



VIRTUAL/TELECONFERENCE
DIETITIANS AFFILIATED CREDENTIALING BOARD
4822 Madison Yards Way, Madison, WI 53705
Contact: Tom Ryan (608) 266-2112
April 1, 2022

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

11:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of January 26, 2022 (4-9)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns**
- D. Introductions, Announcements and Recognition**
- E. Administrative Updates**
 - 1) Department, Staff and Board Updates
 - 2) Delegation of Authorities
 - 3) Board Members – Term Expiration Dates
 - a) Hoyt, Jill D. – 7/1/2025
 - b) Joe, David – 7/1/2018
 - c) Kerkenbush, Rebecca L. – 7/1/2023
 - d) LaRowe, Tara L. – 7/1/2022
 - 4) Wis. Stat. § 15.083(3)(b) Biannual Meeting with the Medical Examining Board
- F. Administrative Rule Matters – Discussion and Consideration**
 - 1) Request from Mount Mary University **(10-12)**
 - 2) Pending or Possible Rulemaking Projects **(13-16)**
- G. Board Chair Meeting and Options to Address Department Resources – Discussion and Consideration**
- H. COVID-19 – Discussion and Consideration**
- I. 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) Administrative Rule Matters
- 7) Legislative and Policy Matters
- 8) Speaking Engagements, Travel, or Public Relation Requests, and Reports

J. 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.).

K. Deliberation on Matters Relating to Costs/Orders Fixing Costs

- 1) Melanie J. Mertes, C.D. – DHA Case Number SPS-20-0036/DLSC Case Number 18 DAB 002 **(17-40)**

L. 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

M. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

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

ADJOURNMENT

NEXT MEETING: TO BE DETERMINED

**VIRTUAL/TELECONFERENCE
DIETITIANS AFFILIATED CREDENTIALING BOARD
4822 Madison Yards Way, Madison, WI 53705
Contact: Tom Ryan (608) 266-2112
April 1, 2022**

**DIETITIANS AFFILIATED CREDENTIALING BOARD
2021 WISCONSIN PUBLIC RECORDS LAW FACILITATED TRAINING
11:15 A.M. OR IMMEDIATELY FOLLOWING THE FULL BOARD MEETING**

A quorum of the Dietitians Affiliated Credentialing Board may be present; however, no board business will be conducted.

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

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

**DIETITIANS AFFILIATED CREDENTIALING BOARD
TELECONFERENCE/VIRTUAL
MEETING MINUTES
JANUARY 26, 2022**

PRESENT: Jill Hoyt, David Joe, Rebecca Kerkenbush, Tara LaRowe

STAFF: Tom Ryan, Executive Director; Jameson Whitney, Legal Counsel, Megan Glaeser, Bureau Assistant; and other Department staff

CALL TO ORDER

Jill Hoyt, Chairperson, called the meeting to order at 9:00 a.m. A quorum was confirmed with four (4) members present.

ADOPTION OF AGENDA

Amendments to the Agenda:

- Under item B. Approval of Minutes: Change date from January 27, 2021 to May 25, 2021

MOTION: Tara LaRowe moved, seconded by David Joe, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF MAY 25, 2021

MOTION: Tara LaRowe moved, seconded by Jill Hoyt, to approve the Minutes of May 25, 2021 as published. Motion carried unanimously.

INTRODUCTIONS, ANNOUNCEMENTS AND RECOGNITION

Recognition of Scott Krueger, Dietitian Member

MOTION: Jill Hoyt moved, seconded by Tara LaRowe, to recognize and thank Scott Krueger for his years of service to the Dietitians Affiliated Credentialing Board and the State of Wisconsin. Motion carried unanimously.

ADMINISTRATIVE UPDATES

Election of Officers

Chairperson

NOMINATION: Jill Hoyt nominated Tara LaRowe 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 Jill Hoyt for the Office of Vice Chairperson. Jill Hoyt accepted the nomination.

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

Jill Hoyt was elected as Vice Chairperson by unanimous voice vote.

Secretary

NOMINATION: Jill Hoyt nominated Rebecca Kerkenbush for the Office of Secretary. Rebecca Kerkenbush accepted the nomination.

