

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 211

Senator Roegner

A BILL

To enact sections 4759.30 and 4759.31 of the 1
Revised Code to enter into the Dietitian 2
Licensure Compact. 3

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

Section 1. That sections 4759.30 and 4759.31 of the 4
Revised Code be enacted to read as follows: 5

Sec. 4759.30. The dietitian licensure compact is hereby 6
ratified, enacted into law, and entered into by the state of 7
Ohio as a party to the compact with any other state that has 8
legally joined the compact as follows: 9

DIETITIAN LICENSURE COMPACT 10

SECTION 1. PURPOSE 11

The purpose of this Compact is to facilitate interstate 12
Practice of Dietetics with the goal of improving public access 13
to dietetics services. This Compact preserves the regulatory 14
authority of States to protect public health and safety through 15
the current system of State licensure, while also providing for 16
licensure portability through a Compact Privilege granted to 17
qualifying professionals. 18

<u>This Compact is designed to achieve the following</u>	19
<u>objectives:</u>	20
<u>A. Increase public access to dietetics services;</u>	21
<u>B. Provide opportunities for interstate practice by</u>	22
<u>Licensed Dietitians who meet uniform requirements;</u>	23
<u>C. Eliminate the necessity for Licenses in multiple</u>	24
<u>States;</u>	25
<u>D. Reduce administrative burden on Member States and</u>	26
<u>Licensees;</u>	27
<u>E. Enhance the States' ability to protect the public's</u>	28
<u>health and safety;</u>	29
<u>F. Encourage the cooperation of Member States in</u>	30
<u>regulating multistate practice of Licensed Dietitians;</u>	31
<u>G. Support relocating Active Military Members and their</u>	32
<u>spouses;</u>	33
<u>H. Enhance the exchange of licensure, investigative, and</u>	34
<u>disciplinary information among Member States; and</u>	35
<u>I. Vest all Member States with the authority to hold a</u>	36
<u>Licensed Dietitian accountable for meeting all State practice</u>	37
<u>laws in the State in which the patient is located at the time</u>	38
<u>care is rendered.</u>	39
<u>SECTION 2. DEFINITIONS</u>	40
<u>As used in this Compact, and except as otherwise provided,</u>	41
<u>the following definitions shall apply:</u>	42
<u>A. "ACEND" means the Accreditation Council for Education</u>	43
<u>in Nutrition and Dietetics or its successor organization.</u>	44

B. "Active Military Member" means any individual with 45
full-time duty status in the active armed forces of the United 46
States, including members of the National Guard and Reserve. 47

C. "Adverse Action" means any administrative, civil, 48
equitable or criminal action permitted by a State's laws which 49
is imposed by a Licensing Authority or other authority against a 50
Licensee, including actions against an individual's License or 51
Compact Privilege such as revocation, suspension, probation, 52
monitoring of the Licensee, limitation on the Licensee's 53
practice, or any other Encumbrance on licensure affecting a 54
Licensee's authorization to practice, including issuance of a 55
cease and desist action. 56

D. "Alternative Program" means a non-disciplinary 57
monitoring or practice remediation process approved by a 58
Licensing Authority. 59

E. "Charter Member State" means any Member State which 60
enacted this Compact by law before the Effective Date specified 61
in Section 12. 62

F. "Continuing Education" means a requirement, as a 63
condition of License renewal, to provide evidence of 64
participation in, and completion of, educational and 65
professional activities relevant to practice or area of work. 66

G. "CDR" means the Commission on Dietetic Registration or 67
its successor organization. 68

H. "Compact Commission" means the government agency whose 69
membership consists of all States that have enacted this 70
Compact, which is known as the Dietitian Licensure Compact 71
Commission, as described in Section 8, and which shall operate 72
as an instrumentality of the Member States. 73

I. "Compact Privilege" means a legal authorization, which 74
is equivalent to a License, permitting the Practice of Dietetics 75
in a Remote State. 76

