



2011 BILL

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

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1 448.70 (4m), 448.70 (5m) to (7), 448.71, 448.72 (7), 448.72 (8), 448.72 (11),
2 448.72 (12), 448.72 (13), 448.82 (1), 448.86 (3) and 448.865 of the statutes;
3 **relating to:** licensure of dietitian nutritionists and requiring the exercise of
4 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 initials 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 engaging in the practice of dietetic 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 a person who practices dietetics, which means, generally, using certain nutrition-related principles to achieve or maintain the health of, assess the nutritional needs of, and provide nutritional counseling to, a person or group.

This bill changes the title of the board to the Dietetic Nutrition Care Services Affiliated Credentialing Board. The 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 dietetic nutrition care services. The bill defines “dietetic nutrition care services,” generally, as the integration and application of certain scientific principles to achieve and maintain optimal human health. In the bill, dietetic nutrition care services includes: 1) dietetic nutrition therapy for the management of disease, including the treatment or rehabilitation of an injury or rehabilitation from surgery; and 2) the nutrition care process, which consists of a set of steps designed to identify, analyze, and address nutrition-related problems and provide nutrition-related care.

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

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the 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, a person must: 1) possess a bachelor's or higher degree granted from a regionally accredited college or university with a major in an approved nutrition-related field; 2) complete 900 practice hours under the supervision of a dietitian nutritionist or other professional recognized by the board; and 3) pass the registration examination for dietitians administered by the Commission on Dietetic Registration that is accredited by the National Commission for Certifying Agencies (registration commission). A person who satisfies the educational and practice requirements and who submits a verification from the registration commission verifying his or her eligibility to sit for the registration commission examination, may practice under the supervision of a licensed dietitian nutritionist for up to one year prior to passing the examination.

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

Exemptions from licensure

Current law exempts a person who is licensed or certified and lawfully practicing in certain fields from having to obtain certification from the board, if 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 having to obtain 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, if 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 person who is registered by the registration commission as a dietetic technician and practices under the supervision of a licensed dietitian nutritionist; 4) a retailer who sells food and other products to consumers and who furnishes oral or written general nonmedical nutrition information about food and other goods; 5) a person who is not engaged in the practice of dietetic nutrition care services who provides general nonmedical nutrition information or other nutrition-related information or services, if the person makes certain disclosures to the person's client; 6) a person who provides weight control services under a program approved in writing by a licensed dietitian nutritionist, a physician, a dietitian nutritionist certified or licensed under the laws of another state that the affiliated credentialing board determines to be substantially equivalent to Wisconsin's dietitian nutritionist licensure

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requirements, or a person registered as a dietitian with the registration commission; and 7) a person practicing under the disciplines, tenets, or traditions of a religious organization who provides information or services to adherents of the same religious organization and who makes certain disclosures to those adherents.

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~~ DIETETIC 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~~ dietetic nutrition
5 care services affiliated credentialing board consisting of the following members
6 appointed for 4-year terms:

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

8 **15.406 (2) (a)** ~~Three dietitians who are certified~~ dietitian nutritionists licensed
9 under subch. V of ch. 448.

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

11 **48.981 (2) (a) 24.** A dietitian nutritionist.

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

13 **146.81 (1) (em)** A dietitian ~~certified~~ nutritionist licensed under subch. V of ch.
14 448.

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

16 **146.89 (1) (r) 1.** Licensed as a physician under ch. 448, a dentist or dental
17 hygienist under ch. 447, a registered nurse, practical nurse, or nurse-midwife under
18 ch. 441, an optometrist under ch. 449, a physician assistant under ch. 448, a dietitian
19 nutritionist under subch. V of ch. 448, a pharmacist under ch. 450, a chiropractor

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1 under ch. 446, a podiatrist under subch. IV of ch. 448, or a physical therapist under
2 subch. III of ch. 448.

3 **SECTION 6.** 146.89 (1) (r) 2. of the statutes is repealed.

4 **SECTION 7.** 146.997 (1) (d) 6. of the statutes is amended to read:

5 146.997 (1) (d) 6. ~~A dietitian certified~~ A dietitian nutritionist licensed under
6 subch. V of ch. 448.

7 **SECTION 8.** 180.1901 (1m) (br) of the statutes is amended to read:

8 180.1901 (1m) (br) ~~Dietitians~~ Dietetic nutrition care services affiliated
9 credentialing board under subch. V of ch. 448.

