



## 2025 South Dakota Legislature

# House Bill 1144

Introduced by: **Representative** Rehfeldt

1 **An Act to adopt the dietitian licensure compact.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That a NEW SECTION be added to chapter 36-10B:**

4       The board shall implement procedures for the completion of a state and federal  
 5 fingerprint-based criminal background check for a dietitian seeking to participate in the  
 6 dietitian licensure compact adopted by section 2 of this Act. The dietitian must pay any  
 7 fee for the cost of fingerprinting and conducting the background check.

8 **Section 2. That a NEW SECTION be added to a NEW CHAPTER in title 36:**

### DIETITIAN LICENSURE COMPACT

#### SECTION 1: PURPOSE

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

14       This Compact is designed to achieve the following objectives:

- 15       A. Increase public access to dietetics services;  
 16       B. Provide opportunities for interstate practice by Licensed Dietitians who meet  
 17 uniform requirements;  
 18       C. Eliminate the necessity for Licenses in multiple States;  
 19       D. Reduce administrative burden on Member States and Licensees;  
 20       E. Enhance the States' ability to protect the public's health and safety;  
 21       F. Encourage the cooperation of Member States in regulating multistate practice of  
 22 Licensed Dietitians;  
 23       G. Support relocating Active Military Members and their spouses;  
 24  
 25

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

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

6 SECTION 2. DEFINITIONS

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

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

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

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

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

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

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

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

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

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

- 1        J. "Current Significant Investigative Information" means:
- 2            1. Investigative Information that a Licensing Authority, after a preliminary
- 3            inquiry that includes notification and an opportunity for the subject Licensee
- 4            to respond, if required by State law, has reason to believe is not groundless
- 5            and, if proved true, would indicate more than a minor infraction; or
- 6            2. Investigative Information that indicates that the subject Licensee
- 7            represents an immediate threat to public health and safety regardless of
- 8            whether the subject Licensee has been notified and had an opportunity to
- 9            respond.
- 10        K. "Data System" means a repository of information about Licensees, including, but
- 11        not limited to, Continuing Education, examination, licensure, investigative,
- 12        Compact Privilege, and Adverse Action information.
- 13        L. "Encumbered License" means a License in which an Adverse Action restricts a
- 14        Licensee's ability to practice dietetics.
- 15        M. "Encumbrance" means a revocation or suspension of, or any limitation on a
- 16        Licensee's full and unrestricted Practice of Dietetics by a Licensing Authority.
- 17        N. "Executive Committee" means a group of delegates elected or appointed to act on
- 18        behalf of, and within the powers granted to them by, this Compact, and the
- 19        Compact Commission.
- 20        O. "Home State" means the Member State that is the Licensee's primary State of
- 21        residence or that has been designated pursuant to Section 6.
- 22        P. "Investigative Information" means information, records, and documents received
- 23        or generated by a Licensing Authority pursuant to an investigation.
- 24        Q. "Jurisprudence Requirement" means an assessment of an individual's knowledge
- 25        of the State laws and regulations governing the Practice of Dietetics in such State.
- 26        R. "License" means an authorization from a Member State to either:
- 27            1. Engage in the Practice of Dietetics (including medical nutrition therapy); or
- 28            2. Use the title "dietitian," "licensed dietitian," "licensed dietitian nutritionist,"
- 29            "certified dietitian," or other title describing a substantially similar
- 30            practitioner as the Compact Commission may further define by Rule.
- 31        S. "Licensee" or "Licensed Dietitian" means an individual who currently holds a
- 32        License and who meets all of the requirements outlined in Section 4.
- 33        T. "Licensing Authority" means the board or agency of a State, or equivalent, that is
- 34        responsible for the licensing and regulation of the Practice of Dietetics.
- 35        U. "Member State" means a State that has enacted the Compact.

- 1 V. "Practice of Dietetics" means the synthesis and application of dietetics, primarily  
2 for the provision of nutrition care services, including medical nutrition therapy, in  
3 person or via telehealth, to prevent, manage, or treat diseases or medical  
4 conditions and promote wellness.
- 5 W. "Registered Dietitian" means a person who:
- 6 1. Has completed applicable education, experience, examination, and  
7 recertification requirements approved by CDR;
- 8 2. Is credentialed by CDR as a registered dietitian or a registered dietitian  
9 nutritionist; and
- 10 3. Is legally authorized to use the title registered dietitian or registered  
11 dietitian nutritionist and the corresponding abbreviations "RD" or "RDN."
- 12 X. "Remote State" means a Member State other than the Home State, where a  
13 Licensee is exercising or seeking to exercise a Compact Privilege.
- 14 Y. "Rule" means a regulation promulgated by the Compact Commission that has the  
15 force of law.
- 16 Z. "Single State License" means a License issued by a Member State within the issuing  
17 State and does not include a Compact Privilege in any other Member State.
- 18 AA. "State" means any state, commonwealth, district, or territory of the United States  
19 of America.
- 20 BB. "Unencumbered License" means a License that authorizes a Licensee to engage in  
21 the full and unrestricted Practice of Dietetics.

