

CR 94-221

CERTIFICATE

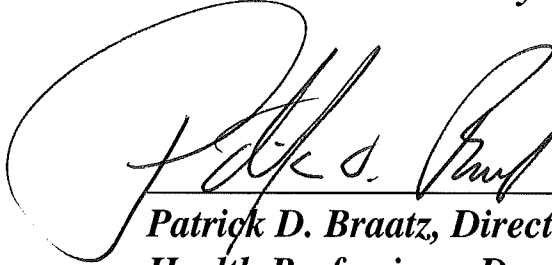
**STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING**

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

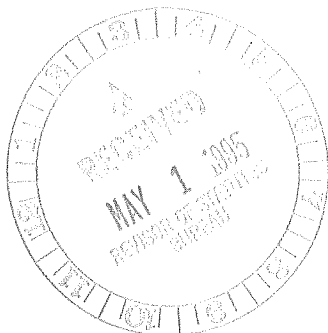
I, Patrick D. Braatz, Director, Bureau of Health Professions in the Wisconsin Department of Regulation and Licensing and custodian of the official records of the Dietitians Affiliated Credentialing Board, do hereby certify that the annexed rules were duly approved and adopted by the Dietitians Affiliated Credentialing Board on the 27th day of April, 1995.

I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.

**IN TESTIMONY WHEREOF, I have
hereunto set my hand and affixed the
official seal of the board at 1400 East
Washington Avenue, Madison,
Wisconsin this 27th day of April, 1995.**

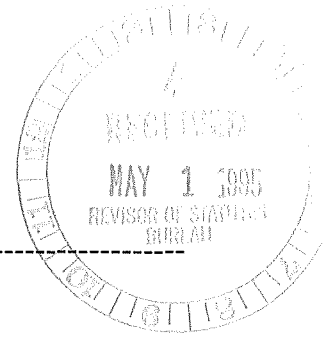


**Patrick D. Braatz, Director, Bureau of
Health Professions, Department of
Regulation and Licensing**



7-1-95

STATE OF WISCONSIN
DIETITIANS AFFILIATED CREDENTIALING BOARD



IN THE MATTER OF RULE-MAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : DIETITIANS AFFILIATED
DIETITIANS AFFILIATED : CREDENTIALING BOARD
CREDENTIALING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 94-221)

ORDER

An order of the Dietitians Affiliated Credentialing Board to create chapters DI 1 to 5 relating to the certification and regulation of dietitians.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11 (2), Stats., and s. 448.74, Stats., as created by 1993 Wisconsin Act 443.

Statutes interpreted: Chapter 448, Stats.

In this proposed rule-making order the Dietitians Affiliated Credentialing Board creates rules relating to the certification of dietitians. These rules are the result of 1993 Wisconsin Act 443 which created the Dietitians Affiliated Credentialing Board and gave the board the authority to promulgate rules. In accordance with the provisions of 1993 Wisconsin Act 443, the Medical Examining Board has reviewed these proposed rules.

Section DI 1.01 sets forth the statutory authority for the proposed rules. Section DI 1.02 provides definitions of terminology used in the proposed rules.

Section DI 2.01 specifically outlines the application and credentialing process. Section DI 2.02 outlines the requirements for certification without examination. Section DI 2.03 outlines the requirements for certification for those persons who have been registered as a dietitian on or before July 31, 1996 with the Commission of Dietetics Registration of the American Dietetics Association. Section DI 2.04 creates and spells out the process for certificates prior to regular certification. Section DI 2.05 creates and discusses the procedures to be used for a reciprocal certificate.

Section DI 3.01 creates the examination procedures that are to be used by the applicants who are seeking certification.

Section DI 4.01 sets forth the statutory authority for developing the biennial registration section and the procedures that are to be used. It further defines the process for reregistration.

Section DI 5.01 sets forth the statutory authority and defines the standards of conduct and unprofessional conduct as it applies to the certification of dietitians.

TEXT OF RULE

SECTION 1. Chapters DI 1 to 5 are created to read:

Chapter DI 1

AUTHORITY AND DEFINITIONS

DI 1.01 AUTHORITY AND PURPOSE. The rules in chs. DI 1 to 5 are adopted by the dietitians affiliated credentialing board under the authority of ss. 15.08 (5) (b), 227.11 (2) and 448.74, Stats., and govern the certification and regulation of dietitians.

