

Senate Bill 536

By: Senators Halpern of the 39th, Walker III of the 20th and Harbison of the 15th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 11A of Title 43 of the Official Code of Georgia Annotated, relating to
2 dietitians, so as to enter into an interstate compact known as the "Dietitian Licensure
3 Compact"; to authorize the Georgia Board of Examiners of Licensed Dietitians to administer
4 the compact in this state; to authorize the board to conduct national background checks; to
5 provide for a short title; to provide for conforming changes; to provide for related matters;
6 to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 11A of Title 43 of the Official Code of Georgia Annotated, relating to dietitians, is
10 amended in Code Section 43-11A-7, relating to powers of board, by revising paragraphs (13)
11 and (14) and by adding new paragraphs to read as follows:

12 "(13) Establish continuing education requirements; ~~and~~
13 (14) Adopt a seal which shall be affixed only in such manner as prescribed by the board;
14 (15) Administer the Dietitians Licensure Compact contained in Article 2 of this chapter;
15 and

16 (16) Conduct national background checks by the submission of fingerprints to the
17 Federal Bureau of Investigation through the Georgia Crime Information Center; provided,
18 however, that reports from such background checks shall not be shared with entities
19 outside of this state."

20 **SECTION 2.**

21 Said chapter is further amended by designating Code Sections 43-11A-1 through 43-11A-19
22 as Article 1.

23 **SECTION 3.**

24 Said chapter is further amended by replacing "chapter" with "article" wherever the former
25 appears in:

- 26 (1) Code Section 43-11A-1, relating to short title;
- 27 (2) Code Section 43-11A-2, relating to purpose of chapter;
- 28 (3) Code Section 43-11A-3, relating to definitions;
- 29 (4) Code Section 43-11A-5, relating to qualifications, appointment, and removal of board
30 members;
- 31 (5) Code Section 43-11A-7, relating to powers of board;
- 32 (6) Code Section 43-11A-8, relating to grant of license without examination;
- 33 (7) Code Section 43-11A-14, relating to surrender of license on demand, display
34 requirement, notice of change of address, renewal, and inactive status;
- 35 (8) Code Section 43-11A-15, relating to refusal, suspension, or revocation of license and
36 other disciplinary actions;
- 37 (9) Code Section 43-11A-16, relating to license requirement and registered dietitians;
- 38 (10) Code Section 43-11A-17, relating to applicability of "Georgia Administrative
39 Procedure Act";
- 40 (11) Code Section 43-11A-18, relating to exceptions; and

41 (12) Code Section 43-11A-19, relating to eligibility of nutritionists for license.

42 **SECTION 4.**

43 Said chapter is further amended by adding a new article to read as follows:

44 "ARTICLE 2

45 43-11A-30.

46 This article shall be known and may be cited as the 'Dietitian Licensure Compact Act.'

47 43-11A-31.

48 The Dietitian Licensure Compact is enacted into law and entered into by the State of
49 Georgia with any and all other states legally joining therein in the form substantially as
50 follows:

51 'DIETITIAN LICENSURE COMPACT ACT

52 SECTION 1: PURPOSE

53 The purpose of this Compact is to facilitate interstate practice of Practice of Dietetics with
54 the goal of improving public access to dietetics services. The Compact preserves the
55 regulatory authority of States to protect public health and safety through the current system
56 of State licensure, while also providing for licensure portability through a Compact Privilege
57 granted to qualifying professionals.

58 The Compact is designed to achieve the following objectives:

59 A. Increase public access to dietetics services;

- 60 B. Provide opportunities for interstate practice by Licensed Dietitians who meet uniform
61 requirements;
- 62 C. Eliminate the necessity for Licenses in multiple States;
- 63 D. Reduce administrative burden on Member States and Licensees;
- 64 E. Enhance the States' ability to protect the public's health and safety;
- 65 F. Encourage the cooperation of Member States in regulating multistate practice of
66 Licensed Dietitians;
- 67 G. Support relocating Active Military Members and their spouses;
- 68 H. Enhance the exchange of licensure, investigative, and disciplinary information among
69 Member States; and
- 70 I. Vest all Member States with the authority to hold a Licensed Dietitian accountable for
71 meeting all State practice laws in the State in which the patient is located at the time care
72 is rendered.

73 SECTION 2: DEFINITIONS

74 As used in this Compact, and except as otherwise provided, the following definitions shall
75 apply:

- 76 A. 'ACEND' means the Accreditation Council for Education in Nutrition and Dietetics or
77 its successor organization.
- 78 B. 'Active Military Member' means any individual with full-time duty status in the active
79 armed forces of the United States, including members of the National Guard and Reserve.
- 80 C. 'Adverse Action means any administrative, civil, equitable or criminal action permitted
81 by a State's laws which is imposed by a Licensing Authority or other authority against a
82 Licensee, including actions against an individual's License or Compact Privilege such as
83 revocation, suspension, probation, monitoring of the Licensee, limitation on the Licensee's
84 practice, or any other Encumbrance on licensure affecting a Licensee's authorization to
85 practice, including issuance of a cease and desist action.

- 86 D. 'Alternative Program' means a non-disciplinary monitoring or practice remediation
87 process approved by a Licensing Authority.
- 88 E. 'Charter Member State' means any Member State which enacted this Compact by law
89 before the Effective Date specified in Section 12.
- 90 F. 'Continuing Education' means a requirement, as a condition of License renewal, to
91 provide evidence of participation in, and completion of, educational and professional
92 activities relevant to practice or area of work.
- 93 G. 'CDR' means the Commission on Dietetic Registration or its successor organization.
- 94 H. 'Compact Commission' means the government agency whose membership consists of
95 all States that have enacted this Compact, which is known as the Dietitian Licensure
96 Compact Commission, as described in Section 8, and which shall operate as an
97 instrumentality of the Member States.
- 98 I. 'Compact Privilege' means a legal authorization, which is equivalent to a License,
99 permitting the Practice of Dietetics in a Remote State.
- 100 J. 'Current Significant Investigative Information' means:
- 101 1. Investigative Information that a Licensing Authority, after a preliminary inquiry that
102 includes notification and an opportunity for the subject Licensee to respond, if required
103 by State law, has reason to believe is not groundless and, if proved true, would indicate
104 more than a minor infraction; or
- 105 2. Investigative Information that indicates that the subject Licensee represents an
106 immediate threat to public health and safety regardless of whether the subject Licensee
107 has been notified and had an opportunity to respond.
- 108 K. 'Data System' means a repository of information about Licensees, including, but not
109 limited to, Continuing Education, examination, licensure, investigative, Compact Privilege
110 and Adverse Action information.
- 111 L. 'Encumbered License' means a License in which an Adverse Action restricts a Licensee's
112 ability to practice dietetics.

