

1 H.296

2 Introduced by Representatives Birong of Vergennes, Hango of Berkshire,  
3 Minier of South Burlington, Austin of Colchester, Gregoire of  
4 Fairfield, Lalley of Shelburne, Logan of Burlington, McCann of  
5 Montpelier, McGill of Bridport, Morgan, M. of Milton, Nugent  
6 of South Burlington, Pouech of Hinesburg, and Stone of  
7 Burlington

8 Referred to Committee on

9 Date:

10 Subject: Professions and occupations; dieticians; interstate compact; Office of  
11 Professional Regulation

12 Statement of purpose of bill as introduced: This bill proposes that the State  
13 adopt and enter into the Dietician Licensure Compact.

14 An act relating to Vermont's adoption of the Dietician Licensure Compact

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 Sec. 1. 26 V.S.A. chapter 73 is amended to read:

17 CHAPTER 73. DIETICIANS

18 Subchapter 1. General provisions

19 \* \* \*

20 Subchapter 2. Dietician Licensure Compact

1     § 3391. DIETICIAN LICENSURE COMPACT; ADOPTION

2             This subchapter is the Vermont adoption of the Dietician Licensure  
3     Compact. The form, format, and text of the Compact have been conformed to  
4     the conventions of the Vermont Statutes Annotated. It is the intent of the  
5     General Assembly that this subchapter be interpreted as substantively the same  
6     as the Dietician Licensure Compact that is enacted by other Compact party  
7     states.

8     § 3391a. PURPOSE

9             (a) The purpose of this Compact is to facilitate interstate practice of  
10     dietetics with the goal of improving public access to dietetics services. This  
11     Compact preserves the regulatory authority of States to protect public health  
12     and safety through the current system of State licensure, while also providing  
13     for licensure portability through a compact privilege granted to qualifying  
14     professionals.

15             (b) This Compact is designed to achieve the following objectives:

16                 (1) increase public access to dietetics services;

17                 (2) provide opportunities for interstate practice by licensed dietitians  
18     who meet uniform requirements;

19                 (3) eliminate the necessity for licenses in multiple states;

20                 (4) reduce administrative burden on member states and licensees;

21                 (5) enhance the states' ability to protect the public's health and safety;

1           (6) encourage the cooperation of member states in regulating multistate  
2 practice of licensed dietitians;

3           (7) support relocating active military members and their spouses;

4           (8) enhance the exchange of licensure, investigative, and disciplinary  
5 information among member states; and

6           (9) vest all member states with the authority to hold a licensed dietitian  
7 accountable for meeting all state practice laws in the state in which the patient  
8 is located at the time care is rendered.

9           § 3391b. DEFINITIONS

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

12           (1) “ACEND” means the Accreditation Council for Education in  
13 Nutrition and Dietetics or its successor organization.

14           (2) “Active military member” means any individual with full-time duty  
15 status in the active armed forces of the United States, including members of the  
16 National Guard and Reserve.

17           (3) “Adverse Action” means any administrative, civil, equitable, or  
18 criminal action permitted by a state’s laws which is imposed by a licensing  
19 authority or other authority against a licensee, including actions against an  
20 individual’s license or compact privilege such as revocation, suspension,  
21 probation, monitoring of the licensee, limitation on the licensee’s practice, or

1 any other encumbrance on licensure affecting a licensee’s authorization to  
2 practice, including issuance of a cease and desist action.

3 (4) “Alternative program” means a non-disciplinary monitoring or  
4 practice remediation process approved by a licensing authority.

5 (5) “Charter member state” means any member state which enacted this  
6 Compact by law before the effective date specified in section 33911 of this  
7 subchapter.

8 (6) “Continuing education” means a requirement, as a condition of  
9 license renewal, to provide evidence of participation in, and completion of,  
10 educational and professional activities relevant to practice or area of work.

11 (7) “CDR” means the Commission on Dietetic Registration or its  
12 successor organization.

13 (8) “Compact Commission” means the government agency whose  
14 membership consists of all states that have enacted this Compact, which is  
15 known as the Dietitian Licensure Compact Commission, as described in  
16 section 3391h of this subchapter, and which shall operate as an instrumentality  
17 of the member states.

18 (9) “Compact privilege” means a legal authorization, which is  
19 equivalent to a license, permitting the practice of dietetics in a remote state.

20 (10) “Current significant investigative information” means:

1           (A) investigative information that a licensing authority, after a  
2           preliminary inquiry that includes notification and an opportunity for the subject  
3           licensee to respond, if required by state law, has reason to believe is not  
4           groundless and, if proved true, would indicate more than a minor infraction; or

5           (B) investigative information that indicates that the subject licensee  
6           represents an immediate threat to public health and safety regardless of  
7           whether the subject licensee has been notified and had an opportunity to  
8           respond.

9           (11) “Data system” means a repository of information about licensees,  
10          including, but not limited to, continuing education, examination, licensure,  
11          investigative, compact privilege, and adverse action information.

12          (12) “Encumbered license” means a license in which an adverse action  
13          restricts a licensee’s ability to practice dietetics.

14          (13) “Encumbrance” means a revocation or suspension of, or any  
15          limitation on, a licensee’s full and unrestricted practice of dietetics by a  
16          licensing authority.

17          (14) “Executive Committee” means a group of delegates elected or  
18          appointed to act on behalf of, and within the powers granted to them by, this  
19          Compact, and the Compact Commission.

1           (15) “Home State” means the member state that is the licensee’s primary  
2           state of residence or that has been designated pursuant to section 3391f of this  
3           subchapter.

4           (16) “Investigative information” means information, records, and  
5           documents received or generated by a licensing authority pursuant to an  
6           investigation.

7           (17) “Jurisprudence requirement” means an assessment of an  
8           individual’s knowledge of the state laws and regulations governing the practice  
9           of dietetics in such state.

