



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBs0257/8
TKK:bjk&kj:rs

P2

stays

insert
RM12

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2009 ASSEMBLY BILL 440

SA

Inserts

in 2/19/2010
11:00am

wanted 2/22/2010

Regen

1 **AN ACT to repeal** 146.89 (1) (r) 2., 448.72 (1) (a) and (b), 448.72 (1) (d), 448.72 (1)
2 (f), 448.72 (2), 448.74 (1), 448.78 (3) (c) and 448.78 (4) (a), (b) and (c); **to**
3 **renumber and amend** 448.70 (1), 448.70 (1m), 448.72 (1) (c), 448.72 (1) (e),
4 448.72 (3), 448.72 (4), 448.72 (5), 448.72 (6), 448.76, 448.78 (4) (intro.) and
5 448.82; **to consolidate, renumber and amend** 448.72 (intro.) and (1) (intro.)
6 and 448.74 (intro.) and (2); **to amend** 15.406 (2) (intro.), 15.406 (2) (a), 48.981
7 (2) (a) 24., 146.81 (1) (em), 146.89 (1) (r) 1., 146.997 (1) (d) 6., 180.1901 (1m) (br),
8 251.06 (3) (e) 2., 252.14 (1) (ar) 4m., 440.03 (13) (b) 23., 440.08 (2) (a) 27m.,
9 446.02 (6m), subchapter V (title) of chapter 448 [precedes 448.70], 448.70 (2),
10 448.70 (3), 448.78 (intro.), 448.78 (1), 448.78 (3) (a), 448.78 (3) (b), 448.78 (5),
11 448.80, 448.84 (1), 448.84 (2), 448.86 (title) and (1), 448.86 (2), 448.87 (2) (intro.)
12 and (a), 448.87 (2) (b), 448.87 (2) (e), 448.87 (2) (g), 450.10 (3) (a) 5m., 632.895

1 (1) (b) 5. b. and 655.45 (1m); and **to create** 448.70 (1d), 448.70 (2m), 448.70 (4),
2 448.70 (6) to (9), 448.71, 448.72 (7), 448.72 (8), 448.72 (11), 448.72 (12), 448.76
3 (7), 448.82 (1), 448.86 (3) and 448.865 of the statutes; **relating to:** licensure of
4 dietitian nutritionists and requiring the exercise of rule-making authority.

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

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

6 **15.406 (2)** ~~DIETITIANS~~ DIETETIC ^g~~(AND)~~ NUTRITION CARE SERVICES AFFILIATED
7 CREDENTIALING BOARD. (intro.) There is created in the department of regulation and
8 licensing, attached to the medical examining board, a ~~dietitians~~ dietetic nutrition
9 care services affiliated credentialing board consisting of the following members
10 appointed for 4-year terms:

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

12 15.406 (2) (a) Three ~~dietitians~~ individuals who are ~~certified~~ licensed as a
13 dietitian nutritionist under subch. V of ch. 448.

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

15 48.981 (2) (a) 24. A dietitian nutritionist.

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

17 146.81 (1) (em) ~~A dietitian certified~~ An individual licensed as a dietitian
18 nutritionist under subch. V of ch. 448.

19 **SECTION 5.** 146.89 (1) (r) 1. of the statutes, as affected by 2009 Wisconsin Act
20 93, is amended to read:

21 146.89 (1) (r) 1. Licensed as a physician under ch. 448, a dentist or dental
22 hygienist under ch. 447, a registered nurse, practical nurse, or nurse-midwife under
23 ch. 441, an optometrist under ch. 449, a physician assistant under ch. 448, a dietitian

1 nutritionist under subch. V of ch. 448, a pharmacist under ch. 450, a chiropractor
2 under ch. 446, a podiatrist under subch. IV of ch. 448, or a physical therapist under
3 subch. III of ch. 448.

4 **SECTION 6.** 146.89 (1) (r) 2. of the statutes, as affected by 2009 Wisconsin Act
5 93, is repealed.

6 **SECTION 7.** 146.997 (1) (d) 6. of the statutes is amended to read:

7 146.997 (1) (d) 6. ~~A dietitian certified~~ An individual licensed as a dietitian
8 nutritionist under subch. V of ch. 448.

