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**VIRTUAL/TELECONFERENCE**  
**DIETITIANS AFFILIATED CREDENTIALING BOARD**  
**4822 Madison Yards Way, Madison, WI 53705**  
**Contact: Valerie Payne (608) 266-2112**  
**January 27, 2021**

*The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.*

**AGENDA**

**9:00 A.M.**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of January 29, 2020 (4-9)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns**
- D. Administrative Updates**
  - 1) Department, Staff and Board Updates
  - 2) Annual Policy Review **(10)**
  - 3) Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities **(11-19)**
  - 4) Board Members – Term Expiration Dates
    - a) Jill Hoyt – 7/1/2021
    - b) David Joe – 7/1/2018
    - c) Scott Krueger – 7/1/2019
    - d) Tara LaRowe – 7/1/2022
- E. Administrative Rule Matters – Discussion and Consideration (19)**
  - 1) Scope Statement: DI 1, Relating to Reciprocal Credentials for Service Members, Former Service Members, and Their Spouses **(20-21)**
  - 2) Administrative Rules Reporting Requirement Under s. 227.29 **(22-24)**
  - 3) Pending or Possible Rulemaking Projects
- F. COVID-19 – Discussion and Consideration**
- G. Items Added After Preparation of Agenda:**
  - 1) Introductions, Announcements and Recognition
  - 2) Administrative Matters
  - 3) Election of Officers
  - 4) Appointment of Liaisons and Alternates
  - 5) Delegation of Authorities

- 6) Education and Examination Matters
- 7) Credentialing Matters
- 8) Practice Matters
- 9) Administrative Rule Matters
- 10) Legislative and Policy Matters
- 11) Liaison Reports
- 12) Board Liaison Training and Appointment of Mentors
- 13) Informational Items
- 14) Division of Legal Services and Compliance (DLSC) Matters
- 15) Presentations of Petitions for Summary Suspension
- 16) Petitions for Designation of Hearing Examiner
- 17) Presentation of Stipulations, Final Decision and Orders
- 18) Presentation of Proposed Final Decision and Orders
- 19) Presentation of Interim Orders
- 20) Petitions for Re-Hearing
- 21) Petitions for Assessments
- 22) Petitions to Vacate Orders
- 23) Requests for Disciplinary Proceeding Presentations
- 24) Motions
- 25) Petitions
- 26) Appearances from Requests Received or Renewed
- 27) Speaking Engagements, Travel, or Public Relation Requests, and Reports

#### H. Public Comments

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).**

#### I. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Orders
- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Case Closings
- 15) Board Liaison Training
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing

21) Appearances from Requests Received or Renewed

J. Consulting with Legal Counsel

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

K. Open Session Items Noticed Above Not Completed in the Initial Open Session

L. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

**M. Delegation of Ratification of Examination Results and Ratification of Licenses and Certificates**

**ADJOURNMENT**

**NEXT MEETING: TBD**

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MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**DIETITIANS AFFILIATED CREDENTIALING BOARD  
TELECONFERENCE/VIRTUAL  
MEETING MINUTES  
JANUARY 29, 2020**

**PRESENT:** David Joe, Scott Krueger, Tara LaRowe

**EXCUSED:** Jill Hoyt

**STAFF:** Valerie Payne, Executive Director; Jameson Whitney, Legal Counsel; Megan Glaeser, Bureau Assistant; and other Department staff

**CALL TO ORDER**

Tara LaRowe, Chairperson, called the meeting to order at 9:01 a.m. A quorum was confirmed with three (3) members present.

**ADOPTION OF AGENDA**

**MOTION:** Tara LaRowe moved, seconded by Scott Krueger, to adopt the agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES**

**MOTION:** Scott Krueger moved, seconded by Tara LaRowe, to approve the Minutes of January 24, 2018 as published. Motion carried unanimously.

**ADMINISTRATIVE MATTERS**

**Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities**

*Chairperson*

**NOMINATION:** Tara LaRowe nominated herself for the Office of Chairperson.

**NOMINATION:** Scott Krueger nominated Tara LaRowe for the Office of Chairperson.

**NOMINATION:** David Joe nominated Tara LaRowe for the Office of Chairperson.

Valerie Payne, Executive Director, called for nominations three (3) times.

