

As Reported by the House Health Provider Services Committee

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Sub. S. B. No. 211

Senator Roegner

**Cosponsors: Senators Johnson, Huffman, S., Antonio, Cirino, Craig, DeMora,
Gavarone, Hackett, Hicks-Hudson, Kunze, Lang, Reineke, Romanchuk, Schaffer,
Sykes, Wilkin, Wilson**

Representative Gross

A BILL

To amend section 5119.10 and to enact sections 1
4759.30, 4759.31, 5119.81, 5119.82, 5119.83, 2
5119.84, and 5119.85 of the Revised Code to 3
enter into the Dietitian Licensure Compact and 4
to establish a 9-8-8 suicide prevention and 5
mental health crisis telephone line. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 5119.10 be amended and sections 7
4759.30, 4759.31, 5119.81, 5119.82, 5119.83, 5119.84, and 8
5119.85 of the Revised Code be enacted to read as follows: 9

Sec. 4759.30. The dietitian licensure compact is hereby 10
ratified, enacted into law, and entered into by the state of 11
Ohio as a party to the compact with any other state that has 12
legally joined the compact as follows: 13

DIETITIAN LICENSURE COMPACT 14

SECTION 1. PURPOSE 15

The purpose of this Compact is to facilitate interstate 16
Practice of Dietetics with the goal of improving public access 17
to dietetics services. This Compact preserves the regulatory 18
authority of States to protect public health and safety through 19
the current system of State licensure, while also providing for 20
licensure portability through a Compact Privilege granted to 21
qualifying professionals. 22

This Compact is designed to achieve the following 23
objectives: 24

A. Increase public access to dietetics services; 25

B. Provide opportunities for interstate practice by 26
Licensed Dietitians who meet uniform requirements; 27

C. Eliminate the necessity for Licenses in multiple 28
States; 29

D. Reduce administrative burden on Member States and 30
Licensees; 31

E. Enhance the States' ability to protect the public's 32
health and safety; 33

F. Encourage the cooperation of Member States in 34
regulating multistate practice of Licensed Dietitians; 35

G. Support relocating Active Military Members and their 36
spouses; 37

H. Enhance the exchange of licensure, investigative, and 38
disciplinary information among Member States; and 39

I. Vest all Member States with the authority to hold a 40
Licensed Dietitian accountable for meeting all State practice 41
laws in the State in which the patient is located at the time 42

care is rendered. 43

SECTION 2. DEFINITIONS 44

As used in this Compact, and except as otherwise provided, 45
the following definitions shall apply: 46

A. "ACEND" means the Accreditation Council for Education 47
in Nutrition and Dietetics or its successor organization. 48

B. "Active Military Member" means any individual with 49
full-time duty status in the active armed forces of the United 50
States, including members of the National Guard and Reserve. 51

C. "Adverse Action" means any administrative, civil, 52
equitable or criminal action permitted by a State's laws which 53
is imposed by a Licensing Authority or other authority against a 54
Licensee, including actions against an individual's License or 55
Compact Privilege such as revocation, suspension, probation, 56
monitoring of the Licensee, limitation on the Licensee's 57
practice, or any other Encumbrance on licensure affecting a 58
Licensee's authorization to practice, including issuance of a 59
cease and desist action. 60

D. "Alternative Program" means a non-disciplinary 61
monitoring or practice remediation process approved by a 62
Licensing Authority. 63

E. "Charter Member State" means any Member State which 64
enacted this Compact by law before the Effective Date specified 65
in Section 12. 66

F. "Continuing Education" means a requirement, as a 67
condition of License renewal, to provide evidence of 68
participation in, and completion of, educational and 69
professional activities relevant to practice or area of work. 70

G. "CDR" means the Commission on Dietetic Registration or its successor organization. 71
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H. "Compact Commission" means the government agency whose membership consists of all States that have enacted this Compact, which is known as the Dietitian Licensure Compact Commission, as described in Section 8, and which shall operate as an instrumentality of the Member States. 73
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I. "Compact Privilege" means a legal authorization, which is equivalent to a License, permitting the Practice of Dietetics in a Remote State. 78
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J. "Current Significant Investigative Information" means: 81

1. Investigative Information that a Licensing Authority, after a preliminary inquiry that includes notification and an opportunity for the subject Licensee to respond, if required by State law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or 82
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2. Investigative Information that indicates that the subject Licensee represents an immediate threat to public health and safety regardless of whether the subject Licensee has been notified and had an opportunity to respond. 87
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K. "Data System" means a repository of information about Licensees, including, but not limited to, Continuing Education, examination, licensure, investigative, Compact Privilege and Adverse Action information. 91
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L. "Encumbered License" means a License in which an Adverse Action restricts a Licensee's ability to practice dietetics. 95
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M. "Encumbrance" means a revocation or suspension of, or 98

any limitation on a Licensee's full and unrestricted Practice of Dietetics by a Licensing Authority. 99
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N. "Executive Committee" means a group of delegates elected or appointed to act on behalf of, and within the powers granted to them by, this Compact, and the Compact Commission. 101
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O. "Home State" means the Member State that is the Licensee's primary State of residence or that has been designated pursuant to Section 6. 104
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P. "Investigative Information" means information, records, and documents received or generated by a Licensing Authority pursuant to an investigation. 107
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Q. "Jurisprudence Requirement" means an assessment of an individual's knowledge of the State laws and regulations governing the Practice of Dietetics in such State. 110
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R. "License" means an authorization from a Member State to either: 113
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1. Engage in the Practice of Dietetics (including medical nutrition therapy); or 115
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2. Use the title "dietitian," "licensed dietitian," "licensed dietitian nutritionist," "certified dietitian," or other title describing a substantially similar practitioner as the Compact Commission may further define by Rule. 117
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S. "Licensee" or "Licensed Dietitian" means an individual who currently holds a License and who meets all of the requirements outlined in Section 4. 121
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T. "Licensing Authority" means the board or agency of a State, or equivalent, that is responsible for the licensing and regulation of the Practice of Dietetics. 124
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<u>U. "Member State" means a State that has enacted the Compact.</u>	127 128
<u>V. "Practice of Dietetics" means the synthesis and application of dietetics as defined by state law and regulations, primarily for the provision of nutrition care services, including medical nutrition therapy, in person or via telehealth, to prevent, manage, or treat diseases or medical conditions and promote wellness.</u>	129 130 131 132 133 134
<u>W. "Registered Dietitian" means a person who:</u>	135
<u>1. Has completed applicable education, experience, examination, and recertification requirements approved by CDR;</u>	136 137
<u>2. Is credentialed by CDR as a registered dietitian or a registered dietitian nutritionist; and</u>	138 139
<u>3. Is legally authorized to use the title registered dietitian or registered dietitian nutritionist and the corresponding abbreviations "RD" or "RDN."</u>	140 141 142
<u>X. "Remote State" means a Member State other than the Home State, where a Licensee is exercising or seeking to exercise a Compact Privilege.</u>	143 144 145
<u>Y. "Rule" means a regulation promulgated by the Compact Commission that has the force of law.</u>	146 147
<u>Z. "Single State License" means a License issued by a Member State within the issuing State and does not include a Compact Privilege in any other Member State.</u>	148 149 150
<u>AA. "State" means any state, commonwealth, district, or territory of the United States of America.</u>	151 152
<u>BB. "Unencumbered License" means a License that authorizes</u>	153

a Licensee to engage in the full and unrestricted Practice of 154
Dietetics. 155

SECTION 3. STATE PARTICIPATION IN THE COMPACT 156

A. To participate in the Compact, a State must currently: 157

1. License and regulate the Practice of Dietetics; and 158

2. Have a mechanism in place for receiving and 159
investigating complaints about Licensees. 160

B. A Member State shall: 161

1. Participate fully in the Compact Commission's Data 162
System, including using the unique identifier as defined in 163
Rules; 164