10 **SECTION 9.** 251.06 (3) (e) 2. of the statutes is amended to read:

11 251.06 (3) (e) 2. A public health nutritionist, who is a ~~certified~~ licensed dietitian
12 nutritionist, as defined in s. 448.70 ~~(1m) (5)~~, is credentialed as a registered dietitian
13 by the Commission on Dietetic Registration, and meets qualifications that the
14 department shall specify by rule.

15 **SECTION 10.** 252.14 (1) (ar) 4m. of the statutes is amended to read:

16 252.14 (1) (ar) 4m. A dietitian ~~certified~~ nutritionist licensed under subch. V of
17 ch. 448.

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

19 440.03 (13) (b) 23. Dietitian nutritionist.

20 **SECTION 12.** 440.08 (2) (a) 27m. of the statutes is amended to read:

21 440.08 (2) (a) 27m. Dietitian nutritionist: November 1 of each even-numbered
22 year.

23 **SECTION 13.** 446.02 (6m) of the statutes is amended to read:

24 446.02 (6m) No chiropractor may provide counsel, direction, guidance, advice,
25 or a recommendation to a patient regarding the health effects of vitamins, herbs, or

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1 nutritional supplements unless the chiropractor has been issued a certificate under
2 sub. (2) (c). This subsection does not apply to a chiropractor licensed under this
3 chapter who is ~~certified as a dietician~~ dietician nutritionist licensed under subch. V
4 of ch. 448.

5 SECTION 14. Subchapter V (title) of chapter 448 [precedes 448.70] of the
6 statutes is amended to read:

CHAPTER 448**SUBCHAPTER V****DIETITIANS DIETETIC NUTRITION****CARE SERVICES AFFILIATED****CREDENTIALING BOARD**

12 SECTION 15. 448.70 (1) of the statutes is amended to read:

13 448.70 (1) "Affiliated credentialing board" means the ~~dietitians~~ dietetic
14 nutrition care services affiliated credentialing board.

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

17 448.70 (5) "~~Certified Licensed~~ dietitian nutritionist" means ~~an individual a~~
18 person who is ~~certified~~ licensed as a dietitian nutritionist under this subchapter.

19 SECTION 17. 448.70 (2) of the statutes is amended to read:

20 448.70 (2) "~~Dietetics~~ Dietetic nutrition care services" means the integration
21 and application of principles of ~~nutritional science, biochemistry, derived from the~~
22 sciences of food science, physiology, food systems, nutrition, management,
23 ~~behavioral science~~ communication, biology, physiology, behavior, and the social
24 ~~science in order~~ sciences to achieve or and maintain the optimal human health of an

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1 ~~individual a person or group of individuals. "Dietetics" includes assessing the~~
2 ~~nutritional needs of an individual or group of individuals and determining available~~
3 ~~resources and constraints in meeting those nutritional needs; establishing priorities,~~
4 ~~goals and objectives that meet those nutritional needs and are consistent with~~
5 ~~available resources and constraints; providing nutrition counseling; or developing,~~
6 ~~implementing and managing nutritional care systems, and includes dietetic~~
7 ~~nutrition therapy and the use of the nutrition care process.~~

8 **SECTION 18.** 448.70 (2m) of the statutes is created to read:

9 448.70 (2m) "Dietetic nutrition therapy" means the application of dietetic
10 nutrition care services and the nutrition care process to disease management, the
11 treatment or rehabilitation of an injury, or the rehabilitation from surgery. "Dietetic
12 nutrition therapy" includes the interpretation of dietary data and recommendation
13 of nutrient needs in connection with a medically prescribed diet, the monitoring of
14 food and prescription drug interactions, and the development and management of a
15 food service operation whose chief function is nutrient care and the provision of a
16 medically prescribed diet.

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

18 448.70 (3) "Dietitian nutritionist" means ~~an individual a person~~ who practices
19 ~~dietetics~~ dietetic nutrition care services.

20 **SECTION 20.** 448.70 (4m) of the statutes is created to read:

21 448.70 (4m) "General nonmedical nutrition information" means information
22 about any of the following that is not related to the dietetic nutrition therapy of a
23 person or group:

24 (a) Principles of good nutrition and food preparation.

25 (b) Foods to be included in a normal daily diet.

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- 1 (c) Essential nutrients.
- 2 (d) Sources of essential nutrients, including food and supplements.
- 3 (e) Recommended amounts of essential nutrients.
- 4 (f) The actions of nutrients in the body.
- 5 (g) The effects of an excess or deficiency of a nutrient.

