



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Assembly Bill 440

**Assembly Substitute
Amendment 1, as Amended**

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Current law provides that a person who is not a certified dietitian may not designate himself or herself as a dietitian, claim to provide dietetic services, or use any title or initials that represent or tend to represent the person as certified or licensed as a dietitian, or as certified or licensed in a nutrition-related field. Certification as a dietitian is granted by the Dietitians Affiliated Credentialing Board. In addition, current law specifies exceptions to the requirements for certification.

Assembly Substitute Amendment 1 to 2009 Assembly Bill 440 changes the certification of dietitians to licensure of dietitian nutritionists. In addition, the name of the affiliated credentialing board is changed to the Dietetic Nutrition Care Services Affiliated Credentialing Board. The substitute amendment also expands the titles and initials that a person may not use if he or she is not licensed as a dietitian nutritionist.

With certain exceptions, the substitute amendment provides that no person may engage in the practice of dietetic nutrition care services unless licensed as a dietitian nutritionist. The term “practice of dietetic nutrition care services” includes: (1) dietetic nutrition therapy; and (2) the nutrition care process. Those terms are in turn defined as follows:

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 specialized nutrition solutions provided enterally, parenterally, or orally.

(7) “Nutrition care process” means an integrated and systematic problem-solving method used to identify, analyze, and address nutrition-related problems of an individual or a group and 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) Evaluate the nutritional needs of an 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 interventions, which may include enteral, parenteral, and oral solutions.
- (b) Identify and label each nutrition-related problem of the individual or group to be treated independently.
- (c) Develop and implement planned interventions intended to positively change a nutrition-related behavior or environmental condition with the purpose of resolving or improving each nutrition-related problem identified in par. (b).
- (d) Identify and evaluate nutrition-related goals and outcomes for each nutrition-related problem diagnosed under par. (b) and monitor and modify, as necessary, the interventions developed under par. (c).

No license is required under the substitute amendment for any of the following: (1) persons who are lawfully practicing within the scope of a specified license or certificate granted by the Department of Regulation and Licensing (DRL) or specified examining board or affiliated credentialing board within DRL; (2) retailers that sell food, food materials, dietary supplements, or other goods at the retailer’s establishment or a similar establishment and that furnish related oral or written general nonmedical nutrition information; (3) students enrolled in specified dietetics educational programs; (4) dietitian nutritionists who are serving in the U.S. Armed Forces or in the commissioned corps of the federal Public Health Service, or who are employed by the U.S. Veterans Administration, and who are engaged in the practice of dietetic nutrition care services; (5) a person who provides weight control services to a client or a group of clients through a program of instruction that has been reviewed and approved in writing by one of four types of specified individuals; and (6) 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 that organization if the person provides a written disclosure that he or she is not licensed as a dietitian nutritionist and cannot provide dietetic nutrition therapy.

The term “general nonmedical nutrition information” is defined as information about any of the following: (1) principles of good nutrition and food preparation; (2) foods to be included in a normal daily diet; (3) essential nutrients; (4) sources of essential nutrients, including food and supplements; (5) recommended amounts of essential nutrients; (6) the actions of nutrients in the body; and (7) the effects of an excess or deficiency of a nutrient.

A person who is neither licensed as a dietitian nutritionist nor exempt from licensure may provide general nonmedical nutrition information and other information or services related to nutrition to a client or a group of clients for compensation, direct or indirect, or in the expectation of

compensation, if the person complies with specified requirements. First, the person may not engage in the practice of dietetic nutrition care services. Second, the person must provide to the client or group of clients a written disclosure that specifies information about the person, a statement that the person is not licensed as a dietitian nutritionist and cannot provide dietetic nutrition therapy, and a statement that the person may not provide a medical diagnosis or recommend discontinuing medically prescribed treatments. Third, the person must clearly post in his or her place of business a copy of this disclosure. Fourth, prior to providing services, the person must obtain from each client a signed and dated statement on which the client confirms receiving and reading the required disclosure. This statement must be maintained in the client's file for seven years after the client has ceased being a client.

Assembly Amendment 1 to Assembly Substitute Amendment 1 makes the following changes:

- The term “general nonmedical nutrition information” is changed to “nonmedical nutrition information.”
- The portion of the definition of “nutrition care process” that precedes the four steps in that process is modified to read:

“Nutrition care process” means an integrated and systematic problem-solving method consisting of distinct but interrelated and connected steps used to identify, analyze, and address nutrition-related problems of an individual or a group and provide safe, quality, and effective nutrition care to that individual or group. The steps of “nutrition care process” are the following:

- In the exemption for retailers, described above, the amendment deletes the requirement that the food and other specified products be sold “at the retailer’s establishment or a similar establishment.”
- The amendment deletes the provision in the substitute amendment that requires that persons providing nonmedical nutrition information obtain from each client a signed and dated statement on which the client confirms receiving and reading the required disclosure and that the statement be maintained for seven years.

Legislative History

The Assembly Committee on Health and Healthcare Reform recommended adoption of Assembly Amendment 1 to Assembly Substitute Amendment 1, adoption of Assembly Substitute Amendment 1, and passage of the bill as amended, all on votes of Ayes, 8; Noes, 5.

RNS:jal