10          (18) “License” means an authorization from a member state to either:

11           (A) engage in the practice of dietetics, including medical nutrition  
12           therapy; or

13           (B) use the title “dietitian,” “licensed dietitian,” “licensed dietitian  
14           nutritionist,” “certified dietitian,” or other title describing a substantially  
15           similar practitioner as the Compact Commission may further define by rule.

16           (19) “Licensee” or “licensed dietitian” means an individual who  
17           currently holds a license and who meets all of the requirements outlined in  
18           section 3391d of this subchapter.

19           (20) “Licensing authority” means the board or agency of a state, or  
20           equivalent, that is responsible for the licensing and regulation of the practice of  
21           dietetics.

1           (21) “Member state” means a state that has enacted the Compact.

2           (22) “Practice of dietetics” means the synthesis and application of  
3 dietetics as defined by state law and regulations, primarily for the provision of  
4 nutrition care services, including medical nutrition therapy, in person or via  
5 telehealth, to prevent, manage, or treat diseases or medical conditions and  
6 promote wellness.

7           (23) “Registered dietitian” means a person who:

8                   (A) has completed applicable education, experience, examination,  
9 and recertification requirements approved by CDR;

10                   (B) is credentialed by CDR as a registered dietitian or a registered  
11 dietitian nutritionist; and

12                   (C) is legally authorized to use the title registered dietitian or  
13 registered dietitian nutritionist and the corresponding abbreviations “RD” or  
14 “RDN.”

15           (24) “Remote state” means a member state, other than the home state,  
16 where a licensee is exercising or seeking to exercise a compact privilege.

17           (25) “Rule” means a regulation promulgated by the Compact  
18 Commission that has the force of law.

19           (26) “Single state license” means a license issued by a member state  
20 within the issuing state and does not include a compact privilege in any other  
21 member state.

1           (27) “State” means any state, commonwealth, district, or territory of the  
2 United States of America.

3           (28) “Unencumbered License” means a license that authorizes a licensee  
4 to engage in the full and unrestricted practice of dietetics.

5 § 3391c. STATE PARTICIPATION IN THE COMPACT

6           (a) To participate in the Compact, a state must currently:

7               (1) license and regulate the practice of dietetics; and

8               (2) have a mechanism in place for receiving and investigating  
9 complaints about licensees.

10          (b) A member state shall:

11               (1) Participate fully in the Compact Commission’s data system,  
12 including using the unique identifier as defined in rules.

13               (2) Notify the Compact Commission, in compliance with the terms of  
14 the Compact and rules, of any adverse action or the availability of current  
15 significant investigative information regarding a licensee.

16               (3) Implement or utilize procedures for considering the criminal history  
17 record information of applicants for an initial compact privilege. These  
18 procedures shall include the submission of fingerprints or other biometric-  
19 based information by applicants for the purpose of obtaining an applicant’s  
20 criminal history record information from the Federal Bureau of Investigation  
21 and the agency responsible for retaining that state’s criminal records.



1           (A) A member state must fully implement a criminal history record  
2           information requirement, within a time frame established by rule, which  
3           includes receiving the results of the Federal Bureau of Investigation record  
4           search and shall use those results in determining compact privilege eligibility.

5           (B) Communication between a member state and the Compact  
6           Commission or among member states regarding the verification of eligibility  
7           for a compact privilege shall not include any information received from the  
8           Federal Bureau of Investigation relating to a federal criminal history record  
9           information check performed by a member state.

10           (4) Comply with and enforce the rules of the Compact Commission.

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

14           (6) Recognize a compact privilege granted to a licensee who meets all of  
15           the requirements outlined in section 3391d of this subchapter in accordance  
16           with the terms of the Compact and rules.

17           (c) Member states may set and collect a fee for granting a compact  
18           privilege.

19           (d) Individuals not residing in a member state shall continue to be able to  
20           apply for a member state's single state license as provided under the laws of  
21           each member state. However, the single state license granted to these

1 individuals shall not be recognized as granting a compact privilege to engage  
2 in the practice of dietetics in any other member state.

3 (e) Nothing in this Compact shall affect the requirements established by a  
4 member state for the issuance of a single state license.

5 (f) At no point shall the Compact Commission have the power to define the  
6 requirements for the issuance of a single state license to practice dietetics. The  
7 member states shall retain sole jurisdiction over the provision of these  
8 requirements.

9 § 3391d. COMPACT PRIVILEGE

10 (a) To exercise the compact privilege under the terms and provisions of the  
11 Compact, the licensee shall:

12 (1) satisfy one of the following:

13 (A) hold a valid current registration that gives the applicant the right  
14 to use the term registered dietitian; or

15 (B) complete all of the following:

16 (i) an education program which is either:

17 (I) a master's degree or doctoral degree that is  
18 programmatically accredited by ACEND, or a dietetics accrediting agency  
19 recognized by the United States Department of Education, which the Compact  
20 Commission may by rule determine, and from a college or university  
21 accredited at the time of graduation by the appropriate regional accrediting

1 agency recognized by the Council on Higher Education Accreditation and the  
2 United States Department of Education; or

3 (II) an academic degree from a college or university in a  
4 foreign country equivalent to the degree described in subdivision (1)(B)(i)(I) of  
5 this subsection (a) that is programmatically accredited by ACEND, or a  
6 dietetics accrediting agency recognized by the United States Department of  
7 Education, which the Compact Commission may by rule determine;

8 (ii) a planned, documented, supervised practice experience in  
9 dietetics that is programmatically accredited by ACEND, or a dietetics  
10 accrediting agency recognized by the United States Department of Education  
11 which the Compact Commission may by rule determine and which involves at  
12 least 1,000 hours of practice experience under the supervision of a registered  
13 dietitian or a licensed dietitian; and

14 (iii) successful completion of either the Registration Examination  
15 for Dietitians administered by CDR or a national credentialing examination for  
16 dietitians approved by the Compact Commission by rule; such completion  
17 being no more than five years prior to the date of the licensee's application for  
18 initial licensure and accompanied by a period of continuous licensure  
19 thereafter, all of which may be further governed by the rules of the Compact  
20 Commission;

21 (2) hold an unencumbered license in the home state;

1           (3) notify the Compact Commission that the licensee is seeking a  
2           compact privilege within a remote state;

3           (4) pay any applicable fees, including any state fee, for the compact  
4           privilege;

5           (5) meet any jurisprudence requirements established by the remote state  
6           in which the licensee is seeking a compact privilege; and

7           (6) report to the Compact Commission any adverse action,  
8           encumbrance, or restriction on a license taken by any non-member state within  
9           30 days from the date the action is taken.

