"** means a diet prescribed when specific food or nutrient levels need to be monitored, altered, or both as a component of a treatment program for an individual whose health status is impaired or at risk due to disease, injury, or surgery and may only be performed as initiated by or in consultation with a physician licensed to practice medicine in all of its branches, or by an individual authorized by state license to prescribe

- **"Nutrition Care Process"** means a systematic problem-solving method that registered dietitians use to critically think and make decisions to address nutrition related problems and provide safe and effective quality nutrition care. It consists of the following four distinct, but interrelated and connected steps:

- (a) The evaluation of the nutrition needs of individuals and groups based upon appropriate biochemical, anthropometric, physical, and dietary data to determine nutrient needs and recommend appropriate nutrition intake including enteral and parenteral nutrition.

- (b) Identifying and labeling nutritional problems that a dietetics practitioner is responsible for treating independently.

- (c) Purposefully planned actions intended to positively change a nutrition-related behavior, environmental condition, or aspect of health status for an individual, target groups, or community at large.

- (d) Identifying client outcomes relevant to the nutrition diagnosis and intervention plans and goals.

- "Delete" 448.70 (3) – Page 7, Lines 13-14 – in AB 440.

~~448.70 (3) "Dietitian nutritionist" means an individual who engages in the practice of dietetics and nutrition care services.~~

Eliminate the above – 448.70 (3) – and replace with:

448.70 (3) "Licensed dietitian nutritionist" means an individual who engages in the practice of dietetic nutrition care services. Activities of a licensed dietitian nutritionist do not include the medical differential diagnosis of the health status of an individual.

USE THIS DEFINITION OF MCP, including explicit reference to "four distinct... steps."

Kuczenski, Tracy

From: Ludwig, Frederic
Sent: Monday, February 22, 2010 9:20 AM
To: Kuczenski, Tracy
Subject: RE: re: ab 440

Sorry...missed this last week.

Lynn Edwards (Wisconsin Dietetic Association)
Michael Welsh (Hoven Consulting)

From: Kuczenski, Tracy
Sent: Thursday, February 18, 2010 4:24 PM
To: Ludwig, Frederic
Subject: RE: re: ab 440

Hi Fred -

For the drafting file, can you please provide me with the names of the two individuals we met with yesterday and with what entities they are affiliated?

Thanks,
Tracy

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

From: Ludwig, Frederic
Sent: Thursday, February 18, 2010 12:31 PM
To: Kuczenski, Tracy
Subject: re: ab 440

Hi Tracy,

Quick follow up to our discussion yesterday. Sandy would like to have "conditions" removed in the DNT description (Sec 19.448.70 (2m)). Also, can't remember where we left off on this, but she'd also like to leave out the specified standards under general nutrition information (pg 6, 448.70(4)). I think we left it at leaving it out, but it should read as follows:

(e) Recommended amounts of essential nutrients

Make sense? Let me know if you have questions/concerns. As always, thanks for your work on this.

Fred

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

2/22/2010

SNAPSHOT

NCP Step 1. Nutrition Assessment

What is the purpose of Nutrition Assessment? The purpose is to obtain, verify, and interpret data needed to identify nutrition-related problems, their causes, and significance. It is an ongoing, nonlinear, dynamic process that involves initial data collection, but also continual reassessment and analysis of the patient/client's status compared to specified criteria. This contrasts with nutrition monitoring and evaluation data where dietetics practitioners use similar, or even the same, data to determine changes in patient/client* behavior or nutritional status and the efficacy of nutrition intervention.

How does a dietetics practitioner determine where to obtain Nutrition Assessment data? It depends on the practice setting. For individuals, data can come directly from the patient/client through interview, observation and measurements, a medical record, and the referring health care provider. For population groups, data from surveys, administrative data sets, and epidemiological or research studies are used. A nutrition assessment matrix that links nutrition assessment parameters with nutrition diagnoses is available to assist practitioners in identifying nutrition diagnoses.