### SECTION 3. STATE PARTICIPATION IN THE COMPACT

- 23 A. To participate in the Compact, a State must currently:
- 24 1. License and regulate the Practice of Dietetics; and  
25 2. Have a mechanism in place for receiving and investigating complaints about  
26 Licensees.
- 27 B. A Member State shall:
- 28 1. Participate fully in the Compact Commission's Data System, including using  
29 the unique identifier as defined in Rules;
- 30 2. Notify the Compact Commission, in compliance with the terms of the  
31 Compact and Rules, of any Adverse Action or the availability of Current  
32 Significant Investigative Information regarding a Licensee;
- 33 3. Implement or utilize procedures for considering the criminal history record  
34 information of applicants for an initial Compact Privilege. These procedures  
35 shall include the submission of fingerprints or other biometric-based

1 information by applicants for the purpose of obtaining an applicant's  
2 criminal history record information from the Federal Bureau of Investigation  
3 and the agency responsible for retaining that State's criminal records;

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

9 b. Communication between a Member State and the Compact  
10 Commission or among Member States regarding the verification of  
11 eligibility for a Compact Privilege shall not include any information  
12 received from the Federal Bureau of Investigation relating to a  
13 federal criminal history record information check performed by a  
14 Member State.

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

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

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

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

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

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

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

35 SECTION 4. COMPACT PRIVILEGE

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

3 1. Satisfy one of the following:

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

6 b. Complete all of the following:

7 i. An education program which is either:

8 a) A master's degree or doctoral degree that is  
9 programmatically accredited by (i) ACEND; or (ii) a dietetics  
10 accrediting agency recognized by the United States  
11 Department of Education, which the Compact Commission  
12 may by Rule determine, and from a college or university  
13 accredited at the time of graduation by the appropriate  
14 regional accrediting agency recognized by the Council on  
15 Higher Education Accreditation and the United States  
16 Department of Education.

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

23 ii. A planned, documented, supervised practice experience in  
24 dietetics that is programmatically accredited by (i) ACEND,  
25 or (ii) a dietetics accrediting agency recognized by the United  
26 States Department of Education which the Compact  
27 Commission may by Rule determine and which involves at  
28 least 1000 hours of practice experience under the supervision  
29 of a Registered Dietitian or a Licensed Dietitian.

30 iii. Successful completion of either: (i) the Registration  
31 Examination for Dietitians administered by CDR, or (ii) a  
32 national credentialing examination for dietitians approved by  
33 the Compact Commission by Rule; such completion being no  
34 more than five (5) years prior to the date of the Licensee's  
35 application for initial licensure and accompanied by a period

of continuous licensure thereafter, all of which may be further governed by the Rules of the Compact Commission.

- 2. Hold an Unencumbered License in the Home State;
- 3. Notify the Compact Commission that the Licensee is seeking a Compact Privilege within a Remote State(s);
- 4. Pay any applicable fees, including any State fee, for the Compact Privilege;
- 5. Meet any Jurisprudence Requirements established by the Remote State(s) in which the Licensee is seeking a Compact Privilege; and
- 6. Report to the Compact Commission any Adverse Action, Encumbrance, or restriction on a License taken by any non-Member State within thirty (30) days from the date the action is taken.

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

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

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

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

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

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

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

- 1           2. Upon receipt of an application for obtaining a new Home State License by  
 2           virtue of a Compact Privilege, the new Home State shall verify that the  
 3           Licensee meets the criteria in Section 4 via the Data System, and require  
 4           that the Licensee complete the following:
- 5           a. Federal Bureau of Investigation fingerprint-based criminal history  
 6           record information check;
- 7           b. Any other criminal history record information required by the new  
 8           Home State; and
- 9           c. Any Jurisprudence Requirements of the new Home State.
- 10          3. The former Home State shall convert the former Home State License into a  
 11          Compact Privilege once the new Home State has activated the new Home  
 12          State License in accordance with applicable Rules adopted by the Compact  
 13          Commission.
- 14          4. Notwithstanding any other provision of this Compact, if the Licensee cannot  
 15          meet the criteria in Section 4, the new Home State may apply its  
 16          requirements for issuing a new Single State License.
- 17          5. The Licensee shall pay all applicable fees to the new Home State in order to  
 18          be issued a new Home State License.
- 19          C. If a Licensee changes their State of residence by moving from a Member State to  
 20          a non-Member State, or from a non-Member State to a Member State, the State  
 21          criteria shall apply for issuance of a Single State License in the new State.
- 22          D. Nothing in this Compact shall interfere with a Licensee's ability to hold a Single  
 23          State License in multiple States; however, for the purposes of this Compact, a  
 24          Licensee shall have only one Home State License.
- 25          E. Nothing in this Compact shall affect the requirements established by a Member  
 26          State for the issuance of a Single State License.

