



VIRTUAL/TELECONFERENCE
DIETITIANS AFFILIATED CREDENTIALING BOARD
4822 Madison Yards Way, Madison, WI 53705
Contact: Tom Ryan (608) 266-2112
January 27, 2026

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

9:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of January 16, 2025 (4-7)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns**
- D. Introductions, Announcements and Recognition (8)**
 - 1. Introduction: Kim R. Waldon, Dietitian member (Replaced: Hoyt)
 - 2. Recognition: Jill D. Hoyt, Dietitian member (Resigned: 7/1/2025)
- E. Administrative Updates (9-32)**
 - 1. Department, Staff and Board Updates
 - 2. **Annual Policy Review (9-12)**
 - 3. **Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities (13-32)**
 - 4. Board Members – Term Expiration Dates
 - a) Joe, David – 7/1/2018
 - b) Kerkenbush, Rebecca L. – 7/1/2027
 - c) LaRowe, Tara L. – 7/1/2022
 - d) Waldon, Kim R. – 7/1/2029
 - 5. Wis. Stat. § 15.083(3)(b) Biannual Meeting with the Medical Examining Board
- F. Administrative Rule Matters – Discussion and Consideration (33-51)**
 - 1. Scope Statement: DI 1 to 5, Relating to Implementation of the Dietitian Licensure Compact **(34-50)**
 - 2. Pending or Possible Rulemaking Projects **(51)**
- 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. Public Health Emergencies
11. Legislative and Policy Matters
12. Liaison Reports
13. Board Liaison Training and Appointment of Mentors
14. Informational Items
15. Division of Legal Services and Compliance (DLSC) Matters
16. Presentations of Petitions for Summary Suspension
17. Petitions for Designation of Hearing Examiner
18. Presentation of Stipulations, Final Decision and Orders
19. Presentation of Proposed Final Decision and Orders
20. Presentation of Interim Orders
21. Petitions for Re-Hearing
22. Petitions for Assessments
23. Petitions to Vacate Orders
24. Requests for Disciplinary Proceeding Presentations
25. Motions
26. Petitions
27. Appearances from Requests Received or Renewed
28. 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: TO BE DETERMINED

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 virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dps.wi.gov>. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of any agenda item may be changed by the board for the convenience of the parties. The person credentialed by the board has the right to demand that the meeting at which final action may be taken against the credential be held in open session. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer or reach the Meeting Staff by calling 608-267-7213.

**VIRTUAL/TELECONFERENCE
DIETITIANS AFFILIATED CREDENTIALING BOARD
MEETING MINUTES
JANUARY 16, 2025**

PRESENT: Jill Hoyt, Rebecca Kerkenbush, Tara LaRowe

ABSENT: David Joe

STAFF: Tom Ryan, Executive Director; Jameson Whitney, Legal Counsel, Dialah Azam, Board Administration Specialist, and other Department staff

CALL TO ORDER

Tara LaRowe, Chairperson, called the meeting to order at 9:00 a.m. A quorum was confirmed with three (3) members present.

ADOPTION OF AGENDA

MOTION: Rebecca Kerkenbush moved, seconded by Jill Hoyt, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF FEBRUARY 15, 2024

MOTION: Jill Hoyt moved, seconded by Rebecca Kerkenbush, to approve the Minutes of February 15, 2024, as published. Motion carried unanimously.

ADMINISTRATIVE UPDATES

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

Chairperson

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

Tom Ryan, Executive Director, called for nominations three (3) times.

Tara LaRowe was elected as Chairperson by unanimous voice vote.

Vice Chairperson

NOMINATION: Tara LaRowe nominated Rebecca Kerkenbush for the Office of Vice Chairperson. Rebecca Kerkenbush accepted the nomination.

Tom Ryan, Executive Director, called for nominations three (3) times.

Rebecca Kerkenbush was elected as Vice Chairperson by unanimous voice vote.

ELECTION RESULTS	
Chairperson	Tara LaRowe
Vice Chairperson	Rebecca Kerkenbush
Secretary	

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaison(s)	Rebecca Kerkenbush <i>Alternate: Tara LaRowe</i>
Education and Examinations Liaison(s)	Tara LaRowe <i>Alternate: Rebecca Kerkenbush</i>
Monitoring Liaison(s)	Tara LaRowe <i>Alternate: David Joe</i>
Professional Assistance Procedure (PAP) Liaison(s)	Rebecca Kerkenbush <i>Alternate: Tara LaRowe</i>
Legislative Liaison(s)	Tara LaRowe <i>Alternate: David Joe</i>
Travel Authorization Liaison(s)	Tara LaRowe <i>Alternate: Rebecca Kerkenbush</i>
Website Liaison(s)	David Joe <i>Alternate: Tara LaRowe</i>
Screening Panel	Rebecca Kerkenbush & Tara LaRowe <i>Alternate: David Joe</i>

Delegation of Authorities

Delegation to Department Attorneys to Approve Prior Discipline

MOTION: Jill Hoyt moved, seconded by Rebecca Kerkenbush, to delegate authority to Department Attorneys to approve an applicant's prior professional discipline which resulted in a forfeiture/fine/other monetary penalty, remedial education, and/or reprimand, that is 10 years old or older, and the previously disciplined credential is currently in good standing. Motion carried unanimously.

Delegation to Handle Administrative Rule Matters

MOTION: Tara LaRowe moved, seconded by Rebecca Kerkenbush, to delegate authority to the Chairperson (or, in the absence of the Chairperson, the

highest-ranking officer or longest serving Board member in that succession), to act on behalf of the Board regarding administrative rule matters between meetings. Motion carried unanimously.

Delegation to Monitoring Liaison

MOTION: Tara LaRowe moved, seconded by Jill Hoyt, to delegate authority to the Monitoring Liaison(s) to make any determination on Orders under monitoring and to refer to the Full Board any matter the Monitoring Liaison deems appropriate. Motion carried unanimously.

Delegation to Department Monitor

MOTION: Tara LaRowe moved, seconded by Rebecca Kerkenbush, to delegate authority to the Department Monitor as outlined below:

1. to grant reinstatement of licensure if education and/or costs are the sole condition of the order and the credential holder has submitted the required proof of completion for approved courses and paid the costs.
2. to suspend the license if the credential holder has not completed Board ordered education and/or paid costs and forfeitures within the time specified by the Board order. The Department Monitor may remove the suspension and issue an order when proof of completion and/or payment has been received.
3. to suspend the license (or remove stay of suspension) if a credential holder fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if credential holder 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.
4. to grant or deny approval when a credential holder proposes treatment providers, mentors, and supervisors unless the Order specifically requires full-Board or Board designee approval.
5. to grant a maximum of one 90-day extension, if warranted and requested in writing by a credential holder, to complete Board ordered continuing, disciplinary, or remedial education.
6. to grant a maximum of one 90-day extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by a credential holder.
7. to grant a maximum of one 90-day extension, if warranted and requested in writing by a credential holder, to complete a Board ordered evaluation or exam.

Motion carried unanimously.

Review and Approval of 2024 Delegations including new modifications

MOTION: Rebecca Kerkenbush moved, seconded by Tara LaRowe, to reaffirm all delegation motions made in 2024, as reflected in the January 16, 2025 agenda materials, which were not otherwise modified or amended during the January 16, 2025 meeting. Motion carried unanimously.

**PUBLIC HEARING – CLEARINGHOUSE RULE 24-098 ON DI 1, RELATING TO
DEFINITIONS**

Review Public Hearing Comments and Respond to Clearinghouse Report

MOTION: Tara LaRowe moved, seconded by Jill Hoyt, to authorize the Chairperson to work with DSPS staff on drafting the Final Rule and Legislative Report for Clearinghouse Rule 24-098 (DI 1), Relating to Definitions. Motion carried unanimously.

MOTION: Rebecca Kerkenbush moved, seconded by Jill Hoyt, to authorize the Chairperson to approve the Legislative Report and Draft for Clearinghouse Rule 24-098 (DI 1), Relating to Definitions for submission to the Governor's Office and Legislature. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

2025 Wis Stat. s. 227.29 Biennial Report to the Legislature

MOTION: Rebecca Kerkenbush moved, seconded by Tara LaRowe, to approve the report required under Wis. Stat. 227.29 for submission in March 2025 to the Joint Committee for Review of Administrative Rules. Motion carried unanimously.

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

MOTION: Tara LaRowe moved, seconded by Rebecca Kerkenbush, 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 Jill Hoyt, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:01 a.m.

January 16, 2025

To the Office of DSPS,

Please accept my resignation from the Wisconsin Dietitians Affiliated Credentialing Board, effective July 1, 2025.

I thank you for the opportunity to sit on this board for the past eight years. This experience has positively impacted my growth as a registered dietitian. It has been an honor to serve my profession and my state in this manner.

Sincerely,

A handwritten signature in black ink that reads "Jill Hoyt, RDN, CD". The signature is written in a cursive, flowing style.

Jill Hoyt, RDN, CD

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

AGENDA REQUEST FORM

- 1) Name and title of person submitting the request: Audra Cohen-Plata, DPD Division Administrator
 - 2) Date When Request Submitted: 12/11/2025
 - 3) Name of Board, Committee, Council, Section: **All Boards**
 - 4) Meeting Date: **First Meeting of 2026**
-
- 5) Attachments: **Yes**
 - 6) How should the item be titled on the agenda page? **Administrative Matters: Annual Policy Review**
 - 7) Place Item in: **Open Session**
 - 8) Is an appearance before the Board being scheduled? No
 - 9) Name of Case Advisor(s), if applicable: N/A
-
- 10) Describe the issue and action that should be addressed:

Please be advised of the following policy item attachments:

- 1) 2026 Annual Policy Review Memo
- 2) Timeline of a Meeting
- 3) Sample Per Diem Report



DATE: January 1, 2026
TO: DSPP Board, Council, and Committee Members
FROM: Division of Policy Development
SUBJECT: 2026 Administrative Policy Reminders

Please be advised of the following policy items:

1. In-Person and Virtual Meetings: Depending on the frequency of scheduled meetings, discussion topics, and member availability, DSPP may host one or more in-person meetings. Virtual connection options are available for all board meetings. If you are traveling internationally, please see item 9 below.
2. Attendance/Quorum: Thank you for your service and commitment to meeting attendance. If you cannot attend a meeting or have scheduling conflicts impacting your attendance, please let us know as soon as possible. A quorum is required for Boards, Sections, and Councils to meet pursuant to Open Meetings Law. Connect to / arrive at meetings 10 minutes before posted start time to allow for audio/connection testing, and timely Call to Order and Roll Call. Virtual meetings include viewable onscreen materials and A/V (speaker/microphone/video) connections.
3. Walking Quorum: Board/Section/Council members must not collectively discuss the body's business outside a properly noticed meeting. If several members of a body do so, they could be violating the open meetings law.
4. Mandatory Training: All Board Members must complete Public Records and Ethics Training, annually. [Register to set up an account](#) in the Cornerstone LearnCenter online portal or [Log in](#) to an existing account.
5. Agenda Deadlines: Please communicate agenda topics to your Executive Director before the agenda submission deadline at 12:00 p.m., eight business days before a meeting. (Attachment: Timeline of a Meeting)
6. Travel Voucher and Per Diem Submissions: Please submit all Per Diem and Reimbursement claims to DSPP within 30 days of the close of each month in which expenses are incurred. (Attachment: Per Diem Form) Travel Vouchers are distributed on travel approval.
7. Lodging Accommodations/Hotel Cancellation Policy: Lodging accommodations are available to eligible members for in-person meetings. Standard eligibility: the member must leave home before 6:00 a.m. to attend an in-person meeting by the scheduled start time.
 - a. If a member cannot attend a meeting, they must cancel their reservation with the hotel within the applicable cancellation timeframe.
 - b. If a meeting is changed to occur remotely, is canceled, or rescheduled, DSPP staff will cancel or modify reservations as appropriate.
8. Inclement Weather Policy: In inclement weather, the DSPP may change a meeting from an in-person venue to a virtual/teleconference only.
9. International Travel: Use of State-managed IT resources and access of State data outside the United States are strictly prohibited, as they cause an unacceptable level of cybersecurity risk. This prohibition includes all State-provided or State-managed IT resources housed on personal devices. Please advise your Executive Director of any planned international travel commitments that may coincide with board meetings or other board business in advance of your departure.