10          (b) The compact privilege is valid until the expiration date of the home  
11          state license. To maintain a compact privilege, renewal of the compact  
12          privilege shall be congruent with the renewal of the home state license as the  
13          Compact Commission may define by rule. The licensee must comply with the  
14          requirements of subsection (a) of this section to maintain the compact privilege  
15          in the remote state.

16          (c) A licensee exercising a compact privilege shall adhere to the laws and  
17          regulations of the remote state. Licensees shall be responsible for educating  
18          themselves on, and complying with, any and all state laws relating to the  
19          practice of dietetics in such remote state.

20          (d) Notwithstanding anything to the contrary provided in this Compact or  
21          state law, a licensee exercising a compact privilege shall not be required to

1 complete continuing education requirements required by a remote state. A  
2 licensee exercising a compact privilege is only required to meet any continuing  
3 education requirements as required by the home state.

4 § 3391e. OBTAINING A NEW HOME STATE LICENSE BASED ON A  
5 COMPACT PRIVILEGE

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

8 (b) If a licensee changes home state by moving between two member  
9 states:

10 (1) The licensee shall file an application for obtaining a new home state  
11 license based on a compact privilege, pay all applicable fees, and notify the  
12 current and new home state in accordance with the rules of the Compact  
13 Commission.

14 (2) Upon receipt of an application for obtaining a new home state  
15 license by virtue of a compact privilege, the new home state shall verify that  
16 the licensee meets the criteria in section 3391d of this subchapter via the data  
17 system and require that the licensee complete the following:

18 (A) Federal Bureau of Investigation fingerprint based criminal  
19 history record information check;

20 (B) any other criminal history record information required by the new  
21 home state; and

1           (C) any jurisprudence requirements of the new home state.

2           (3) The former home state shall convert the former home state license  
3 into a compact privilege once the new home state has activated the new home  
4 state license in accordance with applicable rules adopted by the Compact  
5 Commission.

6           (4) Notwithstanding any other provision of this Compact, if the licensee  
7 cannot meet the criteria in section 3391d of this subchapter, the new home  
8 state may apply its requirements for issuing a new single state license.

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

11           (c) If a licensee changes their state of residence by moving from a member  
12 state to a non-member state, or from a non-member state to a member state, the  
13 state criteria shall apply for issuance of a single state license in the new state.

14           (d) Nothing in this Compact shall interfere with a licensee's ability to hold  
15 a single state license in multiple states; however, for the purposes of this  
16 Compact, a licensee shall have only one home state license.

17           (e) Nothing in this Compact shall affect the requirements established by a  
18 member state for the issuance of a single state license.

19           § 3391f. ACTIVE MILITARY MEMBERS OR THEIR SPOUSES

20           An active military member, or their spouse, shall designate a home state  
21 where the individual has a current license in good standing. The individual

1 may retain the home state designation during the period the service member is  
2 on active duty.

3 § 3391g. ADVERSE ACTIONS

4 (a) In addition to the other powers conferred by state law, a remote state  
5 shall have the authority, in accordance with existing state due process law, to:

6 (1) take adverse action against a licensee's compact privilege within that  
7 member state; and

8 (2) issue subpoenas for both hearings and investigations that require the  
9 attendance and testimony of witnesses as well as the production of evidence.

10 Subpoenas issued by a licensing authority in a member state for the attendance  
11 and testimony of witnesses or the production of evidence from another member  
12 state shall be enforced in the latter state by any court of competent jurisdiction,  
13 according to the practice and procedure applicable to subpoenas issued in  
14 proceedings pending before that court. The issuing authority shall pay any  
15 witness fees, travel expenses, mileage, and other fees required by the service  
16 statutes of the state in which the witnesses or evidence are located.

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

19 (c) For purposes of taking adverse action, the home state shall give the  
20 same priority and effect to reported conduct received from a member state as it

1 would if the conduct had occurred within the home state. In so doing, the  
2 home state shall apply its own state laws to determine appropriate action.

3 (d) The home state shall complete any pending investigations of a licensee  
4 who changes home states during the course of the investigations. The home  
5 state shall also have authority to take appropriate action and shall promptly  
6 report the conclusions of the investigations to the administrator of the data  
7 system. The administrator of the data system shall promptly notify the new  
8 home state of any adverse actions.

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

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

15 (g) Joint investigations.

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

19 (2) Member states shall share any investigative, litigation, or compliance  
20 materials in furtherance of any joint investigation initiated under the Compact.



1       (h) If adverse action is taken by the home state against a licensee's home  
2       state license resulting in an encumbrance on the home state license, the  
3       licensee's compact privilege in all other member states shall be revoked until  
4       all encumbrances have been removed from the home state license. All home  
5       state disciplinary orders that impose adverse action against a licensee shall  
6       include a statement that the licensee's compact privileges are revoked in all  
7       member states during the pendency of the order.

8       (i) Once an encumbered license in the home state is restored to an  
9       unencumbered license, as certified by the home state's licensing authority, the  
10       licensee must meet the requirements of subsection 3391d(a) of this subchapter  
11       and follow the administrative requirements to reapply to obtain a compact  
12       privilege in any remote state.

13       (j) If a member state takes adverse action, it shall promptly notify the  
14       administrator of the data system. The administrator of the data system shall  
15       promptly notify the other member states state of any adverse actions.

16       (k) Nothing in this Compact shall override a member state's decision that  
17       participation in an alternative program may be used in lieu of adverse action.

