

SB207 ENROLLED



1 SB207
2 YCQ8626-2
3 By Senators Hatcher, Jones, Smitherman, Butler, Allen, Givhan,
4 Melson, Sessions, Carnley, Bell, Kelley, Shelnut, Kitchens,
5 Stutts, Elliott, Roberts, Waggoner, Orr, Stewart, Coleman,
6 Coleman-Madison, Beasley
7 RFD: Veterans and Military Affairs
8 First Read: 06-Mar-24



SB207 Enrolled

1 Enrolled, An Act,

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4 Relating to the Alabama Board of Examiners for
5 Dietetics/Nutrition Practice; to enter into the Dietician
6 Licensure Compact by adopting Chapter 34B of Title 34, Code of
7 Alabama 1975.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Chapter 34B, commencing with Section
10 34-34B-1, is added to Title 34, Code of Alabama 1975, to read
11 as follows:

12 CHAPTER 34B. DIETITIAN LICENSURE COMPACT

13 §34-34B-1. Purpose.

14 (a) The purpose of this compact is to facilitate
15 interstate practice of dietetics with the goal of improving
16 public access to dietetics services. This compact preserves
17 the regulatory authority of states to protect public health
18 and safety through the current system of state licensure,
19 while also providing for licensure portability through a
20 compact privilege granted to qualifying professionals.

21 (b) This compact is designed to achieve the following
22 objectives:

23 (1) Increase public access to dietetics services.

24 (2) Provide opportunities for interstate practice by
25 licensed dietitians who meet uniform requirements.

26 (3) Eliminate the necessity for licenses in multiple
27 states.

28 (4) Reduce the administrative burden on member states



SB207 Enrolled

29 and licensees.

30 (5) Enhance the states' ability to protect the public's
31 health and safety.

32 (6) Encourage the cooperation of member states in
33 regulating multistate practice of licensed dietitians.

34 (7) Support relocating active military members and
35 their spouses.

36 (8) Enhance the exchange of licensure, investigative,
37 and disciplinary information among member states.

38 (9) Vest all member states with the authority to hold a
39 licensed dietitian accountable for meeting all state practice
40 laws in the state in which the patient is located at the time
41 care is rendered.

42 §34-34B-2. Definitions.

43 As used in this compact, the following terms have the
44 following meanings:

45 (1) ACEND. The Accreditation Council for Education in
46 Nutrition and Dietetics or its successor organization.

47 (2) ACTIVE MILITARY MEMBER. Any individual with
48 full-time duty status in the active armed forces of the United
49 States, including members of the National Guard and Reserve.

50 (3) ADVERSE ACTION. Any administrative, civil,
51 equitable, or criminal action permitted by a state's laws
52 which is imposed by a licensing authority or other authority
53 against a licensee, including actions against an individual's
54 license or compact privilege such as revocation, suspension,
55 probation, monitoring of the licensee, limitation on the
56 licensee's practice, or any other encumbrance on a licensure



SB207 Enrolled

57 affecting a licensee's authorization to practice, including
58 issuance of a cease and desist action.

59 (4) ALTERNATIVE PROGRAM. A nondisciplinary monitoring
60 or practice remediation process approved by a licensing
61 authority.

62 (5) CDR. The Commission on Dietetic Registration or its
63 successor organization.

64 (6) CHARTER MEMBER STATE. Any member state which
65 enacted this compact by law before the effective date
66 specified in Section 34-34B-12.

67 (7) COMPACT COMMISSION. The governmental agency whose
68 membership consists of all states that have enacted this
69 compact, which is known as the Dietitian Licensure Compact
70 Commission, as described in Section 34-34B-8, and which shall
71 operate as an instrumentality of the member states.

72 (8) COMPACT PRIVILEGE. A legal authorization, which is
73 equivalent to a license, permitting the practice of dietetics
74 in a remote state.

75 (9) CONTINUING EDUCATION. A requirement, as a condition
76 of license renewal, to provide evidence of participation in,
77 and completion of, educational and professional activities
78 relevant to practice or area of work.

79 (10) CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION.

80 a. Investigative information that a licensing
81 authority, after a preliminary inquiry that includes
82 notification and an opportunity for the subject licensee to
83 respond, if required by state law, has reason to believe is
84 not groundless and, if proved true, would indicate more than a



SB207 Enrolled

85 minor infraction.

86 b. Investigative information that indicates that the
87 subject licensee represents an immediate threat to public
88 health and safety regardless of whether he or she has been
89 notified and had an opportunity to respond.

90 (11) DATA SYSTEM. A repository of information about
91 licensees, including, but not limited to, continuing
92 education, examination, licensure, investigative, compact
93 privilege, and adverse action information.

94 (12) ENCUMBERED LICENSE. A license in which an adverse
95 action restricts a licensee's ability to practice dietetics.

96 (13) ENCUMBRANCE. A revocation or suspension of, or any
97 limitation on a licensee's full and unrestricted practice of
98 dietetics by a licensing authority.

99 (14) EXECUTIVE COMMITTEE. A group of delegates elected
100 or appointed to act on behalf of, and within the powers
101 granted to them by, this compact and the compact commission.

102 (15) HOME STATE. The member state that is the
103 licensee's primary state of residence or that has been
104 designated pursuant to Section 34-34B-6.

105 (16) INVESTIGATIVE INFORMATION. Information, records,
106 and documents received or generated by a licensing authority
107 pursuant to an investigation.

108 (17) JURISPRUDENCE REQUIREMENT. An assessment of an
109 individual's knowledge of the state laws and rules governing
110 the practice of dietetics in such state.

111 (18) LICENSE. An authorization from a member state to
112 do one of the following:



SB207 Enrolled

113 a. Engage in the practice of dietetics, including
114 medical nutrition therapy.

115 b. Use the title "dietitian," "licensed dietitian,"
116 "licensed dietitian nutritionist," "certified dietitian," or
117 other title describing a substantially similar practitioner as
118 the compact commission may further define by rule.

119 (19) LICENSEE or LICENSED DIETITIAN. An individual who
120 currently holds a license and who meets all of the
121 requirements outlined in Section 34-34B-4.

122 (20) LICENSING AUTHORITY. The board or agency of a
123 state, or equivalent, that is responsible for the licensing
124 and regulation of the practice of dietetics.