Timeline of a Meeting

At least 2 weeks (10 business days) prior to the meeting

Submit Agenda Item suggestions to the Board's Executive Director. Include background materials. Copyright-protected materials must be accompanied by written permission from the publisher to share documents.

8 business days prior to the meeting

The Agenda is drafted. (All agenda materials are due to the Department by 12:00 p.m.)

7 business days prior to the meeting

The draft agenda is submitted to the Executive Director; the Executive Director transmits it to the Chair for review and approval.

5 business days prior to the meeting

The approved agenda is returned to the Board Administration Specialist (BA) for agenda packet production and compilation.

4 business days prior to the meeting

Agenda packets are posted on the DSPS Board SharePoint site and on the Board webpage.

Agenda Item Examples:

- | | |
|---|--|
| <ul style="list-style-type: none">• Open Session Items<ul style="list-style-type: none">• Public Hearings and Administrative Rules Matters• Administrative Matters• Legislation and Policy Matters• Credentialing Matters• Education and Exam Issues• Public Agenda Requests• Current Issues Affecting the Profession | <ul style="list-style-type: none">• Closed Session items<ul style="list-style-type: none">• Deliberations on Proposed Disciplinary Actions• Monitoring Matters• Professional Assistance Procedure (PAP) Issues• Proposed Final Decisions and Orders• Orders Fixing Costs/Matters Relating to Costs• Credentialing Matters• Education and Exam Issues |
|---|--|

Thursday of the Week Prior to the Meeting

Agendas are published for public notice on the Wisconsin Public Notices and Meeting Minutes website: publicmeetings.wi.gov.

1 business day after the Meeting

"Action" lists are distributed to Department staff detailing board actions on closed session business.

5 business days after the Meeting

"To Do" lists are distributed to staff to ensure that board open session decisions are acted on and/or implemented within the appropriate divisions in the Department. Minutes approved by the board are published on the Wisconsin Public Notices and Meeting Minutes website: publicmeetings.wi.gov.

Department of Safety and Professional Services
PER DIEM REPORT

INSTRUCTIONS: Record board-related activities by date, indicate relevant purpose code, the duration of time spent in B-code activities, location, and activity description. Only one \$25.00 per diem payment will be issued on any given calendar day. Submit one form per month and within 60 days of the last activity being reported. Send completed forms to your Board's Administrative Specialist.

Purpose Codes:

A CODE	Official meetings including Board Meetings, Hearings and Examinations and Test Development Sessions (automatic day of per diem) Examples: board, committee, board training or screening panels; Senate Confirmation hearings, legislative and disciplinary hearings, or informal settlement conferences; test administration, test review or analysis events, national testing events, tour of test facilities, etc.
B CODE	Other (One (1) per diem will be issued for every five (5) hours spent in category B, per calendar month): i.e., review of disciplinary cases, consultation on cases, review of meeting materials, board liaison work, e.g., contacts regarding Monitoring, Professional Assistance Procedure, Credentialing, Education and Examinations

Name of Examining Board or Council				Board or Council Member's Name
Month Year				Employee ID Number
Date	Purpose Code A or B	Duration of B activity Hours: Minutes	Where Performed (Home, DSPS, or City, State)	Activity Describe Activity Performed (see purpose codes)
TOTALS				

CLAIMANT'S CERTIFICATION The Board/Council member named above, certifies, in accordance with § 16.53, Wis. Stats., that this account for per diem, is just and correct; and that this claim is for service necessarily incurred in the performance of duties required by the State, as authorized by law.

(Rev. 04/24)

Board Member Approval & Date:

TOTAL DAYS CLAIMED: _____ @ \$25.00 = _____ Supervisor Approval & Date: _____

DIETITIANS AFFILIATED CREDENTIALING BOARD
2025 OFFICERS AND LIAISONS

2025 OFFICERS	
Chairperson	Tara LaRowe
Vice Chairperson	Rebecca Kerkenbush
Secretary	

LIAISON APPOINTMENTS	
Credentialing Liaison(s)	Rebecca Kerkenbush <i>Alternate: Tara LaRowe</i>
Education and Examinations Liaison(s)	Tara LaRowe <i>Alternate: Rebecca Kerkenbush</i>
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Screening Panel	Rebecca Kerkenbush & Tara LaRowe <i>Alternate: David Joe</i>

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Paralegal Richanda Turner, on behalf of Attorney Jameson Whitney		2) Date when request submitted: 12/19/2025 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting																									
3) Name of Board, Committee, Council, Sections: Dietitians Affiliated Credentialing Board																											
4) Meeting Date: 01/27/2026	5) Attachments: ☒ Yes ☐ No	6) How should the item be titled on the agenda page? Reaffirming 2025 delegations and new 2026 delegations																									
7) Place Item in: ☒ Open Session ☐ Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> ☐ Yes ☒ No	9) Name of Case Advisor(s), if applicable: N/A																									
10) Describe the issue and action that should be addressed: The Board members need to review and consider reaffirming 2025 delegations and new delegations for 2026.																											
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%; vertical-align: top;">11)</td> <td style="width: 60%; text-align: center; vertical-align: top;">Authorization</td> <td style="width: 30%;"></td> </tr> <tr> <td></td> <td style="text-align: center; vertical-align: top;"><i>Richanda Turner</i></td> <td style="text-align: center; vertical-align: top;">12/19/25</td> </tr> <tr> <td></td> <td style="text-align: center; font-size: small;">Signature of person making this request</td> <td style="text-align: center; font-size: small;">Date</td> </tr> <tr> <td colspan="3" style="border-top: 1px solid black; height: 10px;"></td> </tr> <tr> <td></td> <td style="text-align: center; font-size: small;">Supervisor (Only required for post agenda deadline items)</td> <td style="text-align: center; font-size: small;">Date</td> </tr> <tr> <td colspan="3" style="border-top: 1px solid black; height: 10px;"></td> </tr> <tr> <td></td> <td style="text-align: center; font-size: small;">Executive Director signature (Indicates approval for post agenda deadline items)</td> <td style="text-align: center; font-size: small;">Date</td> </tr> <tr> <td colspan="3" style="border-top: 1px solid black; height: 10px;"></td> </tr> </table>				11)	Authorization			<i>Richanda Turner</i>	12/19/25		Signature of person making this request	Date					Supervisor (Only required for post agenda deadline items)	Date					Executive Director signature (Indicates approval for post agenda deadline items)	Date			
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	Executive Director signature (Indicates approval for post agenda deadline items)	Date																									
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 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.																											



State of Wisconsin
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES
CORRESPONDENCE / MEMORANDUM

DATE: January 1, 2026

TO: Board, Council, and Committee Members

FROM: Legal Counsel

SUBJECT: Liaison Definitions and Delegations Explanations

Executive Summary

This memorandum provides an overview of the liaison roles and common delegation authorities that enable DSPS Boards, Sections, and Committees to efficiently fulfill their statutory responsibilities. It explains the function of each liaison position, such as, Credentialing, Monitoring, PAP, Education and Examination, Legislative, Travel Authorization, and Communication Liaisons, as well as Screening Panel Members, and outlines how these roles support Board operations between meetings. This memorandum also includes model motions for liaisons, Department staff, and Department attorneys to ensure timely processing of credential applications, monitoring requests, disciplinary matters, and administrative tasks. The delegations promote consistency, reduce delays, and allow the Department and Boards to respond promptly to legal and operational needs while maintaining their responsibility to protect public health, safety, and welfare.

Overall Purpose of Liaison Appointments

Each Board/Section (Board) has inherent authority that is established in our Wisconsin Statutes. This authority may change from Board to Board. Further information on your Board's authority can be found in Wis. Stat. ch. 15. Generally, each Board has authority to grant credentials, discipline credential holders, and set standards for education and examinations and unprofessional conduct. In order to efficiently accomplish these tasks, Boards may appoint Liaisons. Liaisons assist with the operations of the Boards' purpose by weighing in on legislative matters, traveling to national conferences, or communicating with stakeholders.

At the first Board meeting of each year, the Department asks the Boards to make Liaison appointments. Your practical knowledge and experience as an appointed member of a professional board are essential in making determinations regularly. The Liaison positions listed below assist

the Department to complete operations between Board meetings. In most cases, Liaisons can make decisions for the full Board in their designated area. However, these areas are determined through the delegation process. Please note a Liaison may also decide to send the delegated matter to the full Board for consideration as appropriate. Delegations assist the Board in defining the roles and authorities of each Liaison and other Board functions.

Liaison Definitions

Credentialing Liaison: The Credentialing Liaison is empowered by the Board to review and make determinations regarding certain credential applications. The Credentialing Liaison may be called on by Department staff to answer questions that pertain to qualifications for licensure, which may include whether a particular degree is suitable for the application requirements, whether an applicant's specific work experience satisfies the requirements in statute or rule for licensure, or whether an applicant's criminal or disciplinary history is substantially related to the practice of the profession in such a way that granting the applicant a credential would create a risk of harm to the public. The Credentialing Liaison serves a very important role in the credentialing process. If the Credentialing Liaison has a question on a request, it is advisable for the Liaison to consult further with Department staff or bring the matter to the full Board for consideration.

Monitoring Liaison: The Monitoring Liaison is empowered by the Board to make decisions on any credential that is subject to Monitoring either through a disciplinary order or initial licensure. The Department Monitors will send requests from credential holders to the Monitoring Liaison. A common request could be to remove a limitation that has been placed on a credential or to petition for full licensure. The Monitoring Liaison can review these requests and make decisions on behalf of the Board. If the Monitoring Liaison has a question on a request, it is advisable for the Liaison to consult further with Department staff or bring the matter to the full Board for consideration.

Professional Assistance Procedure (PAP) Liaison: PAP is a voluntary program open to credential holders with substance abuse issues who wish to seek help by being held accountable through treatment and monitoring by the Department and Board. As part of PAP, the credential holder enters into an agreement with the Department to undergo testing, counseling, or other rehabilitation. The PAP Liaison's role includes responding to credential holders' requests for modifications and terminations of provisions of the agreement. Similar to the Monitoring Liaison, the Department Monitors will send requests from credential holders to the PAP Liaison for further review.

Education and Examination Liaison: Some Boards are required by statute or rule to approve qualifying education and examinations. The Education and Examination Liaison provides guidance to Department staff to exercise authority of the Board to approve or decline examinations and educational programs and related requests. This determination requires a level of professional expertise and should be performed by a professional member of the Board. For some Boards, the Education and Examination Liaison will also be tasked with approving continuing education programs and courses.

Legislative Liaison: The Legislative Liaison is not the Board's designated lobbyist and should exercise their delegated authority carefully. The Legislative Liaison is permitted to act and speak

on the Board's behalf regarding pending and enacted legislation or actions being considered by the legislature outside of Board meetings. Please review Wis. Stat. ch. 13 for important reminders on lobbying.