#### SECTION 6. ACTIVE MILITARY MEMBERS OR THEIR SPOUSES

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

#### SECTION 7. ADVERSE ACTIONS

- 32          A. In addition to the other powers conferred by State law, a Remote State shall have  
 33          the authority, in accordance with existing State due process law, to:
- 34          1. Take Adverse Action against a Licensee's Compact Privilege within that  
 35          Member State; and



- 1           2. Issue subpoenas for both hearings and investigations that require the  
2           attendance and testimony of witnesses as well as the production of  
3           evidence. Subpoenas issued by a Licensing Authority in a Member State for  
4           the attendance and testimony of witnesses or the production of evidence  
5           from another Member State shall be enforced in the latter State by any  
6           court of competent jurisdiction, according to the practice and procedure  
7           applicable to subpoenas issued in proceedings pending before that court.  
8           The issuing authority shall pay any witness fees, travel expenses, mileage,  
9           and other fees required by the service statutes of the State in which the  
10           witnesses or evidence are located.
- 11        B. Only the Home State shall have the power to take Adverse Action against a  
12        Licensee's Home State License.
- 13        C. For purposes of taking Adverse Action, the Home State shall give the same priority  
14        and effect to reported conduct received from a Member State as it would if the  
15        conduct had occurred within the Home State. In so doing, the Home State shall  
16        apply its own State laws to determine appropriate action.
- 17        D. The Home State shall complete any pending investigations of a Licensee who  
18        changes Home States during the course of the investigations. The Home State shall  
19        also have authority to take appropriate action(s) and shall promptly report the  
20        conclusions of the investigations to the administrator of the Data System. The  
21        administrator of the Data System shall promptly notify the new Home State of any  
22        Adverse Actions.
- 23        E. A Member State, if otherwise permitted by State law, may recover from the  
24        affected Licensee the costs of investigations and dispositions of cases resulting  
25        from any Adverse Action taken against that Licensee.
- 26        F. A Member State may take Adverse Action based on the factual findings of another  
27        Remote State, provided that the Member State follows its own procedures for  
28        taking the Adverse Action.
- 29        G. Joint Investigations:
- 30            1. In addition to the authority granted to a Member State by its respective  
31            State law, any Member State may participate with other Member States in  
32            joint investigations of Licensees.
- 33            2. Member States shall share any investigative, litigation, or compliance  
34            materials in furtherance of any joint investigation initiated under the  
35            Compact.

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

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

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

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

17 SECTION 8. ESTABLISHMENT OF THE DIETITIAN LICENSURE COMPACT COMMISSION

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

24 B. Membership, Voting, and Meetings:

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

27 2. The delegate shall be the primary administrator of the Licensing Authority  
28 or their designee.

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

31 4. The Compact Commission may recommend removal or suspension of any  
32 delegate from office.

33 5. A Member State's Licensing Authority shall fill any vacancy of its delegate  
34 occurring on the Compact Commission within sixty (60) days of the  
35 vacancy.

- 1           6. Each delegate shall be entitled to one vote on all matters before the  
2           Compact Commission requiring a vote by the delegates.
- 3           7. Delegates shall meet and vote by such means as set forth in the bylaws.  
4           The bylaws may provide for delegates to meet and vote in-person or by  
5           telecommunication, video conference, or other means of communication.
- 6           8. The Compact Commission shall meet at least once during each calendar  
7           year. Additional meetings may be held as set forth in the bylaws. The  
8           Compact Commission may meet in person or by telecommunication, video  
9           conference, or other means of communication.
- 10          C. The Compact Commission shall have the following powers:
- 11           1. Establish the fiscal year of the Compact Commission;
- 12           2. Establish code of conduct and conflict of interest policies;
- 13           3. Establish and amend Rules and bylaws;
- 14           4. Maintain its financial records in accordance with the bylaws;
- 15           5. Meet and take such actions as are consistent with the provisions of this  
16           Compact, the Compact Commission's Rules, and the bylaws;
- 17           6. Initiate and conclude legal proceedings or actions in the name of the  
18           Compact Commission, provided that the standing of any Licensing Authority  
19           to sue or be sued under applicable law shall not be affected;
- 20           7. Maintain and certify records and information provided to a Member State as  
21           the authenticated business records of the Compact Commission, and  
22           designate an agent to do so on the Compact Commission's behalf;
- 23           8. Purchase and maintain insurance and bonds;
- 24           9. Borrow, accept, or contract for services of personnel, including, but not  
25           limited to, employees of a Member State;
- 26           10. Conduct an annual financial review;
- 27           11. Hire employees, elect or appoint officers, fix compensation, define duties,  
28           grant such individuals appropriate authority to carry out the purposes of the  
29           Compact, and establish the Compact Commission's personnel policies and  
30           programs relating to conflicts of interest, qualifications of personnel, and  
31           other related personnel matters;
- 32           12. Assess and collect fees;
- 33           13. Accept any and all appropriate donations, grants of money, other sources  
34           of revenue, equipment, supplies, materials, services, and gifts, and receive,  
35           utilize, and dispose of the same; provided that at all times the Compact