- 113 M. 'Encumbrance' means a revocation or suspension of, or any limitation on a Licensee's
114 full and unrestricted Practice of Dietetics by a Licensing Authority.
- 115 N. 'Executive Committee' means a group of delegates elected or appointed to act on behalf
116 of, and within the powers granted to them by, this Compact, and the Compact Commission.
- 117 O. 'Home State' means the Member State that is the Licensee's primary State of residence
118 or that has been designated pursuant to Section 6.
- 119 P. 'Investigative Information' means information, records, and documents received or
120 generated by a Licensing Authority pursuant to an investigation.
- 121 Q. 'Jurisprudence Requirement' means an assessment of an individual's knowledge of the
122 State laws and regulations governing the Practice of Dietetics in such State.
- 123 R. 'License' means an authorization from a Member State to either:
124 1. Engage in the Practice of Dietetics (including medical nutrition therapy); or
125 2. Use the title 'dietitian,' 'licensed dietitian,' 'licensed dietitian nutritionist,' 'certified
126 dietitian,' or other title describing a substantially similar practitioner as the Compact
127 Commission may further define by Rule.
- 128 S. 'Licensee' or 'Licensed Dietitian' means an individual who currently holds a License and
129 who meets all of the requirements outlined in Section 4.
- 130 T. 'Licensing Authority' means the board or agency of a State, or equivalent, that is
131 responsible for the licensing and regulation of the Practice of Dietetics.
- 132 U. 'Member State' means a State that has enacted the Compact.
- 133 V. 'Practice of Dietetics' means the synthesis and application of dietetics as defined by state
134 law and regulations, primarily for the provision of nutrition care services, including
135 medical nutrition therapy, in person or via telehealth, to prevent, manage, or treat diseases
136 or medical conditions and promote wellness.
- 137 W. 'Registered Dietitian' means a person who:
138 1. Has completed applicable education, experience, examination, and recertification
139 requirements approved by CDR;

- 140 2. Is credentialed by CDR as a registered dietitian or a registered dietitian nutritionist; and
141 3. Is legally authorized to use the title registered dietitian or registered dietitian
142 nutritionist and the corresponding abbreviations "RD" or "RDN."
- 143 X. 'Remote State' means a Member State other than the Home State, where a Licensee is
144 exercising or seeking to exercise a Compact Privilege.
- 145 Y. 'Rule' means a regulation promulgated by the Compact Commission that has the force
146 of law.
- 147 Z. 'Single State License' means a License issued by a Member State within the issuing State
148 and does not include a Compact Privilege in any other Member State.
- 149 AA. 'State' means any state, commonwealth, district, or territory of the United States of
150 America.
- 151 BB. 'Unencumbered License' means a License that authorizes a Licensee to engage in the
152 full and unrestricted Practice of Dietetics.

153 SECTION 3: STATE PARTICIPATION IN THE COMPACT

- 154 A. To participate in the Compact, a State must currently:
- 155 1. License and regulate the Practice of Dietetics; and
156 2. Have a mechanism in place for receiving and investigating complaints about Licensees.
- 157 B. A Member State shall:
- 158 1. Participate fully in the Compact Commission's Data System, including using the
159 unique identifier as defined in Rules;
- 160 2. Notify the Compact Commission, in compliance with the terms of the Compact and
161 Rules, of any Adverse Action or the availability of Current Significant Investigative
162 Information regarding a Licensee;
- 163 3. Implement or utilize procedures for considering the criminal history record information
164 of applicants for an initial Compact Privilege. These procedures shall include the
165 submission of fingerprints or other biometric-based information by applicants for the

166 purpose of obtaining an applicant's criminal history record information from the Federal
167 Bureau of Investigation and the agency responsible for retaining that State's criminal
168 records;

169 a. A Member State must fully implement a criminal history record information
170 requirement, within a time frame established by Rule, which includes receiving the
171 results of the Federal Bureau of Investigation record search and shall use those results
172 in determining Compact Privilege eligibility.

173 b. Communication between a Member State and the Compact Commission or among
174 Member States regarding the verification of eligibility for a Compact Privilege shall not
175 include any information received from the Federal Bureau of Investigation relating to
176 a federal criminal history record information check performed by a Member State.

177 4. Comply with and enforce the Rules of the Compact Commission;

178 5. Require an applicant for a Compact Privilege to obtain or retain a License in the
179 Licensee's Home State and meet the Home State's qualifications for licensure or renewal
180 of licensure, as well as all other applicable State laws; and

181 6. Recognize a Compact Privilege granted to a Licensee who meets all of the
182 requirements outlined in Section 4 in accordance with the terms of the Compact and
183 Rules.

184 C. Member States may set and collect a fee for granting a Compact Privilege.

185 D. Individuals not residing in a Member State shall continue to be able to apply for a
186 Member State's Single State License as provided under the laws of each Member State.
187 However, the Single State License granted to these individuals shall not be recognized as
188 granting a Compact Privilege to engage in the Practice of Dietetics in any other Member
189 State.

190 E. Nothing in this Compact shall affect the requirements established by a Member State for
191 the issuance of a Single State License.

192 F. At no point shall the Compact Commission have the power to define the requirements
193 for the issuance of a Single State License to practice dietetics. The Member States shall
194 retain sole jurisdiction over the provision of these requirements.