Travel Authorization Liaison: The Travel Authorization Liaison is authorized to approve a Board member to travel to events and speak or act on the Board's behalf between Board meetings. The Travel Authorization Liaison is called upon to make decisions when sufficient notice was not received, and the full Board could not determine a representative to travel. The Travel Authorization Liaison is tasked with making determinations if the Board appointed representative is not able to attend or if the Board becomes authorized to send additional members as scholarship and funding streams can be unpredictable.

Communication Liaison: The Communication Liaison responds to questions that arise on behalf of the Board. The Communication Liaison works with the Department to cultivate an appropriate response which will be sent by the Executive Director or Board Counsel. The Communication Liaison **can** be responsible for all types of communication on behalf of the Board. However, the Board can appoint a separate **Website Liaison** to work with DSPS staff to make changes and ensure the Board webpage contains updated and accurate information. Additionally, for the Boards that are required by statute to produce a newsletter or digest, the Board can appoint a separate **Newsletter/Digest Liaison** to assemble and approve content for those communications.

Screening Panel Members: Screening Panel Members review incoming complaints against credential holders and determine which complaints should be opened for investigation and which complaints should be closed without further action. The complexity and amount of work in this role depends substantially on your Board. As a member of the Screening Panel, you are asked to apply your professional expertise to determine if a complaint alleges unprofessional conduct.

Delegations Explanations

CREDENTIALING DELEGATIONS

The overall purpose of credentialing delegations is to allow the credentialing process to proceed as efficiently and effectively as possible.

Delegation of Authority to Credentialing Liaison (Generic)

MOTION EXAMPLE: 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.

PURPOSE: To allow a representative of the Board to assist Department staff with credentialing applications and eliminate the need for the entire Board to convene to consider credential application content or questions. Additionally, it is most efficient to have the designated liaison

who has assisted with the credentialing process be able to effectuate decisions which require a signature.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION EXAMPLE: 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.

PURPOSE: To permit Department staff to efficiently issue credentials and eliminate the need for Board/Section/Liaison review when all credentialing legal requirements are met in an application. This delegation greatly decreases the workload of Board members and cuts down processing time on applications.

Delegation of Authority for Predetermination Reviews

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

PURPOSE: In general, the Wisconsin Fair Employment Act (codified in Wis. Stat. Ch. 111) prohibits licensing agencies from discriminating against applicants because of their arrest and/or conviction record. However, there are exceptions which permit denial of a license in certain circumstances. Individuals who do not possess a license have a legal right to apply for a determination of whether they are disqualified from obtaining a license due to their conviction record. This process is called “Predetermination.” Predetermination reviews must be completed within 30 days. This delegation allows Department attorneys to conduct predetermination reviews and efficiently make these legal determinations without need for Board/Section/Liaison review.

Delegation of Authority for Conviction Reviews

MOTION EXAMPLE: to delegate authority to the Department attorneys to review and approve applications with convictions which are not substantially related to the relevant professional practice.

PURPOSE: As used here, “substantially related” is a legal standard that is used in the Wisconsin Fair Employment Act. The concept of what is “substantially related” is informed by case law. This delegation permits Department attorneys to independently conduct conviction reviews and efficiently approve applications if convictions are not substantially related to the practice of the profession. Applications that contain conviction records that may be substantially related to the practice of a profession will still be submitted to the Credentialing Liaison for input.

Delegation to DSPS When Applicant's Disciplinary History Has Been Previously Reviewed

MOTION EXAMPLE: to delegate authority to Department staff to approve applications where Applicant's prior discipline has been approved for a previous credential and there is no new discipline.

PURPOSE: Some Boards offer progressive levels of credentials. This delegation eliminates the need for a re-review of discipline that has already been considered and approved by the Board/Section/Liaison for a lower-level credential.

Delegation to DSPS When Applicant's Conviction History Has Been Previously Reviewed

MOTION EXAMPLE: to delegate authority to Department staff to approve applications where criminal background checks have been approved for a previous credential and there is no new conviction record.

PURPOSE: Some Boards offer progressive levels of credentials. This delegation eliminates the need for a re-review of conviction history that has already been reviewed and approved for a lower-level credential.

Delegation of Authority for Reciprocity Reviews

MOTION EXAMPLE: to delegate authority to the Department attorneys to review and approve reciprocity applications in which the out-of-state license requirements meet Wisconsin license requirements. (Specific legal standards are referenced in the motion depending on credential/profession type.)

PURPOSE: Applications via reciprocity or endorsement require comparison of Wisconsin licensing requirements to the licensing requirements of another jurisdiction. These reviews consider the legal standard for reciprocity, which varies by profession, as well as the specified legal requirements to obtain licensure in the profession. This delegation permits Department attorneys to independently conduct reciprocity reviews and efficiently approve applications if legal standards and requirements are met for licensure. Applications for which reciprocity may not be available will still be submitted to the Credentialing Liaison for input.

Delegation of Authority for Military Reciprocity Reviews

MOTION EXAMPLE: to delegate authority to the Department attorneys to review and approve military reciprocity applications in which the individual meets the requirements of Wis. Stat. § 440.09.

PURPOSE: The law permits service members, former service members, and their spouses to be licensed if they hold licensure in other jurisdictions that qualify them to perform acts authorized by the credential they are seeking in Wisconsin. This is a shortened path to licensure that does not require meeting the specific requirements/standards for licensure/reciprocity in a profession. By law, the Department/Board must expedite the issuance of a reciprocal license via military

reciprocity. This delegation permits Department attorneys to independently conduct military reciprocity reviews and efficiently approve applications if legal standards and requirements are met for licensure. Applications for which reciprocity may not be available will still be submitted to the Credentialing Liaison for input.

Delegation of Authority for Application Denial Reviews

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

PURPOSE: When an application is denied, the applicant has a legal right to appeal the denial determination. Applicants must meet a specified legal standard in order to have an appeal granted. Additionally, Wisconsin law sets specific time frames for appeal decisions. This delegation permits Department attorney supervisors to independently review and efficiently act on requests for hearing as a result of a denial of a credential.

Delegation to Department Attorneys to Approve Duplicate Legal Issue

MOTION EXAMPLE: to delegate authority to Department attorneys to approve a legal matter in connection with a renewal application when that same/similar matter was already addressed by the Board and there are no new legal issues for that credential holder.

PURPOSE: The intent of this delegation is to be able to approve prior discipline by the Board for the renewal applicant. This delegation eliminates the need for a re-review of discipline that has already been considered and approved by the Board/Section/Liaison.

Delegation to Department Attorneys to Approve Prior Discipline

MOTION EXAMPLE: to delegate authority to Department attorneys to approve an applicant's prior professional discipline which resulted in a forfeiture/fine/other monetary penalty, remedial education, and/or reprimand, that is 10 years old or older, and the previously disciplined credential is currently in good standing.

PURPOSE: In order to continue improving processing application legal reviews in a timely matter, this delegation gives Department attorneys authority to approve prior professional discipline which meets all of the following criteria: (1) it is at least ten years old; (2) it resulted in a monetary penalty, remedial education, and/or reprimand; and (3) the previously disciplined credential is currently in good standing.

MONITORING DELEGATIONS

The overall purpose of monitoring delegations is to be able to enforce the Boards orders and limited licenses as efficiently and effectively as possible. Monitoring delegations have two categories: delegations to the Monitoring Liaison and delegations to the Department Monitor.

Delegation of Authority to Department Monitor

MOTION EXAMPLE: to delegate authority to the Department Monitor:

- a. to grant full reinstatement of licensure if education is the only limitation and credential holder has submitted the required proof of course completion.
- b. to suspend the credential if the credential holder has not completed Board ordered education, paid costs, paid forfeitures, within the time specified by the Board Order.
- c. to lift a suspension when compliance with education and costs provisions have been met.

PURPOSE: These delegations allow for the Department Monitor to automatically act on requests when certain criteria are met or not met without needing to burden the Monitoring Liaison. The Board can set their own criteria for what actions they would like to be handled by the Department, the Monitoring Liaison, and the full Board.

Delegation of Authority to Monitoring Liaison

MOTION EXAMPLE: to delegate authority to the Monitoring Liaison to approve or deny all requests received from the credential holder.

PURPOSE: These delegations allow the Board to set criteria for what decisions can be made by the Board member(s) serving as the Monitoring Liaison and what matters should be decided by the full Board.

Education and Examination Delegations

MOTION EXAMPLE: to delegate authority to the Education and Examination Liaison(s) to address all issues related to qualifying education, continuing education and examinations. Motion carried unanimously. (Differs by Board.)

PURPOSE: Some Boards are responsible for approving qualifying educational programs or continuing education courses. A delegation is executed in order for an Education and Examination Liaison to make these determinations on behalf of the Board and with assistance of the Department. Additionally, some Boards review examinations and individual scores to qualify for a credential.

MISCELLANEOUS DELEGATIONS

Document Signature

MOTION EXAMPLE: 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 EXAMPLE: 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, Board Counsel, or DPD Division Administrator, the authority to sign on behalf of a Board member as necessary. Motion carried unanimously.

PURPOSE: To take the action approved at Board meetings, the Department may need to draft correspondence and/or Orders after the meetings have adjourned. These actions then need to be signed by a Board Member. This interaction usually takes place over email and a Board member can authorize the use of their signature that is kept on file.

Urgent Matters

MOTION EXAMPLE: 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.

PURPOSE: Allows for quick responses to urgent matters that may need Board approval or for which the Department requires guidance from the Board.

Delegation to Chief Legal Counsel-Due to Loss of Quorum

MOTION EXAMPLE: to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

PURPOSE: Sometimes Boards can struggle to meet quorum necessary to conduct business. This happens for a multitude of reasons, but this delegation allows for the Boards to have disciplinary cases decided by Chief Legal Counsel if the Board fails to meet quorum for two consecutive meetings.

Delegation to Chief Legal Counsel-Stipulated Resolutions

MOTION EXAMPLE: to delegate to the Department's Chief Legal Counsel the authority to act on behalf of the Board concerning stipulated resolutions providing for a surrender, suspension, or revocation of a credential, where the underlying merits involve serious and dangerous behavior, and where the signed stipulation is received between Board meetings. The Board further requests that Chief Legal Counsel only act on such matters when the best interests of the Board, Department, and the Public are best served by acting upon the stipulated resolution at the time the signed stipulation is received versus waiting for the next Board meeting. Motion carried unanimously.

PURPOSE: For matters of public safety, it may be necessary to take immediate action on a stipulated agreement rather than allowing a credential holder to continue practicing unencumbered until the next scheduled meeting. This delegation allows Chief Legal Counsel to act on behalf of the Board when there is a stipulated agreement. A stipulated agreement is an agreement to which all relevant parties have consented to the terms.

Voluntary Surrenders

MOTION EXAMPLE: 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 EXAMPLE: to delegate authority to the Department to accept the voluntary surrender of a credential when there is no pending complaint or disciplinary matter with the Department pursuant to Wis. Stat. § 440.19.

PURPOSE: Credential holders can ask the Boards to accept surrender of their credentials at any time. These delegations are in place for the different situations that arise from those requests. If a credential holder is seeking to surrender their credential because they wish to leave the profession, that can be processed with this delegation by the Department if they have no pending disciplinary complaints. If the credential holder wishes to surrender while they have a pending disciplinary complaint, that request is reviewed by the individual Board member assigned to the case.

DLSC Pre-screening

MOTION EXAMPLE: to delegate pre-screening decision making authority to the DSPS screening attorney for opening cases where the credential holder has failed to respond to allegations contained in the complaint when requested by intake (case will be opened on failure to respond and the merits of the complaint).