6 **SECTION 21.** 448.70 (5m) to (7) of the statutes are created to read:

7 448.70 (5m) "Medically prescribed diet" means a diet that is recommended for
8 a person whose health status is impaired or at risk due to disease, injury, or surgery
9 to monitor or regulate the person's food or nutrient levels, whether that diet is
10 delivered enterally, parenterally, or orally.

11 (6) "Nutrition care process" means an integrated and systematic
12 problem-solving method consisting of distinct but interrelated and connected steps
13 used to identify, analyze, and address a nutrition-related problem of a person or
14 group and provide nutrition-related care to that person or group. The steps of the
15 nutrition care process are the following:

16 (a) *Nutrition assessment.* The systematic process of obtaining, verifying, and
17 interpreting biochemical, anthropometric, physical, and dietary data to determine
18 the nature, cause, and extent of a nutrition-related problem.

19 (b) *Nutrition diagnosis.* The identification and labeling of a nutrition-related
20 problem that requires the treatment of a dietitian nutritionist.

21 (c) *Nutrition intervention.* Recommendations for treatment of a
22 nutrition-related problem of a person or group.

23 (d) *Nutrition monitoring and evaluation.* The identification and evaluation of
24 nutrition-related goals and outcomes relative to a dietitian nutritionist's nutrition
25 diagnosis and nutrition intervention plan to determine the progress made in

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1 achieving desired outcomes of nutrition care and whether planned interventions
2 should be continued or revised.

3 (7) "Registration commission" means the Commission on Dietetic Registration
4 or its successor that is accredited by the National Commission for Certifying
5 Agencies or its successor.

6 SECTION 22. 448.71 of the statutes is created to read:

7 **448.71 License required.** Except as provided in s. 448.72, no person may
8 practice dietetic nutrition care services unless the person is a licensed dietitian
9 nutritionist.

10 SECTION 23. 448.72 (intro.) and (1) (intro.) of the statutes are consolidated,
11 renumbered 448.72 (intro.) and amended to read:

12 **448.72 Applicability.** (intro.) ~~This No license under this subchapter does not~~
13 ~~do any of the following: (1) (intro.) Require a certificate under this subchapter is~~
14 required for any of the following:

15 SECTION 24. 448.72 (1) (a) and (b) of the statutes are repealed.

16 SECTION 25. 448.72 (1) (c) of the statutes is renumbered 448.72 (9) and
17 amended to read:

18 448.72 (9) A ~~person pursuing a supervised course of study, including~~
19 ~~internships, leading to a degree or certificate~~ student enrolled in a program in
20 dietetics from an ~~that is~~ accredited educational program or an educational program
21 approved by the ~~affiliated credentialing board~~ Commission on Accreditation for
22 Dietetics Education or its successor if the student's enrollment is for the purpose of
23 meeting eligibility requirements to take the examination for dietitian nutritionists
24 established by the registration commission, and the student practices dietetic

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1 nutrition care services as a part of that program under the supervision of a licensed
2 dietitian nutritionist.

3 SECTION 26. 448.72 (1) (d) of the statutes is repealed.

4 SECTION 27. 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~~ practices dietetic nutrition care services as part of that
10 service or employment.

11 SECTION 28. 448.72 (1) (f) of the statutes is repealed.

12 SECTION 29. 448.72 (2) of the statutes is repealed.

13 SECTION 30. 448.72 (3) of the statutes is renumbered 448.76 (2) and amended
14 to read:

15 448.76 (2) ~~Prohibit an individual~~ A person described in sub. (1) (e) ~~from using~~
16 s. 448.72 (10) may use the title “dietitian nutritionist” or any letters or designation
17 that represents or may tend to represent the ~~individual~~ person as a dietitian
18 nutritionist, if the title, letters, or designation is used only in the course of the
19 ~~individual's~~ person's service or employment.

20 SECTION 31. 448.72 (4) of the statutes is repealed.

21 SECTION 32. 448.72 (5) of the statutes is renumbered 448.76 (3) and amended
22 to read:

23 448.76 (3) ~~Prohibit an individual~~ A person who is registered as a dietetic
24 technician with the registration ~~commission on dietetic registration of the American~~

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1 ~~Dietetic Association from using may use the title "dietetic technician" or, "dietetic~~
2 ~~technician registered", registered," or the initials, "D.T.R."~~

3 **SECTION 33.** 448.72 (6) of the statutes is repealed.