125 (21) MEMBER STATE. A state that has enacted the
126 compact.

127 (22) PRACTICE OF DIETETICS. The synthesis and
128 application of dietetics, primarily for the provision of
129 nutrition care services, including medical nutrition therapy,
130 in person or via telehealth, to prevent, manage, or treat
131 diseases or medical conditions and promote wellness.

132 (23) REGISTERED DIETITIAN. A person who meets all of
133 the following requirements:

134 a. Has completed applicable education, experience,
135 examination, and recertification requirements approved by CDR.

136 b. Is credentialed by CDR as a registered dietitian or
137 a registered dietitian nutritionist.

138 c. Is legally authorized to use the title registered
139 dietitian or registered dietitian nutritionist and the
140 corresponding abbreviations "RD" or "RDN."



SB207 Enrolled

141 (24) REMOTE STATE. A member state other than the home
142 state, where a licensee is exercising or seeking to exercise a
143 compact privilege.

144 (25) RULE. A regulation adopted by the compact
145 commission that has the force of law.

146 (26) SINGLE-STATE LICENSE. A license issued by a member
147 state within the issuing state. The term does not include a
148 compact privilege in any other member state.

149 (27) STATE. Any state, commonwealth, district, or
150 territory of the United States of America.

151 (28) UNENCUMBERED LICENSE. A license that authorizes a
152 licensee to engage in the full and unrestricted practice of
153 dietetics.

154 §34-34B-3. State Participation in the Compact.

155 (a) To participate in the compact, a state must
156 currently license and regulate the practice of dietetics and
157 have a mechanism in place for receiving and investigating
158 complaints about licensees.

159 (b) A member state shall do all of the following:

160 (1) Participate fully in the compact commission's data
161 system, including using the unique identifier as defined in
162 rules.

163 (2) Notify the compact commission, in compliance with
164 the terms of the compact and rules, of any adverse action or
165 the availability of current significant investigative
166 information regarding a licensee.

167 (3) Implement or utilize procedures for considering the
168 criminal history record information of applicants for an



SB207 Enrolled

169 initial compact privilege. These procedures shall include the
170 submission of fingerprints or other biometric-based
171 information by applicants for the purpose of obtaining an
172 applicant's criminal history record information from the
173 Federal Bureau of Investigation and the agency responsible for
174 retaining that state's criminal records.

175 a. A member state must fully implement a criminal
176 history record information requirement, within a timeframe
177 established by rule, which includes receiving the results of
178 the Federal Bureau of Investigation record search and shall
179 use those results in determining compact privilege
180 eligibility.

181 b. Communication between a member state and the compact
182 commission or among member states regarding the verification
183 of eligibility for a compact privilege shall not include any
184 information received from the Federal Bureau of Investigation
185 relating to a federal criminal history record information
186 check performed by a member state.

187 (4) Comply with and enforce the rules of the compact
188 commission.

189 (5) Require an applicant for a compact privilege to
190 obtain or retain a license in the licensee's home state and
191 meet the home state's qualifications for licensure or renewal
192 of licensure, as well as all other applicable state laws.

193 (6) Recognize a compact privilege granted to a licensee
194 who meets all of the requirements outlined in Section 34-34B-4
195 in accordance with the terms of the compact and rules.

196 (c) Member states may set and collect a fee for



SB207 Enrolled

197 granting a compact privilege.

198 (d) Individuals not residing in a member state shall
199 continue to be able to apply for a member state's single state
200 license as provided under the laws of each member state.
201 However, the single state license granted to these individuals
202 shall not be recognized as granting a compact privilege to
203 engage in the practice of dietetics in any other member state.

204 (e) Nothing in this compact shall affect the
205 requirements established by a member state for the issuance of
206 a single state license.

207 (f) At no point shall the compact commission have the
208 power to define the requirements for the issuance of a single
209 state license to practice dietetics. The member states shall
210 retain sole jurisdiction over the provision of these
211 requirements.

212 §34-34B-4. Compact Privilege.

213 (a) To exercise the compact privilege under the terms
214 and provisions of the compact, the licensee shall do all of
215 the following:

216 (1) The licensee must do one of the following:

217 a. Hold a valid current registration that gives the
218 applicant the right to use the term "registered dietitian."

219 b. Complete all of the following:

220 1. An education program which is either:

221 (i) A master's degree or doctoral degree that is
222 programatically accredited by ACEND or any other dietetics
223 accrediting agency recognized by the United States Department
224 of Education, which the compact commission may determine by



SB207 Enrolled

225 rule, and from a college or university accredited at the time
226 of graduation by the appropriate regional accrediting agency
227 recognized by the Council on Higher Education Accreditation
228 and the United States Department of Education.

229 (ii) An academic degree from a college or university in
230 a foreign country equivalent to the degree described in Item
231 (i) that is programmatically accredited by ACEND or any other
232 dietetics accrediting agency recognized by the United States
233 Department of Education, which the compact commission may
234 determine by rule.

235 2. A planned, documented, and supervised practice
236 experience in dietetics that is programmatically accredited by
237 ACEND or any other dietetics accrediting agency recognized by
238 the United States Department of Education which the compact
239 commission may determine by rule and which involves at least
240 1000 hours of practice experience under the supervision of a
241 registered dietitian or a licensed dietitian.

242 3. Successful completion of either the Registration
243 Examination for Dietitians administered by CDR or a national
244 credentialing examination for dietitians approved by the
245 compact commission by rule; provided, the completion must be
246 no more than five years prior to the date of the licensee's
247 application for initial licensure and accompanied by a period
248 of continuous licensure thereafter, all of which may be
249 further governed by the rules of the compact commission.

250 (2) Hold an unencumbered license in the home state.

251 (3) Notify the compact commission that the licensee is
252 seeking a compact privilege within one or more remote states.



SB207 Enrolled

253 (4) Pay any applicable fees, including any state fee,
254 for the compact privilege.

255 (5) Meet any jurisprudence requirements established by
256 the remote state in which the licensee is seeking a compact
257 privilege.

258 (6) Report to the compact commission any adverse
259 action, encumbrance, or restriction on a license taken by any
260 non-member state within 30 days from the date the action is
261 taken.

