

**As Passed by the House**

**135th General Assembly**

**Regular Session**

**2023-2024**

**Am. 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**

**Representatives Gross, Baker, Barhorst, Brennan, Brewer, Creech, Dell'Aquila, Dobos, Edwards, Forhan, Ghanbari, Grim, Hoops, Jones, Lampton, Liston, Mathews, Miller, A., Miller, J., Miller, M., Oelslager, Pavliga, Richardson, Robb Blasdel, Rogers, Schmidt, Somani, Swearingen, Upchurch, White, Williams, Willis**

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**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

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SECTION 1. PURPOSE

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

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This Compact is designed to achieve the following  
objectives:

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A. Increase public access to dietetics services;

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

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C. Eliminate the necessity for Licenses in multiple  
States;

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D. Reduce administrative burden on Member States and  
Licensees;

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

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

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G. Support relocating Active Military Members and their  
spouses;

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

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I. Vest all Member States with the authority to hold a

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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 71  
its successor organization. 72

H. "Compact Commission" means the government agency whose 73  
membership consists of all States that have enacted this 74  
Compact, which is known as the Dietitian Licensure Compact 75  
Commission, as described in Section 8, and which shall operate 76  
as an instrumentality of the Member States. 77

I. "Compact Privilege" means a legal authorization, which 78  
is equivalent to a License, permitting the Practice of Dietetics 79  
in a Remote State. 80

J. "Current Significant Investigative Information" means: 81

1. Investigative Information that a Licensing Authority, 82  
after a preliminary inquiry that includes notification and an 83  
opportunity for the subject Licensee to respond, if required by 84  
State law, has reason to believe is not groundless and, if 85  
proved true, would indicate more than a minor infraction; or 86

2. Investigative Information that indicates that the 87  
subject Licensee represents an immediate threat to public health 88  
and safety regardless of whether the subject Licensee has been 89  
notified and had an opportunity to respond. 90

K. "Data System" means a repository of information about 91  
Licensees, including, but not limited to, Continuing Education, 92  
examination, licensure, investigative, Compact Privilege and 93  
Adverse Action information. 94

L. "Encumbered License" means a License in which an 95  
Adverse Action restricts a Licensee's ability to practice 96

<u>dietetics.</u>	97
<u>M. "Encumbrance" means a revocation or suspension of, or</u>	98
<u>any limitation on a Licensee's full and unrestricted Practice of</u>	99
<u>Dietetics by a Licensing Authority.</u>	100
<u>N. "Executive Committee" means a group of delegates</u>	101
<u>elected or appointed to act on behalf of, and within the powers</u>	102
<u>granted to them by, this Compact, and the Compact Commission.</u>	103
<u>O. "Home State" means the Member State that is the</u>	104
<u>Licensee's primary State of residence or that has been</u>	105
<u>designated pursuant to Section 6.</u>	106
<u>P. "Investigative Information" means information, records,</u>	107
<u>and documents received or generated by a Licensing Authority</u>	108
<u>pursuant to an investigation.</u>	109
<u>Q. "Jurisprudence Requirement" means an assessment of an</u>	110
<u>individual's knowledge of the State laws and regulations</u>	111
<u>governing the Practice of Dietetics in such State.</u>	112
<u>R. "License" means an authorization from a Member State to</u>	113
<u>either:</u>	114
<u>1. Engage in the Practice of Dietetics (including medical</u>	115
<u>nutrition therapy); or</u>	116
<u>2. Use the title "dietitian," "licensed dietitian,"</u>	117
<u>"licensed dietitian nutritionist," "certified dietitian," or</u>	118
<u>other title describing a substantially similar practitioner as</u>	119
<u>the Compact Commission may further define by Rule.</u>	120
<u>S. "Licensee" or "Licensed Dietitian" means an individual</u>	121
<u>who currently holds a License and who meets all of the</u>	122
<u>requirements outlined in Section 4.</u>	123