195 SECTION 4: COMPACT PRIVILEGE

196 A. To exercise the Compact Privilege under the terms and provisions of the Compact, the
197 Licensee shall:

198 1. Satisfy one of the following:

199 a. Hold a valid current registration that gives the applicant the right to use the term
200 Registered Dietitian; or

201 b. Complete all of the following:

202 i. An education program which is either:

203 a) A master's degree or doctoral degree that is programmatically accredited by (i)
204 ACEND; or (ii) a dietetics accrediting agency recognized by the United States
205 Department of Education, which the Compact Commission may by Rule determine,
206 and from a college or university accredited at the time of graduation by the
207 appropriate regional accrediting agency recognized by the Council on Higher
208 Education Accreditation and the United States Department of Education.

209 b) An academic degree from a college or university in a foreign country equivalent
210 to the degree described in subparagraph (a) that is programmatically accredited by
211 (i) ACEND; or (ii) a dietetics accrediting agency recognized by the United States
212 Department of Education, which the Compact Commission may by Rule determine.

213 ii. A planned, documented, supervised practice experience in dietetics that is
214 programmatically accredited by (i) ACEND, or (ii) a dietetics accrediting agency
215 recognized by the United States Department of Education which the Compact
216 Commission may by Rule determine and which involves at least 1000 hours of

217 practice experience under the supervision of a Registered Dietitian or a Licensed
218 Dietitian.

219 iii. Successful completion of either: (i) the Registration Examination for Dietitians
220 administered by CDR, or (ii) a national credentialing examination for dietitians
221 approved by the Compact Commission by Rule; such completion being no more than
222 five years prior to the date of the Licensee's application for initial licensure and
223 accompanied by a period of continuous licensure thereafter, all of which may be
224 further governed by the Rules of the Compact Commission.

225 2. Hold an Unencumbered License in the Home State;

226 3. Notify the Compact Commission that the Licensee is seeking a Compact Privilege
227 within a Remote State(s);

228 4. Pay any applicable fees, including any State fee, for the Compact Privilege;

229 5. Meet any Jurisprudence Requirements established by the Remote State(s) in which the
230 Licensee is seeking a Compact Privilege; and

231 6. Report to the Compact Commission any Adverse Action, Encumbrance, or restriction
232 on a License taken by any non-Member State within 30 days from the date the action is
233 taken.

234 B. The Compact Privilege is valid until the expiration date of the Home State License. To
235 maintain a Compact Privilege, renewal of the Compact Privilege shall be congruent with
236 the renewal of the Home State License as the Compact Commission may define by Rule.
237 The Licensee must comply with the requirements of Section 4(A) to maintain the Compact
238 Privilege in the Remote State(s).

239 C. A Licensee exercising a Compact Privilege shall adhere to the laws and regulations of
240 the Remote State. Licensees shall be responsible for educating themselves on, and
241 complying with, any and all State laws relating to the Practice of Dietetics in such Remote
242 State.

243 D. Notwithstanding anything to the contrary provided in this Compact or State law, a
244 Licensee exercising a Compact Privilege shall not be required to complete Continuing
245 Education Requirements required by a Remote State. A Licensee exercising a Compact
246 Privilege is only required to meet any Continuing Education Requirements as required by
247 the Home State.

248 SECTION 5: OBTAINING A NEW HOME STATE LICENSE BASED ON A COMPACT
249 PRIVILEGE

250 A. A Licensee may hold a Home State License, which allows for a Compact Privilege in
251 other Member States, in only one Member State at a time.

252 B. If a Licensee changes Home State by moving between two Member States:

253 1. The Licensee shall file an application for obtaining a new Home State License based
254 on a Compact Privilege, pay all applicable fees, and notify the current and new Home
255 State in accordance with the Rules of the Compact Commission.

256 2. Upon receipt of an application for obtaining a new Home State License by virtue of a
257 Compact Privilege, the new Home State shall verify that the Licensee meets the criteria
258 in Section 4 via the Data System, and require that the Licensee complete the following:

259 a. Federal Bureau of Investigation fingerprint based criminal history record information
260 check;

261 b. Any other criminal history record information required by the new Home State; and

262 c. Any Jurisprudence Requirements of the new Home State.

263 3. The former Home State shall convert the former Home State License into a Compact
264 Privilege once the new Home State has activated the new Home State License in
265 accordance with applicable Rules adopted by the Compact Commission.

266 4. Notwithstanding any other provision of this Compact, if the Licensee cannot meet the
267 criteria in Section 4, the new Home State may apply its requirements for issuing a new
268 Single State License.

269 5. The Licensee shall pay all applicable fees to the new Home State in order to be issued
270 a new Home State License.

271 C. If a Licensee changes their State of residence by moving from a Member State to a
272 nonMember State, or from a non-Member State to a Member State, the State criteria shall
273 apply for issuance of a Single State License in the new State.

274 D. Nothing in this Compact shall interfere with a Licensee's ability to hold a Single State
275 License in multiple States; however, for the purposes of this Compact, a Licensee shall
276 have only one Home State License.

277 E. Nothing in this Compact shall affect the requirements established by a Member State for
278 the issuance of a Single State License.

279 SECTION 6. ACTIVE MILITARY MEMBERS OR THEIR SPOUSES

280 An Active Military Member, or their spouse, shall designate a Home State where the
281 individual has a current License in good standing. The individual may retain the Home State
282 designation during the period the service member is on active duty.

283 SECTION 7. ADVERSE ACTIONS

284 A. In addition to the other powers conferred by State law, a Remote State shall have the
285 authority, in accordance with existing State due process law, to:

286 1. Take Adverse Action against a Licensee's Compact Privilege within that Member
287 State; and

288 2. Issue subpoenas for both hearings and investigations that require the attendance and
289 testimony of witnesses as well as the production of evidence. Subpoenas issued by a
290 Licensing Authority in a Member State for the attendance and testimony of witnesses or
291 the production of evidence from another Member State shall be enforced in the latter
292 State by any court of competent jurisdiction, according to the practice and procedure
293 applicable to subpoenas issued in proceedings pending before that court. The issuing

294 authority shall pay any witness fees, travel expenses, mileage, and other fees required by
295 the service statutes of the State in which the witnesses or evidence are located.