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

Rebecca Kerkenbush was elected as Secretary by unanimous voice vote.

ELECTION RESULTS	
Chairperson	Tara LaRowe
Vice Chairperson	Jill Hoyt
Secretary	Rebecca Kerkenbush

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaison(s)	Jill Hoyt <i>Alternate: Tara LaRowe</i>
Education and Examinations Liaison(s)	Tara LaRowe <i>Alternate: Jill Hoyt</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)	Jill Hoyt <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

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

Delegated Authority for Urgent Matters

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

Delegation to Chief Legal Counsel Due to Loss of Quorum

MOTION: Tara LaRowe moved, seconded by Rebecca Kerkenbush, 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 of Authorities for Monitoring

MOTION: Tara LaRowe moved, seconded by David Joe, to adopt the "Roles and Authorities Delegated for Monitoring" document as presented in the January 26, 2022 agenda materials on pages 15-16. 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: Jill Hoyt moved, seconded by Tara LaRowe, 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: David Joe moved, seconded by Tara LaRowe, 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: Rebecca Kerkenbush moved, seconded by Jill Hoyt, 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 Jill Hoyt, 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 of Authority for Reciprocity Reviews

MOTION: Tara LaRowe moved, seconded by Rebecca Kerkenbush, to delegate authority to the Department Attorneys to review and approve reciprocity applications in which the out of state license requirements meet or exceed the Board's requirements for licensure. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

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

Pre-Screening Delegation to Open Cases

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

Legislative Liaison Delegation

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

Travel Authorization Liaison Delegation

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

ACADEMY OF NUTRITION OF DIETETICS REQUEST TO SUPPORT A GRANT PROPOSAL TO ADVANCE AN INTERSTATE LICENSURE COMPACT

MOTION: Tara LaRowe moved, seconded by Rebecca Kerkenbush, to express the Board's support for exploring the establishment of an interstate licensure compact for Dietitians. Motion carried unanimously.

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

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

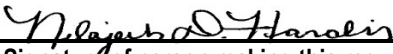
ADJOURNMENT

MOTION: David Joe moved, seconded by Tara LaRowe, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:17 a.m.

**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: 03/22/22 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: 04/01/22	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters Discussion and Consideration 1. Request from Mount Mary University 2. Pending or Possible Rulemaking Projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Board review and possibly take action on a request from Mount Mary University. Attachments: Letter from Mount Mary University Wis. Admin. Code Chapter DI 2. Wis. Stats. ss. 448.70 to 448.94			
11) Authorization			
 Signature of person making this request		03/22/22 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.			



Dietitians Affiliated Credentialing Board

c/o Executive Director Tom Ryan

4822 Madison Yards Way

Madison, WI 53705

February 28, 2022

Dear Mr. Ryan:

I am the Department Chair, and Program Director for the Coordinated Program and Graduate Program in Dietetics at Mount Mary University in Milwaukee. I am writing on behalf of our graduates and programs with an issue in the granting of the Certified Dietitian credential.

The Mount Mary University Coordinated Program in Dietetics is accredited by the USDE for two pathways to become a registered dietitian: an undergraduate pathway, leading to a bachelor's degree, and a pathway for graduate students, who have a bachelors degree, and who complete the requirements for the program, leading to the Dietetics Certificate. In both, students are verified to take the RD exam, leading to the RD credential.

Over the last year or longer, our graduates who received the Dietetics Certificate have been denied the certified dietitian credential, due to the following, found in DI 2.01:

- (a) Received a bachelor's, master's or doctoral degree in human nutrition, nutrition education, food and nutrition, dietetics or food systems management from a regionally accredited college or university and is located in a state or territory of the United States.**

These graduates may not have a nutrition degree, but transcripts have been evaluated for coursework and needed pre-requisites. Subsequently these graduates successfully completed all requirements of the program, as per the USDE accreditation.

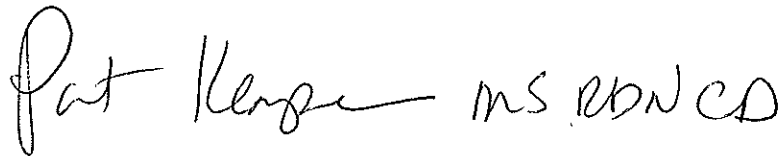
I also wanted to mention that with regards to the upcoming master's requirement for students graduating in 2024, just as was for the bachelor's degree, there is no requirement for what the degree needs to be in, as long as it is from a USDE accredited institution, per the Commission on Dietetic Registration. Therefore, future requests that the state may receive could be from students with another master's degree, other than the areas you have listed in the code.