<u>T. "Licensing Authority" means the board or agency of a</u>	124
<u>State, or equivalent, that is responsible for the licensing and</u>	125
<u>regulation of the Practice of Dietetics.</u>	126
<u>U. "Member State" means a State that has enacted the</u>	127
<u>Compact.</u>	128
<u>V. "Practice of Dietetics" means the synthesis and</u>	129
<u>application of dietetics as defined by state law and</u>	130
<u>regulations, primarily for the provision of nutrition care</u>	131
<u>services, including medical nutrition therapy, in person or via</u>	132
<u>telehealth, to prevent, manage, or treat diseases or medical</u>	133
<u>conditions and promote wellness.</u>	134
<u>W. "Registered Dietitian" means a person who:</u>	135
<u>1. Has completed applicable education, experience,</u>	136
<u>examination, and recertification requirements approved by CDR;</u>	137
<u>2. Is credentialed by CDR as a registered dietitian or a</u>	138
<u>registered dietitian nutritionist; and</u>	139
<u>3. Is legally authorized to use the title registered</u>	140
<u>dietitian or registered dietitian nutritionist and the</u>	141
<u>corresponding abbreviations "RD" or "RDN."</u>	142
<u>X. "Remote State" means a Member State other than the Home</u>	143
<u>State, where a Licensee is exercising or seeking to exercise a</u>	144
<u>Compact Privilege.</u>	145
<u>Y. "Rule" means a regulation promulgated by the Compact</u>	146
<u>Commission that has the force of law.</u>	147
<u>Z. "Single State License" means a License issued by a</u>	148
<u>Member State within the issuing State and does not include a</u>	149
<u>Compact Privilege in any other Member State.</u>	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 a Licensee to engage in the full and unrestricted Practice of Dietetics.</u>	153 154 155
<b><u>SECTION 3. STATE PARTICIPATION IN THE COMPACT</u></b>	156
<u>A. To participate in the Compact, a State must currently:</u>	157
<u>1. License and regulate the Practice of Dietetics; and</u>	158
<u>2. Have a mechanism in place for receiving and investigating complaints about Licensees.</u>	159 160
<u>B. A Member State shall:</u>	161
<u>1. Participate fully in the Compact Commission's Data System, including using the unique identifier as defined in Rules;</u>	162 163 164
<u>2. Notify the Compact Commission, in compliance with the terms of the Compact and Rules, of any Adverse Action or the availability of Current Significant Investigative Information regarding a Licensee;</u>	165 166 167 168
<u>3. Implement or utilize procedures for considering the criminal history record information of applicants for an initial Compact Privilege. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records;</u>	169 170 171 172 173 174 175 176
<u>a. A Member State must fully implement a criminal history</u>	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 182  
Commission or among Member States regarding the verification of 183  
eligibility for a Compact Privilege shall not include any 184  
information received from the Federal Bureau of Investigation 185  
relating to a federal criminal history record information check 186  
performed by a Member State. 187

4. Comply with and enforce the Rules of the Compact 188  
Commission; 189

5. Require an applicant for a Compact Privilege to obtain 190  
or retain a License in the Licensee's Home State and meet the 191  
Home State's qualifications for licensure or renewal of 192  
licensure, as well as all other applicable State laws; and 193

6. Recognize a Compact Privilege granted to a Licensee who 194  
meets all of the requirements outlined in Section 4 in 195  
accordance with the terms of the Compact and Rules. 196

C. Member States may set and collect a fee for granting a 197  
Compact Privilege. 198

D. Individuals not residing in a Member State shall 199  
continue to be able to apply for a Member State's Single State 200  
License as provided under the laws of each Member State. 201  
However, the Single State License granted to these individuals 202  
shall not be recognized as granting a Compact Privilege to 203  
engage in the Practice of Dietetics in any other Member State. 204

E. Nothing in this Compact shall affect the requirements 205  
established by a Member State for the issuance of a Single State 206

