



2009 ASSEMBLY BILL 440

September 23, 2009 - Introduced by Representatives PASCH, HEBL, DANOU, SPANBAUER, FIELDS, A. OTT, ZEPNICK, SOLETSKI, RICHARDS, SUDER and LOTHIAN, cosponsored by Senators VINEHOUT, CARPENTER, LEHMAN, TAYLOR and PLALE. Referred to Committee on Health and Healthcare Reform.

1 **AN ACT** *to repeal* 448.72 (1) (a) and (b), 448.72 (1) (d), 448.72 (1) (f), 448.72 (2),
2 448.74 (1), 448.78 (3) (c) and 448.78 (4) (a), (b) and (c); *to renumber and*
3 **amend** 448.70 (1), 448.70 (1m), 448.72 (1) (c), 448.72 (1) (e), 448.72 (3), 448.72
4 (4), 448.72 (5), 448.72 (6), 448.76, 448.78 (4) (intro.) and 448.82; *to consolidate,*
5 **renumber and amend** 448.72 (intro.) and (1) (intro.) and 448.74 (intro.) and
6 (2); *to amend* 15.406 (2) (intro.), 15.406 (2) (a), 48.981 (2) (a) 24., 146.81 (1)
7 (em), 146.89 (1) (r), 146.997 (1) (d) 6., 180.1901 (1m) (br), 251.06 (3) (e) 2., 252.14
8 (1) (ar) 4m., 440.03 (13) (b) 23., 440.08 (2) (a) 27m., 446.02 (6m), subchapter V
9 (title) of chapter 448 [precedes 448.70], 448.70 (2), 448.70 (3), 448.78 (intro.),
10 448.78 (1), 448.78 (3) (a), 448.78 (3) (b), 448.78 (5), 448.80, 448.84 (1), 448.84 (2),
11 448.86 (title) and (1), 448.86 (2), 448.87 (2) (intro.) and (a), 448.87 (2) (b), 448.87
12 (2) (e), 448.87 (2) (g), 450.10 (3) (a) 5m., 632.895 (1) (b) 5. b. and 655.45 (1m); and
13 **to create** 448.70 (1d), 448.70 (1r), 448.70 (6) and (7), 448.71, 448.72 (7), 448.72
14 (11), 448.72 (12), 448.76 (7), 448.82 (1), 448.86 (3) and 448.865 of the statutes;

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1 **relating to:** licensure of dietitian nutritionists and requiring the exercise of
2 rule-making authority.

Analysis by the Legislative Reference Bureau

This bill makes a number of changes to the regulation of dietitians.

Licensure and use of titles

Under current law, a person may be certified as a dietitian by the Dietitians Affiliated Credentialing Board (board) in the Department of Regulation and Licensing (DRL). With certain exceptions, current law prohibits a person who is not certified by the board from designating himself or herself as a dietitian, claiming to provide dietetic services, or using any title or initial that would represent that person as certified or licensed as a dietitian or in a nutrition-related field.

This bill directs the board to license, not certify, persons as “dietitian nutritionists.” With certain exceptions, the bill prohibits a person who is not licensed from practicing dietetics or nutrition care services. The bill also prohibits, with certain exceptions, a person who is not licensed by the board from using certain titles or initials.

“Dietitian” is defined under current law as an individual who practices dietetics, which means, generally, using certain nutrition principles to achieve or maintain the health and assess the nutritional needs of and provide nutritional counseling to an individual or group of individuals.

This bill changes the title of the board to the Dietetics and Nutrition Care Services Affiliated Credentialing Board. This bill changes the title of a person licensed by the board from “dietitian” to “dietitian nutritionist.” In the bill, a dietitian nutritionist is a person who practices dietetics and nutrition care services. The bill defines “dietetics and nutrition care services,” generally, as the integration and application of certain scientific principles to achieve and maintain optimal human health. In the bill, the practice of dietetics and nutrition care services includes assessing nutritional needs and dietetic and nutrition therapy and excludes the retail sale of food products or vitamins.