9 **SECTION 8.** 180.1901 (1m) (br) of the statutes is amended to read:

10 180.1901 (1m) (br) Dietitians Dietetic nutrition care services affiliated
11 credentialing board under subch. V of ch. 448.

12 **SECTION 9.** 251.06 (3) (e) 2. of the statutes is amended to read:

13 251.06 (3) (e) 2. A public health nutritionist, who is a ~~certified~~ licensed dietitian
14 nutritionist, as defined in s. 448.70 (1m) (5), is credentialed as a registered dietitian
15 by the Commission on Dietetic Registration, and meets qualifications that the
16 department shall specify by rule.

17 **SECTION 10.** 252.14 (1) (ar) 4m. of the statutes is amended to read:

18 252.14 (1) (ar) 4m. ~~A dietitian certified~~ An individual licensed as a dietitian
19 nutritionist under subch. V of ch. 448.

20 **SECTION 11.** 440.03 (13) (b) 23. of the statutes is amended to read:

21 440.03 (13) (b) 23. Dietitian nutritionist.

22 **SECTION 12.** 440.08 (2) (a) 27m. of the statutes is amended to read:

23 440.08 (2) (a) 27m. Dietitian nutritionist: November 1 of each even-numbered
24 year.

25 **SECTION 13.** 446.02 (6m) of the statutes is amended to read:

1 448.70 (5) "Certified Licensed dietitian nutritionist" means an individual who
2 is ~~certified licensed~~ licensed as a dietitian nutritionist under this subchapter.

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

4 448.70 (2) "Dietetics Dietetic nutrition care services" means the integration
5 and 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 (2m) of the statutes is created to read:

16 448.70 (2m) "Dietetic nutrition therapy" means use of the nutrition care
17 process together with a medically prescribed diet for the management of disease and
18 the treatment or rehabilitation of an injury or condition.

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

20 448.70 (3) "Dietitian nutritionist" means an individual who ~~practices dietetics~~
21 engages in the practice of dietetic nutrition care services.

> (e) *****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).

(4r) SECTION 21. 448.70 (4) of the statutes is created to read:

Insert 5-16

Insert 5-22

(2)

1 448.70 ^(4r)(4) "General nonmedical nutrition information" means information
2 about any of the following:

3 (a) Principles of good nutrition and food preparation.

4 (b) Foods to be included in a normal daily diet.

5 (c) Essential nutrients.

6 (d) Sources of essential nutrients ^{including food and supplements}

7 (e) Recommended daily allowances of essential nutrients, based on established
8 standards ^{amounts}

> ⁶ ****NOTE: Is the clause "based on established standards" necessary? If so, standards established by who or what?

9 (f) The actions of nutrients in the body.

10 (g) The effects of an excess or deficiency of a nutrient.

Insert 6-13

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

12 448.70 (6) "Medically prescribed diet" means a diet prescribed to an individual

13 by or in consultation with a physician, as defined in s. 448.01 (5), and includes a diet

14 administered to the individual by tube feeding, specialized oral feeding, or

15 intravenously

> ⁶ ****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?

16 (7) "Nutrition care process" means an integrated and systematic

17 problem-solving method used to analyze and address nutrition-related problems of

18 an individual ^{or a group} and provide safe, quality, and effective nutrition care to that

19 individual ^{or group} "Nutrition care process" includes all of the following ⁴

or group

4 four distinct but interrelated and connected steps

Insert 7-1

1 (a) Obtaining, verifying, and interpreting biochemical, anthropometric,
2 physical, and dietary information about the individual to identify and make
3 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.

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

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

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

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

12 (8) "Practice of dietetic ^gand nutrition care services" includes each of the
13 following but does not include the medical differential diagnosis of the health status
14 of an individual. ^g making a

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

15 (a) Dietetic nutrition therapy.

16 ^{(a) The} (b) Use of nutrition care process.

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

19 SECTION 23. 448.71 of the statutes is created to read:

20 **448.71 License required.** Except as provided in s. 448.72, no person ^g individual may
21 engage in the practice of dietetic nutrition care services unless the person ^e individual is licensed
22 under this subchapter.