<u>License.</u>	207
<u>F. At no point shall the Compact Commission have the power</u>	208
<u>to define the requirements for the issuance of a Single State</u>	209
<u>License to practice dietetics. The Member States shall retain</u>	210
<u>sole jurisdiction over the provision of these requirements.</u>	211
<b><u>SECTION 4. COMPACT PRIVILEGE</u></b>	212
<u>A. To exercise the Compact Privilege under the terms and</u>	213
<u>provisions of the Compact, the Licensee shall:</u>	214
<u>1. Satisfy one of the following:</u>	215
<u>a. Hold a valid current registration that gives the</u>	216
<u>applicant the right to use the term Registered Dietitian; or</u>	217
<u>b. Complete all of the following:</u>	218
<u>i. An education program which is either:</u>	219
<u>a) A master's degree or doctoral degree that is</u>	220
<u>programmatically accredited by (i) ACEND; or (ii) a dietetics</u>	221
<u>accrediting agency recognized by the United States Department of</u>	222
<u>Education, which the Compact Commission may by Rule determine,</u>	223
<u>and from a college or university accredited at the time of</u>	224
<u>graduation by the appropriate regional accrediting agency</u>	225
<u>recognized by the Council on Higher Education Accreditation and</u>	226
<u>the United States Department of Education.</u>	227
<u>b) An academic degree from a college or university in a</u>	228
<u>foreign country equivalent to the degree described in</u>	229
<u>subparagraph (a) that is programmatically accredited by (i)</u>	230
<u>ACEND; or (ii) a dietetics accrediting agency recognized by the</u>	231
<u>United States Department of Education, which the Compact</u>	232
<u>Commission may by Rule determine.</u>	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  
practice experience under the supervision of a Registered 239  
Dietitian or a Licensed Dietitian. 240

iii. Successful completion of either: (i) the Registration 241  
Examination for Dietitians administered by CDR, or (ii) a 242  
national credentialing examination for dietitians approved by 243  
the Compact Commission by Rule; such completion being no more 244  
than five years prior to the date of the Licensee's application 245  
for initial licensure and accompanied by a period of continuous 246  
licensure thereafter, all of which may be further governed by 247  
the Rules of the Compact Commission. 248

2. Hold an Unencumbered License in the Home State; 249

3. Notify the Compact Commission that the Licensee is 250  
seeking a Compact Privilege within a Remote State(s); 251

4. Pay any applicable fees, including any State fee, for 252  
the Compact Privilege; 253

5. Meet any Jurisprudence Requirements established by the 254  
Remote State(s) in which the Licensee is seeking a Compact 255  
Privilege; and 256

6. Report to the Compact Commission any Adverse Action, 257  
Encumbrance, or restriction on a License taken by any non-Member 258  
State within 30 days from the date the action is taken. 259

B. The Compact Privilege is valid until the expiration 260  
date of the Home State License. To maintain a Compact Privilege, 261  
renewal of the Compact Privilege shall be congruent with the 262

renewal of the Home State License as the Compact Commission may 263  
define by Rule. The Licensee must comply with the requirements 264  
of Section 4(A) to maintain the Compact Privilege in the Remote 265  
State(s). 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

<u>Section 4 via the Data System, and require that the Licensee</u>	292
<u>complete the following:</u>	293
<u>a. Federal Bureau of Investigation fingerprint based</u>	294
<u>criminal history record information check;</u>	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

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

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

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**SECTION 7. ADVERSE ACTIONS**

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

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

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

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

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C. For purposes of taking Adverse Action, the Home State  
shall give the same priority and effect to reported conduct  
received from a Member State as it would if the conduct had