Requirements for licensure by the board

Under current law, to be certified as a dietitian, a person must: 1) receive a bachelor’s, master’s, or doctoral degree in certain nutrition fields from a college or university that the board determines is accredited or receive a degree from a program in nutrition approved by the board; 2) complete at least 900 supervised hours of dietetics practice; and 3) pass the registration examination, or its equivalent, established by the American Dietetic Association (ADA). A person who has satisfied these educational and practice requirements and who has applied to take the next available examination, may obtain a temporary dietitian certificate.

Under the bill, to be licensed as a dietitian nutritionist by the board, a person must: 1) possess a bachelor’s, master’s, or doctoral degree granted from a regionally accredited college or university and complete a didactic program in dietetics approved by the ADA; 2) complete 900 supervised practice hours under a supervised

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practice program accredited by the ADA; and 3) pass the registration examination for dietitians established by the ADA. A person who satisfies these educational and practice requirements and who submits a letter from the ADA verifying their registration eligibility status, may obtain a temporary license.

The bill requires an applicant for renewal of a license to provide DRL with proof of registration with the ADA or satisfactory completion of continuing education requirements established by the board by rule.

Exemptions from licensure

Current law exempts a person who is licensed or certified and lawfully practicing in certain fields from obtaining certification from the board provided the person practices within the scope of his or her license or certificate and does not claim to be a dietitian or licensed in a nutrition-related field. In addition, current law exempts the following from obtaining certification from the board: 1) persons who are pursuing a degree or certificate from an educational program approved by the board; 2) a dietetic technician or assistant working under the supervision of a certified dietitian; 3) a dietitian serving in the U.S. armed forces; and 4) a person who markets or distributes food and other goods, who explains the use, benefits, or preparation of food and other goods, and who furnishes nutritional information about food and other goods provided that person does not claim to be a dietitian or certified dietitian and that person complies with applicable law.

Under the bill, the following persons do not need to obtain a license from the board: 1) a licensed or certified nurse, chiropractor, dentist, physician, physical therapist, podiatrist, athletic trainer, occupational therapist, optometrist, pharmacist, or acupuncturist lawfully practicing within the scope of that license or certificate; 2) a dietitian nutritionist serving in the U.S. armed forces; 3) a retailer that furnishes oral or written general nutrition information about food and other goods; 4) a person who is not practicing dietetics and nutrition care services who provides general nutrition information about food and other goods, provided the person discloses to the person's client that the person is not licensed as a dietitian nutritionist; and 5) a person who provides weight control services under a program of instruction approved in writing by a licensed dietitian nutritionist, a physician, or a person registered as a dietitian with the ADA.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 15.406 (2) (intro.) of the statutes is amended to read:
 2 15.406 (2) ~~DIETITIANS~~ DIETETICS AND NUTRITION CARE SERVICES AFFILIATED
 3 CREDENTIALING BOARD. (intro.) There is created in the department of regulation and
 4 licensing, attached to the medical examining board, a ~~dietitians~~ dietetics and

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1 nutrition care services affiliated credentialing board consisting of the following
2 members appointed for 4-year terms:

3 **SECTION 2.** 15.406 (2) (a) of the statutes is amended to read:

4 15.406 (2) (a) Three dietitians individuals who are certified licensed as a
5 dietitian nutritionist under subch. V of ch. 448.

6 **SECTION 3.** 48.981 (2) (a) 24. of the statutes is amended to read:

7 48.981 (2) (a) 24. A dietitian nutritionist.

8 **SECTION 4.** 146.81 (1) (em) of the statutes is amended to read:

9 146.81 (1) (em) ~~A dietitian certified~~ An individual licensed as a dietitian
10 nutritionist under subch. V of ch. 448.