The most recent graduate that I am working with has left multiple messages and sent many emails regarding this issue, with no response. I am also concerned in advance for the five students in the current Mount Mary Coordinated Program class, graduating in May 2022, in this same situation.

I am requesting that the Administrative Code be revised to reflect all accredited pathways to become a registered dietitian, and therefore a certified dietitian as well. These students are well prepared to meet the needs of all client groups that they will serve. I can also submit an agenda item for the next board meeting, but do not see one posted yet, and would request a more expedient discussion of this matter, as at least one RD is waiting for a response to this concern. I will also have the five graduates in May, and may have other requests to verify for the CD process as well in the interim. If needed, I am also happy to attend the board meeting.

Please let me know if you have questions. Thank you for your time and consideration, and I look forward to your response.

Sincerely,

A handwritten signature in black ink that reads "Pat Kempen MS RDN CD". The signature is written in a cursive style.

Pat Kempen MS RDN CD
Department Chair, Program Director for Coordinated Program and Graduate Program
Mount Mary University

CC.: Tara LaRowe, PhD, RDN, CSSD

Chapter DI 2

APPLICATIONS AND CREDENTIALS

DI 2.01 Applications and credentials.
DI 2.04 Temporary certificates.

DI 2.05 Reciprocal certificates.

DI 2.01 Applications and credentials. An applicant for initial certification as a dietitian shall submit all of the following:

- (1) A completed application form.
- (2) The fee specified in s. 440.05 (1), Stats.
- (3) Evidence satisfactory to the board that he or she has done any of the following:

(a) Received a bachelor's, master's or doctoral degree in human nutrition, nutrition education, food and nutrition, dietetics or food systems management from a regionally accredited college or university and is located in a state or territory of the United States.

(b) 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 board determines that the program is substantially equivalent to a program under par. (a). The board shall use an approved foreign graduate evaluation service to assist it in determining substantial equivalencies. An applicant under this section shall submit a verified copy of transcripts from the schools in which secondary education was obtained; a verified copy of the diploma from the school at which professional dietetics training was obtained; and a record of the number of class hours spent in each subject, for both preprofessional and professional courses. Information shall include whether the subjects have been taken at basic entry or advanced levels.

(c) Received a degree from or otherwise successfully completed a program in human nutrition, nutrition education, food and nutrition, dietetics or food systems management that is approved by the board.

(4) Evidence satisfactory to the board that he or she has completed at least 900 hours of dietetics practice in any state or territory of the United States under the supervision of any of the following:

- (a) A certified dietitian.
- (b) A registered dietitian.
- (c) An individual who received a doctoral degree in human nutrition, nutrition education, food and nutrition, dietetics or food systems management from any of the following:

1. A program at a regionally accredited college or university and is located in a state or territory of the United States.

2. A program at a college or university that is not located in a state or territory of the United States if the board determines that the program is substantially equivalent to a program under sub. (3) (a).

(d) The dietetic internship program under s. 253.065, Stats.

(5) Official verification of having passed the registration examination for dietitians established by the commission on dietetic registration of the American dietetic association, or passes an equivalent examination approved by the board, and held under s. 448.84, Stats., to determine fitness to practice dietetics.

(6) All pertinent information relating to any criminal convictions or pending criminal charges.

Note: Application forms are available upon request to the Department of Safety and Professional Services, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708. An otherwise qualified applicant with a disability shall be provided with reasonable accommodations.

History: Cr. Register, June, 1995, No. 274, eff. 7-1-95; am. (3) (b) and (5), Register, November, 1997, No. 503, eff. 12-1-97; CR 16-090: cr. (4) (d) Register October 2017 No. 742, eff. 11-1-17.