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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) delegate selected by that Member State's Licensing Authority. 407  
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2. The delegate shall be the primary administrator of the Licensing Authority or their designee. 409  
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3. The Compact Commission shall by Rule or bylaw establish a term of office for delegates and may by Rule or bylaw establish term limits. 411  
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4. The Compact Commission may recommend removal or suspension of any delegate from office. 414  
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5. A Member State's Licensing Authority shall fill any vacancy of its delegate occurring on the Compact Commission within 60 days of the vacancy. 416  
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6. Each delegate shall be entitled to one vote on all matters before the Compact Commission requiring a vote by the delegates. 419  
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7. Delegates shall meet and vote by such means as set forth in the bylaws. The bylaws may provide for delegates to meet and vote in-person or by telecommunication, video conference, or other means of communication. 422  
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8. The Compact Commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The Compact Commission may meet in person or by telecommunication, video conference, or other means of communication. 426  
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- C. The Compact Commission shall have the following powers: 431
1. Establish the fiscal year of the Compact Commission; 432
2. Establish code of conduct and conflict of interest 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> <u>bylaws;</u>	436 437
<u>5. Meet and take such actions as are consistent with the</u> <u>provisions of this Compact, the Compact Commission's Rules, and</u> <u>the bylaws;</u>	438 439 440
<u>6. Initiate and conclude legal proceedings or actions in</u> <u>the name of the Compact Commission, provided that the standing</u> <u>of any Licensing Authority to sue or be sued under applicable</u> <u>law shall not be affected;</u>	441 442 443 444
<u>7. Maintain and certify records and information provided</u> <u>to a Member State as the authenticated business records of the</u> <u>Compact Commission, and designate an agent to do so on the</u> <u>Compact Commission's behalf;</u>	445 446 447 448
<u>8. Purchase and maintain insurance and bonds;</u>	449
<u>9. Borrow, accept, or contract for services of personnel,</u> <u>including, but not limited to, employees of a Member State;</u>	450 451
<u>10. Conduct an annual financial review;</u>	452
<u>11. Hire employees, elect or appoint officers, fix</u> <u>compensation, define duties, grant such individuals appropriate</u> <u>authority to carry out the purposes of the Compact, and establish</u> <u>the Compact Commission's personnel policies and programs</u> <u>relating to conflicts of interest, qualifications of personnel,</u> <u>and other related personnel matters;</u>	453 454 455 456 457 458
<u>12. Assess and collect fees;</u>	459
<u>13. Accept any and all appropriate donations, grants of</u>	460

money, other sources of revenue, equipment, supplies, materials, 461  
services, and gifts, and receive, utilize, and dispose of the 462  
same; provided that at all times the Compact Commission shall 463  
avoid any actual or appearance of impropriety or conflict of 464  
interest; 465

14. Lease, purchase, retain, own, hold, improve, or use 466  
any property, real, personal, or mixed, or any undivided 467  
interest therein; 468

15. Sell, convey, mortgage, pledge, lease, exchange, 469  
abandon, or otherwise dispose of any property real, personal, or 470  
mixed; 471

16. Establish a budget and make expenditures; 472

17. Borrow money; 473

18. Appoint committees, including standing committees, 474  
composed of members, State regulators, State legislators or 475  
their representatives, and consumer representatives, and such 476  
other interested persons as may be designated in this Compact or 477  
the bylaws; 478

19. Provide and receive information from, and cooperate 479  
with, law enforcement agencies; 480

20. Establish and elect an Executive Committee, including 481  
a chair and a vice chair; 482

21. Determine whether a State's adopted language is 483  
materially different from the model compact language such that 484  
the State would not qualify for participation in the Compact; 485  
and 486

22. Perform such other functions as may be necessary or 487  
appropriate to achieve the purposes of this Compact. 488

<u>D. The Executive Committee</u>	489
<u>1. The Executive Committee shall have the power to act on behalf of the Compact Commission according to the terms of this Compact. The powers, duties, and responsibilities of the Executive Committee shall include:</u>	490 491 492 493
<u>a. Oversee the day-to-day activities of the administration of the Compact including enforcement and compliance with the provisions of the Compact, its Rules and bylaws, and other such duties as deemed necessary;</u>	494 495 496 497
<u>b. Recommend to the Compact Commission changes to the Rules or bylaws, changes to this Compact legislation, fees charged to Compact Member States, fees charged to Licensees, and other fees;</u>	498 499 500 501
<u>c. Ensure Compact administration services are appropriately provided, including by contract;</u>	502 503
<u>d. Prepare and recommend the budget;</u>	504
<u>e. Maintain financial records on behalf of the Compact Commission;</u>	505 506
<u>f. Monitor Compact compliance of Member States and provide compliance reports to the Compact Commission;</u>	507 508
<u>g. Establish additional committees as necessary;</u>	509
<u>h. Exercise the powers and duties of the Compact Commission during the interim between Compact Commission meetings, except for adopting or amending Rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the Compact Commission by Rule or bylaw; and</u>	510 511 512 513 514 515

