

The House Committee on Regulated Industries offers the following substitute to HB 185:

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and
2 businesses, so as to repeal and reenact Chapter 11A, the "Dietetics Practice Act"; to provide
3 for the licensure of dietitians and nutritionists; to provide for short titles; to provide for the
4 purpose of the chapter; to provide definitions; to establish the Georgia Board of Examiners
5 of Licensed Dietitians and Licensed Nutritionists; to provide for powers, members, officers,
6 and meetings of such board; to provide for the grant of a license without examination; to
7 provide for eligibility for licensure as a dietitian and nutritionist; to provide for provisional
8 licenses; to authorize the board to obtain conviction data; to permit applications to be made
9 under oath; to provide for notice of acceptance or rejection; to provide for examinations; to
10 provide for requirements of licensees; to provide for refusal, suspension, or revocation of
11 licenses; to provide for proceedings; to provide for protected titles; to provide for exceptions
12 to licensure; to provide for statutory construction; to provide for scope of practice; to provide
13 for a qualified supervisor over a supervised practice experience in the practices of dietetics
14 and nutrition; to enter into an interstate compact; to authorize the board to administer such
15 compact; to amend Titles 9, 31, 33, 43, and 51 of the Official Code of Georgia Annotated,
16 relating to civil practice, health, insurance, professions and businesses, and torts,
17 respectively, so as to provide for conforming cross-references; to provide for related matters;
18 to provide for an effective date; to repeal conflicting laws; and for other purposes.

H. B. 185 (SUB)

- 1 -

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20

PART I

21

Dietetics and Nutrition Practices Act

22

SECTION 1-1.

23 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
24 is amended by repealing and reenacting Chapter 11A, the "Dietetics Practice Act," as
25 follows:

26

"CHAPTER 11A

27

ARTICLE 1

28 43-11A-1.

29 This chapter shall be known and may be cited as the 'Dietetics and Nutrition Practices Act.'

30 43-11A-2.

31 The General Assembly acknowledges that the application of scientific knowledge relating
32 to the practices of dietetics and nutrition is important in the treatment of diseases and
33 medical conditions and in the attainment and maintenance of health. The General
34 Assembly acknowledges further that the rendering of sound dietetic and nutrition services
35 for the treatment and management of diseases and medical conditions in hospitals, nursing
36 homes, school districts, health departments, private practice and consultation, and other
37 settings requires trained and competent professionals. It is declared, therefore, to be the
38 purpose of this chapter to protect the health, safety, and welfare of the public by providing
39 for the licensure of individuals engaged in the practices of dietetics and nutrition, including
40 the provision of medical nutrition therapy.

41 43-11A-3.

42 As used in this article, the term:

43 (1) 'ACEND' means the Accreditation Council for Education in Nutrition and Dietetics
44 or its successor organization.

45 (2) 'Advertising' means, but is not limited to, issuing or causing to be distributed any
46 card, sign, or other device; causing or permitting any sign or marking on or in any
47 building or structure or in any newspaper, magazine, or directory; or causing or
48 permitting any announcement on radio or any announcement or display on television, a
49 computer network, or an electronic or telephonic medium.

50 (3) 'Applicant' means an individual seeking a license under this article.

51 (4) 'Board' means the Georgia Board of Examiners of Licensed Dietitians and Licensed
52 Nutritionists established by this article.

53 (5) 'Degree' means a degree received from an accredited college or university or a
54 validated foreign equivalent as recognized by the board by approval, policy, or rule.

55 (6) 'General nonmedical nutrition information' means information on:

56 (A) Principles of human nutrition and food preparation;

57 (B) Principles of self-care and a healthy relationship with food;

58 (C) Essential nutrients needed by the human body;

59 (D) General and nonindividualized recommended amounts of essential nutrients in the
60 human body;

61 (E) Actions of nutrients in the human body;

62 (F) Nonindividualized effects of deficiencies or excesses of nutrients in the human
63 body; or

64 (G) General education surrounding foods, herbs, and dietary supplements that are good
65 sources of essential nutrients in the human body.

66 (7) 'Licensed dietitian' means an individual duly licensed under this chapter as meeting
67 the requirements provided for in subsection (a) of Code Section 43-11A-9 to engage in

68 the practice of dietetics and the practice of nutrition, including the provision of medical
69 nutrition therapy.

70 (8) 'Licensed nutritionist' means an individual duly licensed under this chapter as
71 meeting the requirements provided for in subsection (c) of Code Section 43-11A-9 to
72 engage in the practice of nutrition, including the provision of medical nutrition therapy.

73 (9) 'Medical nutrition therapy' means the provision of any of the following nutrition care
74 services for the treatment or management of a disease or medical condition: nutrition
75 assessment, nutrition diagnosis, nutrition intervention, or nutrition monitoring and
76 evaluation.

77 (10) 'Medical weight control' means medical nutrition therapy provided for the purpose
78 of reducing, maintaining, or gaining weight.

79 (11) 'Nonmedical weight control' means nutrition care services provided for the purpose
80 of reducing, maintaining, or gaining weight that do not constitute the treatment or
81 management of a disease or medical condition. Such term includes weight control
82 services for healthy population groups to achieve or maintain a healthy weight.

83 (12) 'Nutrition assessment' means the ongoing, dynamic, and systematic process of
84 ordering, obtaining, verifying, and interpreting biochemical, anthropometric, physical,
85 nutrigenomic, and dietary data to make decisions about the nature and cause of nutrition
86 related problems relative to patient or community needs. Such term includes the initial
87 data collection and evaluation and any reassessment and analysis of patient or community
88 needs and provides the foundation for nutrition diagnosis and nutritional
89 recommendations and orders. Such term may require ordering laboratory tests to check
90 and track nutritional status. The collection of such data shall not, by itself, constitute
91 nutrition assessment.

92 (13) 'Nutrition care process' means the systematic problem-solving method that licensed
93 dietitians use to critically think and make decisions when providing medical nutrition
94 therapy or to address nutrition related problems and provide safe, effective care. Such

95 term consists of four distinct but interrelated steps: nutrition assessment, nutrition
96 diagnosis, nutrition intervention, and nutrition monitoring and evaluation.

97 (14) 'Nutrition care services' means any part or all of the following services provided
98 within a systematic process:

99 (A) Assessing and evaluating the nutritional needs of individuals and groups and
100 determining resources and constraints in a practice setting, including ordering nutrition
101 related laboratory tests to check and track nutrition status;

102 (B) Identifying nutrition problems and establishing priorities, goals, and objectives that
103 meet nutritional needs and are consistent with available resources and constraints;

104 (C) Creating individualized dietary plans and issuing and implementing orders to meet
105 the nutritional needs of healthy individuals and individuals with disease states or
106 medical conditions, including ordering therapeutic diets, and monitoring the
107 effectiveness of such dietary plans and orders;

108 (D) Determining and providing appropriate nutrition interventions in health and
109 disease, including nutrition counseling on food and prescription drug interactions;

110 (E) Developing, implementing, and managing nutrition care processes; or

111 (F) Evaluating, making changes in, and maintaining appropriate standards of quality
112 in food and nutrition services.

113 (15) 'Nutrition counseling' means a supportive process, characterized by a collaborative
114 counselor-patient relationship with individuals or groups, to establish food and nutrition
115 priorities, goals, individualized action plans, and general physical activity guidance that
116 acknowledge and foster responsibility for self-care to promote health and wellness or to
117 treat or manage an existing disease or medical condition.

118 (16) 'Nutrition diagnosis' means identifying and labeling nutritional problems managed
119 and treated by a licensed dietitian but does not include a medical diagnosis of the health
120 status of an individual.

121 (17) 'Nutrition intervention' means purposefully planned actions, including nutrition
122 counseling, intended to positively change a nutrition related behavior, risk factor,
123 environmental condition, or aspect of the health status of an individual, his or her family
124 or caregivers, target groups, or a community at large. Such term includes approving,
125 ordering, and monitoring therapeutic diets and providing counseling on food and
126 prescription drug interactions.

127 (18) 'Nutrition monitoring and evaluation' means identifying patient outcomes relevant
128 to a nutrition diagnosis, nutrition intervention plans, and nutrition goals; comparing those
129 outcomes with a patient's previous health status, nutrition intervention plans, and nutrition
130 goals or with a reference standard to determine the progress made in achieving desired
131 outcomes of nutrition care services; and determining whether planned nutrition
132 interventions should be continued, revised, or concluded.

133 (19) 'Patient' means an individual recipient of nutrition care services.

134 (20) 'Practice of dietetics' means the integration and application of scientific principles
135 derived from the study of food, nutrition, biochemistry, metabolism, nutrigenomics,
136 physiology, pharmacology, food systems, management, and behavioral and social
137 sciences to achieve and maintain optimal nutrition status of individuals and groups and
138 includes the practice of nutrition. Such term means primarily the provision of nutrition
139 care services, including medical nutrition therapy, in person or via telehealth, to prevent,
140 manage, or treat acute or chronic diseases or medical conditions and to promote wellness
141 in inpatient and outpatient settings. Consistent with the level of competence of the
142 provider, such term includes developing and ordering therapeutic diets via oral, enteral,
143 and parenteral routes and providing other advanced medical nutrition therapy and related
144 support activities consistent with current competencies required of academic and
145 supervised practice programs accredited by a programmatic accreditor and in accord with
146 the scope and standards of practice published by the Commission on Dietetic Registration

147 of the Academy of Nutrition and Dietetics or its successor organization or as may be
148 prescribed by the board.

149 (21) 'Practice of nutrition' means the integration and application of scientific principles
150 derived from the study of nutrition science, cellular and systemic metabolism,
151 biochemistry, physiology, and behavioral sciences to achieve and maintain health
152 throughout the lifespan. Such term means primarily the provision of nutrition care
153 services, including medical nutrition therapy, in person or via telehealth, to prevent,
154 manage, or treat chronic diseases or medical conditions and to promote wellness in
155 outpatient settings. Consistent with the level of competence of the provider, such term
156 may include the ordering of oral therapeutic diets, the ordering of medical laboratory tests
157 related to nutritional therapeutic treatments, and the provision of recommendations on
158 vitamins, minerals, and other dietary supplements.

159 (22) 'Programmatic accreditor' means a nationally recognized organization that reviews
160 specialized and professional programs and includes ACEND and such organizations as
161 recognized by the board by approval, policy, or rule.

162 (23) 'Provisional license' means a temporary license issued by the board pursuant to
163 Code Section 43-11A-10.