(b) Dietetic nutrition therapy

1 **SECTION 24.** 448.72 (intro.) and (1) (intro.) of the statutes are consolidated,
2 renumbered 448.72 (intro.) and amended to read:

3 **448.72 Applicability.** (intro.) ~~This No license is required under this~~
4 ~~subchapter does not do any of the following: (1) (intro.) Require a certificate under~~
5 ~~this subchapter~~ for any of the following:

6 **SECTION 25.** 448.72 (1) (a) and (b) of the statutes are repealed.

7 **SECTION 26.** 448.72 (1) (c) of the statutes is renumbered 448.72 (9) and
8 amended to read:

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

15 **SECTION 27.** 448.72 (1) (d) of the statutes is repealed.

16 **SECTION 28.** 448.72 (1) (e) of the statutes is renumbered 448.72 (10) and
17 amended to read:

18 448.72 (10) A dietitian nutritionist who is serving in the U.S. armed forces, as
19 defined in s. 40.02 (57m), or in the commissioned corps of the federal public health
20 service or is employed by the U.S. veterans administration, and who is engaged in
21 the practice of dietetics dietetic nutrition care services as part of that service or
22 employment.

23 **SECTION 29.** 448.72 (1) (f) of the statutes is repealed.

24 **SECTION 30.** 448.72 (2) of the statutes is repealed.

1 **SECTION 31.** 448.72 (3) of the statutes is renumbered 448.76 (3) and amended
2 to read:

3 448.76 (3) ~~Prohibit an~~ An individual described in ~~sub. (1) (e) from using s.~~
4 448.72 (10) may use the title “dietitian nutritionist” or any letters or designation that
5 represents or may tend to represent the individual as a dietitian nutritionist, if the
6 title, letters, or designation is used only in the course of the individual’s service or
7 employment.

8 **SECTION 32.** 448.72 (4) of the statutes is renumbered 448.76 (4) and amended
9 to read:

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

13 **SECTION 33.** 448.72 (5) of the statutes is renumbered 448.76 (5) and amended
14 to read:

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

19 **SECTION 34.** 448.72 (6) of the statutes is renumbered 448.76 (6) and amended
20 to read:

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

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

3 SECTION 35. 448.72 (7) of the statutes is created to read:

4 (4) 448.72 (7) ^{An individual} A person who is lawfully practicing within the scope of a license or
5 certificate granted under subch. XII of ch. 440, chs. 441, 446, or 447, subchs. I to IV,
6 VI, and VII of ch. 448, or chs. 449 to 451.

7 SECTION 36. 448.72 (8) of the statutes is created to read:

8 448.72 (8) A retailer that sells food, food materials, dietary supplements, and
9 other goods at the retailer's establishment or a similar establishment and that
10 furnishes oral or written general nonmedical nutrition information related to the
11 sale, marketing, and distribution of the food, food materials, dietary supplements,
12 or other goods.

13 SECTION 37. 448.72 (11) of the statutes is created to read:

14 (14) 448.72 (11) (a) ^{An individual} A person who provides weight control services to ^{a client} an individual
15 or group of ^{clients} individuals through a program of instruction that has been reviewed and
16 approved in writing by one of the following:

- 17 (17) 1. ^{An individual} A person licensed under this subchapter.
- 18 2. A physician as defined in s. 448.01 (5).
- 19 (19) 3. ^{An individual} A person who is licensed or certified as a dietitian or dietitian nutritionist
20 under the laws of another state that has licensure or certification requirements that
21 the affiliated credentialing board determines to be substantially equivalent to the
22 licensure requirements under s. 448.78.

- 23 (23) 4. ^{An individual} 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.

1

(b) An individual ~~A person~~ who provides weight control services as provided under par. (a)

2

may not initiate changes to the program of instruction until the changes have been

3

reviewed and approved in writing by the individual ~~person~~ who reviewed and approved the

4

program of instruction under par. (a).

5

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

6

448.72 (12) An individual ~~A person~~ practicing under the disciplines, tenets, or traditions of

7

a recognized religious organization and providing information and services to other ~~persons~~ who

8

are adherents to or members of the same recognized religious organization if the

9

individual ~~person~~ complies with s. 448.865 (1) (b) 36

****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).

10

SECTION 39. 448.74 (intro.) and (2) of the statutes are consolidated,

11

renumbered 448.74 and amended to read:

12

448.74 Duties of affiliated credentialing board. The affiliated

13

credentialing board shall ~~promulgate rules that do all of the following:~~ ~~(2) Establish~~

14

~~a code of ethics~~ establish by rule standards of practice to govern the professional

15

conduct of ~~certified dietitians~~ an individual licensed as a dietitian nutritionist.