Tara LaRowe was elected as Chairperson by unanimous voice vote.

*Vice Chairperson*

**NOMINATION:** David Joe nominated himself for the Office of Vice Chairperson.

**NOMINATION:** Scott Krueger nominated David Joe for the Office of Vice Chairperson.

**NOMINATION:** Tara LaRowe nominated David Joe for the Office of Vice Chairperson.

Valerie Payne, Executive Director, called for nominations three (3) times.

David Joe was elected as Vice Chairperson by unanimous voice vote.

*Secretary*

**NOMINATION:** Tara LaRowe nominated Scott Krueger for the Office of Secretary.

**NOMINATION:** David Joe nominated Scott Krueger for the Office of Secretary.

**NOMINATION:** Scott Krueger nominated himself for the Office of Secretary.

Valerie Payne, Executive Director, called for nominations three (3) times.

Scott Krueger was elected as Secretary by unanimous voice vote.

<b>2020 ELECTION RESULTS</b>	
<b>Board Chair</b>	Tara LaRowe
<b>Vice Chair</b>	David Joe
<b>Secretary</b>	Scott Krueger

<b>2020 LIAISON APPOINTMENTS</b>	
<b>Credentialing Liaison(s)</b>	Scott Krueger Alternate – Jill Hoyt
<b>Office of Education and Examinations Liaison</b>	Tara LaRowe Alternate – Jill Hoyt
<b>Monitoring Liaison</b>	Tara LaRowe Alternate – David Joe
<b>Professional Assistance Procedure (PAP) Liaison</b>	Scott Krueger Alternate – Tara LaRowe
<b>Legislative Liaison</b>	Tara LaRowe Alternate – David Joe
<b>Travel Liaison</b>	Jill Hoyt Alternate – Scott Krueger
<b>Website Liaison</b>	David Joe Alternate – Tara LaRowe
<b>Administrative Rules Liaison</b>	Jill Hoyt Alternate – Tara LaRowe
<b>Screening Panel</b>	Scott Krueger, Tara LaRowe Alternate – David Joe

### *Document Signature Delegations*

**MOTION:** Scott Krueger moved, seconded by David Joe, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

**MOTION:** David Joe moved, seconded by Tara LaRowe, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

### *Delegated Authority for Urgent Matters*

**MOTION:** Scott Krueger moved, seconded by Tara LaRowe, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

### *Delegation to Chief Legal Counsel Due to of Loss of Quorum*

**MOTION:** Scott Krueger moved, seconded by Tara LaRowe, to delegate the review of disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum. Motion carried unanimously.

### *Monitoring Delegations*

**MOTION:** Tara LaRowe moved, seconded by David Joe, to adopt the "Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor" as presented in the January 29, 2020 agenda materials. Motion carried unanimously.

### *Credentialing Authority Delegations*

#### **Delegation of Authority to Credentialing Liaison (Denial Decisions)**

**MOTION:** Scott Krueger moved, seconded by David Joe, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between DSPS and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them except that potential denial decisions shall be referred to the full Board for final determination. Motion carried unanimously.

#### **Delegation of Authority to DSPS When Credentialing Criteria is Met**

**MOTION:** Tara LaRowe moved, seconded by David Joe, to delegate credentialing authority to DSPS to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

### *Delegated Authority for Application Denial Reviews*

**MOTION:** Scott Krueger moved, seconded by Tara LaRowe, that the Department's Attorney Supervisors, DLSC Administrator, or their designee are authorized to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

### *Voluntary Surrenders*

**MOTION:** Scott Krueger moved, seconded by David Joe, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

### *Pre-Screen Delegation*

**MOTION:** Tara LaRowe moved, seconded by David Joe, to delegate pre-screening decision making authority to the DSPS screening attorney for opening cases as outlined below:

1. OWIs of 3 or more that occurred in the last 5 years.
  2. Reciprocal discipline cases.
  3. Impairment and/or diversion at work that includes a positive drug/alcohol test or admission by respondent.
  4. Conviction of a misdemeanor or felony that the attorney believes is substantially related and is not otherwise excluded from consideration via Wis. Stat. ch. 111
  5. No response from the respondent after intake requested a response (case would be opened for the failure to respond issue as well as the merits).
- Motion carried unanimously.