- 1                   Commission shall avoid any actual or appearance of impropriety or conflict  
2                   of interest;
- 3           14.   Lease, purchase, retain, own, hold, improve, or use any property, real,  
4                   personal, or mixed, or any undivided interest therein;
- 5           15.   Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise  
6                   dispose of any property real, personal, or mixed;
- 7           16.   Establish a budget and make expenditures;
- 8           17.   Borrow money;
- 9           18.   Appoint committees, including standing committees, composed of  
10                   members, State regulators, State legislators or their representatives, and  
11                   consumer representatives, and such other interested persons as may be  
12                   designated in this Compact or the bylaws;
- 13           19.   Provide and receive information from, and cooperate with, law enforcement  
14                   agencies;
- 15           20.   Establish and elect an Executive Committee, including a chair and a vice  
16                   chair;
- 17           21.   Determine whether a State's adopted language is materially different from  
18                   the model compact language such that the State would not qualify for  
19                   participation in the Compact; and
- 20           22.   Perform such other functions as may be necessary or appropriate to achieve  
21                   the purposes of this Compact.
- 22    D.    The Executive Committee:
- 23           1.    The Executive Committee shall have the power to act on behalf of the  
24                   Compact Commission according to the terms of this Compact. The powers,  
25                   duties, and responsibilities of the Executive Committee shall include:
- 26                   a.    Oversee the day-to-day activities of the administration of the  
27                            Compact including enforcement and compliance with the provisions  
28                            of the Compact, its Rules and bylaws, and other such duties as  
29                            deemed necessary;
- 30                   b.    Recommend to the Compact Commission changes to the Rules or  
31                            bylaws, changes to this Compact legislation, fees charged to  
32                            Compact Member States, fees charged to Licensees, and other fees;
- 33                   c.    Ensure Compact administration services are appropriately provided,  
34                            including by contract;
- 35                   d.    Prepare and recommend the budget;

- 1 e. Maintain financial records on behalf of the Compact Commission;  
2 f. Monitor Compact compliance of Member States and provide  
3 compliance reports to the Compact Commission;  
4 g. Establish additional committees as necessary;  
5 h. Exercise the powers and duties of the Compact Commission during  
6 the interim between Compact Commission meetings, except for  
7 adopting or amending Rules, adopting or amending bylaws, and  
8 exercising any other powers and duties expressly reserved to the  
9 Compact Commission by Rule or bylaw; and  
10 i. Other duties as provided in the Rules or bylaws of the Compact  
11 Commission.
- 12 2. The Executive Committee shall be composed of nine members:  
13 a. The chair and vice chair of the Compact Commission shall be voting  
14 members of the Executive Committee;  
15 b. Five voting members from the current membership of the Compact  
16 Commission, elected by the Compact Commission;  
17 c. One ex-officio, nonvoting member from a recognized professional  
18 association representing dietitians; and  
19 d. One ex-officio, nonvoting member from a recognized national  
20 credentialing organization for dietitians.
- 21 3. The Compact Commission may remove any member of the Executive  
22 Committee as provided in the Compact Commission's bylaws.
- 23 4. The Executive Committee shall meet at least annually.  
24 a. Executive Committee meetings shall be open to the public, except  
25 that the Executive Committee may meet in a closed, non-public  
26 meeting as provided in subsection (F)(2).  
27 b. The Executive Committee shall give thirty (30) days' notice of its  
28 meetings, posted on the website of the Compact Commission and as  
29 determined to provide notice to persons with an interest in the  
30 business of the Compact Commission.  
31 c. The Executive Committee may hold a special meeting in accordance  
32 with subsection (F)(1)(b).
- 33 E. The Compact Commission shall adopt and provide to the Member States an annual  
34 report.
- 35 F. Meetings of the Compact Commission:

- 1           1. All meetings shall be open to the public, except that the Compact  
2           Commission may meet in a closed, non-public meeting as provided in  
3           subsection (F)(2).
- 4           a. Public notice for all meetings of the full Compact Commission shall  
5           be given in the same manner as required under the rulemaking  
6           provisions in Section 10, except that the Compact Commission may  
7           hold a special meeting as provided in subsection (F)(1)(b).
- 8           b. The Compact Commission may hold a special meeting when it must  
9           meet to conduct emergency business by giving 24 hours' notice to  
10           all Member States, on the Compact Commission's website, and other  
11           means as provided in the Compact Commission's Rules. The  
12           Compact Commission's legal counsel shall certify that the Compact  
13           Commission's need to meet qualifies as an emergency.
- 14          2. The Compact Commission or the Executive Committee or other committees  
15          of the Compact Commission may convene in a closed, non-public meeting  
16          for the Compact Commission or Executive Committee or other committees  
17          of the Compact Commission to receive legal advice or to discuss:
- 18          a. Non-compliance of a Member State with its obligations under the  
19          Compact;
- 20          b. The employment, compensation, discipline, or other matters,  
21          practices, or procedures related to specific employees;
- 22          c. Current or threatened discipline of a Licensee by the Compact  
23          Commission or by a Member State's Licensing Authority;
- 24          d. Current, threatened, or reasonably anticipated litigation;
- 25          e. Negotiation of contracts for the purchase, lease, or sale of goods,  
26          services, or real estate;
- 27          f. Accusing any person of a crime or formally censuring any person;
- 28          g. Trade secrets or commercial or financial information that is  
29          privileged or confidential;
- 30          h. Information of a personal nature where disclosure would constitute  
31          a clearly unwarranted invasion of personal privacy;
- 32          i. Investigative records compiled for law enforcement purposes;
- 33          j. Information related to any investigative reports prepared by or on  
34          behalf of or for use of the Compact Commission or other committee

- 1                   charged with responsibility of investigation or determination of  
2                   compliance issues pursuant to the Compact;  
3           k. Matters specifically exempted from disclosure by federal or Member  
4                   State law; or  
5           l. Other matters as specified in the Rules of the Compact Commission.  
6    3. If a meeting, or portion of a meeting, is closed, the presiding officer shall  
7           state that the meeting will be closed and reference each relevant exempting  
8           provision, and such reference shall be recorded in the minutes.  
9    4. The Compact Commission shall keep minutes that fully and clearly describe  
10           all matters discussed in a meeting and shall provide a full and accurate  
11           summary of actions taken, and the reasons therefore, including a  
12           description of the views expressed. All documents considered in connection  
13           with an action shall be identified in such minutes. All minutes and  
14           documents of a closed meeting shall remain under seal, subject to release  
15           only by a majority vote of the Compact Commission or order of a court of  
16           competent jurisdiction.

17    G. Financing of the Compact Commission

- 18           1. The Compact Commission shall pay, or provide for the payment of, the  
19           reasonable expenses of its establishment, organization, and ongoing  
20           activities.  
21           2. The Compact Commission may accept any and all appropriate revenue  
22           sources as provided in subsection (C)(13).  
23           3. The Compact Commission may levy on and collect an annual assessment  
24           from each Member State and impose fees on Licensees of Member States  
25           to whom it grants a Compact Privilege to cover the cost of the operations  
26           and activities of the Compact Commission and its staff, which must, in a  
27           total amount, be sufficient to cover its annual budget as approved each year  
28           for which revenue is not provided by other sources. The aggregate annual  
29           assessment amount for Member States shall be allocated based upon a  
30           formula that the Compact Commission shall promulgate by Rule.  
31           4. The Compact Commission shall not incur obligations of any kind prior to  
32           securing the funds adequate to meet the same; nor shall the Compact  
33           Commission pledge the credit of any of the Member States, except by and  
34           with the authority of the Member State.

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

9           H. Qualified Immunity, Defense, and Indemnification

10           1. The members, officers, executive director, employees, and representatives  
11           of the Compact Commission shall be immune from suit and liability, both  
12           personally and in their official capacity, for any claim for damage to or loss  
13           of property or personal injury or other civil liability caused by or arising out  
14           of any actual or alleged act, error, or omission that occurred, or that the  
15           person against whom the claim is made had a reasonable basis for believing  
16           occurred within the scope of Compact Commission employment, duties, or  
17           responsibilities; provided that nothing in this paragraph shall be construed  
18           to protect any such person from suit or liability for any damage, loss, injury,  
19           or liability caused by the intentional or willful or wanton misconduct of that  
20           person. The procurement of insurance of any type by the Compact  
21           Commission shall not in any way compromise or limit the immunity granted  
22           hereunder.