262 (b) The compact privilege is valid until the expiration
263 date of the home state license. To maintain a compact
264 privilege, renewal of the compact privilege shall be congruent
265 with the renewal of the home state license as the compact
266 commission may define by rule. The licensee must comply with
267 the requirements of subsection (a) to maintain the compact
268 privilege in the remote state.

269 (c) A licensee exercising a compact privilege shall
270 adhere to the laws and rules of the remote state. Licensees
271 shall be responsible for educating themselves on, and
272 complying with, any and all state laws relating to the
273 practice of dietetics in the remote state.

274 (d) Notwithstanding anything to the contrary provided
275 in this compact or state law, a licensee exercising a compact
276 privilege shall not be required to complete continuing
277 education requirements required by a remote state. A licensee
278 exercising a compact privilege is only required to meet any
279 continuing education requirements as required by the home
280 state.



SB207 Enrolled

281 §34-34B-5. Obtaining a New Home State License Based on
282 a Compact Privilege.

283 (a) A licensee may hold a home state license, which
284 allows for a compact privilege in other member states, in only
285 one member state at a time.

286 (b) If a licensee changes his or her home state by
287 moving between two member states:

288 (1) The licensee shall file an application for
289 obtaining a new home state license based on a compact
290 privilege, pay all applicable fees, and notify the current and
291 new home state in accordance with the rules of the compact
292 commission.

293 (2) Upon receipt of an application for obtaining a new
294 home state license by virtue of a compact privilege, the new
295 home state shall verify that the licensee meets the criteria
296 in Section 34-34B-4 via the data system and require that the
297 licensee complete all of the following:

298 a. Federal Bureau of Investigation fingerprint-based
299 criminal history record information check.

300 b. Any other criminal history record information
301 required by the new home state.

302 c. Any jurisprudence requirements of the new home
303 state.

304 (3) The former home state shall convert the former home
305 state license into a compact privilege once the new home state
306 has activated the new home state license in accordance with
307 applicable rules adopted by the compact commission.

308 (4) Notwithstanding any other provision of this



SB207 Enrolled

309 compact, if the licensee cannot meet the criteria in Section
310 34-34B-4, the new home state may apply its requirements for
311 issuing a new single-state license.

312 (5) The licensee shall pay all applicable fees to the
313 new home state in order to be issued a new home state license.

314 (c) If a licensee changes his or her state of residence
315 by moving from a member state to a non-member state, or from a
316 non-member state to a member state, the state criteria shall
317 apply for issuance of a single state license in the new state.

318 (d) Nothing in this compact shall interfere with a
319 licensee's ability to hold a single-state license in multiple
320 states; however, for the purposes of this compact, a licensee
321 shall have only one home state license.

322 (e) Nothing in this compact shall affect the
323 requirements established by a member state for the issuance of
324 a single-state license.

325 §34-34B-6. Active Military Members or Their Spouses.

326 An active military member, or his or her spouse, shall
327 designate a home state where the individual has a current
328 license in good standing. The individual may retain the home
329 state designation during the period the service member is on
330 active duty.

331 §34-34B-7. Adverse Actions.

332 (a) In addition to the other powers conferred by state
333 law, a remote state shall have the authority, in accordance
334 with existing state due process law, to do both of the
335 following:

336 (1) Take adverse action against a licensee's compact



SB207 Enrolled

337 privilege within that member state.

338 (2) Issue subpoenas for both hearings and
339 investigations that require the attendance and testimony of
340 witnesses, as well as the production of evidence. Subpoenas
341 issued by a licensing authority in a member state for the
342 attendance and testimony of witnesses or the production of
343 evidence from another member state shall be enforced in the
344 latter state by any court of competent jurisdiction, according
345 to the practice and procedure applicable to subpoenas issued
346 in proceedings pending before that court. The issuing
347 authority shall pay any witness fees, travel expenses,
348 mileage, and other fees required by the service statutes of
349 the state in which the witnesses or evidence are located.

350 (b) Only the home state shall have the power to take
351 adverse action against a licensee's home state license.

352 (c) For purposes of taking adverse action, the home
353 state shall give the same priority and effect to reported
354 conduct received from a member state as it would if the
355 conduct had occurred within the home state. In so doing, the
356 home state shall apply its own state laws to determine
357 appropriate action.

358 (d) The home state shall complete any pending
359 investigations of a licensee who changes home states during
360 the course of the investigations. The home state shall also
361 have authority to take appropriate action and shall promptly
362 report the conclusions of the investigations to the
363 administrator of the data system. The administrator of the
364 data system shall promptly notify the new home state of any



SB207 Enrolled

365 adverse actions.

366 (e) A member state, if otherwise permitted by state
367 law, may recover from the affected licensee the costs of
368 investigations and dispositions of cases resulting from any
369 adverse action taken against that licensee.

370 (f) A member state may take adverse action based on the
371 factual findings of another remote state, provided that the
372 member state follows its own procedures for taking the adverse
373 action.

374 (g) Joint investigations.

375 (1) In addition to the authority granted to a member
376 state by its respective state law, any member state may
377 participate with other member states in joint investigations
378 of licensees.

379 (2) Member states shall share any investigative,
380 litigation, or compliance materials in furtherance of any
381 joint investigation initiated under the compact.

382 (h) If adverse action is taken by the home state
383 against a licensee's home state license resulting in an
384 encumbrance on the home state license, the licensee's compact
385 privilege in all other member states shall be revoked until
386 all encumbrances have been removed from the home state
387 license. All home state disciplinary orders that impose
388 adverse action against a licensee shall include a statement
389 that the licensee's compact privileges are revoked in all
390 member states during the pendency of the order.

391 (i) Once an encumbered license in the home state is
392 restored to an unencumbered license, as certified by the home



SB207 Enrolled

393 state's licensing authority, the licensee must meet the
394 requirements of Section 34-34B-4(a) and follow the
395 administrative requirements to reapply to obtain a compact
396 privilege in any remote state.

397 (j) If a member state takes adverse action, it shall
398 promptly notify the administrator of the data system. The
399 administrator of the data system shall promptly notify the
400 other member states of any adverse actions.

401 (k) Nothing in this compact shall override a member
402 state's decision that participation in an alternative program
403 may be used in lieu of adverse action.

404 §34-34B-8. Establishment of the Dietitian Licensure
405 Compact Commission.