**MOTION:** Scott Krueger moved, seconded by David Joe, to delegate pre-screening decision making authority to the DSPS screening attorney for closing cases as outlined below:

1. One OWI that is non-work related and if AODA assessment completed, assessment does not indicate dependency.
2. Complaints that even if allegations are true, do not amount to a violation of law or rules.

Motion carried unanimously.

### *Office of Education and Examination Delegation(s)*

**MOTION:** Tara LaRowe moved, seconded by Scott Krueger, to delegate authority to the Office of Education and Examination Liaison(s) to address all issues related to education, continuing education, and examinations. Motion carried unanimously.

### *Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies*

**MOTION:** Tara LaRowe moved, seconded by David Joe, to authorize DSPS staff to provide national regulatory related bodies with all board member contact information that DSPS retains on file. Motion carried unanimously.

### *Optional Renewal Notice Insert Delegation*

**MOTION:** Scott Krueger moved, seconded by Tara LaRowe to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

### *Legislative Liaison Delegation*

**MOTION:** David Joe moved, seconded by Tara LaRowe, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

### *Travel Delegation*

**MOTION:** Scott Krueger moved, seconded by Tara LaRowe, to delegate authority to the Travel Liaison to approve any board member travel. Motion carried unanimously.

### **CLOSED SESSION**

**MOTION:** Tara LaRowe moved seconded by Scott Krueger, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 448.02(8), Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Tara LaRowe, Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: David Joe-yes; Scott Krueger-yes; and Tara LaRowe-yes. Motion carried unanimously.

The Board convened into Closed Session at 9:54 a.m.

### **DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS**

#### **Proposed Stipulations and Final Decisions and Orders**

##### ***17 DAB 002 and 19 DAB 001 – Samantha A. Richter***

**MOTION:** Tara LaRowe moved, seconded by Scott Krueger, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Samantha A. Richter, DLSC Case Numbers 17 DAB 002 and 19 DAB 001. Motion carried unanimously.

#### **Administrative Warnings**

##### **18 DAB 001 – C.H.T.**

**MOTION:** Scott Krueger moved, seconded by David Joe, to issue an Administrative Warning in the matter of C.H.T., DLSC Case Number 18 DAB 001. Motion carried unanimously.

## RECONVENE TO OPEN SESSION

**MOTION:** Tara LaRowe moved, seconded by David Joe, to reconvene to Open Session. Motion carried unanimously.

The Board reconvened to Open Session at 10:00 a.m.

## VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

**MOTION:** David Joe moved, seconded by Tara LaRowe, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

*(Be advised that any recusals or abstentions reflected in the closed session motions stand for the purposes of the affirmation vote.)*