2. Notify the Compact Commission, in compliance with the 165
terms of the Compact and Rules, of any Adverse Action or the 166
availability of Current Significant Investigative Information 167
regarding a Licensee; 168

3. Implement or utilize procedures for considering the 169
criminal history record information of applicants for an initial 170
Compact Privilege. These procedures shall include the submission 171
of fingerprints or other biometric-based information by 172
applicants for the purpose of obtaining an applicant's criminal 173
history record information from the Federal Bureau of 174
Investigation and the agency responsible for retaining that 175
State's criminal records; 176

a. A Member State must fully implement a criminal history 177
record information requirement, within a time frame established 178
by Rule, which includes receiving the results of the Federal 179
Bureau of Investigation record search and shall use those 180
results in determining Compact Privilege eligibility. 181

b. Communication between a Member State and the Compact Commission or among Member States regarding the verification of eligibility for a Compact Privilege shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal history record information check performed by a Member State. 182
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4. Comply with and enforce the Rules of the Compact Commission; 188
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5. Require an applicant for a Compact Privilege to obtain or retain a License in the Licensee's Home State and meet the Home State's qualifications for licensure or renewal of licensure, as well as all other applicable State laws; and 190
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6. Recognize a Compact Privilege granted to a Licensee who meets all of the requirements outlined in Section 4 in accordance with the terms of the Compact and Rules. 194
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C. Member States may set and collect a fee for granting a Compact Privilege. 197
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D. Individuals not residing in a Member State shall continue to be able to apply for a Member State's Single State License as provided under the laws of each Member State. However, the Single State License granted to these individuals shall not be recognized as granting a Compact Privilege to engage in the Practice of Dietetics in any other Member State. 199
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E. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single State License. 205
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F. At no point shall the Compact Commission have the power to define the requirements for the issuance of a Single State License to practice dietetics. The Member States shall retain 208
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sole jurisdiction over the provision of these requirements. 211

SECTION 4. COMPACT PRIVILEGE 212

A. To exercise the Compact Privilege under the terms and 213
provisions of the Compact, the Licensee shall: 214

1. Satisfy one of the following: 215

a. Hold a valid current registration that gives the 216
applicant the right to use the term Registered Dietitian; or 217

b. Complete all of the following: 218

i. An education program which is either: 219

a) A master's degree or doctoral degree that is 220
programmatically accredited by (i) ACEND; or (ii) a dietetics 221
accrediting agency recognized by the United States Department of 222
Education, which the Compact Commission may by Rule determine, 223
and from a college or university accredited at the time of 224
graduation by the appropriate regional accrediting agency 225
recognized by the Council on Higher Education Accreditation and 226
the United States Department of Education. 227

b) An academic degree from a college or university in a 228
foreign country equivalent to the degree described in 229
subparagraph (a) that is programmatically accredited by (i) 230
ACEND; or (ii) a dietetics accrediting agency recognized by the 231
United States Department of Education, which the Compact 232
Commission may by Rule determine. 233

ii. A planned, documented, supervised practice experience 234
in dietetics that is programmatically accredited by (i) ACEND, 235
or (ii) a dietetics accrediting agency recognized by the United 236
States Department of Education which the Compact Commission may 237
by Rule determine and which involves at least 1000 hours of 238

<u>practice experience under the supervision of a Registered</u>	239
<u>Dietitian or a Licensed Dietitian.</u>	240
<u>iii. Successful completion of either: (i) the Registration</u>	241
<u>Examination for Dietitians administered by CDR, or (ii) a</u>	242
<u>national credentialing examination for dietitians approved by</u>	243
<u>the Compact Commission by Rule; such completion being no more</u>	244
<u>than five years prior to the date of the Licensee's application</u>	245
<u>for initial licensure and accompanied by a period of continuous</u>	246
<u>licensure thereafter, all of which may be further governed by</u>	247
<u>the Rules of the Compact Commission.</u>	248
<u>2. Hold an Unencumbered License in the Home State;</u>	249
<u>3. Notify the Compact Commission that the Licensee is</u>	250
<u>seeking a Compact Privilege within a Remote State(s);</u>	251
<u>4. Pay any applicable fees, including any State fee, for</u>	252
<u>the Compact Privilege;</u>	253
<u>5. Meet any Jurisprudence Requirements established by the</u>	254
<u>Remote State(s) in which the Licensee is seeking a Compact</u>	255
<u>Privilege; and</u>	256
<u>6. Report to the Compact Commission any Adverse Action,</u>	257
<u>Encumbrance, or restriction on a License taken by any non-Member</u>	258
<u>State within 30 days from the date the action is taken.</u>	259
<u>B. The Compact Privilege is valid until the expiration</u>	260
<u>date of the Home State License. To maintain a Compact Privilege,</u>	261
<u>renewal of the Compact Privilege shall be congruent with the</u>	262
<u>renewal of the Home State License as the Compact Commission may</u>	263
<u>define by Rule. The Licensee must comply with the requirements</u>	264
<u>of Section 4(A) to maintain the Compact Privilege in the Remote</u>	265
<u>State(s).</u>	266

C. A Licensee exercising a Compact Privilege shall adhere 267
to the laws and regulations of the Remote State. Licensees shall 268
be responsible for educating themselves on, and complying with, 269
any and all State laws relating to the Practice of Dietetics in 270
such Remote State. 271

D. Notwithstanding anything to the contrary provided in 272
this Compact or State law, a Licensee exercising a Compact 273
Privilege shall not be required to complete Continuing Education 274
Requirements required by a Remote State. A Licensee exercising a 275
Compact Privilege is only required to meet any Continuing 276
Education Requirements as required by the Home State. 277

SECTION 5. OBTAINING A NEW HOME STATE LICENSE BASED ON A 278
COMPACT PRIVILEGE 279

A. A Licensee may hold a Home State License, which allows 280
for a Compact Privilege in other Member States, in only one 281
Member State at a time. 282

B. If a Licensee changes Home State by moving between two 283
Member States: 284

1. The Licensee shall file an application for obtaining a 285
new Home State License based on a Compact Privilege, pay all 286
applicable fees, and notify the current and new Home State in 287
accordance with the Rules of the Compact Commission. 288

2. Upon receipt of an application for obtaining a new Home 289
State License by virtue of a Compact Privilege, the new Home 290
State shall verify that the Licensee meets the criteria in 291
Section 4 via the Data System, and require that the Licensee 292
complete the following: 293

a. Federal Bureau of Investigation fingerprint based 294
criminal history record information check; 295

<u>b. Any other criminal history record information required</u>	296
<u>by the new Home State; and</u>	297
<u>c. Any Jurisprudence Requirements of the new Home State.</u>	298
<u>3. The former Home State shall convert the former Home</u>	299
<u>State License into a Compact Privilege once the new Home State</u>	300
<u>has activated the new Home State License in accordance with</u>	301
<u>applicable Rules adopted by the Compact Commission.</u>	302
<u>4. Notwithstanding any other provision of this Compact, if</u>	303
<u>the Licensee cannot meet the criteria in Section 4, the new Home</u>	304
<u>State may apply its requirements for issuing a new Single State</u>	305
<u>License.</u>	306
<u>5. The Licensee shall pay all applicable fees to the new</u>	307
<u>Home State in order to be issued a new Home State License.</u>	308
<u>C. If a Licensee changes their State of residence by</u>	309
<u>moving from a Member State to a non-Member State, or from a non-</u>	310
<u>Member State to a Member State, the State criteria shall apply</u>	311
<u>for issuance of a Single State License in the new State.</u>	312
<u>D. Nothing in this Compact shall interfere with a</u>	313
<u>Licensee's ability to hold a Single State License in multiple</u>	314
<u>States; however, for the purposes of this Compact, a Licensee</u>	315
<u>shall have only one Home State License.</u>	316
<u>E. Nothing in this Compact shall affect the requirements</u>	317
<u>established by a Member State for the issuance of a Single State</u>	318
<u>License.</u>	319
<u>SECTION 6. ACTIVE MILITARY MEMBERS OR THEIR SPOUSES</u>	320
<u>An Active Military Member, or their spouse, shall</u>	321
<u>designate a Home State where the individual has a current</u>	322
<u>License in good standing. The individual may retain the Home</u>	323