4 **SECTION 34.** 448.72 (7) of the statutes is created to read:

5 448.72 (7) A person who is lawfully practicing within the scope of a license or
6 certificate granted under subchs. II to IV, VI, or VII; subch. XII of ch. 440; or chs. 441,
7 446, 447, and 449 to 451.

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

9 448.72 (8) A retailer or other person who sells food, food materials, dietary
10 supplements, or other goods to consumers and who furnishes oral or written general
11 nonmedical nutrition information related to the sale, marketing, and distribution of
12 the food, food materials, dietary supplements, or other goods, including a person
13 whose remuneration consists solely of commissions, overrides, bonuses, or
14 differentials directly related to sales or other output derived from in-person sales to
15 or solicitation of orders from ultimate consumers, primarily in the home.

16 **SECTION 36.** 448.72 (11) of the statutes is created to read:

17 448.72 (11) A person who is registered by the registration commission as a
18 dietetic technician if that person provides dietetic nutrition care services under the
19 direct supervision of a licensed dietitian nutritionist.

20 **SECTION 37.** 448.72 (12) of the statutes is created to read:

21 448.72 (12) A person who provides weight control services to another person
22 or group through a weight control program, or who revises a weight control program,
23 if one of the following reviews the program and approves it in writing:

24 (a) A licensed dietitian nutritionist.

25 (b) A physician.

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1 (c) A person who is licensed or certified as a dietitian or dietitian nutritionist
2 under the laws of another state that the affiliated credentialing board determines to
3 be substantially equivalent to the licensure requirements under s. 448.78.

4 (d) A dietitian registered by the registration commission.

5 **SECTION 38.** 448.72 (13) of the statutes is created to read:

6 448.72 (13) A person practicing under the disciplines, tenets, or traditions of
7 a religious organization, as defined in s. 895.442 (1) (b), and providing information
8 or services to other persons who are adherents to or members of the same religious
9 organization if the person provides to those adherents or members a written
10 disclosure that he or she is not a licensed dietitian nutritionist and cannot provide
11 dietetic nutrition care services as defined under this subchapter.

12 **SECTION 39.** 448.74 (intro.) and (2) of the statutes are consolidated,
13 renumbered 448.74 and amended to read:

14 **448.74 Duties of affiliated credentialing board.** The affiliated
15 credentialing board shall promulgate rules that do all of the following: ~~(2) Establish~~
16 ~~a code of ethics~~ establish by rule standards of practice to govern the professional
17 ~~conduct of certified dietitians.~~ a licensed dietitian nutritionist, including a code of
18 ethics, and may promulgate rules necessary for the administration and enforcement
19 of this subchapter. The rules promulgated by the board under this section shall
20 include the requirement that a licensed dietitian nutritionist may provide a
21 medically prescribed diet only in consultation with a physician, physician assistant,
22 or advanced practice nurse practicing within the scope of his or her license or
23 certificate.

24 **SECTION 40.** 448.74 (1) of the statutes is repealed.

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1 **SECTION 41.** 448.76 of the statutes is renumbered 448.76 (1) and amended to
2 read:

3 448.76 (1) Except as provided in s. ~~448.72 (1) (e) and subs. (2) to (6) and (3)~~, a
4 person who is not a ~~certified~~ licensed dietitian nutritionist may not designate himself
5 or herself as a dietitian nutritionist, claim to provide dietetic nutrition care services,
6 or use or assume any title or initials that represent or may tend to represent the
7 person as ~~certified, registered, or licensed~~ as a dietitian ~~or as certified, registered, or~~
8 ~~licensed in a nutrition-related field~~ nutritionist.

9 **SECTION 42.** 448.78 (intro.) of the statutes is amended to read:

10 **448.78 Certification of dietitians Licensure as a dietitian nutritionist.**
11 (intro.) The affiliated credentialing board shall grant a ~~certificate~~ license as a
12 dietitian nutritionist ~~to an individual~~ a person who does all of the following:

13 **SECTION 43.** 448.78 (1) of the statutes is amended to read:

14 448.78 (1) Submits an application for the ~~certificate~~ license to the department
15 on a form provided by the department.

