

House Bill 185 (AS PASSED HOUSE AND SENATE)

By: Representatives Ehrhart of the 36th and Powell of the 33rd

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 for definitions; to establish the Georgia Board of
5 Examiners of Licensed Dietitians and Licensed Nutritionists; to provide for members,
6 officers, meetings, and powers and duties of such board; to authorize the board to perform
7 criminal background checks; to provide for the grant of a license without examination; to
8 provide for eligibility for licensure as a dietitian and nutritionist; to provide for provisional
9 licenses; 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 a qualified supervisor over
13 a supervised practice experience; to enter into an interstate compact; to amend Titles 9, 31,
14 33, 43, and 51 of the Official Code of Georgia Annotated, relating to civil practice, health,
15 insurance, professions and businesses, and torts, respectively, so as to provide for conforming
16 cross-references; to provide for related matters; to provide for an effective date; to repeal
17 conflicting laws; and for other purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 **PART I**

20 *Dietetics and Nutrition Practices Act*

21 **SECTION 1-1.**

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

25 "CHAPTER 11A

26 ARTICLE 1

27 43-11A-1.

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

29 43-11A-2.

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

40 43-11A-3.

41 As used in this article, the term:

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

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

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

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

52 (5) 'Complex medical condition' means a disease state, medical condition, or clinical
53 presentation that requires the provision of medical nutrition therapy by a licensed dietitian
54 due to one or more of the following: instability of the patient's health status; the presence
55 of multiple interacting high acuity comorbidities; a high risk of complications or rapid
56 clinical deterioration; the need for intensive monitoring; or the need for advanced
57 nutrition interventions including therapeutic diets administered via enteral or parenteral
58 routes. Such term includes, but is not limited to, severe malnutrition, organ failure,
59 conditions requiring enteral or parenteral nutrition, renal disease requiring dialysis, severe
60 metabolic disturbances, post-bariatric surgery care, and critical illness.

61 (6) 'Degree' means a degree received from an educational institution that, at the time the
62 degree was awarded, was accredited by a United States institutional accrediting body for
63 higher education recognized by the Council for Higher Education Accreditation, or its
64 successor, or by the United States Department of Education, or its successor, or a
65 validated foreign equivalent.

66 (7) 'General nonmedical nutrition information' means information on:

- 67 (A) Principles of human nutrition and food preparation;
68 (B) Principles of self-care and a healthy relationship with food;
69 (C) Essential nutrients needed by the human body;
70 (D) General and nonindividualized recommended amounts of essential nutrients in the
71 human body;
72 (E) Actions of nutrients in the human body;
73 (F) Nonindividualized effects of deficiencies or excesses of nutrients in the human
74 body; or
75 (G) General education surrounding foods, herbs, and dietary supplements that are good
76 sources of essential nutrients in the human body.
- 77 (8) 'Licensed dietitian' means an individual duly licensed under this chapter as meeting
78 the requirements provided for in subsection (b) of Code Section 43-11A-10 to engage in
79 the practice of dietetics and the practice of nutrition, including the provision of medical
80 nutrition therapy for complex and noncomplex medical conditions.
- 81 (9) 'Licensed nutritionist' means an individual duly licensed under this chapter as
82 meeting the requirements provided for in subsection (d) of Code Section 43-11A-10 to
83 engage in the practice of nutrition, including the provision of medical nutrition therapy
84 for noncomplex medical conditions.
- 85 (10) 'Medical nutrition therapy' means the provision of any of the following nutrition
86 care services for the treatment or management of a disease or medical condition: nutrition
87 assessment, nutrition diagnosis, nutrition intervention, or nutrition monitoring and
88 evaluation.
- 89 (11) 'Medical weight control' means medical nutrition therapy provided for the purpose
90 of reducing, maintaining, or gaining weight.
- 91 (12) 'Noncomplex medical condition' means a disease state, medical condition, or
92 clinical presentation that is stable, does not involve rapid clinical deterioration or high
93 acuity care needs, and can be safely addressed through medical nutrition therapy

94 delivered in low acuity outpatient settings by a practitioner practicing within their
95 demonstrated level of competence. Noncomplex conditions do not require intensive
96 monitoring, do not involve multiple interacting high acuity comorbidities, and do not
97 necessitate advanced interventions such as therapeutic diets delivered via enteral or
98 parenteral nutrition.

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

103 (14) 'Nutrition assessment' means the ongoing, dynamic, and systematic process of
104 ordering, obtaining, verifying, and interpreting biochemical, anthropometric, physical,
105 nutrigenomic, and dietary data to make decisions about the nature and cause of nutrition
106 related problems relative to patient or community needs. Such term includes the initial
107 data collection and evaluation and any reassessment and analysis of patient or community
108 needs and provides the foundation for nutrition diagnosis and nutritional
109 recommendations and orders. Such term may require ordering laboratory tests to check
110 and track nutritional status. The collection of such data shall not, by itself, constitute
111 nutrition assessment.

112 (15) 'Nutrition care process' means the systematic problem-solving method that licensed
113 dietitians use to critically think and make decisions when providing medical nutrition
114 therapy or to address nutrition related problems and provide safe, effective care. Such
115 term consists of four distinct but interrelated steps: nutrition assessment, nutrition
116 diagnosis, nutrition intervention, and nutrition monitoring and evaluation.

117 (16) 'Nutrition care services' means any part or all of the following services provided
118 within a systematic process:

- 119 (A) Assessing and evaluating the nutritional needs of individuals and groups and
120 determining resources and constraints in a practice setting, including ordering nutrition
121 related laboratory tests to check and track nutrition status;
- 122 (B) Identifying nutrition problems and establishing priorities, goals, and objectives that
123 meet nutritional needs and are consistent with available resources and constraints;
- 124 (C) Creating individualized dietary plans and issuing and implementing orders to meet
125 the nutritional needs of healthy individuals and individuals with disease states or
126 medical conditions, including ordering therapeutic diets, and monitoring the
127 effectiveness of such dietary plans and orders;
- 128 (D) Determining and providing appropriate nutrition interventions in health and
129 disease, including nutrition counseling on food and prescription drug interactions;
- 130 (E) Developing, implementing, and managing nutrition care processes; or
- 131 (F) Evaluating, making changes in, and maintaining appropriate standards of quality
132 in food and nutrition services.
- 133 (17) 'Nutrition counseling' means a supportive process, characterized by a collaborative
134 counselor-patient relationship with individuals or groups, to establish food and nutrition
135 priorities, goals, individualized action plans, and general physical activity guidance that
136 acknowledge and foster responsibility for self-care to promote health and wellness or to
137 treat or manage an existing disease or medical condition.
- 138 (18) 'Nutrition diagnosis' means identifying and labeling nutritional problems managed
139 and treated by a licensed dietitian or a licensed nutritionist but does not include a medical
140 diagnosis of the health status of an individual.
- 141 (19) 'Nutrition intervention' means purposefully planned actions, including nutrition
142 counseling, intended to positively change a nutrition related behavior, risk factor,
143 environmental condition, or aspect of the health status of an individual, his or her family
144 or caregivers, target groups, or a community at large. Such term includes approving,

145 ordering, and monitoring therapeutic diets and providing counseling on food and
146 prescription drug interactions.

147 (20) 'Nutrition monitoring and evaluation' means identifying patient outcomes relevant
148 to a nutrition diagnosis, nutrition intervention plans, and nutrition goals; comparing those
149 outcomes with a patient's previous health status, nutrition intervention plans, and nutrition
150 goals or with a reference standard to determine the progress made in achieving desired
151 outcomes of nutrition care services; and determining whether planned nutrition
152 interventions should be continued, revised, or concluded.

153 (21) 'Patient' means an individual recipient of nutrition care services.

154 (22) 'Practice of dietetics' means the integration and application of scientific principles
155 derived from the study of food, nutrition, biochemistry, metabolism, nutrigenomics,
156 physiology, pharmacology, food systems, management, and behavioral and social
157 sciences to achieve and maintain optimal nutrition status of individuals and groups and
158 includes the practice of nutrition. The practice of dietetics includes the provision of
159 nutrition care services, including medical nutrition therapy, in person or via telehealth,
160 to prevent, manage, or treat complex medical conditions and to promote wellness in
161 inpatient and outpatient settings. The practice of dietetics includes developing and
162 ordering therapeutic diets via oral, enteral, and parenteral routes and providing other
163 advanced medical nutrition therapy and related support activities consistent with current
164 competencies required of academic and supervised practice programs accredited by a
165 programmatic accreditor and the registered dietitian scope and standards of practice.

166 (23) 'Practice of nutrition' means the integration and application of scientific principles
167 derived from the study of nutrition science, cellular and systemic metabolism,
168 biochemistry, physiology, and behavioral sciences to achieve and maintain health
169 throughout the lifespan. The practice of nutrition includes the provision of nutrition care
170 services, including medical nutrition therapy, in person or via telehealth, to prevent,
171 manage, or treat noncomplex medical conditions and to promote wellness in low acuity

172 outpatient settings and for the promotion of wellness. The practice of nutrition excludes
173 the provision of medical nutrition therapy for complex medical conditions and the
174 delivery of medical nutrition therapy in inpatient or high acuity outpatient settings. The
175 practice of nutrition may include ordering oral therapeutic diets, ordering medical
176 laboratory tests related to nutritional therapeutic treatments, and recommending vitamins,
177 minerals, and other dietary supplements.

178 (24) 'Programmatic accreditor' means a nationally recognized organization that reviews
179 specialized and professional programs and includes ACEND and such organizations as
180 recognized by the board by approval, policy, or rule.

181 (25) 'Provisional license' means a temporary license issued by the board pursuant to
182 Code Section 43-11A-11.

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

187 (27) 'Registered dietitian' means an individual who is credentialed by the Commission
188 on Dietetic Registration of the Academy of Nutrition and Dietetics or its successor
189 organization as a registered dietitian or a registered dietitian nutritionist and is authorized
190 to use such title and the designation 'RD' or 'RDN.'