How are Nutrition Assessment data organized? In five categories:

Food/Nutrition-Related History	Biochemical Data, Medical Tests, and Procedures	Anthropometric Measurements	Nutrition-Focused Physical Findings	Client History
Food and nutrient intake, medication/herbal supplement intake, knowledge, beliefs, food and supplies availability, physical activity, nutrition	Lab data (e.g., electrolytes, glucose) and tests (e.g., gastric emptying time, resting metabolic rate)	Height, weight, body mass index (BMI), growth pattern indices/percentile ranks, and weight history	Physical appearance, muscle and fat wasting, swallow function, appetite, and affect	Personal history, medical/health/family history, treatments and complementary/alternative medicine use, and social history

What is done with the Nutrition Assessment data? Nutrition assessment data (indicators) are compared to criteria, relevant norms and standards, for interpretation and decision-making. These may be national, institutional, or regulatory norms and standards. Nutrition assessment findings are documented in nutrition diagnosis statements and nutrition intervention goal setting.

Critical thinking during this step...

- Determining appropriate data to collect
- Determining the need for additional information
- Selecting assessment tools and procedures that match the situation
- Applying assessment tools in valid and reliable ways
- Distinguishing relevant from irrelevant data
- Distinguishing important from unimportant data
- Validating the data

Is there a standardized language or taxonomy for Nutrition Assessment? Yes. With the development of standardized languages for the other NCP steps, it was clear that a standard taxonomy for nutrition assessment would support a consistent approach to the NCP and enhance communication and research. The terms for nutrition assessment and nutrition monitoring and evaluation are now combined, as the data points are the same or related; however, the data purpose and use are distinct in these two steps.

Are dietetics practitioners limited to the Nutrition Assessment data included in the Matrix and used in the Nutrition Diagnoses? Nutrition assessment data listed in the nutrition diagnoses reference sheets are undergoing study and research to confirm (validate) which data are most relevant to specific nutrition diagnoses. However, based on their patient/client population, practice setting and purpose, dietetics practitioners may utilize the ADA process to add or modify standardized language terms.

Detailed information about this step can be found in the American Dietetic Association's International Dietetics and Nutrition Terminology (IDNT) Reference Manual: Standardized Language for the Nutrition Care Process, Second Edition.

*Patient/client refers to individuals, groups, family members, and/or caregivers.

SNAPSHOT

NCP Step 2. Nutrition Diagnosis

What is the purpose of a Nutrition Diagnosis? The purpose is to identify and describe a specific nutrition problem that can be resolved or improved through treatment/nutrition intervention by a dietetics practitioner. A nutrition diagnosis (e.g., inconsistent carbohydrate intake) is different from a medical diagnosis (e.g., diabetes).

How does a dietetics practitioner determine a Nutrition Diagnosis? Dietetics practitioners use the data collected in the nutrition assessment to identify and label the patient/client's* nutrition diagnosis using standard nutrition diagnostic terminology. Each nutrition diagnosis has a reference sheet that includes its definition, possible etiology/causes and common signs or symptoms identified in the nutrition assessment step.

How are the Nutrition Diagnoses organized? In three categories:

Intake	Clinical	Behavioral-Environmental
<i>Too much or too little of a food or nutrient compared to actual or estimated needs</i>	<i>Nutrition problems that relate to medical or physical conditions</i>	<i>Knowledge, attitudes, beliefs, physical environment, access to food, or food safety</i>

How is the Nutrition Diagnosis documented? Dietetics practitioners write a PES statement to describe the problem, its root cause, and the assessment data that provide evidence for the nutrition diagnosis. The format for the PES statement is "Nutrition problem label related to ____ as evidenced by ____."

(P) Problem or Nutrition Diagnosis Label	(E) Etiology Cause/Contributing Risk Factors	(S) Signs/Symptoms
Describes alterations in the patient/client's nutritional status.	Linked to the nutrition diagnosis label by the words "related to."	Data used to determine that the patient/client has the nutrition diagnosis specified. Linked to the etiology by the words "as evidenced by."

What are the guidelines for selecting the nutrition diagnosis and writing a clear PES statement? The most important and urgent problem to be addressed is selected. When specifying the nutrition diagnosis and writing the PES statement; dietetics practitioners ask themselves a series of questions that help clarify the nutrition diagnosis. (See the critical thinking box).