PURPOSE: Pre-screening delegations exist so the Board can define specific parameters where the Department can review disciplinary complaints and open those cases if they meet certain criteria. Boards also have the authority to set certain criteria that would allow the Department to review and close a case if the criteria is met.

Delegation to Handle Administrative Rule Matters

MOTION EXAMPLE: to delegate authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving Board member in that succession), to act on behalf of the Board regarding administrative rule matters between meetings. Motion carried unanimously.

PURPOSE: In order to advance the administrative rules process, action may need to occur between meetings. This allows for quick responses to urgent matters that may need Board approval or for which the Department requires guidance from the Board.

DIETITIANS AFFILIATED CREDENTIALING BOARD
2025 DELEGATIONS
JANUARY 16, 2025

New Delegations for 2025

Delegation to Department Attorneys to Approve Prior Discipline

MOTION: Jill Hoyt moved, seconded by Rebecca Kerkenbush, to delegate authority to Department Attorneys to approve an applicant's prior professional discipline which resulted in a forfeiture/fine/other monetary penalty, remedial education, and/or reprimand, that is 10 years old or older, and the previously disciplined credential is currently in good standing. Motion carried unanimously.

Delegation to Handle Administrative Rule Matters

MOTION: Tara LaRowe moved, seconded by Rebecca Kerkenbush, to delegate authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving Board member in that succession), to act on behalf of the Board regarding administrative rule matters between meetings. Motion carried unanimously.

Delegation to Monitoring Liaison

MOTION: Tara LaRowe moved, seconded by Jill Hoyt, to delegate authority to the Monitoring Liaison(s) to make any determination on Orders under monitoring and to refer to the Full Board any matter the Monitoring Liaison deems appropriate. Motion carried unanimously.

Delegation to Department Monitor

MOTION: Tara LaRowe moved, seconded by Rebecca Kerkenbush, to delegate authority to the Department Monitor as outlined below:

1. to grant reinstatement of licensure if education and/or costs are the sole condition of the order and the credential holder has submitted the required proof of completion for approved courses and paid the costs.
2. to suspend the license if the credential holder has not completed Board ordered education and/or paid costs and forfeitures within the time specified by the Board order. The Department Monitor may remove the suspension and issue an order when proof of completion and/or payment has been received.
3. to suspend the license (or remove stay of suspension) if a credential holder fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if credential holder 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.

4. to grant or deny approval when a credential holder proposes treatment providers, mentors, and supervisors unless the Order specifically requires full-Board or Board designee approval.
5. to grant a maximum of one 90-day extension, if warranted and requested in writing by a credential holder, to complete Board ordered continuing, disciplinary, or remedial education.
6. to grant a maximum of one 90-day extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by a credential holder.
7. to grant a maximum of one 90-day extension, if warranted and requested in writing by a credential holder, to complete a Board ordered evaluation or exam.

Motion carried unanimously.

Review and Approval of 2024 Delegations including new modifications

MOTION: Rebecca Kerkenbush moved, seconded by Tara LaRowe, to reaffirm all delegation motions made in 2024, as reflected in the January 16, 2025 agenda materials, which were not otherwise modified or amended during the January 16, 2025 meeting. Motion carried unanimously.

All Combined 2025 Delegations

Review and Approval of 2024 Delegations including new modifications

MOTION: Rebecca Kerkenbush moved, seconded by Tara LaRowe, to reaffirm all delegation motions made in 2024, as reflected in the January 16, 2025 agenda materials, which were not otherwise modified or amended during the January 16, 2025 meeting. Motion carried unanimously.

Delegation of Authorities

Document Signature Delegations

MOTION: Tara LaRowe moved, seconded by Jill Hoyt, 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: Jill Hoyt 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, Board Counsel 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: Tara LaRowe moved, seconded by Jill Hoyt, 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 Loss of Quorum

MOTION: David Joe moved, seconded by Tara LaRowe, to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

Monitoring Delegations

Delegation to Monitoring Liaison

MOTION: Tara LaRowe moved, seconded by Jill Hoyt, to delegate authority to the Monitoring Liaison(s) to make any determination on Orders under monitoring and to refer to the Full Board any matter the Monitoring Liaison deems appropriate. Motion carried unanimously.

Delegation to Department Monitor

MOTION: Tara LaRowe moved, seconded by Rebecca Kerkenbush, to delegate authority to the Department Monitor as outlined below:

1. to grant reinstatement of licensure if education and/or costs are the sole condition of the order and the credential holder has submitted the required proof of completion for approved courses and paid the costs.
2. to suspend the license if the credential holder has not completed Board ordered education and/or paid costs and forfeitures within the time specified by the Board order. The Department Monitor may remove the suspension and issue an order when proof of completion and/or payment has been received.
3. to suspend the license (or remove stay of suspension) if a credential holder fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if credential holder 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.

4. to grant or deny approval when a credential holder proposes treatment providers, mentors, and supervisors unless the Order specifically requires full-Board or Board designee approval.
5. to grant a maximum of one 90-day extension, if warranted and requested in writing by a credential holder, to complete Board ordered continuing, disciplinary, or remedial education.
6. to grant a maximum of one 90-day extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by a credential holder.
7. to grant a maximum of one 90-day extension, if warranted and requested in writing by a credential holder, to complete a Board ordered evaluation or exam.

Motion carried unanimously.

Delegation of Authorities for Legal Counsel to Sign Monitoring Orders

MOTION: David Joe moved, seconded by Rebecca Kerkenbush, to delegate to Legal Counsel the authority to sign Monitoring orders that result from Board meetings on behalf of the Board Chairperson. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison

MOTION: Tara LaRowe moved, seconded by Jill Hoyt, 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. Motion carried unanimously.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Jill Hoyt moved, seconded by Rebecca Kerkenbush, 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. Motion carried unanimously.

Delegation of Authority for Predetermination Reviews

MOTION: Tara LaRowe moved, seconded by David Joe, to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

Delegation of Authority for Conviction Reviews

MOTION: Tara LaRowe moved, seconded by Rebecca Kerkenbush, to delegate authority to the Department Attorneys to review and approve conviction records which are not substantially related to the practice of dietetics. Motion carried unanimously.

Delegation to Department Attorneys to Approve Prior Discipline

MOTION: Jill Hoyt moved, seconded by Rebecca Kerkenbush, to delegate authority to Department Attorneys to approve an applicant's prior professional discipline which resulted in a forfeiture/fine/other monetary penalty, remedial education, and/or reprimand, that is 10 years old or older, and the previously disciplined credential is currently in good standing. Motion carried unanimously.

Delegation of Authority for Reciprocity Reviews

MOTION: David Joe moved, seconded by Tara LaRowe, 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. Motion carried unanimously.

Delegation of Authority for Military Reciprocity Reviews

MOTION: David Joe moved, seconded by Rebecca Kerkenbush, to delegate authority to the Department Attorneys to review and approve military reciprocity applications in which the individual meets the requirements of Wis. Stat. § 440.09. Motion carried unanimously.

Delegation to Department Attorneys to Approve Duplicate Legal Issue

MOTION: Tara LaRowe moved, seconded by Jill Hoyt, to delegate authority to Department Attorneys to approve a legal matter in connection with a renewal application when that same/similar matter was already addressed by the Board and there are no new legal issues. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Jill Hoyt moved, seconded by Tara LaRowe, 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. Motion carried unanimously.

Voluntary Surrenders

MOTION: Rebecca Kerkenbush moved, seconded by Tara LaRowe, 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.

MOTION: Tara LaRowe moved, seconded by Jill Hoyt, to delegate authority to the Department to accept the voluntary surrender of a credential when there is no pending complaint or disciplinary matter with the Department pursuant to Wis. Stat. § 440.19. Motion carried unanimously.

Pre-Screening Delegation to Open Cases

MOTION: Tara LaRowe moved, seconded by Rebecca Kerkenbush, to delegate pre-screening decision making authority to the Department 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.

Pre-Screening Delegation to Close Cases

MOTION: Tara LaRowe moved, seconded by Jill Hoyt, to delegate pre-screening decision making authority to the Department 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.

Education and Examination Liaison(s) Delegation

MOTION: Jill Hoyt moved, seconded by David Joe, to delegate authority to the Education and Examination Liaison(s) to address all issues related to 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 Rebecca Kerkenbush, to authorize the Department staff to provide national regulatory related bodies with all board member contact information that the Department retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Tara LaRowe moved, seconded by Rebecca Kerkenbush, 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: Tara LaRowe moved, seconded by Jill Hoyt, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Authorization Liaison Delegation

MOTION: Rebecca Kerkenbush moved, seconded by Jill Hoyt, to delegate authority to the Travel Authorization Liaison to approve any board member travel to and/or participation in events germane to the board, and to designate representatives from the Board to speak and/or act on the Board's behalf at such events. Motion carried unanimously.

Website Liaison(s) Delegation

MOTION: Tara LaRowe moved, seconded by David Joe, to authorize to the Website Liaison(s) to act on behalf of the Board in working with Department staff to identify and execute website updates. Motion carried unanimously.

Delegation of Ratification of Examination Results and Ratification of Licenses and Certificates

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

Delegation to Handle Administrative Rule Matters

MOTION: Tara LaRowe moved, seconded by Rebecca Kerkenbush, to delegate authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving Board member in that succession), to act on behalf of the Board regarding administrative rule matters between meetings. Motion carried unanimously.

Delegation of Authority to Credentialing Liaison

MOTION: [Board member name] moved, seconded by [Board member name], 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. Motion carried [].

OR IN THE ALTERNATIVE

Delegation of Authority for Predetermination Decisions

MOTION: [Board member name] moved, seconded by [Board member name], to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). For matters where the Department Attorney has indicated underlying convictions may result in a denial, the Credentialing Liaison(s) can act on behalf of the Board in regard to any denial due to predetermination decisions. Motion carried [].

Review and Approval of 2025 Delegations including new modifications

MOTION: [Board member name] moved, seconded by [Board member name], to reaffirm all delegation motions made in 2025, as reflected in the January 27, 2026 agenda materials, which were not otherwise modified or amended during the January 27, 2026 meeting. Motion carried [].

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Nilajah Hardin Administrative Rules Coordinator		2) Date when request submitted: 01/14/26 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting									
3) Name of Board, Committee, Council, Sections: Dietitians Affiliated Credentialing Board											
4) Meeting Date: 1/27/26	5) Attachments: ☒ Yes ☐ No	6) How should the item be titled on the agenda page? Administrative Rule Matters Discussion and Consideration 1. Scope Statement: DI 1 to 5, Relating to Implementation of the Dietitian Licensure Compact 2. Pending or Possible Rulemaking Projects									
7) Place Item in: ☒ Open Session ☐ Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> ☐ Yes ☒ No	9) Name of Case Advisor(s), if required: N/A									
10) Describe the issue and action that should be addressed: Board review and take action on 2025 Wis. Stat. s. 227.29 Biennial Report. Attachments: 1. Scope Statement – DI 1 to 5 2. 2025 Wisconsin Act 20 3. Rule Project Chart											
<table style="width: 100%;"> <tr> <td style="width: 60%;">11) Authorization</td> <td style="width: 40%;"></td> </tr> <tr> <td>  Signature of person making this request </td> <td style="text-align: right;"> 01/14/26 Date </td> </tr> <tr> <td>Supervisor (if required)</td> <td style="text-align: right;">Date</td> </tr> <tr> <td colspan="2">Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date</td> </tr> </table>				11) Authorization		 Signature of person making this request	01/14/26 Date	Supervisor (if required)	Date	Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date	
11) Authorization											
 Signature of person making this request	01/14/26 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

DIETITIANS AFFILIATED CREDENTIALING BOARD

Rule No.: DI 1 to 5

Relating to: Implementation of the Dietitian Licensure Compact

Rule Type: Permanent

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

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

The objective of this rule is to implement the statutory changes from 2025 Wisconsin Act 20.

