

STATE OF WISCONSIN
DIETITIANS AFFILIATED CREDENTIALING BOARD

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

PROPOSED ORDER

An order of the Dietitians Affiliated Credentialing Board to amend DI 2.04 (1) (d) (intro.) and create DI 2.01 (4) (d) and 2.04 (1) (b) 4. and (d) 4., relating to credentials for certification.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 448.78 (4) (d), Stats.

Statutory authority:

Sections 15.08 (5) (b) and 448.74 (1), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides an examining board “shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Section 448.74 (1), Stats., provides the Dietitians Affiliated Credentialing Board shall promulgate rules that “[e]stablish criteria for the approval of educational programs and training under s. 448.78 (3) and (4).”

Related statute or rule:

None.

Plain language analysis:

Current rules list the categories of practice under which an individual may complete the 900 supervised hours required under s. 448.78 (4), Stats., for certification as a dietitian. The proposed rules amend the list to reflect the provisions of 2015 Wisconsin Act 276, which added the Dietetic Internship Program under s. 253.065, Stats., to the categories of practice under s. 448.78 (4), Stats.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:

Illinois:

Rules of the Illinois Department of Financial and Professional Regulation establish practice experience requirements for licensure as a dietitian nutritionist in Illinois (68 Ill. Adm. Code 1245.140). The rules require 900 hours of practice experience in dietetics or nutrition. Internships approved by the Accreditation Council for Education in Nutrition and Dietetics, American Clinical Board of Nutrition, Board for Certification of Nutrition Specialists, and Clinical Nutrition Certification Board meet the experience requirements.

Iowa:

Rules of the Iowa Board of Dietetics establish supervised experience requirements for licensure as a dietitian in Iowa (645 IAC 81.6). The rules require completion of an accredited competency-based supervised experience program approved by the Accreditation Council for Education in Nutrition and Dietetics of the Academy of Nutrition and Dietetics.

Michigan:

On July 1, 2014, Public Act 267 of 2014 was signed into law, which repealed Michigan's licensure requirements for dietitians and nutritionists and eliminated the Michigan Board of Dietetics and Nutrition.

Minnesota:

Rules of the Minnesota Board of Dietetics and Nutrition Practice establish experience requirements for licensure as a dietitian in Minnesota (Minnesota Rules, Part 3250.0010). The rules require completion of a supervised preprofessional practice experience component in nutrition practice of at least 900 hours under the supervision of a registered dietitian, a state licensed nutrition professional, or an individual with a doctoral degree conferred by a United States regionally accredited college or university who has completed a major course of study in human nutrition, nutrition education, food and nutrition, dietetics, or food system management.

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the provisions of 2015 Wisconsin Act 276 in conjunction with the current rules relating to applications and credentials under ch. DI 2 and obtaining input and feedback from the Dietitians Affiliated Credentialing Board.

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

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

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Jeffrey.Weigand@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held at 9:00 a.m. on January 25, 2017, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. DI 2.01 (4) (d) is created to read:

DI 2.01 (4) (d) The dietetic internship program under s. 253.065, Stats.

SECTION 2. DI 2.04 (1) (b) 4. is created to read:

DI 2.04 (1) (b) 4. The dietetic internship program under s. 253.065, Stats.

SECTION 3. DI 2.04 (1) (d) (intro.) is amended to read:

DI 2.04 (1) (d) (intro.) Submits evidence that the individual will be practicing under the supervision of an individual ~~meeting~~ meeting any of the following criteria:

SECTION 4. DI 2.04 (1) (d) 4. is created to read:

DI 2.04 (1) (d) 4. The dietetic internship program under s. 253.065, Stats.

SECTION 5. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

DI 2

3. Subject

Credentials for certification

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

20.165(1)(hg)

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

Current rules list the categories of practice under which an individual may complete the 900 supervised hours required under s. 448.78 (4), Stats., for certification as a dietitian. The proposed rules amend the list to reflect the provisions of 2015 Wisconsin Act 276, which added the Dietetic Internship Program under s. 253.065, Stats., to the categories of practice under s. 448.78 (4), Stats.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

The proposed rule was posted on the Department of Safety and Professional Services website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received.

11. Identify the local governmental units that participated in the development of this EIA.

No local governmental units participated in the development of this EIA.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

This proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefit to implementing the rule is providing clarity and updated practice and credentialing standards. If the rule is not implemented, it will continue to reference outdated practice and credentialing standards.

14. Long Range Implications of Implementing the Rule

The long range implication of implementing the rule is clarity and updated practice and credentialing standards.

15. Compare With Approaches Being Used by Federal Government

None

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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

Illinois:

Rules of the Illinois Department of Financial and Professional Regulation establish practice experience requirements for licensure as a dietitian nutritionist in Illinois (68 Ill. Adm. Code 1245.140). The rules require 900 hours of practice experience in dietetics or nutrition. Internships approved by the Accreditation Council for Education in Nutrition and Dietetics, American Clinical Board of Nutrition, Board for Certification of Nutrition Specialists, and Clinical Nutrition Certification Board meet the experience requirements.

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17. Contact Name

Dale Kleven

18. Contact Phone Number

(608) 261-4472

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