296 B. Only the Home State shall have the power to take Adverse Action against a Licensee's
297 Home State License.

298 C. For purposes of taking Adverse Action, the Home State shall give the same priority and
299 effect to reported conduct received from a Member State as it would if the conduct had
300 occurred within the Home State. In so doing, the Home State shall apply its own State laws
301 to determine appropriate action.

302 D. The Home State shall complete any pending investigations of a Licensee who changes
303 Home States during the course of the investigations. The Home State shall also have
304 authority to take appropriate action(s) and shall promptly report the conclusions of the
305 investigations to the administrator of the Data System. The administrator of the Data
306 System shall promptly notify the new Home State of any Adverse Actions.

307 E. A Member State, if otherwise permitted by State law, may recover from the affected
308 Licensee the costs of investigations and dispositions of cases resulting from any Adverse
309 Action taken against that Licensee.

310 F. A Member State may take Adverse Action based on the factual findings of another
311 Remote State, provided that the Member State follows its own procedures for taking the
312 Adverse Action.

313 G. Joint Investigations:

314 1. In addition to the authority granted to a Member State by its respective State law, any
315 Member State may participate with other Member States in joint investigations of
316 Licensees.

317 2. Member States shall share any investigative, litigation, or compliance materials in
318 furtherance of any joint investigation initiated under the Compact.

319 H. If Adverse Action is taken by the Home State against a Licensee's Home State License
320 resulting in an Encumbrance on the Home State License, the Licensee's Compact

321 Privilege(s) in all other Member States shall be revoked until all Encumbrances have been
322 removed from the Home State License. All Home State disciplinary orders that impose
323 Adverse Action against a Licensee shall include a statement that the Licensee's Compact
324 Privileges are revoked in all Member States during the pendency of the order.

325 1. Once an Encumbered License in the Home State is restored to an Unencumbered
326 License (as certified by the Home State's Licensing Authority), the Licensee must meet
327 the requirements of Section 4(A) and follow the administrative requirements to reapply
328 to obtain a Compact Privilege in any Remote State.

329 J. If a Member State takes Adverse Action, it shall promptly notify the administrator of the
330 Data System. The administrator of the Data System shall promptly notify the other Member
331 States State of any Adverse Actions.

332 K. Nothing in this Compact shall override a Member State's decision that participation in
333 an Alternative Program may be used in lieu of Adverse Action.

334 SECTION 8. ESTABLISHMENT OF THE DIETITIAN LICENSURE COMPACT
335 COMMISSION

336 A. The Compact Member States hereby create and establish a joint government agency
337 whose membership consists of all Member States that have enacted the Compact known
338 as the Dietitian Licensure Compact Commission. The Compact Commission is an
339 instrumentality of the Compact States acting jointly and not an instrumentality of any one
340 State. The Compact Commission shall come into existence on or after the effective date of
341 the Compact as set forth in Section 12.

342 B. Membership, Voting, and Meetings

343 1. Each Member State shall have and be limited to one (1) delegate selected by that
344 Member State's Licensing Authority.

345 2. The delegate shall be the primary administrator of the Licensing Authority or their
346 designee.

347 3. The Compact Commission shall by Rule or bylaw establish a term of office for
348 delegates and may by Rule or bylaw establish term limits.

349 4. The Compact Commission may recommend removal or suspension of any delegate
350 from office.

351 5. A Member State's Licensing Authority shall fill any vacancy of its delegate occurring
352 on the Compact Commission within 60 days of the vacancy.

353 6. Each delegate shall be entitled to one vote on all matters before the Compact
354 Commission requiring a vote by the delegates.

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

358 8. The Compact Commission shall meet at least once during each calendar year.
359 Additional meetings may be held as set forth in the bylaws. The Compact Commission
360 may meet in person or by telecommunication, video conference, or other means of
361 communication.

362 C. The Compact Commission shall have the following powers:

363 1. Establish the fiscal year of the Compact Commission;

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

365 3. Establish and amend Rules and bylaws;

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

367 5. Meet and take such actions as are consistent with the provisions of this Compact, the
368 Compact Commission's Rules, and the bylaws;

369 6. Initiate and conclude legal proceedings or actions in the name of the Compact
370 Commission, provided that the standing of any Licensing Authority to sue or be sued
371 under applicable law shall not be affected;

- 372 7. Maintain and certify records and information provided to a Member State as the
373 authenticated business records of the Compact Commission, and designate an agent to
374 do so on the Compact Commission's behalf;
- 375 8. Purchase and maintain insurance and bonds;
- 376 9. Borrow, accept, or contract for services of personnel, including, but not limited to,
377 employees of a Member State;
- 378 10. Conduct an annual financial review;
- 379 11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such
380 individuals appropriate authority to carry out the purposes of the Compact, and establish
381 the Compact Commission's personnel policies and programs relating to conflicts of
382 interest, qualifications of personnel, and other related personnel matters;
- 383 12. Assess and collect fees;
- 384 13. Accept any and all appropriate donations, grants of money, other sources of revenue,
385 equipment, supplies, materials, services, and gifts, and receive, utilize, and dispose of the
386 same; provided that at all times the Compact Commission shall avoid any actual or
387 appearance of impropriety or conflict of interest;
- 388 14. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or
389 mixed, or any undivided interest therein;
- 390 15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any
391 property real, personal, or mixed;
- 392 16. Establish a budget and make expenditures;
- 393 17. Borrow money;
- 394 18. Appoint committees, including standing committees, composed of members, State
395 regulators, State legislators or their representatives, and consumer representatives, and
396 such other interested persons as may be designated in this Compact or the bylaws;
- 397 19. Provide and receive information from, and cooperate with, law enforcement agencies;
- 398 20. Establish and elect an Executive Committee, including a chair and a vice chair;