State designation during the period the service member is on 324
active duty. 325

SECTION 7. ADVERSE ACTIONS 326

A. In addition to the other powers conferred by State law, 327
a Remote State shall have the authority, in accordance with 328
existing State due process law, to: 329

1. Take Adverse Action against a Licensee's Compact 330
Privilege within that Member State; and 331

2. Issue subpoenas for both hearings and investigations 332
that require the attendance and testimony of witnesses as well 333
as the production of evidence. Subpoenas issued by a Licensing 334
Authority in a Member State for the attendance and testimony of 335
witnesses or the production of evidence from another Member 336
State shall be enforced in the latter State by any court of 337
competent jurisdiction, according to the practice and procedure 338
applicable to subpoenas issued in proceedings pending before 339
that court. The issuing authority shall pay any witness fees, 340
travel expenses, mileage, and other fees required by the service 341
statutes of the State in which the witnesses or evidence are 342
located. 343

B. Only the Home State shall have the power to take 344
Adverse Action against a Licensee's Home State License. 345

C. For purposes of taking Adverse Action, the Home State 346
shall give the same priority and effect to reported conduct 347
received from a Member State as it would if the conduct had 348
occurred within the Home State. In so doing, the Home State 349
shall apply its own State laws to determine appropriate action. 350

D. The Home State shall complete any pending 351
investigations of a Licensee who changes Home States during the 352

course of the investigations. The Home State shall also have 353
authority to take appropriate action(s) and shall promptly 354
report the conclusions of the investigations to the 355
administrator of the Data System. The administrator of the Data 356
System shall promptly notify the new Home State of any Adverse 357
Actions. 358

E. A Member State, if otherwise permitted by State law, 359
may recover from the affected Licensee the costs of 360
investigations and dispositions of cases resulting from any 361
Adverse Action taken against that Licensee. 362

F. A Member State may take Adverse Action based on the 363
factual findings of another Remote State, provided that the 364
Member State follows its own procedures for taking the Adverse 365
Action. 366

G. Joint Investigations: 367

1. In addition to the authority granted to a Member State 368
by its respective State law, any Member State may participate 369
with other Member States in joint investigations of Licensees. 370

2. Member States shall share any investigative, 371
litigation, or compliance materials in furtherance of any joint 372
investigation initiated under the Compact. 373

H. If Adverse Action is taken by the Home State against a 374
Licensee's Home State License resulting in an Encumbrance on the 375
Home State License, the Licensee's Compact Privilege(s) in all 376
other Member States shall be revoked until all Encumbrances have 377
been removed from the Home State License. All Home State 378
disciplinary orders that impose Adverse Action against a 379
Licensee shall include a statement that the Licensee's Compact 380
Privileges are revoked in all Member States during the pendency 381

of the order. 382

I. Once an Encumbered License in the Home State is 383
restored to an Unencumbered License (as certified by the Home 384
State's Licensing Authority), the Licensee must meet the 385
requirements of Section 4(A) and follow the administrative 386
requirements to reapply to obtain a Compact Privilege in any 387
Remote State. 388

J. If a Member State takes Adverse Action, it shall 389
promptly notify the administrator of the Data System. The 390
administrator of the Data System shall promptly notify the other 391
Member States State of any Adverse Actions. 392

K. Nothing in this Compact shall override a Member State's 393
decision that participation in an Alternative Program may be 394
used in lieu of Adverse Action. 395

SECTION 8. ESTABLISHMENT OF THE DIETITIAN LICENSURE 396
COMPACT COMMISSION 397

A. The Compact Member States hereby create and establish a 398
joint government agency whose membership consists of all Member 399
States that have enacted the Compact known as the Dietitian 400
Licensure Compact Commission. The Compact Commission is an 401
instrumentality of the Compact States acting jointly and not an 402
instrumentality of any one State. The Compact Commission shall 403
come into existence on or after the effective date of the 404
Compact as set forth in Section 12. 405

B. Membership, Voting, and Meetings 406

1. Each Member State shall have and be limited to one (1) 407
delegate selected by that Member State's Licensing Authority. 408

2. The delegate shall be the primary administrator of the 409

<u>Licensing Authority or their designee.</u>	410
<u>3. The Compact Commission shall by Rule or bylaw establish</u>	411
<u>a term of office for delegates and may by Rule or bylaw</u>	412
<u>establish term limits.</u>	413
<u>4. The Compact Commission may recommend removal or</u>	414
<u>suspension of any delegate from office.</u>	415
<u>5. A Member State's Licensing Authority shall fill any</u>	416
<u>vacancy of its delegate occurring on the Compact Commission</u>	417
<u>within 60 days of the vacancy.</u>	418
<u>6. Each delegate shall be entitled to one vote on all</u>	419
<u>matters before the Compact Commission requiring a vote by the</u>	420
<u>delegates.</u>	421
<u>7. Delegates shall meet and vote by such means as set</u>	422
<u>forth in the bylaws. The bylaws may provide for delegates to</u>	423
<u>meet and vote in-person or by telecommunication, video</u>	424
<u>conference, or other means of communication.</u>	425
<u>8. The Compact Commission shall meet at least once during</u>	426
<u>each calendar year. Additional meetings may be held as set forth</u>	427
<u>in the bylaws. The Compact Commission may meet in person or by</u>	428
<u>telecommunication, video conference, or other means of</u>	429
<u>communication.</u>	430
<u>C. The Compact Commission shall have the following powers:</u>	431
<u>1. Establish the fiscal year of the Compact Commission;</u>	432
<u>2. Establish code of conduct and conflict of interest</u>	433
<u>policies;</u>	434
<u>3. Establish and amend Rules and bylaws;</u>	435
<u>4. Maintain its financial records in accordance with the</u>	436

<u>bylaws;</u>	437
<u>5. Meet and take such actions as are consistent with the</u>	438
<u>provisions of this Compact, the Compact Commission's Rules, and</u>	439
<u>the bylaws;</u>	440
<u>6. Initiate and conclude legal proceedings or actions in</u>	441
<u>the name of the Compact Commission, provided that the standing</u>	442
<u>of any Licensing Authority to sue or be sued under applicable</u>	443
<u>law shall not be affected;</u>	444
<u>7. Maintain and certify records and information provided</u>	445
<u>to a Member State as the authenticated business records of the</u>	446
<u>Compact Commission, and designate an agent to do so on the</u>	447
<u>Compact Commission's behalf;</u>	448
<u>8. Purchase and maintain insurance and bonds;</u>	449
<u>9. Borrow, accept, or contract for services of personnel,</u>	450
<u>including, but not limited to, employees of a Member State;</u>	451
<u>10. Conduct an annual financial review;</u>	452
<u>11. Hire employees, elect or appoint officers, fix</u>	453
<u>compensation, define duties, grant such individuals appropriate</u>	454
<u>authority to carry out the purposes of the Compact, and establish</u>	455
<u>the Compact Commission's personnel policies and programs</u>	456
<u>relating to conflicts of interest, qualifications of personnel,</u>	457
<u>and other related personnel matters;</u>	458
<u>12. Assess and collect fees;</u>	459
<u>13. Accept any and all appropriate donations, grants of</u>	460
<u>money, other sources of revenue, equipment, supplies, materials,</u>	461
<u>services, and gifts, and receive, utilize, and dispose of the</u>	462
<u>same; provided that at all times the Compact Commission shall</u>	463
<u>avoid any actual or appearance of impropriety or conflict of</u>	464