11 **SECTION 5.** 146.89 (1) (r) of the statutes is amended to read:

12 146.89 (1) (r) “Volunteer health care provider” means an individual who is
13 licensed as a physician under ch. 448, dentist or dental hygienist under ch. 447,
14 registered nurse, practical nurse, or nurse-midwife under ch. 441, optometrist
15 under ch. 449, or physician assistant under ch. 448, or pharmacist under ch. 450, who
16 ~~is certified as a dietitian~~ nutritionist under subch. V of ch. 448, or who is a nurse
17 practitioner, as defined in s. 255.06 (1) (d), or who performs functions described for
18 pharmacy technicians in rules promulgated by the pharmacy examining board, and
19 who receives no income from the practice of that health care profession or who
20 receives no income from the practice of that health care profession when providing
21 services at the nonprofit agency or school specified under sub. (3).

22 **SECTION 6.** 146.997 (1) (d) 6. of the statutes is amended to read:

23 146.997 (1) (d) 6. ~~A dietitian certified~~ An individual licensed as a dietitian
24 nutritionist under subch. V of ch. 448.

25 **SECTION 7.** 180.1901 (1m) (br) of the statutes is amended to read:

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1 180.1901 (1m) (br) ~~Dietitians~~ Dietetics and nutrition care services affiliated
2 credentialing board under subch. V of ch. 448.

3 **SECTION 8.** 251.06 (3) (e) 2. of the statutes is amended to read:

4 251.06 (3) (e) 2. A public health nutritionist, who is a ~~certified~~ licensed dietitian
5 nutritionist, as defined in s. 448.70 (1m) (5), is credentialed as a registered dietitian
6 by the Commission on Dietetic Registration, and meets qualifications that the
7 department shall specify by rule.

8 **SECTION 9.** 252.14 (1) (ar) 4m. of the statutes is amended to read:

9 252.14 (1) (ar) 4m. ~~A dietitian certified~~ An individual licensed as a dietitian
10 nutritionist under subch. V of ch. 448.

11 **SECTION 10.** 440.03 (13) (b) 23. of the statutes is amended to read:

12 440.03 (13) (b) 23. Dietitian nutritionist.

13 **SECTION 11.** 440.08 (2) (a) 27m. of the statutes, as affected by 2007 Wisconsin
14 Act 20, is amended to read:

15 440.08 (2) (a) 27m. Dietitian nutritionist: November 1 of each even-numbered
16 year.

17 **SECTION 12.** 446.02 (6m) of the statutes is amended to read:

18 446.02 (6m) No chiropractor may provide counsel, direction, guidance, advice,
19 or a recommendation to a patient regarding the health effects of vitamins, herbs, or
20 nutritional supplements unless the chiropractor has been issued a certificate under
21 sub. (2) (c). This subsection does not apply to a chiropractor licensed under this
22 chapter who is ~~certified~~ licensed as a dietitian dietitian nutritionist under subch. V
23 of ch. 448.

24 **SECTION 13.** Subchapter V (title) of chapter 448 [precedes 448.70] of the
25 statutes is amended to read:

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CHAPTER 448

SUBCHAPTER V

DIETITIANS DIETETICS AND NUTRITION

CARE SERVICES AFFILIATED

CREDENTIALING BOARD

SECTION 14. 448.70 (1) of the statutes is renumbered 448.70 (1g) and amended to read:

448.70 (1g) “Affiliated credentialing board” means the dietitians dietetics and nutrition care services affiliated credentialing board.

SECTION 15. 448.70 (1d) of the statutes is created to read:

448.70 (1d) “Accreditation commission” means the commission on accreditation for dietetics education of the American Dietetic Association or its successor.

SECTION 16. 448.70 (1m) of the statutes is renumbered 448.70 (5) and amended to read:

448.70 (5) “~~Certified~~ Licensed dietitian nutritionist” means an individual who is ~~certified~~ licensed as a dietitian nutritionist under this subchapter.

SECTION 17. 448.70 (1r) of the statutes is created to read:

448.70 (1r) “Dietetic and nutrition therapy” means nutritional diagnostic, therapy, and counseling services provided to an individual or group of individuals for the purpose of managing disease. Such services include nutrition assessment, interventions, reassessment, and follow-up interventions.