<u>i. Other duties as provided in the Rules or bylaws of the Compact Commission.</u>	516
	517
<u>2. The Executive Committee shall be composed of nine members:</u>	518
	519
<u>a. The chair and vice chair of the Compact Commission shall be voting members of the Executive Committee;</u>	520
	521
<u>b. Five voting members from the current membership of the Compact Commission, elected by the Compact Commission;</u>	522
	523
<u>c. One ex-officio, nonvoting member from a recognized professional association representing dietitians; and</u>	524
	525
<u>d. One ex-officio, nonvoting member from a recognized national credentialing organization for dietitians.</u>	526
	527
<u>3. The Compact Commission may remove any member of the Executive Committee as provided in the Compact Commission's bylaws.</u>	528
	529
	530
<u>4. The Executive Committee shall meet at least annually.</u>	531
<u>a. Executive Committee meetings shall be open to the public, except that the Executive Committee may meet in a closed, non-public meeting as provided in subsection (F)(2).</u>	532
	533
	534
<u>b. The Executive Committee shall give 30 days' notice of its meetings, posted on the website of the Compact Commission and as determined to provide notice to persons with an interest in the business of the Compact Commission.</u>	535
	536
	537
	538
<u>c. The Executive Committee may hold a special meeting in accordance with subsection (F)(1)(b).</u>	539
	540
<u>E. The Compact Commission shall adopt and provide to the Member States an annual report.</u>	541
	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

of a closed meeting shall remain under seal, subject to release 599  
only by a majority vote of the Compact Commission or order of a 600  
court of competent jurisdiction. 601

G. Financing of the Compact Commission 602

1. The Compact Commission shall pay, or provide for the 603  
payment of, the reasonable expenses of its establishment, 604  
organization, and ongoing activities. 605

2. The Compact Commission may accept any and all 606  
appropriate revenue sources as provided in subsection (C) (13). 607

3. The Compact Commission may levy on and collect an 608  
annual assessment from each Member State and impose fees on 609  
Licensees of Member States to whom it grants a Compact Privilege 610  
to cover the cost of the operations and activities of the 611  
Compact Commission and its staff, which must, in a total amount, 612  
be sufficient to cover its annual budget as approved each year 613  
for which revenue is not provided by other sources. The 614  
aggregate annual assessment amount for Member States shall be 615  
allocated based upon a formula that the Compact Commission shall 616  
promulgate by Rule. 617

4. The Compact Commission shall not incur obligations of 618  
any kind prior to securing the funds adequate to meet the same; 619  
nor shall the Compact Commission pledge the credit of any of the 620  
Member States, except by and with the authority of the Member 621  
State. 622

5. The Compact Commission shall keep accurate accounts of 623  
all receipts and disbursements. The receipts and disbursements 624  
of the Compact Commission shall be subject to the financial 625  
review and accounting procedures established under its bylaws. 626  
However, all receipts and disbursements of funds handled by the 627

Compact Commission shall be subject to an annual financial 628  
review by a certified or licensed public accountant, and the 629  
report of the financial review shall be included in and become 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

1. On the website of the Compact Commission or other 776  
publicly accessible platform; 777

2. To persons who have requested notice of the Compact 778  
Commission's notices of proposed rulemaking; and 779

3. In such other way(s) as the Compact Commission may by 780  
Rule specify. 781

H. The Notice of Proposed rulemaking shall include: 782

1. The time, date, and location of the public hearing at 783  
which the Compact Commission will hear public comments on the 784  
proposed Rule and, if different, the time, date, and location of 785  
the meeting where the Compact Commission will consider and vote 786  
on the proposed Rule; 787

2. If the hearing is held via telecommunication, video 788  
conference, or other means of communication, the Compact 789  
Commission shall include the mechanism for access to the hearing 790  
in the Notice of Proposed rulemaking; 791

3. The text of the proposed Rule and the reason therefore; 792

4. A request for comments on the proposed Rule from any 793  
interested person; and 794

5. The manner in which interested persons may submit 795  
written comments. 796

I. All hearings will be recorded. A copy of the recording 797  
and all written comments and documents received by the Compact 798

Commission in response to the proposed Rule shall be available 799  
to the public. 800

J. Nothing in this Section shall be construed as requiring 801  
a separate hearing on each Rule. Rules may be grouped for the 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