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:

The Board intends to update the Administrative Code Chapters DI 1 to 5 to implement the dietitian licensure compact as created by 2025 Wisconsin Act 20. An alternative would be to not revise the code to reflect these new requirements, which would create confusion and a lack of clarity for stakeholders as to what is required of dietitians and the board as it relates to the new statutory requirements for dietitian licensure and regulation through the compact.

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 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.”

2025 Wisconsin Act 20, Section 448.9888 (1) (3) (b), Stats., states that “[s]ubject to s. 448.9887 and any rules promulgated thereunder, ss. 440.20 to 440.22 and the rules promulgated under s. 440.03 (1) shall apply to an individual who holds a compact privilege in the same manner that they apply to holders of certificates issued under subch. V.”

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule: 80 hours

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

Currently licensed Dietitians and those applying for a license to practice Dietetics in Wisconsin.

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: None.

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: Nilajah Hardin, (608) 267-7139, DSPSAdminRules@wisconsin.gov

Approved for publication:

Approved for implementation:

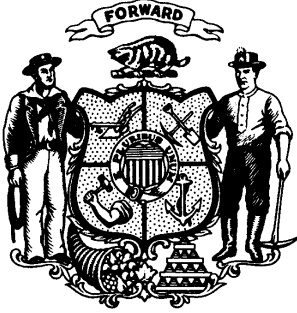
Authorized Signature

Authorized Signature

Date Submitted

Date Submitted

State of Wisconsin



2025 Assembly Bill 45

Date of enactment: August 8, 2025
Date of publication*: August 9, 2025

2025 WISCONSIN ACT 20

AN ACT *to renumber and amend* 448.78; *to amend* 146.81 (1) (em), 146.997 (1) (d) 6., 252.14 (1) (ar) 4m., 253.065 (3), 253.065 (5), 440.03 (9) (a) (intro.), 440.03 (9) (a) 2., 440.03 (13) (b) (intro.), 440.15, 446.01 (1v) (f), 446.02 (6m), 448.70 (1m), 448.72 (6), 448.74 (1), 448.78 (title), 448.80, 448.82, 448.87 (2) (intro.), 448.87 (2) (a), 448.956 (1m) and 450.10 (3) (a) 5m.; *to repeal and recreate* 632.895 (1) (b) 5. b.; *to create* 14.833, 440.03 (11m) (c) 2rm., 440.03 (13) (c) 1. gm., 448.70 (1r), 448.70 (1s), 448.78 (1m) (title), 448.78 (1m) (f), 448.78 (2m), (3m) and (4m) and subchapter XIV of chapter 448 [precedes 448.9887] of the statutes; **relating to:** ratification of the Dietitian Licensure Compact.

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

SECTION 1. 14.833 of the statutes is created to read:

14.833 Dietitian licensure compact. There is created a dietitian licensure compact commission as specified in s. 448.9887. The delegate on the commission representing this state shall be appointed by the dietitian affiliated credentialing board as provided in s. 448.9887 (8) (b) 1. and shall be an individual described in s. 448.9887 (8) (b) 2. The commission has the powers and duties granted and imposed under s. 448.9887.

SECTION 2. 146.81 (1) (em) of the statutes is amended to read:

146.81 (1) (em) A dietitian who is certified under subch. V of ch. 448 or who holds a compact privilege under subch. XIV of ch. 448.

SECTION 3. 146.997 (1) (d) 6. of the statutes is amended to read:

146.997 (1) (d) 6. A dietitian who is certified under subch. V of ch. 448 or who holds a compact privilege under subch. XIV of ch. 448.

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

252.14 (1) (ar) 4m. A dietitian who is certified under subch. V of ch. 448 or who holds a compact privilege under subch. XIV of ch. 448.

SECTION 5. 253.065 (3) of the statutes is amended to read:

253.065 (3) Unless the department grants an exception, in order to be eligible for the internship program under sub. (1), an applicant must, at the time of his or her selection, be employed as a nutritionist for the supplemental food program for women, infants, and children under s. 253.06 by either the department or a local agency and have met the educational requirements under s. 448.78 ~~(3)~~ (1m) (c).

SECTION 6. 253.065 (5) of the statutes is amended to read:

253.065 (5) The department shall issue to each individual who successfully completes the dietetic internship program under this section a certificate of completion that the individual may submit as verification of the

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

completion of more than 900 hours of qualifying dietetics practice under s. 448.78 ~~(4)~~ (1m) (d). The dietitians affiliated credentialing board shall accept certificates of completion issued under this subsection as satisfactory evidence under s. 448.78 ~~(4)~~ (1m) (d).

SECTION 7. 440.03 (9) (a) (intro.) of the statutes is amended to read:

440.03 **(9)** (a) (intro.) Subject to pars. (b) and (c) and s. 458.33 (2) (b) and (5), the department shall, biennially, determine each fee for an initial credential for which no examination is required, for a reciprocal credential, and for a credential renewal and any fees imposed under ss. 447.51 (2), 448.986 (2), 448.9875 (2), 448.9885 (2), 448.9888 (2), 457.51 (2), and 459.71 (2) by doing all of the following:

SECTION 8. 440.03 (9) (a) 2. of the statutes is amended to read:

440.03 **(9)** (a) 2. Not later than January 31 of each odd-numbered year, adjusting for the succeeding fiscal biennium each fee for an initial credential for which an examination is not required, for a reciprocal credential, and, subject to s. 440.08 (2) (a), for a credential renewal, and any fees imposed under ss. 447.51 (2), 448.986 (2), 448.9875 (2), 448.9885 (2), 448.9888 (2), 457.51 (2), and 459.71 (2), if an adjustment is necessary to reflect the approximate administrative and enforcement costs of the department that are attributable to the regulation of the particular occupation or business during the period in which the initial or reciprocal credential, credential renewal, or compact privilege is in effect and, for purposes of each fee for a credential renewal, to reflect an estimate of any additional moneys available for the department's general program operations as a result of appropriation transfers that have been or are estimated to be made under s. 20.165 (1) (i) during the fiscal biennium in progress at the time of the deadline for an adjustment under this subdivision or during the fiscal biennium beginning on the July 1 immediately following the deadline for an adjustment under this subdivision.

SECTION 9. 440.03 (11m) (c) 2rm. of the statutes is created to read:

440.03 **(11m)** (c) 2rm. The coordinated data system under s. 448.9887 (9), if such disclosure is required under the dietitian licensure compact under s. 448.9887.

SECTION 10. 440.03 (13) (b) (intro.) of the statutes, is amended to read:

440.03 **(13)** (b) (intro.) The department may investigate whether an applicant for or holder of any of the following credentials has been charged with or convicted of a crime only pursuant to rules promulgated by the department under this paragraph, including rules that establish the criteria that the department will use to determine whether an investigation under this paragraph is

necessary, except as provided in par. (c) and ss. 441.51 (5) (a) 5., 447.50 (3) (a) 5., 448.980 (5) (b) 3., 448.985 (3) (a) 4., 448.987 (3) (a) 5. a. and (5) (b) 2. a., 448.988 (3) (a) 5., 448.9887 (3) (b) 3. and (5) (b) 2. a., 455.50 (3) (e) 4. and (f) 4., 457.50 (3) (b) 3. and (5) (b) 2. a., and 459.70 (3) (b) 2.:

SECTION 11. 440.03 (13) (c) 1. gm. of the statutes is created to read:

440.03 **(13)** (c) 1. gm. An applicant for a dietitian compact privilege under s. 448.9887 (4) and an applicant for a dietitian certificate described in s. 448.9887 (5) (b) 2. a.

SECTION 12. 440.15 of the statutes is amended to read:

440.15 No fingerprinting. Except as provided under ss. 440.03 (13) (c), 441.51 (5) (a) 5., 447.50 (3) (a) 5., 448.980 (5) (b) 3., 448.985 (3) (a) 4., 448.987 (3) (a) 5. a. and (5) (b) 2. a., 448.988 (3) (a) 5., 448.9887 (3) (b) 3. and (5) (b) 2. a., 450.071 (3) (c) 9., 450.075 (3) (c) 9., 455.50 (3) (e) 4. and (f) 4., 457.50 (3) (b) 3. and (5) (b) 2. a., and 459.70 (3) (b) 1., the department or a credentialing board may not require that an applicant for a credential or a credential holder be fingerprinted or submit fingerprints in connection with the department's or the credentialing board's credentialing.

SECTION 13. 446.01 (1v) (f) of the statutes is amended to read:

446.01 **(1v)** (f) Dietitians affiliated credentialing board under subch. V of ch. 448. "Health care professional" also includes an individual who holds a compact privilege under subch. XIV of ch. 448.

SECTION 14. 446.02 (6m) of the statutes is amended to read:

446.02 **(6m)** No chiropractor may provide counsel, direction, guidance, advice, or a recommendation to a patient regarding the health effects of vitamins, herbs, or nutritional supplements unless the chiropractor has been issued a certificate under sub. (2) (c) 1. This subsection does not apply to a chiropractor licensed under this chapter who is ~~a certified as a dietitian under subch. V of ch. 448, as defined in s. 448.70 (1m).~~

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

448.70 **(1m)** "Certified dietitian" means an individual who is certified as a dietitian under this subchapter or who holds a compact privilege.

SECTION 16. 448.70 (1r) of the statutes is created to read:

448.70 **(1r)** "Compact" means the dietitian licensure compact under s. 448.9887.

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

448.70 **(1s)** "Compact privilege" means a compact

privilege, as defined in s. 448.9887 (2) (i), that is granted under the compact to an individual to practice in this state.

SECTION 18. 448.72 (6) of the statutes is amended to read:

448.72 (6) Prohibit an individual from using the title ~~“dietitian,”~~ “dietitian,” “licensed dietitian,” or “certified dietitian” if the person is licensed or certified as a dietitian under the laws of another state which has licensure or certification requirements that the affiliated credentialing board determines to be substantially equivalent to the requirements under s. 448.78 (1m).

SECTION 19. 448.74 (1) of the statutes is amended to read:

448.74 (1) Establish criteria for the approval of educational programs and training under s. 448.78 ~~(3) and (4)~~ (1m) (c) and (d).

SECTION 20. 448.78 (title) of the statutes is amended to read:

448.78 (title) Certification of dietitians; compact privileges.

SECTION 21. 448.78 of the statutes is renumbered 448.78 (1m), and 448.78 (1m) (c) 2. and (d) 3. b., as renumbered, are amended to read:

448.78 (1m) (c) 2. Received a bachelor’s, master’s or doctoral degree in human nutrition, nutrition education, food and nutrition, dietetics or food systems management from a program at a college or university that is not located in a state or territory of the United States if the affiliated credentialing board determines that the program is substantially equivalent to a program under ~~par. (a) subd. 1.~~

(d) 3. b. A program at a college or university that is not located in a state or territory of the United States if the affiliated credentialing board determines that the program is substantially equivalent to a program under subd. ~~4.~~ 3. a.

SECTION 22. 448.78 (1m) (title) of the statutes is created to read:

448.78 (1m) (title) CERTIFICATE.

SECTION 23. 448.78 (1m) (f) of the statutes is created to read:

448.78 (1m) (f) Subject to ss. 111.321, 111.322, and 111.335, submits evidence satisfactory to the affiliated credentialing board that he or she does not have a conviction record.