SECTION 18. 448.70 (2) of the statutes is amended to read:

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1 448.70 (2) “Dietetics and nutrition care services” means the integration and
2 application of principles of ~~nutritional science, biochemistry, derived from the~~
3 ~~sciences of~~ food science, ~~physiology, food systems, nutrition,~~ management,
4 behavioral ~~science~~ communication, biology, physiology, behavior, and the social
5 science ~~in order~~ sciences to achieve ~~or~~ and maintain the optimal human health of an
6 individual ~~or group of individuals.~~ “Dietetics” includes ~~assessing the nutritional~~
7 ~~needs of an individual or group of individuals and determining available resources~~
8 ~~and constraints in meeting those nutritional needs; establishing priorities, goals and~~
9 ~~objectives that meet those nutritional needs and are consistent with available~~
10 ~~resources and constraints; providing nutrition counseling; or developing,~~
11 ~~implementing and managing nutritional care systems.~~

12 **SECTION 19.** 448.70 (3) of the statutes is amended to read:

13 448.70 (3) “Dietitian nutritionist” means an individual who ~~practices~~ engages
14 in the practice of dietetics and nutrition care services.

15 **SECTION 20.** 448.70 (6) and (7) of the statutes are created to read:

16 448.70 (6) “Practice of dietetics and nutrition care services” includes each of the
17 following but does not include the retail sale of food products or vitamins:

18 (a) Assessing the nutritional needs of an individual or group of individuals
19 based upon biochemical, anthropometric, physical, and dietary data; determining
20 the resources and constraints to meet the nutritional needs of that individual or
21 group of individuals; and recommending proper nutrition intake to satisfy those
22 needs.

23 (b) Establishing priorities, goals, and objectives to meet the nutritional needs
24 of the individual or group of individuals based on available resources and
25 constraints.

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1 (c) Providing nutrition counseling to an individual or group of individuals
2 regarding health and disease.

3 (d) Evaluating, adjusting, and maintaining standards of quality in dietetics
4 and nutrition care services.

5 (e) Providing dietetic and nutrition therapy.

6 (7) "Registration commission" means the commission on dietetic registration
7 of the American Dietetic Association or its successor.

8 **SECTION 21.** 448.71 of the statutes is created to read:

9 **448.71 License required.** Except as provided in s. 448.72, no person may
10 engage in the practice of dietetics and nutrition care services unless the person is
11 licensed as a dietitian nutritionist under this subchapter.

12 **SECTION 22.** 448.72 (intro.) and (1) (intro.) of the statutes are consolidated,
13 renumbered 448.72 (intro.) and amended to read:

14 **448.72 Applicability.** (intro.) ~~This No license is required under this~~
15 ~~subchapter does not do any of the following: (1) (intro.) Require a certificate under~~
16 ~~this subchapter for any of the following:~~

17 **SECTION 23.** 448.72 (1) (a) and (b) of the statutes are repealed.

18 **SECTION 24.** 448.72 (1) (c) of the statutes is renumbered 448.72 (9) and
19 amended to read:

20 448.72 (9) A ~~person pursuing a supervised course of study, including~~
21 ~~internships, leading to a degree or certificate~~ student enrolled in a dietetics
22 educational program that is from an accredited educational program or an
23 educational program approved by the affiliated credentialing board accreditation
24 commission if the student's enrollment is for the purpose of meeting eligibility

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1 requirements to take the examination for dietitians established by the registration
2 commission.

3 **SECTION 25.** 448.72 (1) (d) of the statutes is repealed.

4 **SECTION 26.** 448.72 (1) (e) of the statutes is renumbered 448.72 (10) and
5 amended to read:

6 448.72 (10) A dietitian nutritionist who is serving in the U.S. armed forces, as
7 defined in s. 40.02 (57m), or in the commissioned corps of the federal public health
8 service or is employed by the U.S. veterans administration, and who is engaged in
9 the practice of dietetics and nutrition care services as part of that service or
10 employment.

11 **SECTION 27.** 448.72 (1) (f) of the statutes is repealed.

12 **SECTION 28.** 448.72 (2) of the statutes is repealed.