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

194 (29) 'Telehealth' means the use of electronic information and telecommunications
195 technologies to provide services under this chapter between a healthcare provider in one
196 location and an individual in another location to support clinical healthcare, public health,
197 patient health related education, and health administration.

198 (30) 'Therapeutic diet' means a diet intervention prescribed by a licensed physician or
199 other authorized nonphysician practitioner, including a licensed dietitian, that provides
200 food, fluids, or nutrients via oral, enteral, or parenteral routes as part of the treatment of
201 a medical condition to modify, eliminate, decrease, or increase identified micronutrients
202 and macronutrients in a patient's diet, or to provide mechanically altered food when
203 medically indicated. A therapeutic diet that provides food, fluids, or nutrients via oral
204 routes may be ordered by a licensed nutritionist.

205 (31) 'Unrestricted practice of medical nutrition therapy' means the provision of medical
206 nutrition therapy by an individual who is responsible for his or her own practice or
207 treatment procedures.

208 43-11A-4.

209 (a) The Georgia Board of Examiners of Licensed Dietitians in existence prior to
210 July 1, 2026, is continued in existence thereafter as the Georgia Board of Examiners of
211 Licensed Dietitians and Licensed Nutritionists. Members of the board serving immediately
212 prior to July 1, 2026, shall continue to serve out their respective terms of office and until
213 their successors are appointed and qualified. The board shall consist of nine members
214 representing the licensed professions and public at large as follows:

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

218 (2) One board member shall represent the public at large;

219 (3) One board member shall be a licensed nutritionist; and

220 (4) One board member shall be a physician licensed to practice medicine under
221 Chapter 34 of this title.

222 (b) Members of the board shall be appointed by the Governor with the confirmation of the
223 Senate. Members of the board shall take office on the first day of July immediately

224 following the expired terms of that office and shall serve for terms of four years and until
225 their successors are appointed and qualified; provided, however, that initial terms shall be
226 staggered so that two members serve initial terms of two years, three members serve initial
227 terms of three years, and four members serve initial terms of four years, as designated by
228 the Governor. Any individual appointed to the board when the Senate is not in session may
229 serve on the board without Senate confirmation until the Senate acts on that appointment.
230 No member shall serve on the board for more than two consecutive terms. Any vacancy
231 shall be filled by the Governor subject to confirmation of the Senate.

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

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

235 43-11A-5.

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

237 (1) Citizens of the United States and residents of this state;

238 (2) Actively engaged in their practice area; and

239 (3) Licensed under this title.

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

243 (c) The Governor may remove members of the board, after notice and opportunity for
244 hearing, for incompetence, neglect of duty, unprofessional conduct, conviction of any
245 felony, failure to meet the qualifications of this chapter, or committing any act prohibited
246 by this chapter.

247 43-11A-6.

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

254 43-11A-7.

255 The board shall have the following powers and duties:

256 (1) Enforce the provisions of this chapter, and it shall be granted all of the necessary
257 duties, powers, and authority to carry out this responsibility;

258 (2) Draft, adopt, amend, repeal, and enforce such rules as it deems necessary for the
259 administration and enforcement of this chapter in the protection of public health, safety,
260 and welfare;

261 (3) License duly qualified applicants by examination, endorsement, or reinstatement and
262 refuse to grant or renew a license to an applicant;

263 (4) Set and enforce standards consistent with the provisions of this chapter for
264 qualifications, education, training, and experience of licensees continuing in or returning
265 to practice;

266 (5) Implement a disciplinary process;

267 (6) Issue orders when a license is surrendered to the board while a complaint,
268 investigation, or disciplinary action against such license is pending;

269 (7) Adopt, revise, and enforce rules regarding advertising by licensees, including, but not
270 limited to, rules to prohibit false, misleading, or deceptive practices;

271 (8) Adopt, publish in print or electronically, and enforce a code of ethics;

272 (9) Establish examination and licensing fees;

273 (10) Request and receive the assistance of state educational institutions or other state
274 agencies;

275 (11) Prepare information of consumer interest describing the regulatory functions of the
276 board and describing the procedures by which consumer complaints are filed with and
277 resolved by the board. The board shall make such information available to the general
278 public and appropriate state agencies;

279 (12) Adopt a seal which shall be affixed only in such manner as prescribed by the board;
280 and

281 (13) Administer the Dietitian Licensure Compact contained in Article 2 of this chapter.

282 43-11A-8.

283 (a) As used in this Code section, the term:

284 (1) 'Board' shall have the same meaning as set forth in Code Section 43-11A-3.

285 (2) 'Applicant' shall have the same meaning as set forth in Code Section 43-11A-3.

286 (b) The board is authorized to conduct and receive national background checks by the
287 submission of fingerprints to the Federal Bureau of Investigation through the Georgia
288 Crime Information Center.

289 (c) In order to determine an applicant's suitability as a licensed dietitian or licensed
290 nutritionist, the board shall require such applicant to furnish the board with a full set of
291 fingerprints that shall be submitted to the Federal Bureau of Investigation to enable a
292 criminal background investigation to be conducted.

293 (d) The board shall submit the fingerprints to the Georgia Crime Information Center. If
294 no disqualifying record is identified at the state level, the Georgia Crime Information
295 Center is authorized to submit the fingerprints to the Federal Bureau of Investigation for
296 a national criminal history record check.

297 (e) The Georgia Crime Information Center shall notify the board in writing of any
298 findings, including the absence of any findings. All findings received by the board shall

299 be used by it for the exclusive purpose of carrying out its responsibilities under this
300 chapter, shall not be a public record, shall be privileged, and shall not be disclosed to any
301 other person or agency.

302 (f) By applying for a license under this chapter, the applicant consents to and authorizes
303 the board to perform a criminal background check as provided for in this Code section.
304 The applicant shall be responsible for all fees associated with the performance of such
305 background check.

306 43-11A-9.

307 The board may grant, upon application and payment of fees, a license without examination
308 to an individual who, at the time of application, either:

309 (1) Holds a valid license or certification as a licensed or certified dietitian, dietitian
310 nutritionist, or nutritionist issued by another state, political territory, or jurisdiction
311 acceptable to the board if the requirements for such license or certification are
312 substantially equal to or greater than licensure requirements provided for under this
313 chapter and rules and regulations promulgated by the board; or

314 (2) Applies for licensure as a licensed dietitian and presents satisfactory evidence to the
315 board that such individual is a registered dietitian.

316 43-11A-10.

317 (a) Each applicant for a license as a licensed dietitian or a licensed nutritionist shall be at
318 least 18 years of age, submit a completed application upon a form and in such manner as
319 the board prescribes, pay any applicable fees, have satisfactory results from a criminal
320 background check, and provide evidence of satisfaction of all applicable license
321 requirements.

322 (b) A licensed dietitian shall:

- 323 (1) Possess a master's or doctoral degree and complete a program of study accredited by
324 a programmatic accreditor;
- 325 (2) Complete a documented, continuous, supervised practice experience in the practice
326 of dietetics and the practice of nutrition accredited by a programmatic accreditor,
327 consisting of not less than 1,000 hours of supervised practice under the supervision of a
328 qualified supervisor as provided for in Code Section 43-11A-19. Such experience shall
329 be completed within five years of earning the degree required under paragraph (1) of this
330 subsection; provided, however, that the board may grant an extension for a limited time
331 for extraordinary circumstances; and
- 332 (3) Passes the examination for registered dietitians administered by the Commission on
333 Dietetic Registration of the Academy of Nutrition and Dietetics or its successor
334 organization; provided, however, that, if such examination occurred more than five years
335 before the license application, the applicant shall demonstrate completion of 75 hours of
336 continuing education for each five-year period post-examination.
- 337 (c) All individuals who are licensed dietitians and who have submitted an application for
338 licensure as a licensed dietitian prior to July 1, 2026, shall remain licensed so long as the
339 licensee remains in good standing and maintains an active or inactive license.
- 340 (d) A licensed nutritionist shall:
- 341 (1) Possess a master's or doctoral degree with a major course of study in human nutrition,
342 food and nutrition, community nutrition, public health nutrition, nutrition education,
343 nutrition science, clinical nutrition, applied clinical nutrition, nutrition counseling,
344 nutrition and functional medicine, nutritional biochemistry, nutrition and integrative
345 health, or a comparable major or in a field of clinical healthcare, provided that such
346 applicant shall complete coursework in medical nutrition therapy, science, and nutrition,
347 including, but not limited to:
- 348 (A) Fifteen semester hours of courses in clinical or life sciences, including at least
349 three semester hours in human anatomy and physiology or an equivalent subject; and

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

352 (2) Complete a documented, continuous supervised practice experience in the practice
353 of nutrition consisting of not less than 1,000 hours of supervised practice under the
354 supervision of a qualified supervisor as provided for in Code Section 43-11A-19. Such
355 experience shall be completed within five years of earning the degree required under
356 paragraph (1) of this subsection; provided, however, that the board may grant an
357 extension for a limited time for extraordinary circumstances. Such experience shall meet
358 the following requirements:

359 (A) Include at least 1,000 hours in the following practice areas, with a minimum of 200
360 hours in each practice area: nutrition assessment, nutrition intervention, and nutrition
361 monitoring and evaluation; and

362 (B) Include practice providing nutrition care services to populations of diverse cultures,
363 genders, and ages, medical nutrition therapies and nutrition interventions, nutrition
364 education, nutrition counseling, and ongoing nutrition care services for the prevention,
365 modulation, and management of a range of noncomplex medical conditions; and

366 (3) Passes the certified nutrition specialist examination administered by the Board for
367 Certification of Nutrition Specialists of the American Nutrition Association, or its
368 successor organization, or passes an equivalent examination on all aspects of the practice
369 of nutrition that has been reviewed under a program accredited by the National
370 Commission for Certifying Agencies, or its successor organization, or a credentialing
371 entity that is approved by a two-thirds' vote of the board; provided, however, that, if such
372 examination occurred more than five years before the license application, the applicant
373 shall demonstrate completion of 75 hours of continuing education for each five-year
374 period post-examination. An applicant may satisfy the examination requirement provided
375 in this paragraph if he or she holds a valid current certification from the Board for
376 Certification of Nutrition Specialists of the American Nutrition Association, or its

377 successor organization, that allows the applicant to use the title 'certified nutrition
378 specialist.'