DI 1.02 DEFINITIONS. As used in chapters DI 1 to 5:

- (1) "Board" means the dietitians affiliated credentialing board.
- (2) "Certified dietitian" means an individual who is certified as a dietitian under subch. IV of ch. 448, Stats.
- (3) "Department" means the department of regulation and licensing.
- (4) "Dietetics" means the integration and application of principles of nutritional science, biochemistry, food science, physiology, food systems management, behavioral science and social science in order to achieve or maintain the health of an individual or group of individuals. "Dietetics" includes assessing the nutritional needs of an individual or group of individuals and determining available resources and constraints in meeting those nutritional needs; establishing priorities, goals and objectives that meet those nutritional needs and are consistent with available resources and constraints; providing nutrition counseling; or developing, implementing and managing nutritional care systems.
- (5) "Dietitian" means an individual who practices dietetics.
- (6) "Regionally accredited college or university" means a college or university 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.
- (7) "Registered dietitian" means an individual who is registered as a dietitian with the commission on dietetic registration of the American dietetic association.

Chapter DI 2

APPLICATIONS AND CREDENTIALS

DI 2.01 APPLICATIONS AND CREDENTIALS. An applicant for initial certification as a dietitian shall submit all of the following:

- (1) A completed application form.
 - (2) The fee specified in s. 440.05 (1), Stats.
 - (3) Evidence satisfactory to the board that he or she has done any of the following:
 - (a) Received a bachelor's, master's or doctoral degree in human nutrition, nutrition education, food and nutrition, dietetics or food systems management from a regionally accredited college or university and is located in a state or territory of the United States.
 - (b) Received a bachelor's, master's or doctoral degree in human nutrition, nutrition education, food and nutrition, dietetics or food systems management from a program at a college or university that is not located in a state or territory of the United States if the board determines that the program is substantially equivalent to a program under par. (a). The board will use an approved foreign graduate evaluation service to assist it in determining substantial equivalencies. An applicant under this section shall submit a verified copy of transcripts from the schools in which secondary education was obtained; a verified copy of the diploma from the school at which professional dietetics training was obtained; and a record of the number of class hours spent in each subject, for both preprofessional and professional courses. Information shall include whether the subjects have been taken at basic entry or advanced levels.
- Note: The board annually reviews and approves foreign graduate evaluation services. A list of board-approved services is available from the board upon request.
- (c) Received a degree from or otherwise successfully completed a program in human nutrition, nutrition education, food and nutrition, dietetics or food systems management that is approved by the board.
 - (4) Evidence satisfactory to the board that he or she has completed at least 900 hours of dietetics practice in any state or territory of the United States under the supervision of any of the following:
 - (a) A certified dietitian.
 - (b) A registered dietitian.

(c) An individual who received a doctoral degree in human nutrition, nutrition education, food and nutrition, dietetics or food systems management from any of the following:

1. A program at a regionally accredited college or university and is located in a state or territory of the United States.

2. A program at a college or university that is not located in a state or territory of the United States if the board determines that the program is substantially equivalent to a program under sub. (3) (a).

(5) Passes the registration examination for dietitians established by the commission on dietetic registration of the American dietetic association, or passes an equivalent examination approved by the board, and held under s. 448.84, Stats., to determine fitness to practice dietetics.

(6) All pertinent information relating to any criminal convictions or pending criminal charges.

Note: Application forms are available upon request to the Dietitians Affiliated Credentialing Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

DI 2.02 APPLICATION FOR DIETITIAN CERTIFICATION WITHOUT EXAMINATION. A person who has not passed the examination required under s. 448.78 (5), Stats., may apply for certification by submitting the fee under s. 440.08 (2) (a) 27m, Stats., and the completed, signed application form on or before July 31, 1996, together with:

(1) Evidence satisfactory to the board that the applicant has done any of the following:

(a) Received a bachelor's, master's or doctoral degree in human nutrition, nutrition education, food and nutrition, dietetics or food systems management from a regionally accredited college or university and is located in a state or territory of the United States.

(b) Received a bachelor's, master's or doctoral degree in human nutrition, nutrition education, food and nutrition, dietetics or food systems management from a program at a college or university that is not located in a state or territory of the United States if the board determines that the program is substantially equivalent to a program under s. DI 2.01 (3) (a), Stats.

(c) Received a degree from or otherwise successfully completed a program in human nutrition, nutrition education, food and nutrition, dietetics or food systems management that is approved by the board.

(2) Evidence satisfactory to the board that the applicant has done one of the following:

(a) Verification that the applicant has been engaged in the practice of dietetics for at least 2 years during the 5 year period immediately preceding the date on which he or she submits an application for certification.