13 **SECTION 29.** 448.72 (3) of the statutes is renumbered 448.76 (3) and amended
14 to read:

15 448.76 (3) ~~Prohibit an An individual described in sub. (1) (e) from using s.~~
16 448.72 (10) may use the title “dietitian nutritionist” or any letters or designation that
17 represents or may tend to represent the individual as a dietitian nutritionist, if the
18 title, letters, or designation is used only in the course of the individual’s service or
19 employment.

20 **SECTION 30.** 448.72 (4) of the statutes is renumbered 448.76 (4) and amended
21 to read:

22 448.76 (4) ~~Prohibit an An individual who is registered as a dietitian with the~~
23 registration commission ~~on dietetic registration of the American Dietetic Association~~
24 ~~from using~~ may use the title “dietitian” or “registered dietitian” or the initials, “R.D.”.

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1 **SECTION 31.** 448.72 (5) of the statutes is renumbered 448.76 (5) and amended
2 to read:

3 448.76 (5) ~~Prohibit an~~ An individual who is registered as a dietetic technician
4 with the registration ~~commission on dietetic registration of the American Dietetic~~
5 ~~Association from using~~ may use the title “dietetic technician” ~~or,~~ “dietetic technician
6 ~~registered”~~ registered, or the initials, “D.T.R.”

7 **SECTION 32.** 448.72 (6) of the statutes is renumbered 448.76 (6) and amended
8 to read:

9 448.76 (6) ~~Prohibit an~~ An individual ~~from using~~ may use the title “dietitian”,
10 “dietitian nutritionist,” “licensed dietitian” ~~or,~~ “licensed dietitian nutritionist,”
11 “certified dietitian”, or certified dietitian nutritionist” if the person is licensed or
12 certified as a dietitian or dietitian nutritionist under the laws of another state which
13 has licensure or certification requirements that the affiliated credentialing board
14 determines to be substantially equivalent to the requirements under s. 448.78.

15 **SECTION 33.** 448.72 (7) of the statutes is created to read:

16 448.72 (7) A person who is lawfully practicing within the scope of a license or
17 certificate granted under chs. 441, 446, or 447, subchs. I to IV, VI, and VII of ch. 448,
18 or 449 to 451.

19 **SECTION 34.** 448.72 (11) of the statutes is created to read:

20 448.72 (11) (a) A retailer that furnishes oral or written general nutrition
21 information related to food, food materials, dietary supplements, and other goods
22 sold at the retailer’s establishment or a similar establishment in connection with the
23 marketing and distribution of the food, food materials, dietary supplements, or other
24 goods at the retailer’s establishment.

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1 (b) A person who furnishes information to a client or group of clients regarding
2 lifestyle, or who markets, distributes, sells, or furnishes general nutrition
3 information to a client or group of clients as to the use of herbs, vitamins, minerals,
4 amino acids, carbohydrates, sugars, enzymes, food concentrates, foods, and food or
5 dietary supplements, and who complies with s. 448.865. A person under this
6 paragraph may not provide dietetic and nutrition therapy or engage in the practice
7 of dietetics and nutrition care services other than as specified in this paragraph.

8 **SECTION 35.** 448.72 (12) of the statutes is created to read:

9 448.72 (12) A person who provides weight control services to an individual or
10 group of individuals, provided the person complies with s. 448.76 and presents a
11 general program of instruction for weight control that has been approved in writing
12 by one of the following:

13 (a) A person licensed under this subchapter.

14 (b) A physician as defined in s. 448.01 (5).

15 (c) A person who is licensed or certified as a dietitian or dietitian nutritionist
16 under the laws of another state which has licensure or certification requirements
17 that the affiliated credentialing board determines to be substantially equivalent to
18 the licensure requirements under s. 448.78.

19 (d) A person who is registered as a dietitian with the registration commission.

20 **SECTION 36.** 448.74 (intro.) and (2) of the statutes are consolidated,
21 renumbered 448.74 and amended to read:

22 **448.74 Duties of affiliated credentialing board.** The affiliated
23 credentialing board shall promulgate rules that do all of the following: ~~(2) Establish~~
24 ~~a code of ethics~~ establish by rule standards of practice to govern the professional
25 ~~conduct of certified dietitians~~ an individual licensed as a dietitian nutritionist,

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1 including a code of ethics, and may promulgate rules necessary for the
2 administration and enforcement of this subchapter.