18       § 3391h. ESTABLISHMENT OF THE DIETITIAN LICENSURE

19               COMPACT COMMISSION

20       (a) The Compact member states hereby create and establish a joint  
21       government agency whose membership consists of all member states that have

1 enacted the Compact known as the Dietitian Licensure Compact Commission.  
2 The Compact Commission is an instrumentality of the compact states acting  
3 jointly and not an instrumentality of any one state. The Compact Commission  
4 shall come into existence on or after the effective date of the Compact as set  
5 forth in section 33911 of this subchapter.

6 (b) Membership, voting, and meetings.

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

9 (2) The delegate shall be the primary administrator of the licensing  
10 authority or their designee.

11 (3) The Compact Commission shall by rule or bylaw establish a term of  
12 office for delegates and may by rule or bylaw establish term limits.

13 (4) The Compact Commission may recommend removal or suspension  
14 of any delegate from office.

15 (5) A member state's licensing authority shall fill any vacancy of its  
16 delegate occurring on the Compact Commission within 60 days of the vacancy.

17 (6) Each delegate shall be entitled to one vote on all matters before the  
18 Compact Commission requiring a vote by the delegates.

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

1           (8) The Compact Commission shall meet at least once during each  
2           calendar year. Additional meetings may be held as set forth in the bylaws.  
3           The Compact Commission may meet in person or by telecommunication, video  
4           conference, or other means of communication.

5           (c) The Compact Commission shall have the following powers:

6           (1) establish the fiscal year of the Compact Commission;

7           (2) establish code of conduct and conflict of interest policies;

8           (3) establish and amend rules and bylaws;

9           (4) maintain its financial records in accordance with the bylaws;

10          (5) meet and take such actions as are consistent with the provisions of  
11          this Compact, the Compact Commission's rules, and the bylaws;

12          (6) initiate and conclude legal proceedings or actions in the name of the  
13          Compact Commission, provided that the standing of any licensing authority to  
14          sue or be sued under applicable law shall not be affected;

15          (7) maintain and certify records and information provided to a member  
16          state as the authenticated business records of the Compact Commission, and  
17          designate an agent to do so on the Compact Commission's behalf;

18          (8) purchase and maintain insurance and bonds;

19          (9) borrow, accept, or contract for services of personnel, including, but  
20          not limited to, employees of a member state;

21          (10) conduct an annual financial review;

1           (11) hire employees, elect or appoint officers, fix compensation, define  
2           duties, grant such individuals appropriate authority to carry out the purposes of  
3           the Compact, and establish the Compact Commission’s personnel policies and  
4           programs relating to conflicts of interest, qualifications of personnel, and other  
5           related personnel matters;

6           (12) assess and collect fees;

7           (13) accept any and all appropriate donations, grants of money, other  
8           sources of revenue, equipment, supplies, materials, services, and gifts, and  
9           receive, utilize, and dispose of the same; provided that at all times the Compact  
10          Commission shall avoid any actual or appearance of impropriety or conflict of  
11          interest;

12          (14) lease, purchase, retain, own, hold, improve, or use any property,  
13          real, personal, or mixed, or any undivided interest therein;

14          (15) sell, convey, mortgage, pledge, lease, exchange, abandon, or  
15          otherwise dispose of any property real, personal, or mixed;

16          (16) establish a budget and make expenditures;

17          (17) borrow money;

18          (18) appoint committees, including standing committees, composed of  
19          members, state regulators, state legislators or their representatives, and  
20          consumer representatives, and such other interested persons as may be  
21          designated in this Compact or the bylaws;

1           (19) provide and receive information from, and cooperate with, law  
2           enforcement agencies;

3           (20) establish and elect an Executive Committee, including a chair and a  
4           vice chair;

5           (21) determine whether a state's adopted language is materially different  
6           from the model compact language such that the state would not qualify for  
7           participation in the Compact; and

8           (22) perform such other functions as may be necessary or appropriate to  
9           achieve the purposes of this Compact.

10          (d) The Executive Committee.

11           (1) The Executive Committee shall have the power to act on behalf of  
12           the Compact Commission according to the terms of this Compact. The  
13           powers, duties, and responsibilities of the Executive Committee shall include:

14           (A) oversee the day-to-day activities of the administration of the  
15           Compact, including enforcement and compliance with the provisions of the  
16           Compact, its rules and bylaws, and other such duties as deemed necessary;

17           (B) recommend to the Compact Commission changes to the rules or  
18           bylaws, changes to this Compact legislation, fees charged to compact member  
19           states, fees charged to licensees, and other fees;

20           (C) ensure compact administration services are appropriately  
21           provided, including by contract;

1           (D) prepare and recommend the budget;

2           (E) maintain financial records on behalf of the Compact

3           Commission;

4           (F) monitor Compact compliance of member states and provide  
5           compliance reports to the Compact Commission;

6           (G) establish additional committees as necessary;

7           (H) exercise the powers and duties of the Compact Commission  
8           during the interim between Compact Commission meetings, except for  
9           adopting or amending rules, adopting or amending bylaws, and exercising any  
10          other powers and duties expressly reserved to the Compact Commission by  
11          rule or bylaw; and

12          (I) other duties as provided in the rules or bylaws of the Compact  
13          Commission.

14          (2) The Executive Committee shall be composed of nine members:

15               (A) the chair and vice chair of the Compact Commission shall be  
16               voting members of the Executive Committee;

17               (B) five voting members from the current membership of the  
18               Compact Commission, elected by the Compact Commission;

19               (C) one ex-officio, nonvoting member from a recognized  
20               professional association representing dietitians; and

1           (D) one ex-officio, nonvoting member from a recognized national  
2           credentialing organization for dietitians.

3           (3) The Compact Commission may remove any member of the  
4           Executive Committee as provided in the Compact Commission's bylaws.

5           (4) The Executive Committee shall meet at least annually.

6           (A) Executive Committee meetings shall be open to the public,  
7           except that the Executive Committee may meet in a closed, non-public meeting  
8           as provided in subdivision (f)(2) of this section.