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

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

404 D. The Executive Committee

405 1. The Executive Committee shall have the power to act on behalf of the Compact
406 Commission according to the terms of this Compact. The powers, duties, and
407 responsibilities of the Executive Committee shall include:

408 a. Oversee the day-to-day activities of the administration of the Compact including
409 enforcement and compliance with the provisions of the Compact, its Rules and bylaws,
410 and other such duties as deemed necessary;

411 b. Recommend to the Compact Commission changes to the Rules or bylaws, changes
412 to this Compact legislation, fees charged to Compact Member States, fees charged to
413 Licensees, and other fees;

414 c. Ensure Compact administration services are appropriately provided, including by
415 contract;

416 d. Prepare and recommend the budget;

417 e. Maintain financial records on behalf of the Compact Commission;

418 f. Monitor Compact compliance of Member States and provide compliance reports to
419 the Compact Commission;

420 g. Establish additional committees as necessary;

421 h. Exercise the powers and duties of the Compact Commission during the interim
422 between Compact Commission meetings, except for adopting or amending Rules,
423 adopting or amending bylaws, and exercising any other powers and duties expressly
424 reserved to the Compact Commission by Rule or bylaw; and

425 i. Other duties as provided in the Rules or bylaws of the Compact Commission.

- 426 2. The Executive Committee shall be composed of nine members:
- 427 a. The chair and vice chair of the Compact Commission shall be voting members of the
- 428 Executive Committee;
- 429 b. Five voting members from the current membership of the Compact Commission,
- 430 elected by the Compact Commission;
- 431 c. One ex-officio, nonvoting member from a recognized professional association
- 432 representing dietitians; and
- 433 d. One ex-officio, nonvoting member from a recognized national credentialing
- 434 organization for dietitians.
- 435 3. The Compact Commission may remove any member of the Executive Committee as
- 436 provided in the Compact Commission's bylaws.
- 437 4. The Executive Committee shall meet at least annually.
- 438 a. Executive Committee meetings shall be open to the public, except that the Executive
- 439 Committee may meet in a closed, non-public meeting as provided in subsection (F)(2).
- 440 b. The Executive Committee shall give 30 days' notice of its meetings, posted on the
- 441 website of the Compact Commission and as determined to provide notice to persons
- 442 with an interest in the business of the Compact Commission.
- 443 c. The Executive Committee may hold a special meeting in accordance with subsection
- 444 (F)(1)(b).
- 445 E. The Compact Commission shall adopt and provide to the Member States an annual
- 446 report.
- 447 F. Meetings of the Compact Commission
- 448 1. All meetings shall be open to the public, except that the Compact Commission may
- 449 meet in a closed, non-public meeting as provided in subsection (F)(2).
- 450 a. Public notice for all meetings of the full Compact Commission shall be given in the
- 451 same manner as required under the rulemaking provisions in Section 10, except that the
- 452 Compact Commission may hold a special meeting as provided in subsection (F)(1)(b).

- 453 b. The Compact Commission may hold a special meeting when it must meet to conduct
454 emergency business by giving 24 hours' notice to all Member States, on the Compact
455 Commission's website, and other means as provided in the Compact Commission's
456 Rules. The Compact Commission's legal counsel shall certify that the Compact
457 Commission's need to meet qualifies as an emergency.
- 458 2. The Compact Commission or the Executive Committee or other committees of the
459 Compact Commission may convene in a closed, non-public meeting for the Compact
460 Commission or Executive Committee or other committees of the Compact Commission
461 to receive legal advice or to discuss:
- 462 a. Non-compliance of a Member State with its obligations under the Compact;
463 b. The employment, compensation, discipline, or other matters, practices, or procedures
464 related to specific employees;
465 c. Current or threatened discipline of a Licensee by the Compact Commission or by a
466 Member State's Licensing Authority;
467 d. Current, threatened, or reasonably anticipated litigation;
468 e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real
469 estate;
470 f. Accusing any person of a crime or formally censuring any person;
471 g. Trade secrets or commercial or financial information that is privileged or
472 confidential;
473 h. Information of a personal nature where disclosure would constitute a clearly
474 unwarranted invasion of personal privacy;
475 i. Investigative records compiled for law enforcement purposes;
476 j. Information related to any investigative reports prepared by or on behalf of or for use
477 of the Compact Commission or other committee charged with responsibility of
478 investigation or determination of compliance issues pursuant to the Compact;
479 k. Matters specifically exempted from disclosure by federal or Member State law; or

- 480 1. Other matters as specified in the Rules of the Compact Commission.
- 481 3. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the
482 meeting will be closed and reference each relevant exempting provision, and such
483 reference shall be recorded in the minutes.
- 484 4. The Compact Commission shall keep minutes that fully and clearly describe all matters
485 discussed in a meeting and shall provide a full and accurate summary of actions taken,
486 and the reasons therefore, including a description of the views expressed. All documents
487 considered in connection with an action shall be identified in such minutes. All minutes
488 and documents of a closed meeting shall remain under seal, subject to release only by a
489 majority vote of the Compact Commission or order of a court of competent jurisdiction.
- 490 G. Financing of the Compact Commission.
- 491 1. The Compact Commission shall pay, or provide for the payment of, the reasonable
492 expenses of its establishment, organization, and ongoing activities.
- 493 2. The Compact Commission may accept any and all appropriate revenue sources as
494 provided in subsection (C)(13).
- 495 3. The Compact Commission may levy on and collect an annual assessment from each
496 Member State and impose fees on Licensees of Member States to whom it grants a
497 Compact Privilege to cover the cost of the operations and activities of the Compact
498 Commission and its staff, which must, in a total amount, be sufficient to cover its annual
499 budget as approved each year for which revenue is not provided by other sources. The
500 aggregate annual assessment amount for Member States shall be allocated based upon a
501 formula that the Compact Commission shall promulgate by Rule.
- 502 4. The Compact Commission shall not incur obligations of any kind prior to securing the
503 funds adequate to meet the same; nor shall the Compact Commission pledge the credit
504 of any of the Member States, except by and with the authority of the Member State.
- 505 5. The Compact Commission shall keep accurate accounts of all receipts and
506 disbursements. The receipts and disbursements of the Compact Commission shall be

507 subject to the financial review and accounting procedures established under its bylaws.
508 However, all receipts and disbursements of funds handled by the Compact Commission
509 shall be subject to an annual financial review by a certified or licensed public accountant,
510 and the report of the financial review shall be included in and become part of the annual
511 report of the Compact Commission.