23           2. The Compact Commission shall defend any member, officer, executive  
24           director, employee, and representative of the Compact Commission in any  
25           civil action seeking to impose liability arising out of any actual or alleged  
26           act, error, or omission that occurred within the scope of Compact  
27           Commission employment, duties, or responsibilities, or as determined by  
28           the Compact Commission that the person against whom the claim is made  
29           had a reasonable basis for believing occurred within the scope of Compact  
30           Commission employment, duties, or responsibilities; provided that nothing  
31           herein shall be construed to prohibit that person from retaining their own  
32           counsel at their own expense; and provided further, that the actual or  
33           alleged act, error, or omission did not result from that person's intentional  
34           or willful or wanton misconduct.





- 1           5. Any denial of application for licensure, and the reason(s) for such denial;  
2           6. The presence of Current Significant Investigative Information; and  
3           7. Other information that may facilitate the administration of this Compact or  
4           the protection of the public, as determined by the Rules of the Compact  
5           Commission.
- 6       D. The records and information provided to a Member State pursuant to this Compact  
7           or through the Data System, when certified by the Compact Commission or an  
8           agent thereof, shall constitute the authenticated business records of the Compact  
9           Commission, and shall be entitled to any associated hearsay exception in any  
10          relevant judicial, quasi-judicial, or administrative proceedings in a Member State.
- 11       E. Current Significant Investigative Information pertaining to a Licensee in any  
12          Member State will only be available to other Member States.
- 13       F. It is the responsibility of the Member States to report any Adverse Action against  
14          a Licensee and to monitor the Data System to determine whether any Adverse  
15          Action has been taken against a Licensee. Adverse Action information pertaining  
16          to a Licensee in any Member State will be available to any other Member State.
- 17       G. Member States contributing information to the Data System may designate  
18          information that may not be shared with the public without the express permission  
19          of the contributing State.
- 20       H. Any information submitted to the Data System that is subsequently expunged  
21          pursuant to federal law or the laws of the Member State contributing the  
22          information shall be removed from the Data System.

#### SECTION 10. RULEMAKING

- 23
- 24       A. The Compact Commission shall promulgate reasonable Rules in order to effectively  
25          and efficiently implement and administer the purposes and provisions of the  
26          Compact. A Rule shall be invalid and have no force or effect only if a court of  
27          competent jurisdiction holds that the Rule is invalid because the Compact  
28          Commission exercised its rulemaking authority in a manner that is beyond the  
29          scope and purposes of the Compact, or the powers granted hereunder, or based  
30          upon another applicable standard of review.
- 31       B. The Rules of the Compact Commission shall have the force of law in each Member  
32          State, provided however that where the Rules conflict with the laws or regulations  
33          of a Member State that relate to the procedures, actions, and processes a Licensed  
34          Dietitian is permitted to undertake in that State and the circumstances under which

- 1           they may do so, as held by a court of competent jurisdiction, the Rules of the  
2           Compact Commission shall be ineffective in that State to the extent of the conflict.
- 3        C.     The Compact Commission shall exercise its rulemaking powers pursuant to the  
4           criteria set forth in this Section and the Rules adopted thereunder. Rules shall  
5           become binding on the day following adoption or as of the date specified in the  
6           Rule or amendment, whichever is later.
- 7        D.     If a majority of the legislatures of the Member States rejects a Rule or portion of a  
8           Rule, by enactment of a statute or resolution in the same manner used to adopt  
9           the Compact within four (4) years of the date of adoption of the Rule, then such  
10          Rule shall have no further force and effect in any Member State.
- 11       E.     Rules shall be adopted at a regular or special meeting of the Compact Commission.
- 12       F.     Prior to adoption of a proposed Rule, the Compact Commission shall hold a public  
13          hearing and allow persons to provide oral and written comments, data, facts,  
14          opinions, and arguments.
- 15       G.     Prior to adoption of a proposed Rule by the Compact Commission, and at least  
16          thirty (30) days in advance of the meeting at which the Compact Commission will  
17          hold a public hearing on the proposed Rule, the Compact Commission shall provide  
18          a Notice of Proposed rulemaking:
- 19            1.     On the website of the Compact Commission or other publicly accessible  
20            platform;
- 21            2.     To persons who have requested notice of the Compact Commission's notices  
22            of proposed rulemaking; and
- 23            3.     In such other way(s) as the Compact Commission may by Rule specify.
- 24       H.     The Notice of Proposed rulemaking shall include:
- 25            1.     The time, date, and location of the public hearing at which the Compact  
26            Commission will hear public comments on the proposed Rule and, if  
27            different, the time, date, and location of the meeting where the Compact  
28            Commission will consider and vote on the proposed Rule;
- 29            2.     If the hearing is held via telecommunication, video conference, or other  
30            means of communication, the Compact Commission shall include the  
31            mechanism for access to the hearing in the Notice of Proposed rulemaking;
- 32            3.     The text of the proposed Rule and the reason therefore;
- 33            4.     A request for comments on the proposed Rule from any interested person;  
34            and
- 35            5.     The manner in which interested persons may submit written comments.