J. "Current Significant Investigative Information" means: 77

1. Investigative Information that a Licensing Authority, 78
after a preliminary inquiry that includes notification and an 79
opportunity for the subject Licensee to respond, if required by 80
State law, has reason to believe is not groundless and, if 81
proved true, would indicate more than a minor infraction; or 82

2. Investigative Information that indicates that the 83
subject Licensee represents an immediate threat to public health 84
and safety regardless of whether the subject Licensee has been 85
notified and had an opportunity to respond. 86

K. "Data System" means a repository of information about 87
Licensees, including, but not limited to, Continuing Education, 88
examination, licensure, investigative, Compact Privilege and 89
Adverse Action information. 90

L. "Encumbered License" means a License in which an 91
Adverse Action restricts a Licensee's ability to practice 92
dietetics. 93

M. "Encumbrance" means a revocation or suspension of, or 94
any limitation on a Licensee's full and unrestricted Practice of 95
Dietetics by a Licensing Authority. 96

N. "Executive Committee" means a group of delegates 97
elected or appointed to act on behalf of, and within the powers 98
granted to them by, this Compact, and the Compact Commission. 99

O. "Home State" means the Member State that is the 100
Licensee's primary State of residence or that has been 101

<u>designated pursuant to Section 6.</u>	102
<u>P. "Investigative Information" means information, records,</u>	103
<u>and documents received or generated by a Licensing Authority</u>	104
<u>pursuant to an investigation.</u>	105
<u>Q. "Jurisprudence Requirement" means an assessment of an</u>	106
<u>individual's knowledge of the State laws and regulations</u>	107
<u>governing the Practice of Dietetics in such State.</u>	108
<u>R. "License" means an authorization from a Member State to</u>	109
<u>either:</u>	110
<u>1. Engage in the Practice of Dietetics (including medical</u>	111
<u>nutrition therapy); or</u>	112
<u>2. Use the title "dietitian," "licensed dietitian,"</u>	113
<u>"licensed dietitian nutritionist," "certified dietitian," or</u>	114
<u>other title describing a substantially similar practitioner as</u>	115
<u>the Compact Commission may further define by Rule.</u>	116
<u>S. "Licensee" or "Licensed Dietitian" means an individual</u>	117
<u>who currently holds a License and who meets all of the</u>	118
<u>requirements outlined in Section 4.</u>	119
<u>T. "Licensing Authority" means the board or agency of a</u>	120
<u>State, or equivalent, that is responsible for the licensing and</u>	121
<u>regulation of the Practice of Dietetics.</u>	122
<u>U. "Member State" means a State that has enacted the</u>	123
<u>Compact.</u>	124
<u>V. "Practice of Dietetics" means the synthesis and</u>	125
<u>application of dietetics as defined by state law and</u>	126
<u>regulations, primarily for the provision of nutrition care</u>	127
<u>services, including medical nutrition therapy, in person or via</u>	128
<u>telehealth, to prevent, manage, or treat diseases or medical</u>	129

<u>conditions and promote wellness.</u>	130
<u>W. "Registered Dietitian" means a person who:</u>	131
<u>1. Has completed applicable education, experience,</u>	132
<u>examination, and recertification requirements approved by CDR;</u>	133
<u>2. Is credentialed by CDR as a registered dietitian or a</u>	134
<u>registered dietitian nutritionist; and</u>	135
<u>3. Is legally authorized to use the title registered</u>	136
<u>dietitian or registered dietitian nutritionist and the</u>	137
<u>corresponding abbreviations "RD" or "RDN."</u>	138
<u>X. "Remote State" means a Member State other than the Home</u>	139
<u>State, where a Licensee is exercising or seeking to exercise a</u>	140
<u>Compact Privilege.</u>	141
<u>Y. "Rule" means a regulation promulgated by the Compact</u>	142
<u>Commission that has the force of law.</u>	143
<u>Z. "Single State License" means a License issued by a</u>	144
<u>Member State within the issuing State and does not include a</u>	145
<u>Compact Privilege in any other Member State.</u>	146
<u>AA. "State" means any state, commonwealth, district, or</u>	147
<u>territory of the United States of America.</u>	148
<u>BB. "Unencumbered License" means a License that authorizes</u>	149
<u>a Licensee to engage in the full and unrestricted Practice of</u>	150
<u>Dietetics.</u>	151
<u>SECTION 3. STATE PARTICIPATION IN THE COMPACT</u>	152
<u>A. To participate in the Compact, a State must currently:</u>	153
<u>1. License and regulate the Practice of Dietetics; and</u>	154
<u>2. Have a mechanism in place for receiving and</u>	155