512 H. Qualified Immunity, Defense, and Indemnification

513 1. The members, officers, executive director, employees and representatives of the
514 Compact Commission shall be immune from suit and liability, both personally and in
515 their official capacity, for any claim for damage to or loss of property or personal injury
516 or other civil liability caused by or arising out of any actual or alleged act, error, or
517 omission that occurred, or that the person against whom the claim is made had a
518 reasonable basis for believing occurred within the scope of Compact Commission
519 employment, duties, or responsibilities; provided that nothing in this paragraph shall be
520 construed to protect any such person from suit or liability for any damage, loss, injury,
521 or liability caused by the intentional or willful or wanton misconduct of that person. The
522 procurement of insurance of any type by the Compact Commission shall not in any way
523 compromise or limit the immunity granted hereunder.

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

534 3. The Compact Commission shall indemnify and hold harmless any member, officer,
535 executive director, employee, and representative of the Compact Commission for the
536 amount of any settlement or judgment obtained against that person arising out of any
537 actual or alleged act, error, or omission that occurred within the scope of Compact
538 Commission employment, duties, or responsibilities, or that such person had a reasonable
539 basis for believing occurred within the scope of Compact Commission employment,
540 duties, or responsibilities, provided that the actual or alleged act, error, or omission did
541 not result from the intentional or willful or wanton misconduct of that person.

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

545 5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a Member
546 State's state action immunity or state action affirmative defense with respect to antitrust
547 claims under the Sherman Act, Clayton Act, or any other State or federal antitrust or
548 anticompetitive law or regulation.

549 6. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by
550 the Member States or by the Compact Commission.

551 SECTION 9. DATA SYSTEM

552 A. The Compact Commission shall provide for the development, maintenance, operation,
553 and utilization of a coordinated Data System.

554 B. The Compact Commission shall assign each applicant for a Compact Privilege a unique
555 identifier, as determined by the Rules.

556 C. Notwithstanding any other provision of State law to the contrary, a Member State shall
557 submit a uniform data set to the Data System on all individuals to whom this Compact is
558 applicable as required by the Rules of the Compact Commission, including:

559 1. Identifying information;

560 2. Licensure data;
561 3. Adverse Actions against a License or Compact Privilege and information related
562 thereto;
563 4. Non-confidential information related to Alternative Program participation, the
564 beginning and ending dates of such participation, and other information related to such
565 participation not made confidential under Member State law;
566 5. Any denial of application for licensure, and the reason(s) for such denial;
567 6. The presence of Current Significant Investigative Information; and
568 7. Other information that may facilitate the administration of this Compact or the
569 protection of the public, as determined by the Rules of the Compact Commission.
570 D. The records and information provided to a Member State pursuant to this Compact or
571 through the Data System, when certified by the Compact Commission or an agent thereof,
572 shall constitute the authenticated business records of the Compact Commission, and shall
573 be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial, or
574 administrative proceedings in a Member State.
575 E. Current Significant Investigative Information pertaining to a Licensee in any Member
576 State will only be available to other Member States.
577 F. It is the responsibility of the Member States to report any Adverse Action against a
578 Licensee and to monitor the Data System to determine whether any Adverse Action has
579 been taken against a Licensee. Adverse Action information pertaining to a Licensee in any
580 Member State will be available to any other Member State.
581 G. Member States contributing information to the Data System may designate information
582 that may not be shared with the public without the express permission of the contributing
583 State.
584 H. Any information submitted to the Data System that is subsequently expunged pursuant
585 to federal law or the laws of the Member State contributing the information shall be
586 removed from the Data System.

587 SECTION 10. RULEMAKING

588 A. The Compact Commission shall promulgate reasonable Rules in order to effectively and
589 efficiently implement and administer the purposes and provisions of the Compact. A Rule
590 shall be invalid and have no force or effect only if a court of competent jurisdiction holds
591 that the Rule is invalid because the Compact Commission exercised its rulemaking
592 authority in a manner that is beyond the scope and purposes of the Compact, or the powers
593 granted hereunder, or based upon another applicable standard of review.

594 B. The Rules of the Compact Commission shall have the force of law in each Member
595 State, provided however that where the Rules conflict with the laws or regulations of a
596 Member State that relate to the procedures, actions, and processes a Licensed Dietitian is
597 permitted to undertake in that State and the circumstances under which they may do so, as
598 held by a court of competent jurisdiction, the Rules of the Compact Commission shall be
599 ineffective in that State to the extent of the conflict.

600 C. The Compact Commission shall exercise its rulemaking powers pursuant to the criteria
601 set forth in this Section and the Rules adopted thereunder. Rules shall become binding on
602 the day following adoption or as of the date specified in the Rule or amendment, whichever
603 is later.

604 D. If a majority of the legislatures of the Member States rejects a Rule or portion of a Rule,
605 by enactment of a statute or resolution in the same manner used to adopt the Compact
606 within four (4) years of the date of adoption of the Rule, then such Rule shall have no
607 further force and effect in any Member State.

608 E. Rules shall be adopted at a regular or special meeting of the Compact Commission.

609 F. Prior to adoption of a proposed Rule, the Compact Commission shall hold a public
610 hearing and allow persons to provide oral and written comments, data, facts, opinions, and
611 arguments.