(b) Verification that the applicant has passed an examination substantially equivalent to the registration examination for dietitians established by the commission on dietetic registration of the American dietetic association, or has passed an equivalent examination approved by the board, and held under s. 448.84, Stats., to determine fitness to practice dietetics.

(c) Provides proof of satisfactory completion of a period of supervised practice that is substantially equivalent to having completed at least 900 hours of dietetics practice in any state or territory of the United States under the supervision of any of the following:

1. A certified dietitian.

2. A registered dietitian.

3. An individual who received a doctoral degree in human nutrition, nutrition education, food and nutrition, dietetics or food systems management from any of the following:

a. A program at a regionally accredited college or university and is located in a state or territory of the United States.

b. A program at a college or university that is not located in a state or territory of the United States if the board determines that the program is substantially equivalent to a program under s. DI 2.01 (3) (a).

(3) All pertinent information relating to any criminal convictions or pending criminal charges.

DI 2.03 APPLICATION FOR DIETITIAN CERTIFICATION WITHOUT EXAMINATION BY PERSONS WHO HAVE BEEN REGISTERED AS A DIETITIAN ON OR BEFORE JULY 31, 1996, WITH THE COMMISSION ON DIETETIC REGISTRATION OF THE AMERICAN DIETETIC ASSOCIATION. (1) A person who is registered as a dietitian on or before July 31, 1996, with the commission on dietetic registration of the American dietetic association, may apply for certification by submitting the fee under s. 440.08 (2) (a) 27m, Stats., and a completed application form, signed by the applicant, on or before July 31, 1996.

(2) All pertinent information relating to any convictions or pending charges for all crimes and any traffic offenses which did or could result in revocation or suspension of the applicant's driver's license.

DI 2.04 TEMPORARY CERTIFICATES. (1) Upon application and payment of the fees specified in s. 440.05 (6), Stats., the board may grant a temporary dietitian certificate to an individual who satisfies the following:

(a) Provides evidence satisfactory to the board that he or she has done any of the following:

1. Received a bachelor's, master's or doctoral degree in human nutrition, nutrition education, food and nutrition, dietetics or food systems management from a regionally accredited college or university and is located in a state or territory of the United States.

2. Received a bachelor's, master's or doctoral degree in human nutrition, nutrition education, food and nutrition, dietetics or food systems management from a program at a college or university that is not located in a state or territory of the United States if the board determines that the program is substantially equivalent to a program under par. (a). The board will use an approved foreign graduate evaluation service to assist it in determining substantial equivalencies. An applicant under this section shall submit a verified copy of transcripts from the schools in which secondary education was obtained; a verified copy of the diploma from the school at which professional dietetics training was obtained; and a record of the number of class hours spent in each subject, for both preprofessional and professional courses. Information must include whether the subjects have been taken at basic entry or advanced levels.

Note: The board annually reviews and approves foreign graduate evaluation services. A list of board-approved services is available from the board upon request.

3. Received a degree from or otherwise successfully completed a program in human nutrition, nutrition education, food and nutrition, dietetics or food systems management that is approved by the board.

(b) Provides evidence satisfactory to the board that he or she has completed at least 900 hours of dietetics practice in any state or territory of the United States under the supervision of any of the following:

1. A certified dietitian.

2. A registered dietitian.

3. An individual who received a doctoral degree in human nutrition, nutrition education, food and nutrition, dietetics or food systems management from any of the following:

a. A program at a regionally accredited college or university and is located in a state or territory of the United States.

b. A program at a college or university that is not located in a state or territory of the United States if the board determines that the program is substantially equivalent to a program under sub. (1) (a) 1.

(c) Submits an application for examination at least 120 days prior to the date of the next scheduled examination along with the fee specified in s. 440.05, Stats.

(d) Submits evidence that the individual will be practicing under the supervision of an individual meeting the following criteria:

1. A certified dietitian.

2. A registered dietitian.

3. An individual who received a doctoral degree in human nutrition, nutrition education, food and nutrition, dietetics or food systems management from any of the following:

a. A program at a regionally accredited college or university and is located in a state or territory of the United States.

b. A program at a college or university that is not located in a state or territory of the United States if the board determines that the program is substantially equivalent to a program under sub. (1) (a) 1.

(2) All pertinent information relating to any criminal convictions or pending criminal charges.

(3) A temporary certificate granted under this section is valid for a period designated by the board, not to exceed 9 months, and may be renewed only once by the board.