3 **SECTION 37.** 448.74 (1) of the statutes is repealed.

4 **SECTION 38.** 448.76 of the statutes is renumbered 448.76 (1) and amended to
5 read:

6 448.76 (1) Except as provided in s. 448.72 (1) (e) and (2) subs. (3) to (6) (7), a
7 person who is not ~~a certified~~ licensed as a dietitian nutritionist may not designate
8 himself or herself as a dietitian, ~~claim to provide dietetic services~~ nutritionist; use
9 or assume the title “dietitian,” “certified dietitian,” “licensed dietitian” “certified
10 nutritionist,” “licensed nutritionist,” “dietitian nutritionist,” “certified dietitian
11 nutritionist,” or “licensed dietitian nutritionist”; append to the person’s name the
12 letters “L.D.,” “L.N.,” or “L.D.N.”; or use any title or initials that represent or may
13 tend to represent the person as certified or licensed as a dietitian nutritionist or as
14 certified or licensed in a nutrition-related field.

15 **SECTION 39.** 448.76 (7) of the statutes is created to read:

16 448.76 (7) An individual with a temporary license under s. 448.80 shall use the
17 title “registry eligible dietitian,” which title shall not be abbreviated or capitalized.

18 **SECTION 40.** 448.78 (intro.) of the statutes is amended to read:

19 ~~448.78 Certification of dietitians~~ **Licensure as a dietitian nutritionist.**

20 (intro.) The affiliated credentialing board shall grant a ~~certificate~~ license as a
21 dietitian nutritionist to an individual who does all of the following:

22 **SECTION 41.** 448.78 (1) of the statutes is amended to read:

23 448.78 (1) Submits an application for the ~~certificate~~ license to the department
24 on a form provided by the department.

25 **SECTION 42.** 448.78 (3) (a) of the statutes is amended to read:

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1 448.78 (3) (a) ~~Received Possesses~~ a bachelor's, master's, or doctoral degree in
2 human nutrition, nutrition education, food and nutrition, dietetics or food systems
3 management from a program ~~at granted by~~ a United States regionally accredited
4 college or university that is regionally accredited, as determined by the affiliated
5 credentialing board, and that is located in a state or territory of the United States
6 and successfully completes a didactic program in dietetics accredited by the
7 accreditation commission.

8 **SECTION 43.** 448.78 (3) (b) of the statutes is amended to read:

9 448.78 (3) (b) ~~Received Possesses~~ a bachelor's, master's, or doctoral degree in
10 human nutrition, nutrition education, food and nutrition, dietetics or food systems
11 management from a program ~~at granted by~~ a college or university that is not located
12 in a state or territory of the United States if an independent agency approved by the
13 ~~affiliated credentialing board determines~~ registration commission has determined
14 that the program degree is substantially equivalent to a program degree described
15 under par. (a).

16 **SECTION 44.** 448.78 (3) (c) of the statutes is repealed.

17 **SECTION 45.** 448.78 (4) (intro.) of the statutes is renumbered 448.78 (4) and
18 amended to read:

19 448.78 (4) Submits evidence satisfactory to the affiliated credentialing board
20 that he or she has completed a supervised practice program accredited by the
21 accreditation commission with at least 900 supervised practice hours of dietetics
22 practice in any state or territory of the United States under the supervision of any
23 of the following:

24 **SECTION 46.** 448.78 (4) (a), (b) and (c) of the statutes are repealed.