<u>investigating complaints about Licensees.</u>	156
<u>B. A Member State shall:</u>	157
<u>1. Participate fully in the Compact Commission's Data</u>	158
<u>System, including using the unique identifier as defined in</u>	159
<u>Rules;</u>	160
<u>2. Notify the Compact Commission, in compliance with the</u>	161
<u>terms of the Compact and Rules, of any Adverse Action or the</u>	162
<u>availability of Current Significant Investigative Information</u>	163
<u>regarding a Licensee;</u>	164
<u>3. Implement or utilize procedures for considering the</u>	165
<u>criminal history record information of applicants for an initial</u>	166
<u>Compact Privilege. These procedures shall include the submission</u>	167
<u>of fingerprints or other biometric-based information by</u>	168
<u>applicants for the purpose of obtaining an applicant's criminal</u>	169
<u>history record information from the Federal Bureau of</u>	170
<u>Investigation and the agency responsible for retaining that</u>	171
<u>State's criminal records;</u>	172
<u>a. A Member State must fully implement a criminal history</u>	173
<u>record information requirement, within a time frame established</u>	174
<u>by Rule, which includes receiving the results of the Federal</u>	175
<u>Bureau of Investigation record search and shall use those</u>	176
<u>results in determining Compact Privilege eligibility.</u>	177
<u>b. Communication between a Member State and the Compact</u>	178
<u>Commission or among Member States regarding the verification of</u>	179
<u>eligibility for a Compact Privilege shall not include any</u>	180
<u>information received from the Federal Bureau of Investigation</u>	181
<u>relating to a federal criminal history record information check</u>	182
<u>performed by a Member State.</u>	183
<u>4. Comply with and enforce the Rules of the Compact</u>	184

<u>Commission;</u>	185
<u>5. Require an applicant for a Compact Privilege to obtain</u>	186
<u>or retain a License in the Licensee's Home State and meet the</u>	187
<u>Home State's qualifications for licensure or renewal of</u>	188
<u>licensure, as well as all other applicable State laws; and</u>	189
<u>6. Recognize a Compact Privilege granted to a Licensee who</u>	190
<u>meets all of the requirements outlined in Section 4 in</u>	191
<u>accordance with the terms of the Compact and Rules.</u>	192
<u>C. Member States may set and collect a fee for granting a</u>	193
<u>Compact Privilege.</u>	194
<u>D. Individuals not residing in a Member State shall</u>	195
<u>continue to be able to apply for a Member State's Single State</u>	196
<u>License as provided under the laws of each Member State.</u>	197
<u>However, the Single State License granted to these individuals</u>	198
<u>shall not be recognized as granting a Compact Privilege to</u>	199
<u>engage in the Practice of Dietetics in any other Member State.</u>	200
<u>E. Nothing in this Compact shall affect the requirements</u>	201
<u>established by a Member State for the issuance of a Single State</u>	202
<u>License.</u>	203
<u>F. At no point shall the Compact Commission have the power</u>	204
<u>to define the requirements for the issuance of a Single State</u>	205
<u>License to practice dietetics. The Member States shall retain</u>	206
<u>sole jurisdiction over the provision of these requirements.</u>	207
<u>SECTION 4. COMPACT PRIVILEGE</u>	208
<u>A. To exercise the Compact Privilege under the terms and</u>	209
<u>provisions of the Compact, the Licensee shall:</u>	210
<u>1. Satisfy one of the following:</u>	211