164 (24) 'Qualified supervisor' means an individual providing supervision who assumes full
165 professional responsibility for the work of a supervisee by verifying, directing, and
166 approving the provided nutrition care services, medical nutrition therapy, and other work
167 being supervised, as provided for in Code Section 43-11A-19.

168 (25) 'Registered dietitian' means an individual who is credentialed by the Commission
169 on Dietetic Registration of the Academy of Nutrition and Dietetics or its successor
170 organization as a registered dietitian or a registered dietitian nutritionist and is authorized
171 to use such title and the designation 'RD' or 'RDN.'

172 (26) 'Supervisee' means a student, intern, or trainee providing nutrition care services,
173 medical nutrition therapy, and other work under the supervision of a qualified supervisor,
174 as provided for in Code Section 43-11A-19.

175 (27) 'Telehealth' means the use of electronic information and telecommunications
176 technologies to provide services under this chapter between a healthcare provider in one
177 location and an individual in another location to support clinical healthcare, public health,
178 patient health related education, and health administration.

179 (28) 'Therapeutic diet' means a diet intervention prescribed by a licensed physician or
180 other authorized nonphysician practitioner that provides food or nutrients via oral,
181 enteral, or parenteral routes as part of the treatment of a disease or medical condition to
182 modify, eliminate, decrease, or increase identified micronutrients and macronutrients in
183 a patient's diet, or to provide mechanically altered food when indicated.

184 (29) 'Unrestricted practice of medical nutrition therapy' means the provision of medical
185 nutrition therapy by an individual who is responsible for his or her own practice or
186 treatment procedures.

187 43-11A-4.

188 (a) The Georgia Board of Examiners of Licensed Dietitians in existence prior to
189 July 1, 2025, is continued in existence thereafter as the Georgia Board of Examiners of
190 Licensed Dietitians and Licensed Nutritionists. Members of the board serving immediately
191 prior to July 1, 2025, shall continue to serve out their respective terms of office and until
192 their successors are appointed and qualified. The board shall consist of nine members
193 representing the licensed professions and public at large as follows:

194 (1) Six board members shall be licensed dietitians, including a clinical dietitian, a
195 community or public health dietitian, an educator specializing in dietetics and on the
196 faculty of a college or university, and a private practice dietitian;

197 (2) One board member shall be a licensed nutritionist;

198 (3) One board member shall be a physician licensed to practice medicine under
199 Chapter 34 of this title; and

200 (4) One board member shall represent the public at large.

201 (b) Members of the board shall be appointed by the Governor with the confirmation of the
202 Senate. Members of the board shall take office on the first day of July immediately
203 following the expired terms of that office and shall serve for terms of four years and until
204 their successors are appointed and qualified. Any individual appointed to the board when
205 the Senate is not in session may serve on the board without Senate confirmation until the
206 Senate acts on that appointment. No member shall serve on the board for more than two
207 consecutive terms. Any vacancy shall be filled by the Governor subject to confirmation
208 of the Senate.

209 (c) All members of the board shall be reimbursed as provided for in subsection (f) of Code
210 Section 43-1-2.

211 (d) All members of the board shall take the constitutional oath of office.

212 43-11A-5.

213 (a) Members of the board representing the licensed professions shall:

214 (1) Be citizens of the United States and residents of this state;

215 (2) Have engaged in the practice of dietetics or practice of nutrition for compensation for
216 not less than five years; and

217 (3) Be licensed under this chapter.

218 (b) The member of the board representing the public at large shall be a citizen of the
219 United States and a resident of this state and shall have no connection whatsoever with the
220 practice of dietetics or the practice of nutrition.

221 (c) The Governor may remove members of the board, after notice and opportunity for
222 hearing, for incompetence, neglect of duty, unprofessional conduct, conviction of any

223 felony, failure to meet the qualifications of this chapter, or committing any act prohibited
224 by this chapter.

225 43-11A-6.

226 The board shall meet quarterly and shall elect from its members a chairperson, a vice
227 chairperson, and any other officers as deemed necessary who shall hold office according
228 to the rules adopted by the board. Additional meetings may be held upon the call of the
229 chairperson of the board or at the written request of any three members of the board. Board
230 meetings may be conducted by audio or video conference calls, and participation in such
231 conference call shall constitute attendance at the meeting so conducted.

232 43-11A-7.

233 The board shall have the power to:

- 234 (1) Enforce the provisions of this chapter, and it shall be granted all of the necessary
235 duties, powers, and authority to carry out this responsibility;
236 (2) Draft, adopt, amend, repeal, and enforce such rules as it deems necessary for the
237 administration and enforcement of this chapter in the protection of public health, safety,
238 and welfare;
239 (3) License duly qualified applicants by examination, endorsement, or reinstatement;
240 (4) Implement a disciplinary process;
241 (5) Enforce qualifications for licensure;
242 (6) Set standards for competency of licensees continuing in or returning to practice;
243 (7) Issue orders when a license is surrendered to the board while a complaint,
244 investigation, or disciplinary action against such license is pending;
245 (8) Adopt, revise, and enforce rules regarding advertising by licensees, including, but not
246 limited to, rules to prohibit false, misleading, or deceptive practices;
247 (9) Adopt, publish in print or electronically, and enforce a code of ethics;

- 248 (10) Establish examination and licensing fees;
249 (11) Request and receive the assistance of state educational institutions or other state
250 agencies;
251 (12) Prepare information of consumer interest describing the regulatory functions of the
252 board and describing the procedures by which consumer complaints are filed with and
253 resolved by the board. The board shall make such information available to the general
254 public and appropriate state agencies;
255 (13) Establish continuing education requirements;
256 (14) Adopt a seal which shall be affixed only in such manner as prescribed by the board;
257 (15) Conduct criminal background investigations by the submission of fingerprints to the
258 Federal Bureau of Investigation through the Georgia Crime Information Center; provided,
259 however, that reports from such background investigations shall not be shared with
260 entities outside of the state; and
261 (16) Administer the Dietitian Licensure Compact contained in Article 2 of this chapter.

262 43-11A-8.

263 The board may, in its discretion, grant, upon application and payment of fees, a license
264 without examination to an individual who, at the time of application, either:

- 265 (1) Holds a valid license or certification as a licensed or certified dietitian, dietitian
266 nutritionist, or nutritionist issued by another state, political territory, or jurisdiction
267 acceptable to the board if, in the board's opinion, the requirements for such license or
268 certification are substantially equal to or greater than licensure requirements provided for
269 under this chapter and rules and regulations promulgated by the board; or
270 (2) Applies for licensure as a licensed dietitian and presents evidence satisfactory to the
271 board that such individual is a registered dietitian.

272 43-11A-9.

273 (a) Each applicant for a license as a licensed dietitian shall be at least 18 years of age,
274 submit a completed application upon a form and in such manner as the board prescribes,
275 pay any applicable fees, and be in compliance with the following requirements:

276 (1) Possession of a master's or doctoral degree and completion of a program of study
277 accredited by a programmatic accreditor;

278 (2) Satisfactory completion of a documented, supervised experience in the practice of
279 dietetics accredited by a programmatic accreditor, consisting of not less than 1,000 hours
280 of supervised practice under the supervision of a qualified supervisor as provided for in
281 Code Section 43-11A-19; provided, however, that an applicant shall complete such
282 experience within five years of earning the degree required under paragraph (1) of this
283 subsection; provided, further, that the board in its discretion may grant an extension for
284 a limited time for extraordinary circumstances;

285 (3) Successful completion of the examination for registered dietitians administered by
286 the Commission on Dietetic Registration of the Academy of Nutrition and Dietetics or
287 its successor organization; provided, however, that, if such successful completion
288 occurred more than five years before the license application, the applicant shall
289 demonstrate to the satisfaction of the board completion of 75 hours of continuing
290 education for each five-year period post-examination; and

291 (4) Completion of such other requirements as may be prescribed by the board.

292 (b) All individuals who are licensed dietitians and who have submitted an application for
293 licensure as a licensed dietitian prior to July 1, 2025, shall remain licensed so long as the
294 licensee remains in good standing and maintains an active or inactive license.

295 (c) Each applicant for a license as a licensed nutritionist shall be at least 18 years of age,
296 submit a completed application upon a form and in such manner as the board prescribes,
297 pay any applicable fees, and be in compliance with the following requirements:

298 (1) Possession of a master's or doctoral degree with a major course of study in human
299 nutrition, food and nutrition, community nutrition, public health nutrition, nutrition
300 education, nutrition science, clinical nutrition, applied clinical nutrition, nutrition
301 counseling, nutrition and functional medicine, nutritional biochemistry, nutrition and
302 integrative health, or a comparable major or in a field of clinical healthcare, provided that
303 such applicant shall complete coursework leading to competence in medical nutrition
304 therapy, including, but not limited to:

305 (A) Fifteen semester hours of courses in clinical or life sciences, including at least
306 three semester hours in human anatomy and physiology or an equivalent subject; and

307 (B) Fifteen semester hours of courses in nutrition and metabolism, including at least
308 six semester hours in biochemistry;

309 (2) Satisfactory completion of a documented, continuous supervised practice experience
310 demonstrating competence in providing nutrition care services and medical nutrition
311 therapy approved by the board and meeting the following requirements:

312 (A) An applicant shall complete a supervised practice experience under this paragraph
313 within five years of earning the degree required under paragraph (1) of this subsection;
314 provided, however, that the board in its discretion may grant an extension for a limited
315 time for extraordinary circumstances; and

316 (B) A supervised practice experience under this paragraph shall:

317 (i) Involve at least 1,000 hours in the following practice areas, with a minimum
318 of 200 hours in each practice area: nutrition assessment, nutrition intervention, and
319 nutrition monitoring and evaluation;

320 (ii) Be under the supervision of a qualified supervisor as provided for in Code
321 Section 43-11A-19; and

322 (iii) Prepare an applicant, as determined by the board, to provide nutrition care
323 services to various populations of diverse cultures, genders, and ages, and to be able
324 to competently formulate actionable medical nutrition therapies and nutrition

325 interventions, nutrition education, nutrition counseling, and ongoing nutrition care
326 services for the prevention, modulation, and management of a range of chronic
327 diseases and medical conditions;

328 (3) Satisfaction of examination requirements by:

329 (A) Successful completion of the certified nutrition specialist examination
330 administered by the Board for Certification of Nutrition Specialists of the American
331 Nutrition Association or its successor organization, or passage of an equivalent
332 examination on all aspects of the practice of nutrition that has been reviewed under a
333 program accredited by the National Commission for Certifying Agencies or its
334 successor organization or a credentialing entity recognized by the board by approval,
335 policy, or rule and that is approved by a two-thirds' vote of the board; provided,
336 however, that, if such successful completion occurred more than five years before the
337 license application, the applicant shall demonstrate to the satisfaction of the board
338 completion of 75 hours of continuing education for each five-year period
339 post-examination; or

340 (B) Demonstration that the applicant holds a valid current certification from the Board
341 for Certification of Nutrition Specialists of the American Nutrition Association or its
342 successor organization that allows the applicant to use the title 'certified nutrition
343 specialist'; and

344 (4) Completion of such other requirements as may be prescribed by the board.