<u>interest;</u>	465
<u>14. Lease, purchase, retain, own, hold, improve, or use</u>	466
<u>any property, real, personal, or mixed, or any undivided</u>	467
<u>interest therein;</u>	468
<u>15. Sell, convey, mortgage, pledge, lease, exchange,</u>	469
<u>abandon, or otherwise dispose of any property real, personal, or</u>	470
<u>mixed;</u>	471
<u>16. Establish a budget and make expenditures;</u>	472
<u>17. Borrow money;</u>	473
<u>18. Appoint committees, including standing committees,</u>	474
<u>composed of members, State regulators, State legislators or</u>	475
<u>their representatives, and consumer representatives, and such</u>	476
<u>other interested persons as may be designated in this Compact or</u>	477
<u>the bylaws;</u>	478
<u>19. Provide and receive information from, and cooperate</u>	479
<u>with, law enforcement agencies;</u>	480
<u>20. Establish and elect an Executive Committee, including</u>	481
<u>a chair and a vice chair;</u>	482
<u>21. Determine whether a State's adopted language is</u>	483
<u>materially different from the model compact language such that</u>	484
<u>the State would not qualify for participation in the Compact;</u>	485
<u>and</u>	486
<u>22. Perform such other functions as may be necessary or</u>	487
<u>appropriate to achieve the purposes of this Compact.</u>	488
<u>D. The Executive Committee</u>	489
<u>1. The Executive Committee shall have the power to act on</u>	490
<u>behalf of the Compact Commission according to the terms of this</u>	491

<u>Compact. The powers, duties, and responsibilities of the</u>	492
<u>Executive Committee shall include:</u>	493
<u>a. Oversee the day-to-day activities of the administration</u>	494
<u>of the Compact including enforcement and compliance with the</u>	495
<u>provisions of the Compact, its Rules and bylaws, and other such</u>	496
<u>duties as deemed necessary;</u>	497
<u>b. Recommend to the Compact Commission changes to the</u>	498
<u>Rules or bylaws, changes to this Compact legislation, fees</u>	499
<u>charged to Compact Member States, fees charged to Licensees, and</u>	500
<u>other fees;</u>	501
<u>c. Ensure Compact administration services are</u>	502
<u>appropriately provided, including by contract;</u>	503
<u>d. Prepare and recommend the budget;</u>	504
<u>e. Maintain financial records on behalf of the Compact</u>	505
<u>Commission;</u>	506
<u>f. Monitor Compact compliance of Member States and provide</u>	507
<u>compliance reports to the Compact Commission;</u>	508
<u>g. Establish additional committees as necessary;</u>	509
<u>h. Exercise the powers and duties of the Compact</u>	510
<u>Commission during the interim between Compact Commission</u>	511
<u>meetings, except for adopting or amending Rules, adopting or</u>	512
<u>amending bylaws, and exercising any other powers and duties</u>	513
<u>expressly reserved to the Compact Commission by Rule or bylaw;</u>	514
<u>and</u>	515
<u>i. Other duties as provided in the Rules or bylaws of the</u>	516
<u>Compact Commission.</u>	517
<u>2. The Executive Committee shall be composed of nine</u>	518

<u>members:</u>	519
<u>a. The chair and vice chair of the Compact Commission</u>	520
<u>shall be voting members of the Executive Committee;</u>	521
<u>b. Five voting members from the current membership of the</u>	522
<u>Compact Commission, elected by the Compact Commission;</u>	523
<u>c. One ex-officio, nonvoting member from a recognized</u>	524
<u>professional association representing dietitians; and</u>	525
<u>d. One ex-officio, nonvoting member from a recognized</u>	526
<u>national credentialing organization for dietitians.</u>	527
<u>3. The Compact Commission may remove any member of the</u>	528
<u>Executive Committee as provided in the Compact Commission's</u>	529
<u>bylaws.</u>	530
<u>4. The Executive Committee shall meet at least annually.</u>	531
<u>a. Executive Committee meetings shall be open to the</u>	532
<u>public, except that the Executive Committee may meet in a</u>	533
<u>closed, non-public meeting as provided in subsection (F) (2).</u>	534
<u>b. The Executive Committee shall give 30 days' notice of</u>	535
<u>its meetings, posted on the website of the Compact Commission</u>	536
<u>and as determined to provide notice to persons with an interest</u>	537
<u>in the business of the Compact Commission.</u>	538
<u>c. The Executive Committee may hold a special meeting in</u>	539
<u>accordance with subsection (F) (1) (b).</u>	540
<u>E. The Compact Commission shall adopt and provide to the</u>	541
<u>Member States an annual report.</u>	542
<u>F. Meetings of the Compact Commission</u>	543
<u>1. All meetings shall be open to the public, except that</u>	544
<u>the Compact Commission may meet in a closed, non-public meeting</u>	545

<u>as provided in subsection (F) (2).</u>	546
<u>a. Public notice for all meetings of the full Compact</u>	547
<u>Commission shall be given in the same manner as required under</u>	548
<u>the rulemaking provisions in Section 10, except that the Compact</u>	549
<u>Commission may hold a special meeting as provided in subsection</u>	550
<u>(F) (1) (b).</u>	551
<u>b. The Compact Commission may hold a special meeting when</u>	552
<u>it must meet to conduct emergency business by giving 24 hours'</u>	553
<u>notice to all Member States, on the Compact Commission's</u>	554
<u>website, and other means as provided in the Compact Commission's</u>	555
<u>Rules. The Compact Commission's legal counsel shall certify that</u>	556
<u>the Compact Commission's need to meet qualifies as an emergency.</u>	557
<u>2. The Compact Commission or the Executive Committee or</u>	558
<u>other committees of the Compact Commission may convene in a</u>	559
<u>closed, non-public meeting for the Compact Commission or</u>	560
<u>Executive Committee or other committees of the Compact</u>	561
<u>Commission to receive legal advice or to discuss:</u>	562
<u>a. Non-compliance of a Member State with its obligations</u>	563
<u>under the Compact;</u>	564
<u>b. The employment, compensation, discipline, or other</u>	565
<u>matters, practices, or procedures related to specific employees;</u>	566
<u>c. Current or threatened discipline of a Licensee by the</u>	567
<u>Compact Commission or by a Member State's Licensing Authority;</u>	568
<u>d. Current, threatened, or reasonably anticipated</u>	569
<u>litigation;</u>	570
<u>e. Negotiation of contracts for the purchase, lease, or</u>	571
<u>sale of goods, services, or real estate;</u>	572
<u>f. Accusing any person of a crime or formally censuring</u>	573

<u>any person;</u>	574
<u>g. Trade secrets or commercial or financial information</u>	575
<u>that is privileged or confidential;</u>	576
<u>h. Information of a personal nature where disclosure would</u>	577
<u>constitute a clearly unwarranted invasion of personal privacy;</u>	578
<u>i. Investigative records compiled for law enforcement</u>	579
<u>purposes;</u>	580
<u>j. Information related to any investigative reports</u>	581
<u>prepared by or on behalf of or for use of the Compact Commission</u>	582
<u>or other committee charged with responsibility of investigation</u>	583
<u>or determination of compliance issues pursuant to the Compact;</u>	584
<u>k. Matters specifically exempted from disclosure by</u>	585
<u>federal or Member State law; or</u>	586
<u>l. Other matters as specified in the Rules of the Compact</u>	587
<u>Commission.</u>	588
<u>3. If a meeting, or portion of a meeting, is closed, the</u>	589
<u>presiding officer shall state that the meeting will be closed</u>	590
<u>and reference each relevant exempting provision, and such</u>	591
<u>reference shall be recorded in the minutes.</u>	592
<u>4. The Compact Commission shall keep minutes that fully</u>	593
<u>and clearly describe all matters discussed in a meeting and</u>	594
<u>shall provide a full and accurate summary of actions taken, and</u>	595
<u>the reasons therefore, including a description of the views</u>	596
<u>expressed. All documents considered in connection with an action</u>	597
<u>shall be identified in such minutes. All minutes and documents</u>	598
<u>of a closed meeting shall remain under seal, subject to release</u>	599
<u>only by a majority vote of the Compact Commission or order of a</u>	600
<u>court of competent jurisdiction.</u>	601