SECTION 24. 448.78 (2m), (3m) and (4m) of the statutes are created to read:

448.78 (2m) LICENSE BASED ON COMPACT PRIVILEGE. The affiliated credentialing board shall grant a certificate as a dietitian to any individual who does all of the following:

(a) Submits an application for the certificate to the department on a form provided by the department.

(b) Pays the fee specified in s. 440.05 (1).

(c) Submits evidence satisfactory to the affiliated credentialing board that he or she holds a home state license in another state that is a party to the compact, has changed his or her primary state of residence to this state, and satisfies all other requirements under s. 448.9887 (5).

(d) Subject to ss. 111.321, 111.322, and 111.335, submits evidence satisfactory to the affiliated credentialing board that he or she does not have a conviction record.

(3m) COMPACT PRIVILEGE. The affiliated credentialing board shall grant a compact privilege to an individual who does all of the following:

(a) Submits an application for the compact privilege to the department on a form provided by the department.

(b) Submits evidence satisfactory to the affiliated credentialing board that he or she holds an unencumbered home state license in another state that is a party to the compact and satisfies all other requirements under s. 448.9887 (4).

(c) Pays any fee established by the department under s. 448.9888 (2).

(4m) TYPES OF CERTIFICATE. A certificate as a dietitian granted under sub. (1m) may be either of the following:

(a) A certificate that, subject to s. 448.9887 (4), entitles the holder to obtain and exercise a compact privilege in other states that are parties to the compact.

(b) A single-state certificate, which entitles the holder to practice only in this state. Nothing in the compact applies to the holder of a single-state certificate unless otherwise applicable under this subchapter.

SECTION 25. 448.80 of the statutes is amended to read:

448.80 Temporary certificate. Upon application and payment of the fee specified in s. 440.05 (6), the affiliated credentialing board may grant a temporary dietitian certificate to an individual who satisfies the requirements under s. 448.78 ~~(4) to (4) (1m) (a) to (d)~~ and has submitted an application to take the next available examination under s. 448.84. A temporary certificate granted under this section is valid for a period designated by the affiliated credentialing board, not to exceed 9 months, and may be renewed once by the affiliated credentialing board.

SECTION 26. 448.82 of the statutes is amended to read:

448.82 Reciprocal certificate. Upon application and payment of the fee specified in s. 440.05 (2), the affiliated credentialing board shall grant a dietitian certifi-

cate to an individual who holds a similar certificate or license in another state or territory of the United States if the affiliated credentialing board determines that the requirements for receiving the certificate in the other state or territory are substantially equivalent to the requirements under s. 448.78 (1m).

SECTION 27. 448.87 (2) (intro.) of the statutes is amended to read:

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

SECTION 28. 448.87 (2) (a) of the statutes is amended to read:

448.87 (2) (a) Made a material misstatement in an application for a certificate or a compact privilege or for renewal of a certificate.

SECTION 29. 448.956 (1m) of the statutes is amended to read:

448.956 (1m) Subject to sub. (1) (a), a licensee may provide athletic training to an individual without a referral, except that a licensee may not provide athletic training as described under s. 448.95 (5) (d) or (e) in an outpatient rehabilitation setting unless the licensee has obtained a written referral for the individual from a practitioner licensed or certified under subch. II, III, IV, V, or VII of this chapter; under ch. 446; or under s. 441.16 (2) or from a practitioner who holds a compact privilege under subch. XI ~~or~~ XII, or XIV of ch. 448.

SECTION 30. Subchapter XIV of chapter 448 [precedes 448.9887] of the statutes is created to read:

CHAPTER 448

SUBCHAPTER XIV

DIETITIAN LICENSURE COMPACT

448.9887 Dietitian licensure compact. (1) **PURPOSE.** The purpose of this compact is to facilitate interstate practice of dietetics with the goal of improving public access to dietetics services. This compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure, while also providing for licensure portability through a compact privilege granted to qualifying professionals. This compact is designed to achieve the following objectives:

- (a) Increase public access to dietetics services;
- (b) Provide opportunities for interstate practice by licensed dietitians who meet uniform requirements;
- (c) Eliminate the necessity for licenses in multiple states;
- (d) Reduce administrative burden on member states and licensees;

- (e) Enhance the states' ability to protect the public's health and safety;

- (f) Encourage the cooperation of member states in regulating multistate practice of licensed dietitians;

- (g) Support relocating active military members and their spouses;

- (h) Enhance the exchange of licensure, investigative, and disciplinary information among member states; and

- (i) Vest all member states with the authority to hold a licensed dietitian accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered.

(2) DEFINITIONS. As used in this compact, and except as otherwise provided, the following definitions shall apply:

(a) "ACEND" means the Accreditation Council for Education in Nutrition and Dietetics or its successor organization.

(b) "Active military member" means any individual with full-time duty status in the active armed forces of the United States, including members of the national guard and reserve.

(c) "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws which is imposed by a licensing authority or other authority against a licensee, including actions against an individual's license or compact privilege such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting a licensee's authorization to practice, including issuance of a cease and desist action.

(d) "Alternative program" means a nondisciplinary monitoring or practice remediation process approved by a licensing authority.

(dm) "CDR" means the Commission on Dietetic Registration or its successor organization.

(e) "Charter member state" means any member state which enacted this compact by law before the effective date specified in sub. (12).

(h) "Compact commission" means the government agency whose membership consists of all states that have enacted this compact, which is known as the dietitian licensure compact commission, as described in sub. (8), and which shall operate as an instrumentality of the member states.

(i) "Compact privilege" means a legal authorization, which is equivalent to a license, permitting the practice of dietetics in a remote state.

(im) "Continuing education" means a requirement, as a condition of license renewal, to provide evidence of participation in, and completion of, educational and professional activities relevant to practice or area of work.

(j) “Current significant investigative information” means:

1. Investigative information that a licensing authority, after a preliminary inquiry that includes notification and an opportunity for the subject licensee to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or

2. Investigative information that indicates that the subject licensee represents an immediate threat to public health and safety regardless of whether the subject licensee has been notified and had an opportunity to respond.

(k) “Data system” means a repository of information about licensees, including, but not limited to, continuing education, examination, licensure, investigative, compact privilege and adverse action information.

(L) “Encumbered license” means a license in which an adverse action restricts a licensee’s ability to practice dietetics.

(m) “Encumbrance” means a revocation or suspension of, or any limitation on, a licensee’s full and unrestricted practice of dietetics by a licensing authority.

(n) “Executive committee” means a group of delegates elected or appointed to act on behalf of, and within the powers granted to them by, this compact, and the compact commission.

(o) “Home state” means the member state that is the licensee’s primary state of residence or that has been designated pursuant to sub. (6).

(p) “Investigative information” means information, records, and documents received or generated by a licensing authority pursuant to an investigation.

(q) “Jurisprudence requirement” means an assessment of an individual’s knowledge of the state laws and regulations governing the practice of dietetics in such state.

(r) “License” means an authorization from a member state to either:

1. Engage in the practice of dietetics (including medical nutrition therapy); or

2. Use the title “dietitian,” “licensed dietitian,” “licensed dietitian nutritionist,” “certified dietitian,” or other title describing a substantially similar practitioner as the compact commission may further define by rule.

(s) “Licensee” or “licensed dietitian” means an individual who currently holds a license and who meets all of the requirements outlined in sub. (4).

(t) “Licensing authority” means the board or agency of a state, or equivalent, that is responsible for the licensing and regulation of the practice of dietetics.

(u) “Member state” means a state that has enacted the compact.

(v) “Practice of dietetics” means the synthesis and

application of dietetics, primarily for the provision of nutrition care services, including medical nutrition therapy, in person or via telehealth, to prevent, manage, or treat diseases or medical conditions and promote wellness.

(w) “Registered dietitian” means a person who:

1. Has completed applicable education, experience, examination, and recertification requirements approved by CDR;

2. Is credentialed by CDR as a registered dietitian or a registered dietitian nutritionist; and

3. Is legally authorized to use the title registered dietitian or registered dietitian nutritionist and the corresponding abbreviations “RD” or “RDN.”

(x) “Remote state” means a member state other than the home state, where a licensee is exercising or seeking to exercise a compact privilege.

(y) “Rule” means a regulation promulgated by the compact commission that has the force of law.

(z) “Single state license” means a license issued by a member state within the issuing state and does not include a compact privilege in any other member state.

(za) “State” means any state, commonwealth, district, or territory of the United States.

(zb) “Unencumbered license” means a license that authorizes a licensee to engage in the full and unrestricted practice of dietetics.

(3) STATE PARTICIPATION IN THE COMPACT. (a) To participate in the compact, a state must currently:

1. License and regulate the practice of dietetics; and

2. Have a mechanism in place for receiving and investigating complaints about licensees.

(b) A member state shall:

1. Participate fully in the compact commission’s data system, including using the unique identifier, as defined in rules;

2. Notify the compact commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of current significant investigative information regarding a licensee;

3. Implement or utilize procedures for considering the criminal history record information of applicants for an initial compact privilege. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant’s criminal history record information from the federal bureau of investigation and the agency responsible for retaining that state’s criminal records;

a. A member state must fully implement a criminal history record information requirement, within a time frame established by rule, which includes receiving the results of the federal bureau of investigation record

search and shall use those results in determining compact privilege eligibility.

b. Communication between a member state and the compact commission or among member states regarding the verification of eligibility for a compact privilege shall not include any information received from the federal bureau of investigation relating to a federal criminal history record information check performed by a member state.

4. Comply with and enforce the rules of the compact commission;

5. Require an applicant for a compact privilege to obtain or retain a license in the licensee's home state and meet the home state's qualifications for licensure or renewal of licensure, as well as all other applicable state laws; and

6. Recognize a compact privilege granted to a licensee who meets all of the requirements outlined in sub. (4) in accordance with the terms of the compact and rules.

(c) Member states may set and collect a fee for granting a compact privilege.

(d) Individuals not residing in a member state shall continue to be able to apply for a member state's single state license as provided under the laws of each member state. However, the single state license granted to these individuals shall not be recognized as granting a compact privilege to engage in the practice of dietetics in any other member state.

(e) Nothing in this compact shall affect the requirements established by a member state for the issuance of a single state license.

(f) At no point shall the compact commission have the power to define the requirements for the issuance of a single state license to practice dietetics. The member states shall retain sole jurisdiction over the provision of these requirements.

(4) COMPACT PRIVILEGE. (a) To exercise the compact privilege under the terms and provisions of the compact, the licensee shall:

1. Satisfy one of the following:

a. Hold a valid current registration that gives the applicant the right to use the term registered dietitian; or

b. Complete all of the following:

i. An education program which is either:

a) A master's degree or doctoral degree that is programmatically accredited by (i) ACEND; or (ii) a dietetics accrediting agency recognized by the U.S. department of education, which the compact commission may by rule determine, and from a college or university accredited at the time of graduation by the appropriate regional accrediting agency recognized by the Council on Higher Education Accreditation and the U.S. department of education.

b) An academic degree from a college or university in a foreign country equivalent to the degree described in subparagraph (a) that is programmatically accredited by (i) ACEND; or (ii) a dietetics accrediting agency recognized by the U.S. department of education, which the compact commission may by rule determine.

ii. A planned, documented, supervised practice experience in dietetics that is programmatically accredited by (i) ACEND, or (ii) a dietetics accrediting agency recognized by the U.S. department of education which the compact commission may by rule determine and which involves at least 1,000 hours of practice experience under the supervision of a registered dietitian or a licensed dietitian.

iii. Successful completion of either: (i) the registration examination for dietitians administered by CDR, or (ii) a national credentialing examination for dietitians approved by the compact commission by rule; such completion being no more than 5 years prior to the date of the licensee's application for initial licensure and accompanied by a period of continuous licensure thereafter, all of which may be further governed by the rules of the compact commission.