<u>a. Hold a valid current registration that gives the</u>	212
<u>applicant the right to use the term Registered Dietitian; or</u>	213
<u>b. Complete all of the following:</u>	214
<u>i. An education program which is either:</u>	215
<u>a) A master's degree or doctoral degree that is</u>	216
<u>programmatically accredited by (i) ACEND; or (ii) a dietetics</u>	217
<u>accrediting agency recognized by the United States Department of</u>	218
<u>Education, which the Compact Commission may by Rule determine,</u>	219
<u>and from a college or university accredited at the time of</u>	220
<u>graduation by the appropriate regional accrediting agency</u>	221
<u>recognized by the Council on Higher Education Accreditation and</u>	222
<u>the United States Department of Education.</u>	223
<u>b) An academic degree from a college or university in a</u>	224
<u>foreign country equivalent to the degree described in</u>	225
<u>subparagraph (a) that is programmatically accredited by (i)</u>	226
<u>ACEND; or (ii) a dietetics accrediting agency recognized by the</u>	227
<u>United States Department of Education, which the Compact</u>	228
<u>Commission may by Rule determine.</u>	229
<u>ii. A planned, documented, supervised practice experience</u>	230
<u>in dietetics that is programmatically accredited by (i) ACEND,</u>	231
<u>or (ii) a dietetics accrediting agency recognized by the United</u>	232
<u>States Department of Education which the Compact Commission may</u>	233
<u>by Rule determine and which involves at least 1000 hours of</u>	234
<u>practice experience under the supervision of a Registered</u>	235
<u>Dietitian or a Licensed Dietitian.</u>	236
<u>iii. Successful completion of either: (i) the Registration</u>	237
<u>Examination for Dietitians administered by CDR, or (ii) a</u>	238
<u>national credentialing examination for dietitians approved by</u>	239
<u>the Compact Commission by Rule; such completion being no more</u>	240

than five years prior to the date of the Licensee's application 241
for initial licensure and accompanied by a period of continuous 242
licensure thereafter, all of which may be further governed by 243
the Rules of the Compact Commission. 244

2. Hold an Unencumbered License in the Home State; 245

3. Notify the Compact Commission that the Licensee is 246
seeking a Compact Privilege within a Remote State(s); 247

4. Pay any applicable fees, including any State fee, for 248
the Compact Privilege; 249

5. Meet any Jurisprudence Requirements established by the 250
Remote State(s) in which the Licensee is seeking a Compact 251
Privilege; and 252

6. Report to the Compact Commission any Adverse Action, 253
Encumbrance, or restriction on a License taken by any non-Member 254
State within 30 days from the date the action is taken. 255

B. The Compact Privilege is valid until the expiration 256
date of the Home State License. To maintain a Compact Privilege, 257
renewal of the Compact Privilege shall be congruent with the 258
renewal of the Home State License as the Compact Commission may 259
define by Rule. The Licensee must comply with the requirements 260
of Section 4(A) to maintain the Compact Privilege in the Remote 261
State(s). 262

C. A Licensee exercising a Compact Privilege shall adhere 263
to the laws and regulations of the Remote State. Licensees shall 264
be responsible for educating themselves on, and complying with, 265
any and all State laws relating to the Practice of Dietetics in 266
such Remote State. 267

D. Notwithstanding anything to the contrary provided in 268

this Compact or State law, a Licensee exercising a Compact 269
Privilege shall not be required to complete Continuing Education 270
Requirements required by a Remote State. A Licensee exercising a 271
Compact Privilege is only required to meet any Continuing 272
Education Requirements as required by the Home State. 273