16

including a code of ethics, and may promulgate rules necessary for the

17

administration and enforcement of this subchapter.

18

SECTION 40. 448.74 (1) of the statutes is repealed.

19

SECTION 41. 448.76 of the statutes is renumbered 448.76 (1) and amended to

20

read:

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

10 SECTION 42. 448.76 (7) of the statutes is created to read:

11 448.76 (7) An individual with a temporary license under s. 448.80 shall use the
12 title "registry eligible dietitian," which title shall not be abbreviated or capitalized.

13 SECTION 43. 448.78 (intro.) of the statutes is amended to read:

14 **448.78 Certification of dietitians Licensure as a dietitian nutritionist.**
15 (intro.) The affiliated credentialing board shall grant a certificate license as a
16 dietitian nutritionist to an individual who does all of the following:

17 SECTION 44. 448.78 (1) of the statutes is amended to read:

18 448.78 (1) Submits an application for the certificate license to the department
19 on a form provided by the department.

20 SECTION 45. 448.78 (3) (a) of the statutes is amended to read:

21 448.78 (3) (a) Received Possesses a bachelor's, master's, or doctoral degree in
22 human nutrition, nutrition education, food and nutrition, dietetics or food systems
23 management from a program at granted by a United States regionally accredited
24 college or university that is regionally accredited, as determined by the affiliated
25 credentialing board, and that is located in a state or territory of the United States

1 and successfully completes a didactic program in dietetics accredited by the
2 accreditation commission.

3 **SECTION 46.** 448.78 (3) (b) of the statutes is amended to read:

4 448.78 (3) (b) 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 college or university that is not located
7 in ~~a state or territory of the United States if~~ an independent agency approved by the
8 ~~affiliated credentialing board determines~~ registration commission has determined
9 that the ~~program~~ degree is substantially equivalent to a ~~program~~ degree described
10 under par. (a).

11 **SECTION 47.** 448.78 (3) (c) of the statutes is repealed.

12 **SECTION 48.** 448.78 (4) (intro.) of the statutes is renumbered 448.78 (4) and
13 amended to read:

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

19 **SECTION 49.** 448.78 (4) (a), (b) and (c) of the statutes are repealed.

20 **SECTION 50.** 448.78 (5) of the statutes is amended to read:

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

25 **SECTION 51.** 448.80 of the statutes is amended to read:

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

10 **SECTION 52.** 448.82 of the statutes is renumbered 448.82 (intro.) and amended
11 to read:

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

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

19 **SECTION 53.** 448.82 (1) of the statutes is created to read:

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

21 **SECTION 54.** 448.84 (1) of the statutes is amended to read:

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

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

3 **SECTION 55.** 448.84 (2) of the statutes is amended to read:

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

7 **SECTION 56.** 448.86 (title) and (1) of the statutes are amended to read:

8 **448.86 (title) Issuance of certificate license; expiration and renewal.**

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

11 **SECTION 57.** 448.86 (2) of the statutes is amended to read:

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

17 **SECTION 58.** 448.86 (3) of the statutes is created to read:

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

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

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

Insert 16-2

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

448.865 Disclosure required to provide certain services. A person

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?

(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?

(3) Prior to providing services to a client, the individual obtains 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.

SECTION 60. 448.87 (2) (intro.) and (a) of the statutes are amended to read:

Insert 16-20

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

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

8 **SECTION 61.** 448.87 (2) (b) of the statutes is amended to read:

9 448.87 (2) (b) Subject to ss. 111.321, 111.322 and 111.335, been convicted of an
10 offense the circumstances of which substantially relate to the practice of ~~dieteties~~
11 dietetic nutrition care services.

12 **SECTION 62.** 448.87 (2) (e) of the statutes is amended to read:

13 448.87 (2) (e) Subject to ss. 111.321, 111.322 and 111.34, ~~practiced dieteties~~
14 engaged in the practice of dietetic nutrition care services while his or her ability to
15 practice was impaired by alcohol or other drugs.