612 G. Prior to adoption of a proposed Rule by the Compact Commission, and at least thirty
613 (30) days in advance of the meeting at which the Compact Commission will hold a public

- 614 hearing on the proposed Rule, the Compact Commission shall provide a Notice of
615 Proposed rulemaking:
- 616 1. On the website of the Compact Commission or other publicly accessible platform;
 - 617 2. To persons who have requested notice of the Compact Commission's notices of
618 proposed rulemaking; and
 - 619 3. In such other way(s) as the Compact Commission may by Rule specify.
- 620 H. The Notice of Proposed rulemaking shall include:
- 621 1. The time, date, and location of the public hearing at which the Compact Commission
622 will hear public comments on the proposed Rule and, if different, the time, date, and
623 location of the meeting where the Compact Commission will consider and vote on the
624 proposed Rule;
 - 625 2. If the hearing is held via telecommunication, video conference, or other means of
626 communication, the Compact Commission shall include the mechanism for access to the
627 hearing in the Notice of Proposed rulemaking;
 - 628 3. The text of the proposed Rule and the reason therefore;
 - 629 4. A request for comments on the proposed Rule from any interested person; and
630 5. The manner in which interested persons may submit written comments.
- 631 I. All hearings will be recorded. A copy of the recording and all written comments and
632 documents received by the Compact Commission in response to the proposed Rule shall
633 be available to the public.
- 634 J. Nothing in this Section shall be construed as requiring a separate hearing on each Rule.
635 Rules may be grouped for the convenience of the Compact Commission at hearings
636 required by this Section.
- 637 K. The Compact Commission shall, by majority vote of all members, take final action on
638 the proposed Rule based on the rulemaking record and the full text of the Rule.
- 639 1. The Compact Commission may adopt changes to the proposed Rule provided the
640 changes do not enlarge the original purpose of the proposed Rule.

641 2. The Compact Commission shall provide an explanation of the reasons for substantive
642 changes made to the proposed Rule as well as reasons for substantive changes not made
643 that were recommended by commenters.

644 3. The Compact Commission shall determine a reasonable effective date for the Rule.
645 Except for an emergency as provided in Section 10(L), the effective date of the Rule shall
646 be no sooner than 30 days after issuing the notice that it adopted or amended the Rule.

647 L. Upon determination that an emergency exists, the Compact Commission may consider
648 and adopt an emergency Rule with 24 hours' notice, with opportunity to comment, provided
649 that the usual rulemaking procedures provided in the Compact and in this Section shall be
650 retroactively applied to the Rule as soon as reasonably possible, in no event later than
651 ninety (90) days after the effective date of the Rule. For the purposes of this provision, an
652 emergency Rule is one that must be adopted immediately in order to:

653 1. Meet an imminent threat to public health, safety, or welfare;

654 2. Prevent a loss of Compact Commission or Member State funds;

655 3. Meet a deadline for the promulgation of a Rule that is established by federal law or
656 rule; or

657 4. Protect public health and safety.

658 M. The Compact Commission or an authorized committee of the Compact Commission
659 may direct revision to a previously adopted Rule for purposes of correcting typographical
660 errors, errors in format, errors in consistency, or grammatical errors. Public notice of any
661 revision shall be posted on the website of the Compact Commission. The revision shall be
662 subject to challenge by any person for a period of thirty (30) days after posting. The
663 revision may be challenged only on grounds that the revision results in a material change
664 to a Rule. A challenge shall be made in writing and delivered to the Compact Commission
665 prior to the end of the notice period. If no challenge is made, the revision will take effect
666 without further action. If the revision is challenged, the revision may not take effect
667 without the approval of the Compact Commission.

668 N. No Member State's rulemaking requirements shall apply under this Compact.

669 SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

670 A. Oversight

671 1. The executive and judicial branches of State government in each Member State shall
672 enforce this Compact and take all actions necessary and appropriate to implement this
673 Compact.

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

682 3. The Compact Commission shall be entitled to receive service of process in any
683 proceeding regarding the enforcement or interpretation of the Compact and shall have
684 standing to intervene in such a proceeding for all purposes. Failure to provide the
685 Compact Commission service of process shall render a judgment or order void as to the
686 Compact Commission, this Compact, or promulgated Rules.

687 B. Default, Technical Assistance, and Termination

688 1. If the Compact Commission determines that a Member State has defaulted in the
689 performance of its obligations or responsibilities under this Compact or the promulgated
690 Rules, the Compact Commission shall provide written notice to the defaulting State. The
691 notice of default shall describe the default, the proposed means of curing the default, and
692 any other action that the Compact Commission may take and shall offer training and
693 specific technical assistance regarding the default.

694 2. The Compact Commission shall provide a copy of the notice of default to the other
695 Member States.

696 C. If a State in default fails to cure the default, the defaulting State may be terminated from
697 the Compact upon an affirmative vote of a majority of the delegates of the Member States,
698 and all rights, privileges, and benefits conferred on that State by this Compact may be
699 terminated on the effective date of termination. A cure of the default does not relieve the
700 offending State of obligations or liabilities incurred during the period of default.

701 D. Termination of membership in the Compact shall be imposed only after all other means
702 of securing compliance have been exhausted. Notice of intent to suspend or terminate shall
703 be given by the Compact Commission to the governor, the majority and minority leaders
704 of the defaulting State's legislature, the defaulting State's Licensing Authority, and each of
705 the Member States' Licensing Authority.

706 E. A State that has been terminated is responsible for all assessments, obligations, and
707 liabilities incurred through the effective date of termination, including obligations that
708 extend beyond the effective date of termination.

709 F. Upon the termination of a State's membership from this Compact, that State shall
710 immediately provide notice to all Licensees within that State of such termination. The
711 terminated State shall continue to recognize all Compact Privileges granted pursuant to this
712 Compact for a minimum of six months after the date of said notice of termination.

713 G. The Compact Commission shall not bear any costs related to a State that is found to be
714 in default or that has been terminated from the Compact, unless agreed upon in writing
715 between the Compact Commission and the defaulting State.

716 H. The defaulting State may appeal the action of the Compact Commission by petitioning
717 the U.S. District Court for the District of Columbia or the federal district where the
718 Compact Commission has its principal offices. The prevailing party shall be awarded all
719 costs of such litigation, including reasonable attorney's fees.