9           (B) The Executive Committee shall give 30 days' notice of its  
10          meetings, posted on the website of the Compact Commission and as  
11          determined to provide notice to persons with an interest in the business of the  
12          Compact Commission.

13          (C) The Executive Committee may hold a special meeting in  
14          accordance with subdivision (f)(1)(b) of this section.

15          (e) The Compact Commission shall adopt and provide to the member states  
16          an annual report.

17          (f) Meetings of the Compact Commission.

18          (1) All meetings shall be open to the public, except that the Compact  
19          Commission may meet in a closed, nonpublic meeting as provided in  
20          subdivision (f)(2) of this section.

1           (A) Public notice for all meetings of the full Compact Commission  
2           shall be given in the same manner as required under the rulemaking provisions  
3           in section 3391j of this subchapter, except that the Compact Commission may  
4           hold a special meeting as provided in subdivision (f)(1)(B) of this section.

5           (B) The Compact Commission may hold a special meeting when it  
6           must meet to conduct emergency business by giving 24 hours' notice to all  
7           member states, on the Compact Commission's website, and other means as  
8           provided in the Compact Commission's rules. The Compact Commission's  
9           legal counsel shall certify that the Compact Commission's need to meet  
10           qualifies as an emergency.

11           (2) The Compact Commission or the Executive Committee or other  
12           committees of the Compact Commission may convene in a closed, nonpublic  
13           meeting for the Compact Commission or Executive Committee or other  
14           committees of the Compact Commission to receive legal advice or to discuss:

15           (A) noncompliance of a member state with its obligations under the  
16           Compact;

17           (B) the employment, compensation, discipline, or other matters,  
18           practices, or procedures related to specific employees;

19           (C) current or threatened discipline of a licensee by the Compact  
20           Commission or by a member state's licensing authority;

21           (D) current, threatened, or reasonably anticipated litigation;



1           (E) negotiation of contracts for the purchase, lease, or sale of goods,  
2           services, or real estate;

3           (F) accusing any person of a crime or formally censuring any person;

4           (G) trade secrets or commercial or financial information that is  
5           privileged or confidential;

6           (H) information of a personal nature where disclosure would  
7           constitute a clearly unwarranted invasion of personal privacy;

8           (I) investigative records compiled for law enforcement purposes;

9           (J) information related to any investigative reports prepared by or on  
10          behalf of or for use of the Compact Commission or other committee charged  
11          with responsibility of investigation or determination of compliance issues  
12          pursuant to the Compact;

13          (K) matters specifically exempted from disclosure by federal or  
14          member state law; or

15          (L) other matters as specified in the rules of the Compact  
16          Commission.

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

20          (4) The Compact Commission shall keep minutes that fully and clearly  
21          describe all matters discussed in a meeting and shall provide a full and accurate

1 summary of actions taken, and the reasons therefore, including a description of  
2 the views expressed. All documents considered in connection with an action  
3 shall be identified in such minutes. All minutes and documents of a closed  
4 meeting shall remain under seal, subject to release only by a majority vote of  
5 the Compact Commission or order of a court of competent jurisdiction.

6 (g) Financing of the Compact Commission.

7 (1) The Compact Commission shall pay, or provide for the payment of,  
8 the reasonable expenses of its establishment, organization, and ongoing  
9 activities.

10 (2) The Compact Commission may accept any and all appropriate  
11 revenue sources as provided in subdivision (c)(13) of this section.

12 (3) The Compact Commission may levy on and collect an annual  
13 assessment from each member state and impose fees on licensees of member  
14 states to whom it grants a compact privilege to cover the cost of the operations  
15 and activities of the Compact Commission and its staff, which must, in a total  
16 amount, be sufficient to cover its annual budget as approved each year for  
17 which revenue is not provided by other sources. The aggregate annual  
18 assessment amount for member states shall be allocated based upon a formula  
19 that the Compact Commission shall promulgate by rule.

20 (4) The Compact Commission shall not incur obligations of any kind  
21 prior to securing the funds adequate to meet the same; nor shall the Compact

1 Commission pledge the credit of any of the member states, except by and with  
2 the authority of the member state.

3 (5) The Compact Commission shall keep accurate accounts of all  
4 receipts and disbursements. The receipts and disbursements of the Compact  
5 Commission shall be subject to the financial review and accounting procedures  
6 established under its bylaws. However, all receipts and disbursements of funds  
7 handled by the Compact Commission shall be subject to an annual financial  
8 review by a certified or licensed public accountant, and the report of the  
9 financial review shall be included in and become part of the annual report of  
10 the Compact Commission.

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

12 (1) The members, officers, executive director, employees, and  
13 representatives of the Compact Commission shall be immune from suit and  
14 liability, both personally and in their official capacity, for any claim for  
15 damage to or loss of property or personal injury or other civil liability caused  
16 by or arising out of any actual or alleged act, error, or omission that occurred,  
17 or that the person against whom the claim is made had a reasonable basis for  
18 believing occurred, within the scope of Compact Commission employment,  
19 duties, or responsibilities; provided that nothing in this paragraph shall be  
20 construed to protect any such person from suit or liability for any damage, loss,  
21 injury, or liability caused by the intentional or willful or wanton misconduct of

1 that person. The procurement of insurance of any type by the Compact  
2 Commission shall not in any way compromise or limit the immunity granted  
3 hereunder.

4 (2) The Compact Commission shall defend any member, officer,  
5 executive director, employee, and representative of the Compact Commission  
6 in any civil action seeking to impose liability arising out of any actual or  
7 alleged act, error, or omission that occurred within the scope of Compact  
8 Commission employment, duties, or responsibilities, or as determined by the  
9 Compact Commission that the person against whom the claim is made had a  
10 reasonable basis for believing occurred within the scope of Compact  
11 Commission employment, duties, or responsibilities; provided that nothing  
12 herein shall be construed to prohibit that person from retaining their own  
13 counsel at their own expense; and provided further, that the actual or alleged  
14 act, error, or omission did not result from that person's intentional or willful or  
15 wanton misconduct.