16 **SECTION 63.** 448.87 (2) (g) of the statutes is amended to read:

17 448.87 (2) (g) Engaged in conduct while ~~practicing dieteties~~ engaged in the
18 practice of dietetic nutrition care services which evidences a lack of knowledge or
19 ability to apply professional principles or skills.

20 **SECTION 64.** 450.10 (3) (a) 5m. of the statutes is amended to read:

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

23 **SECTION 65.** 632.895 (1) (b) 5. b. of the statutes is amended to read:

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 66.** 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~~ dietetic nutrition care services affiliated credentialing board regarding
8 health care providers ~~certified~~ licensed by the ~~dietitians~~ dietetic nutrition care
9 services affiliated credentialing board.

10 **SECTION 67. 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 dietetic 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 dietetic nutrition care services affiliated
23 credentialing board shall grant a license under section 448.78 of the statutes, as
24 affected by this act, to an individual who no later than the first day of the 13th month
25 beginning after the effective date of this paragraph provides sufficient evidence to

1 the dietetic nutrition care services affiliated credentialing board that the individual
2 was registered as a registered dietitian with the commission on dietetic registration
3 of the American Dietetic Association on the effective date of this act.

4 **SECTION 68. Effective date.**

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

7 (END)

1 **Insert 5-16**

2 a specific application of dietetic nutrition care services and the nutrition care process
3 for the management of disease or the treatment or rehabilitation of an injury.

4 Dietetic nutrition therapy may ^{be} applied to an individual or to a group of individuals
5 and may include the use of a medically prescribed diet, meal plans, and specialized
6 intravenous or oral solutions

7 **Insert 5-22**

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

9 448.70 (4g) "Differential diagnosis" means the distinguishing of a disease or
10 condition from others presenting similar symptoms.

11 **Insert 6-13**

12 a registered nurse licensed under s. 441.06 or permitted under s. 441.08, an advanced
13 practice nurse prescriber certified under s. 441.16, or a physician assistant licensed
14 under subch. II of ch. 448

> ****NOTE: Do any of the following have authority to prescribe a medically
> prescribed diet such that they should be added to this definition: respiratory care
> practitioners certified under subch. II of ch. 448, podiatrists licensed under subch. IV of
 ch. 448, or nurse midwives licensed under s. 441.15? *AA*

15 **Insert 7-1**

16 (a) Evaluating the nutritional needs of the individual or group based upon
17 biochemical, anthropometric, physical, and dietary information about the individual
18 or group to determine nutrient needs of and recommend appropriate nutrition
19 intake, including enteral and parenteral nutrition, by the individual or group.

 ****NOTE: I was instructed in our meeting on February 17 to use the language
 provided to me on that day for the four steps of the "nutrition care process." I have the
 following questions about the language in this paragraph:

 Your drafting instructions included the phrase "evaluation of the nutrition needs
 of the individual ... to determine nutrient needs." How does evaluating the nutrition

needs of the individual assist the dietitian nutritionist in determining the nutrient needs of the individual? This seems circular.

> Your drafting instructions used the phrase "nutrition intake" but is nutrition something that you intake? Or is the appropriate phrase "nutrient intake"?

> What is "enteral and parenteral nutrition"? I had left this phrase out of the earlier draft, so we did not discuss it at our meeting on the 17th. It is included after nutrition intake. Is "enteral nutrition" something you intake? Or is it a method of introducing nutrients into a body (for example by a tube)? What about "parenteral nutrition"? Regardless of what these words mean, is it appropriate to include these terms in this first, assessment phase of the nutrition care process (NCP)? Or is it more appropriately placed in the implementation phase of the NCP (under par. (c))?

in your drafting instructions

1 (b) Identifying and labeling each nutrition-related problem of the individual
2 or group to be treated independently.

problem

****NOTE: What does "treated independently" mean? Is it important that each nutrition-related will be treated independently, or is it enough to say that each nutrition-related problem will be treated?

3 (c) Purposefully planned actions intended to positively change a
4 nutrition-related behavior or environmental condition or an aspect of the health
5 status of the individual, group, or the community at large.