345 43-11A-10.

346 (a) The board, in its discretion, may issue a provisional license for an individual to engage
347 in the practice of dietetics and the practice of nutrition for one year under the supervision
348 of a licensed dietitian upon the filing of an application with appropriate fees and
349 submission of evidence of successful completion of the education and supervised practice

350 requirements for licensure provided for in subsection (a) of Code Section 43-11A-9. Such
351 provisional license shall be valid for one year and shall not be renewed.

352 (b) The board, in its discretion, may issue a provisional license for an individual to engage
353 in the practice of nutrition for one year under the supervision of a licensed dietitian or
354 licensed nutritionist upon the filing of an application with appropriate fees and submission
355 of evidence of successful completion of the education and supervised practice requirements
356 for licensure provided for in subsection (c) of Code Section 43-11A-9. Such provisional
357 license shall be valid for one year and shall not be renewed.

358 43-11A-11.

359 (a) As used in this Code section, the term 'conviction data' means a record of a finding or
360 verdict of guilty or plea of guilty or plea of nolo contendere with regard to any crime,
361 regardless of whether an appeal of the conviction has been sought, or a record of a
362 sentencing to first offender treatment without an adjudication of guilt.

363 (b) In order to determine an applicant's suitability as a licensed dietitian or licensed
364 nutritionist, the board shall require such applicant to furnish the board with a full set of
365 fingerprints to enable a criminal background investigation to be conducted. The board
366 shall submit the fingerprints to the Georgia Crime Information Center. If no disqualifying
367 record is identified at the state level, the Georgia Crime Information Center is authorized
368 to submit the fingerprints to the Federal Bureau of Investigation for a national criminal
369 history record check.

370 (c) The Georgia Crime Information Center shall notify the board in writing of any
371 derogatory finding, including, but not limited to, any conviction data from the criminal
372 background investigation, or if there is no such finding. All conviction data received by
373 the board shall be used by it for the exclusive purpose of carrying out its responsibilities
374 under this chapter, shall not be a public record, shall be privileged, and shall not be
375 disclosed to any other person or agency.

376 (d) The board may require that all applications be made under oath.

377 43-11A-12.

378 After evaluation of an application and documents submitted, the board shall notify each
379 applicant that the application and documents submitted are satisfactory and accepted or
380 unsatisfactory and rejected. If the application and documents are unsatisfactory and
381 rejected, the notice shall state the reasons for the rejection.

382 43-11A-13.

383 (a) Examinations to determine qualifications for licensure as provided for in Code
384 Section 43-11A-9 shall be administered to qualified applicants at least twice each calendar
385 year. The examinations may be administered by a national testing service.

386 (b) The board shall notify each examinee of the results of the examination.

387 43-11A-14.

388 (a) A license issued by the board is the property of the board and shall be surrendered on
389 demand.

390 (b) The licensee shall display the license certificate in an appropriate and public manner.

391 (c) The licensee shall inform the board of any change of address.

392 (d) If a licensee is not in violation of this chapter at the time of application for renewal and
393 if such licensee fulfills current requirements of continuing education as established by the
394 board and pays any requisite fees, such license shall be renewed biennially.

395 (e) Each licensee is responsible for renewing his or her license before the expiration date.

396 (f) Under procedures and conditions established by the board, a licensee may request that
397 his or her license be declared inactive; provided, however, that such licensee may apply for
398 active status at any time and, upon meeting the conditions set by the board, shall be
399 declared active.

400 43-11A-15.

401 The board may refuse to grant or renew a license to an applicant or licensee; administer a
402 public or private reprimand, but a private reprimand shall not be disclosed to any individual
403 except the licensee; suspend the license of any licensee for a definite period or for an
404 indefinite period in connection with any condition which may be attached to the restoration
405 of such license; limit or restrict the license of any licensee as the board deems necessary
406 for the protection of the public; revoke any license; condition a penalty upon, or withhold
407 formal disposition pending, the applicant's or licensee's submission to such care,
408 counseling, or treatment as the board may direct; or impose a fine not to exceed \$500.00
409 for each violation of a law, rule, or regulation relating to the practice of dietetics or the
410 practice of nutrition upon a finding by a majority of the board that the applicant or licensee
411 has:

412 (1) Failed to demonstrate the qualifications or standards for a license contained in this
413 chapter or under the laws, rules, or regulations under which licensure is sought or held.
414 It shall be incumbent upon the applicant to demonstrate to the satisfaction of the board
415 that such applicant meets all the requirements for the issuance of a license, and, if the
416 board is not satisfied as to the applicant's qualifications, it may deny a license without a
417 prior hearing; provided, however, that the applicant shall be allowed to appear before the
418 board if he or she so desires;

419 (2) Knowingly made misleading, deceptive, untrue, or fraudulent representations in the
420 practice of a business or profession licensed under this title or on any document
421 connected therewith, or practiced fraud or deceit or intentionally made any false
422 statement in obtaining a license to practice the licensed business or profession, or made
423 a false statement or deceptive registration with the board;

424 (3) Been convicted of any felony or of any crime directly related to the duties and
425 responsibilities of a dietitian or nutritionist in the courts of this state or any other state,
426 territory, or country or in the courts of the United States; as used in this paragraph and

427 paragraph (4) of this Code section, the term 'felony' shall include any offense which, if
428 committed in this state, would be deemed a felony, without regard to its designation
429 elsewhere; and, as used in this paragraph, the term 'convicted' shall include a finding or
430 verdict of guilty or a plea of guilty, regardless of whether an appeal of the conviction has
431 been sought;

432 (4) Been arrested, charged, and sentenced for the commission of any felony, or any crime
433 directly related to the duties and responsibilities of a dietitian or nutritionist where a plea
434 of nolo contendere was entered to the charge, first offender treatment without
435 adjudication of guilt pursuant to the charge was granted, or an adjudication or sentence
436 was otherwise withheld or not entered on the charge. The plea of nolo contendere or the
437 order entered pursuant to the provisions of Article 3 of Chapter 8 of Title 42, relating to
438 probation of first offenders, or other first offender treatment shall be conclusive evidence
439 of arrest and sentencing for such crime;

440 (5) Had his or her license to practice a business or profession licensed under this title
441 revoked, suspended, or annulled by any lawful licensing authority other than the board;
442 had other disciplinary action taken against him or her by any such lawful licensing
443 authority other than the board; been denied a license by any such lawful licensing
444 authority other than the board, pursuant to disciplinary proceedings; or been refused the
445 renewal of a license by any such lawful licensing authority other than the board, pursuant
446 to disciplinary proceedings;

447 (6) Engaged in any unprofessional, unethical, deceptive, or deleterious conduct or
448 practice harmful to the public, which conduct or practice materially affects the fitness of
449 the licensee or applicant to engage in the practice of dietetics or the practice of nutrition,
450 or of a nature likely to jeopardize the interest of the public, which conduct or practice
451 need not have resulted in actual injury to any person or be directly related to the practice
452 of dietetics or the practice of nutrition but shows that the licensee or applicant has
453 committed any act or omission which is indicative of untrustworthiness; unprofessional

454 conduct shall also include any departure from, or the failure to conform to, the minimal
455 standards of acceptable and prevailing practice of a business or profession licensed under
456 this title;

457 (7) Knowingly performed any act which in any way aids, assists, procures, advises, or
458 encourages any unlicensed individual or any licensee whose license has been suspended
459 or revoked by a professional licensing board to practice a business or profession licensed
460 under this title or to practice outside the scope of any disciplinary limitation placed upon
461 the licensee by the board;

462 (8) Violated a statute, law, or rule or regulation of this state, any other state, the
463 professional licensing board regulating the business or profession licensed under this title,
464 the United States, or any other lawful authority, without regard to whether the violation
465 is criminally punishable, which statute, law, or rule or regulation relates to or in part
466 regulates the practice of dietetics or the practice of nutrition, when the licensee or
467 applicant knows or should know that such action is violative of such statute, law, or rule
468 or regulation; or violated a lawful order of the board previously entered by the board in
469 a disciplinary hearing, consent decree, or license reinstatement;

470 (9) Been adjudged mentally incompetent by a court of competent jurisdiction within or
471 outside of this state; any such adjudication shall automatically suspend the license of any
472 such individual and shall prevent the reissuance or renewal of any license so suspended
473 for as long as the adjudication of incompetence is in effect; or

474 (10) Displayed an inability to practice a business or profession licensed under this title
475 with reasonable skill and safety to the public or has become unable to practice the
476 licensed business or profession with reasonable skill and safety to the public by reason
477 of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material.

478 43-11A-16.

479 (a) Only a licensed dietitian or licensed nutritionist or a person authorized to engage in the
480 practice of dietetics or the practice of nutrition under this chapter shall engage in the
481 practice of dietetics or the practice of nutrition to the extent such services constitute
482 medical nutrition therapy.

483 (b) No individual shall designate or hold himself or herself out as a licensed dietitian; use
484 or assume the title 'dietitian,' 'licensed dietitian,' 'dietitian nutritionist,' or 'dietician'; use or
485 assume any other title indicating licensure; or append to or use in conjunction with that
486 individual's name the designation 'LD' or 'LDN,' unless the individual is a licensed dietitian
487 under this chapter.

488 (c) No individual shall designate or hold himself or herself out as a licensed nutritionist,
489 use or assume the title 'licensed nutritionist,' use or assume any other title indicating
490 licensure, or append to or use in conjunction with that individual's name the designation
491 'LN,' unless the individual is a licensed nutritionist under this chapter. No individual shall
492 designate or hold himself or herself out as a nutritionist unless the individual is licensed
493 under this chapter or exempt as provided in Code Section 43-11A-18.