- 1 I. All hearings will be recorded. A copy of the recording and all written comments and  
2 documents received by the Compact Commission in response to the proposed Rule  
3 shall be available to the public.
- 4 J. Nothing in this Section shall be construed as requiring a separate hearing on each  
5 Rule. Rules may be grouped for the convenience of the Compact Commission at  
6 hearings required by this Section.
- 7 K. The Compact Commission shall, by majority vote of all members, take final action  
8 on the proposed Rule based on the rulemaking record and the full text of the Rule.
- 9 1. The Compact Commission may adopt changes to the proposed Rule  
10 provided the changes do not enlarge the original purpose of the proposed  
11 Rule.
- 12 2. The Compact Commission shall provide an explanation of the reasons for  
13 substantive changes made to the proposed Rule as well as reasons for  
14 substantive changes not made that were recommended by commenters.
- 15 3. The Compact Commission shall determine a reasonable effective date for  
16 the Rule. Except for an emergency as provided in Section 10(L), the  
17 effective date of the Rule shall be no sooner than thirty (30) days after  
18 issuing the notice that it adopted or amended the Rule.
- 19 L. Upon determination that an emergency exists, the Compact Commission may  
20 consider and adopt an emergency Rule with 24 hours' notice, with opportunity to  
21 comment, provided that the usual rulemaking procedures provided in the Compact  
22 and in this Section shall be retroactively applied to the Rule as soon as reasonably  
23 possible, in no event later than ninety (90) days after the effective date of the  
24 Rule. For the purposes of this provision, an emergency Rule is one that must be  
25 adopted immediately in order to:
- 26 1. Meet an imminent threat to public health, safety, or welfare;  
27 2. Prevent a loss of Compact Commission or Member State funds;  
28 3. Meet a deadline for the promulgation of a Rule that is established by federal  
29 law or rule; or
- 30 4. Protect public health and safety.
- 31 M. The Compact Commission or an authorized committee of the Compact Commission  
32 may direct revision to a previously adopted Rule for purposes of correcting  
33 typographical errors, errors in format, errors in consistency, or grammatical errors.  
34 Public notice of any revision shall be posted on the website of the Compact  
35 Commission. The revision shall be subject to challenge by any person for a period

1 of thirty (30) days after posting. The revision may be challenged only on grounds  
 2 that the revision results in a material change to a Rule. A challenge shall be made  
 3 in writing and delivered to the Compact Commission prior to the end of the notice  
 4 period. If no challenge is made, the revision will take effect without further action.  
 5 If the revision is challenged, the revision may not take effect without the approval  
 6 of the Compact Commission.

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

8 SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

9 A. Oversight:

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

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

22 3. The Compact Commission shall be entitled to receive service of process in  
 23 any proceeding regarding the enforcement or interpretation of the Compact  
 24 and shall have standing to intervene in such a proceeding for all purposes.  
 25 Failure to provide the Compact Commission service of process shall render  
 26 a judgment or order void as to the Compact Commission, this Compact, or  
 27 promulgated Rules.

28 B. Default, Technical Assistance, and Termination:

29 1. If the Compact Commission determines that a Member State has defaulted  
 30 in the performance of its obligations or responsibilities under this Compact  
 31 or the promulgated Rules, the Compact Commission shall provide written  
 32 notice to the defaulting State. The notice of default shall describe the  
 33 default, the proposed means of curing the default, and any other action that  
 34 the Compact Commission may take and shall offer training and specific  
 35 technical assistance regarding the default.