DI 2.05 RECIPROCAL CERTIFICATES. Upon application and payment of the fees specified in s. 440.05 (6), Stats., the board shall grant a dietitian certificate to an individual who holds a similar certificate or license in another state or territory of the United States if the board determines that the requirements for receiving the certificate in the other state or territory at the time of application are substantially equivalent to the requirements under s. 448.78, Stats.

Chapter DI 3

EXAMINATIONS

DI 3.01 EXAMINATION PROVISIONS. (1) An applicant for examination for a certificate as a dietitian shall file an application on a form prescribed by the board at least 120 days prior to the date of the next scheduled examination and shall submit the fee specified in s. 440.05, Stats.

(2) The board shall adopt the recommended passing score of the examination provider.

Note: Application forms are available upon request to the Dietitians Affiliated Credentialing Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

DI 3.02 EXAMINATION REVIEW PROCEDURE; REEXAMINATION. (1) An applicant who fails an examination may request a review of the examination as permitted by the examination provider. If a review is permitted, the following conditions apply:

(a) The applicant shall file a written request to the board within 30 days of the date on which examination results were mailed and pay the fee under s. RL 4.05.

(b) Examination reviews are by appointment only and shall be limited to the time permitted by the examination provider.

(c) An applicant may not be accompanied during the review by any person other than the proctors.

(d) Bound reference books shall be permitted at examination reviews. Applicants may not remove any notes from the examination area.

(2) An applicant who fails to achieve passing grades on the examinations required under this chapter may apply for reexamination on forms provided by the board. For each reexamination, the application shall be accompanied by the reexamination fee in s. 440.06, Stats.

Note: Application forms are available upon request to the Dietitians Affiliated Credentialing Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

Chapter DI 4

CERTIFICATION

DI 4.01 REQUIREMENTS FOR RENEWAL; RESTORATION OF CERTIFICATES.

(1) Each person granted a certificate under ch. 448, Stats., is certified for the current certification period only. To renew certification a certificate holder shall, by November 1 of the even-numbered year following initial certification and every 2 years thereafter, file with the board an application for renewal on a form prescribed by the board, and submit the fee required under s. 440.08, Stats. A certificate holder who fails to renew certification shall cease and desist from using the title.

(2) A dietitian who files an application for renewal of a certificate less than 30 days after the expiration of the applicant's last certificate, may renew the certificate by payment of the fees under s. 440.08 (2) (a) 27m and (3) (a), 1, Stats.

(3) A dietitian who files an application for renewal of a certificate 30 days or more after the expiration of the applicant's last certificate, but within 5 years after the expiration date, may renew the certificate by payment of fees under s. 440.08 (2) (a) 27m and (3) (a) 2, Stats.

(4) A dietitian who files an application for renewal more than 5 years after the renewal date may be reinstated by filing with the board an application and fees under s. 440.08, Stats. The board may require demonstration of competence by various methods including, but not limited to, written and oral examination, documentation of dietetics work in other jurisdictions, or documentation of current education or experience in the field. Any examination or education required under this section shall not be more extensive than the educational or examination requirements for an initial credential from the board.

(5) Every certificate holder shall notify the department, in writing, of a change of name or address within 30 days of the change.

Chapter DI 5

STANDARDS OF CONDUCT

DI 5.01 UNPROFESSIONAL CONDUCT. Unprofessional conduct related to the practice of dietetics under subch. IV of ch. 448, Stats., includes, but is not limited to the following conduct or attempting to engage in or aiding or abetting the following conduct:

(1) Performing or offering to perform services for which the certificate holder is not qualified by education, training or experience.

(2) Violating a law of any jurisdiction, the circumstances of which substantially relate to the practice under the certificate.

(3) Undertaking or continuing the performance of professional services after having been adjudged incompetent by any court of law.

(4) Using fraud or deception in the application for a certificate.

(5) Engaging in uninvited, in-person solicitation of actual or potential patients or clients who, because of their particular circumstances, are vulnerable to undue influence.

(6) Engaging in false, fraudulent, misleading or deceptive advertising, or maintaining a professional relationship with one engaging in such advertising.

(7) Engaging in false, fraudulent, deceptive or misleading billing practices.

(8) Knowingly reporting distorted, false or misleading information or knowingly making false statements in practice.

(9) Practicing or attempting to practice while the certificate holder is impaired due to the utilization of alcohol or other drugs, or as a result of an illness which impairs the certificate holder's ability to appropriately carry out the functions delineated under the certificate in a manner consistent with the safety of a client, patient or the public.