<u>G. Financing of the Compact Commission</u>	602
<u>1. The Compact Commission shall pay, or provide for the</u>	603
<u>payment of, the reasonable expenses of its establishment,</u>	604
<u>organization, and ongoing activities.</u>	605
<u>2. The Compact Commission may accept any and all</u>	606
<u>appropriate revenue sources as provided in subsection (C) (13).</u>	607
<u>3. The Compact Commission may levy on and collect an</u>	608
<u>annual assessment from each Member State and impose fees on</u>	609
<u>Licenses of Member States to whom it grants a Compact Privilege</u>	610
<u>to cover the cost of the operations and activities of the</u>	611
<u>Compact Commission and its staff, which must, in a total amount,</u>	612
<u>be sufficient to cover its annual budget as approved each year</u>	613
<u>for which revenue is not provided by other sources. The</u>	614
<u>aggregate annual assessment amount for Member States shall be</u>	615
<u>allocated based upon a formula that the Compact Commission shall</u>	616
<u>promulgate by Rule.</u>	617
<u>4. The Compact Commission shall not incur obligations of</u>	618
<u>any kind prior to securing the funds adequate to meet the same;</u>	619
<u>nor shall the Compact Commission pledge the credit of any of the</u>	620
<u>Member States, except by and with the authority of the Member</u>	621
<u>State.</u>	622
<u>5. The Compact Commission shall keep accurate accounts of</u>	623
<u>all receipts and disbursements. The receipts and disbursements</u>	624
<u>of the Compact Commission shall be subject to the financial</u>	625
<u>review and accounting procedures established under its bylaws.</u>	626
<u>However, all receipts and disbursements of funds handled by the</u>	627
<u>Compact Commission shall be subject to an annual financial</u>	628
<u>review by a certified or licensed public accountant, and the</u>	629
<u>report of the financial review shall be included in and become</u>	630

part of the annual report of the Compact Commission. 631

H. Qualified Immunity, Defense, and Indemnification 632

1. The members, officers, executive director, employees 633
and representatives of the Compact Commission shall be immune 634
from suit and liability, both personally and in their official 635
capacity, for any claim for damage to or loss of property or 636
personal injury or other civil liability caused by or arising 637
out of any actual or alleged act, error, or omission that 638
occurred, or that the person against whom the claim is made had 639
a reasonable basis for believing occurred within the scope of 640
Compact Commission employment, duties, or responsibilities; 641
provided that nothing in this paragraph shall be construed to 642
protect any such person from suit or liability for any damage, 643
loss, injury, or liability caused by the intentional or willful 644
or wanton misconduct of that person. The procurement of 645
insurance of any type by the Compact Commission shall not in any 646
way compromise or limit the immunity granted hereunder. 647

2. The Compact Commission shall defend any member, 648
officer, executive director, employee, and representative of the 649
Compact Commission in any civil action seeking to impose 650
liability arising out of any actual or alleged act, error, or 651
omission that occurred within the scope of Compact Commission 652
employment, duties, or responsibilities, or as determined by the 653
Compact Commission that the person against whom the claim is 654
made had a reasonable basis for believing occurred within the 655
scope of Compact Commission employment, duties, or 656
responsibilities; provided that nothing herein shall be 657
construed to prohibit that person from retaining their own 658
counsel at their own expense; and provided further, that the 659
actual or alleged act, error, or omission did not result from 660

that person's intentional or willful or wanton misconduct. 661

3. The Compact Commission shall indemnify and hold 662
harmless any member, officer, executive director, employee, and 663
representative of the Compact Commission for the amount of any 664
settlement or judgment obtained against that person arising out 665
of any actual or alleged act, error, or omission that occurred 666
within the scope of Compact Commission employment, duties, or 667
responsibilities, or that such person had a reasonable basis for 668
believing occurred within the scope of Compact Commission 669
employment, duties, or responsibilities, provided that the 670
actual or alleged act, error, or omission did not result from 671
the intentional or willful or wanton misconduct of that person. 672

4. Nothing herein shall be construed as a limitation on 673
the liability of any Licensee for professional malpractice or 674
misconduct, which shall be governed solely by any other 675
applicable State laws. 676

5. Nothing in this Compact shall be interpreted to waive 677
or otherwise abrogate a Member State's state action immunity or 678
state action affirmative defense with respect to antitrust 679
claims under the Sherman Act, Clayton Act, or any other State or 680
federal antitrust or anticompetitive law or regulation. 681

6. Nothing in this Compact shall be construed to be a 682
waiver of sovereign immunity by the Member States or by the 683
Compact Commission. 684

SECTION 9. DATA SYSTEM 685

A. The Compact Commission shall provide for the 686
development, maintenance, operation, and utilization of a 687
coordinated Data System. 688

B. The Compact Commission shall assign each applicant for 689

a Compact Privilege a unique identifier, as determined by the 690
Rules. 691

C. Notwithstanding any other provision of State law to the 692
contrary, a Member State shall submit a uniform data set to the 693
Data System on all individuals to whom this Compact is 694
applicable as required by the Rules of the Compact Commission, 695
including: 696

1. Identifying information; 697

2. Licensure data; 698

3. Adverse Actions against a License or Compact Privilege 699
and information related thereto; 700

4. Non-confidential information related to Alternative 701
Program participation, the beginning and ending dates of such 702
participation, and other information related to such 703
participation not made confidential under Member State law; 704

5. Any denial of application for licensure, and the 705
reason(s) for such denial; 706

6. The presence of Current Significant Investigative 707
Information; and 708

7. Other information that may facilitate the 709
administration of this Compact or the protection of the public, 710
as determined by the Rules of the Compact Commission. 711

D. The records and information provided to a Member State 712
pursuant to this Compact or through the Data System, when 713
certified by the Compact Commission or an agent thereof, shall 714
constitute the authenticated business records of the Compact 715
Commission, and shall be entitled to any associated hearsay 716
exception in any relevant judicial, quasi-judicial, or 717

administrative proceedings in a Member State. 718

E. Current Significant Investigative Information 719
pertaining to a Licensee in any Member State will only be 720
available to other Member States. 721

F. It is the responsibility of the Member States to report 722
any Adverse Action against a Licensee and to monitor the Data 723
System to determine whether any Adverse Action has been taken 724
against a Licensee. Adverse Action information pertaining to a 725
Licensee in any Member State will be available to any other 726
Member State. 727

G. Member States contributing information to the Data 728
System may designate information that may not be shared with the 729
public without the express permission of the contributing State. 730

H. Any information submitted to the Data System that is 731
subsequently expunged pursuant to federal law or the laws of the 732
Member State contributing the information shall be removed from 733
the Data System. 734

SECTION 10. RULEMAKING 735

A. The Compact Commission shall promulgate reasonable 736
Rules in order to effectively and efficiently implement and 737
administer the purposes and provisions of the Compact. A Rule 738
shall be invalid and have no force or effect only if a court of 739
competent jurisdiction holds that the Rule is invalid because 740
the Compact Commission exercised its rulemaking authority in a 741
manner that is beyond the scope and purposes of the Compact, or 742
the powers granted hereunder, or based upon another applicable 743
standard of review. 744

