

**STATE OF WISCONSIN
DIETITIANS AFFILIATED CREDENTIALING BOARD**

IN THE MATTER OF RULEMAKING	:	
PROCEEDINGS BEFORE THE	:	REPORT TO THE LEGISLATURE
DIETITIANS AFFILIATED	:	CR 24-098
CREDENTIALING BOARD	:	

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS: N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

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

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD’S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Dietitians Affiliated Credentialing Board held a public hearing on January 16, 2025. There were no comments submitted.

Pursuant to s. 15.085 (5) (b), Stats., the Medical Examining Board reviewed the proposed rule on October 16, 2024 and made no comments or recommendations.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All of the recommendations suggested in the Clearinghouse Report have been accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS: N/A

STATE OF WISCONSIN
DIETITIANS AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	DIETITIANS AFFILIATED
DIETITIANS AFFILIATED	:	CREDENTIALING BOARD
CREDENTIALING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 24-098)

PROPOSED ORDER

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

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Section 448.74 (1), Stats.

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

Explanation of agency authority:

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

Section 448.74 (1), Stats., states that an affiliated credentialing board shall promulgate rules that “[e]stablish criteria for the approval of educational programs and training under s. 448.78 (3) and (4).”

Related statute or rule: None.

Plain language analysis:

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

Summary of, and comparison with, existing or proposed federal regulation: The profession of dietetics is not federally regulated. However, the United States Department of Education does maintain a database of schools with accreditation, including those with programs in dietetics.

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

No public comments were received on the statement of scope.

Comparison with rules in adjacent states:

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

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

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

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

Summary of factual data and analytical methodologies:

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

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

The rule was posted for a period of 14 days to solicit public comment on economic impact, including how the rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-2112.

Agency contact person:

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

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

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

TEXT OF RULE

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

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

SECTION 2. DI 1.02 (6) (Note) is created to read:

Note: The above definition applies to all applications received by the Board on or after January 1, 2026.

SECTION 3. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

This Proposed Order of the Dietitians Affiliated Credentialing Board is approved for submission to the Governor and Legislature.

Dated May 29, 2025

Agency *Lara L. Jakovec*
Chairperson
Dietitians Affiliated Credentialing Board

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date 10/17/24								
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) DI 1									
4. Subject Definitions									
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected 20.165 (1) (hg)								
7. Fiscal Effect of Implementing the Rule <table style="width: 100%;"><tr><td><input type="checkbox"/> No Fiscal Effect</td><td><input type="checkbox"/> Increase Existing Revenues</td><td><input checked="" type="checkbox"/> Increase Costs</td><td><input type="checkbox"/> Decrease Costs</td></tr><tr><td><input type="checkbox"/> Indeterminate</td><td><input type="checkbox"/> Decrease Existing Revenues</td><td colspan="2"><input type="checkbox"/> Could Absorb Within Agency's Budget</td></tr></table>		<input type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs	<input type="checkbox"/> Decrease Costs	<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Could Absorb Within Agency's Budget	
<input type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs	<input type="checkbox"/> Decrease Costs						
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Could Absorb Within Agency's Budget							
8. The Rule Will Impact the Following (Check All That Apply) <table style="width: 100%;"><tr><td><input type="checkbox"/> State's Economy</td><td><input type="checkbox"/> Specific Businesses/Sectors</td></tr><tr><td><input type="checkbox"/> Local Government Units</td><td><input type="checkbox"/> Public Utility Rate Payers</td></tr><tr><td colspan="2"><input type="checkbox"/> Small Businesses (if checked, complete Attachment A)</td></tr></table>		<input type="checkbox"/> State's Economy	<input type="checkbox"/> Specific Businesses/Sectors	<input type="checkbox"/> Local Government Units	<input type="checkbox"/> Public Utility Rate Payers	<input type="checkbox"/> Small Businesses (if checked, complete Attachment A)			
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<input type="checkbox"/> Local Government Units	<input type="checkbox"/> Public Utility Rate Payers								
<input type="checkbox"/> Small Businesses (if checked, complete Attachment A)									
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0									
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No									
11. Policy Problem Addressed by the Rule The proposed rule updates the definition of "regionally accredited college or university" to reflect that a regionally accredited college or university must be recognized as accredited by the United States Department of Education. The Board reviewed the other definitions in this chapter and determined that no further changes were necessary.									
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The rules will be posted for a period of 14 days to solicit public comment on economic impact, including how the rules may affect businesses, local government units, and individuals.									
13. Identify the Local Governmental Units that Participated in the Development of this EIA. None.									
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) DSPS estimates a total of \$3,855 in one-time costs. The one-time staff costs support 0.1 limited term employee to undertake such tasks as rule drafting, providing legal counsel and review, updating work guides and providing team training , review updates and handle an increase in call and email volumes. The one-time costs cannot be absorbed in the currently appropriated agency budget.									
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefits of implementing this rule are that the definition for "regionally accredited college or university" has been update to reflect current practice in the profession.									
16. Long Range Implications of Implementing the Rule The long range implications of implementing this rule are that the Board can review applications from any regionally accredited college or university that is recognized by the US Department of Education.									
17. Compare With Approaches Being Used by Federal Government									

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

None.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

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

19. Contact Name	20. Contact Phone Number
Nilajah Hardin, Administrative Rules Coordinator	(608) 267-7139

This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- ☐ Less Stringent Compliance or Reporting Requirements
☐ Less Stringent Schedules or Deadlines for Compliance or Reporting
☐ Consolidation or Simplification of Reporting Requirements
☐ Establishment of performance standards in lieu of Design or Operational Standards
☐ Exemption of Small Businesses from some or all requirements
☐ Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

☐ Yes ☐ No
