

## Clearinghouse Rule 24-098

### STATE OF WISCONSIN DIETITIANS AFFILIATED CREDENTIALING BOARD

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

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#### PROPOSED ORDER

An order of the Dietitians Affiliated Credentialing Board to amend DI 1.02 (6) relating to definitions.

Analysis prepared by the Department of Safety and Professional Services.

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#### ANALYSIS

**Statutes interpreted:** Section 448.74 (1), Stats.

**Statutory authority:** Sections 15.085 (5) (b) and 448.74 (1), Stats.

**Explanation of agency authority:**

Section 15.085 (5) (b), Stats., states that an affiliated credentialing board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

Section 448.74 (1), Stats., states that an 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:**

The proposed rule updates the definition of “regionally accredited college or university” to reflect that a regionally accredited college or university must be recognized as accredited by the United States Department of Education. The Board reviewed the other definitions in this chapter and determined that no further changes were necessary.

**Summary of, and comparison with, existing or proposed federal regulation:** None.

**Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:**

No public comments were received on the statement of scope.

**Comparison with rules in adjacent states:**

**Illinois:** The Illinois Compiled Statutes chapter on Dietitians, also called the Dietitian Nutritionists Practice Act, includes requirements for the licensure and practice of dietitian nutritionists. In order to qualify for a dietitian nutritionist license, an applicant must possess a degree in the appropriate subject from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation and the United States Department of Education [225 Illinois Compiled Statutes Chapter 30 Section 45]. Rules of the Illinois Department of Financial and Professional Regulation further detail requirements for licensure as a dietitian nutritionist in Illinois [68 Illinois Administrative Code Chapter 1245 Subpart B].

**Iowa:** In Iowa, among other requirements, in order to be issued a license to practice dietetics, an applicant must possess a degree in the appropriate subject from a program that meets the requirements established by the accreditation council for education in nutrition and dietetics of the academy of nutrition and dietetics, as well as approved by the Iowa Board of Dietetics [Iowa Code Chapter 152A Section 152.2]. Rules of the Professional Licensure Division of the Iowa Department of Public Health further detail licensure, continuing education, and discipline requirements for dietitians [645 Iowa Administrative Code Chapters 81 to 84].

**Michigan:** The Michigan Statutes include requirements for licensure and practice of dietetics. Among other requirements, an applicant for dietitian licensure must have successfully completed a program in dietetics that is accredited by the Accreditation Council for Education in Nutrition and Dietetics or a successor organization [Michigan Compiled Laws Chapter 333 Act 368 Section 18357].

**Minnesota:** The Minnesota Statutes include requirements for licensure in dietetics and in nutrition. Among other requirements, an applicant for a license in dietetics must possess a degree from a United States regionally accredited university in the appropriate subject. An accredited college or university means one that is accredited by the regional accrediting agencies recognized by the Council on Postsecondary Accreditation and the United States Department of Education [2023 Minnesota Statutes Chapter 148 Sections 148.621 and 148.624]. Rules of the Minnesota Board of Dietetics and Nutrition Practice further details requirements for licensure as a dietitian in Minnesota [Minnesota Administrative Rules, 3250.0010].

**Summary of factual data and analytical methodologies:**

The rules were developed by reviewing the definitions in Wisconsin Administrative Code chapter DI 1 and updating them accordingly.

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

The rule was posted for a period of 14 days to solicit public comment on economic impact, including how the 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 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 Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-2112.

**Agency contact person:**

Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the public hearing, held on January 16, 2025, to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. DI 1.02 (6) is amended to read:

**DI 1.02 (6)** "Regionally accredited college or university" means a an accredited college or university recognized by the U.S. department of education ~~which is accredited by any of the following bodies: the New England association of schools and colleges, the middle states association of colleges and schools, the north central association of colleges and schools, the northwest association of schools and colleges, the southern association of colleges and schools and the western association of schools and colleges.~~

SECTION 2. 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.

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(END OF TEXT OF RULE)

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