494 (d) Use of an earned, federally trademarked nutrition credential is not prohibited.

495 (e) Any individual violating the provisions of this Code section shall be guilty of a
496 misdemeanor.

497 43-11A-17.

498 Proceedings under this chapter shall be governed by Chapter 13 of Title 50, the 'Georgia
499 Administrative Procedure Act.'

500 43-11A-18.

501 Provided that the following individuals do not use titles protected under Code
502 Section 43-11A-16 unless otherwise authorized under this Code section, nothing in this
503 chapter shall be construed to affect:

504 (1) A supervisee who is practicing while being supervised by a qualified supervisor as
505 part of a course of study or a documented, continuous supervised practice experience;
506 provided, however, that such supervisee shall use a title that clearly indicates his or her
507 status as a supervisee and shall not engage in the unrestricted practice of medical nutrition
508 therapy;

509 (2) A dietitian or nutritionist serving in the armed forces of the United States or
510 employed by any other federal agency who is using government issued titles and who is
511 engaging in the practice of medical nutrition therapy, provided that such title use and
512 such practice are related to such individual's service or employment;

513 (3) An individual licensed to practice the profession of dentistry, medicine, osteopathy,
514 chiropractic, nursing, or pharmacy engaging in the practice of medical nutrition therapy
515 when incidental to the practice of his or her profession;

516 (4) An employee of a department, agency, or division of state, county, or local
517 government, or an individual contracting with any of the foregoing, who is providing
518 nutrition care services for welfare and public assistance programs under the Division of
519 Family and Children Services of the Department of Human Services or the Special
520 Supplemental Nutrition Program for Women, Infants, and Children under the Department
521 of Public Health and who is authorized to provide such services within the discharge of
522 his or her official duties;

523 (5) An individual who assists in the provision of medical nutrition therapy, provided that
524 such individual performs only support activities that are not discretionary and do not
525 require the exercise of professional judgment for their performance and such individual

526 is directly supervised by a licensed dietitian, licensed nutritionist, or healthcare provider
527 licensed in this state acting within the scope of such provider's license;

528 (6) An individual who provides medical weight control services for individuals with
529 obesity as part of:

530 (A) An instructional program that has been approved in writing by a licensed dietitian,
531 licensed nutritionist, or healthcare provider licensed in this state whose authorized
532 scope of practice includes medical nutrition therapy; or

533 (B) A plan of care that is overseen by a healthcare provider licensed in this state whose
534 scope of practice otherwise authorizes such provider to provide and delegate medical
535 nutrition therapy; provided, however, that the medical weight control services are not
536 discretionary and do not require the exercise of professional judgment;

537 (7) An individual who disseminates nonindividualized, written, general nutrition
538 information in connection with the marketing and distribution of dietary supplements,
539 food, herbs, or food materials, including, but not limited to, explanations of their federally
540 regulated label claims, any known drug-nutrient interactions, their role in various diets,
541 or suggestions as how to best use and combine them; provided, however, that such
542 information does not constitute medical nutrition therapy;

543 (8) An individual engaged in the practice of the tenets of any religion, sect, or
544 denomination; provided, however, that such individual does not provide nor represent
545 himself or herself as qualified to engage in medical nutrition therapy;

546 (9) An individual who provides individualized nutrition recommendations for general
547 health and wellness and the prevention of chronic disease, health coaching, holistic and
548 wellness education, guidance, motivation, behavior change management, services for
549 nonmedical weight control, or other nutrition care services, provided that such services
550 do not constitute medical nutrition therapy;

551 (10) An individual who is an operator or employee of a health food store or business that
552 sells health products, including dietary supplements, food, herbs, or food materials, and

553 who provides verbal general nonmedical nutrition information that does not constitute
554 medical nutrition therapy; or

555 (11) A healthcare practitioner not located in this state who provides medical nutrition
556 therapy via telehealth to a patient located in this state, provided that such practitioner is
557 a healthcare practitioner licensed or certified in good standing with a scope of practice
558 that includes the provision of medical nutrition therapy and has a practitioner-patient
559 relationship with a patient who is temporarily located in this state; has a
560 practitioner-patient relationship with a patient who is located in this state and such care
561 is limited to temporary or short-term follow-up medical nutrition therapy to ensure
562 continuity of care; or is in consultation with a healthcare practitioner who has a
563 practitioner-patient relationship with the patient.

564 43-11A-19.

565 (a) A qualified supervisor shall:

566 (1) Only supervise a clinical activity or nutrition care service that the qualified supervisor
567 is authorized to perform;

568 (2) Develop and carry out a program for advancing and optimizing the quality of care
569 provided by the supervisee. A qualified supervisor and supervisee shall identify and
570 document goals for such supervised practice experience, the assignment of clinical tasks
571 as appropriate to such supervisee's evolving level of competence, such supervisee's
572 relationship and the amount and type of access to the qualified supervisor, and a process
573 for evaluating the supervisee's performance;

574 (3) Oversee the activities of and approve and accept responsibility for the nutrition care
575 services rendered by the supervisee;

576 (4) At a minimum, be physically on-site and present where the supervisee is providing
577 nutrition care services or be immediately and continuously available to such supervisee
578 by means of two-way real-time audiovisual technology that allows for direct,

579 contemporaneous interaction by sight and sound between the qualified supervisor and
580 such supervisee; provided, however, that, if the qualified supervisor assigns to a
581 supervisee a nutrition care service that is to be provided in a setting where the qualified
582 supervisor is not routinely present, such qualified supervisor shall ensure that the means
583 and methods of supervision are adequate to ensure appropriate patient care, which may
584 include synchronous videoconferencing or another method of communication, and
585 oversight that is appropriate to the care setting and the education and experience of the
586 supervisee, as determined by the board by approval, policy, or rule;

587 (5) Review on a regular basis the charts, records, and clinical notes of any supervisee and
588 maintain responsibility for such supervisee's clinical record keeping;

589 (6) Be available to render assistance during the provision of nutrition care services when
590 requested by the patient; provided, however, that, if such qualified supervisor is not
591 available, such qualified supervisor shall arrange for another qualified healthcare provider
592 lawfully able to render nutrition care services to be available; and

593 (7) Limit the assignment of nutrition care services to those services that are within the
594 training and experience of the supervisee and customary to the practice of the qualified
595 supervisor.

596 (b) A qualified supervisor shall:

597 (1) Be licensed or certified in the state or territory where such supervised practice
598 experience occurs as a dietitian, nutritionist, dietitian nutritionist, or healthcare provider
599 whose scope of practice includes the provision of medical nutrition therapy;

600 (2) Meet such other criteria as the board may establish by rule or regulation when a state
601 or territory does not provide for licensure or certification of dietitians, dietitian
602 nutritionists, or nutritionists; or

603 (3) Be an employee of the federal government authorized within the discharge of his or
604 her official duties to provide medical nutrition therapy and exempt from licensure as
605 provided for in paragraph (2) of Code Section 43-11A-18.

606

ARTICLE 2607 43-11A-30.608 This article shall be known and may be cited as the 'Dietitian Licensure Compact Act.'609 43-11A-31.

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

613

'DIETITIAN LICENSURE COMPACT614 SECTION 1. PURPOSE

615 The purpose of this Compact is to facilitate interstate Practice of Dietetics with the goal of
616 improving public access to dietetics services. This Compact preserves the regulatory
617 authority of States to protect public health and safety through the current system of State
618 licensure, while also providing for licensure portability through a Compact Privilege granted
619 to qualifying professionals.

620 This Compact is designed to achieve the following objectives:621 A. Increase public access to dietetics services;622 B. Provide opportunities for interstate practice by Licensed Dietitians who meet uniform
623 requirements;624 C. Eliminate the necessity for Licenses in multiple States;625 D. Reduce administrative burden on Member States and Licensees;626 E. Enhance the States' ability to protect the public's health and safety;

- 627 F. Encourage the cooperation of Member States in regulating multistate practice of
628 Licensed Dietitians;
629 G. Support relocating Active Military Members and their spouses;
630 H. Enhance the exchange of licensure, investigative, and disciplinary information among
631 Member States; and
632 I. Vest all Member States with the authority to hold a Licensed Dietitian accountable for
633 meeting all State practice laws in the State in which the patient is located at the time care
634 is rendered.

635 SECTION 2. DEFINITIONS

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

- 638 A. "ACEND" means the Accreditation Council for Education in Nutrition and Dietetics
639 or its successor organization.
640 B. "Active Military Member" means any individual with full-time duty status in the active
641 armed forces of the United States, including members of the National Guard and Reserve.
642 C. "Adverse Action" means any administrative, civil, equitable or criminal action
643 permitted by a State's laws which is imposed by a Licensing Authority or other authority
644 against a Licensee, including actions against an individual's License or Compact Privilege
645 such as revocation, suspension, probation, monitoring of the Licensee, limitation on the
646 Licensee's practice, or any other Encumbrance on licensure affecting a Licensee's
647 authorization to practice, including issuance of a cease and desist action.
648 D. "Alternative Program" means a non-disciplinary monitoring or practice remediation
649 process approved by a Licensing Authority.
650 E. "Charter Member State" means any Member State which enacted this Compact by law
651 before the Effective Date specified in Section 12.

652 F. "Continuing Education" means a requirement, as a condition of License renewal, to
653 provide evidence of participation in, and completion of, educational and professional
654 activities relevant to practice or area of work.

655 G. "CDR" means the Commission on Dietetic Registration or its successor organization.

656 H. "Compact Commission" means the government agency whose membership consists of
657 all States that have enacted this Compact, which is known as the Dietitian Licensure
658 Compact Commission, as described in Section 8, and which shall operate as an
659 instrumentality of the Member States.

660 I. "Compact Privilege" means a legal authorization, which is equivalent to a License,
661 permitting the Practice of Dietetics in a Remote State.

662 J. "Current Significant Investigative Information" means:

663 1. Investigative Information that a Licensing Authority, after a preliminary inquiry that
664 includes notification and an opportunity for the subject Licensee to respond, if required
665 by State law, has reason to believe is not groundless and, if proved true, would indicate
666 more than a minor infraction; or

667 2. Investigative Information that indicates that the subject Licensee represents an
668 immediate threat to public health and safety regardless of whether the subject Licensee
669 has been notified and had an opportunity to respond.

670 K. "Data System" means a repository of information about Licensees, including, but not
671 limited to, Continuing Education, examination, licensure, investigative, Compact Privilege
672 and Adverse Action information.