> ****NOTE: Is the dietitian nutritionist taking the "purposefully planned action" or recommending that the client take the "purposefully planned action"?

****NOTE: What does "change ... [an] aspect of the health status" mean? "Health status" is not a defined term. Previously, the definition of NCP has referred to "nutrition-related problems." Is "change ... [an] aspect of the health status" different from resolving or treating or improving a nutrition-related problem? That is, may I substitute "resolve or improve the nutrition-related problems identified under par. (b)" for "change ... [an] aspect of the health status...?"

****NOTE: Why is "the community at large" included here? The remainder of the definition for NCP relates to the steps for assessing, diagnosing, intervening on the behalf of, and monitoring an individual or group. How does a dietitian nutritionist undertake the NCP on behalf of the community?

6

(d) Identifying for the individual or group nutrition-related outcomes for each
7 nutrition-related problem diagnosed under par. (b) and intervention plans and
8 goals.

****NOTE: I substituted "individual or group" for "client," as there was no previous reference to a client and there has been consistent reference to "individual or group." Okay?

****NOTE: This is the first reference to both "nutrition-related outcomes" and "intervention plans and goals." Should I also include these aspects of the NCP in par. (c)?

9

1 **Insert 16-2**

2 ^{NO} (1) Except as provided under sub. (2), a person ^{an individual} who is neither licensed under
 3 this subchapter nor exempt from licensure under s. 448.72 (7), (9), or (10) may
 4 provide information or services related to nutrition to a client or group of clients for
 5 compensation, direct or indirect, or in the expectation of compensation, if the person
 6 complies with all of the following:

****NOTE: I included language permitting the exempt persons ^{individuals} to "provide information or services related to nutrition" for compensation. Okay? Or was it your intent that any person who recommends to the person's friends and family, in passing and without any expectation of compensation, that the friends and family should eat or avoid certain foods or add certain flakes or supplements to their diet should be required to provide a disclaimer?

****NOTE: As drafted, this section will apply to persons ^{individuals} who provide weight control services under s. 448.72 (11). Was that your intent? If so, I recommend both of the following:

1. Include the words, "provide weight control services" in this intro. to sub. (1).
2. Explicitly require these persons ^{individuals to} to comply with this section, as you do for persons ^{individual} providing information and services under the religious exemption.

****NOTE: Aside from persons ^{individuals} who provide weight control services, will this authorization to "provide information or services related to nutrition" apply to anyone else?

7 (a) The person ^{individual} does not engage in the practice of dietetic nutrition care services.

8 **Insert 16-20**

9 (2) This section does not apply to any of the following:

10 (a) A retailer under s. 448.72 (8).

****NOTE: Is it your intent that a retailer not be required to provide or post the disclaimer, or is it your intent that the retailer is required to provide and post the disclaimer?

11 (b) Except as provided in s. 448.72 (12), a person ^{an individual} practicing under the
 12 disciplines, tenets, or traditions of a recognized religious organization.

Received by drafter
by email from
Fred Ludwig in Rep.
Pascho's office
3/1/2010

Sub to AB 440 (LRB-s0257/P2)

Changes 2.23.2010, 11:00 am

Page 5, Line 16:

448.70 (2m) "Dietetic nutrition therapy" means a specific application of dietetic nutrition care services and the nutrition care process for the management of disease or the treatment or rehabilitation of an injury. Dietetic nutrition therapy may be applied to an individual or to a group of individuals and may include the use of a medically prescribed diet, meal plans, and ~~intravenous or oral solutions.~~ specialized nutrition solutions provided enterally by tube, parenterally by intravenous or orally ~~by mouth.~~

Page 5, Line 16:

448.70 (4g) ~~"Differential diagnosis" means the distinguishing of a disease or condition from others presenting similar symptoms.~~

Diagnosis is a general term and we do nutrition diagnosis, nursing does nursing diagnosis, doctors do medical differential diagnosis, etc...so it would box us in as we do differential diagnosis for nutrition....so this would be prohibitive for our profession and should not be as per the broad definition. We would ask that differential diagnosis be removed in the two areas.

Page 6, line 14:

448.70 (6) "Medically prescribed diet" means a diet prescribed to an individual by one of the following, under their scope of practice or by a licensed dietitian nutritionist in consultation with one of the following:

- (a) A physician, as defined in s. 448.01 (5)
- (b) An advanced practice nurse prescriber, certified under s. 441.16
- (c) A physician assistant, licensed under subch. II of ch. 448.