<u>immediately in order to:</u>	828
<u>1. Meet an imminent threat to public health, safety, or welfare;</u>	829 830
<u>2. Prevent a loss of Compact Commission or Member State funds;</u>	831 832
<u>3. Meet a deadline for the promulgation of a Rule that is established by federal law or rule; or</u>	833 834
<u>4. Protect public health and safety.</u>	835
<u>M. The Compact Commission or an authorized committee of the Compact Commission may direct revision to a previously adopted Rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revision shall be posted on the website of the Compact Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made in writing and delivered to the Compact Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Compact Commission.</u>	836 837 838 839 840 841 842 843 844 845 846 847 848 849
<u>N. No Member State's rulemaking requirements shall apply under this Compact.</u>	850 851
<b><u>SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT</u></b>	852
<u>A. Oversight</u>	853
<u>1. The executive and judicial branches of State government in each Member State shall enforce this Compact and take all</u>	854 855

actions necessary and appropriate to implement this Compact. 856

2. Except as otherwise provided in this Compact, venue is 857  
proper and judicial proceedings by or against the Compact 858  
Commission shall be brought solely and exclusively in a court of 859  
competent jurisdiction where the principal office of the Compact 860  
Commission is located. The Compact Commission may waive venue 861  
and jurisdictional defenses to the extent it adopts or consents 862  
to participate in alternative dispute resolution proceedings. 863  
Nothing herein shall affect or limit the selection or propriety 864  
of venue in any action against a Licensee for professional 865  
malpractice, misconduct, or any such similar matter. 866

3. The Compact Commission shall be entitled to receive 867  
service of process in any proceeding regarding the enforcement 868  
or interpretation of the Compact and shall have standing to 869  
intervene in such a proceeding for all purposes. Failure to 870  
provide the Compact Commission service of process shall render a 871  
judgment or order void as to the Compact Commission, this 872  
Compact, or promulgated Rules. 873

B. Default, Technical Assistance, and Termination 874

1. If the Compact Commission determines that a Member 875  
State has defaulted in the performance of its obligations or 876  
responsibilities under this Compact or the promulgated Rules, 877  
the Compact Commission shall provide written notice to the 878  
defaulting State. The notice of default shall describe the 879  
default, the proposed means of curing the default, and any other 880  
action that the Compact Commission may take and shall offer 881  
training and specific technical assistance regarding the 882  
default. 883

2. The Compact Commission shall provide a copy of the 884

notice of default to the other Member States. 885

C. If a State in default fails to cure the default, the 886  
defaulting State may be terminated from the Compact upon an 887  
affirmative vote of a majority of the delegates of the Member 888  
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 918  
party shall be awarded all costs of such litigation, including 919  
reasonable attorney's fees. 920

I. Dispute Resolution 921

1. Upon request by a Member State, the Compact Commission 922  
shall attempt to resolve disputes related to the Compact that 923  
arise among Member States and between Member and non-Member 924  
States. 925

2. The Compact Commission shall promulgate a Rule 926  
providing for both mediation and binding dispute resolution for 927  
disputes as appropriate. 928

J. Enforcement 929

1. By supermajority vote, the Compact Commission may 930  
initiate legal action against a Member State in default in the 931  
United States District Court for the District of Columbia or the 932  
federal district where the Compact Commission has its principal 933  
offices to enforce compliance with the provisions of the Compact 934  
and its promulgated Rules. The relief sought may include both 935  
injunctive relief and damages. In the event judicial enforcement 936  
is necessary, the prevailing party shall be awarded all costs of 937  
such litigation, including reasonable attorney's fees. The 938  
remedies herein shall not be the exclusive remedies of the 939  
Compact Commission. The Compact Commission may pursue any other 940  
remedies available under federal or the defaulting Member 941  
State's law. 942

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 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. 943  
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3. No party other than a Member State shall enforce this Compact against the Compact Commission. 952  
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**SECTION 12. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT** 954

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the seventh Member State. 955  
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1. On or after the effective date of the Compact, the Compact Commission shall convene and review the enactment of each of the first seven Member States ("Charter Member States") to determine if the statute enacted by each such Charter Member State is materially different than the model Compact statute. 958  
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960  
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a. A Charter Member State whose enactment is found to be materially different from the model Compact statute shall be entitled to the default process set forth in Section 11. 963  
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965

b. If any Member State is later found to be in default, or is terminated, or withdraws from the Compact, the Compact Commission shall remain in existence and the Compact shall remain in effect even if the number of Member States should be less than seven. 966  
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968  
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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  
Compact. 976