379 43-11A-11.

380 (a) The board may issue a provisional license for an individual to engage in the practice
381 of dietetics and the practice of nutrition for one year under the supervision of a licensed
382 dietitian upon the filing of an application with appropriate fees and submission of evidence
383 of successful completion of the education and supervised practice requirements for
384 licensure provided for in subsection (b) of Code Section 43-11A-10. Such provisional
385 license shall be valid for one year and shall not be renewed.

386 (b) The board may issue a provisional license for an individual to engage in the practice
387 of nutrition for one year under the supervision of a licensed dietitian or licensed nutritionist
388 upon the filing of an application with appropriate fees and submission of evidence of
389 successful completion of the education and supervised practice requirements for licensure
390 provided for in subsection (d) of Code Section 43-11A-10. Such provisional license shall
391 be valid for one year and shall not be renewed.

392 43-11A-12.

393 After evaluation of an application and documents submitted, the board shall notify each
394 applicant that the application and documents submitted are satisfactory and accepted or
395 unsatisfactory and rejected. If the application and documents are unsatisfactory and
396 rejected, the notice shall state the reasons for the rejection.

397 43-11A-13.

398 (a) Examinations to determine qualifications for licensure as provided for in Code
399 Section 43-11A-10 shall be administered to qualified applicants at least twice each calendar
400 year. The examinations may be administered by a national testing service.

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

402 43-11A-14.

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

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

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

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

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

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

415 43-11A-15.

416 The board may refuse to grant or renew a license to an applicant or licensee; administer a
417 public or private reprimand, but a private reprimand shall not be disclosed to any individual
418 except the licensee; suspend the license of any licensee for a definite period or for an
419 indefinite period in connection with any condition which may be attached to the restoration
420 of such license; limit or restrict the license of any licensee as the board deems necessary
421 for the protection of the public; revoke any license; condition a penalty upon, or withhold
422 formal disposition pending, the applicant's or licensee's submission to such care,
423 counseling, or treatment as the board may direct; or impose a fine not to exceed \$500.00
424 for each violation of a law, rule, or regulation relating to the practice of dietetics or the

425 practice of nutrition upon a finding by a majority of the board that the applicant or licensee
426 has:

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

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

439 (3) Been convicted of any felony or of any crime directly related to the duties and
440 responsibilities of a dietitian or nutritionist in the courts of this state or any other state,
441 territory, or country or in the courts of the United States; as used in this paragraph and
442 paragraph (4) of this Code section, the term 'felony' shall include any offense which, if
443 committed in this state, would be deemed a felony, without regard to its designation
444 elsewhere; and, as used in this paragraph, the term 'convicted' shall include a finding or
445 verdict of guilty or a plea of guilty, regardless of whether an appeal of the conviction has
446 been sought;

447 (4) Been arrested, charged, and sentenced for the commission of any felony, or any crime
448 directly related to the duties and responsibilities of a dietitian or nutritionist where a plea
449 of nolo contendere was entered to the charge, first offender treatment without
450 adjudication of guilt pursuant to the charge was granted, or an adjudication or sentence
451 was otherwise withheld or not entered on the charge. The plea of nolo contendere or the

452 order entered pursuant to the provisions of Article 3 of Chapter 8 of Title 42, relating to
453 probation of first offenders, or other first offender treatment shall be conclusive evidence
454 of arrest and sentencing for such crime;

455 (5) Had his or her license to practice a business or profession licensed under this title
456 revoked, suspended, or annulled by any lawful licensing authority other than the board;
457 had other disciplinary action taken against him or her by any such lawful licensing
458 authority other than the board; been denied a license by any such lawful licensing
459 authority other than the board, pursuant to disciplinary proceedings; or been refused the
460 renewal of a license by any such lawful licensing authority other than the board, pursuant
461 to disciplinary proceedings;

462 (6) Engaged in any unprofessional, unethical, deceptive, or deleterious conduct or
463 practice harmful to the public, which conduct or practice materially affects the fitness of
464 the licensee or applicant to engage in the practice of dietetics or the practice of nutrition,
465 or of a nature likely to jeopardize the interest of the public, which conduct or practice
466 need not have resulted in actual injury to any person or be directly related to the practice
467 of dietetics or the practice of nutrition but shows that the licensee or applicant has
468 committed any act or omission which is indicative of untrustworthiness; unprofessional
469 conduct shall also include any departure from, or the failure to conform to, the minimal
470 standards of acceptable and prevailing practice of a business or profession licensed under
471 this title;

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

477 (8) Violated a statute, law, or rule or regulation of this state, any other state, the
478 professional licensing board regulating the business or profession licensed under this title,

479 the United States, or any other lawful authority, without regard to whether the violation
480 is criminally punishable, which statute, law, or rule or regulation relates to or in part
481 regulates the practice of dietetics or the practice of nutrition, when the licensee or
482 applicant knows or should know that such action is violative of such statute, law, or rule
483 or regulation; or violated a lawful order of the board previously entered by the board in
484 a disciplinary hearing, consent decree, or license reinstatement;

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

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

493 43-11A-16.

494 (a) Only a licensed dietitian or licensed nutritionist or a person authorized to engage in the
495 practice of dietetics or the practice of nutrition under this chapter shall engage in the
496 practice of dietetics or the practice of nutrition to the extent such services constitute
497 medical nutrition therapy.

498 (b) No individual shall designate or hold himself or herself out as a licensed dietitian; use
499 or assume the title 'dietitian,' 'licensed dietitian,' 'dietitian nutritionist,' or 'dietician'; use or
500 assume any other title indicating licensure; or append to or use in conjunction with that
501 individual's name the designation 'LD' or 'LDN,' unless the individual is a licensed dietitian
502 under this chapter. No individual shall designate or hold himself or herself out as a
503 dietitian unless the individual is licensed under this chapter or exempt as provided in Code
504 Section 43-11A-18.

505 (c) No individual shall designate or hold himself or herself out as a licensed nutritionist;
506 use or assume the title 'licensed nutritionist'; use or assume any other title indicating
507 licensure; or append to or use in conjunction with that individual's name the designation
508 'LN,' unless the individual is a licensed nutritionist under this chapter. No individual shall
509 designate or hold himself or herself out as a nutritionist unless the individual is licensed
510 under this chapter or exempt as provided in Code Section 43-11A-18.

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

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

514 43-11A-17.

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

517 43-11A-18.

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

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

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

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

533 (4) An employee of a department, agency, or division of state, county, or local
534 government, or an individual contracting with any of the foregoing, who meets the
535 qualifying standards of such position, is providing nutrition care services for welfare and
536 public assistance programs under the Division of Family and Children Services of the
537 Department of Human Services or the Special Supplemental Nutrition Program for
538 Women, Infants, and Children under the Department of Public Health, and is authorized
539 to provide such services within the discharge of his or her official duties in such position;

540 (5) An individual who assists in the provision of medical nutrition therapy, provided that
541 such individual performs only support activities that are not discretionary and do not
542 require the exercise of professional judgment for their performance and such individual
543 is directly supervised by a licensed dietitian, licensed nutritionist, or healthcare provider
544 licensed in this state acting within the scope of such provider's license;

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

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

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

554 (7) An individual who disseminates nonindividualized, written, general nutrition
555 information in connection with the marketing and distribution of dietary supplements,
556 food, herbs, or food materials, including, but not limited to, explanations of their federally

557 regulated label claims, any known drug-nutrient interactions, their role in various diets,
558 or suggestions as how to best use and combine them; provided, however, that such
559 information does not constitute medical nutrition therapy;

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

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

568 (10) An individual who is an operator or employee of a health food store or business that
569 sells health products, including dietary supplements, food, herbs, or food materials, and
570 who provides verbal general nonmedical nutrition information that does not constitute
571 medical nutrition therapy; or

572 (11) A dietitian or nutritionist not located in this state who provides medical nutrition
573 therapy via telehealth to a patient located in this state, provided that such individual is a
574 dietitian or nutritionist licensed or certified in good standing with a scope of practice that
575 includes the provision of medical nutrition therapy and has a practitioner-patient
576 relationship with a patient who is temporarily located in this state; has a
577 practitioner-patient relationship with a patient who is located in this state and such care
578 is limited to temporary or short-term follow-up medical nutrition therapy to ensure
579 continuity of care; or is in consultation with a healthcare practitioner licensed in this state
580 who has a practitioner-patient relationship with the patient. For purposes of this
581 paragraph, the term 'temporarily' or 'temporary' means not exceeding 90 days within any
582 12 month period.

583 43-11A-19.

584 (a) A qualified supervisor shall:

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

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

593 (3) Oversee the activities of and approve and accept responsibility for the nutrition care
594 services rendered by a supervisee;

595 (4) At a minimum, be physically onsite and present where a supervisee is providing
596 nutrition care services or be immediately and continuously available to such supervisee
597 by means of two-way real-time audiovisual technology that allows for direct,
598 contemporaneous interaction by sight and sound between the qualified supervisor and
599 such supervisee; provided, however, that, if the qualified supervisor assigns to a
600 supervisee a nutrition care service that is to be provided in a setting where the qualified
601 supervisor is not routinely present, such qualified supervisor shall ensure that the means
602 and methods of supervision are adequate to ensure appropriate patient care, which may
603 include synchronous videoconferencing or another method of communication, and
604 oversight that is appropriate to the care setting and the education and experience of the
605 supervisee, as determined by the board by approval, policy, or rule;

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

608 (6) Be available to render assistance during the provision of nutrition care services when
609 requested by a patient; provided, however, that, if such qualified supervisor is not

610 available, such qualified supervisor shall arrange for another qualified healthcare provider
611 lawfully able to render nutrition care services to be available; and

612 (7) Limit the assignment of nutrition care services to those services that are within the
613 training and experience of a supervisee and customary to the practice of the qualified
614 supervisor.