SECTION 5. OBTAINING A NEW HOME STATE LICENSE BASED ON A 274
COMPACT PRIVILEGE 275

A. A Licensee may hold a Home State License, which allows 276
for a Compact Privilege in other Member States, in only one 277
Member State at a time. 278

B. If a Licensee changes Home State by moving between two 279
Member States: 280

1. The Licensee shall file an application for obtaining a 281
new Home State License based on a Compact Privilege, pay all 282
applicable fees, and notify the current and new Home State in 283
accordance with the Rules of the Compact Commission. 284

2. Upon receipt of an application for obtaining a new Home 285
State License by virtue of a Compact Privilege, the new Home 286
State shall verify that the Licensee meets the criteria in 287
Section 4 via the Data System, and require that the Licensee 288
complete the following: 289

a. Federal Bureau of Investigation fingerprint based 290
criminal history record information check; 291

b. Any other criminal history record information required 292
by the new Home State; and 293

c. Any Jurisprudence Requirements of the new Home State. 294

3. The former Home State shall convert the former Home 295
State License into a Compact Privilege once the new Home State 296

has activated the new Home State License in accordance with 297
applicable Rules adopted by the Compact Commission. 298

4. Notwithstanding any other provision of this Compact, if 299
the Licensee cannot meet the criteria in Section 4, the new Home 300
State may apply its requirements for issuing a new Single State 301
License. 302

5. The Licensee shall pay all applicable fees to the new 303
Home State in order to be issued a new Home State License. 304

C. If a Licensee changes their State of residence by 305
moving from a Member State to a non-Member State, or from a non- 306
Member State to a Member State, the State criteria shall apply 307
for issuance of a Single State License in the new State. 308

D. Nothing in this Compact shall interfere with a 309
Licensee's ability to hold a Single State License in multiple 310
States; however, for the purposes of this Compact, a Licensee 311
shall have only one Home State License. 312

E. Nothing in this Compact shall affect the requirements 313
established by a Member State for the issuance of a Single State 314
License. 315

SECTION 6. ACTIVE MILITARY MEMBERS OR THEIR SPOUSES 316

An Active Military Member, or their spouse, shall 317
designate a Home State where the individual has a current 318
License in good standing. The individual may retain the Home 319
State designation during the period the service member is on 320
active duty. 321

SECTION 7. ADVERSE ACTIONS 322

A. In addition to the other powers conferred by State law, 323
a Remote State shall have the authority, in accordance with 324

<u>existing State due process law, to:</u>	325
<u>1. Take Adverse Action against a Licensee's Compact</u>	326
<u>Privilege within that Member State; and</u>	327
<u>2. Issue subpoenas for both hearings and investigations</u>	328
<u>that require the attendance and testimony of witnesses as well</u>	329
<u>as the production of evidence. Subpoenas issued by a Licensing</u>	330
<u>Authority in a Member State for the attendance and testimony of</u>	331
<u>witnesses or the production of evidence from another Member</u>	332
<u>State shall be enforced in the latter State by any court of</u>	333
<u>competent jurisdiction, according to the practice and procedure</u>	334
<u>applicable to subpoenas issued in proceedings pending before</u>	335
<u>that court. The issuing authority shall pay any witness fees,</u>	336
<u>travel expenses, mileage, and other fees required by the service</u>	337
<u>statutes of the State in which the witnesses or evidence are</u>	338
<u>located.</u>	339
<u>B. Only the Home State shall have the power to take</u>	340
<u>Adverse Action against a Licensee's Home State License.</u>	341
<u>C. For purposes of taking Adverse Action, the Home State</u>	342
<u>shall give the same priority and effect to reported conduct</u>	343
<u>received from a Member State as it would if the conduct had</u>	344
<u>occurred within the Home State. In so doing, the Home State</u>	345
<u>shall apply its own State laws to determine appropriate action.</u>	346
<u>D. The Home State shall complete any pending</u>	347
<u>investigations of a Licensee who changes Home States during the</u>	348
<u>course of the investigations. The Home State shall also have</u>	349
<u>authority to take appropriate action(s) and shall promptly</u>	350
<u>report the conclusions of the investigations to the</u>	351
<u>administrator of the Data System. The administrator of the Data</u>	352
<u>System shall promptly notify the new Home State of any Adverse</u>	353