406 (a) The compact member states hereby create and
407 establish a joint governmental agency whose membership
408 consists of all member states that have enacted the compact
409 known as the Dietitian Licensure Compact Commission. The
410 compact commission is an instrumentality of the compact states
411 acting jointly and not an instrumentality of any one state.
412 The compact commission shall come into existence on or after
413 the effective date of the compact as set forth in Section
414 34-34B-12.

415 (b) Membership, voting, and meetings.

416 (1) Each member state shall have and be limited to one
417 delegate selected by that member state's licensing authority.

418 (2) The delegate shall be the primary administrator of
419 the licensing authority or his or her designee.

420 (3) The compact commission shall by rule or bylaw



SB207 Enrolled

421 establish a term of office for delegates and may by rule or
422 bylaw establish term limits.

423 (4) The compact commission may recommend removal or
424 suspension of any delegate from office.

425 (5) A member state's licensing authority shall fill any
426 vacancy of its delegate occurring on the compact commission
427 within 60 days of the vacancy.

428 (6) Each delegate shall be entitled to one vote on all
429 matters before the compact commission requiring a vote by the
430 delegates.

431 (7) Delegates shall meet and vote by such means as set
432 forth in the bylaws. The bylaws may provide for delegates to
433 meet and vote in-person or by telecommunication, video
434 conference, or other means of communication.

435 (8) The compact commission shall meet at least once
436 during each calendar year. Additional meetings may be held as
437 set forth in the bylaws. The compact commission may meet in
438 person or by telecommunication, video conference, or other
439 means of communication.

440 (c) The compact commission shall have all of the
441 following powers:

442 (1) Establish the fiscal year of the compact
443 commission.

444 (2) Establish code of conduct and conflict of interest
445 policies.

446 (3) Establish and amend rules and bylaws.

447 (4) Maintain its financial records in accordance with
448 the bylaws.



SB207 Enrolled

449 (5) Meet and take action consistent with the provisions
450 of this compact, the compact commission's rules, and the
451 bylaws.

452 (6) Initiate and conclude legal proceedings or actions
453 in the name of the compact commission, provided that the
454 standing of any licensing authority to sue or be sued under
455 applicable law shall not be affected.

456 (7) Maintain and certify records and information
457 provided to a member state as the authenticated business
458 records of the compact commission, and designate an agent to
459 do so on behalf of the compact commission.

460 (8) Purchase and maintain insurance and bonds.

461 (9) Borrow, accept, or contract for services of
462 personnel, including, but not limited to, employees of a
463 member state.

464 (10) Conduct an annual financial review.

465 (11) Hire employees, elect or appoint officers, fix
466 compensation, define duties, grant those individuals
467 appropriate authority to carry out the purposes of the
468 compact, and establish the compact commission's personnel
469 policies and programs relating to conflicts of interest,
470 qualifications of personnel, and other related personnel
471 matters.

472 (12) Assess and collect fees.

473 (13) Accept any and all appropriate donations, grants
474 of money, other sources of revenue, equipment, supplies,
475 materials, services, and gifts, and receive, utilize, and
476 dispose of the same; provided, that at all times the compact



SB207 Enrolled

477 commission shall avoid any actual or appearance of impropriety
478 or conflict of interest.

479 (14) Lease, purchase, retain, own, hold, improve, or
480 use any property, real, personal, or mixed, or any undivided
481 interest in property.

482 (15) Sell, convey, mortgage, pledge, lease, exchange,
483 abandon, or otherwise dispose of any property real, personal,
484 or mixed.

485 (16) Establish a budget and make expenditures.

486 (17) Borrow money.

487 (18) Appoint committees, including standing committees,
488 composed of members, state regulators, state legislators or
489 his or her representatives, consumer representatives, and
490 other interested persons as may be designated in this compact
491 or the bylaws.

492 (19) Provide and receive information from, and
493 cooperate with, law enforcement agencies.

494 (20) Establish and elect an executive committee,
495 including a chair and a vice chair.

496 (21) Determine whether a state's adopted language is
497 materially different from the model compact language such that
498 the state would not qualify for participation in the compact.

499 (22) Perform other functions as may be necessary or
500 appropriate to achieve the purposes of this compact.

501 (d) The Executive Committee.

502 (1) The executive committee shall have the power to act
503 on behalf of the compact commission according to the terms of
504 this compact. The powers, duties, and responsibilities of the



SB207 Enrolled

505 executive committee shall include all of the following:

506 a. Oversee the day-to-day activities of the
507 administration of the compact, including enforcement and
508 compliance with the provisions of the compact, its rules and
509 bylaws, and other duties as deemed necessary.

510 b. Recommend to the compact commission changes to the
511 rules or bylaws, changes to this compact legislation, fees
512 charged to compact member states, fees charged to licensees,
513 and other fees.

514 c. Ensure compact administration services are
515 appropriately provided, including by contract.

516 d. Prepare and recommend the budget.

517 e. Maintain financial records on behalf of the compact
518 commission.

519 f. Monitor compact compliance of member states and
520 provide compliance reports to the compact commission.

521 g. Establish additional committees as necessary.

522 h. Exercise the powers and duties of the compact
523 commission during the interim between compact commission
524 meetings, except for adopting or amending rules, adopting or
525 amending bylaws, and exercising any other powers and duties
526 expressly reserved to the compact commission by rule or bylaw.

527 i. Other duties as provided in the rules or bylaws of
528 the compact commission.

529 (2) The executive committee shall be composed of nine
530 members:

531 a. The chair and vice chair of the compact commission
532 shall be voting members of the executive committee.



SB207 Enrolled

533 b. Five voting members from the current membership of
534 the compact commission, elected by the compact commission.

535 c. One ex officio, nonvoting member from a recognized
536 professional association representing dietitians.

537 d. One ex officio, nonvoting member from a recognized
538 national credentialing organization for dietitians.

539 (3) The compact commission may remove any member of the
540 executive committee as provided in the compact commission's
541 bylaws.

542 (4) The executive committee shall meet at least
543 annually.

544 a. Executive committee meetings shall be open to the
545 public, except that the executive committee may meet in a
546 closed, nonpublic meeting as provided in subdivision (f)(2).

547 b. The executive committee shall give 30-days' notice
548 of its meetings, posted on the website of the compact
549 commission and as determined to provide notice to persons with
550 an interest in the business of the compact commission.

