

2009 DRAFTING REQUEST

Assembly Amendment (AA-ASA(LRBs0257/1)-AB440)

Received: 03/16/2010

Received By: tkuczens

Wanted: As time permits

Companion to LRB:

For: Sandy Pasch (608) 266-7671

By/Representing: Fred Ludwig

May Contact:

Drafter: tkuczens

Subject: Occupational Reg. - prof lic

Addl. Drafters:

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:

change weight control services provision

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>
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/1	tkuczens 03/16/2010	kfollett 03/16/2010	mduchek 03/16/2010	_____	lparisi 03/16/2010	lparisi 03/16/2010	

FE Sent For:

<END>

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/?	tkuczens	1/1/10 3/16	1/1/10 3/16	_____	_____	_____	_____

FE Sent For:

<END>

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

2 448.72 (7) An individual who is lawfully practicing within the scope of a license
3 or certificate granted under subch. XII of ch. 440, chs. 441, 446, or 447, subchs. I to
4 IV, VI, and VII of ch. 448, or chs. 449 to 451.

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

6 448.72 (8) A retailer that sells food, food materials, dietary supplements, and
7 other goods at the retailer's establishment or a similar establishment and that
8 furnishes oral or written general nonmedical nutrition information related to the
9 sale, marketing, and distribution of the food, food materials, dietary supplements,
10 or other goods.

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

12 448.72 (11) (a) An individual who provides weight control services to a client
13 or group of clients through a program of instruction [that has been reviewed and
14 approved in writing by one of the following:]

15 1. An individual licensed under this subchapter.

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

17 3. An individual who is licensed or certified as a dietitian or dietitian
18 nutritionist under the laws of another state that has licensure or certification
19 requirements that the affiliated credentialing board determines to be substantially
20 equivalent to the licensure requirements under s. 448.78.

21 4. An individual who is registered as a dietitian with the registration
22 commission.

23 (b) An individual who provides weight control services as provided under par.

24 (a) may not initiate changes to the program of instruction until the changes have

1 been reviewed and approved in writing by an individual who is authorized to review
2 and approve a program of instruction under par. (a).

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

4 **448.72 (12)** An individual practicing under the disciplines, tenets, or traditions
5 of a recognized religious organization and providing information and services to
6 other individuals who are adherents to or members of the same recognized religious
7 organization if the individual provides to the other individuals a written disclosure
8 that contains the information required under s. 448.865 (1) (b) 2.

9 **SECTION 39.** 448.74 (intro.) and (2) of the statutes are consolidated,
10 renumbered 448.74 and amended to read:

11 **448.74 Duties of affiliated credentialing board.** The affiliated
12 credentialing board shall promulgate rules that do all of the following: ~~(2) Establish~~
13 ~~a code of ethics~~ establish by rule standards of practice to govern the professional
14 conduct of ~~certified dietitians~~ an individual licensed as a dietitian nutritionist,
15 including a code of ethics, and may promulgate rules necessary for the
16 administration and enforcement of this subchapter.

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

18 **SECTION 41.** 448.76 of the statutes is renumbered 448.76 (1) and amended to
19 read:

20 **448.76 (1)** Except as provided in s. ~~448.72 (1) (e) and (2) subs. (3) to (6),~~ a person
21 ~~(7), an individual~~ who is not ~~a certified~~ licensed as a dietitian nutritionist may not
22 designate himself or herself as a dietitian, ~~claim to provide dietetic services~~
23 nutritionist; use or assume the title “dietitian,” “certified dietitian,” “licensed
24 dietitian,” “certified nutritionist,” “licensed nutritionist,” “dietitian nutritionist,”
25 “certified dietitian nutritionist,” or “licensed dietitian nutritionist”; append to the

1 **448.86** (title) **Issuance of ~~certificate~~ license; expiration and renewal.**

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

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

5 448.86 **(2)** The renewal dates for ~~certificates~~ licenses granted under this
6 subchapter, other than temporary ~~certificates~~ licenses granted under s. 448.80, are
7 specified under s. 440.08 (2) (a). Renewal applications shall be submitted to the
8 department on a form provided by the department and shall include the renewal fee
9 determined by the department under s. 440.03 (9) (a).

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

11 448.86 **(3)** An applicant for renewal of a license granted under this subchapter
12 shall provide to the department proof of satisfactory completion of at least the
13 minimum continuing professional education credits required by the registration
14 commission and shall submit one of the following:

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

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

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

20 **448.865 Disclosure required to provide certain services.** **(1)** An
21 individual who is neither licensed under this subchapter nor exempt from licensure
22 under s. 448.72 may provide general nonmedical nutrition information and other
23 information or services related to nutrition to a client or group of clients for
24 compensation, direct or indirect, or in the expectation of compensation, if the
25 individual complies with all of the following:

1 (a) The individual does not engage in the practice of dietetic nutrition care
2 services.

3 (b) The individual provides to the client or group of clients a written disclosure
4 that contains the following information:

5 1. The name, professional title, business address, and business telephone
6 number of the individual.

7 2. A statement that the individual is not licensed as a dietitian nutritionist in
8 this state and cannot provide dietetic nutrition therapy.

9 3. A statement that the individual may not provide a medical diagnosis or
10 recommend that the client or group of clients discontinue medically prescribed
11 treatments.

12 (c) The individual clearly posts in the individual's place of business a copy of
13 the written disclosure under par. (b).

14 (d) Prior to providing services to a client or group of clients, the individual
15 obtains from each client a signed and dated statement on which the client confirms
16 receiving and reading the disclosure required under par. (b). The individual shall
17 maintain the signed statement in the client's file for 7 years after the client has
18 ceased being a client of the individual.

19 (2) An individual who provides information and services to other individuals
20 under s. 448.72 (12) shall provide to the other individuals a written disclosure that
21 contains the information required under sub. (1) (b) 2.

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

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

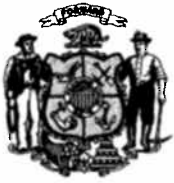
3/16/2010

LR 50257/1

Per Fred Ludwig (Rep. Pasch) An Amend to ASA ; to AB440

- prepare an amendment that modifies the weight control services provision by:

- eliminating requirement that individual get review & approval by certain licensed persons of the instructional program
- requiring the weight control services individual to comply with the disclosure requirements under s. 448.865.



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT (LRBs0257/1),
TO 2009 ASSEMBLY BILL 440

3/16/10

Now

#. Page 10, line 12: delete "(a)".

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 10, line 13: delete the material beginning with "through" and ending
3 with "the following:" on line 14 and substitute: "if the individual complies with s.
4 448.865 (3)".

5 **2.** Page 10, line 15: delete lines 15 to 24.

6 **3.** Page 11, line 1: delete lines 1 and 2.

7 **4.** Page 15, line 22: after "s. 448.72" insert "(7), (8), (9), (10), or (12)".

8 **5.** Page 16, line 21: after that line insert:

9 "(3) An individual who is exempt from licensure under s. 448.72 (11) may
10 provide weight control services to a client or group of clients for compensation, direct

1 or indirect, or in the expectation of compensation, if the individual complies with the
2 requirements under sub. (1) (a) to (c).”

3 (END)