<u>Actions.</u>	354
<u>E. A Member State, if otherwise permitted by State law,</u>	355
<u>may recover from the affected Licensee the costs of</u>	356
<u>investigations and dispositions of cases resulting from any</u>	357
<u>Adverse Action taken against that Licensee.</u>	358
<u>F. A Member State may take Adverse Action based on the</u>	359
<u>factual findings of another Remote State, provided that the</u>	360
<u>Member State follows its own procedures for taking the Adverse</u>	361
<u>Action.</u>	362
<u>G. Joint Investigations:</u>	363
<u>1. In addition to the authority granted to a Member State</u>	364
<u>by its respective State law, any Member State may participate</u>	365
<u>with other Member States in joint investigations of Licensees.</u>	366
<u>2. Member States shall share any investigative,</u>	367
<u>litigation, or compliance materials in furtherance of any joint</u>	368
<u>investigation initiated under the Compact.</u>	369
<u>H. If Adverse Action is taken by the Home State against a</u>	370
<u>Licensee's Home State License resulting in an Encumbrance on the</u>	371
<u>Home State License, the Licensee's Compact Privilege(s) in all</u>	372
<u>other Member States shall be revoked until all Encumbrances have</u>	373
<u>been removed from the Home State License. All Home State</u>	374
<u>disciplinary orders that impose Adverse Action against a</u>	375
<u>Licensee shall include a statement that the Licensee's Compact</u>	376
<u>Privileges are revoked in all Member States during the pendency</u>	377
<u>of the order.</u>	378
<u>I. Once an Encumbered License in the Home State is</u>	379
<u>restored to an Unencumbered License (as certified by the Home</u>	380
<u>State's Licensing Authority), the Licensee must meet the</u>	381
<u>requirements of Section 4(A) and follow the administrative</u>	382

requirements to reapply to obtain a Compact Privilege in any 383
Remote State. 384

J. If a Member State takes Adverse Action, it shall 385
promptly notify the administrator of the Data System. The 386
administrator of the Data System shall promptly notify the other 387
Member States State of any Adverse Actions. 388

K. Nothing in this Compact shall override a Member State's 389
decision that participation in an Alternative Program may be 390
used in lieu of Adverse Action. 391

SECTION 8. ESTABLISHMENT OF THE DIETITIAN LICENSURE 392
COMPACT COMMISSION 393

A. The Compact Member States hereby create and establish a 394
joint government agency whose membership consists of all Member 395
States that have enacted the Compact known as the Dietitian 396
Licensure Compact Commission. The Compact Commission is an 397
instrumentality of the Compact States acting jointly and not an 398
instrumentality of any one State. The Compact Commission shall 399
come into existence on or after the effective date of the 400
Compact as set forth in Section 12. 401

B. Membership, Voting, and Meetings 402

1. Each Member State shall have and be limited to one (1) 403
delegate selected by that Member State's Licensing Authority. 404

2. The delegate shall be the primary administrator of the 405
Licensing Authority or their designee. 406

3. The Compact Commission shall by Rule or bylaw establish 407
a term of office for delegates and may by Rule or bylaw 408
establish term limits. 409

4. The Compact Commission may recommend removal or 410

suspension of any delegate from office. 411

5. A Member State's Licensing Authority shall fill any 412
vacancy of its delegate occurring on the Compact Commission 413
within 60 days of the vacancy. 414

6. Each delegate shall be entitled to one vote on all 415
matters before the Compact Commission requiring a vote by the 416
delegates. 417