16 (3) The Compact Commission shall indemnify and hold harmless any  
17 member, officer, executive director, employee, and representative of the  
18 Compact Commission for the amount of any settlement or judgment obtained  
19 against that person arising out of any actual or alleged act, error, or omission  
20 that occurred within the scope of Compact Commission employment, duties, or  
21 responsibilities, or that such person had a reasonable basis for believing

1 occurred within the scope of Compact Commission employment, duties, or  
2 responsibilities, provided that the actual or alleged act, error, or omission did  
3 not result from the intentional or willful or wanton misconduct of that person.

4 (4) Nothing herein shall be construed as a limitation on the liability of  
5 any licensee for professional malpractice or misconduct, which shall be  
6 governed solely by any other applicable state laws.

7 (5) Nothing in this Compact shall be interpreted to waive or otherwise  
8 abrogate a member state's state action immunity or state action affirmative  
9 defense with respect to antitrust claims under the Sherman Act, Clayton Act, or  
10 any other state or federal antitrust or anticompetitive law or regulation.

11 (6) Nothing in this Compact shall be construed to be a waiver of  
12 sovereign immunity by the member states or by the Compact Commission.

13 § 3391i. DATA SYSTEM

14 (a) The Compact Commission shall provide for the development,  
15 maintenance, operation, and utilization of a coordinated data system.

16 (b) The Compact Commission shall assign each applicant for a compact  
17 privilege a unique identifier, as determined by the rules.

18 (c) Notwithstanding any other provision of State law to the contrary, a  
19 member state shall submit a uniform data set to the data system on all  
20 individuals to whom this Compact is applicable as required by the rules of the  
21 Compact Commission, including:

1           (1) identifying information;

2           (2) licensure data;

3           (3) adverse actions against a license or compact privilege and  
4 information related thereto;

5           (4) nonconfidential information related to alternative program  
6 participation, the beginning and ending dates of such participation, and other  
7 information related to such participation not made confidential under member  
8 state law;

9           (5) any denial of application for licensure, and the reason for such  
10 denial;

11           (6) the presence of current significant investigative information; and

12           (7) other information that may facilitate the administration of this  
13 Compact or the protection of the public, as determined by the rules of the  
14 Compact Commission.

15           (d) The records and information provided to a member state pursuant to  
16 this Compact or through the data system, when certified by the Compact  
17 Commission or an agent thereof, shall constitute the authenticated business  
18 records of the Compact Commission and shall be entitled to any associated  
19 hearsay exception in any relevant judicial, quasi-judicial, or administrative  
20 proceedings in a member state.

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

3       (f) It is the responsibility of the member states to report any adverse action  
4       against a licensee and to monitor the data system to determine whether any  
5       adverse action has been taken against a licensee. Adverse action information  
6       pertaining to a licensee in any member state will be available to any other  
7       member state.

8       (g) Member states contributing information to the data system may  
9       designate information that may not be shared with the public without the  
10       express permission of the contributing state.

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

14       § 3391j. RULEMAKING

15       (a) The Compact Commission shall promulgate reasonable rules in order to  
16       effectively and efficiently implement and administer the purposes and  
17       provisions of the Compact. A rule shall be invalid and have no force or effect  
18       only if a court of competent jurisdiction holds that the rule is invalid because  
19       the Compact Commission exercised its rulemaking authority in a manner that  
20       is beyond the scope and purposes of the Compact, or the powers granted  
21       hereunder, or based upon another applicable standard of review.

1       (b) The rules of the Compact Commission shall have the force of law in  
2       each member state, provided however that where the rules conflict with the  
3       laws or regulations of a member state that relate to the procedures, actions, and  
4       processes a licensed dietitian is permitted to undertake in that state and the  
5       circumstances under which they may do so, as held by a court of competent  
6       jurisdiction, the rules of the Compact Commission shall be ineffective in that  
7       state to the extent of the conflict.

8       (c) The Compact Commission shall exercise its rulemaking powers  
9       pursuant to the criteria set forth in this section and the rules adopted  
10       thereunder. Rules shall become binding on the day following adoption or as of  
11       the date specified in the rule or amendment, whichever is later.

12       (d) If a majority of the legislatures of the member states rejects a rule or  
13       portion of a rule, by enactment of a statute or resolution in the same manner  
14       used to adopt the Compact within four years of the date of adoption of the rule,  
15       then such rule shall have no further force and effect in any member state.

16       (e) Rules shall be adopted at a regular or special meeting of the Compact  
17       Commission.

18       (f) Prior to adoption of a proposed rule, the Compact Commission shall  
19       hold a public hearing and allow persons to provide oral and written comments,  
20       data, facts, opinions, and arguments.



1       (g) Prior to adoption of a proposed rule by the Compact Commission, and  
2       at least thirty days in advance of the meeting at which the Compact  
3       Commission will hold a public hearing on the proposed rule, the Compact  
4       Commission shall provide a notice of proposed rulemaking:

5               (1) on the website of the Compact Commission or other publicly  
6       accessible platform;

7               (2) to persons who have requested notice of the Compact Commission's  
8       notices of proposed rulemaking; and

9               (3) in such other way(s) as the Compact Commission may by rule  
10       specify.

11       (h) The notice of proposed rulemaking shall include:

12               (1) the time, date, and location of the public hearing at which the  
13       Compact Commission will hear public comments on the proposed rule and, if  
14       different, the time, date, and location of the meeting where the Compact  
15       Commission will consider and vote on the proposed rule;

16               (2) if the hearing is held via telecommunication, video conference, or  
17       other means of communication, the Compact Commission shall include the  
18       mechanism for access to the hearing in the notice of proposed rulemaking;

19               (3) the text of the proposed rule and the reason therefore;

20               (4) a request for comments on the proposed rule from any interested  
21       person; and

1           (5) the manner in which interested persons may submit written  
2           comments.