615 (b) In order to act as a qualified supervisor, an individual shall:

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

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

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

625 ARTICLE 2

626 43-11A-30.

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

628 43-11A-31.

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

632 DIETITIAN LICENSURE COMPACT633 SECTION 1. PURPOSE

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

639 This Compact is designed to achieve the following objectives:

640 A. Increase public access to dietetics services;

641 B. Provide opportunities for interstate practice by Licensed Dietitians who meet uniform
642 requirements;

643 C. Eliminate the necessity for Licenses in multiple States;

644 D. Reduce administrative burden on Member States and Licensees;

645 E. Enhance the States' ability to protect the public's health and safety;

646 F. Encourage the cooperation of Member States in regulating multistate practice of
647 Licensed Dietitians;

648 G. Support relocating Active Military Members and their spouses;

649 H. Enhance the exchange of licensure, investigative, and disciplinary information among
650 Member States; and

651 I. Vest all Member States with the authority to hold a Licensed Dietitian accountable for
652 meeting all State practice laws in the State in which the patient is located at the time care
653 is rendered.

654 SECTION 2. DEFINITIONS

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

657 A. "ACEND" means the Accreditation Council for Education in Nutrition and Dietetics
658 or its successor organization.

659 B. "Active Military Member" means any individual with full-time duty status in the active
660 armed forces of the United States, including members of the National Guard and Reserve.

661 C. "Adverse Action" means any administrative, civil, equitable or criminal action
662 permitted by a State's laws which is imposed by a Licensing Authority or other authority
663 against a Licensee, including actions against an individual's License or Compact Privilege
664 such as revocation, suspension, probation, monitoring of the Licensee, limitation on the
665 Licensee's practice, or any other Encumbrance on licensure affecting a Licensee's
666 authorization to practice, including issuance of a cease and desist action.

667 D. "Alternative Program" means a non-disciplinary monitoring or practice remediation
668 process approved by a Licensing Authority.

669 E. "Charter Member State" means any Member State which enacted this Compact by law
670 before the Effective Date specified in Section 12.

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

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

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

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

- 681 J. "Current Significant Investigative Information" means:
- 682 1. Investigative Information that a Licensing Authority, after a preliminary inquiry that
- 683 includes notification and an opportunity for the subject Licensee to respond, if required
- 684 by State law, has reason to believe is not groundless and, if proved true, would indicate
- 685 more than a minor infraction; or
- 686 2. Investigative Information that indicates that the subject Licensee represents an
- 687 immediate threat to public health and safety regardless of whether the subject Licensee
- 688 has been notified and had an opportunity to respond.
- 689 K. "Data System" means a repository of information about Licensees, including, but not
- 690 limited to, Continuing Education, examination, licensure, investigative, Compact Privilege
- 691 and Adverse Action information.
- 692 L. "Encumbered License" means a License in which an Adverse Action restricts a
- 693 Licensee's ability to practice dietetics.
- 694 M. "Encumbrance" means a revocation or suspension of, or any limitation on a Licensee's
- 695 full and unrestricted Practice of Dietetics by a Licensing Authority.
- 696 N. "Executive Committee" means a group of delegates elected or appointed to act on
- 697 behalf of, and within the powers granted to them by, this Compact, and the Compact
- 698 Commission.
- 699 O. "Home State" means the Member State that is the Licensee's primary State of residence
- 700 or that has been designated pursuant to Section 6.
- 701 P. "Investigative Information" means information, records, and documents received or
- 702 generated by a Licensing Authority pursuant to an investigation.
- 703 Q. "Jurisprudence Requirement" means an assessment of an individual's knowledge of the
- 704 State laws and regulations governing the Practice of Dietetics in such State.
- 705 R. "License" means an authorization from a Member State to either:
- 706 1. Engage in the Practice of Dietetics (including medical nutrition therapy); or

707 2. Use the title "dietitian," "licensed dietitian," "licensed dietitian nutritionist," "certified
708 dietitian," or other title describing a substantially similar practitioner as the Compact
709 Commission may further define by Rule.

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

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

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

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

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

720 1. Has completed applicable education, experience, examination, and recertification
721 requirements approved by CDR;

722 2. Is credentialed by CDR as a registered dietitian or a registered dietitian nutritionist;
723 and

724 3. Is legally authorized to use the title registered dietitian or registered dietitian
725 nutritionist and the corresponding abbreviations "RD" or "RDN."

726 X. "Remote State" means a Member State other than the Home State, where a Licensee
727 is exercising or seeking to exercise a Compact Privilege.

728 Y. "Rule" means a regulation promulgated by the Compact Commission that has the force
729 of law.

730 Z. "Single State License" means a License issued by a Member State within the issuing
731 State and does not include a Compact Privilege in any other Member State.

732 AA. "State" means any state, commonwealth, district, or territory of the United States of
733 America.

734 BB. "Unencumbered License" means a License that authorizes a Licensee to engage in the
735 full and unrestricted Practice of Dietetics.

736 SECTION 3. STATE PARTICIPATION IN THE COMPACT

737 A. To participate in the Compact, a State must currently:

- 738 1. License and regulate the Practice of Dietetics; and
739 2. Have a mechanism in place for receiving and investigating complaints about
740 Licensees.

741 B. A Member State shall:

742 1. Participate fully in the Compact Commission's Data System, including using the
743 unique identifier as defined in Rules;

744 2. Notify the Compact Commission, in compliance with the terms of the Compact and
745 Rules, of any Adverse Action or the availability of Current Significant Investigative
746 Information regarding a Licensee;

747 3. Implement or utilize procedures for considering the criminal history record
748 information of applicants for an initial Compact Privilege. These procedures shall
749 include the submission of fingerprints or other biometric-based information by applicants
750 for the purpose of obtaining an applicant's criminal history record information from the
751 Federal Bureau of Investigation and the agency responsible for retaining that State's
752 criminal records;

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

757 b. Communication between a Member State and the Compact Commission or among
758 Member States regarding the verification of eligibility for a Compact Privilege shall not

759 include any information received from the Federal Bureau of Investigation relating to
760 a federal criminal history record information check performed by a Member State.

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

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

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

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

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

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

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

779 SECTION 4. COMPACT PRIVILEGE

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

782 1. Satisfy one of the following:

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

- 785 b. Complete all of the following:
- 786 i. An education program which is either:
- 787 a) A master's degree or doctoral degree that is programmatically accredited by (i)
788 ACEND; or (ii) a dietetics accrediting agency recognized by the United States
789 Department of Education, which the Compact Commission may by Rule determine,
790 and from a college or university accredited at the time of graduation by the
791 appropriate regional accrediting agency recognized by the Council on Higher
792 Education Accreditation and the United States Department of Education.
- 793 b) An academic degree from a college or university in a foreign country equivalent
794 to the degree described in subparagraph (a) that is programmatically accredited
795 by (i) ACEND; or (ii) a dietetics accrediting agency recognized by the United States
796 Department of Education, which the Compact Commission may by Rule determine.
- 797 ii. A planned, documented, supervised practice experience in dietetics that is
798 programmatically accredited by (i) ACEND, or (ii) a dietetics accrediting agency
799 recognized by the United States Department of Education which the Compact
800 Commission may by Rule determine and which involves at least 1000 hours of
801 practice experience under the supervision of a Registered Dietitian or a Licensed
802 Dietitian.
- 803 iii. Successful completion of either: (i) the Registration Examination for Dietitians
804 administered by CDR, or (ii) a national credentialing examination for dietitians
805 approved by the Compact Commission by Rule; such completion being no more than
806 five years prior to the date of the Licensee's application for initial licensure and
807 accompanied by a period of continuous licensure thereafter, all of which may be
808 further governed by the Rules of the Compact Commission.
- 809 2. Hold an Unencumbered License in the Home State;
- 810 3. Notify the Compact Commission that the Licensee is seeking a Compact Privilege
811 within a Remote State(s);

- 812 4. Pay any applicable fees, including any State fee, for the Compact Privilege;
813 5. Meet any Jurisprudence Requirements established by the Remote State(s) in which the
814 Licensee is seeking a Compact Privilege; and
815 6. Report to the Compact Commission any Adverse Action, Encumbrance, or restriction
816 on a License taken by any non-Member State within 30 days from the date the action is
817 taken.
- 818 B. The Compact Privilege is valid until the expiration date of the Home State License. To
819 maintain a Compact Privilege, renewal of the Compact Privilege shall be congruent with
820 the renewal of the Home State License as the Compact Commission may define by Rule.
821 The Licensee must comply with the requirements of Section 4(A) to maintain the Compact
822 Privilege in the Remote State(s).
- 823 C. A Licensee exercising a Compact Privilege shall adhere to the laws and regulations of
824 the Remote State. Licensees shall be responsible for educating themselves on, and
825 complying with, any and all State laws relating to the Practice of Dietetics in such Remote
826 State.
- 827 D. Notwithstanding anything to the contrary provided in this Compact or State law, a
828 Licensee exercising a Compact Privilege shall not be required to complete Continuing
829 Education Requirements required by a Remote State. A Licensee exercising a Compact
830 Privilege is only required to meet any Continuing Education Requirements as required by
831 the Home State.