## DELEGATION OF RATIFICATION OF EXAMINATION RESULTS AND RATIFICATION OF LICENSES AND CERTIFICATES

**MOTION:** Tara LaRowe moved, seconded by Scott Krueger, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

## ADJOURNMENT

**MOTION:** Tara LaRowe moved, seconded by Scott Krueger, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:02 a.m.

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b> Kimberly Wood, Program Assistant Supervisor-Adv.		<b>2) Date When Request Submitted:</b> 12/29/2020 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
<b>3) Name of Board, Committee, Council, Sections:</b> All Boards			
<b>4) Meeting Date:</b>	<b>5) Attachments:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Annual Policy Review	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b> N/A	
<b>10) Describe the issue and action that should be addressed:</b> Please be advised of the following Annual Policy Review items: <ol style="list-style-type: none"> <li>1. <b>Attendance/Quorum:</b> Thank you for your service and for your commitment to meeting attendance. If you cannot attend a meeting or if you have scheduling conflicts impacting your attendance, please let us know ASAP. Timely notification is appreciated as quorum is required for our Boards, Sections and Councils to meet pursuant to Open Meetings Law.</li> <li>2. <b>Walking Quorum:</b> Please refrain from discussing Board/Section/Council business with other members outside of legally noticed meetings so to avoid walking quorum issues pursuant to Open Meetings Law.</li> <li>3. <b>Agenda Deadlines:</b> Please communicate agenda topics to your Executive Director before the agenda submission deadline which is 8 business days prior to a meeting.</li> <li>4. <b>Travel Voucher and Per Diem Submissions:</b> Please submit all Per Diem and Reimbursement claims to DSPS within 30 days of the close of each month in which expenses are incurred.</li> <li>5. <b>Lodging Accommodations/Hotel Cancellation Policy:</b> Lodging accommodations are available to eligible members. Standard eligibility: member must leave home before 6:00 a.m. to attend a meeting by the indicated start time.             <ul style="list-style-type: none"> <li>• If a member cannot attend a meeting it is their responsibility to cancel their reservation within the applicable cancellation timeframe. If a meeting is changed to occur remotely or is cancelled or rescheduled DSPS staff will cancel or modify reservations as appropriate.</li> </ul> </li> <li>6. <b>Inclement Weather Policy:</b> In the event of inclement weather the agency may change a meeting from an in-person venue to one that is executed remotely.</li> </ol>			
<b>11) Authorization</b>			
<i>Kimberly Wood</i>		12/29/2020	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date			
<b>Directions for including supporting documents:</b> <ol style="list-style-type: none"> <li>1. This form should be attached to any documents submitted to the agenda.</li> <li>2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.</li> <li>3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.</li> </ol>			

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  Megan Glaeser, Bureau Assistant		<b>2) Date When Request Submitted:</b> 15 January 2021  Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
<b>3) Name of Board, Committee, Council, Sections:</b> Dietitians Affiliated Credentialing Board			
<b>4) Meeting Date:</b>  27 January 2021	<b>5) Attachments:</b>  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Administrative Matters 1) Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities	
<b>7) Place Item in:</b>  <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b>  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>  N/A	
<b>10) Describe the issue and action that should be addressed:</b>  1) The Board should conduct Election Officers: Chairperson, Vice Chairperson & Secretary 2) The newly elected Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate 3) The Board should review and then consider its existing delegated authorities and any proposals for modification of delegations. a. Credentialing Delegations (Questions: Sarah Norberg) b. Monitoring Delegations (Questions: Amy Mayo) c. Pre-Screening Delegations (Questions: Gretchen Mrozinski)			
<b>11) Authorization</b>			
Megan Glaeser		15 January 2021	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date			
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

**DIETITIANS AFFILIATED CREDENTIALING BOARD  
2020 ELECTION AND APPOINTMENT RESULTS**

<b>2020 ELECTION RESULTS</b>	
<b>Board Chair</b>	Tara LaRowe
<b>Vice Chair</b>	David Joe
<b>Secretary</b>	Scott Krueger

<b>2020 LIAISON APPOINTMENTS</b>	
<b>Credentialing Liaison(s)</b>	Scott Krueger Alternate – Jill Hoyt
<b>Office of Education and Examinations Liaison</b>	Tara LaRowe Alternate – Jill Hoyt
<b>Monitoring Liaison</b>	Tara LaRowe Alternate – David Joe
<b>Professional Assistance Procedure (PAP) Liaison</b>	Scott Krueger Alternate – Tara LaRowe
<b>Legislative Liaison</b>	Tara LaRowe Alternate – David Joe
<b>Travel Liaison</b>	Jill Hoyt Alternate – Scott Krueger
<b>Website Liaison</b>	David Joe Alternate – Tara LaRowe
<b>Administrative Rules Liaison</b>	Jill Hoyt Alternate – Tara LaRowe
<b>Screening Panel</b>	Scott Krueger, Tara LaRowe Alternate – David Joe

*Document Signature Delegations*

**MOTION:** Scott Krueger moved, seconded by David Joe, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

**MOTION:** David Joe moved, seconded by Tara LaRowe, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that

## **DIETITIANS AFFILIATED CREDENTIALING BOARD 2020 ELECTION AND APPOINTMENT RESULTS**

succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

### *Delegated Authority for Urgent Matters*

**MOTION:** Scott Krueger moved, seconded by Tara LaRowe, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

### *Delegation to Chief Legal Counsel Due to of Loss of Quorum*

**MOTION:** Scott Krueger moved, seconded by Tara LaRowe, to delegate the review of disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum. Motion carried unanimously.