673 L. "Encumbered License" means a License in which an Adverse Action restricts a
674 Licensee's ability to practice dietetics.

675 M. "Encumbrance" means a revocation or suspension of, or any limitation on a Licensee's
676 full and unrestricted Practice of Dietetics by a Licensing Authority.

677 N. "Executive Committee" means a group of delegates elected or appointed to act on
678 behalf of, and within the powers granted to them by, this Compact, and the Compact
679 Commission.

680 O. "Home State" means the Member State that is the Licensee's primary State of residence
681 or that has been designated pursuant to Section 6.

682 P. "Investigative Information" means information, records, and documents received or
683 generated by a Licensing Authority pursuant to an investigation.

684 Q. "Jurisprudence Requirement" means an assessment of an individual's knowledge of the
685 State laws and regulations governing the Practice of Dietetics in such State.

686 R. "License" means an authorization from a Member State to either:

- 687 1. Engage in the Practice of Dietetics (including medical nutrition therapy); or
- 688 2. Use the title "dietitian," "licensed dietitian," "licensed dietitian nutritionist," "certified
689 dietitian," or other title describing a substantially similar practitioner as the Compact
690 Commission may further define by Rule.

691 S. "Licensee" or "Licensed Dietitian" means an individual who currently holds a License
692 and who meets all of the requirements outlined in Section 4.

693 T. "Licensing Authority" means the board or agency of a State, or equivalent, that is
694 responsible for the licensing and regulation of the Practice of Dietetics.

695 U. "Member State" means a State that has enacted the Compact.

696 V. "Practice of Dietetics" means the synthesis and application of dietetics, primarily for
697 the provision of nutrition care services, including medical nutrition therapy, in person or
698 via telehealth, to prevent, manage, or treat diseases or medical conditions and promote
699 wellness.

700 W. "Registered Dietitian" means a person who:

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

- 703 2. Is credentialed by CDR as a registered dietitian or a registered dietitian nutritionist;
 704 and
 705 3. Is legally authorized to use the title registered dietitian or registered dietitian
 706 nutritionist and the corresponding abbreviations "RD" or "RDN."
- 707 X. "Remote State" means a Member State other than the Home State, where a Licensee
 708 is exercising or seeking to exercise a Compact Privilege.
- 709 Y. "Rule" means a regulation promulgated by the Compact Commission that has the force
 710 of law.
- 711 Z. "Single State License" means a License issued by a Member State within the issuing
 712 State and does not include a Compact Privilege in any other Member State.
- 713 AA. "State" means any state, commonwealth, district, or territory of the United States of
 714 America.
- 715 BB. "Unencumbered License" means a License that authorizes a Licensee to engage in the
 716 full and unrestricted Practice of Dietetics.

717 SECTION 3. STATE PARTICIPATION IN THE COMPACT

- 718 A. To participate in the Compact, a State must currently:
- 719 1. License and regulate the Practice of Dietetics; and
 720 2. Have a mechanism in place for receiving and investigating complaints about
 721 Licensees.
- 722 B. A Member State shall:
- 723 1. Participate fully in the Compact Commission's Data System, including using the
 724 unique identifier as defined in Rules;
 725 2. Notify the Compact Commission, in compliance with the terms of the Compact and
 726 Rules, of any Adverse Action or the availability of Current Significant Investigative
 727 Information regarding a Licensee;

728 3. Implement or utilize procedures for considering the criminal history record
729 information of applicants for an initial Compact Privilege. These procedures shall
730 include the submission of fingerprints or other biometric-based information by applicants
731 for the purpose of obtaining an applicant's criminal history record information from the
732 Federal Bureau of Investigation and the agency responsible for retaining that State's
733 criminal records;

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

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

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

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

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

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

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

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

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

760 SECTION 4. COMPACT PRIVILEGE

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

763 1. Satisfy one of the following:

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

766 b. Complete all of the following:

767 i. An education program which is either:

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

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

778 ii. A planned, documented, supervised practice experience in dietetics that is
779 programmatically accredited by (i) ACEND, or (ii) a dietetics accrediting agency
780 recognized by the United States Department of Education which the Compact

781 Commission may by Rule determine and which involves at least 1000 hours of
782 practice experience under the supervision of a Registered Dietitian or a Licensed
783 Dietitian.

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

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

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

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

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

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

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

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

808 D. Notwithstanding anything to the contrary provided in this Compact or State law, a
809 Licensee exercising a Compact Privilege shall not be required to complete Continuing
810 Education Requirements required by a Remote State. A Licensee exercising a Compact
811 Privilege is only required to meet any Continuing Education Requirements as required by
812 the Home State.

813 SECTION 5. OBTAINING A NEW HOME STATE LICENSE BASED ON A COMPACT
814 PRIVILEGE

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

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

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

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

824 a. Federal Bureau of Investigation fingerprint based criminal history record
825 information check;

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

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

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

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

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

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

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

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

844 SECTION 6. ACTIVE MILITARY MEMBERS OR THEIR SPOUSES

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

848 SECTION 7. ADVERSE ACTIONS

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

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

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

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

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

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

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

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

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

878 G. Joint Investigations:

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

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

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

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

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

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

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

899 SECTION 8. ESTABLISHMENT OF THE DIETITIAN LICENSURE COMPACT
900 COMMISSION

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

907 B. Membership, Voting, and Meetings

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

910 2. The delegate shall be the primary administrator of the Licensing Authority or their
911 designee.

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

914 4. The Compact Commission may recommend removal or suspension of any delegate
915 from office.

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

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

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

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

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

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

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

930 3. Establish and amend Rules and bylaws;

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

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

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

- 937 7. Maintain and certify records and information provided to a Member State as the
938 authenticated business records of the Compact Commission, and designate an agent to
939 do so on the Compact Commission's behalf;
- 940 8. Purchase and maintain insurance and bonds;
- 941 9. Borrow, accept, or contract for services of personnel, including, but not limited to,
942 employees of a Member State;
- 943 10. Conduct an annual financial review;
- 944 11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such
945 individuals appropriate authority to carry out the purposes of the Compact, and establish
946 the Compact Commission's personnel policies and programs relating to conflicts of
947 interest, qualifications of personnel, and other related personnel matters;
- 948 12. Assess and collect fees;
- 949 13. Accept any and all appropriate donations, grants of money, other sources of revenue,
950 equipment, supplies, materials, services, and gifts, and receive, utilize, and dispose of the
951 same; provided that at all times the Compact Commission shall avoid any actual or
952 appearance of impropriety or conflict of interest;
- 953 14. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or
954 mixed, or any undivided interest therein;
- 955 15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
956 any property real, personal, or mixed;
- 957 16. Establish a budget and make expenditures;
- 958 17. Borrow money;
- 959 18. Appoint committees, including standing committees, composed of members, State
960 regulators, State legislators or their representatives, and consumer representatives, and
961 such other interested persons as may be designated in this Compact or the bylaws;
- 962 19. Provide and receive information from, and cooperate with, law enforcement
963 agencies;

- 964 20. Establish and elect an Executive Committee, including a chair and a vice chair;
965 21. Determine whether a State's adopted language is materially different from the model
966 compact language such that the State would not qualify for participation in the Compact;
967 and
968 22. Perform such other functions as may be necessary or appropriate to achieve the
969 purposes of this Compact.

970 D. The Executive Committee

- 971 1. The Executive Committee shall have the power to act on behalf of the Compact
972 Commission according to the terms of this Compact. The powers, duties, and
973 responsibilities of the Executive Committee shall include:
- 974 a. Oversee the day-to-day activities of the administration of the Compact including
975 enforcement and compliance with the provisions of the Compact, its Rules and bylaws,
976 and other such duties as deemed necessary;
 - 977 b. Recommend to the Compact Commission changes to the Rules or bylaws, changes
978 to this Compact legislation, fees charged to Compact Member States, fees charged to
979 Licensees, and other fees;
 - 980 c. Ensure Compact administration services are appropriately provided, including by
981 contract;
 - 982 d. Prepare and recommend the budget;
 - 983 e. Maintain financial records on behalf of the Compact Commission;
 - 984 f. Monitor Compact compliance of Member States and provide compliance reports to
985 the Compact Commission;
 - 986 g. Establish additional committees as necessary;
 - 987 h. Exercise the powers and duties of the Compact Commission during the interim
988 between Compact Commission meetings, except for adopting or amending Rules,
989 adopting or amending bylaws, and exercising any other powers and duties expressly
990 reserved to the Compact Commission by Rule or bylaw; and

- 991 i. Other duties as provided in the Rules or bylaws of the Compact Commission.
- 992 2. The Executive Committee shall be composed of nine members:
- 993 a. The chair and vice chair of the Compact Commission shall be voting members of the
- 994 Executive Committee;
- 995 b. Five voting members from the current membership of the Compact Commission,
- 996 elected by the Compact Commission;
- 997 c. One ex-officio, nonvoting member from a recognized professional association
- 998 representing dietitians; and
- 999 d. One ex-officio, nonvoting member from a recognized national credentialing
- 1000 organization for dietitians.
- 1001 3. The Compact Commission may remove any member of the Executive Committee as
- 1002 provided in the Compact Commission's bylaws.
- 1003 4. The Executive Committee shall meet at least annually.
- 1004 a. Executive Committee meetings shall be open to the public, except that the Executive
- 1005 Committee may meet in a closed, non-public meeting as provided in subsection (F)(2).
- 1006 b. The Executive Committee shall give 30 days' notice of its meetings, posted on the
- 1007 website of the Compact Commission and as determined to provide notice to persons
- 1008 with an interest in the business of the Compact Commission.
- 1009 c. The Executive Committee may hold a special meeting in accordance with
- 1010 subsection (F)(1)(b).
- 1011 E. The Compact Commission shall adopt and provide to the Member States an annual
- 1012 report.
- 1013 F. Meetings of the Compact Commission
- 1014 1. All meetings shall be open to the public, except that the Compact Commission may
- 1015 meet in a closed, non-public meeting as provided in subsection (F)(2).