832 SECTION 5. OBTAINING A NEW HOME STATE LICENSE BASED ON A COMPACT
833 PRIVILEGE

- 834 A. A Licensee may hold a Home State License, which allows for a Compact Privilege in
835 other Member States, in only one Member State at a time.
- 836 B. If a Licensee changes Home State by moving between two Member States:

- 837 1. The Licensee shall file an application for obtaining a new Home State License based
838 on a Compact Privilege, pay all applicable fees, and notify the current and new Home
839 State in accordance with the Rules of the Compact Commission.
- 840 2. Upon receipt of an application for obtaining a new Home State License by virtue of
841 a Compact Privilege, the new Home State shall verify that the Licensee meets the criteria
842 in Section 4 via the Data System, and require that the Licensee complete the following:
- 843 a. Federal Bureau of Investigation fingerprint based criminal history record
844 information check;
- 845 b. Any other criminal history record information required by the new Home State; and
846 c. Any Jurisprudence Requirements of the new Home State.
- 847 3. The former Home State shall convert the former Home State License into a Compact
848 Privilege once the new Home State has activated the new Home State License in
849 accordance with applicable Rules adopted by the Compact Commission.
- 850 4. Notwithstanding any other provision of this Compact, if the Licensee cannot meet the
851 criteria in Section 4, the new Home State may apply its requirements for issuing a new
852 Single State License.
- 853 5. The Licensee shall pay all applicable fees to the new Home State in order to be issued
854 a new Home State License.
- 855 C. If a Licensee changes their State of residence by moving from a Member State to a
856 non-Member State, or from a non-Member State to a Member State, the State criteria shall
857 apply for issuance of a Single State License in the new State.
- 858 D. Nothing in this Compact shall interfere with a Licensee's ability to hold a Single State
859 License in multiple States; however, for the purposes of this Compact, a Licensee shall
860 have only one Home State License.
- 861 E. Nothing in this Compact shall affect the requirements established by a Member State
862 for the issuance of a Single State License.

863 SECTION 6. ACTIVE MILITARY MEMBERS OR THEIR SPOUSES

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

867 SECTION 7. ADVERSE ACTIONS

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

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

872 2. Issue subpoenas for both hearings and investigations that require the attendance and
873 testimony of witnesses as well as the production of evidence. Subpoenas issued by a
874 Licensing Authority in a Member State for the attendance and testimony of witnesses or
875 the production of evidence from another Member State shall be enforced in the latter
876 State by any court of competent jurisdiction, according to the practice and procedure
877 applicable to subpoenas issued in proceedings pending before that court. The issuing
878 authority shall pay any witness fees, travel expenses, mileage, and other fees required by
879 the service statutes of the State in which the witnesses or evidence are located.

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

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

886 D. The Home State shall complete any pending investigations of a Licensee who changes
887 Home States during the course of the investigations. The Home State shall also have
888 authority to take appropriate action(s) and shall promptly report the conclusions of the

889 investigations to the administrator of the Data System. The administrator of the Data
890 System shall promptly notify the new Home State of any Adverse Actions.

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

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

897 G. Joint Investigations:

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

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

903 H. If Adverse Action is taken by the Home State against a Licensee's Home State License
904 resulting in an Encumbrance on the Home State License, the Licensee's Compact
905 Privilege(s) in all other Member States shall be revoked until all Encumbrances have been
906 removed from the Home State License. All Home State disciplinary orders that impose
907 Adverse Action against a Licensee shall include a statement that the Licensee's Compact
908 Privileges are revoked in all Member States during the pendency of the order.

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

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

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

918 SECTION 8. ESTABLISHMENT OF THE DIETITIAN LICENSURE COMPACT
919 COMMISSION

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

926 B. Membership, Voting, and Meetings

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

929 2. The delegate shall be the primary administrator of the Licensing Authority or their
930 designee.

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

933 4. The Compact Commission may recommend removal or suspension of any delegate
934 from office.

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

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

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

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

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

- 947 1. Establish the fiscal year of the Compact Commission;
- 948 2. Establish code of conduct and conflict of interest policies;
- 949 3. Establish and amend Rules and bylaws;
- 950 4. Maintain its financial records in accordance with the bylaws;
- 951 5. Meet and take such actions as are consistent with the provisions of this Compact, the
952 Compact Commission's Rules, and the bylaws;
- 953 6. Initiate and conclude legal proceedings or actions in the name of the Compact
954 Commission, provided that the standing of any Licensing Authority to sue or be sued
955 under applicable law shall not be affected;
- 956 7. Maintain and certify records and information provided to a Member State as the
957 authenticated business records of the Compact Commission, and designate an agent to
958 do so on the Compact Commission's behalf;
- 959 8. Purchase and maintain insurance and bonds;
- 960 9. Borrow, accept, or contract for services of personnel, including, but not limited to,
961 employees of a Member State;
- 962 10. Conduct an annual financial review;
- 963 11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such
964 individuals appropriate authority to carry out the purposes of the Compact, and establish
965 the Compact Commission's personnel policies and programs relating to conflicts of
966 interest, qualifications of personnel, and other related personnel matters;
- 967 12. Assess and collect fees;

968 13. Accept any and all appropriate donations, grants of money, other sources of revenue,
969 equipment, supplies, materials, services, and gifts, and receive, utilize, and dispose of the
970 same; provided that at all times the Compact Commission shall avoid any actual or
971 appearance of impropriety or conflict of interest;

972 14. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or
973 mixed, or any undivided interest therein;

974 15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
975 any property real, personal, or mixed;

976 16. Establish a budget and make expenditures;

977 17. Borrow money;

978 18. Appoint committees, including standing committees, composed of members, State
979 regulators, State legislators or their representatives, and consumer representatives, and
980 such other interested persons as may be designated in this Compact or the bylaws;

981 19. Provide and receive information from, and cooperate with, law enforcement
982 agencies;

983 20. Establish and elect an Executive Committee, including a chair and a vice chair;

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

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

989 D. The Executive Committee

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

- 993 a. Oversee the day-to-day activities of the administration of the Compact including
994 enforcement and compliance with the provisions of the Compact, its Rules and bylaws,
995 and other such duties as deemed necessary;
- 996 b. Recommend to the Compact Commission changes to the Rules or bylaws, changes
997 to this Compact legislation, fees charged to Compact Member States, fees charged to
998 Licensees, and other fees;
- 999 c. Ensure Compact administration services are appropriately provided, including by
1000 contract;
- 1001 d. Prepare and recommend the budget;
- 1002 e. Maintain financial records on behalf of the Compact Commission;
- 1003 f. Monitor Compact compliance of Member States and provide compliance reports to
1004 the Compact Commission;
- 1005 g. Establish additional committees as necessary;
- 1006 h. Exercise the powers and duties of the Compact Commission during the interim
1007 between Compact Commission meetings, except for adopting or amending Rules,
1008 adopting or amending bylaws, and exercising any other powers and duties expressly
1009 reserved to the Compact Commission by Rule or bylaw; and
- 1010 i. Other duties as provided in the Rules or bylaws of the Compact Commission.
- 1011 2. The Executive Committee shall be composed of nine members:
- 1012 a. The chair and vice chair of the Compact Commission shall be voting members of the
1013 Executive Committee;
- 1014 b. Five voting members from the current membership of the Compact Commission,
1015 elected by the Compact Commission;
- 1016 c. One ex-officio, nonvoting member from a recognized professional association
1017 representing dietitians; and
- 1018 d. One ex-officio, nonvoting member from a recognized national credentialing
1019 organization for dietitians.

- 1020 3. The Compact Commission may remove any member of the Executive Committee as
1021 provided in the Compact Commission's bylaws.
- 1022 4. The Executive Committee shall meet at least annually.
- 1023 a. Executive Committee meetings shall be open to the public, except that the Executive
1024 Committee may meet in a closed, non-public meeting as provided in subsection (F)(2).
- 1025 b. The Executive Committee shall give 30 days' notice of its meetings, posted on the
1026 website of the Compact Commission and as determined to provide notice to persons
1027 with an interest in the business of the Compact Commission.
- 1028 c. The Executive Committee may hold a special meeting in accordance with
1029 subsection (F)(1)(b).
- 1030 E. The Compact Commission shall adopt and provide to the Member States an annual
1031 report.
- 1032 F. Meetings of the Compact Commission
- 1033 1. All meetings shall be open to the public, except that the Compact Commission may
1034 meet in a closed, non-public meeting as provided in subsection (F)(2).
- 1035 a. Public notice for all meetings of the full Compact Commission shall be given in the
1036 same manner as required under the rulemaking provisions in Section 10, except that the
1037 Compact Commission may hold a special meeting as provided in subsection (F)(1)(b).
- 1038 b. The Compact Commission may hold a special meeting when it must meet to conduct
1039 emergency business by giving 24 hours' notice to all Member States, on the Compact
1040 Commission's website, and other means as provided in the Compact Commission's
1041 Rules. The Compact Commission's legal counsel shall certify that the Compact
1042 Commission's need to meet qualifies as an emergency.
- 1043 2. The Compact Commission or the Executive Committee or other committees of the
1044 Compact Commission may convene in a closed, non-public meeting for the Compact
1045 Commission or Executive Committee or other committees of the Compact Commission
1046 to receive legal advice or to discuss:

- 1047 a. Non-compliance of a Member State with its obligations under the Compact;
1048 b. The employment, compensation, discipline, or other matters, practices, or
1049 procedures related to specific employees;
1050 c. Current or threatened discipline of a Licensee by the Compact Commission or by a
1051 Member State's Licensing Authority;
1052 d. Current, threatened, or reasonably anticipated litigation;
1053 e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real
1054 estate;
1055 f. Accusing any person of a crime or formally censuring any person;
1056 g. Trade secrets or commercial or financial information that is privileged or
1057 confidential;
1058 h. Information of a personal nature where disclosure would constitute a clearly
1059 unwarranted invasion of personal privacy;
1060 i. Investigative records compiled for law enforcement purposes;
1061 j. Information related to any investigative reports prepared by or on behalf of or for use
1062 of the Compact Commission or other committee charged with responsibility of
1063 investigation or determination of compliance issues pursuant to the Compact;
1064 k. Matters specifically exempted from disclosure by federal or Member State law; or
1065 l. Other matters as specified in the Rules of the Compact Commission.
- 1066 3. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the
1067 meeting will be closed and reference each relevant exempting provision, and such
1068 reference shall be recorded in the minutes.
- 1069 4. The Compact Commission shall keep minutes that fully and clearly describe all
1070 matters discussed in a meeting and shall provide a full and accurate summary of actions
1071 taken, and the reasons therefore, including a description of the views expressed. All
1072 documents considered in connection with an action shall be identified in such minutes.
1073 All minutes and documents of a closed meeting shall remain under seal, subject to release

1074 only by a majority vote of the Compact Commission or order of a court of competent
1075 jurisdiction.