3           (i) All hearings will be recorded. A copy of the recording and all written  
4           comments and documents received by the Compact Commission in response to  
5           the proposed rule shall be available to the public.

6           (j) Nothing in this section shall be construed as requiring a separate hearing  
7           on each rule. Rules may be grouped for the convenience of the Compact  
8           Commission at hearings required by this section.

9           (k) The Compact Commission shall, by majority vote of all members, take  
10          final action on the proposed rule based on the rulemaking record and the full  
11          text of the rule.

12          (1) The Compact Commission may adopt changes to the proposed rule  
13          provided the changes do not enlarge the original purpose of the proposed rule.

14          (2) The Compact Commission shall provide an explanation of the  
15          reasons for substantive changes made to the proposed rule as well as reasons  
16          for substantive changes not made that were recommended by commenters.

17          (3) The Compact Commission shall determine a reasonable effective  
18          date for the rule. Except for an emergency as provided in subsection (1) of this  
19          section, the effective date of the rule shall be no sooner than 30 days after  
20          issuing the notice that it adopted or amended the rule.

1       (l) Upon determination that an emergency exists, the Compact Commission  
2       may consider and adopt an emergency rule with 24 hours' notice, with  
3       opportunity to comment, provided that the usual rulemaking procedures  
4       provided in the Compact and in this section shall be retroactively applied to the  
5       rule as soon as reasonably possible, in no event later than ninety days after the  
6       effective date of the rule. For the purposes of this provision, an emergency  
7       rule is one that must be adopted immediately in order to:

8               (1) meet an imminent threat to public health, safety, or welfare;

9               (2) prevent a loss of Compact Commission or member state funds;

10              (3) meet a deadline for the promulgation of a rule that is established by  
11       federal law or rule; or

12              (4) protect public health and safety.

13       (m) The Compact Commission or an authorized committee of the Compact  
14       Commission may direct revision to a previously adopted rule for purposes of  
15       correcting typographical errors, errors in format, errors in consistency, or  
16       grammatical errors. Public notice of any revision shall be posted on the  
17       website of the Compact Commission. The revision shall be subject to  
18       challenge by any person for a period of thirty days after posting. The revision  
19       may be challenged only on grounds that the revision results in a material  
20       change to a rule. A challenge shall be made in writing and delivered to the  
21       Compact Commission prior to the end of the notice period. If no challenge is

1 made, the revision will take effect without further action. If the revision is  
2 challenged, the revision may not take effect without the approval of the  
3 Compact Commission.

4 (n) No member state's rulemaking requirements shall apply under this  
5 Compact.

6 § 3391k. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

7 (a) Oversight.

8 (1) The executive and judicial branches of state government in each  
9 member state shall enforce this Compact and take all actions necessary and  
10 appropriate to implement this Compact.

11 (2) Except as otherwise provided in this Compact, venue is proper and  
12 judicial proceedings by or against the Compact Commission shall be brought  
13 solely and exclusively in a court of competent jurisdiction where the principal  
14 office of the Compact Commission is located. The Compact Commission may  
15 waive venue and jurisdictional defenses to the extent it adopts or consents to  
16 participate in alternative dispute resolution proceedings. Nothing herein shall  
17 affect or limit the selection or propriety of venue in any action against a  
18 licensee for professional malpractice, misconduct, or any such similar matter.

19 (3) The Compact Commission shall be entitled to receive service of  
20 process in any proceeding regarding the enforcement or interpretation of the  
21 Compact and shall have standing to intervene in such a proceeding for all

1 purposes. Failure to provide the Compact Commission service of process shall  
2 render a judgment or order void as to the Compact Commission, this Compact,  
3 or promulgated rules.

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

5 (1) If the Compact Commission determines that a member state has  
6 defaulted in the performance of its obligations or responsibilities under this  
7 Compact or the promulgated rules, the Compact Commission shall provide  
8 written notice to the defaulting state. The notice of default shall describe the  
9 default, the proposed means of curing the default, and any other action that the  
10 Compact Commission may take and shall offer training and specific technical  
11 assistance regarding the default.

12 (2) The Compact Commission shall provide a copy of the notice of  
13 default to the other member states.

14 (c) If a state in default fails to cure the default, the defaulting state may be  
15 terminated from the Compact upon an affirmative vote of a majority of the  
16 delegates of the member states, and all rights, privileges, and benefits  
17 conferred on that state by this Compact may be terminated on the effective date  
18 of termination. A cure of the default does not relieve the offending state of  
19 obligations or liabilities incurred during the period of default.

20 (d) Termination of membership in the Compact shall be imposed only after  
21 all other means of securing compliance have been exhausted. Notice of intent

1 to suspend or terminate shall be given by the Compact Commission to the  
2 governor, the majority and minority leaders of the defaulting state's legislature,  
3 the defaulting state's licensing authority, and each of the member states'  
4 licensing authority.

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

8 (f) Upon the termination of a state's membership from this Compact, that  
9 state shall immediately provide notice to all licensees within that state of such  
10 termination. The terminated state shall continue to recognize all compact  
11 privileges granted pursuant to this Compact for a minimum of six months after  
12 the date of said notice of termination.

13 (g) The Compact Commission shall not bear any costs related to a state that  
14 is found to be in default or that has been terminated from the Compact, unless  
15 agreed upon in writing between the Compact Commission and the defaulting  
16 state.

17 (h) The defaulting state may appeal the action of the Compact Commission  
18 by petitioning the U.S. District Court for the District of Columbia or the  
19 federal district where the Compact Commission has its principal offices. The  
20 prevailing party shall be awarded all costs of such litigation, including  
21 reasonable attorney's fees.

1        (i) Dispute Resolution.

2            (1) Upon request by a member state, the Compact Commission shall  
3        attempt to resolve disputes related to the Compact that arise among member  
4        states and between member and non-member States.

5            (2) The Compact Commission shall promulgate a rule providing for  
6        both mediation and binding dispute resolution for disputes as appropriate.

7        (j) Enforcement.