### *Monitoring Delegations*

**MOTION:** Tara LaRowe moved, seconded by David Joe, to adopt the "Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor" as presented in the January 29, 2020 agenda materials. Motion carried unanimously.

### *Credentialing Authority Delegations*

#### **Delegation of Authority to Credentialing Liaison (Denial Decisions)**

**MOTION:** Scott Krueger moved, seconded by David Joe, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between DSPS and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them except that potential denial decisions shall be referred to the full Board for final determination. Motion carried unanimously.

#### **Delegation of Authority to DSPS When Credentialing Criteria is Met**

**MOTION:** Tara LaRowe moved, seconded by David Joe, to delegate credentialing authority to DSPS to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

### *Delegated Authority for Application Denial Reviews*

## **DIETITIANS AFFILIATED CREDENTIALING BOARD 2020 ELECTION AND APPOINTMENT RESULTS**

**MOTION:** Scott Krueger moved, seconded by Tara LaRowe, that the Department's Attorney Supervisors, DLSC Administrator, or their designee are authorized to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

### *Voluntary Surrenders*

**MOTION:** Scott Krueger moved, seconded by David Joe, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

### *Pre-Screen Delegation*

**MOTION:** Tara LaRowe moved, seconded by David Joe, to delegate pre-screening decision making authority to the DSPTS screening attorney for opening cases as outlined below:

1. OWIs of 3 or more that occurred in the last 5 years.
2. Reciprocal discipline cases.
3. Impairment and/or diversion at work that includes a positive drug/alcohol test or admission by respondent.
4. Conviction of a misdemeanor or felony that the attorney believes is substantially related and is not otherwise excluded from consideration via Wis. Stat. ch. 111
5. No response from the respondent after intake requested a response (case would be opened for the failure to respond issue as well as the merits).

Motion carried unanimously.

**MOTION:** Scott Krueger moved, seconded by David Joe, to delegate pre-screening decision making authority to the DSPTS screening attorney for closing cases as outlined below:

1. One OWI that is non-work related and if AODA assessment completed, assessment does not indicate dependency.
2. Complaints that even if allegations are true, do not amount to a violation of law or rules.

Motion carried unanimously.

### *Office of Education and Examination Delegation(s)*

**MOTION:** Tara LaRowe moved, seconded by Scott Krueger, to delegate authority to the Office of Education and Examination Liaison(s) to address all issues related to education, continuing education, and examinations. Motion carried unanimously.

**DIETITIANS AFFILIATED CREDENTIALING BOARD  
2020 ELECTION AND APPOINTMENT RESULTS**

***Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies***

**MOTION:** Tara LaRowe moved, seconded by David Joe, to authorize DSPS staff to provide national regulatory related bodies with all board member contact information that DSPS retains on file. Motion carried unanimously.

***Optional Renewal Notice Insert Delegation***

**MOTION:** Scott Krueger moved, seconded by Tara LaRowe to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

***Legislative Liaison Delegation***

**MOTION:** David Joe moved, seconded by Tara LaRowe, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

***Travel Delegation***

**MOTION:** Scott Krueger moved, seconded by Tara LaRowe, to delegate authority to the Travel Liaison to approve any board member travel. Motion carried unanimously.

## **PROPOSED 2021 CREDENTIALING DELEGATION MOTIONS**

### ***Delegation of Authority to Credentialing Liaison (Denial Decisions)***

**MOTION:** to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications, except that potential denial decisions shall be referred to the full Board for final determination.

### ***Delegation of Authority to DSPS When Credentialing Criteria is Met***

**MOTION:** to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review.

### ***Delegation of Authority for Predetermination Reviews***

**MOTION:** to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f).

### ***Delegation of Authority for Conviction Reviews***

**MOTION:** to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice of dietetics.

*Or, alternatively,*

**MOTION:** to delegate authority to Department Paralegals to review and approve applications with [optional: up to X] municipal/ordinance violations which are not substantially related to the practice of dietetics.