1076 G. Financing of the Compact Commission

1077 1. The Compact Commission shall pay, or provide for the payment of, the reasonable
1078 expenses of its establishment, organization, and ongoing activities.

1079 2. The Compact Commission may accept any and all appropriate revenue sources as
1080 provided in subsection (C)(13).

1081 3. The Compact Commission may levy on and collect an annual assessment from each
1082 Member State and impose fees on Licensees of Member States to whom it grants a
1083 Compact Privilege to cover the cost of the operations and activities of the Compact
1084 Commission and its staff, which must, in a total amount, be sufficient to cover its annual
1085 budget as approved each year for which revenue is not provided by other sources. The
1086 aggregate annual assessment amount for Member States shall be allocated based upon a
1087 formula that the Compact Commission shall promulgate by Rule.

1088 4. The Compact Commission shall not incur obligations of any kind prior to securing the
1089 funds adequate to meet the same; nor shall the Compact Commission pledge the credit
1090 of any of the Member States, except by and with the authority of the Member State.

1091 5. The Compact Commission shall keep accurate accounts of all receipts and
1092 disbursements. The receipts and disbursements of the Compact Commission shall be
1093 subject to the financial review and accounting procedures established under its bylaws.
1094 However, all receipts and disbursements of funds handled by the Compact Commission
1095 shall be subject to an annual financial review by a certified or licensed public accountant,
1096 and the report of the financial review shall be included in and become part of the annual
1097 report of the Compact Commission.

1098 H. Qualified Immunity, Defense, and Indemnification

1099 1. The members, officers, executive director, employees and representatives of the
1100 Compact Commission shall be immune from suit and liability, both personally and in

1101 their official capacity, for any claim for damage to or loss of property or personal injury
1102 or other civil liability caused by or arising out of any actual or alleged act, error, or
1103 omission that occurred, or that the person against whom the claim is made had a
1104 reasonable basis for believing occurred within the scope of Compact Commission
1105 employment, duties, or responsibilities; provided that nothing in this paragraph shall be
1106 construed to protect any such person from suit or liability for any damage, loss, injury,
1107 or liability caused by the intentional or willful or wanton misconduct of that person. The
1108 procurement of insurance of any type by the Compact Commission shall not in any way
1109 compromise or limit the immunity granted hereunder.

1110 2. The Compact Commission shall defend any member, officer, executive director,
1111 employee, and representative of the Compact Commission in any civil action seeking to
1112 impose liability arising out of any actual or alleged act, error, or omission that occurred
1113 within the scope of Compact Commission employment, duties, or responsibilities, or as
1114 determined by the Compact Commission that the person against whom the claim is made
1115 had a reasonable basis for believing occurred within the scope of Compact Commission
1116 employment, duties, or responsibilities; provided that nothing herein shall be construed
1117 to prohibit that person from retaining their own counsel at their own expense; and
1118 provided further, that the actual or alleged act, error, or omission did not result from that
1119 person's intentional or willful or wanton misconduct.

1120 3. The Compact Commission shall indemnify and hold harmless any member, officer,
1121 executive director, employee, and representative of the Compact Commission for the
1122 amount of any settlement or judgment obtained against that person arising out of any
1123 actual or alleged act, error, or omission that occurred within the scope of Compact
1124 Commission employment, duties, or responsibilities, or that such person had a reasonable
1125 basis for believing occurred within the scope of Compact Commission employment,
1126 duties, or responsibilities, provided that the actual or alleged act, error, or omission did
1127 not result from the intentional or willful or wanton misconduct of that person.

1128 4. Nothing herein shall be construed as a limitation on the liability of any Licensee for
1129 professional malpractice or misconduct, which shall be governed solely by any other
1130 applicable State laws.

1131 5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a Member
1132 State's state action immunity or state action affirmative defense with respect to antitrust
1133 claims under the Sherman Act, Clayton Act, or any other State or federal antitrust or
1134 anticompetitive law or regulation.

1135 6. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by
1136 the Member States or by the Compact Commission.

1137 SECTION 9. DATA SYSTEM

1138 A. The Compact Commission shall provide for the development, maintenance, operation,
1139 and utilization of a coordinated Data System.

1140 B. The Compact Commission shall assign each applicant for a Compact Privilege a unique
1141 identifier, as determined by the Rules.

1142 C. Notwithstanding any other provision of State law to the contrary, a Member State shall
1143 submit a uniform data set to the Data System on all individuals to whom this Compact is
1144 applicable as required by the Rules of the Compact Commission, including:

1145 1. Identifying information;

1146 2. Licensure data;

1147 3. Adverse Actions against a License or Compact Privilege and information related
1148 thereto;

1149 4. Non-confidential information related to Alternative Program participation, the
1150 beginning and ending dates of such participation, and other information related to such
1151 participation not made confidential under Member State law;

1152 5. Any denial of application for licensure, and the reason(s) for such denial;

1153 6. The presence of Current Significant Investigative Information; and

1154 7. Other information that may facilitate the administration of this Compact or the
1155 protection of the public, as determined by the Rules of the Compact Commission.

1156 D. The records and information provided to a Member State pursuant to this Compact or
1157 through the Data System, when certified by the Compact Commission or an agent thereof,
1158 shall constitute the authenticated business records of the Compact Commission, and shall
1159 be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial, or
1160 administrative proceedings in a Member State.

1161 E. Current Significant Investigative Information pertaining to a Licensee in any Member
1162 State will only be available to other Member States.

1163 F. It is the responsibility of the Member States to report any Adverse Action against a
1164 Licensee and to monitor the Data System to determine whether any Adverse Action has
1165 been taken against a Licensee. Adverse Action information pertaining to a Licensee in any
1166 Member State will be available to any other Member State.

1167 G. Member States contributing information to the Data System may designate information
1168 that may not be shared with the public without the express permission of the contributing
1169 State.

1170 H. Any information submitted to the Data System that is subsequently expunged pursuant
1171 to federal law or the laws of the Member State contributing the information shall be
1172 removed from the Data System.

1173 SECTION 10. RULEMAKING

1174 A. The Compact Commission shall promulgate reasonable Rules in order to effectively
1175 and efficiently implement and administer the purposes and provisions of the Compact. A
1176 Rule shall be invalid and have no force or effect only if a court of competent jurisdiction
1177 holds that the Rule is invalid because the Compact Commission exercised its rulemaking
1178 authority in a manner that is beyond the scope and purposes of the Compact, or the powers
1179 granted hereunder, or based upon another applicable standard of review.

1180 B. The Rules of the Compact Commission shall have the force of law in each Member
1181 State, provided however that where the Rules conflict with the laws or regulations of a
1182 Member State that relate to the procedures, actions, and processes a Licensed Dietitian is
1183 permitted to undertake in that State and the circumstances under which they may do so, as
1184 held by a court of competent jurisdiction, the Rules of the Compact Commission shall be
1185 ineffective in that State to the extent of the conflict.

1186 C. The Compact Commission shall exercise its rulemaking powers pursuant to the criteria
1187 set forth in this Section and the Rules adopted thereunder. Rules shall become binding on
1188 the day following adoption or as of the date specified in the Rule or amendment, whichever
1189 is later.

1190 D. If a majority of the legislatures of the Member States rejects a Rule or portion of a Rule,
1191 by enactment of a statute or resolution in the same manner used to adopt the Compact
1192 within four (4) years of the date of adoption of the Rule, then such Rule shall have no
1193 further force and effect in any Member State.

1194 E. Rules shall be adopted at a regular or special meeting of the Compact Commission.

1195 F. Prior to adoption of a proposed Rule, the Compact Commission shall hold a public
1196 hearing and allow persons to provide oral and written comments, data, facts, opinions, and
1197 arguments.

1198 G. Prior to adoption of a proposed Rule by the Compact Commission, and at least
1199 thirty (30) days in advance of the meeting at which the Compact Commission will hold a
1200 public hearing on the proposed Rule, the Compact Commission shall provide a Notice of
1201 Proposed rulemaking:

- 1202 1. On the website of the Compact Commission or other publicly accessible platform;
- 1203 2. To persons who have requested notice of the Compact Commission's notices of
1204 proposed rulemaking; and
- 1205 3. In such other way(s) as the Compact Commission may by Rule specify.

1206 H. The Notice of Proposed rulemaking shall include:

- 1207 1. The time, date, and location of the public hearing at which the Compact Commission
1208 will hear public comments on the proposed Rule and, if different, the time, date, and
1209 location of the meeting where the Compact Commission will consider and vote on the
1210 proposed Rule;
- 1211 2. If the hearing is held via telecommunication, video conference, or other means of
1212 communication, the Compact Commission shall include the mechanism for access to the
1213 hearing in the Notice of Proposed rulemaking;
- 1214 3. The text of the proposed Rule and the reason therefore;
- 1215 4. A request for comments on the proposed Rule from any interested person; and
- 1216 5. The manner in which interested persons may submit written comments.
- 1217 I. All hearings will be recorded. A copy of the recording and all written comments and
1218 documents received by the Compact Commission in response to the proposed Rule shall
1219 be available to the public.
- 1220 J. Nothing in this Section shall be construed as requiring a separate hearing on each Rule.
1221 Rules may be grouped for the convenience of the Compact Commission at hearings
1222 required by this Section.
- 1223 K. The Compact Commission shall, by majority vote of all members, take final action on
1224 the proposed Rule based on the rulemaking record and the full text of the Rule.
- 1225 1. The Compact Commission may adopt changes to the proposed Rule provided the
1226 changes do not enlarge the original purpose of the proposed Rule.
- 1227 2. The Compact Commission shall provide an explanation of the reasons for substantive
1228 changes made to the proposed Rule as well as reasons for substantive changes not made
1229 that were recommended by commenters.
- 1230 3. The Compact Commission shall determine a reasonable effective date for the Rule.
1231 Except for an emergency as provided in Section 10(L), the effective date of the Rule shall
1232 be no sooner than 30 days after issuing the notice that it adopted or amended the Rule.