- 1016 a. Public notice for all meetings of the full Compact Commission shall be given in the
1017 same manner as required under the rulemaking provisions in Section 10, except that the
1018 Compact Commission may hold a special meeting as provided in subsection (F)(1)(b).
1019 b. The Compact Commission may hold a special meeting when it must meet to conduct
1020 emergency business by giving 24 hours' notice to all Member States, on the Compact
1021 Commission's website, and other means as provided in the Compact Commission's
1022 Rules. The Compact Commission's legal counsel shall certify that the Compact
1023 Commission's need to meet qualifies as an emergency.
- 1024 2. The Compact Commission or the Executive Committee or other committees of the
1025 Compact Commission may convene in a closed, non-public meeting for the Compact
1026 Commission or Executive Committee or other committees of the Compact Commission
1027 to receive legal advice or to discuss:
- 1028 a. Non-compliance of a Member State with its obligations under the Compact;
1029 b. The employment, compensation, discipline, or other matters, practices, or
1030 procedures related to specific employees;
1031 c. Current or threatened discipline of a Licensee by the Compact Commission or by a
1032 Member State's Licensing Authority;
1033 d. Current, threatened, or reasonably anticipated litigation;
1034 e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real
1035 estate;
1036 f. Accusing any person of a crime or formally censuring any person;
1037 g. Trade secrets or commercial or financial information that is privileged or
1038 confidential;
1039 h. Information of a personal nature where disclosure would constitute a clearly
1040 unwarranted invasion of personal privacy;
1041 i. Investigative records compiled for law enforcement purposes;

1042 j. Information related to any investigative reports prepared by or on behalf of or for use
1043 of the Compact Commission or other committee charged with responsibility of
1044 investigation or determination of compliance issues pursuant to the Compact;

1045 k. Matters specifically exempted from disclosure by federal or Member State law; or
1046 l. Other matters as specified in the Rules of the Compact Commission.

1047 3. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the
1048 meeting will be closed and reference each relevant exempting provision, and such
1049 reference shall be recorded in the minutes.

1050 4. The Compact Commission shall keep minutes that fully and clearly describe all
1051 matters discussed in a meeting and shall provide a full and accurate summary of actions
1052 taken, and the reasons therefore, including a description of the views expressed. All
1053 documents considered in connection with an action shall be identified in such minutes.
1054 All minutes and documents of a closed meeting shall remain under seal, subject to release
1055 only by a majority vote of the Compact Commission or order of a court of competent
1056 jurisdiction.

1057 G. Financing of the Compact Commission

1058 1. The Compact Commission shall pay, or provide for the payment of, the reasonable
1059 expenses of its establishment, organization, and ongoing activities.

1060 2. The Compact Commission may accept any and all appropriate revenue sources as
1061 provided in subsection (C)(13).

1062 3. The Compact Commission may levy on and collect an annual assessment from each
1063 Member State and impose fees on Licensees of Member States to whom it grants a
1064 Compact Privilege to cover the cost of the operations and activities of the Compact
1065 Commission and its staff, which must, in a total amount, be sufficient to cover its annual
1066 budget as approved each year for which revenue is not provided by other sources. The
1067 aggregate annual assessment amount for Member States shall be allocated based upon a
1068 formula that the Compact Commission shall promulgate by Rule.

1069 4. The Compact Commission shall not incur obligations of any kind prior to securing the
1070 funds adequate to meet the same; nor shall the Compact Commission pledge the credit
1071 of any of the Member States, except by and with the authority of the Member State.

1072 5. The Compact Commission shall keep accurate accounts of all receipts and
1073 disbursements. The receipts and disbursements of the Compact Commission shall be
1074 subject to the financial review and accounting procedures established under its bylaws.
1075 However, all receipts and disbursements of funds handled by the Compact Commission
1076 shall be subject to an annual financial review by a certified or licensed public accountant,
1077 and the report of the financial review shall be included in and become part of the annual
1078 report of the Compact Commission.

1079 H. Qualified Immunity, Defense, and Indemnification

1080 1. The members, officers, executive director, employees and representatives of the
1081 Compact Commission shall be immune from suit and liability, both personally and in
1082 their official capacity, for any claim for damage to or loss of property or personal injury
1083 or other civil liability caused by or arising out of any actual or alleged act, error, or
1084 omission that occurred, or that the person against whom the claim is made had a
1085 reasonable basis for believing occurred within the scope of Compact Commission
1086 employment, duties, or responsibilities; provided that nothing in this paragraph shall be
1087 construed to protect any such person from suit or liability for any damage, loss, injury,
1088 or liability caused by the intentional or willful or wanton misconduct of that person. The
1089 procurement of insurance of any type by the Compact Commission shall not in any way
1090 compromise or limit the immunity granted hereunder.

1091 2. The Compact Commission shall defend any member, officer, executive director,
1092 employee, and representative of the Compact Commission in any civil action seeking to
1093 impose liability arising out of any actual or alleged act, error, or omission that occurred
1094 within the scope of Compact Commission employment, duties, or responsibilities, or as
1095 determined by the Compact Commission that the person against whom the claim is made

1096 had a reasonable basis for believing occurred within the scope of Compact Commission
1097 employment, duties, or responsibilities; provided that nothing herein shall be construed
1098 to prohibit that person from retaining their own counsel at their own expense; and
1099 provided further, that the actual or alleged act, error, or omission did not result from that
1100 person's intentional or willful or wanton misconduct.

1101 3. The Compact Commission shall indemnify and hold harmless any member, officer,
1102 executive director, employee, and representative of the Compact Commission for the
1103 amount of any settlement or judgment obtained against that person arising out of any
1104 actual or alleged act, error, or omission that occurred within the scope of Compact
1105 Commission employment, duties, or responsibilities, or that such person had a reasonable
1106 basis for believing occurred within the scope of Compact Commission employment,
1107 duties, or responsibilities, provided that the actual or alleged act, error, or omission did
1108 not result from the intentional or willful or wanton misconduct of that person.

1109 4. Nothing herein shall be construed as a limitation on the liability of any Licensee for
1110 professional malpractice or misconduct, which shall be governed solely by any other
1111 applicable State laws.

1112 5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a Member
1113 State's state action immunity or state action affirmative defense with respect to antitrust
1114 claims under the Sherman Act, Clayton Act, or any other State or federal antitrust or
1115 anticompetitive law or regulation.

1116 6. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by
1117 the Member States or by the Compact Commission.

1118 SECTION 9. DATA SYSTEM

1119 A. The Compact Commission shall provide for the development, maintenance, operation,
1120 and utilization of a coordinated Data System.

1121 B. The Compact Commission shall assign each applicant for a Compact Privilege a unique
1122 identifier, as determined by the Rules.

1123 C. Notwithstanding any other provision of State law to the contrary, a Member State shall
1124 submit a uniform data set to the Data System on all individuals to whom this Compact is
1125 applicable as required by the Rules of the Compact Commission, including:

1126 1. Identifying information;

1127 2. Licensure data;

1128 3. Adverse Actions against a License or Compact Privilege and information related
1129 thereto;

1130 4. Non-confidential information related to Alternative Program participation, the
1131 beginning and ending dates of such participation, and other information related to such
1132 participation not made confidential under Member State law;

1133 5. Any denial of application for licensure, and the reason(s) for such denial;

1134 6. The presence of Current Significant Investigative Information; and

1135 7. Other information that may facilitate the administration of this Compact or the
1136 protection of the public, as determined by the Rules of the Compact Commission.

1137 D. The records and information provided to a Member State pursuant to this Compact or
1138 through the Data System, when certified by the Compact Commission or an agent thereof,
1139 shall constitute the authenticated business records of the Compact Commission, and shall
1140 be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial, or
1141 administrative proceedings in a Member State.

1142 E. Current Significant Investigative Information pertaining to a Licensee in any Member
1143 State will only be available to other Member States.

1144 F. It is the responsibility of the Member States to report any Adverse Action against a
1145 Licensee and to monitor the Data System to determine whether any Adverse Action has
1146 been taken against a Licensee. Adverse Action information pertaining to a Licensee in any
1147 Member State will be available to any other Member State.

1148 G. Member States contributing information to the Data System may designate information
1149 that may not be shared with the public without the express permission of the contributing
1150 State.

1151 H. Any information submitted to the Data System that is subsequently expunged pursuant
1152 to federal law or the laws of the Member State contributing the information shall be
1153 removed from the Data System.

1154 SECTION 10. RULEMAKING

1155 A. The Compact Commission shall promulgate reasonable Rules in order to effectively
1156 and efficiently implement and administer the purposes and provisions of the Compact. A
1157 Rule shall be invalid and have no force or effect only if a court of competent jurisdiction
1158 holds that the Rule is invalid because the Compact Commission exercised its rulemaking
1159 authority in a manner that is beyond the scope and purposes of the Compact, or the powers
1160 granted hereunder, or based upon another applicable standard of review.

1161 B. The Rules of the Compact Commission shall have the force of law in each Member
1162 State, provided however that where the Rules conflict with the laws or regulations of a
1163 Member State that relate to the procedures, actions, and processes a Licensed Dietitian is
1164 permitted to undertake in that State and the circumstances under which they may do so, as
1165 held by a court of competent jurisdiction, the Rules of the Compact Commission shall be
1166 ineffective in that State to the extent of the conflict.

1167 C. The Compact Commission shall exercise its rulemaking powers pursuant to the criteria
1168 set forth in this Section and the Rules adopted thereunder. Rules shall become binding on
1169 the day following adoption or as of the date specified in the Rule or amendment, whichever
1170 is later.

1171 D. If a majority of the legislatures of the Member States rejects a Rule or portion of a Rule,
1172 by enactment of a statute or resolution in the same manner used to adopt the Compact

1173 within four (4) years of the date of adoption of the Rule, then such Rule shall have no
1174 further force and effect in any Member State.

1175 E. Rules shall be adopted at a regular or special meeting of the Compact Commission.

1176 F. Prior to adoption of a proposed Rule, the Compact Commission shall hold a public
1177 hearing and allow persons to provide oral and written comments, data, facts, opinions, and
1178 arguments.

1179 G. Prior to adoption of a proposed Rule by the Compact Commission, and at least
1180 thirty (30) days in advance of the meeting at which the Compact Commission will hold a
1181 public hearing on the proposed Rule, the Compact Commission shall provide a Notice of
1182 Proposed rulemaking:

1183 1. On the website of the Compact Commission or other publicly accessible platform;

1184 2. To persons who have requested notice of the Compact Commission's notices of
1185 proposed rulemaking; and

1186 3. In such other way(s) as the Compact Commission may by Rule specify.