25 **SECTION 47.** 448.78 (5) of the statutes is amended to read:

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1 448.78 (5) Passes the registration examination for dietitians established by the
2 registration commission on dietetic registration of the American dietetic association,
3 ~~or passes an equivalent examination approved by the affiliated credentialing board,~~
4 ~~and held under s. 448.84, to determine fitness to practice dietetics.~~

5 **SECTION 48.** 448.80 of the statutes is amended to read:

6 **448.80 Temporary certificate license.** Upon application and payment of
7 the fee specified in s. 440.05 (6), the affiliated credentialing board may grant a
8 temporary dietitian ~~certificate~~ license to an individual who satisfies the
9 requirements under s. 448.78 (1) to (4) and ~~has submitted an application to take the~~
10 ~~next available examination under s. 448.84~~ submits a letter from the registration
11 commission verifying registration eligibility status. A temporary certificate license
12 granted under this section is valid for a period designated by the affiliated
13 credentialing board, not to exceed ~~9~~ 6 months, and may be renewed once by the
14 affiliated credentialing board.

15 **SECTION 49.** 448.82 of the statutes is renumbered 448.82 (intro.) and amended
16 to read:

17 **448.82 Reciprocal certificate license.** (intro.) Upon application and
18 payment of the fee specified in s. 440.05 (2), the affiliated credentialing board shall
19 grant a dietitian ~~certificate~~ license to ~~an~~ the following:

20 **(2)** An individual who holds a ~~similar~~ certificate or license ~~in~~ issued by another
21 state or territory of the United States if the affiliated credentialing board determines
22 that the requirements for receiving the certificate or license in the other state or
23 territory are substantially equivalent to the requirements under s. 448.78.

24 **SECTION 50.** 448.82 (1) of the statutes is created to read:

25 448.82 (1) An individual who is registered with the registration commission.

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1 **SECTION 51.** 448.84 (1) of the statutes is amended to read:

2 448.84 (1) The affiliated credentialing board shall conduct or arrange contract
3 for administration of examinations for dietitian certification nutritionist licensure
4 at least semiannually and at times and places determined by the affiliated
5 credentialing board, locations within this state and shall provide public notice of
6 each examination at least 90 days before the date of the examination.

7 **SECTION 52.** 448.84 (2) of the statutes is amended to read:

8 448.84 (2) Examinations held under sub. (1) shall consist of written or oral
9 tests, or both, requiring applicants to demonstrate minimum competency in subjects
10 substantially related to the practice of dietetics and nutrition care services.

11 **SECTION 53.** 448.86 (title) and (1) of the statutes are amended to read:

12 **448.86 (title) Issuance of certificate license; expiration and renewal.**
13 (1) The department shall issue a certificate license to each individual who is certified
14 licensed under this subchapter.

15 **SECTION 54.** 448.86 (2) of the statutes, as affected by 2007 Wisconsin Act 20,
16 is amended to read:

17 448.86 (2) The renewal dates for certificates licenses granted under this
18 subchapter, other than temporary certificates licenses granted under s. 448.80, are
19 specified under s. 440.08 (2) (a). Renewal applications shall be submitted to the
20 department on a form provided by the department and shall include the renewal fee
21 determined by the department under s. 440.03 (9) (a).

22 **SECTION 55.** 448.86 (3) of the statutes is created to read:

23 448.86 (3) An applicant for renewal of a license granted under this subchapter
24 shall provide to the department proof of satisfactory completion of at least the

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1 minimum continuing professional education credits required by the registration
2 commission and shall submit one of the following:

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

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

7 **SECTION 56.** 448.865 of the statutes is created to read:

8 **448.865 Disclosure required to provide certain services.** A person
9 providing services as authorized under s. 448.72 (11) (b) shall comply with all of the
10 following:

11 (1) Provide to the client or clients of the person a written disclosure that
12 contains the following information:

13 (a) The name, professional title, business address, and business telephone
14 number of the person.

15 (b) A statement that the person is not licensed as a dietitian nutritionist in this
16 state.

17 (c) A statement that the person may not provide a medical diagnosis or
18 recommend that the client of the person discontinue medically prescribed
19 treatments.

20 (2) Clearly post in the person's place of business a copy of the written disclosure
21 under sub. (1).

22 (3) Prior to providing services to a client, obtain from the client a signed and
23 dated statement on which the client confirms receiving and reading the disclosure
24 required under sub. (1). The person shall maintain the signed statement in the
25 client's file for 7 years after the client has ceased being a client of the person.