**MOTION:** to delegate authority to Department Attorneys to review and approve applications with [optional: up to X] municipal/ordinance violations and misdemeanors [optional: each more than X years old and] which are not substantially related to the practice of dietetics.

### ***Delegation of Authority for Reciprocity Reviews***

**MOTION:** to delegate authority to the Department Attorneys to review and approve reciprocity applications in which the out of state license requirements are substantially equivalent to the Board's requirements.

### ***Delegated Authority for Application Denial Reviews***

**MOTION:** to delegate authority to the Department's Attorney Supervisors to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential.

## Roles and Authorities Delegated for Monitoring

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors (“Monitor”) to enforce Board/Section orders as explained below.

### ~~Current~~ Authorities Delegated to the Monitoring Liaison

The Liaison may take the following actions on behalf of the Board/Section:

1. Grant a temporary reduction in random drug screen frequency upon Respondent’s request if he/she is unemployed and is otherwise compliant with Board/Section order. The temporary reduction will be in effect until Respondent secures employment in the profession. The Department Monitor (“Monitor”) will draft an order and sign on behalf of the Liaison.
2. Grant a stay of suspension if Respondent is eligible per the Board/Section order. The Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board/Section order. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. The Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/~~disciplinary~~/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing/~~disciplinary~~/remedial education.
6. Grant a maximum of one extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant a maximum of one extension, if warranted and requested in writing by Respondent, to complete a Board/Section-ordered evaluation or exam.
- ~~7.8.~~ Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Monitor will draft an order and obtain ~~the signature of~~ written authorization from the Liaison to sign on their behalf.
- ~~8.9.~~ Grant or deny a request to appear before the Board/Section in closed session.
- ~~9.10.~~ Board Monitoring The Liaison may determine whether Respondent’s petition is eligible for consideration by the full Board/Section.
- ~~10.11.~~ (*Except Pharmacy and Medical*) Accept Respondent’s written request to surrender credential. If accepted by the Liaison, Monitor will consult with Board Counsel to determine if a stipulation is necessary. If a stipulation is not necessary, Monitor will draft an order and sign on behalf of the Liaison. If denied by the Liaison, the request to surrender credential will go to the full Board for review.

~~11.12.~~ *(Except Pharmacy)* Grant Respondent's petition for a reduction in drug screens per the standard schedule, below. If approved, Monitor will draft an order and sign on behalf of the Liaison. Orders that do not start at 49 screens will still follow the same standard schedule.

- a. ~~Initial Year 1:~~ 49 screens (including 1 hair test, if required by original order)
- b. ~~1st Reduction Year 2:~~ 36 screens (plus 1 hair test, if required by original order)
- c. ~~2<sup>nd</sup> Reduction Year 3:~~ 28 screens plus 1 hair test
- ~~d. Year 4: 28 screens plus 1 hair test~~
  
- e. ~~Year 5: 14 screens plus 1 hair test~~
- d. 3<sup>rd</sup> Reduction: 14 screens plus 1 hair test

~~12.13.~~ *(Dentistry only)* Ability to approve or deny all requests from a respondent.

~~13.14.~~ *(Except Nursing)* ~~Board Monitoring~~ The Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc.

### ~~Current~~ Authorities Delegated to the Department Monitor

The Monitor may take the following actions on behalf of the Board/Section, draft an order and sign:

1. Grant full reinstatement of licensure if education ~~CE~~ is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
2. Suspend the license if Respondent has not completed Board/Section-ordered education ~~CE~~ and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof of completion and/or payment have been received.
3. Suspend the license (or remove stay of suspension) if Respondent fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if Respondent ceases participation in the Approved Program without Board approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.