551 c. The executive committee may hold a special meeting
552 in accordance with paragraph (f)(1)b.

553 (e) The compact commission shall adopt and provide to
554 the member states an annual report.

555 (f) Meetings of the Compact Commission.

556 (1) All meetings shall be open to the public, except
557 that the compact commission may meet in a closed, non-public
558 meeting as provided in subdivision (2).

559 a. Public notice for all meetings of the full compact
560 commission shall be given in the same manner as required under



SB207 Enrolled

561 the rulemaking provisions in Section 34-34B-10, except that
562 the compact commission may hold a special meeting as provided
563 in paragraph (f)(1)b.

564 b. The compact commission may hold a special meeting
565 when it must meet to conduct emergency business by giving 24-
566 hours' notice to all member states, on the compact
567 commission's website, and other means as provided in the
568 compact commission's rules. The compact commission's legal
569 counsel shall certify that the compact commission's need to
570 meet qualifies as an emergency.

571 (2) The compact commission, the executive committee, or
572 other committees of the compact commission may convene in a
573 closed, nonpublic meeting for the compact commission,
574 executive committee, or other committees of the compact
575 commission to receive legal advice or to discuss the
576 following:

577 a. Noncompliance of a member state with its obligations
578 under the compact.

579 b. The employment, compensation, discipline, or other
580 matters, practices, or procedures related to specific
581 employees.

582 c. Current or threatened discipline of a licensee by
583 the compact commission or by a member state's licensing
584 authority.

585 d. Current, threatened, or reasonably anticipated
586 litigation.

587 e. Negotiation of contracts for the purchase, lease, or
588 sale of goods, services, or real estate.



SB207 Enrolled

589 f. Accusing any individual of a crime or formally
590 censuring any individual.

591 g. Trade secrets or commercial or financial information
592 that is privileged or confidential.

593 h. Information of a personal nature where disclosure
594 would constitute a clearly unwarranted invasion of personal
595 privacy.

596 i. Investigative records compiled for law enforcement
597 purposes.

598 j. Information related to any investigative reports
599 prepared by or on behalf of or for use of the compact
600 commission or other committee charged with responsibility of
601 investigation or determination of compliance issues pursuant
602 to the compact.

603 k. Matters specifically exempted from disclosure by
604 federal or member state law.

605 l. Other matters as specified in the rules of the
606 compact commission.

607 (3) If a meeting, or portion of a meeting, is closed,
608 the presiding officer shall state that the meeting will be
609 closed and reference each relevant exempting provision, and
610 such reference shall be recorded in the minutes.

611 (4) The compact commission shall keep minutes that
612 fully and clearly describe all matters discussed in a meeting
613 and shall provide a full and accurate summary of actions
614 taken, and the reasons therefore, including a description of
615 the views expressed. All documents considered in connection
616 with an action shall be identified in such minutes. All



SB207 Enrolled

617 minutes and documents of a closed meeting shall remain under
618 seal, subject to release only by a majority vote of the
619 compact commission or order of a court of competent
620 jurisdiction.

621 (g) Financing of the compact commission.

622 (1) The compact commission shall pay, or provide for
623 the payment of, the reasonable expenses of its establishment,
624 organization, and ongoing activities.

625 (2) The compact commission may accept any and all
626 appropriate revenue sources as provided in subdivision
627 (c) (13).

628 (3) The compact commission may levy on and collect an
629 annual assessment from each member state and impose fees on
630 licensees of member states to whom it grants a compact
631 privilege to cover the cost of the operations and activities
632 of the compact commission and its staff, which must, in a
633 total amount, be sufficient to cover its annual budget as
634 approved each year for which revenue is not provided by other
635 sources. The aggregate annual assessment amount for member
636 states shall be allocated based upon a formula that the
637 compact commission shall adopt by rule.

638 (4) The compact commission shall not incur obligations
639 of any kind prior to securing the funds adequate to meet those
640 obligations; nor shall the compact commission pledge the
641 credit of any of the member states, except by and with the
642 authority of the member state.

643 (5) The compact commission shall keep accurate accounts
644 of all receipts and disbursements. The receipts and



SB207 Enrolled

645 disbursements of the compact commission shall be subject to
646 the financial review and accounting procedures established
647 under its bylaws. However, all receipts and disbursements of
648 funds handled by the compact commission shall be subject to an
649 annual financial review by a certified or licensed public
650 accountant, and the report of the financial review shall be
651 included in and become part of the annual report of the
652 compact commission.

653 (h) Qualified immunity, defense, and indemnification.

654 (1) The members, officers, executive director,
655 employees, and representatives of the compact commission shall
656 be immune from suit and liability, both personally and in
657 their official capacities, for any claim for damage to or loss
658 of property or personal injury or other civil liability caused
659 by or arising out of any actual or alleged act, error, or
660 omission that occurred, or that the individual against whom
661 the claim is made had a reasonable basis for believing
662 occurred within the scope of compact commission employment,
663 duties, or responsibilities; provided, that nothing in this
664 subdivision shall be construed to protect any individual from
665 suit or liability for any damage, loss, injury, or liability
666 caused by the intentional, willful, or wanton misconduct of
667 that individual. The procurement of insurance of any type by
668 the compact commission shall not in any way compromise or
669 limit the immunity granted under this subsection.

670 (2) The compact commission shall defend any member,
671 officer, executive director, employee, and representative of
672 the compact commission in any civil action seeking to impose



SB207 Enrolled

673 liability arising out of any actual or alleged act, error, or
674 omission that occurred within the scope of compact commission
675 employment, duties, or responsibilities, or as determined by
676 the compact commission that the person against whom the claim
677 is made had a reasonable basis for believing occurred within
678 the scope of compact commission employment, duties, or
679 responsibilities; provided, that nothing in this subdivision
680 shall be construed to prohibit that individual from retaining
681 his or her own counsel at his or her own expense; and provided
682 further, that the actual or alleged act, error, or omission
683 did not result from that individual's intentional, willful, or
684 wanton misconduct.