- 1233 L. Upon determination that an emergency exists, the Compact Commission may consider
1234 and adopt an emergency Rule with 24 hours' notice, with opportunity to comment, provided
1235 that the usual rulemaking procedures provided in the Compact and in this Section shall be
1236 retroactively applied to the Rule as soon as reasonably possible, in no event later than
1237 ninety (90) days after the effective date of the Rule. For the purposes of this provision, an
1238 emergency Rule is one that must be adopted immediately in order to:
- 1239 1. Meet an imminent threat to public health, safety, or welfare;
 - 1240 2. Prevent a loss of Compact Commission or Member State funds;
 - 1241 3. Meet a deadline for the promulgation of a Rule that is established by federal law or
1242 rule; or
 - 1243 4. Protect public health and safety.
- 1244 M. The Compact Commission or an authorized committee of the Compact Commission
1245 may direct revision to a previously adopted Rule for purposes of correcting typographical
1246 errors, errors in format, errors in consistency, or grammatical errors. Public notice of any
1247 revision shall be posted on the website of the Compact Commission. The revision shall be
1248 subject to challenge by any person for a period of thirty (30) days after posting. The
1249 revision may be challenged only on grounds that the revision results in a material change
1250 to a Rule. A challenge shall be made in writing and delivered to the Compact Commission
1251 prior to the end of the notice period. If no challenge is made, the revision will take effect
1252 without further action. If the revision is challenged, the revision may not take effect
1253 without the approval of the Compact Commission.
- 1254 N. No Member State's rulemaking requirements shall apply under this Compact.

1255 SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT1256 A. Oversight

1257 1. The executive and judicial branches of State government in each Member State shall
1258 enforce this Compact and take all actions necessary and appropriate to implement this
1259 Compact.

1260 2. Except as otherwise provided in this Compact, venue is proper and judicial
1261 proceedings by or against the Compact Commission shall be brought solely and
1262 exclusively in a court of competent jurisdiction where the principal office of the Compact
1263 Commission is located. The Compact Commission may waive venue and jurisdictional
1264 defenses to the extent it adopts or consents to participate in alternative dispute resolution
1265 proceedings. Nothing herein shall affect or limit the selection or propriety of venue in
1266 any action against a Licensee for professional malpractice, misconduct, or any such
1267 similar matter.

1268 3. The Compact Commission shall be entitled to receive service of process in any
1269 proceeding regarding the enforcement or interpretation of the Compact and shall have
1270 standing to intervene in such a proceeding for all purposes. Failure to provide the
1271 Compact Commission service of process shall render a judgment or order void as to the
1272 Compact Commission, this Compact, or promulgated Rules.

1273 B. Default, Technical Assistance, and Termination

1274 1. If the Compact Commission determines that a Member State has defaulted in the
1275 performance of its obligations or responsibilities under this Compact or the promulgated
1276 Rules, the Compact Commission shall provide written notice to the defaulting State. The
1277 notice of default shall describe the default, the proposed means of curing the default, and
1278 any other action that the Compact Commission may take and shall offer training and
1279 specific technical assistance regarding the default.

1280 2. The Compact Commission shall provide a copy of the notice of default to the other
1281 Member States.

1282 C. If a State in default fails to cure the default, the defaulting State may be terminated from
1283 the Compact upon an affirmative vote of a majority of the delegates of the Member States,
1284 and all rights, privileges, and benefits conferred on that State by this Compact may be
1285 terminated on the effective date of termination. A cure of the default does not relieve the
1286 offending State of obligations or liabilities incurred during the period of default.

1287 D. Termination of membership in the Compact shall be imposed only after all other means
1288 of securing compliance have been exhausted. Notice of intent to suspend or terminate shall
1289 be given by the Compact Commission to the governor, the majority and minority leaders
1290 of the defaulting State's legislature, the defaulting State's Licensing Authority, and each of
1291 the Member States' Licensing Authority.

1292 E. A State that has been terminated is responsible for all assessments, obligations, and
1293 liabilities incurred through the effective date of termination, including obligations that
1294 extend beyond the effective date of termination.

1295 F. Upon the termination of a State's membership from this Compact, that State shall
1296 immediately provide notice to all Licensees within that State of such termination. The
1297 terminated State shall continue to recognize all Compact Privileges granted pursuant to this
1298 Compact for a minimum of six months after the date of said notice of termination.

1299 G. The Compact Commission shall not bear any costs related to a State that is found to be
1300 in default or that has been terminated from the Compact, unless agreed upon in writing
1301 between the Compact Commission and the defaulting State.

1302 H. The defaulting State may appeal the action of the Compact Commission by petitioning
1303 the U.S. District Court for the District of Columbia or the federal district where the
1304 Compact Commission has its principal offices. The prevailing party shall be awarded all
1305 costs of such litigation, including reasonable attorney's fees.

1306 I. Dispute Resolution

1307 1. Upon request by a Member State, the Compact Commission shall attempt to resolve
1308 disputes related to the Compact that arise among Member States and between Member
1309 and non-Member States.

1310 2. The Compact Commission shall promulgate a Rule providing for both mediation and
1311 binding dispute resolution for disputes as appropriate.

1312 J. Enforcement

1313 1. By supermajority vote, the Compact Commission may initiate legal action against a
1314 Member State in default in the United States District Court for the District of Columbia
1315 or the federal district where the Compact Commission has its principal offices to enforce
1316 compliance with the provisions of the Compact and its promulgated Rules. The relief
1317 sought may include both injunctive relief and damages. In the event judicial enforcement
1318 is necessary, the prevailing party shall be awarded all costs of such litigation, including
1319 reasonable attorney's fees. The remedies herein shall not be the exclusive remedies of the
1320 Compact Commission. The Compact Commission may pursue any other remedies
1321 available under federal or the defaulting Member State's law.

1322 2. A Member State may initiate legal action against the Compact Commission in the U.S.
1323 District Court for the District of Columbia or the federal district where the Compact
1324 Commission has its principal offices to enforce compliance with the provisions of the
1325 Compact and its promulgated Rules. The relief sought may include both injunctive relief
1326 and damages. In the event judicial enforcement is necessary, the prevailing party shall
1327 be awarded all costs of such litigation, including reasonable attorney's fees.

1328 3. No party other than a Member State shall enforce this Compact against the Compact
1329 Commission.

1330 SECTION 12. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

1331 A. The Compact shall come into effect on the date on which the Compact statute is
1332 enacted into law in the seventh Member State.

1333 1. On or after the effective date of the Compact, the Compact Commission shall convene
1334 and review the enactment of each of the first seven Member States ("Charter Member
1335 States") to determine if the statute enacted by each such Charter Member State is
1336 materially different than the model Compact statute.

1337 a. A Charter Member State whose enactment is found to be materially different from
1338 the model Compact statute shall be entitled to the default process set forth in
1339 Section 11.

1340 b. If any Member State is later found to be in default, or is terminated, or withdraws
1341 from the Compact, the Compact Commission shall remain in existence and the
1342 Compact shall remain in effect even if the number of Member States should be less than
1343 seven.

1344 2. Member States enacting the Compact subsequent to the seven initial Charter Member
1345 States shall be subject to the process set forth in Section 8(C)(21) to determine if their
1346 enactments are materially different from the model Compact statute and whether they
1347 qualify for participation in the Compact.

1348 3. All actions taken for the benefit of the Compact Commission or in furtherance of the
1349 purposes of the administration of the Compact prior to the effective date of the Compact
1350 or the Compact Commission coming into existence shall be considered to be actions of
1351 the Compact Commission unless specifically repudiated by the Compact Commission.

1352 4. Any State that joins the Compact subsequent to the Compact Commission's initial
1353 adoption of the Rules and bylaws shall be subject to the Rules and bylaws as they exist
1354 on the date on which the Compact becomes law in that State. Any Rule that has been
1355 previously adopted by the Compact Commission shall have the full force and effect of
1356 law on the day the Compact becomes law in that State.

1357 B. Any Member State may withdraw from this Compact by enacting a statute repealing
1358 the same.

1359 1. A Member State's withdrawal shall not take effect until 180 days after enactment of
1360 the repealing statute.

1361 2. Withdrawal shall not affect the continuing requirement of the withdrawing State's
1362 Licensing Authority to comply with the investigative and Adverse Action reporting
1363 requirements of this Compact prior to the effective date of withdrawal.

1364 3. Upon the enactment of a statute withdrawing from this Compact, a State shall
1365 immediately provide notice of such withdrawal to all Licensees within that State.
1366 Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing
1367 State shall continue to recognize all Compact Privileges granted pursuant to this Compact
1368 for a minimum of 180 days after the date of such notice of withdrawal.

1369 C. Nothing contained in this Compact shall be construed to invalidate or prevent any
1370 licensure agreement or other cooperative arrangement between a Member State and a
1371 non-Member State that does not conflict with the provisions of this Compact.

1372 D. This Compact may be amended by the Member States. No amendment to this Compact
1373 shall become effective and binding upon any Member State until it is enacted into the laws
1374 of all Member States.

1375 SECTION 13. CONSTRUCTION AND SEVERABILITY

1376 A. This Compact and the Compact Commission's rulemaking authority shall be liberally
1377 construed so as to effectuate the purposes and the implementation and administration of the
1378 Compact. Provisions of the Compact expressly authorizing or requiring the promulgation
1379 of Rules shall not be construed to limit the Compact Commission's rulemaking authority
1380 solely for those purposes.