Critical thinking during this step...
Evaluate your PES statement by using the following

- P** – Can the nutrition professional resolve or improve the nutrition diagnosis for this individual, group or population? When all things are equal and there is a choice between stating the PES statement using two nutrition diagnoses from different domains, consider the Intake nutrition diagnosis as the one more specific to the role of the RD.
- E** – Evaluate what you have used as your etiology to determine if it is the "root cause" or the most specific root cause that the RD can address with a nutrition intervention. If as an RD you can not resolve the problem by addressing the etiology, can the RD intervention at least lessen the signs and symptoms?
- S** – Will measuring the signs and symptoms indicate if the problem is resolved or improved? Are the signs and symptoms specific enough that you can monitor (measure/evaluate changes) and document resolution or improvement of the nutrition diagnosis?

PES Overall – Does the nutrition assessment data support a particular nutrition diagnosis with a typical etiology and signs and symptoms?

Are dietetics practitioners limited to the Nutrition Diagnosis terms? Nutrition diagnosis terms and definitions were developed with extensive input and should fit most situations; however, food and dietetics practitioners can submit proposals for additions or revisions using the Procedure for Nutrition Controlled Vocabulary/Terminology Maintenance/Review available from ADA.

Detailed information about this step can be found in the American Dietetic Association's International Dietetics and Nutrition Terminology (IDNT) Reference Manual: Standardized Language for the Nutrition Care Process, Second Edition.

Snapshot

NCP Step 3. Nutrition Intervention

What is the purpose of a nutrition intervention? The purpose is to resolve or improve the identified nutrition problem by planning and implementing appropriate nutrition interventions that are tailored to the patient/client's* needs.

How does a dietetics practitioner determine a nutrition intervention? The selection of nutrition interventions is driven by the nutrition diagnosis and its etiology. Nutrition intervention strategies are purposefully selected to change nutritional intake, nutrition-related knowledge or behavior, environmental conditions, or access to supportive care and services. Nutrition intervention goals provide the basis for monitoring progress and measuring outcomes.

How are the Nutrition Intervention strategies organized? In four categories:

Food and/or Nutrient Delivery	Nutrition Education	Nutrition Counseling	Coordination of Nutrition Care
<i>An individualized approach for food/nutrient provision, including meals and snacks, enteral and parenteral feeding, and supplements</i>	<i>A formal process to instruct or train a patient/client in a skill or to impart knowledge to help patients/clients voluntarily manage or modify food choices and eating behavior to maintain or improve health</i>	<i>A supportive process, characterized by a collaborative counselor-patient relationship, to set priorities, establish goals and create individualized action plans that acknowledge and foster responsibility for self-care to treat an existing condition and promote health</i>	<i>Consultation with, referral to, or coordination of nutrition care with other health care providers, institutions, or agencies that can assist in treating or managing nutrition-related problems</i>

What does Nutrition Intervention involve? Nutrition intervention entails two distinct and interrelated components—planning and implementing. Planning the nutrition intervention involves: (a) prioritizing nutrition diagnoses, (b) consulting ADA's Evidence-Based Nutrition Practice Guidelines and other practice guides, (c) determining patient-focused expected outcomes for each nutrition diagnosis, (d) conferring with patient/client/caregivers, (e) defining a nutrition intervention plan and strategies, (f) defining time and frequency of care, and (g) identifying resources needed. Implementation is the action phase and involves: (a) communication of the nutrition care plan, (b) carrying out the plan.

- Critical thinking during this step...**
- Setting goals and prioritizing
 - Defining the nutrition prescription or basic plan
 - Making interdisciplinary connections
 - Initiating behavioral and other nutrition interventions
 - Matching nutrition intervention strategies with client needs, nutrition diagnosis, and values
 - Choosing from among alternatives to determine a course of action
 - Specifying the time and frequency of care

Are dietetics practitioners limited to the Nutrition Intervention terms defined? Nutrition intervention terminology includes commonly used strategies and emphasizes the application of evidence-based strategies matched to appropriate circumstances. Evaluation of the nutrition intervention terminology is ongoing and will guide future modifications. Dietetics practitioners can propose additions or revisions using the Procedure for Nutrition Controlled Vocabulary/Terminology Maintenance/Review available from ADA.