685 (3) The compact commission shall indemnify and hold
686 harmless any member, officer, executive director, employee,
687 and representative of the compact commission for the amount of
688 any settlement or judgment obtained against that individual
689 arising out of any actual or alleged act, error, or omission
690 that occurred within the scope of compact commission
691 employment, duties, or responsibilities, or that such
692 individual had a reasonable basis for believing occurred
693 within the scope of compact commission employment, duties, or
694 responsibilities; provided, that the actual or alleged act,
695 error, or omission did not result from the intentional,
696 willful, or wanton misconduct of that individual.

697 (4) Nothing in this subsection shall be construed as a
698 limitation on the liability of any licensee for professional
699 malpractice or misconduct, which shall be governed solely by
700 any other applicable state laws.



SB207 Enrolled

701 (5) Nothing in this compact shall be interpreted to
702 waive or otherwise abrogate a member state's state action
703 immunity or state action affirmative defense with respect to
704 antitrust claims under the Sherman Act, Clayton Act, or any
705 other state or federal antitrust or anticompetitive law or
706 rule.

707 (6) Nothing in this compact shall be construed to be a
708 waiver of sovereign immunity by the member states or by the
709 compact commission.

710 §34-34B-9. Data System.

711 (a) The compact commission shall provide for the
712 development, maintenance, operation, and utilization of a
713 coordinated data system.

714 (b) The compact commission shall assign each applicant
715 for a compact privilege a unique identifier, as determined by
716 the rules.

717 (c) Notwithstanding any other provision of state law to
718 the contrary, a member state shall submit a uniform data set
719 to the data system on all individuals to whom this compact is
720 applicable as required by the rules of the compact commission,
721 including all of the following:

722 (1) Identifying information.

723 (2) Licensure data.

724 (3) Adverse actions against a license or compact
725 privilege and information related thereto.

726 (4) Nonconfidential information related to alternative
727 program participation, the beginning and ending dates of
728 participation, and other information related to participation



SB207 Enrolled

729 not made confidential under member state law.

730 (5) Any denial of application for licensure, and the
731 reason or reasons for the denial.

732 (6) The presence of current significant investigative
733 information.

734 (7) Other information that may facilitate the
735 administration of this compact or the protection of the
736 public, as determined by the rules of the compact commission.

737 (d) The records and information provided to a member
738 state pursuant to this compact or through the data system,
739 when certified by the compact commission or its agent, shall
740 constitute the authenticated business records of the compact
741 commission, and shall be entitled to any associated hearsay
742 exception in any relevant judicial, quasi-judicial, or
743 administrative proceedings in a member state.

744 (e) Current significant investigative information
745 pertaining to a licensee in any member state will only be
746 available to other member states.

747 (f) It is the responsibility of the member states to
748 report any adverse action against a licensee and to monitor
749 the data system to determine whether any adverse action has
750 been taken against a licensee. Adverse action information
751 pertaining to a licensee in any member state will be available
752 to any other member state.

753 (g) Member states contributing information to the data
754 system may designate information that may not be shared with
755 the public without the express permission of the contributing
756 state.



SB207 Enrolled

757 (h) Any information submitted to the data system that
758 is subsequently expunged pursuant to federal law or the laws
759 of the member state contributing the information shall be
760 removed from the data system.

761 §34-34B-10. Rulemaking.

762 (a) The compact commission shall adopt reasonable rules
763 in order to effectively and efficiently implement and
764 administer the purposes and provisions of this compact. A rule
765 shall be invalid and have no force or effect only if a court
766 of competent jurisdiction holds that the rule is invalid
767 because the compact commission exercised its rulemaking
768 authority in a manner that is beyond the scope and purposes of
769 the compact, or the powers granted under the contract, or
770 based upon another applicable standard of review.

771 (b) The rules of the compact commission shall have the
772 force of law in each member state; provided, however, that
773 where the rules conflict with the laws or rules of a member
774 state that relate to the procedures, actions, and processes a
775 licensed dietitian is permitted to undertake in that state and
776 the circumstances under which he or she may do so, as held by
777 a court of competent jurisdiction, the rules of the compact
778 commission shall be ineffective in that state to the extent of
779 the conflict.

780 (c) The compact commission shall exercise its
781 rulemaking powers pursuant to the criteria set forth in this
782 section and the rules adopted thereunder. Rules shall become
783 binding on the day following adoption or as of the date
784 specified in the rule or amendment, whichever is later.



SB207 Enrolled

785 (d) If a majority of the legislatures of the member
786 states rejects a rule or portion of a rule, by enactment of a
787 statute or resolution in the same manner used to adopt the
788 compact within four years of the date of adoption of the rule,
789 then the rule shall have no further force and effect in any
790 member state.

791 (e) Rules shall be adopted at a regular or special
792 meeting of the compact commission.

793 (f) Prior to adoption of a proposed rule, the compact
794 commission shall hold a public hearing and allow persons to
795 provide oral and written comments, data, facts, opinions, and
796 arguments.

797 (g) Prior to adoption of a proposed rule by the compact
798 commission, and at least 30 days in advance of the meeting at
799 which the compact commission will hold a public hearing on the
800 proposed rule, the compact commission shall provide a notice
801 of proposed rulemaking:

802 (1) On the website of the compact commission or other
803 publicly accessible platform.

804 (2) To individuals who have requested notice of the
805 compact commission's notices of proposed rulemaking.

806 (3) In such other ways as the compact commission may
807 specify by rule.

808 (h) The notice of proposed rulemaking shall include all
809 of the following:

810 (1) The time, date, and location of the public hearing
811 at which the compact commission will hear public comments on
812 the proposed rule and, if different, the time, date, and



SB207 Enrolled

813 location of the meeting where the compact commission will
814 consider and vote on the proposed rule.

815 (2) If the hearing is held via telecommunication, video
816 conference, or other means of communication, the compact
817 commission shall include the mechanism for access to the
818 hearing in the notice of proposed rulemaking.

819 (3) The text of the proposed rule and the reason
820 supporting it.

821 (4) A request for comments on the proposed rule from
822 any interested person.

823 (5) The manner in which interested persons may submit
824 written comments.

825 (i) All hearings shall be recorded. A copy of the
826 recording and all written comments and documents received by
827 the compact commission in response to the proposed rule shall
828 be available to the public.

829 (j) Nothing in this section shall be construed as
830 requiring a separate hearing on each rule. Rules may be
831 grouped for the convenience of the compact commission at
832 hearings required by this section.