### Authorities Delegated to Board Legal Counsel

Board Legal Counsel may take the following actions on behalf of the Board/Section:

1. Sign Monitoring orders that result from Board/Section meetings on behalf of the Board/Section Chair.

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Dale Kleven</b> <b>Administrative Rules Coordinator</b>		2) Date When Request Submitted:  <b>1/14/21</b> Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections:  <b>Dietitians Affiliated Credentialing Board</b>			
4) Meeting Date:  <b>1/27/21</b>	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? <b>Administrative Rule Matters – Discussion and Consideration</b> <b>1. Scope Statement: DI 2, Relating to Reciprocal Credentials for Service Members, Former Service Members, and Their Spouses</b> <b>2. Administrative Rules Reporting Requirement Under s. 227.29</b> <b>3. Pending or Possible Rulemaking Projects</b>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both		8) Is an appearance before the Board being scheduled?  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:
10) Describe the issue and action that should be addressed:			
11) Authorization			
<i><b>Dale Kleven</b></i>		<i><b>January 14, 2021</b></i>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

# STATEMENT OF SCOPE

## Dieticians Affiliated Credentialing Board

**Rule No.:** Chapter DI 2

**Relating to:** Reciprocal credentials for service members, former service members, and their spouses

**Rule Type:** Permanent

**1. Finding/nature of emergency (Emergency Rule only):**

N/A

**2. Detailed description of the objective of the proposed rule:**

The primary objective of the proposed rule is to implement 2019 Wisconsin Act 143. In addition, the proposed rule will revise s. DI 2.01 (5) to reflect that the American Dietetic Association has been renamed the Academy of Nutrition and Dietetics.

**3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:**

2019 Wisconsin Act 143 entitles service members, former service members who were discharged within the prior four years under conditions other than dishonorable, and spouses of service members or former service members to obtain a credential if the person resides in Wisconsin and is in good standing with the governmental authorities in every jurisdiction outside Wisconsin that have granted the individual a credential that qualifies the individual to perform acts authorized under the appropriate credential granted by the department or credentialing board. The license may be renewed indefinitely.

This proposed rule will update ch. DI 2 to implement 2019 Wisconsin Act 143 and reflect the name change identified above.

**4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):**

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

Section 440.09 (5), Stats., states that “[t]he department or credentialing board, as appropriate, may promulgate rules necessary to implement this section.

**5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:**

60 hours

**6. List with description of all entities that may be affected by the proposed rule:**

Service members, former service members, and spouses of service members or former service members applying for a license to practice dietetics.

**7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:**

There is no existing or proposed federal regulation that addresses dietician licensure.

**8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):**

The proposed rule is likely to have minimal or no economic impact on small businesses and the state's economy as a whole.

**Contact Person:** Dale Kleven, (608) 261-4472, DSPSAdminRules@wisconsin.gov

Approved for publication:

Approved for implementation:

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date Submitted

\_\_\_\_\_  
Date Submitted

on which the petition and proposed rule were submitted to the committee.

3. Following receipt of the petition and proposed rule submitted by the legislative council staff under subd. 2., the joint committee for review of administrative rules shall review the petition and proposed rule and may do any of the following:

a. Approve the agency's petition if the committee determines that the proposed rule would repeal an unauthorized rule.

b. Deny the agency's petition.

c. Request that the agency make changes to the proposed rule and resubmit the petition and proposed rule under subd. 1.

4. The committee shall inform the agency in writing of its decision as to the petition.

(c) If the joint committee for review of administrative rules approves a petition to repeal an unauthorized rule as provided in par. (b) 3. a., the agency shall promulgate the proposed rule by filing a certified copy of the rule with the legislative reference bureau under s. 227.20, together with a copy of the committee's decision.

**SECTION 7.** 227.29 of the statutes is created to read:

**227.29 Agency review of rules and enactments. (1)**

By March 31 of each odd-numbered year, each agency with any rules published in the code shall submit a report to the joint committee for review of administrative rules listing all of the following rules promulgated or otherwise administered by that agency:

(a) Unauthorized rules, as defined in s. 227.26 (4) (a), together with a description of the legislation that eliminated the agency's authority to promulgate any such rule.

(b) Rules for which the authority to promulgate has been restricted, together with a description of the legislation that restricted that authority.

(c) Rules that are obsolete or that have been rendered unnecessary, together with a description of why those rules are obsolete or have been rendered unnecessary.

(d) Rules that are duplicative of, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction, together with a citation to or the text of any such statute, regulation, or ruling.

(e) Rules that the agency determines are economically burdensome.