Detailed information about this step can be found in the American Dietetic Association's International Dietetics and Nutrition Terminology (IDNT) Reference Manual: Standardized Language for the Nutrition Care Process, Second Edition.

SNAPSHOT

NCP Step 4. Nutrition Monitoring and Evaluation

What is the purpose of Nutrition Monitoring and Evaluation? The purpose is to determine the amount of progress made and whether goals/expected outcomes are being met. Nutrition monitoring and evaluation identifies patient/client* outcomes relevant to the nutrition diagnosis and intervention plans and goals. Nutrition care outcomes—the desired results of nutrition care—are defined in this step. The change in specific nutrition care indicators, through assessment and reassessment, can be measured and compared to the patient/client’s previous status, nutrition intervention goals, or reference standards. The aim is to promote more uniformity within the dietetics profession in assessing the effectiveness of nutrition intervention.

How does a dietetics practitioner determine what to measure for Nutrition Monitoring and Evaluation? Practitioners select nutrition care indicators that will reflect a change as a result of nutrition care. In addition, dietetics practitioners will consider factors such as the nutrition diagnosis and its etiology and signs or symptoms, the nutrition intervention, medical diagnosis, health care outcome goals, quality management goals for nutrition, practice setting, patient/client population, and disease state and/or severity.

How are outcomes used in Nutrition Monitoring and Evaluation organized? In four categories**:

Food/Nutrition-Related History Outcomes	Biochemical Data, Medical Tests, and Procedure Outcomes	Anthropometric Measurement Outcomes	Nutrition-Focused Physical Finding Outcomes
<i>Food and nutrient intake, medication/herbal supplement intake, knowledge, beliefs, food and supplies availability, physical activity, nutrition quality of life</i>	<i>Lab data (e.g., electrolytes, glucose) and tests (e.g., gastric emptying time, resting metabolic rate)</i>	<i>Height, weight, body mass index (BMI), growth pattern indices/percentile ranks, and weight history</i>	<i>Physical appearance, muscle and fat wasting, swallow function, appetite, and affect</i>

What does Nutrition Monitoring and Evaluation involve? Practitioners do three things as part of nutrition monitoring and evaluation—monitor, measure, and evaluate the changes in nutrition care indicators—to determine patient/client progress. Practitioners monitor by providing evidence that the nutrition intervention is or is not changing the patient/client’s behavior or status. They measure outcomes by collecting data on the appropriate nutrition outcome indicator(s). Finally, dietetics practitioners compare the current findings with previous status, nutrition intervention goals, and/or reference standards (i.e., criteria) and evaluate the overall impact of the nutrition intervention on the patient/client’s health outcomes. The use of standardized indicators and criteria increases the validity and reliability outcome data are collected. All these procedures facilitate electronic charting, coding, and outcomes measurement.

Critical thinking during this step...

- Selecting appropriate indicators/measures
- Using appropriate reference standards for comparison
- Defining where patient/client is in terms of expected outcomes
- Explaining a variance from expected outcomes
- Determining factors that help or hinder progress
- Deciding between discharge and continuation of nutrition care

Are dietetics practitioners limited to the Nutrition Monitoring and Evaluation outcomes terms? A cascade of outcomes of nutrition care have been identified; each outcome has several possible indicators that can be measured depending on the patient/client population, practice setting, and disease state/severity. Dietetics practitioners can propose additions or revisions using the Procedure for Nutrition Controlled Vocabulary/Terminology Maintenance/Review available from ADA.

Detailed information about this step can be found in the American Dietetic Association’s International Dietetics and Nutrition Terminology (IDNT) Reference Manual: Standardized Language for the Nutrition Care Process, Second Edition.

*Patient/client refers to individuals, groups, family members, and/or caregivers.

**While the domains, classes, and terms for nutrition assessment and nutrition monitoring and evaluation are combined, there are no nutrition care outcomes associated with the domain entitled Client History. Items from this domain are used for nutrition assessment only and do not change as a result of nutrition intervention.