

Clearinghouse Rule 22-031

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 2.01 (5) and (6) Note; and to create DI 2.03 relating to reciprocal credentials for service members, former service members, and their spouses.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Section 440.09, Stats.

Statutory authority: Sections 15.085 (5) (b) and 440.09 (5), Stats.

Explanation of agency authority:

Section 15.085 (5) (b), Stats., provides 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...”

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

Related statute or rule: None.

Plain language analysis:

The proposed rule creates a provision to implement s. 440.09, Stats., as amended by 2019 Wisconsin Act 143. Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members. In addition, the proposed rule will revise s. DI 2.01 (5) to reflect that the American Dietetic Association has been renamed the Academy of Nutrition and Dietetics. A revision to the note found under s. DI 2.01 (6) updates the department phone number and website.

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

None.

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

No public comments were received on the statement of scope. All public comments on this proposed rule received in the rulemaking process will be considered by the Dietitians Affiliated Credentialing Board.

Comparison with rules in adjacent states:

Illinois:

The Illinois Statutes provide for the expedited licensure of service members and their spouses (20 ILCS 5/5-715). "Service member" includes a person whose active duty service concluded within the 2 years preceding application for licensure. A license issued to a service member or the spouse of a service member may be renewed. Rules of the Illinois Department of Financial and Professional Regulation establish requirements for licensure as a dietitian nutritionist in Illinois (68 Ill. Adm. Code 1245 Subpart B).

Iowa:

Rules of the Professional Licensure Division of the Iowa Department of Public Health provide for the expedited reciprocal licensure of a veteran or a spouse of an active duty service member (645 IAC 645.20.3). A reciprocal license issued to a veteran or a spouse of an active duty service member may be renewed. Rules of the Iowa Board of Dietetics establish requirements for licensure as a dietitian in Iowa (645 IAC 81.4).

Michigan:

The Michigan Statutes provide for temporary licensure of the spouse of an active duty service member (MCL 339.213). A temporary license is valid for 6 months and may be renewed for one additional 6-month term if it is determined the licensee continues to meet the requirements for temporary licensure and needs additional time to fulfill the requirements for initial licensure. Public Act 267 of 2014 repealed Michigan's licensure requirements for dietitians and nutritionists and eliminated the Michigan Board of Dietetics and Nutrition.

Minnesota:

The Minnesota Statutes provide for temporary licensure of an individual who is an active duty military member, the spouse of an active duty military member, or a veteran who has left service in the 2 years preceding the date of license application (2020 Minnesota Statutes, Section 197.4552). A temporary license allows a qualified individual to perform regulated professional services for a limited length of time as determined by the applicable licensing board. During the temporary license period, the individual must complete the full application procedure as required by applicable law. Rules of the

Minnesota Board of Dietetics and Nutrition Practice establishes requirements for licensure as a dietitian in Minnesota (Minnesota Administrative Rules, 3250.0010).

Summary of factual data and analytical methodologies:

The rules were developed by reviewing the provisions of 2019 Wisconsin Act 143 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 rules were posted for a period of 14 days to solicit public comment on economic impact, including how the rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

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

Agency contact person:

Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-267-7139; email at DSPSAdminRules@wisconsin.gov.

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

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

TEXT OF RULE

SECTION 1. DI 2.01 (5) and (6) Note is amended to read:

DI 2.01 (5) Official verification of having passed the registration examination for dietitians established by the commission on dietetic registration of the ~~American dietetic association~~ academy of nutrition and dietetics, or passes an equivalent examination approved by the board, and held under s. 448.84, Stats., to determine fitness to practice dietetics.

(6) Note: Application forms ~~are available upon request to~~ may be obtained from the Department of Safety and Professional Services, ~~1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708~~ by calling (608) 266-2112 or from the department's website at <http://dsps.wi.gov>. ~~An otherwise qualified applicant with a disability shall be provided with reasonable accommodations.~~

SECTION 2. DI 2.03 is created to read:

DI 2.03 Reciprocal credentials for service members, former service members, and their spouses. A reciprocal license shall be granted to a service member, former service member, or the spouse of a service member or former service member who the board determines meets all of the requirements under s. 440.09 (2), Stats. Subject to s. 440.09 (2m), Stats., the board may request verification necessary to make a determination under this section.

Note: Applications for reciprocal licensure may be obtained from the Department of Safety and Professional Services by calling (608) 266-2112 or from the department's website at <http://dsps.wi.gov> .

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

(END OF TEXT OF RULE)