833 (k) The compact commission, by majority vote of all
834 members, shall take final action on the proposed rule based on
835 the rulemaking record and the full text of the rule.

836 (1) The compact commission may adopt changes to the
837 proposed rule provided the changes do not enlarge the original
838 purpose of the proposed rule.

839 (2) The compact commission shall provide an explanation
840 of the reasons for substantive changes made to the proposed



SB207 Enrolled

841 rule, as well as reasons for substantive changes not made that
842 were recommended by commenters.

843 (3) The compact commission shall determine a reasonable
844 effective date for the rule. Except for an emergency as
845 provided in subsection (1), the effective date of the rule
846 shall be no sooner than 30 days after issuing the notice that
847 it adopted or amended the rule.

848 (1) Upon determination that an emergency exists, the
849 compact commission may consider and adopt an emergency rule
850 with 24-hours' notice, with opportunity to comment; provided,
851 that the usual rulemaking procedures provided in the compact
852 and in this section shall be retroactively applied to the rule
853 as soon as reasonably possible, in no event later than 90
854 days after the effective date of the rule. For the purposes of
855 this provision, an emergency rule is one that must be adopted
856 immediately in order to do all of the following:

857 (1) Meet an imminent threat to public health, safety,
858 or welfare.

859 (2) Prevent a loss of compact commission or member
860 state funds.

861 (3) Meet a deadline for the adoption of a rule that is
862 established by federal law or rule.

863 (4) Protect public health and safety.

864 (m) The compact commission or an authorized committee
865 of the compact commission may direct revision to a previously
866 adopted rule for purposes of correcting typographical errors,
867 errors in format, errors in consistency, or grammatical
868 errors. Public notice of any revision shall be posted on the



SB207 Enrolled

869 website of the compact commission. The revision shall be
870 subject to challenge by any person for a period of 30 days
871 after posting. The revision may be challenged only on grounds
872 that the revision results in a material change to a rule. A
873 challenge shall be made in writing and delivered to the
874 compact commission prior to the end of the notice period. If
875 no challenge is made, the revision will take effect without
876 further action. If the revision is challenged, the revision
877 may not take effect without the approval of the compact
878 commission.

879 (n) No member state's rulemaking requirements shall
880 apply under this compact.

881 §34-34B-11 Oversight, Dispute Resolution, and
882 Enforcement.

883 (a) Oversight.

884 (1) The executive and judicial branches of state
885 government in each member state shall enforce this compact and
886 take all actions necessary and appropriate to implement this
887 compact.

888 (2) Except as otherwise provided in this compact, venue
889 is proper and judicial proceedings by or against the compact
890 commission shall be brought solely and exclusively in a court
891 of competent jurisdiction where the principal office of the
892 compact commission is located. The compact commission may
893 waive venue and jurisdictional defenses to the extent it
894 adopts or consents to participate in alternative dispute
895 resolution proceedings. Nothing in this section shall affect
896 or limit the selection or propriety of venue in any action



SB207 Enrolled

897 against a licensee for professional malpractice, misconduct,
898 or any similar matter.

899 (3) The compact commission shall be entitled to receive
900 service of process in any proceeding regarding the enforcement
901 or interpretation of the compact and shall have standing to
902 intervene in such a proceeding for all purposes. Failure to
903 provide the compact commission service of process shall render
904 a judgment or order void as to the compact commission, this
905 compact, or adopted rules.

906 (b) Default, technical assistance, and termination.

907 (1) If the compact commission determines that a member
908 state has defaulted in the performance of its obligations or
909 responsibilities under this compact or the adopted rules, the
910 compact commission shall provide written notice to the
911 defaulting state. The notice of default shall describe the
912 default, the proposed means of curing the default, any other
913 action that the compact commission may take, and shall offer
914 training and specific technical assistance regarding the
915 default.

916 (2) The compact commission shall provide a copy of the
917 notice of default to the other member states.

918 (c) If a state in default fails to cure the default,
919 the defaulting state may be terminated from the compact upon
920 an affirmative vote of a majority of the delegates of the
921 member states, and all rights, privileges, and benefits
922 conferred on that state by this compact may be terminated on
923 the effective date of termination. A cure of the default does
924 not relieve the offending state of obligations or liabilities



SB207 Enrolled

925 incurred during the period of default.

926 (d) Termination of membership in the compact shall be
927 imposed only after all other means of securing compliance have
928 been exhausted. Notice of intent to suspend or terminate shall
929 be given by the compact commission to the governor, the
930 majority and minority leaders of the defaulting state's
931 legislature, the defaulting state's licensing authority, and
932 each of the member states' licensing authority.

933 (e) A state that has been terminated is responsible for
934 all assessments, obligations, and liabilities incurred through
935 the effective date of termination, including obligations that
936 extend beyond the effective date of termination.

937 (f) Upon the termination of a state's membership from
938 this compact, that state shall immediately provide notice to
939 all licensees within that state of such termination. The
940 terminated state shall continue to recognize all compact
941 privileges granted pursuant to this compact for a minimum of
942 six months after the date of the notice of termination.

943 (g) The compact commission shall not bear any costs
944 related to a state that is found to be in default or that has
945 been terminated from the compact, unless agreed upon in
946 writing between the compact commission and the defaulting
947 state.

948 (h) The defaulting state may appeal the action of the
949 compact commission by petitioning the United States District
950 Court for the District of Columbia or the federal district
951 where the compact commission has its principal offices. The
952 prevailing party shall be awarded all costs of litigation,



SB207 Enrolled

953 including reasonable attorney fees.

954 (i) Dispute resolution.

955 (1) Upon request by a member state, the compact
956 commission shall attempt to resolve disputes related to the
957 compact that arise among member states and between member and
958 non-member states.

959 (2) The compact commission shall adopt a rule providing
960 for both mediation and binding dispute resolution for disputes
961 as appropriate.

962 (j) Enforcement.

963 (1) By super majority vote, the compact commission may
964 initiate legal action against a member state in default in the
965 United States District Court for the District of Columbia or
966 the federal district where the compact commission has its
967 principal offices to enforce compliance with the provisions of
968 the compact and its adopted rules. The relief sought may
969 include both injunctive relief and damages. In the event
970 judicial enforcement is necessary, the prevailing party shall
971 be awarded all costs of litigation, including reasonable
972 attorney fees. The remedies herein shall not be the exclusive
973 remedies of the compact commission. The compact commission may
974 pursue any other remedies available under federal or the
975 defaulting member state's law.