(2) The report under sub. (1) shall also include all of the following:

(a) A description of the agency's actions, if any, to address each rule listed in the report. If the agency has not taken any action to address a rule listed in the report, the agency shall include an explanation for not taking action.

(b) A description of the status of each rule listed in the previous year's report not otherwise listed.

(c) If the agency determines that there is no rule as described under sub. (1) (a), (b), (c), (d), or (e), a statement of that determination.

(3) If an agency identifies an unauthorized rule under sub. (1) (a) and is not otherwise in the process of promulgating a rule that repeals the unauthorized rule, the agency shall, within 30 days after the agency submits the report, submit a petition to the legislative council staff under s. 227.26 (4) (b) 1. to repeal the unauthorized rule if the agency has not previously done so.

(4) (a) In this subsection, "enactment" means an act or a portion of an act that is required to be published under s. 35.095 (3) (a).

(b) Each agency shall review enactments to determine whether any part of an enactment does any of the following:

1. Eliminates or restricts the agency's authority to promulgate any rules promulgated or otherwise administered by that agency.

2. Renders any rules promulgated or otherwise administered by that agency obsolete or unnecessary.

3. Renders, for any reason, any rules promulgated or otherwise administered by that agency not in conformity with or superseded by a state statute, including due to statutory numbering or terminology changes in the enactment.

4. Requires or otherwise necessitates rule making by the agency.

(c) If an agency determines that any consequence specified in par. (b) 1. to 4. results from an enactment or part of an enactment, within 6 months after the applicable effective date for the enactment or part of the enactment, the agency shall do one or more of the following, as applicable, to address the consequence identified by the agency and notify the joint committee for review of administrative rules of its action:

1. Submit a statement of the scope of a proposed rule under s. 227.135 (2), unless the enactment requires otherwise or unless the agency submits a notice to the committee explaining why it is unable to submit the statement of scope within that time period and an estimate of when the agency plans to submit the statement of scope.

2. In the case of an affected rule that the agency determines is an unauthorized rule, as defined in s. 227.26 (4) (a), submit a petition to the legislative council staff under s. 227.26 (4) (b) 1.

3. In the case of a consequence specified under par. (b) 3. that can be addressed by the legislative reference bureau using its authority under s. 13.92 (4) (b), submit a request to the legislative reference bureau to use that authority.

**SECTION 8. Initial applicability.**

(1) The treatment of section 227.29 (4) of the statutes first applies to enactments published by the legislative

DIETITIANS AFFILIATED CREDENTIALING BOARD

4822 Madison Yards Way  
PO Box 8935  
Madison WI 53708-8935

Tara L. LaRowe  
Chairperson



Email: [dspd@wisconsin.gov](mailto:dspd@wisconsin.gov)  
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March 22, 2019

Senator Stephen Nass, Senate Co-Chairperson  
Joint Committee for Review of Administrative Rules  
Room 10 South, State Capitol  
Madison, WI 53702

Representative Joan Ballweg, Assembly Co-Chairperson  
Joint Committee for Review of Administrative Rules  
Room 210 North, State Capitol  
Madison, WI 53702

RE: Report Submitted in Compliance with s. 227.29 (1), Stats.

Dear Senator Nass and Representative Ballweg:

This report has been prepared and submitted in compliance with s. 227.29 (1), Stats.

**I. Unauthorized rules, as defined in s. 227.26 (4) (a), Stats.:**

After careful review of the Board’s administrative rules, the Board has determined that no promulgated rules are unauthorized.

**II. Rules for which the authority to promulgate has been restricted:**

After careful review of the Board’s administrative rules, the Board has determined that no promulgated rules are obsolete or have been rendered unnecessary.

**III. Rules that are obsolete or that have been rendered unnecessary:**

After careful review of the Board’s administrative rules, the Board has determined that no promulgated rules are obsolete or have been rendered unnecessary.

**IV. Rules that are duplicative of, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction:**

After careful review of the Board’s administrative rules, the Board has determined that no promulgated rules are duplicative of, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction.

**V. Rules that are economically burdensome:**

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules are economically burdensome.

Thank you.

Sincerely,

Tara L. LaRowe  
Chairperson  
Dietitians Affiliated Credentialing Board