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1 **SECTION 57.** 448.87 (2) (intro.) and (a) of the statutes are amended to read:

2 448.87 **(2)** (intro.) Subject to the rules promulgated under s. 440.03 (1), the
3 affiliated credentialing board may reprimand a ~~certified~~ licensed dietitian
4 nutritionist or deny, limit, suspend, or revoke a ~~certificate~~ license granted under this
5 subchapter if it finds that the applicant or ~~certified~~ licensed dietitian nutritionist has
6 done any of the following:

7 (a) Made a material misstatement in an application for a ~~certificate~~ license or
8 for renewal of a ~~certificate~~ license.

9 **SECTION 58.** 448.87 (2) (b) of the statutes is amended to read:

10 448.87 **(2)** (b) Subject to ss. 111.321, 111.322 and 111.335, been convicted of an
11 offense the circumstances of which substantially relate to the practice of dietetics
12 and nutrition care services.

13 **SECTION 59.** 448.87 (2) (e) of the statutes is amended to read:

14 448.87 **(2)** (e) Subject to ss. 111.321, 111.322 and 111.34, ~~practiced~~ engaged in
15 the practice of dietetics and nutrition care services while his or her ability to practice
16 was impaired by alcohol or other drugs.

17 **SECTION 60.** 448.87 (2) (g) of the statutes is amended to read:

18 448.87 **(2)** (g) Engaged in conduct while ~~practicing~~ engaged in the practice of
19 dietetics and nutrition care services which evidences a lack of knowledge or ability
20 to apply professional principles or skills.

21 **SECTION 61.** 450.10 (3) (a) 5m. of the statutes is amended to read:

22 450.10 **(3)** (a) 5m. ~~A dietitian certified~~ An individual licensed as a dietitian
23 nutritionist under subch. V of ch. 448.

24 **SECTION 62.** 632.895 (1) (b) 5. b. of the statutes is amended to read:

ASSEMBLY BILL 440**SECTION 62**

1 632.895 (1) (b) 5. b. ~~A dietitian certified~~ An individual licensed as a dietitian
2 nutritionist under subch. V of ch. 448, if the nutrition counseling is provided on or
3 after July 1, 1995.

4 **SECTION 63.** 655.45 (1m) of the statutes is amended to read:

5 655.45 (1m) For the quarter beginning on July 1, 1995, and for each quarter
6 thereafter, the director of state courts shall file reports complying with sub. (2) with
7 the ~~dietitians~~ dietetics and nutrition care services affiliated credentialing board
8 regarding health care providers ~~certified~~ licensed by the ~~dietitians~~ dietetics and
9 nutrition care services affiliated credentialing board.

10 **SECTION 64. Nonstatutory provisions.**

11 (1) EXEMPTIONS FROM CERTAIN LICENSURE REQUIREMENTS.

12 (a) *Individuals certified by the dietitians affiliated credentialing board as a*
13 *dietitian on the effective date of this act.* Notwithstanding section 448.78 (3) to (5) of
14 the statutes, as affected by this act, no later than the first day of the 7th month
15 beginning after the effective date of this paragraph, the dietetics and nutrition care
16 services affiliated credentialing board shall grant a license under section 448.78 of
17 the statutes, as affected by this act, to an individual who, on the the effective date
18 of this act, held a valid certificate as a dietitian granted by the dietitians affiliated
19 credentialing board.

20 (b) *Individuals registered as a registered dietitian with the American Dietetic*
21 *Association on the effective date of this act.* Notwithstanding section 448.78 (3) to (5)
22 of the statutes, as affected by this act, the dietetics and nutrition care services
23 affiliated credentialing board shall grant a license under section 448.78 of the
24 statutes, as affected by this act, to an individual who no later than the first day of
25 the 13th month beginning after the effective date of this paragraph provides

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1 sufficient evidence to the dietetics and nutrition care services affiliated credentialing
2 board that the individual was registered as a registered dietitian with the
3 commission on dietetic registration of the American Dietetic Association on the
4 effective date of this act.

5 **SECTION 65. Effective date.**

6 (1) This act takes effect on the first day of the 7th month beginning after
7 publication.

8 (END)