****NOTE: Do any of the following have authority to prescribe a medically prescribed diet such that they should be added to this definition: respiratory care practitioners certified under subch. II of ch. 448, podiatrists licensed under subch. IV of ch. 448, or nurse midwives licensed under s. 441.15? Because we would like to use the term "**Medically** Prescribed Diet" we do not believe we should include RNs, Podiatrists, Respiratory Care Practitioners or Nurse Midwives, as the WI Medical Society and other physician groups would likely oppose the bill.

Page 6, line 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 a group to determine and

IT
parenterally
means
intravenously
parenterally
to use with
word.

method?
-ly?
redundant

(a)?

cf. other use
of scope of
practice?

provide safe, quality, and effective nutrition care to that individual or group. "Nutrition care process" includes the following 4 distinct but interrelated and connected steps:

(a) Evaluating the nutritional needs of the individual or group based upon biochemical, anthropometric, physical, and dietary information about the individual or group to determine the extent and cause of nutritional problems and recommend nutrition nutrient needs of and recommend appropriate nutrition intake, including oral, enteral and parenteral nutrition, by the individual or group interventions.

enteral, parenteral, oral

****NOTE: I was instructed in our meeting on February 17 to use the language provided to me on that day for the four steps of the "nutrition care process." I have the following questions about the language in this paragraph: Your drafting instructions included the phrase "evaluation of the nutrition needs of the individual ... to determine nutrient needs." How does evaluating the nutrition needs of the individual assist the dietitian nutritionist in determining the nutrient needs of the individual? This seems circular.

Your drafting instructions used the phrase "nutrition intake"; but is nutrition something that you intake? Or is the appropriate phrase "nutrient intake"?

What is "enteral and parenteral nutrition"? I had left this phrase out of the earlier draft, so we did not discuss it at our meeting on the 17th. It is included in your drafting instructions after nutrition intake. Is "enteral nutrition" something you intake? Or is it a method of introducing nutrients into a body (for example by a tube)? What about "parenteral nutrition"? Regardless of what these words mean, is it appropriate to include these terms in this first, assessment phase of the nutrition care process (NCP)? No-is correct for placement under "a" Or is it more appropriately placed in the implementation phase of the NCP [under par. (c)]?

to be treated

(b) Identifying and labeling each nutrition-related problem of the individual or group to be treated independently.

****NOTE: What does "treated independently" mean? Is it important that each nutrition-related problem will be treated independently, or is it enough to say that each nutrition-related problem will be treated?

Developing and

(c) Implementing Purposefully planned interventions actions intended to positively change a nutrition-related behavior or environmental condition or an aspect of the health status of the individual, group, or the community at large with the purpose of resolving or improving the nutrition related problem(s) identified in par. (b). ✓

****NOTE: Is the dietitian nutritionist taking the "purposefully planned action" or recommending that the client take the "purposefully planned action"?

****NOTE: What does "change ... [an] aspect of the health status" mean? "Health status" is not a defined term. Previously, the definition of NCP has referred to "nutrition-related problems." Is "change ... [an] aspect of the health status" different from resolving or treating or improving a nutrition-related problem? That is, may I substitute "resolve or improve the nutrition-related problems identified under par. (b)" for "change ... [an] aspect of the health status..."? We have changed

****NOTE: Why is "the community at large" included here? The remainder of the definition for NCP relates to the steps for assessing, diagnosing, intervening on the behalf of, and monitoring an individual

or group. How does a dietitian nutritionist undertake the NCP on behalf of the community? We have removed

(d) Identifying ~~and evaluating for the individual or group~~ nutrition-related goals and outcomes for each nutrition-related problem diagnosed under par. (b) and monitoring and intervention plans and goal-modifying the intervention ~~as defined under par. (c)~~

to developed

****NOTE: I substituted "individual or group" for "client," as there was no previous reference to a client and there has been consistent reference to "individual or group." Okay? We have eliminated for better reading since it is assumed individual and groups.