720 I. Dispute Resolution

721 1. Upon request by a Member State, the Compact Commission shall attempt to resolve
722 disputes related to the Compact that arise among Member States and between Member
723 and non-Member States.

724 2. The Compact Commission shall promulgate a Rule providing for both mediation and
725 binding dispute resolution for disputes as appropriate.

726 J. Enforcement

727 1. By super-majority vote, the Compact Commission may initiate legal action against a
728 Member State in default in the United States District Court for the District of Columbia
729 or the federal district where the Compact Commission has its principal offices to enforce
730 compliance with the provisions of the Compact and its promulgated Rules. The relief
731 sought may include both injunctive relief and damages. In the event judicial enforcement
732 is necessary, the prevailing party shall be awarded all costs of such litigation, including
733 reasonable attorney's fees. The remedies herein shall not be the exclusive remedies of the
734 Compact Commission. The Compact Commission may pursue any other remedies
735 available under federal or the defaulting Member State's law.

736 2. A Member State may initiate legal action against the Compact Commission in the U.S.
737 District Court for the District of Columbia or the federal district where the Compact
738 Commission has its principal offices to enforce compliance with the provisions of the
739 Compact and its promulgated Rules. The relief sought may include both injunctive relief
740 and damages. In the event judicial enforcement is necessary, the prevailing party shall be
741 awarded all costs of such litigation, including reasonable attorney's fees.

742 3. No party other than a Member State shall enforce this Compact against the Compact
743 Commission.

744 SECTION 12. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

745 A. The Compact shall come into effect on the date on which the Compact statute is enacted
746 into law in the seventh Member State.

747 1. On or after the effective date of the Compact, the Compact Commission shall convene
748 and review the enactment of each of the first seven Member States ('Charter Member
749 States') to determine if the statute enacted by each such Charter Member State is
750 materially different than the model Compact statute.

751 a. A Charter Member State whose enactment is found to be materially different from
752 the model Compact statute shall be entitled to the default process set forth in Section
753 11.

754 b. If any Member State is later found to be in default, or is terminated, or withdraws
755 from the Compact, the Compact Commission shall remain in existence and the
756 Compact shall remain in effect even if the number of Member States should be less than
757 seven.

758 2. Member States enacting the Compact subsequent to the seven initial Charter Member
759 States shall be subject to the process set forth in Section 8(C)(21) to determine if their
760 enactments are materially different from the model Compact statute and whether they
761 qualify for participation in the Compact.

762 3. All actions taken for the benefit of the Compact Commission or in furtherance of the
763 purposes of the administration of the Compact prior to the effective date of the Compact
764 or the Compact Commission coming into existence shall be considered to be actions of
765 the Compact Commission unless specifically repudiated by the Compact Commission.

766 4. Any State that joins the Compact subsequent to the Compact Commission's initial
767 adoption of the Rules and bylaws shall be subject to the Rules and bylaws as they exist
768 on the date on which the Compact becomes law in that State. Any Rule that has been
769 previously adopted by the Compact Commission shall have the full force and effect of
770 law on the day the Compact becomes law in that State.

771 b. Any Member State may withdraw from this Compact by enacting a statute repealing the
772 same.

773 1. A Member State's withdrawal shall not take effect until 180 days after enactment of
774 the repealing statute.

775 2. Withdrawal shall not affect the continuing requirement of the withdrawing State's
776 Licensing Authority to comply with the investigative and Adverse Action reporting
777 requirements of this Compact prior to the effective date of withdrawal.

778 3. Upon the enactment of a statute withdrawing from this Compact, a State shall
779 immediately provide notice of such withdrawal to all Licensees within that State.
780 Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing
781 State shall continue to recognize all Compact Privileges granted pursuant to this Compact
782 for a minimum of 180 days after the date of such notice of withdrawal.

783 C. Nothing contained in this Compact shall be construed to invalidate or prevent any
784 licensure agreement or other cooperative arrangement between a Member State and a
785 non-Member State that does not conflict with the provisions of this Compact.

786 D. This Compact may be amended by the Member States. No amendment to this Compact
787 shall become effective and binding upon any Member State until it is enacted into the laws
788 of all Member States.

789 SECTION 13. CONSTRUCTION AND SEVERABILITY

790 A. This Compact and the Compact Commission's rulemaking authority shall be liberally
791 construed so as to effectuate the purposes and the implementation and administration of the
792 Compact. Provisions of the Compact expressly authorizing or requiring the promulgation
793 of Rules shall not be construed to limit the Compact Commission's rulemaking authority
794 solely for those purposes.

795 B. The provisions of this Compact shall be severable and if any phrase, clause, sentence,
796 or provision of this Compact is held by a court of competent jurisdiction to be contrary to
797 the constitution of any Member State, a State seeking participation in the Compact, or of
798 the United States, or the applicability thereof to any government, agency, person, or

799 circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity
800 of the remainder of this Compact and the applicability thereof to any other government,
801 agency, person, or circumstance shall not be affected thereby.

802 C. Notwithstanding Section 13(B), the Compact Commission may deny a State's
803 participation in the Compact or, in accordance with the requirements of Section 11(B),
804 terminate a Member State's participation in the Compact, if it determines that a
805 constitutional requirement of a Member State is a material departure from the Compact.
806 Otherwise, if this Compact shall be held to be contrary to the constitution of any Member
807 State, the Compact shall remain in full force and effect as to the remaining Member States
808 and in full force and effect as to the Member State affected as to all severable matters.

809 SECTION 14. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

810 A. Nothing herein shall prevent or inhibit the enforcement of any other law of a Member
811 State that is not inconsistent with the Compact.

812 B. Any laws, statutes, regulations, or other legal requirements in a Member State in conflict
813 with the Compact are superseded to the extent of the conflict.

814 C. All permissible agreements between the Compact Commission and the Member States
815 are binding in accordance with their terms."

816 **SECTION 5.**

817 All laws and parts of laws in conflict with this Act are repealed.