3. All actions taken for the benefit of the Compact 977  
Commission or in furtherance of the purposes of the 978  
administration of the Compact prior to the effective date of the 979  
Compact or the Compact Commission coming into existence shall be 980  
considered to be actions of the Compact Commission unless 981  
specifically repudiated by the Compact Commission. 982

4. Any State that joins the Compact subsequent to the 983  
Compact Commission's initial adoption of the Rules and bylaws 984  
shall be subject to the Rules and bylaws as they exist on the 985  
date on which the Compact becomes law in that State. Any Rule 986  
that has been previously adopted by the Compact Commission shall 987  
have the full force and effect of law on the day the Compact 988  
becomes law in that State. 989

B. Any Member State may withdraw from this Compact by 990  
enacting a statute repealing the same. 991

1. A Member State's withdrawal shall not take effect until 992  
180 days after enactment of the repealing statute. 993

2. Withdrawal shall not affect the continuing requirement 994  
of the withdrawing State's Licensing Authority to comply with 995  
the investigative and Adverse Action reporting requirements of 996  
this Compact prior to the effective date of withdrawal. 997

3. Upon the enactment of a statute withdrawing from this 998  
Compact, a State shall immediately provide notice of such 999  
withdrawal to all Licensees within that State. Notwithstanding 1000

any subsequent statutory enactment to the contrary, such 1001  
withdrawing State shall continue to recognize all Compact 1002  
Privileges granted pursuant to this Compact for a minimum of 180 1003  
days after the date of such notice of withdrawal. 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

<u>the following:</u>	1177
<u>(1) The total number of 9-8-8 call centers in this state</u>	1178
<u>to which calls, texts, and chats are routed when individuals</u>	1179
<u>contact the 9-8-8 national suicide prevention and mental health</u>	1180
<u>crisis hotline;</u>	1181
<u>(2) The total number of telephone calls, texts, and chats</u>	1182
<u>received by each 9-8-8 call center;</u>	1183
<u>(3) The rate at which in-state calls are answered by the</u>	1184
<u>9-8-8 call centers;</u>	1185
<u>(4) The average time taken by 9-8-8 call centers to answer</u>	1186
<u>calls.</u>	1187
<u>(C) The 9-8-8 administrator shall submit the report to</u>	1188
<u>both of the following:</u>	1189
<u>(1) The general assembly, in accordance with section</u>	1190
<u>101.68 of the Revised Code;</u>	1191
<u>(2) The governor.</u>	1192
<b>Sec. 5119.84.</b> <u>(A) There is hereby created in the state</u>	1193
<u>treasury the 9-8-8 fund. The fund shall consist of all money</u>	1194
<u>from the following sources:</u>	1195
<u>(1) Appropriations made by the general assembly;</u>	1196
<u>(2) Money awarded to the state by donation, gift, or</u>	1197
<u>bequest, and other money received for purposes of this section;</u>	1198
<u>(3) Interest or other earnings on the fund.</u>	1199
<u>(B) Money in the fund shall be used to oversee and</u>	1200
<u>administer the 9-8-8 suicide prevention and mental health crisis</u>	1201
<u>hotline system.</u>	1202

Sec. 5119.85. (A) As used in this section, "telephone 1203  
company" has the same meaning as in section 128.01 of the 1204  
Revised Code. 1205

(B) Except for willful or wanton misconduct, a telephone 1206  
company and any other installer, maintainer, or provider, 1207  
through the sale or otherwise, of customer premises equipment, 1208  
or service used for or with the 9-8-8 hotline, and their 1209  
respective officers, directors, employees, agents, suppliers, 1210  
corporate parents, and affiliates are not liable in damages in a 1211  
civil action for injuries, death or loss to persons or property 1212  
incurred by any person resulting from such an entity's or its 1213  
officers', directors', employees', agents', or suppliers' 1214  
participation in or acts or omissions in connection with 1215  
participating in or developing, maintaining, or operating the 9- 1216  
8-8 hotline. 1217

**Section 2.** That existing section 5119.10 of the Revised 1218  
Code is hereby repealed. 1219