DI 2.04 Temporary certificates. (1) Upon application and payment of the fees specified in s. 440.05 (6), Stats., the board may grant a temporary dietitian certificate to an individual who satisfies the following:

(a) Provides evidence satisfactory to the board that he or she has done any of the following:

1. Received a bachelor's, master's or doctoral degree in human nutrition, nutrition education, food and nutrition, dietetics or food systems management from a regionally accredited college or university that is located in a state or territory of the United States.

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 board determines that the program is substantially equivalent to a program under par. (a). The board shall use an approved foreign graduate evaluation service to assist it in determining substantial equivalencies. An applicant under this section shall submit a verified copy of transcripts from the schools in which secondary education was obtained; a verified copy of the diploma from the school at which professional dietetics training was obtained; and a record of the number of class hours spent in each subject, for both preprofessional and professional courses. Information must include whether the subjects have been taken at basic entry or advanced levels.

Note: The board annually reviews and approves foreign graduate evaluation services. A list of board-approved services is available from the board upon request.

3. Received a degree from or otherwise successfully completed a program in human nutrition, nutrition education, food and nutrition, dietetics or food systems management that is approved by the board.

(b) Provides evidence satisfactory to the board that he or she has completed at least 900 hours of dietetics practice in any state or territory of the United States under the supervision of any of the following:

1. A certified dietitian.

2. A registered dietitian.

3. An individual who received a doctoral degree in human nutrition, nutrition education, food and nutrition, dietetics or food systems management from any of the following:

a. A program at a regionally accredited college or university that is located in a state or territory of the United States.

b. A program at a college or university that is not located in a state or territory of the United States if the board determines that the program is substantially equivalent to a program under par. (a) 1.

4. The dietetic internship program under s. 253.065, Stats.

(c) Submits an application for examination along with the fee specified in s. 440.05, Stats.

(d) Submits evidence that the individual will be practicing under the supervision of any of the following:

1. A certified dietitian.
2. A registered dietitian.
3. An individual who received a doctoral degree in human nutrition, nutrition education, food and nutrition, dietetics or food systems management from any of the following:
 - a. A program at a regionally accredited college or university and is located in a state or territory of the United States.
 - b. A program at a college or university that is not located in a state or territory of the United States if the board determines that the program is substantially equivalent to a program under par. (a) 1.
4. The dietetic internship program under s. 253.065, Stats.

(2) All pertinent information relating to any criminal convictions or pending criminal charges.

(3) A temporary certificate granted under this section is valid for a period designated by the board, not to exceed 9 months, and may be renewed only once by the board.

History: Cr. Register, June, 1995, No. 474, eff. 7-1-95; am. (1) (a) 1., 2., (b) 3. a., Register, November, 1997, No. 503, eff. 12-1-97; CR 05-021: am. (1) (c) Register August 2005 No. 596, eff. 9-1-05; CR 16-090: cr. (1) (b) 4., am. (1) (d) (intro.), cr. (1) (d) 4. Register October 2017 No. 742, eff. 11-1-17.

DI 2.05 Reciprocal certificates. Upon application and payment of the fees specified in s. 440.05 (6), Stats., the board shall grant a dietitian certificate to an individual who holds a similar certificate or license in another state or territory of the United States if the board determines that the requirements for receiving the certificate in the other state or territory at the time of application are substantially equivalent to the requirements under s. 448.78, Stats.

History: Cr. Register, June, 1995, No. 474, eff. 7-1-95.

(3) The affiliated credentialing board shall promulgate rules specifying the requirements for a course of instruction related to X-ray examinations by persons under the direct supervision of a podiatrist under s. 462.02 (2) (f). In promulgating the rules, the affiliated credentialing board shall consult with the radiography examining board and shall examine laws and rules in other states. The affiliated credentialing board shall approve courses that meet the requirements set forth in the rules.

(4) The affiliated credentialing board shall promulgate rules establishing all of the following:

(a) Practice standards for a physician assistant practicing podiatry as provided in s. 448.975 (2) (a) 2m.

NOTE: Par. (a) is shown as amended eff. 4–1–22 by 2021 Wis. Act 23. Prior to 4–1–22 it reads:

(a) Practice standards for a physician assistant practicing podiatry as provided in s. 448.21 (4).

(b) Requirements for a podiatrist who is supervising a physician assistant as provided in s. 448.975 (2) (a) 2m.