7. Delegates shall meet and vote by such means as set 418
forth in the bylaws. The bylaws may provide for delegates to 419
meet and vote in-person or by telecommunication, video 420
conference, or other means of communication. 421

8. The Compact Commission shall meet at least once during 422
each calendar year. Additional meetings may be held as set forth 423
in the bylaws. The Compact Commission may meet in person or by 424
telecommunication, video conference, or other means of 425
communication. 426

C. The Compact Commission shall have the following powers: 427

1. Establish the fiscal year of the Compact Commission; 428

2. Establish code of conduct and conflict of interest 429
policies; 430

3. Establish and amend Rules and bylaws; 431

4. Maintain its financial records in accordance with the 432
bylaws; 433

5. Meet and take such actions as are consistent with the 434
provisions of this Compact, the Compact Commission's Rules, and 435
the bylaws; 436

6. Initiate and conclude legal proceedings or actions in 437

the name of the Compact Commission, provided that the standing 438
of any Licensing Authority to sue or be sued under applicable 439
law shall not be affected; 440

7. Maintain and certify records and information provided 441
to a Member State as the authenticated business records of the 442
Compact Commission, and designate an agent to do so on the 443
Compact Commission's behalf; 444

8. Purchase and maintain insurance and bonds; 445

9. Borrow, accept, or contract for services of personnel, 446
including, but not limited to, employees of a Member State; 447

10. Conduct an annual financial review; 448

11. Hire employees, elect or appoint officers, fix 449
compensation, define duties, grant such individuals appropriate 450
authority to carry out the purposes of the Compact, and establish 451
the Compact Commission's personnel policies and programs 452
relating to conflicts of interest, qualifications of personnel, 453
and other related personnel matters; 454

12. Assess and collect fees; 455

13. Accept any and all appropriate donations, grants of 456
money, other sources of revenue, equipment, supplies, materials, 457
services, and gifts, and receive, utilize, and dispose of the 458
same; provided that at all times the Compact Commission shall 459
avoid any actual or appearance of impropriety or conflict of 460
interest; 461

14. Lease, purchase, retain, own, hold, improve, or use 462
any property, real, personal, or mixed, or any undivided 463
interest therein; 464

15. Sell, convey, mortgage, pledge, lease, exchange, 465

<u>abandon, or otherwise dispose of any property real, personal, or</u>	466
<u>mixed;</u>	467
<u>16. Establish a budget and make expenditures;</u>	468
<u>17. Borrow money;</u>	469
<u>18. Appoint committees, including standing committees,</u>	470
<u>composed of members, State regulators, State legislators or</u>	471
<u>their representatives, and consumer representatives, and such</u>	472
<u>other interested persons as may be designated in this Compact or</u>	473
<u>the bylaws;</u>	474
<u>19. Provide and receive information from, and cooperate</u>	475
<u>with, law enforcement agencies;</u>	476
<u>20. Establish and elect an Executive Committee, including</u>	477
<u>a chair and a vice chair;</u>	478
<u>21. Determine whether a State's adopted language is</u>	479
<u>materially different from the model compact language such that</u>	480
<u>the State would not qualify for participation in the Compact;</u>	481
<u>and</u>	482
<u>22. Perform such other functions as may be necessary or</u>	483
<u>appropriate to achieve the purposes of this Compact.</u>	484
<u>D. The Executive Committee</u>	485
<u>1. The Executive Committee shall have the power to act on</u>	486
<u>behalf of the Compact Commission according to the terms of this</u>	487
<u>Compact. The powers, duties, and responsibilities of the</u>	488
<u>Executive Committee shall include:</u>	489
<u>a. Oversee the day-to-day activities of the administration</u>	490
<u>of the Compact including enforcement and compliance with the</u>	491
<u>provisions of the Compact, its Rules and bylaws, and other such</u>	492