B. The Rules of the Compact Commission shall have the 745
force of law in each Member State, provided however that where 746

the Rules conflict with the laws or regulations of a Member 747
State that relate to the procedures, actions, and processes a 748
Licensed Dietitian is permitted to undertake in that State and 749
the circumstances under which they may do so, as held by a court 750
of competent jurisdiction, the Rules of the Compact Commission 751
shall be ineffective in that State to the extent of the 752
conflict. 753

C. The Compact Commission shall exercise its rulemaking 754
powers pursuant to the criteria set forth in this Section and 755
the Rules adopted thereunder. Rules shall become binding on the 756
day following adoption or as of the date specified in the Rule 757
or amendment, whichever is later. 758

D. If a majority of the legislatures of the Member States 759
rejects a Rule or portion of a Rule, by enactment of a statute 760
or resolution in the same manner used to adopt the Compact 761
within four (4) years of the date of adoption of the Rule, then 762
such Rule shall have no further force and effect in any Member 763
State. 764

E. Rules shall be adopted at a regular or special meeting 765
of the Compact Commission. 766

F. Prior to adoption of a proposed Rule, the Compact 767
Commission shall hold a public hearing and allow persons to 768
provide oral and written comments, data, facts, opinions, and 769
arguments. 770

G. Prior to adoption of a proposed Rule by the Compact 771
Commission, and at least thirty (30) days in advance of the 772
meeting at which the Compact Commission will hold a public 773
hearing on the proposed Rule, the Compact Commission shall 774
provide a Notice of Proposed rulemaking: 775

<u>1. On the website of the Compact Commission or other</u>	776
<u>publicly accessible platform;</u>	777
<u>2. To persons who have requested notice of the Compact</u>	778
<u>Commission's notices of proposed rulemaking; and</u>	779
<u>3. In such other way(s) as the Compact Commission may by</u>	780
<u>Rule specify.</u>	781
<u>H. The Notice of Proposed rulemaking shall include:</u>	782
<u>1. The time, date, and location of the public hearing at</u>	783
<u>which the Compact Commission will hear public comments on the</u>	784
<u>proposed Rule and, if different, the time, date, and location of</u>	785
<u>the meeting where the Compact Commission will consider and vote</u>	786
<u>on the proposed Rule;</u>	787
<u>2. If the hearing is held via telecommunication, video</u>	788
<u>conference, or other means of communication, the Compact</u>	789
<u>Commission shall include the mechanism for access to the hearing</u>	790
<u>in the Notice of Proposed rulemaking;</u>	791
<u>3. The text of the proposed Rule and the reason therefore;</u>	792
<u>4. A request for comments on the proposed Rule from any</u>	793
<u>interested person; and</u>	794
<u>5. The manner in which interested persons may submit</u>	795
<u>written comments.</u>	796
<u>I. All hearings will be recorded. A copy of the recording</u>	797
<u>and all written comments and documents received by the Compact</u>	798
<u>Commission in response to the proposed Rule shall be available</u>	799
<u>to the public.</u>	800
<u>J. Nothing in this Section shall be construed as requiring</u>	801
<u>a separate hearing on each Rule. Rules may be grouped for the</u>	802

convenience of the Compact Commission at hearings required by 803
this Section. 804

K. The Compact Commission shall, by majority vote of all 805
members, take final action on the proposed Rule based on the 806
rulemaking record and the full text of the Rule. 807

1. The Compact Commission may adopt changes to the 808
proposed Rule provided the changes do not enlarge the original 809
purpose of the proposed Rule. 810

2. The Compact Commission shall provide an explanation of 811
the reasons for substantive changes made to the proposed Rule as 812
well as reasons for substantive changes not made that were 813
recommended by commenters. 814

3. The Compact Commission shall determine a reasonable 815
effective date for the Rule. Except for an emergency as provided 816
in Section 10(L), the effective date of the Rule shall be no 817
sooner than 30 days after issuing the notice that it adopted or 818
amended the Rule. 819

L. Upon determination that an emergency exists, the 820
Compact Commission may consider and adopt an emergency Rule with 821
24 hours' notice, with opportunity to comment, provided that the 822
usual rulemaking procedures provided in the Compact and in this 823
Section shall be retroactively applied to the Rule as soon as 824
reasonably possible, in no event later than ninety (90) days 825
after the effective date of the Rule. For the purposes of this 826
provision, an emergency Rule is one that must be adopted 827
immediately in order to: 828

1. Meet an imminent threat to public health, safety, or 829
welfare; 830

2. Prevent a loss of Compact Commission or Member State 831

<u>funds;</u>	832
<u>3. Meet a deadline for the promulgation of a Rule that is</u>	833
<u>established by federal law or rule; or</u>	834
<u>4. Protect public health and safety.</u>	835
<u>M. The Compact Commission or an authorized committee of</u>	836
<u>the Compact Commission may direct revision to a previously</u>	837
<u>adopted Rule for purposes of correcting typographical errors,</u>	838
<u>errors in format, errors in consistency, or grammatical errors.</u>	839
<u>Public notice of any revision shall be posted on the website of</u>	840
<u>the Compact Commission. The revision shall be subject to</u>	841
<u>challenge by any person for a period of thirty (30) days after</u>	842
<u>posting. The revision may be challenged only on grounds that the</u>	843
<u>revision results in a material change to a Rule. A challenge</u>	844
<u>shall be made in writing and delivered to the Compact Commission</u>	845
<u>prior to the end of the notice period. If no challenge is made,</u>	846
<u>the revision will take effect without further action. If the</u>	847
<u>revision is challenged, the revision may not take effect without</u>	848
<u>the approval of the Compact Commission.</u>	849
<u>N. No Member State's rulemaking requirements shall apply</u>	850
<u>under this Compact.</u>	851
<u>SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT</u>	852
<u>A. Oversight</u>	853
<u>1. The executive and judicial branches of State government</u>	854
<u>in each Member State shall enforce this Compact and take all</u>	855
<u>actions necessary and appropriate to implement this Compact.</u>	856
<u>2. Except as otherwise provided in this Compact, venue is</u>	857
<u>proper and judicial proceedings by or against the Compact</u>	858
<u>Commission shall be brought solely and exclusively in a court of</u>	859

competent jurisdiction where the principal office of the Compact Commission is located. The Compact Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a Licensee for professional malpractice, misconduct, or any such similar matter. 860
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3. The Compact Commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the Compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the Compact Commission service of process shall render a judgment or order void as to the Compact Commission, this Compact, or promulgated Rules. 867
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B. Default, Technical Assistance, and Termination 874

1. If the Compact Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, the Compact Commission shall provide written notice to the defaulting State. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the Compact Commission may take and shall offer training and specific technical assistance regarding the default. 875
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2. The Compact Commission shall provide a copy of the notice of default to the other Member States. 884
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C. If a State in default fails to cure the default, the defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the delegates of the Member 886
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States, and all rights, privileges, and benefits conferred on 889
that State by this Compact may be terminated on the effective 890
date of termination. A cure of the default does not relieve the 891
offending State of obligations or liabilities incurred during 892
the period of default. 893

D. Termination of membership in the Compact shall be 894
imposed only after all other means of securing compliance have 895
been exhausted. Notice of intent to suspend or terminate shall 896
be given by the Compact Commission to the governor, the majority 897
and minority leaders of the defaulting State's legislature, the 898
defaulting State's Licensing Authority, and each of the Member 899
States' Licensing Authority. 900

E. A State that has been terminated is responsible for all 901
assessments, obligations, and liabilities incurred through the 902
effective date of termination, including obligations that extend 903
beyond the effective date of termination. 904

F. Upon the termination of a State's membership from this 905
Compact, that State shall immediately provide notice to all 906
Licensees within that State of such termination. The terminated 907
State shall continue to recognize all Compact Privileges granted 908
pursuant to this Compact for a minimum of six months after the 909
date of said notice of termination. 910

G. The Compact Commission shall not bear any costs related 911
to a State that is found to be in default or that has been 912
terminated from the Compact, unless agreed upon in writing 913
between the Compact Commission and the defaulting State. 914