NOTE: Par. (b) is shown as amended eff. 4–1–22 by 2021 Wis. Act 23. Prior to 4–1–22 it reads:

(b) Requirements for a podiatrist who is supervising a physician assistant as provided in s. 448.21 (4).

Cross-reference: See also ch. Pod 7, Wis. adm. code.

History: 1997 a. 175; 2009 a. 106; 2013 a. 345; 2017 a. 227; 2021 a. 23.

Cross-reference: See also Pod, Wis. adm. code.

448.697 Informed consent. Any podiatrist who treats a patient shall inform the patient about the availability of reasonable alternate modes of treatment and about the benefits and risks of these treatments. The reasonable podiatrist standard is the standard for informing a patient under this section. The reasonable podiatrist standard requires disclosure only of information that a reasonable podiatrist would know and disclose under the circumstances. The podiatrist's duty to inform the patient under this section does not require disclosure of any of the following:

(1) Detailed technical information that in all probability a patient would not understand.

(2) Risks apparent or known to the patient.

(3) Extremely remote possibilities that might falsely or detrimentally alarm the patient.

(4) Information in emergencies where failure to provide treatment would be more harmful to the patient than treatment.

(5) Information in cases where the patient is incapable of consenting.

(6) Information about alternate modes of treatment for any condition the podiatrist has not included in his or her diagnosis at the time the podiatrist informs the patient.

History: 2013 a. 345.

SUBCHAPTER V

DIETITIANS AFFILIATED CREDENTIALING BOARD

448.70 Definitions. In this subchapter:

(1) "Affiliated credentialing board" means the dietitians affiliated credentialing board.

(1m) "Certified dietitian" means an individual who is certified as a dietitian under this subchapter.

(2) "Dietetics" means the integration and application of principles of nutritional science, biochemistry, food science, physiology, food systems management, behavioral science and social science in order to achieve or maintain the health of an individual or group of individuals. "Dietetics" includes assessing the nutritional needs of an individual or group of individuals and determining available resources and constraints in meeting those nutritional needs; establishing priorities, goals and objectives that meet those nutritional needs and are consistent with available resources and constraints; providing nutrition counseling; or developing, implementing and managing nutritional care systems.

(3) "Dietitian" means an individual who practices dietetics.

History: 1993 a. 443.

448.72 Applicability. This subchapter does not do any of the following:

(1) Require a certificate under this subchapter for any of the following:

(a) A person who is lawfully practicing within the scope of a license, permit or certificate of certification or registration granted under chs. 441, 446 to 451 or 456, or who is lawfully practicing in any other health care profession that is regulated by state law.

(b) A person to whom a practice or procedure is delegated by a person under par. (a).

(c) A person pursuing a supervised course of study, including internships, leading to a degree or certificate in dietetics from an accredited educational program or an educational program approved by the affiliated credentialing board.

(d) A dietetic technician or assistant who is working under the supervision of a certified dietitian.

(e) A dietitian who is serving in the U.S. armed forces, as defined in s. 40.02 (57m), or in the commissioned corps of the federal public health service or is employed by the U.S. veterans administration, and who is engaged in the practice of dietetics as part of that service or employment.

(f) A person who markets or distributes food, food materials or dietary or food supplements, who explains the use, benefits or preparation of food, food materials or dietary or food supplements, who furnishes nutritional information on food, food materials or dietary or food supplements, or who disseminates nutritional information or literature, if the person does not use the title "dietitian" or "certified dietitian" and the person complies with applicable federal, state and local laws.

(2) Prohibit a dietetic student described in sub. (1) (c) from using the title "dietitian student" or any other title, letters or designation that clearly indicates his or her status as a student or trainee.

(3) Prohibit an individual described in sub. (1) (e) from using the title "dietitian" or any letters or designation that represents or may tend to represent the individual as a dietitian, if the title, letters or designation is used only in the course of the individual's service or employment.

(4) Prohibit an individual who is registered as a dietitian with the commission on dietetic registration of the American Dietetic Association from using the title "dietitian" or "registered dietitian".

(5) Prohibit an individual who is registered as a dietetic technician with the commission on dietetic registration of the American Dietetic Association from using the title "dietetic technician" or "dietetic technician registered".