1187 H. The Notice of Proposed rulemaking shall include:

1188 1. The time, date, and location of the public hearing at which the Compact Commission
1189 will hear public comments on the proposed Rule and, if different, the time, date, and
1190 location of the meeting where the Compact Commission will consider and vote on the
1191 proposed Rule;

1192 2. If the hearing is held via telecommunication, video conference, or other means of
1193 communication, the Compact Commission shall include the mechanism for access to the
1194 hearing in the Notice of Proposed rulemaking;

1195 3. The text of the proposed Rule and the reason therefore;

1196 4. A request for comments on the proposed Rule from any interested person; and

1197 5. The manner in which interested persons may submit written comments.

1198 I. All hearings will be recorded. A copy of the recording and all written comments and
1199 documents received by the Compact Commission in response to the proposed Rule shall
1200 be available to the public.

1201 J. Nothing in this Section shall be construed as requiring a separate hearing on each Rule.
1202 Rules may be grouped for the convenience of the Compact Commission at hearings
1203 required by this Section.

1204 K. The Compact Commission shall, by majority vote of all members, take final action on
1205 the proposed Rule based on the rulemaking record and the full text of the Rule.

1206 1. The Compact Commission may adopt changes to the proposed Rule provided the
1207 changes do not enlarge the original purpose of the proposed Rule.

1208 2. The Compact Commission shall provide an explanation of the reasons for substantive
1209 changes made to the proposed Rule as well as reasons for substantive changes not made
1210 that were recommended by commenters.

1211 3. The Compact Commission shall determine a reasonable effective date for the Rule.
1212 Except for an emergency as provided in Section 10(L), the effective date of the Rule shall
1213 be no sooner than 30 days after issuing the notice that it adopted or amended the Rule.

1214 L. Upon determination that an emergency exists, the Compact Commission may consider
1215 and adopt an emergency Rule with 24 hours' notice, with opportunity to comment, provided
1216 that the usual rulemaking procedures provided in the Compact and in this Section shall be
1217 retroactively applied to the Rule as soon as reasonably possible, in no event later than
1218 ninety (90) days after the effective date of the Rule. For the purposes of this provision, an
1219 emergency Rule is one that must be adopted immediately in order to:

1220 1. Meet an imminent threat to public health, safety, or welfare;

1221 2. Prevent a loss of Compact Commission or Member State funds;

1222 3. Meet a deadline for the promulgation of a Rule that is established by federal law or
1223 rule; or

1224 4. Protect public health and safety.

- 1225 M. The Compact Commission or an authorized committee of the Compact Commission
1226 may direct revision to a previously adopted Rule for purposes of correcting typographical
1227 errors, errors in format, errors in consistency, or grammatical errors. Public notice of any
1228 revision shall be posted on the website of the Compact Commission. The revision shall be
1229 subject to challenge by any person for a period of thirty (30) days after posting. The
1230 revision may be challenged only on grounds that the revision results in a material change
1231 to a Rule. A challenge shall be made in writing and delivered to the Compact Commission
1232 prior to the end of the notice period. If no challenge is made, the revision will take effect
1233 without further action. If the revision is challenged, the revision may not take effect
1234 without the approval of the Compact Commission.
- 1235 N. No Member State's rulemaking requirements shall apply under this Compact.

1236 SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

1237 A. Oversight

- 1238 1. The executive and judicial branches of State government in each Member State shall
1239 enforce this Compact and take all actions necessary and appropriate to implement this
1240 Compact.
- 1241 2. Except as otherwise provided in this Compact, venue is proper and judicial
1242 proceedings by or against the Compact Commission shall be brought solely and
1243 exclusively in a court of competent jurisdiction where the principal office of the Compact
1244 Commission is located. The Compact Commission may waive venue and jurisdictional
1245 defenses to the extent it adopts or consents to participate in alternative dispute resolution
1246 proceedings. Nothing herein shall affect or limit the selection or propriety of venue in
1247 any action against a Licensee for professional malpractice, misconduct, or any such
1248 similar matter.
- 1249 3. The Compact Commission shall be entitled to receive service of process in any
1250 proceeding regarding the enforcement or interpretation of the Compact and shall have

1251 standing to intervene in such a proceeding for all purposes. Failure to provide the
1252 Compact Commission service of process shall render a judgment or order void as to the
1253 Compact Commission, this Compact, or promulgated Rules.

1254 B. Default, Technical Assistance, and Termination

1255 1. If the Compact Commission determines that a Member State has defaulted in the
1256 performance of its obligations or responsibilities under this Compact or the promulgated
1257 Rules, the Compact Commission shall provide written notice to the defaulting State. The
1258 notice of default shall describe the default, the proposed means of curing the default, and
1259 any other action that the Compact Commission may take and shall offer training and
1260 specific technical assistance regarding the default.

1261 2. The Compact Commission shall provide a copy of the notice of default to the other
1262 Member States.

1263 C. If a State in default fails to cure the default, the defaulting State may be terminated from
1264 the Compact upon an affirmative vote of a majority of the delegates of the Member States,
1265 and all rights, privileges, and benefits conferred on that State by this Compact may be
1266 terminated on the effective date of termination. A cure of the default does not relieve the
1267 offending State of obligations or liabilities incurred during the period of default.

1268 D. Termination of membership in the Compact shall be imposed only after all other means
1269 of securing compliance have been exhausted. Notice of intent to suspend or terminate shall
1270 be given by the Compact Commission to the governor, the majority and minority leaders
1271 of the defaulting State's legislature, the defaulting State's Licensing Authority, and each of
1272 the Member States' Licensing Authority.

1273 E. A State that has been terminated is responsible for all assessments, obligations, and
1274 liabilities incurred through the effective date of termination, including obligations that
1275 extend beyond the effective date of termination.

1276 F. Upon the termination of a State's membership from this Compact, that State shall
1277 immediately provide notice to all Licensees within that State of such termination. The

1278 terminated State shall continue to recognize all Compact Privileges granted pursuant to this
1279 Compact for a minimum of six months after the date of said notice of termination.

1280 G. The Compact Commission shall not bear any costs related to a State that is found to be
1281 in default or that has been terminated from the Compact, unless agreed upon in writing
1282 between the Compact Commission and the defaulting State.

1283 H. The defaulting State may appeal the action of the Compact Commission by petitioning
1284 the U.S. District Court for the District of Columbia or the federal district where the
1285 Compact Commission has its principal offices. The prevailing party shall be awarded all
1286 costs of such litigation, including reasonable attorney's fees.

1287 I. Dispute Resolution

1288 1. Upon request by a Member State, the Compact Commission shall attempt to resolve
1289 disputes related to the Compact that arise among Member States and between Member
1290 and non-Member States.

1291 2. The Compact Commission shall promulgate a Rule providing for both mediation and
1292 binding dispute resolution for disputes as appropriate.

1293 J. Enforcement

1294 1. By supermajority vote, the Compact Commission may initiate legal action against a
1295 Member State in default in the United States District Court for the District of Columbia
1296 or the federal district where the Compact Commission has its principal offices to enforce
1297 compliance with the provisions of the Compact and its promulgated Rules. The relief
1298 sought may include both injunctive relief and damages. In the event judicial enforcement
1299 is necessary, the prevailing party shall be awarded all costs of such litigation, including
1300 reasonable attorney's fees. The remedies herein shall not be the exclusive remedies of the
1301 Compact Commission. The Compact Commission may pursue any other remedies
1302 available under federal or the defaulting Member State's law.

1303 2. A Member State may initiate legal action against the Compact Commission in the U.S.
1304 District Court for the District of Columbia or the federal district where the Compact

1305 Commission has its principal offices to enforce compliance with the provisions of the
1306 Compact and its promulgated Rules. The relief sought may include both injunctive relief
1307 and damages. In the event judicial enforcement is necessary, the prevailing party shall
1308 be awarded all costs of such litigation, including reasonable attorney's fees.

1309 3. No party other than a Member State shall enforce this Compact against the Compact
1310 Commission.

1311 SECTION 12. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

1312 A. The Compact shall come into effect on the date on which the Compact statute is
1313 enacted into law in the seventh Member State.

1314 1. On or after the effective date of the Compact, the Compact Commission shall convene
1315 and review the enactment of each of the first seven Member States ("Charter Member
1316 States") to determine if the statute enacted by each such Charter Member State is
1317 materially different than the model Compact statute.

1318 a. A Charter Member State whose enactment is found to be materially different from
1319 the model Compact statute shall be entitled to the default process set forth in
1320 Section 11.

1321 b. If any Member State is later found to be in default, or is terminated, or withdraws
1322 from the Compact, the Compact Commission shall remain in existence and the
1323 Compact shall remain in effect even if the number of Member States should be less than
1324 seven.

1325 2. Member States enacting the Compact subsequent to the seven initial Charter Member
1326 States shall be subject to the process set forth in Section 8(C)(21) to determine if their
1327 enactments are materially different from the model Compact statute and whether they
1328 qualify for participation in the Compact.

1329 3. All actions taken for the benefit of the Compact Commission or in furtherance of the
1330 purposes of the administration of the Compact prior to the effective date of the Compact

1331 or the Compact Commission coming into existence shall be considered to be actions of
1332 the Compact Commission unless specifically repudiated by the Compact Commission.

1333 4. Any State that joins the Compact subsequent to the Compact Commission's initial
1334 adoption of the Rules and bylaws shall be subject to the Rules and bylaws as they exist
1335 on the date on which the Compact becomes law in that State. Any Rule that has been
1336 previously adopted by the Compact Commission shall have the full force and effect of
1337 law on the day the Compact becomes law in that State.

1338 B. Any Member State may withdraw from this Compact by enacting a statute repealing
1339 the same.

1340 1. A Member State's withdrawal shall not take effect until 180 days after enactment of
1341 the repealing statute.

1342 2. Withdrawal shall not affect the continuing requirement of the withdrawing State's
1343 Licensing Authority to comply with the investigative and Adverse Action reporting
1344 requirements of this Compact prior to the effective date of withdrawal.

1345 3. Upon the enactment of a statute withdrawing from this Compact, a State shall
1346 immediately provide notice of such withdrawal to all Licensees within that State.
1347 Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing
1348 State shall continue to recognize all Compact Privileges granted pursuant to this Compact
1349 for a minimum of 180 days after the date of such notice of withdrawal.

1350 C. Nothing contained in this Compact shall be construed to invalidate or prevent any
1351 licensure agreement or other cooperative arrangement between a Member State and a
1352 non-Member State that does not conflict with the provisions of this Compact.

1353 D. This Compact may be amended by the Member States. No amendment to this Compact
1354 shall become effective and binding upon any Member State until it is enacted into the laws
1355 of all Member States.