2. Hold an unencumbered license in the home state;

3. Notify the compact commission that the licensee is seeking a compact privilege within a remote state;

4. Pay any applicable fees, including any state fee, for the compact privilege;

5. Meet any jurisprudence requirements established by the remote state in which the licensee is seeking a compact privilege; and

6. Report to the compact commission any adverse action, encumbrance, or restriction on a license taken by any nonmember state within 30 days from the date the action is taken.

(b) The compact privilege is valid until the expiration date of the home state license. To maintain a compact privilege, renewal of the compact privilege shall be congruent with the renewal of the home state license as the compact commission may define by rule. The licensee must comply with the requirements of par. (a) to maintain the compact privilege in the remote state.

(c) A licensee exercising a compact privilege shall adhere to the laws and regulations of the remote state. Licensees shall be responsible for educating themselves on, and complying with, any and all state laws relating to the practice of dietetics in such remote state.

(d) Notwithstanding anything to the contrary provided in this compact or state law, a licensee exercising a compact privilege shall not be required to complete continuing education requirements required by a remote state. A licensee exercising a compact privilege is only required to meet any continuing education requirements as required by the home state.

(5) OBTAINING A NEW HOME STATE LICENSE BASED ON A COMPACT PRIVILEGE. (a) A licensee may hold a home state license, which allows for a compact privilege in other member states, in only one member state at a time.

(b) If a licensee changes home state by moving between 2 member states:

1. The licensee shall file an application for obtaining a new home state license based on a compact privilege, pay all applicable fees, and notify the current and new home state in accordance with the rules of the compact commission.

2. Upon receipt of an application for obtaining a new home state license by virtue of a compact privilege, the new home state shall verify that the licensee meets the criteria in sub. (4) via the data system, and require that the licensee complete the following:

a. Federal bureau of investigation fingerprint based criminal history record information check;

b. Any other criminal history record information required by the new home state; and

c. Any jurisprudence requirements of the new home state.

3. The former home state shall convert the former home state license into a compact privilege once the new home state has activated the new home state license in accordance with applicable rules adopted by the compact commission.

4. Notwithstanding any other provision of this compact, if the licensee cannot meet the criteria in sub. (4), the new home state may apply its requirements for issuing a new single state license.

5. The licensee shall pay all applicable fees to the new home state in order to be issued a new home state license.

(c) If a licensee changes their state of residence by moving from a member state to a nonmember state, or from a nonmember state to a member state, the state criteria shall apply for issuance of a single state license in the new state.

(d) Nothing in this compact shall interfere with a licensee's ability to hold a single state license in multiple states; however, for the purposes of this compact, a licensee shall have only one home state license.

(e) Nothing in this compact shall affect the requirements established by a member state for the issuance of a single state license.

(6) ACTIVE MILITARY MEMBERS OR THEIR SPOUSES. An active military member, or their spouse, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty.

(7) ADVERSE ACTIONS. (a) In addition to the other

powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to:

1. Take adverse action against a licensee's compact privilege within that member state; and

2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing authority in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure applicable to subpoenas issued in proceedings pending before that court. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located.

(b) Only the home state shall have the power to take adverse action against a licensee's home state license.

(c) For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

(d) The home state shall complete any pending investigations of a licensee who changes home states during the course of the investigations. The home state shall also have authority to take appropriate action and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the data system shall promptly notify the new home state of any adverse actions.

(e) A member state, if otherwise permitted by state law, may recover from the affected licensee the costs of investigations and dispositions of cases resulting from any adverse action taken against that licensee.

(f) A member state may take adverse action based on the factual findings of another remote state, provided that the member state follows its own procedures for taking the adverse action.

(g) *Joint investigations.* 1. In addition to the authority granted to a member state by its respective state law, any member state may participate with other member states in joint investigations of licensees.

2. Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint investigation initiated under the compact.

(h) If adverse action is taken by the home state against a licensee's home state license resulting in an encumbrance on the home state license, the licensee's compact privilege in all other member states shall be revoked until all encumbrances have been removed from

the home state license. All home state disciplinary orders that impose adverse action against a licensee shall include a statement that the licensee's compact privileges are revoked in all member states during the pendency of the order.

(i) Once an encumbered license in the home state is restored to an unencumbered license (as certified by the home state's licensing authority), the licensee must meet the requirements of sub. (4) (a) and follow the administrative requirements to reapply to obtain a compact privilege in any remote state.

(j) If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the other member states of any adverse actions.

(k) Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

(8) ESTABLISHMENT OF THE DIETITIAN LICENSURE COMPACT COMMISSION. (a) The compact member states hereby create and establish a joint government agency whose membership consists of all member states that have enacted the compact known as the dietitian licensure compact commission. The compact commission is an instrumentality of the compact states acting jointly and not an instrumentality of any one state. The compact commission shall come into existence on or after the effective date of the compact as set forth in sub. (12).

(b) *Membership, voting, and meetings.* 1. Each member state shall have and be limited to one delegate selected by that member state's licensing authority.

2. The delegate shall be the primary administrator of the licensing authority or their designee.

3. The compact commission shall by rule or bylaw establish a term of office for delegates and may by rule or bylaw establish term limits.

4. The compact commission may recommend removal or suspension of any delegate from office.

5. A member state's licensing authority shall fill any vacancy of its delegate occurring on the compact commission within 60 days of the vacancy.

6. Each delegate shall be entitled to one vote on all matters before the compact commission requiring a vote by the delegates.

7. Delegates shall meet and vote by such means as set forth in the bylaws. The bylaws may provide for delegates to meet and vote in person or by telecommunication, video conference, or other means of communication.

8. The compact commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The compact commis-

sion may meet in person or by telecommunication, video conference, or other means of communication.

(c) The compact commission shall have the following powers:

1. Establish the fiscal year of the compact commission;

2. Establish code of conduct and conflict of interest policies;

3. Establish and amend rules and bylaws;

4. Maintain its financial records in accordance with the bylaws;

5. Meet and take such actions as are consistent with the provisions of this compact, the compact commission's rules, and the bylaws;

6. Initiate and conclude legal proceedings or actions in the name of the compact commission, provided that the standing of any licensing authority to sue or be sued under applicable law shall not be affected;

7. Maintain and certify records and information provided to a member state as the authenticated business records of the compact commission, and designate an agent to do so on the compact commission's behalf;

8. Purchase and maintain insurance and bonds;

9. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state;

10. Conduct an annual financial review;

11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and establish the compact commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

12. Assess and collect fees;

13. Accept any and all appropriate donations, grants of money, other sources of revenue, equipment, supplies, materials, services, and gifts, and receive, utilize, and dispose of the same; provided that at all times the compact commission shall avoid any actual or appearance of impropriety or conflict of interest;

14. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest therein;

15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

16. Establish a budget and make expenditures;

17. Borrow money;

18. Appoint committees, including standing committees, composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact or the bylaws;

19. Provide and receive information from, and co-operate with, law enforcement agencies;

20. Establish and elect an executive committee, including a chair and a vice chair;

21. Determine whether a state's adopted language is materially different from the model compact language such that the state would not qualify for participation in the compact; and

22. Perform such other functions as may be necessary or appropriate to achieve the purposes of this compact.

(d) *The executive committee.* 1. The executive committee shall have the power to act on behalf of the compact commission according to the terms of this compact. The powers, duties, and responsibilities of the executive committee shall include:

a. Oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its rules and bylaws, and other such duties as deemed necessary;

b. Recommend to the compact commission changes to the rules or bylaws, changes to this compact legislation, fees charged to compact member states, fees charged to licensees, and other fees;

c. Ensure compact administration services are appropriately provided, including by contract;

d. Prepare and recommend the budget;

e. Maintain financial records on behalf of the compact commission;

f. Monitor compact compliance of member states and provide compliance reports to the compact commission;

g. Establish additional committees as necessary;

h. Exercise the powers and duties of the compact commission during the interim between compact commission meetings, except for adopting or amending rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the compact commission by rule or bylaw; and

i. Other duties as provided in the rules or bylaws of the compact commission.

2. The executive committee shall be composed of 9 members:

a. The chair and vice chair of the compact commission shall be voting members of the executive committee;

b. Five voting members from the current membership of the compact commission, elected by the compact commission;

c. One ex officio, nonvoting member from a recognized professional association representing dietitians; and

d. One ex officio, nonvoting member from a recognized national credentialing organization for dietitians.

3. The compact commission may remove any member of the executive committee as provided in the compact commission's bylaws.

4. The executive committee shall meet at least annually.

a. Executive committee meetings shall be open to the public, except that the executive committee may meet in a closed, nonpublic meeting as provided in par. (f) 2.

b. The executive committee shall give 30 days' notice of its meetings, posted on the website of the compact commission and as determined to provide notice to persons with an interest in the business of the compact commission.

c. The executive committee may hold a special meeting in accordance with par. (f) 1. b.

(e) The compact commission shall adopt and provide to the member states an annual report.

(f) *Meetings of the compact commission.* 1. All meetings shall be open to the public, except that the compact commission may meet in a closed, nonpublic meeting as provided in subd. 2.

a. Public notice for all meetings of the full compact commission shall be given in the same manner as required under the rule-making provisions in sub. (10), except that the compact commission may hold a special meeting as provided in subd. 1. b.

b. The compact commission may hold a special meeting when it must meet to conduct emergency business by giving 24 hours' notice to all member states, on the compact commission's website, and other means as provided in the compact commission's rules. The compact commission's legal counsel shall certify that the compact commission's need to meet qualifies as an emergency.

2. The compact commission or the executive committee or other committees of the compact commission may convene in a closed, nonpublic meeting for the compact commission or executive committee or other committees of the compact commission to receive legal advice or to discuss:

a. Noncompliance of a member state with its obligations under the compact;

b. The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees;

c. Current or threatened discipline of a licensee by the compact commission or by a member state's licensing authority;

d. Current, threatened, or reasonably anticipated litigation;

e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

f. Accusing any person of a crime or formally censuring any person;

g. Trade secrets or commercial or financial information that is privileged or confidential;

h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

i. Investigative records compiled for law enforcement purposes;

j. Information related to any investigative reports prepared by or on behalf of or for use of the compact commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact;

k. Matters specifically exempted from disclosure by federal or member state law; or

L. Other matters as specified in the rules of the compact commission.

3. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.

4. The compact commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the compact commission or order of a court of competent jurisdiction.

(g) *Financing of the compact commission.* 1. The compact commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The compact commission may accept any and all appropriate revenue sources as provided in par. (c) 13.

3. The compact commission may levy on and collect an annual assessment from each member state and impose fees on licensees of member states to whom it grants a compact privilege to cover the cost of the operations and activities of the compact commission and its staff, which must, in a total amount, be sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for member states shall be allocated based upon a formula that the compact commission shall promulgate by rule.

4. The compact commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the compact commission pledge the credit of any of the member states, except by and with the authority of the member state.

5. The compact commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the compact commission shall be subject to the financial review and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the compact commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the compact commission.

(h) *Qualified immunity, defense, and indemnification.* 1. The members, officers, executive director, employees and representatives of the compact commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of compact commission employment, duties, or responsibilities; provided that nothing in this subdivision shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the compact commission shall not in any way compromise or limit the immunity granted hereunder.