H. The defaulting State may appeal the action of the 915
Compact Commission by petitioning the U.S. District Court for 916
the District of Columbia or the federal district where the 917

Compact Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees. 918
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I. Dispute Resolution 921

1. Upon request by a Member State, the Compact Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between Member and non-Member States. 922
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2. The Compact Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate. 926
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J. Enforcement 929

1. By supermajority vote, the Compact Commission may initiate legal action against a Member State in default in the United States District Court for the District of Columbia or the federal district where the Compact Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees. The remedies herein shall not be the exclusive remedies of the Compact Commission. The Compact Commission may pursue any other remedies available under federal or the defaulting Member State's law. 930
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2. A Member State may initiate legal action against the Compact Commission in the U.S. District Court for the District of Columbia or the federal district where the Compact Commission has its principal offices to enforce compliance with the 943
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provisions of the Compact and its promulgated Rules. The relief 947
sought may include both injunctive relief and damages. In the 948
event judicial enforcement is necessary, the prevailing party 949
shall be awarded all costs of such litigation, including 950
reasonable attorney's fees. 951

3. No party other than a Member State shall enforce this 952
Compact against the Compact Commission. 953

SECTION 12. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT 954

A. The Compact shall come into effect on the date on which 955
the Compact statute is enacted into law in the seventh Member 956
State. 957

1. On or after the effective date of the Compact, the 958
Compact Commission shall convene and review the enactment of 959
each of the first seven Member States ("Charter Member States") 960
to determine if the statute enacted by each such Charter Member 961
State is materially different than the model Compact statute. 962

a. A Charter Member State whose enactment is found to be 963
materially different from the model Compact statute shall be 964
entitled to the default process set forth in Section 11. 965

b. If any Member State is later found to be in default, or 966
is terminated, or withdraws from the Compact, the Compact 967
Commission shall remain in existence and the Compact shall 968
remain in effect even if the number of Member States should be 969
less than seven. 970

2. Member States enacting the Compact subsequent to the 971
seven initial Charter Member States shall be subject to the 972
process set forth in Section 8(C)(21) to determine if their 973
enactments are materially different from the model Compact 974
statute and whether they qualify for participation in the 975

<u>Compact.</u>	976
<u>3. All actions taken for the benefit of the Compact</u>	977
<u>Commission or in furtherance of the purposes of the</u>	978
<u>administration of the Compact prior to the effective date of the</u>	979
<u>Compact or the Compact Commission coming into existence shall be</u>	980
<u>considered to be actions of the Compact Commission unless</u>	981
<u>specifically repudiated by the Compact Commission.</u>	982
<u>4. Any State that joins the Compact subsequent to the</u>	983
<u>Compact Commission's initial adoption of the Rules and bylaws</u>	984
<u>shall be subject to the Rules and bylaws as they exist on the</u>	985
<u>date on which the Compact becomes law in that State. Any Rule</u>	986
<u>that has been previously adopted by the Compact Commission shall</u>	987
<u>have the full force and effect of law on the day the Compact</u>	988
<u>becomes law in that State.</u>	989
<u>B. Any Member State may withdraw from this Compact by</u>	990
<u>enacting a statute repealing the same.</u>	991
<u>1. A Member State's withdrawal shall not take effect until</u>	992
<u>180 days after enactment of the repealing statute.</u>	993
<u>2. Withdrawal shall not affect the continuing requirement</u>	994
<u>of the withdrawing State's Licensing Authority to comply with</u>	995
<u>the investigative and Adverse Action reporting requirements of</u>	996
<u>this Compact prior to the effective date of withdrawal.</u>	997
<u>3. Upon the enactment of a statute withdrawing from this</u>	998
<u>Compact, a State shall immediately provide notice of such</u>	999
<u>withdrawal to all Licensees within that State. Notwithstanding</u>	1000
<u>any subsequent statutory enactment to the contrary, such</u>	1001
<u>withdrawing State shall continue to recognize all Compact</u>	1002
<u>Privileges granted pursuant to this Compact for a minimum of 180</u>	1003
<u>days after the date of such notice of withdrawal.</u>	1004

C. Nothing contained in this Compact shall be construed to 1005
invalidate or prevent any licensure agreement or other 1006
cooperative arrangement between a Member State and a non-Member 1007
State that does not conflict with the provisions of this 1008
Compact. 1009

D. This Compact may be amended by the Member States. No 1010
amendment to this Compact shall become effective and binding 1011
upon any Member State until it is enacted into the laws of all 1012
Member States. 1013

SECTION 13. CONSTRUCTION AND SEVERABILITY 1014

A. This Compact and the Compact Commission's rulemaking 1015
authority shall be liberally construed so as to effectuate the 1016
purposes and the implementation and administration of the 1017
Compact. Provisions of the Compact expressly authorizing or 1018
requiring the promulgation of Rules shall not be construed to 1019
limit the Compact Commission's rulemaking authority solely for 1020
those purposes. 1021

B. The provisions of this Compact shall be severable and 1022
if any phrase, clause, sentence, or provision of this Compact is 1023
held by a court of competent jurisdiction to be contrary to the 1024
constitution of any Member State, a State seeking participation 1025
in the Compact, or of the United States, or the applicability 1026
thereof to any government, agency, person, or circumstance is 1027
held to be unconstitutional by a court of competent 1028
jurisdiction, the validity of the remainder of this Compact and 1029
the applicability thereof to any other government, agency, 1030
person, or circumstance shall not be affected thereby. 1031

C. Notwithstanding Section 13(B), the Compact Commission 1032
may deny a State's participation in the Compact or, in 1033

accordance with the requirements of Section 11(B), terminate a 1034
Member State's participation in the Compact, if it determines 1035
that a constitutional requirement of a Member State is a 1036
material departure from the Compact. Otherwise, if this Compact 1037
shall be held to be contrary to the constitution of any Member 1038
State, the Compact shall remain in full force and effect as to 1039
the remaining Member States and in full force and effect as to 1040
the Member State affected as to all severable matters. 1041

SECTION 14. CONSISTENT EFFECT AND CONFLICT WITH OTHER 1042
STATE LAWS 1043

A. Nothing herein shall prevent or inhibit the enforcement 1044
of any other law of a Member State that is not inconsistent with 1045
the Compact. 1046

B. Any laws, statutes, regulations, or other legal 1047
requirements in a Member State in conflict with the Compact are 1048
superseded to the extent of the conflict. 1049

C. All permissible agreements between the Compact 1050
Commission and the Member States are binding in accordance with 1051
their terms. 1052

Sec. 4759.31. (A) Not later than sixty days after the 1053
"Dietitian Licensure Compact" is entered into under section 1054
4759.30 of the Revised Code, the state medical board, in 1055
accordance with section 8 of the compact, shall select one 1056
individual to serve as a delegate to the dietitian licensure 1057
compact commission created under the compact. The board shall 1058
fill a vacancy in this position not later than sixty days after 1059
the vacancy occurs. 1060

(B) The board may establish a fee for a licensee from a 1061
compact state for granting a compact privilege in accordance 1062

with section 3 of the compact. 1063

Sec. 5119.10. (A) The director of mental health and 1064
addiction services is the chief executive and appointing 1065
authority of the department of mental health and addiction 1066
services. The director may organize the department for its 1067
efficient operation, including creating divisions or offices as 1068
necessary. The director may establish procedures for the 1069
governance of the department, conduct of its employees and 1070
officers, performance of its business, and custody, use, and 1071
preservation of departmental records, papers, books, documents, 1072
and property. Whenever the Revised Code imposes a duty upon or 1073
requires an action of the department or any of its institutions, 1074
the director or the director's designee shall perform the action 1075
or duty in the name of the department, except that the medical 1076
director appointed pursuant to section 5119.11 of the Revised 1077
Code shall be responsible for decisions relating to medical 1078
diagnosis, treatment, rehabilitation, quality assurance, and the 1079
clinical aspects of the following: licensure of hospitals and 1080
residential facilities, research, community addiction and mental 1081
health plans, and certification and delivery of addiction 1082
services and mental health services. 1083