****NOTE: This is the first reference to both "nutrition-related outcomes" and "intervention plans and goals." Should I also include these aspects of the NCP in par. (c)? have added

Page 8, line 4:

(8) "Practice of dietetic nutrition care services" includes each of the following: ~~but does not include making a differential diagnosis:~~

- (a) ~~The nutrition care process.~~ Dietetic nutrition therapy.
- (b) ~~Dietetic nutrition therapy.~~ The nutrition care process.

Page 16

448.865 Disclosure required to provide certain services. (1) Except as provided under sub. (2), an individual who is neither licensed under this subchapter nor exempt from licensure under s. 448.72 (7), (9), ⁽⁸⁾ or (10) ^{or (11)} may provide information or services related to nutrition to a client or group of clients for compensation, direct or indirect, or in the expectation of compensation, if the individual complies with all of the following:

****NOTE: I included language permitting the exempt individuals to "provide information or services related to nutrition" for compensation. Okay? Or was it your intent that any person who recommends to the person's friends and family, in passing and without any expectation of compensation, that the friends and family should eat or avoid certain foods or add certain flakes or supplements to their diet should be required to provide a disclaimer? This is our intention....those compensated...

****NOTE: As drafted, this section will apply to individuals who provide weight control services under s. 448.72 (11). Was that your intent? If so, I recommend both of the following:

1. Include the words, "provide weight control services" in this intro. to sub. (1).
2. Explicitly require these individuals to comply with this section, as you do for individuals providing information and services under the religious exemption. It is our intent that weight control does not need to provide a disclaimer.

****NOTE: Aside from individuals who provide weight control services, will this authorization to "provide information or services related to nutrition" apply to anyone else? Note from Lynn: that should take care of everyone

- (a) The individual does not engage in the practice of dietetic nutrition care services.
- (b) The individual provides to the client or group of clients a written disclosure that contains the following information:
 1. The name, professional title, business address, and business telephone number of the individual.
 2. A statement that the individual is not licensed as a dietitian nutritionist in this state and cannot provide dietetic nutrition therapy.
 3. A statement that the individual may not provide a medical diagnosis or recommend that the client or group of clients discontinue medically prescribed treatments.
- (c) The individual clearly posts in the individual's place of business a copy of the written disclosure under par. (b).
- (d) Prior to providing services to a client or group of clients, the individual obtains from each client a signed and dated statement on which the client confirms receiving and reading the disclosure required under par. (b). The individual shall maintain the signed statement in the client's file for 7 years after the client has ceased being a client of the individual.

Except as provided in s. 448.72(12)
 (2) This section does not apply to any of the following:

(a) A retailer under s. 448.72 (8).
 ****NOTE: Is it your intent that a retailer not be required to provide or post the disclaimer, or is it your intent that the retailer is required to provide and post the disclaimer? It is our intent that the retailer DOES NOT have to provide or post the disclaimer

(b) Except as provided in s. 448.72 (12), an individual practicing under the disciplines, tenets, or traditions of a recognized religious organization. *Note from Lynn-ok*

(c) *le* Individuals who provide weight control services under s. 448.72 (11) **Note:** Should this be added?

Why do we need s. 448.72 (c) at all? Can't we include (8) and (11) in (13)?

Your drafting instructions included the phrase "evaluation of the nutrition needs of the individual ... to determine nutrient needs." How does evaluating the nutrition needs of the individual assist the dietitian nutritionist in determining the nutrient needs of the individual? This seems circular.

ANSWER: In the the WDA suggested changes, the term "nutrient needs" was deleted, thus eliminating the circular "problem."

Your drafting instructions used the phrase "nutrition intake"; but is nutrition something that you intake? Or is the appropriate phrase "nutrient intake"?

ANSWER: In the the WDA suggested changes, the term "nutrient intake" was deleted and replaced with more specific language.

What is “enteral and parenteral nutrition”? I had left this phrase out of the earlier draft, so we did not discuss it at our meeting on the 17th. It is included in your drafting instructions after nutrition intake. Is “enteral nutrition” something you intake? Or is it a method of introducing nutrients into a body (for example by a tube)? What about “parenteral nutrition”?

ANSWER: Enteral nutrition is nourishment given through a tube or stoma directly into the stomach, duodenum, or jejunum. Parenteral nutrition is the administration of nourishment intravenously.