(6) Prohibit an individual from using the title "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.

History: 1993 a. 443; 1997 a. 75.

448.74 Duties of affiliated credentialing board. The affiliated credentialing board shall promulgate rules that do all of the following:

(1) Establish criteria for the approval of educational programs and training under s. 448.78 (3) and (4).

(2) Establish a code of ethics to govern the professional conduct of certified dietitians.

History: 1993 a. 443.

Cross-reference: See also DI, Wis. adm. code.

448.76 Use of titles. Except as provided in s. 448.72 (1) (e) and (2) to (6), a person who is not a certified dietitian may not designate himself or herself as a dietitian, claim to provide dietetic

services or use any title or initials that represent or may tend to represent the person as certified or licensed as a dietitian or as certified or licensed in a nutrition–related field.

History: 1993 a. 443; 1997 a. 75.

448.78 Certification of dietitians. The affiliated credentialing board shall grant a certificate as a dietitian to an individual who does all of the following:

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

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

(3) Submits evidence satisfactory to the affiliated credentialing board that he or she has done any of the following:

(a) 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 regionally accredited, as determined by the affiliated credentialing board, and that is located in a state or territory of the United States.

(b) 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).

(c) Received a degree from or otherwise successfully completed a program in human nutrition, nutrition education, food and nutrition, dietetics or food systems management that is approved by the affiliated credentialing board.

(4) Submits evidence satisfactory to the affiliated credentialing board that he or she has completed at least 900 hours of dietetics practice in any state or territory of the United States under the supervision of any of the following:

(a) A certified dietitian.

(b) An individual who is registered as a dietitian with the commission on dietetic registration of the American Dietetic Association.

(c) An individual who received a doctoral degree in human nutrition, nutrition education, food and nutrition, dietetics or food systems management from any of the following:

1. A program at a college or university that is regionally accredited, as determined by the affiliated credentialing board, and that is located in a state or territory of the United States.

2. 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. 1.

(d) The internship program under s. 253.065.

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

History: 1993 a. 443; 2015 a. 276.

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 (1) to (4) 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.

History: 1993 a. 443.

448.82 Reciprocal certificate. Upon application and payment of the fee specified in s. 440.05 (2), the affiliated credential-

ing board shall grant a dietitian certificate 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.

History: 1993 a. 443.

448.84 Examinations. (1) The affiliated credentialing board shall conduct or arrange for examinations for dietitian certification at least semiannually and at times and places determined by the affiliated credentialing board, and shall provide public notice of each examination at least 90 days before the date of the examination.

(2) Examinations held under sub. (1) shall consist of written or oral tests, or both, requiring applicants to demonstrate minimum competency in subjects substantially related to the practice of dietetics.

History: 1993 a. 443.

448.86 Issuance of certificate; expiration and renewal.

(1) The department shall issue a certificate to each individual who is certified under this subchapter.

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

History: 1993 a. 443; 1997 a. 175; 2007 a. 20.

448.87 Disciplinary proceedings and actions. (1) Subject to the rules promulgated under s. 440.03 (1), the affiliated credentialing board may make investigations and conduct hearings to determine whether a violation of this subchapter or any rule promulgated under this subchapter has occurred.

(2) 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 if it finds that the applicant or certified dietitian has done any of the following:

(a) Made a material misstatement in an application for a certificate or for renewal of a certificate.

(b) Subject to ss. 111.321, 111.322 and 111.335, been convicted of an offense the circumstances of which substantially relate to the practice of dietetics.

(c) Advertised in a manner that is false, deceptive or misleading.

(d) Advertised, practiced or attempted to practice under another's name.

(e) Subject to ss. 111.321, 111.322 and 111.34, practiced dietetics while his or her ability to practice was impaired by alcohol or other drugs.

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

(g) Engaged in conduct while practicing dietetics which evidences a lack of knowledge or ability to apply professional principles or skills.

(h) Violated this subchapter or any rule promulgated under this subchapter.

History: 1993 a. 443; 1999 a. 180 s. 55.

448.94 Penalties. Any person who violates this subchapter or any rule promulgated under this subchapter may be fined not more than \$1,000 or imprisoned for not more than 6 months or both.

History: 1993 a. 443.