1381 B. The provisions of this Compact shall be severable and if any phrase, clause, sentence,
1382 or provision of this Compact is held by a court of competent jurisdiction to be contrary to

1383 the constitution of any Member State, a State seeking participation in the Compact, or of
1384 the United States, or the applicability thereof to any government, agency, person, or
1385 circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity
1386 of the remainder of this Compact and the applicability thereof to any other government,
1387 agency, person, or circumstance shall not be affected thereby.

1388 C. Notwithstanding Section 13(B), the Compact Commission may deny a State's
1389 participation in the Compact or, in accordance with the requirements of Section 11(B),
1390 terminate a Member State's participation in the Compact, if it determines that a
1391 constitutional requirement of a Member State is a material departure from the Compact.
1392 Otherwise, if this Compact shall be held to be contrary to the constitution of any Member
1393 State, the Compact shall remain in full force and effect as to the remaining Member States
1394 and in full force and effect as to the Member State affected as to all severable matters.

1395 SECTION 14. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

1396 A. Nothing herein shall prevent or inhibit the enforcement of any other law of a Member
1397 State that is not inconsistent with the Compact.

1398 B. Any laws, statutes, regulations, or other legal requirements in a Member State in
1399 conflict with the Compact are superseded to the extent of the conflict.

1400 C. All permissible agreements between the Compact Commission and the Member States
1401 are binding in accordance with their terms."

1402 **PART II**

1403 *Conforming cross-references*

1404 **SECTION 2-1.**

1405 Title 9 of the Official Code of Georgia Annotated, relating to civil practice, is amended in
 1406 Code Section 9-11-9.1, relating to affidavit to accompany charge of professional malpractice,
 1407 by revising paragraph (8) of subsection (g) as follows:

1408 "(8) ~~Dietitians~~ Licensed dietitians or licensed nutritionists;"

1409 **SECTION 2-2.**

1410 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended in Code
 1411 Section 31-7-351, relating to definitions relative to Georgia Long-term Care Background
 1412 Check Program, by revising paragraph (7) as follows:

1413 "(7) 'Employee' means any individual who has direct access and who is hired by a facility
 1414 through employment, or through a contract with such facility, including, but not limited
 1415 to, housekeepers, maintenance personnel, ~~dietitians~~, and any volunteer who has duties
 1416 that are equivalent to the duties of an employee providing such services. Such term shall
 1417 not include an individual who contracts with the facility, whether personally or through
 1418 a company, to provide utility, construction, communications, accounting, quality
 1419 assurance, human resource management, information technology, legal, or other services
 1420 if the contracted services are not directly related to providing services to a patient,
 1421 resident, or client of the facility. Such term shall not include any healthcare provider,
 1422 including, but not limited to, physicians, dentists, nurses, ~~and~~ pharmacists, licensed
 1423 dietitians and licensed nutritionists who are licensed by the Georgia Composite Medical
 1424 Board, the Georgia Board of Dentistry, the Georgia Board of Nursing, ~~or~~ the State Board
 1425 of Pharmacy, or the Georgia Board of Examiners of Licensed Dietitians and Licensed
 1426 Nutritionists."

SECTION 2-3.

1427
1428 Said title is further amended in Code Section 31-8-192, relating to definitions relative to
1429 "health share" volunteers in medicine, by revising subparagraph (N) of paragraph (5) as
1430 follows:

1431 "(N) A licensed dietitian or licensed nutritionist ~~licensed~~ under Chapter 11A of
1432 Title 43;"

SECTION 2-4.

1433
1434 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended in Code
1435 Section 33-20A-3, relating to definitions relative to patient protection, by revising
1436 paragraph (5) as follows:

1437 "(5) 'Healthcare provider' or 'provider' means any physician, dentist, podiatrist,
1438 pharmacist, optometrist, psychologist, clinical social worker, advanced practice registered
1439 nurse, registered optician, licensed professional counselor, physical therapist, marriage
1440 and family therapist, chiropractor, athletic trainer qualified pursuant to Code
1441 Section 43-5-8, occupational therapist, speech language pathologist, audiologist, licensed
1442 dietitian, licensed nutritionist, or physician assistant."

SECTION 2-5.

1443
1444 Said title is further amended in Code Section 33-20E-2, relating to application to insurers and
1445 definitions relative to surprise billing consumer protection, by revising paragraph (9) of
1446 subsection (b) as follows:

1447 "(9) 'Healthcare provider' or 'provider' means any physician, other individual, or facility
1448 other than a hospital licensed or otherwise authorized in this state to furnish healthcare
1449 services, including, but not limited to, any dentist, podiatrist, optometrist, psychologist,
1450 clinical social worker, advanced practice registered nurse, registered optician, licensed
1451 professional counselor, physical therapist, marriage and family therapist, chiropractor,

1452 athletic trainer qualified pursuant to Code Section 43-5-8, occupational therapist,
1453 speech-language pathologist, audiologist, licensed dietitian, licensed nutritionist, or
1454 physician assistant."

1455 **SECTION 2-6.**

1456 Said title is further amended in Code Section 33-24-59.27, relating to right to shop for
1457 insurance coverage, disclosure of pricing information, and notice, by revising paragraph (4)
1458 of subsection (b) as follows:

1459 "(4) 'Healthcare provider' or 'provider' means any physician, dentist, podiatrist,
1460 pharmacist, optometrist, psychologist, clinical social worker, advanced practice registered
1461 nurse, registered optician, licensed professional counselor, physical therapist, marriage
1462 and family therapist, chiropractor, athletic trainer qualified pursuant to Code
1463 Section 43-5-8, occupational therapist, speech language pathologist, audiologist, licensed
1464 dietitian, licensed nutritionist, or physician assistant."

1465 **SECTION 2-7.**

1466 Said title is further amended in Code Section 33-39-3, relating to definitions relative to
1467 collection, use, and disclosure of information gathered by insurance institutions, by revising
1468 paragraph (16) as follows:

1469 "(16) 'Medical professional' means any person licensed or certified to provide healthcare
1470 services to natural persons, including, but not limited to, a chiropractor, ~~clinical~~ licensed
1471 dietitian, licensed nutritionist, clinical psychologist, dentist, nurse, occupational therapist,
1472 optometrist, pharmacist, physical therapist, physician, podiatrist, psychiatric social
1473 worker, or speech therapist."

SECTION 2-8.

1474
 1475 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
 1476 is amended in Code Section 43-1-28, relating to volunteers in healthcare specialties, by
 1477 revising paragraphs (2) and (3) of subsection (b) as follows:

1478 "(2) 'Healthcare practitioner' means a chiropractor, registered professional nurse,
 1479 podiatrist, optometrist, professional counselor, social worker, marriage and family
 1480 therapist, occupational therapist, physical therapist, physician assistant, licensed practical
 1481 nurse, certified nurse midwife, pharmacist, speech-language pathologist, audiologist,
 1482 psychologist, or licensed dietitian, or licensed nutritionist.

1483 (3) 'Healthcare specialty' means the practice of chiropractic, nursing, podiatry,
 1484 optometry, professional counseling, social work, marriage and family therapy,
 1485 occupational therapy, physical therapy, physician assistance, midwifery, pharmacy,
 1486 speech-language pathology, audiology, psychology, or dietetics, or nutrition."

SECTION 2-9.

1487
 1488 Said title is further amended in Code Section 43-1-33, relating to advertisement, signage, and
 1489 identifier requirements for healthcare practitioners, by revising subparagraph (c)(5)(D) as
 1490 follows:

1491 "(D) Licensed dietitian or licensed nutritionist ~~Dietitian licensed or registered pursuant~~
 1492 ~~to~~ under Chapter 11A of this title;"

SECTION 2-10.

1493
 1494 Said title is further amended in Code Section 43-34-316, relating to exceptions relative to
 1495 genetic counselor licensure, by revising paragraph (5) as follows:

1496 "(5) Any person using genetic data for purposes of nutritional counseling who is ~~licensed~~
 1497 ~~as a~~ licensed dietitian or licensed nutritionist under Chapter 11A of this title ~~or exempt~~
 1498 ~~from such licensure pursuant to paragraph (10) of Code Section 43-11A-18."~~

SECTION 2-11.

1499

1500 Title 51 of the Official Code of Georgia Annotated, relating to torts, is amended in Code
1501 Section 51-2-5.1, relating to relationship between hospital and healthcare provider
1502 prerequisite to liability, notice regarding independent contractor status, and factors for
1503 consideration in determining status, by revising paragraph (1) of subsection (a) as follows:

1504 "(1) 'Healthcare professional' means a professional licensed as an audiologist,
1505 chiropractor, clinical social worker, dentist, licensed dietitian, licensed nutritionist,
1506 medical doctor, marriage and family therapist, registered professional or licensed
1507 practical nurse, occupational therapist, optometrist, osteopathic physician, pharmacist,
1508 physical therapist, physician assistant, professional counselor, podiatrist, psychologist,
1509 radiological technician, respiratory therapist, or speech-language pathologist."

SECTION 2-12.

1510

1511 Said title is further amended in Code Section 51-16-1, relating to definitions relative to
1512 pandemic business safety, by revising paragraph (6) as follows:

1513 "(6) 'Healthcare provider' means any physician or other person licensed or otherwise
1514 authorized in this state to furnish healthcare services, including, but not limited to, any
1515 dentist, podiatrist, optometrist, pharmacist, psychologist, clinical social worker, advanced
1516 practice registered nurse, registered optician, licensed professional counselor, physical
1517 therapist, massage therapist, marriage and family therapist, chiropractor, athletic trainer
1518 qualified pursuant to Code Section 43-5-7, occupational therapist, speech-language
1519 pathologist, audiologist, licensed dietitian, licensed nutritionist, physician assistant,
1520 cardiac technician, emergency medical technician, paramedic, or related parties."

1521

PART III

1522

Effective date and repealer

1523

SECTION 3-1.

1524 This Act shall become effective upon its approval by the Governor or upon its becoming law

1525 without such approval.

1526

SECTION 3-2.

1527 All laws and parts of laws in conflict with this Act are repealed.