8            (1) By supermajority vote, the Compact Commission may initiate legal  
9        action against a member state in default in the U.S. District Court for the  
10       District of Columbia or the federal district where the Compact Commission has  
11       its principal offices to enforce compliance with the provisions of the Compact  
12       and its promulgated rules. The relief sought may include both injunctive relief  
13       and damages. In the event judicial enforcement is necessary, the prevailing  
14       party shall be awarded all costs of such litigation, including reasonable  
15       attorney's fees. The remedies herein shall not be the exclusive remedies of the  
16       Compact Commission. The Compact Commission may pursue any other  
17       remedies available under federal or the defaulting member state's law.

18           (2) A member state may initiate legal action against the Compact  
19       Commission in the U.S. District Court for the District of Columbia or the  
20       federal district where the Compact Commission has its principal offices to  
21       enforce compliance with the provisions of the Compact and its promulgated

1 rules. The relief sought may include both injunctive relief and damages. In  
2 the event judicial enforcement is necessary, the prevailing party shall be  
3 awarded all costs of such litigation, including reasonable attorney’s fees.

4 (3) No party other than a member state shall enforce this Compact  
5 against the Compact Commission.

6 § 33911. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

7 (a) The Compact shall come into effect on the date on which the Compact  
8 statute is enacted into law in the seventh member state.

9 (1) On or after the effective date of the Compact, the Compact  
10 Commission shall convene and review the enactment of each of the first seven  
11 member states (“charter member states”) to determine if the statute enacted by  
12 each such charter member state is materially different than the model compact  
13 statute.

14 (A) A charter member state whose enactment is found to be  
15 materially different from the model compact statute shall be entitled to the  
16 default process set forth in section 3391k of this subchapter.

17 (B) If any member state is later found to be in default, or is  
18 terminated, or withdraws from the Compact, the Compact Commission shall  
19 remain in existence and the Compact shall remain in effect even if the number  
20 of member states should be less than seven.



1           (2) Member states enacting the Compact subsequent to the seven initial  
2           charter member states shall be subject to the process set forth in subdivision  
3           3391h(c)(21) of this subchapter to determine if their enactments are materially  
4           different from the model Compact statute and whether they qualify for  
5           participation in the Compact.

6           (3) All actions taken for the benefit of the Compact Commission or in  
7           furtherance of the purposes of the administration of the Compact prior to the  
8           effective date of the Compact or the Compact Commission coming into  
9           existence shall be considered to be actions of the Compact Commission unless  
10           specifically repudiated by the Compact Commission.

11           (4) Any state that joins the Compact subsequent to the Compact  
12           Commission's initial adoption of the rules and bylaws shall be subject to the  
13           rules and bylaws as they exist on the date on which the Compact becomes law  
14           in that state. Any rule that has been previously adopted by the Compact  
15           Commission shall have the full force and effect of law on the day the Compact  
16           becomes law in that state.

17           (b) Any member state may withdraw from this Compact by enacting a  
18           statute repealing the same.

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

1           (2) Withdrawal shall not affect the continuing requirement of the  
2           withdrawing state’s licensing authority to comply with the investigative and  
3           adverse action reporting requirements of this Compact prior to the effective  
4           date of withdrawal.

5           (3) Upon the enactment of a statute withdrawing from this Compact, a  
6           state shall immediately provide notice of such withdrawal to all licensees  
7           within that state. Notwithstanding any subsequent statutory enactment to the  
8           contrary, such withdrawing state shall continue to recognize all compact  
9           privileges granted pursuant to this Compact for a minimum of 180 days after  
10           the date of such notice of withdrawal.

11           (c) Nothing contained in this Compact shall be construed to invalidate or  
12           prevent any licensure agreement or other cooperative arrangement between a  
13           member state and a non-member state that does not conflict with the provisions  
14           of this Compact.

15           (d) This Compact may be amended by the member states. No amendment  
16           to this Compact shall become effective and binding upon any member state  
17           until it is enacted into the laws of all member states.

18           § 3391m. CONSTRUCTION AND SEVERABILITY

19           (a) This Compact and the Compact Commission’s rulemaking authority  
20           shall be liberally construed so as to effectuate the purposes and the  
21           implementation and administration of the Compact. Provisions of the

1 Compact expressly authorizing or requiring the promulgation of rules shall not  
2 be construed to limit the Compact Commission's rulemaking authority solely  
3 for those purposes.

4 (b) The provisions of this Compact shall be severable and if any phrase,  
5 clause, sentence, or provision of this Compact is held by a court of competent  
6 jurisdiction to be contrary to the constitution of any member state, a state  
7 seeking participation in the Compact, or of the United States, or the  
8 applicability thereof to any government, agency, person, or circumstance is  
9 held to be unconstitutional by a court of competent jurisdiction, the validity of  
10 the remainder of this Compact and the applicability thereof to any other  
11 government, agency, person, or circumstance shall not be affected thereby.

12 (c) Notwithstanding subsection (b) of this section, the Compact  
13 Commission may deny a state's participation in the Compact or, in accordance  
14 with the requirements of subsection 3391k(b) of this subchapter, terminate a  
15 member state's participation in the Compact, if it determines that a  
16 constitutional requirement of a member state is a material departure from the  
17 Compact. Otherwise, if this Compact shall be held to be contrary to the  
18 constitution of any member state, the Compact shall remain in full force and  
19 effect as to the remaining member states and in full force and effect as to the  
20 member state affected as to all severable matters.

1     § 3391n. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE

2             LAWS

3             (a) Nothing herein shall prevent or inhibit the enforcement of any other law  
4             of a member state that is not inconsistent with the Compact.

5             (b) Any laws, statutes, regulations, or other legal requirements in a member  
6             state in conflict with the Compact are superseded to the extent of the conflict.

7             (c) All permissible agreements between the Compact Commission and the  
8             member states are binding in accordance with their terms.

9     Sec. 2. EFFECTIVE DATE

10            This act shall take effect on July 1, 2025.