(B) The director shall: 1084

(1) Adopt rules for the proper execution of the powers and 1085
duties of the department with respect to the institutions under 1086
its control, and require the performance of additional duties by 1087
the officers of the institutions as necessary to fully meet the 1088
requirements, intents, and purposes of this chapter. In case of 1089
an apparent conflict between the powers conferred upon any 1090
managing officer and those conferred by such sections upon the 1091
department, the presumption shall be conclusive in favor of the 1092

department. 1093

(2) Adopt rules for the nonpartisan management of the 1094
institutions under the department's control. An officer or 1095
employee of the department or any officer or employee of any 1096
institution under its control who, by solicitation or otherwise, 1097
exerts influence directly or indirectly to induce any other 1098
officer or employee of the department or any of its institutions 1099
to adopt the exerting officer's or employee's political views or 1100
to favor any particular person, issue, or candidate for office 1101
shall be removed from the exerting officer's or employee's 1102
office or position, by the department in case of an officer or 1103
employee, and by the governor in case of the director. 1104

(3) Appoint such employees, including the medical 1105
director, as are necessary for the efficient conduct of the 1106
department, and prescribe their titles and duties; 1107

(4) Prescribe the forms of affidavits, applications, 1108
medical certificates, orders of hospitalization and release, and 1109
all other forms, reports, and records that are required in the 1110
hospitalization or admission and release of all persons to the 1111
institutions under the control of the department, or are 1112
otherwise required under this chapter or Chapter 5122. of the 1113
Revised Code; 1114

(5) Exercise the powers and perform the duties relating to 1115
addiction and mental health facilities, addiction services, 1116
mental health services, 9-8-8 suicide and crisis response, and 1117
recovery supports that are assigned to the director under this 1118
chapter and Chapter 340. of the Revised Code; 1119

(6) Develop and implement clinical evaluation and 1120
monitoring of services that are operated by the department; 1121

(7) Adopt rules establishing standards for the performance 1122
of evaluations by a forensic center or other psychiatric program 1123
or facility of the mental condition of defendants ordered by the 1124
court under section 2919.271, or 2945.371 of the Revised Code, 1125
and for the treatment of defendants who have been found 1126
incompetent to stand trial and ordered by the court under 1127
section 2945.38, 2945.39, 2945.401, or 2945.402 of the Revised 1128
Code to receive treatment in facilities; 1129

(8) On behalf of the department, have the authority and 1130
responsibility for entering into contracts and other agreements 1131
with providers, agencies, institutions, and other entities, both 1132
public and private, as necessary for the department to carry out 1133
its duties under this chapter and Chapters 340., 2919., 2945., 1134
and 5122. of the Revised Code. Chapter 125. of the Revised Code 1135
does not apply to contracts the director enters into under this 1136
section for addiction services, mental health services, or 1137
recovery supports provided to individuals who have an addiction 1138
or mental illness by providers, agencies, institutions, and 1139
other entities not owned or operated by the department. 1140

(9) Adopt rules in accordance with Chapter 119. of the 1141
Revised Code specifying the supplemental services that may be 1142
provided through a trust authorized by section 5815.28 of the 1143
Revised Code; 1144

(10) Adopt rules in accordance with Chapter 119. of the 1145
Revised Code establishing standards for the maintenance and 1146
distribution to a beneficiary of assets of a trust authorized by 1147
section 5815.28 of the Revised Code. 1148

(C) The director may contract with hospitals licensed by 1149
the department under section 5119.33 of the Revised Code for the 1150
care and treatment of patients with mental illnesses, or with 1151

persons, organizations, or agencies for the custody, evaluation, 1152
supervision, care, or treatment of persons with mental illnesses 1153
receiving services elsewhere than within the enclosure of a 1154
hospital operated under section 5119.14 of the Revised Code. 1155

Sec. 5119.81. As used in sections 5119.81 to 5119.85 of 1156
the Revised Code: 1157

(A) "9-8-8 administrator" means the administrator of the 1158
9-8-8 suicide prevention and mental health crisis hotline 1159
system, as established in section 5119.82 of the Revised Code. 1160

(B) "9-8-8 suicide prevention and mental health crisis 1161
hotline" or "9-8-8 hotline" means the 9-8-8 universal telephone 1162
number in the United States, as established under 47 U.S.C. 1163
251(e), for the purpose of the national suicide prevention and 1164
mental health crisis hotline system. 1165

Sec. 5119.82. There is hereby established a 9-8-8 1166
administrator within the department of mental health and 1167
addiction services to oversee the administration of the 9-8-8 1168
suicide prevention and mental health crisis hotline system 1169
statewide. 1170

Sec. 5119.83. (A) Not later than one year after the 1171
effective date of this section and annually thereafter, the 9-8- 1172
8 administrator shall compile an annual report regarding the 1173
operation of the 9-8-8 national suicide prevention and mental 1174
health crisis hotline in this state. 1175

(B) Each annual report shall, at a minimum, specify all of 1176
the following: 1177

(1) The total number of 9-8-8 call centers in this state 1178
to which calls, texts, and chats are routed when individuals 1179
contact the 9-8-8 national suicide prevention and mental health 1180

<u>crisis hotline;</u>	1181
<u>(2) The total number of telephone calls, texts, and chats received by each 9-8-8 call center;</u>	1182
<u>(3) The rate at which in-state calls are answered by the 9-8-8 call centers;</u>	1184
<u>(4) The average time taken by 9-8-8 call centers to answer calls.</u>	1185
<u>(C) The 9-8-8 administrator shall submit the report to both of the following:</u>	1186
<u>(1) The general assembly, in accordance with section 101.68 of the Revised Code;</u>	1188
<u>(2) The governor.</u>	1189
Sec. 5119.84. <u>(A) There is hereby created in the state treasury the 9-8-8 fund. The fund shall consist of all money from the following sources:</u>	1190
<u>(1) Appropriations made by the general assembly;</u>	1191
<u>(2) Money awarded to the state by donation, gift, or bequest, and other money received for purposes of this section;</u>	1192
<u>(3) Interest or other earnings on the fund.</u>	1193
<u>(B) Money in the fund shall be used to oversee and administer the 9-8-8 suicide prevention and mental health crisis hotline system.</u>	1194
<u>(C) Money in the 9-8-8 fund is not subject to transfer to any other fund.</u>	1195
<u>(D) Any money remaining in the fund, including interest thereon, at the end of each fiscal year shall not revert to the</u>	1196
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general revenue fund but shall remain in the fund. 1207

(E) The treasurer of state shall disburse money from the 1208
9-8-8 fund only upon the request of, or consultation with, the 1209
director of mental health and addiction services. 1210

Sec. 5119.85. (A) As used in this section, "telephone 1211
company" has the same meaning as in section 128.01 of the 1212
Revised Code. 1213

(B) Except for willful or wanton misconduct, a telephone 1214
company and any other installer, maintainer, or provider, 1215
through the sale or otherwise, of customer premises equipment, 1216
or service used for or with the 9-8-8 hotline, and their 1217
respective officers, directors, employees, agents, suppliers, 1218
corporate parents, and affiliates are not liable in damages in a 1219
civil action for injuries, death or loss to persons or property 1220
incurred by any person resulting from such an entity's or its 1221
officers', directors', employees', agents', or suppliers' 1222
participation in or acts or omissions in connection with 1223
participating in or developing, maintaining, or operating the 9- 1224
8-8 hotline. 1225

Section 2. That existing section 5119.10 of the Revised 1226
Code is hereby repealed. 1227