- 1           2. The Compact Commission shall provide a copy of the notice of default to  
2           the other Member States.
- 3       C. If a State in default fails to cure the default, the defaulting State may be terminated  
4       from the Compact upon an affirmative vote of a majority of the delegates of the  
5       Member States, and all rights, privileges, and benefits conferred on that State by  
6       this Compact may be terminated on the effective date of termination. A cure of the  
7       default does not relieve the offending State of obligations or liabilities incurred  
8       during the period of default.
- 9       D. Termination of membership in the Compact shall be imposed only after all other  
10       means of securing compliance have been exhausted. Notice of intent to suspend  
11       or terminate shall be given by the Compact Commission to the governor, the  
12       majority and minority leaders of the defaulting State's legislature, the defaulting  
13       State's Licensing Authority, and each of the Member States' Licensing Authority.
- 14       E. A State that has been terminated is responsible for all assessments, obligations,  
15       and liabilities incurred through the effective date of termination, including  
16       obligations that extend beyond the effective date of termination.
- 17       F. Upon the termination of a State's membership from this Compact, that State shall  
18       immediately provide notice to all Licensees within that State of such termination.  
19       The terminated State shall continue to recognize all Compact Privileges granted  
20       pursuant to this Compact for a minimum of six (6) months after the date of said  
21       notice of termination.
- 22       G. The Compact Commission shall not bear any costs related to a State that is found  
23       to be in default or that has been terminated from the Compact, unless agreed upon  
24       in writing between the Compact Commission and the defaulting State.
- 25       H. The defaulting State may appeal the action of the Compact Commission by  
26       petitioning the United States District Court for the District of Columbia or the  
27       federal district where the Compact Commission has its principal offices. The  
28       prevailing party shall be awarded all costs of such litigation, including reasonable  
29       attorney's fees.
- 30       I. Dispute Resolution:
- 31           1. Upon request by a Member State, the Compact Commission shall attempt  
32           to resolve disputes related to the Compact that arise among Member States  
33           and between Member and non-Member States.
- 34           2. The Compact Commission shall promulgate a Rule providing for both  
35           mediation and binding dispute resolution for disputes as appropriate.

1 J. Enforcement:

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

13 2. A Member State may initiate legal action against the Compact Commission  
14 in the United States District Court for the District of Columbia or the federal  
15 district where the Compact Commission has its principal offices to enforce  
16 compliance with the provisions of the Compact and its promulgated Rules.  
17 The relief sought may include both injunctive relief and damages. In the  
18 event judicial enforcement is necessary, the prevailing party shall be  
19 awarded all costs of such litigation, including reasonable attorney's fees.

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

22 SECTION 12. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

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

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

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

33 b. If any Member State is later found to be in default, or is terminated,  
34 or withdraws from the Compact, the Compact Commission shall

1 remain in existence and the Compact shall remain in effect even if  
2 the number of Member States should be less than seven.

3 2. Member States enacting the Compact subsequent to the seven initial  
4 Charter Member States shall be subject to the process set forth in Section  
5 8(C)(21) to determine if their enactments are materially different from the  
6 model Compact statute and whether they qualify for participation in the  
7 Compact.

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

13 4. Any State that joins the Compact subsequent to the Compact Commission's  
14 initial adoption of the Rules and bylaws shall be subject to the Rules and  
15 bylaws as they exist on the date on which the Compact becomes law in that  
16 State. Any Rule that has been previously adopted by the Compact  
17 Commission shall have the full force and effect of law on the day the  
18 Compact becomes law in that State.

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

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

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

27 3. Upon the enactment of a statute withdrawing from this Compact, a State  
28 shall immediately provide notice of such withdrawal to all Licensees within  
29 that State. Notwithstanding any subsequent statutory enactment to the  
30 contrary, such withdrawing State shall continue to recognize all Compact  
31 Privileges granted pursuant to this Compact for a minimum of 180 days  
32 after the date of such notice of withdrawal.

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



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

4 SECTION 13. CONSTRUCTION AND SEVERABILITY

5 A. This Compact and the Compact Commission's rulemaking authority shall be  
6 liberally construed so as to effectuate the purposes and the implementation and  
7 administration of the Compact. Provisions of the Compact expressly authorizing or  
8 requiring the promulgation of Rules shall not be construed to limit the Compact  
9 Commission's rulemaking authority solely for those purposes.

10 B. The provisions of this Compact shall be severable and if any phrase, clause,  
11 sentence, or provision of this Compact is held by a court of competent jurisdiction  
12 to be contrary to the constitution of any Member State, a State seeking  
13 participation in the Compact, or of the United States, or the applicability thereof to  
14 any government, agency, person, or circumstance is held to be unconstitutional by  
15 a court of competent jurisdiction, the validity of the remainder of this Compact and  
16 the applicability thereof to any other government, agency, person, or circumstance  
17 shall not be affected thereby.

18 C. Notwithstanding Section 13(B), the Compact Commission may deny a State's  
19 participation in the Compact or, in accordance with the requirements of Section  
20 11(B), terminate a Member State's participation in the Compact, if it determines  
21 that a constitutional requirement of a Member State is a material departure from  
22 the Compact. Otherwise, if this Compact shall be held to be contrary to the  
23 constitution of any Member State, the Compact shall remain in full force and effect  
24 as to the remaining Member States and in full force and effect as to the Member  
25 State affected as to all severable matters.

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

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

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

31 C. All permissible agreements between the Compact Commission and the Member  
32 States are binding in accordance with their terms.