976 (2) A member state may initiate legal action against
977 the compact commission in the United States District Court for
978 the District of Columbia or the federal district where the
979 compact commission has its principal offices to enforce
980 compliance with the provisions of the compact and its adopted



SB207 Enrolled

981 rules. The relief sought may include both injunctive relief
982 and damages. In the event judicial enforcement is necessary,
983 the prevailing party shall be awarded all costs of such
984 litigation, including reasonable attorney fees.

985 (3) No party other than a member state shall enforce
986 this compact against the compact commission.

987 §34-34B-12. Effective Date, Withdrawal, and Amendment.

988 (a) The compact shall come into effect on the date on
989 which the compact statute is enacted into law in the seventh
990 member state.

991 (1) On or after the effective date of the compact, the
992 compact commission shall convene and review the enactment of
993 each of the first seven member states referred to as "charter
994 member states", to determine if the statute enacted by each
995 such charter member state is materially different than the
996 model compact statute.

997 a. A charter member state whose enactment is found to
998 be materially different from the model compact statute shall
999 be entitled to the default process set forth in Section
1000 34-34B-11.

1001 b. If any member state is later found to be in default,
1002 is terminated, or withdraws from the compact, the compact
1003 commission shall remain in existence and the compact shall
1004 remain in effect even if the number of member states should be
1005 less than seven.

1006 (2) Member states enacting the compact subsequent to
1007 the seven initial charter member states shall be subject to
1008 the process set forth in Section 34-34B-8(c)(21) to determine



SB207 Enrolled

1009 if their enactments are materially different from the model
1010 compact statute and whether they qualify for participation in
1011 the compact.

1012 (3) All actions taken for the benefit of the compact
1013 commission or in furtherance of the purposes of the
1014 administration of the compact prior to the effective date of
1015 the compact or the compact commission coming into existence
1016 shall be considered to be actions of the compact commission
1017 unless specifically repudiated by the compact commission.

1018 (4) Any state that joins the compact subsequent to the
1019 compact commission's initial adoption of the rules and bylaws
1020 shall be subject to the rules and bylaws as they exist on the
1021 date on which the compact becomes law in that state. Any rule
1022 that has been previously adopted by the compact commission
1023 shall have the full force and effect of law on the day the
1024 compact becomes law in that state.

1025 (b) Any member state may withdraw from this compact by
1026 enacting a statute to repeal it.

1027 (1) A member state's withdrawal shall not take effect
1028 until 180 days after enactment of the repealing statute.

1029 (2) Withdrawal shall not affect the continuing
1030 requirement of the withdrawing state's licensing authority to
1031 comply with the investigative and adverse action reporting
1032 requirements of this compact prior to the effective date of
1033 withdrawal.

1034 (3) Upon the enactment of a state withdrawing from this
1035 compact, a state shall immediately provide notice of the
1036 withdrawal to all licensees within that state. Notwithstanding



SB207 Enrolled

1037 any subsequent statutory enactment to the contrary, the
1038 withdrawing state shall continue to recognize all compact
1039 privileges granted pursuant to this compact for a minimum of
1040 180 days after the date of such notice of withdrawal.

1041 (c) Nothing contained in this compact shall be
1042 construed to invalidate or prevent any licensure agreement or
1043 other cooperative arrangement between a member state and a
1044 non-member state that does not conflict with the provisions of
1045 this compact.

1046 (d) This compact may be amended by the member states.
1047 No amendment to this compact shall become effective and
1048 binding upon any member state until it is enacted into the
1049 laws of all member states.

1050 §34-34B-13. Construction and Severability.

1051 (a) This compact and the compact commission's
1052 rulemaking authority shall be liberally construed so as to
1053 effectuate the purposes, implementation, and administration of
1054 the compact. Provisions of the compact expressly authorizing
1055 or requiring the adoption of rules shall not be construed to
1056 limit the compact commission's rulemaking authority solely for
1057 those purposes.

1058 (b) The provisions of this compact shall be severable
1059 and if any phrase, clause, sentence, or provision of this
1060 compact is held by a court of competent jurisdiction to be
1061 contrary to the constitution of any member state, a state
1062 seeking participation in the compact, or of the United States,
1063 or the applicability to any government, agency, person, or
1064 circumstance is held to be unconstitutional by a court of



SB207 Enrolled

1065 competent jurisdiction, the validity of the remainder of this
1066 compact and the applicability to any other government, agency,
1067 person, or circumstance shall not be affected.

1068 (c) Notwithstanding subsection (b), the compact
1069 commission may deny a state's participation in the compact or,
1070 in accordance with the requirements of Section 34-34B-11(b),
1071 terminate a member state's participation in the compact, if it
1072 determines that a constitutional requirement of a member state
1073 is a material departure from the compact. Otherwise, if this
1074 compact shall be held to be contrary to the constitution of
1075 any member state, the compact shall remain in full force and
1076 effect as to the remaining member states and in full force and
1077 effect as to the member state affected as to all severable
1078 matters.

1079 §34-34B-14. Consistent Effect and Conflict With Other
1080 State Laws.

1081 (a) Nothing in this compact shall prevent or inhibit
1082 the enforcement of any other law of a member state that is not
1083 inconsistent with the compact.

1084 (b) Any laws, statutes, rules, or other legal
1085 requirements in a member state in conflict with the compact
1086 are superseded to the extent of the conflict.

1087 (c) All permissible agreements between the compact
1088 commission and the member states are binding in accordance
1089 with their terms.

1090 §34-34B-15. Judicial Proceedings by Individuals.

1091 Except as to judicial proceedings for the enforcement
1092 of this compact among member states, individuals may pursue



SB207 Enrolled

1093 judicial proceedings related to this compact in any Alabama
1094 state or federal court that would otherwise have competent
1095 jurisdiction.

1096 Section 2. This act shall become effective on October
1097 1, 2024.



SB207 Enrolled

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB207
Senate 11-Apr-24
I hereby certify that the within Act originated in and passed
the Senate.

Patrick Harris,
Secretary.

House of Representatives
Passed: 08-May-24

By: Senator Hatcher