1356 SECTION 13. CONSTRUCTION AND SEVERABILITY

1357 A. This Compact and the Compact Commission's rulemaking authority shall be liberally
1358 construed so as to effectuate the purposes and the implementation and administration of the
1359 Compact. Provisions of the Compact expressly authorizing or requiring the promulgation
1360 of Rules shall not be construed to limit the Compact Commission's rulemaking authority
1361 solely for those purposes.

1362 B. The provisions of this Compact shall be severable and if any phrase, clause, sentence,
1363 or provision of this Compact is held by a court of competent jurisdiction to be contrary to
1364 the constitution of any Member State, a State seeking participation in the Compact, or of
1365 the United States, or the applicability thereof to any government, agency, person, or
1366 circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity
1367 of the remainder of this Compact and the applicability thereof to any other government,
1368 agency, person, or circumstance shall not be affected thereby.

1369 C. Notwithstanding Section 13(B), the Compact Commission may deny a State's
1370 participation in the Compact or, in accordance with the requirements of Section 11(B),
1371 terminate a Member State's participation in the Compact, if it determines that a
1372 constitutional requirement of a Member State is a material departure from the Compact.
1373 Otherwise, if this Compact shall be held to be contrary to the constitution of any Member
1374 State, the Compact shall remain in full force and effect as to the remaining Member States
1375 and in full force and effect as to the Member State affected as to all severable matters.

1376 SECTION 14. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

1377 A. Nothing herein shall prevent or inhibit the enforcement of any other law of a Member
1378 State that is not inconsistent with the Compact.

1379 B. Any laws, statutes, regulations, or other legal requirements in a Member State in
1380 conflict with the Compact are superseded to the extent of the conflict.

1381 C. All permissible agreements between the Compact Commission and the Member States
 1382 are binding in accordance with their terms."

1383

PART II

1384

Conforming cross-references

1385

SECTION 2-1.

1386 Title 9 of the Official Code of Georgia Annotated, relating to civil practice, is amended in
 1387 Code Section 9-11-9.1, relating to affidavit to accompany charge of professional malpractice,
 1388 by revising paragraph (8) of subsection (g) as follows:

1389 "(8) ~~Dietitians~~ Licensed dietitians or licensed nutritionists;"

1390

SECTION 2-2.

1391 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended in Code
 1392 Section 31-7-351, relating to definitions relative to Georgia Long-term Care Background
 1393 Check Program, by revising paragraph (7) as follows:

1394 "(7) 'Employee' means any individual who has direct access and who is hired by a facility
 1395 through employment, or through a contract with such facility, including, but not limited
 1396 to, housekeepers, maintenance personnel, ~~dieticians~~, and any volunteer who has duties
 1397 that are equivalent to the duties of an employee providing such services. Such term shall
 1398 not include an individual who contracts with the facility, whether personally or through
 1399 a company, to provide utility, construction, communications, accounting, quality
 1400 assurance, human resource management, information technology, legal, or other services
 1401 if the contracted services are not directly related to providing services to a patient,
 1402 resident, or client of the facility. Such term shall not include any healthcare provider,
 1403 including, but not limited to, physicians, dentists, nurses, ~~and~~ pharmacists, and dietitians
 1404 who are licensed by the Georgia Composite Medical Board, the Georgia Board of

1405 Dentistry, the Georgia Board of Nursing, ~~or~~ the State Board of Pharmacy, or the Georgia
1406 Board of Examiners of Licensed Dietitians and Licensed Nutritionists."

1407 **SECTION 2-3.**

1408 Said title is further amended in Code Section 31-8-192, relating to definitions relative to
1409 "health share" volunteers in medicine, by revising subparagraph (N) of paragraph (5) as
1410 follows:

1411 "(N) A dietitian or nutritionist licensed under Chapter 11A of Title 43;"

1412 **SECTION 2-4.**

1413 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended in Code
1414 Section 33-20A-3, relating to definitions relative to patient protection, by revising
1415 paragraph (5) as follows:

1416 "(5) 'Healthcare provider' or 'provider' means any physician, dentist, podiatrist,
1417 pharmacist, optometrist, psychologist, clinical social worker, advanced practice registered
1418 nurse, registered optician, licensed professional counselor, physical therapist, marriage
1419 and family therapist, chiropractor, athletic trainer qualified pursuant to Code
1420 Section 43-5-8, occupational therapist, speech language pathologist, audiologist, licensed
1421 dietitian, licensed nutritionist, or physician assistant."

1422 **SECTION 2-5.**

1423 Said title is further amended in Code Section 33-20E-2, relating to application to insurers and
1424 definitions relative to surprise billing consumer protection, by revising paragraph (9) of
1425 subsection (b) as follows:

1426 "(9) 'Healthcare provider' or 'provider' means any physician, other individual, or facility
1427 other than a hospital licensed or otherwise authorized in this state to furnish healthcare

1428 services, including, but not limited to, any dentist, podiatrist, optometrist, psychologist,
 1429 clinical social worker, advanced practice registered nurse, registered optician, licensed
 1430 professional counselor, physical therapist, marriage and family therapist, chiropractor,
 1431 athletic trainer qualified pursuant to Code Section 43-5-8, occupational therapist,
 1432 speech-language pathologist, audiologist, licensed dietitian, licensed nutritionist, or
 1433 physician assistant."

1434 **SECTION 2-6.**

1435 Said title is further amended in Code Section 33-24-59.27, relating to right to shop for
 1436 insurance coverage, disclosure of pricing information, and notice, by revising paragraph (4)
 1437 of subsection (b) as follows:

1438 "(4) 'Healthcare provider' or 'provider' means any physician, dentist, podiatrist,
 1439 pharmacist, optometrist, psychologist, clinical social worker, advanced practice registered
 1440 nurse, registered optician, licensed professional counselor, physical therapist, marriage
 1441 and family therapist, chiropractor, athletic trainer qualified pursuant to Code
 1442 Section 43-5-8, occupational therapist, speech language pathologist, audiologist, licensed
 1443 dietitian, licensed nutritionist, or physician assistant."

1444 **SECTION 2-7.**

1445 Said title is further amended in Code Section 33-39-3, relating to definitions relative to
 1446 collection, use, and disclosure of information gathered by insurance institutions, by revising
 1447 paragraph (16) as follows:

1448 "(16) 'Medical professional' means any person licensed or certified to provide healthcare
 1449 services to natural persons, including, but not limited to, a chiropractor, ~~clinical~~ licensed
 1450 dietitian, licensed nutritionist, clinical psychologist, dentist, nurse, occupational therapist,
 1451 optometrist, pharmacist, physical therapist, physician, podiatrist, psychiatric social
 1452 worker, or speech therapist."

1453 **SECTION 2-8.**

1454 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
 1455 is amended in Code Section 43-1-28, relating to volunteers in healthcare specialties, by
 1456 revising paragraphs (2) and (3) of subsection (b) as follows:

1457 "(2) 'Healthcare practitioner' means a chiropractor, registered professional nurse,
 1458 podiatrist, optometrist, professional counselor, social worker, marriage and family
 1459 therapist, occupational therapist, physical therapist, physician assistant, licensed practical
 1460 nurse, certified nurse midwife, pharmacist, speech-language pathologist, audiologist,
 1461 psychologist, or licensed dietitian, or licensed nutritionist.

1462 (3) 'Healthcare specialty' means the practice of chiropractic, nursing, podiatry,
 1463 optometry, professional counseling, social work, marriage and family therapy,
 1464 occupational therapy, physical therapy, physician assistance, midwifery, pharmacy,
 1465 speech-language pathology, audiology, psychology, or dietetics, or nutrition."

1466 **SECTION 2-9.**

1467 Said title is further amended in Code Section 43-1-33, relating to advertisement, signage, and
 1468 identifier requirements for healthcare practitioners, by revising subparagraph (c)(5)(D) as
 1469 follows:

1470 "(D) Dietitian or nutritionist licensed ~~or registered~~ pursuant to Chapter 11A of this
 1471 title;"

1472 **SECTION 2-10.**

1473 Said title is further amended in Code Section 43-34-316, relating to exceptions relative to
 1474 genetic counselor licensure, by revising paragraph (5) as follows:

1475 "(5) Any person using genetic data for purposes of nutritional counseling who is licensed
 1476 as a dietitian or nutritionist under Chapter 11A of this title ~~or exempt from such licensure~~
 1477 ~~pursuant to paragraph (10) of Code Section 43-11A-18.~~"

SECTION 2-11.

1478
1479 Title 51 of the Official Code of Georgia Annotated, relating to torts, is amended in Code
1480 Section 51-2-5.1, relating to relationship between hospital and healthcare provider
1481 prerequisite to liability, notice regarding independent contractor status, and factors for
1482 consideration in determining status, by revising paragraph (1) of subsection (a) as follows:

1483 "(1) 'Healthcare professional' means a professional licensed as an audiologist,
1484 chiropractor, clinical social worker, dentist, licensed dietitian, licensed nutritionist,
1485 medical doctor, marriage and family therapist, registered professional or licensed
1486 practical nurse, occupational therapist, optometrist, osteopathic physician, pharmacist,
1487 physical therapist, physician assistant, professional counselor, podiatrist, psychologist,
1488 radiological technician, respiratory therapist, or speech-language pathologist."

SECTION 2-12.

1489
1490 Said title is further amended in Code Section 51-16-1, relating to definitions relative to
1491 pandemic business safety, by revising paragraph (6) as follows:

1492 "(6) 'Healthcare provider' means any physician or other person licensed or otherwise
1493 authorized in this state to furnish healthcare services, including, but not limited to, any
1494 dentist, podiatrist, optometrist, pharmacist, psychologist, clinical social worker, advanced
1495 practice registered nurse, registered optician, licensed professional counselor, physical
1496 therapist, massage therapist, marriage and family therapist, chiropractor, athletic trainer
1497 qualified pursuant to Code Section 43-5-7, occupational therapist, speech-language
1498 pathologist, audiologist, licensed dietitian, licensed nutritionist, physician assistant,
1499 cardiac technician, emergency medical technician, paramedic, or related parties."

1500

PART III

1501

Effective date and repealer

1502

SECTION 3-1.

1503 This Act shall become effective upon its approval by the Governor or upon its becoming law

1504 without such approval.

1505

SECTION 3-2.

1506 All laws and parts of laws in conflict with this Act are repealed.