(10) Revealing facts, data, information, records or communication received from a client in a professional capacity, except in the following circumstances:

(a) With the informed consent of the client or the client's authorized representative.

(b) With notification to the client prior to the time the information was elicited of the use and distribution of the information.

(c) If necessary to prevent injury to the client or another person.

(d) Pursuant to a lawful order of a court of law.

(e) Use of case history material for teaching, therapeutic or research purposes, or in textbooks or other literature, provided that proper precautions are taken to conceal the identity of the client.

(f) When required or authorized pursuant to federal or state statute.

(11) Failing to provide the client or client's authorized representative a description of what may be expected in the way of tests, consultation, reports, fees, billing, therapeutic regimen or schedule.

(12) Failing to conduct an assessment or evaluation as a basis for treatment consultation.

(13) Failing to inform the client of financial interests which are not obvious and which might accrue to the certificate holder for referral to or for any service, product or publication.

(14) Failing to maintain adequate records relating to services provided a client in the course of a professional relationship.

(15) Failing to notify the board that a license, certificate or registration for the practice of any profession previously issued to the certificate holder has been revoked, suspended, limited or denied, or subject to any other disciplinary action by the authorities of any jurisdiction.

(16) Having a license, registration or certificate permitting the practice of dietetics or authorizing the use of the title "dietitian," "certified dietitian," "registered dietitian" or similar terms revoked, suspended, limited, subjected to any other discipline, by any other jurisdiction.

(17) Violating or attempting to violate any applicable provision of ch. 448, Stats., or any valid rule of the board.

(18) Violating or attempting to violate any term, provision or condition of any order of the board.

(19) Practicing fraud, forgery, deception, collusion or conspiracy in connection with any examination for license.

(20) Giving, selling, buying, bartering or attempting to give, sell, buy or barter any license.

(21) Engaging or attempting to engage in practice under any license under any given name or surname other than that under which originally licensed or registered to practice in this or any other jurisdiction. This subsection does not apply to change of name resulting from marriage, divorce or order by a court of record.

(22) Any practice or conduct which tends to constitute a danger to the health, welfare or safety of client, patient or public.

(23) Practicing or attempting to practice under any license beyond the scope of that license.

(24) Offering, undertaking or agreeing to treat or cure a disease or condition by a secret means, method, device or instrumentality; or refusing to divulge to the board upon demand the means, method, device or instrumentality used in the treatment of a disease or condition.

(25) Making a representation likely to create an unjustified expectation about the results of a medical nutritional therapy service or procedure.

(26) Failing to take reasonable action to inform a client's physician and any appropriate allied health care provider in any case in which a client's nutritional status indicates a change in medical status.

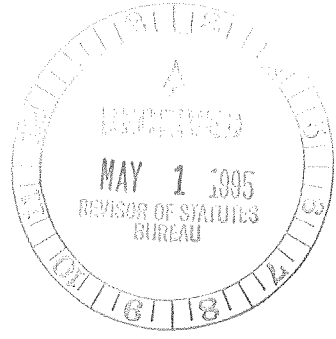
(27) Conviction of any crime the circumstances of which substantially relate to practice under any certificate, or of violation of any federal or state law regarding the possession, distribution or use of controlled substances as defined in s. 161.01 (4), Stats. A certified copy of a judgment of a court of record showing such conviction, within this state or without, shall be presumptive evidence thereof.

(END OF TEXT OF RULE)

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.

Dated April 27, 1995

Agency Suzanne Kaib - Miller MS, RD
Chairperson
Dietitians Affiliated Credentialing Board



CORRESPONDENCE/MEMORANDUM

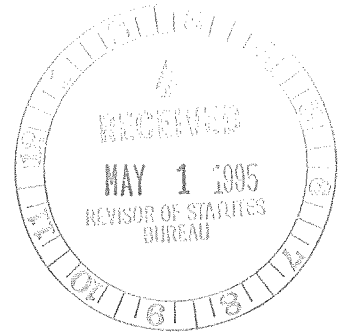
STATE OF WISCONSIN

DATE: May 1, 1995

TO: Gary Poulson
Assistant Revisor of Statutes

FROM: Pamela A. Haack, Rules Center Coordinator
Department of Regulation and Licensing
Office of Administrative Rules

SUBJECT: Final Rule-Making Order



Agency: DIETITIANS AFFILIATED CREDENTIALING BOARD

Clearinghouse Rule: 94-221

Attached is a copy and a certified copy of a final order adopting rules. Would you please publish these rules in the code.

Please stamp or sign a copy of this letter to acknowledge receipt.

Thank you.