2. The compact commission shall defend any member, officer, executive director, employee, and representative of the compact commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of compact commission employment, duties, or responsibilities, or as determined by the compact commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of compact commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining their own counsel at their own expense; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The compact commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the compact commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of compact commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of compact

commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

4. Nothing herein shall be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable state laws.

5. Nothing in this compact shall be interpreted to waive or otherwise abrogate a member state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other state or federal antitrust or anti-competitive law or regulation.

6. Nothing in this compact shall be construed to be a waiver of sovereign immunity by the member states or by the compact commission.

(9) DATA SYSTEM. (a) The compact commission shall provide for the development, maintenance, operation, and utilization of a coordinated data system.

(b) The compact commission shall assign each applicant for a compact privilege a unique identifier, as determined by the rules.

(c) Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the compact commission, including:

1. Identifying information;
2. Licensure data;
3. Adverse actions against a license or compact privilege and information related thereto;
4. Nonconfidential information related to alternative program participation, the beginning and ending dates of such participation, and other information related to such participation not made confidential under member state law;
5. Any denial of application for licensure, and the reason for such denial;
6. The presence of current significant investigative information; and
7. Other information that may facilitate the administration of this compact or the protection of the public, as determined by the rules of the compact commission.

(d) The records and information provided to a member state pursuant to this compact or through the data system, when certified by the compact commission or an agent thereof, shall constitute the authenticated business records of the compact commission, and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial, or administrative proceedings in a member state.

(e) Current significant investigative information per-

taining to a licensee in any member state will only be available to other member states.

(f) It is the responsibility of the member states to report any adverse action against a licensee and to monitor the data system to determine whether any adverse action has been taken against a licensee. Adverse action information pertaining to a licensee in any member state will be available to any other member state.

(g) Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

(h) Any information submitted to the data system that is subsequently expunged pursuant to federal law or the laws of the member state contributing the information shall be removed from the data system.

(10) RULE MAKING. (a) The compact commission shall promulgate reasonable rules in order to effectively and efficiently implement and administer the purposes and provisions of the compact. A rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the rule is invalid because the compact commission exercised its rule-making authority in a manner that is beyond the scope and purposes of the compact, or the powers granted hereunder, or based upon another applicable standard of review.

(b) The rules of the compact commission shall have the force of law in each member state, provided however that where the rules conflict with the laws or regulations of a member state that relate to the procedures, actions, and processes a licensed dietitian is permitted to undertake in that state and the circumstances under which they may do so, as held by a court of competent jurisdiction, the rules of the compact commission shall be ineffective in that state to the extent of the conflict.

(c) The compact commission shall exercise its rule-making powers pursuant to the criteria set forth in this subsection and the rules adopted thereunder. Rules shall become binding on the day following adoption or as of the date specified in the rule or amendment, whichever is later.

(d) If a majority of the legislatures of the member states rejects a rule or portion of a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within 4 years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

(e) Rules shall be adopted at a regular or special meeting of the compact commission.

(f) Prior to adoption of a proposed rule, the compact commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.

(g) Prior to adoption of a proposed rule by the com-

compact commission, and at least 30 days in advance of the meeting at which the compact commission will hold a public hearing on the proposed rule, the compact commission shall provide a notice of proposed rule making:

1. On the website of the compact commission or other publicly accessible platform;
2. To persons who have requested notice of the compact commission's notices of proposed rule making; and
3. In such other way as the compact commission may by rule specify.

(h) The notice of proposed rule making shall include:

1. The time, date, and location of the public hearing at which the compact commission will hear public comments on the proposed rule and, if different, the time, date, and location of the meeting where the compact commission will consider and vote on the proposed rule;

2. If the hearing is held via telecommunication, video conference, or other means of communication, the compact commission shall include the mechanism for access to the hearing in the notice of proposed rule making;

3. The text of the proposed rule and the reason therefore;

4. A request for comments on the proposed rule from any interested person; and

5. The manner in which interested persons may submit written comments.

(i) All hearings will be recorded. A copy of the recording and all written comments and documents received by the compact commission in response to the proposed rule shall be available to the public.

(j) Nothing in this subsection shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the compact commission at hearings required by this subsection.

(k) The compact commission shall, by majority vote of all members, take final action on the proposed rule based on the rule-making record and the full text of the rule.

1. The compact commission may adopt changes to the proposed rule provided the changes do not enlarge the original purpose of the proposed rule.

2. The compact commission shall provide an explanation of the reasons for substantive changes made to the proposed rule as well as reasons for substantive changes not made that were recommended by commenters.

3. The compact commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in par. (L), the effective date of the rule shall be no sooner than 30 days after issuing the notice that it adopted or amended the rule.

(L) Upon determination that an emergency exists, the compact commission may consider and adopt an emergency rule with 24 hours' notice, with opportunity to comment, provided that the usual rule-making procedures provided in the compact and in this subsection shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of compact commission or member state funds;
3. Meet a deadline for the promulgation of a rule that is established by federal law or rule; or
4. Protect public health and safety.

(m) The compact commission or an authorized committee of the compact commission may direct revision to a previously adopted rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revision shall be posted on the website of the compact commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the compact commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the compact commission.

(n) No member state's rule-making requirements shall apply under this compact.

(11) OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT. (a) *Oversight.* 1. The executive and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to implement this compact.

2. Except as otherwise provided in this compact, venue is proper and judicial proceedings by or against the compact commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the compact commission is located. The compact commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct, or any such similar matter.

3. The compact commission shall be entitled to receive service of process in any proceeding regarding the

enforcement or interpretation of the compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the compact commission service of process shall render a judgment or order void as to the compact commission, this compact, or promulgated rules.

(b) *Default, technical assistance, and termination.*

1. If the compact commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the compact commission shall provide written notice to the defaulting state. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the compact commission may take and shall offer training and specific technical assistance regarding the default.

2. The compact commission shall provide a copy of the notice of default to the other member states.

(c) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the delegates of the member states, and all rights, privileges, and benefits conferred on that state by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(d) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the compact commission to the governor, the majority and minority leaders of the defaulting state's legislature, the defaulting state's licensing authority, and each of the member states' licensing authority.

(e) A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(f) Upon the termination of a state's membership from this compact, that state shall immediately provide notice to all licensees within that state of such termination. The terminated state shall continue to recognize all compact privileges granted pursuant to this compact for a minimum of 6 months after the date of said notice of termination.

(g) The compact commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the compact commission and the defaulting state.

(h) The defaulting state may appeal the action of the compact commission by petitioning the U.S. District Court for the District of Columbia or the federal district

where the compact commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

(i) *Dispute resolution.* 1. Upon request by a member state, the compact commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

2. The compact commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(j) *Enforcement.* 1. By supermajority vote, the compact commission may initiate legal action against a member state in default in the U.S. District Court for the District of Columbia or the federal district where the compact commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees. The remedies herein shall not be the exclusive remedies of the compact commission. The compact commission may pursue any other remedies available under federal or the defaulting member state's law.

2. A member state may initiate legal action against the compact commission in the U.S. District Court for the District of Columbia or the federal district where the compact commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. No party other than a member state shall enforce this compact against the compact commission.

(12) **EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT.** (a) The compact shall come into effect on the date on which the compact statute is enacted into law in the 7th member state.

1. On or after the effective date of the compact, the compact commission shall convene and review the enactment of each of the first 7 member states ("charter member states") to determine if the statute enacted by each such charter member state is materially different than the model compact statute.

a. A charter member state whose enactment is found to be materially different from the model compact statute shall be entitled to the default process set forth in sub. (11).

b. If any member state is later found to be in default, or is terminated, or withdraws from the compact, the compact commission shall remain in existence and the

compact shall remain in effect even if the number of member states should be less than 7.

2. Member states enacting the compact subsequent to the 7 initial charter member states shall be subject to the process set forth in sub. (8) (c) 21. to determine if their enactments are materially different from the model compact statute and whether they qualify for participation in the compact.

3. All actions taken for the benefit of the compact commission or in furtherance of the purposes of the administration of the compact prior to the effective date of the compact or the compact commission coming into existence shall be considered to be actions of the compact commission unless specifically repudiated by the compact commission.

4. Any state that joins the compact subsequent to the compact commission's initial adoption of the rules and bylaws shall be subject to the rules and bylaws as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the compact commission shall have the full force and effect of law on the day the compact becomes law in that state.

(b) Any member state may withdraw from this compact by enacting a statute repealing the same.

1. A member state's withdrawal shall not take effect until 180 days after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's licensing authority to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.

3. Upon the enactment of a statute withdrawing from this compact, a state shall immediately provide notice of such withdrawal to all licensees within that state. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing state shall continue to recognize all compact privileges granted pursuant to this compact for a minimum of 180 days after the date of such notice of withdrawal.

(c) Nothing contained in this compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

(d) This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

(13) CONSTRUCTION AND SEVERABILITY. (a) This compact and the compact commission's rule-making authority shall be liberally construed so as to effectuate the purposes and the implementation and administration of the compact. Provisions of the compact expressly au-

thorizing or requiring the promulgation of rules shall not be construed to limit the compact commission's rule-making authority solely for those purposes.

(b) The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is held by a court of competent jurisdiction to be contrary to the constitution of any member state, a state seeking participation in the compact, or of the United States, or the applicability thereof to any government, agency, person, or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this compact and the applicability thereof to any other government, agency, person, or circumstance shall not be affected thereby.

(c) Notwithstanding par. (b), the compact commission may deny a state's participation in the compact or, in accordance with the requirements of sub. (11) (b), terminate a member state's participation in the compact, if it determines that a constitutional requirement of a member state is a material departure from the compact. Otherwise, if this compact shall be held to be contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

(14) CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS. (a) Nothing herein shall prevent or inhibit the enforcement of any other law of a member state that is not inconsistent with the compact.

(b) Any laws, statutes, regulations, or other legal requirements in a member state in conflict with the compact are superseded to the extent of the conflict.

(c) All permissible agreements between the compact commission and the member states are binding in accordance with their terms.

448.9888 Implementation of the dietitian licensure compact. **(1)** In this section:

(a) "Compact" means the dietitian licensure compact under s. 448.9887.

(b) "Compact privilege" means a compact privilege, as defined in s. 448.9887 (2) (i), that is granted under the compact to an individual to practice in this state.

(2) The department may impose a fee for an individual to receive a compact privilege as provided in s. 448.9887 (3) (c).

(3) (a) An individual who holds a compact privilege shall comply with s. 440.03 (13) (am).

(b) Subject to s. 448.9887 and any rules promulgated thereunder, ss. 440.20 to 440.22 and the rules promulgated under s. 440.03 (1) shall apply to an individual who holds a compact privilege in the same manner that they apply to holders of certificates issued under subch. V.

SECTION 31. 450.10 (3) (a) 5m. of the statutes is amended to read:

450.10 (3) (a) 5m. A dietitian who is certified under subch. V of ch. 448 or who holds a compact privilege under subch. XIV of ch. 448.

SECTION 32. 632.895 (1) (b) 5. b. of the statutes is repealed and recreated to read:

632.895 (1) (b) 5. b. A dietitian who is certified under subch. V of ch. 448 or who holds a compact privilege under subch. XIV of ch. 448.

Dietitians Affiliated Credentialing Board
Rule Projects (updated 01/14/26)

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Current Stage	Next Step
24-098	064-24	12/03/2026	DI 1	Definitions	Rule Effective 10/1/25	N/A
Not Assigned Yet	Not Assigned Yet	TBD	DI 1 to 5	Implementation of the Dietitian Licensure Compact	Scope Statement Reviewed at 1/27/26 Meeting	Submission for Governor's Office Approval and for Publication (Preliminary Hearing likely to be ordered by JCRAR)