16 **SECTION 44.** 448.78 (3) (a) of the statutes is amended to read:

17 448.78 (3) (a) ~~Received~~ Possesses a bachelor's, ~~master's or doctoral~~ higher
18 degree in human nutrition, nutrition education, food and nutrition, dietetics or food
19 systems management from a program at granted by a regionally accredited college
20 or university that is ~~regionally accredited, as determined by the affiliated~~
21 ~~credentialing board, and that is located in a state or territory of the United States~~
22 and recognized by the Council for Higher Education Accreditation and the federal
23 department of education, with a major in human nutrition, nutrition education,
24 public health nutrition, food and nutrition, dietetics, food systems management, or
25 a substantially equivalent major course of study approved by the board.

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1 **SECTION 45.** 448.78 (3) (b) of the statutes is amended to read:

2 448.78 (3) (b) ~~Received Possesses~~ a bachelor's, master's or doctoral degree in
3 human nutrition, nutrition education, food and nutrition, dietetics or food systems
4 management from a program at granted by a college or university that is not located
5 in ~~a state or territory~~ of the United States if the affiliated credentialing board
6 determines that the program degree is substantially equivalent to a program
7 satisfaction of the requirements under par. (a).

8 **SECTION 46.** 448.78 (3) (c) of the statutes is repealed.

9 **SECTION 47.** 448.78 (4) (intro.) of the statutes is renumbered 448.78 (4) and
10 amended to read:

11 448.78 (4) Submits evidence satisfactory to the affiliated credentialing board
12 that he or she has completed a supervised practice program with at least 900 hours
13 of dietetics practice in any state or territory of the United States under the
14 supervision of any of the following: practicing dietetic nutrition care services under
15 the supervision of a licensed dietitian nutritionist, a dietitian nutritionist registered
16 by the registration commission, or a person who possesses a doctoral degree in
17 human nutrition, nutrition education, public health nutrition, food and nutrition,
18 dietetics, food systems management, or a substantially equivalent nutrition-related
19 field approved by the board, granted by a regionally accredited college or university
20 that is located in the United States or, if approved by the board, by a college or
21 university located outside the United States.

22 **SECTION 48.** 448.78 (4) (a), (b) and (c) of the statutes are repealed.

23 **SECTION 49.** 448.78 (5) of the statutes is amended to read:

24 448.78 (5) Passes the registration examination for dietitians established by the
25 registration commission on dietetic registration of the American dietetic association,

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1 ~~or passes an equivalent examination approved by the affiliated credentialing board,~~
2 ~~and held under s. 448.84, to determine fitness to practice dietetics.~~

3 **SECTION 50.** 448.80 (title) of the statutes is repealed.

4 **SECTION 51.** 448.80 of the statutes is renumbered 448.72 (14) and amended to
5 read:

6 ~~448.72 (14) Upon application and payment of the fee specified in s. 440.05 (6),~~
7 ~~the affiliated credentialing board may grant a temporary dietitian certificate to an~~
8 ~~individual A person who satisfies the requirements under s. 448.78 (1) to (4) and has~~
9 ~~submitted an application to take the next available examination under s. 448.84 but~~
10 ~~who has not yet satisfied the examination requirements under s. 448.78 (5). A~~
11 ~~temporary certificate granted person may practice under this section is valid for a~~
12 ~~period designated by the affiliated credentialing board, not up to exceed 9 months,~~
13 ~~and may be renewed once one year if he or she is supervised by the affiliated~~
14 ~~credentialing board a licensed dietitian nutritionist.~~

15 **SECTION 52.** 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 individual practice dietetic nutrition care
20 services to all of the following:

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

25 **SECTION 53.** 448.82 (1) of the statutes is created to read:

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1 448.82 (1) A person who is registered by the registration commission.

2 **SECTION 54.** 448.84 (1) of the statutes is amended to read:

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

9 **SECTION 55.** 448.84 (2) of the statutes is amended to read:

10 448.84 (2) Examinations held under sub. (1) shall consist of written, including
11 computerized, or oral tests, or both, requiring applicants to demonstrate minimum
12 competency in subjects substantially related to the practice of ~~dietetics~~ dietetic
13 nutrition care services.

14 **SECTION 56.** 448.86 (title) and (1) of the statutes are amended to read:

15 **448.86 (title) Issuance of certificate license; expiration and renewal.**

16 **(1)** The department shall issue a ~~certificate~~ license to each ~~individual person~~ who
17 is ~~certified~~ licensed under this subchapter.

