

Clearinghouse Rule 16-090

STATE OF WISCONSIN
DIETITIANS AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF RULEMAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : DIETITIANS AFFILIATED
DIETITIANS AFFILIATED : CREDENTIALING BOARD
CREDENTIALING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Dietitians Affiliated Credentialing Board to amend DI 2.04 (1) (d) (intro.) and create DI 2.01 (4) (d) and 2.04 (1) (b) 4. and (d) 4., relating to credentials for certification.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 448.78 (4) (d), Stats.

Statutory authority:

Sections 15.08 (5) (b) and 448.74 (1), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides an examining board “shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Section 448.74 (1), Stats., provides the Dietitians Affiliated Credentialing Board shall promulgate rules that “[e]stablish criteria for the approval of educational programs and training under s. 448.78 (3) and (4).”

Related statute or rule:

None.

Plain language analysis:

Current rules list the categories of practice under which an individual may complete the 900 supervised hours required under s. 448.78 (4), Stats., for certification as a dietitian. The proposed rules amend the list to reflect the provisions of 2015 Wisconsin Act 276, which added the Dietetic Internship Program under s. 253.065, Stats., to the categories of practice under s. 448.78 (4), Stats.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:

Illinois:

Rules of the Illinois Department of Financial and Professional Regulation establish practice experience requirements for licensure as a dietitian nutritionist in Illinois (68 Ill. Adm. Code 1245.140). The rules require 900 hours of practice experience in dietetics or nutrition. Internships approved by the Accreditation Council for Education in Nutrition and Dietetics, American Clinical Board of Nutrition, Board for Certification of Nutrition Specialists, and Clinical Nutrition Certification Board meet the experience requirements.

Iowa:

Rules of the Iowa Board of Dietetics establish supervised experience requirements for licensure as a dietitian in Iowa (645 IAC 81.6). The rules require completion of an accredited competency-based supervised experience program approved by the Accreditation Council for Education in Nutrition and Dietetics of the Academy of Nutrition and Dietetics.

Michigan:

On July 1, 2014, Public Act 267 of 2014 was signed into law, which repealed Michigan's licensure requirements for dietitians and nutritionists and eliminated the Michigan Board of Dietetics and Nutrition.

Minnesota:

Rules of the Minnesota Board of Dietetics and Nutrition Practice establish experience requirements for licensure as a dietitian in Minnesota (Minnesota Rules, Part 3250.0010). The rules require completion of a supervised preprofessional practice experience component in nutrition practice of at least 900 hours under the supervision of a registered dietitian, a state licensed nutrition professional, or an individual with a doctoral degree conferred by a United States regionally accredited college or university who has completed a major course of study in human nutrition, nutrition education, food and nutrition, dietetics, or food system management.

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the provisions of 2015 Wisconsin Act 276 in conjunction with the current rules relating to applications and credentials under ch. DI 2 and obtaining input and feedback from the Dietitians Affiliated Credentialing Board.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Greg.Gasper@wisconsin.gov, or by calling (608) 261-4466.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held at 9:00 a.m. on January 25, 2017, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. DI 2.01 (4) (d) is created to read:

DI 2.01 (4) (d) The dietetic internship program under s. 253.065, Stats.

SECTION 2. DI 2.04 (1) (b) 4. is created to read:

DI 2.04 (1) (b) 4. The dietetic internship program under s. 253.065, Stats.

SECTION 3. DI 2.04 (1) (d) (intro.) is amended to read:

DI 2.04 (1) (d) (intro.) Submits evidence that the individual will be practicing under the supervision of ~~an individual meeting~~ any of the following criteria:

SECTION 4. DI 2.04 (1) (d) 4. is created to read:

DI 2.04 (1) (d) 4. The dietetic internship program under s. 253.065, Stats.

SECTION 5. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)