18 **SECTION 57.** 448.86 (2) of the statutes is amended to read:

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

24 **SECTION 58.** 448.86 (3) of the statutes is created to read:

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1 448.86 (3) An applicant for renewal of a license granted under this subchapter
2 shall submit to the department with the renewal application proof of valid
3 registration with the registration commission or a written verification of the
4 registration commission that the applicant has completed at least the minimum
5 number of continuing professional education credits required by the board.

6 **SECTION 59.** 448.865 of the statutes is created to read:

7 **448.865 Disclosure required to provide certain services.** A person who
8 is neither licensed under this subchapter nor exempt from licensure under s. 448.72
9 and who provides general nonmedical nutrition information to another person or
10 group for compensation, direct or indirect, or in the expectation of compensation,
11 shall do all of the following:

12 (1) Provide to the other person or group a written disclosure that contains the
13 following information:

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

16 (b) A statement that the person is not a licensed dietitian nutritionist and
17 cannot provide dietetic nutrition care services as defined under this subchapter.

18 (c) A statement that the person may not provide a medical diagnosis or
19 recommend that the other person or group continue or discontinue medically
20 prescribed treatments.

21 (2) Post a copy of the written disclosure under par. (a) in a conspicuous place
22 in the person's office or place of practice or business.

23 **SECTION 60.** 448.87 (2) (intro.) and (a) of the statutes are amended to read:

24 448.87 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the
25 affiliated credentialing board may reprimand a ~~certified~~ licensed dietitian

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1 nutritionist or deny, limit, suspend, or revoke a ~~certificate~~ license granted under this
2 subchapter if it finds that the applicant or ~~certified~~ licensed dietitian nutritionist has
3 done any of the following:

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

6 **SECTION 61.** 448.87 (2) (b) of the statutes is amended to read:

7 448.87 (2) (b) Subject to ss. 111.321, 111.322 and 111.335, been convicted of an
8 offense the circumstances of which substantially relate to the practice of ~~dietetics~~
9 dietetic nutrition care services.

10 **SECTION 62.** 448.87 (2) (e) of the statutes is amended to read:

11 448.87 (2) (e) Subject to ss. 111.321, 111.322 and 111.34, practiced ~~dietetics~~
12 dietetic nutrition care services while his or her ability to practice was impaired by
13 alcohol or other drugs.

14 **SECTION 63.** 448.87 (2) (f) of the statutes is amended to read:

15 448.87 (2) (f) Engaged in unprofessional or unethical conduct in violation of the
16 code of ethics established in the rules promulgated under s. 448.74 (2).

17 **SECTION 64.** 448.87 (2) (g) of the statutes is amended to read:

18 448.87 (2) (g) Engaged in conduct while practicing ~~dietetics which evidences~~
19 dietetic nutrition care services that demonstrates a lack of knowledge or ability of,
20 inability to apply, or the negligent application of, professional principles or skills.

21 **SECTION 65.** 450.10 (3) (a) 5m. of the statutes is amended to read:

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

24 **SECTION 66.** 632.895 (1) (b) 5. b. of the statutes is amended to read:

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

3 **SECTION 67.** 655.45 (1m) of the statutes is amended to read:

4 655.45 (1m) For the quarter beginning on July 1, 1995, and for each quarter
5 thereafter, the director of state courts shall file reports complying with sub. (2) with
6 the ~~dietitians~~ dietetic nutrition care services affiliated credentialing board regarding
7 health care providers ~~certified~~ licensed by the ~~dietitians~~ dietetic nutrition care
8 services affiliated credentialing board.

9 **SECTION 68. Nonstatutory provisions.**

10 (1) TRANSITIONAL PROVISIONS. Notwithstanding section 448.78 of the statutes,
11 as affected by this act, on the effective date of this subsection, a person who,
12 immediately prior to the effective date of this subsection, held a valid certificate as
13 a dietitian granted by the dietitians affiliated credentialing board, is considered to
14 be a licensed dietitian nutritionist under section 448.70 (5), as affected by this act,
15 and, before July 1, 2013, the dietetic nutrition care services affiliated credentialing
16 board shall issue a license to the person under sections 448.78 and 448.86 of the
17 statutes, as affected by this act.

18 **SECTION 69. Effective dates.** This act takes effect on the first day of the 4th
19 month beginning after publication, except as follows:

20 (1) The treatment of section 448.86 (3) of the statutes takes effect on January
21 1, 2014.

22

(END)