<u>duties as deemed necessary;</u>	493
<u>b. Recommend to the Compact Commission changes to the</u>	494
<u>Rules or bylaws, changes to this Compact legislation, fees</u>	495
<u>charged to Compact Member States, fees charged to Licensees, and</u>	496
<u>other fees;</u>	497
<u>c. Ensure Compact administration services are</u>	498
<u>appropriately provided, including by contract;</u>	499
<u>d. Prepare and recommend the budget;</u>	500
<u>e. Maintain financial records on behalf of the Compact</u>	501
<u>Commission;</u>	502
<u>f. Monitor Compact compliance of Member States and provide</u>	503
<u>compliance reports to the Compact Commission;</u>	504
<u>g. Establish additional committees as necessary;</u>	505
<u>h. Exercise the powers and duties of the Compact</u>	506
<u>Commission during the interim between Compact Commission</u>	507
<u>meetings, except for adopting or amending Rules, adopting or</u>	508
<u>amending bylaws, and exercising any other powers and duties</u>	509
<u>expressly reserved to the Compact Commission by Rule or bylaw;</u>	510
<u>and</u>	511
<u>i. Other duties as provided in the Rules or bylaws of the</u>	512
<u>Compact Commission.</u>	513
<u>2. The Executive Committee shall be composed of nine</u>	514
<u>members:</u>	515
<u>a. The chair and vice chair of the Compact Commission</u>	516
<u>shall be voting members of the Executive Committee;</u>	517
<u>b. Five voting members from the current membership of the</u>	518
<u>Compact Commission, elected by the Compact Commission;</u>	519

<u>c. One ex-officio, nonvoting member from a recognized</u>	520
<u>professional association representing dietitians; and</u>	521
<u>d. One ex-officio, nonvoting member from a recognized</u>	522
<u>national credentialing organization for dietitians.</u>	523
<u>3. The Compact Commission may remove any member of the</u>	524
<u>Executive Committee as provided in the Compact Commission's</u>	525
<u>bylaws.</u>	526
<u>4. The Executive Committee shall meet at least annually.</u>	527
<u>a. Executive Committee meetings shall be open to the</u>	528
<u>public, except that the Executive Committee may meet in a</u>	529
<u>closed, non-public meeting as provided in subsection (F) (2).</u>	530
<u>b. The Executive Committee shall give 30 days' notice of</u>	531
<u>its meetings, posted on the website of the Compact Commission</u>	532
<u>and as determined to provide notice to persons with an interest</u>	533
<u>in the business of the Compact Commission.</u>	534
<u>c. The Executive Committee may hold a special meeting in</u>	535
<u>accordance with subsection (F) (1) (b).</u>	536
<u>E. The Compact Commission shall adopt and provide to the</u>	537
<u>Member States an annual report.</u>	538
<u>F. Meetings of the Compact Commission</u>	539
<u>1. All meetings shall be open to the public, except that</u>	540
<u>the Compact Commission may meet in a closed, non-public meeting</u>	541
<u>as provided in subsection (F) (2).</u>	542
<u>a. Public notice for all meetings of the full Compact</u>	543
<u>Commission shall be given in the same manner as required under</u>	544
<u>the rulemaking provisions in Section 10, except that the Compact</u>	545
<u>Commission may hold a special meeting as provided in subsection</u>	546

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

<u>constitute a clearly unwarranted invasion of personal privacy;</u>	574
<u>i. Investigative records compiled for law enforcement</u>	575
<u>purposes;</u>	576
<u>j. Information related to any investigative reports</u>	577
<u>prepared by or on behalf of or for use of the Compact Commission</u>	578
<u>or other committee charged with responsibility of investigation</u>	579
<u>or determination of compliance issues pursuant to the Compact;</u>	580
<u>k. Matters specifically exempted from disclosure by</u>	581
<u>federal or Member State law; or</u>	582
<u>l. Other matters as specified in the Rules of the Compact</u>	583
<u>Commission.</u>	584
<u>3. If a meeting, or portion of a meeting, is closed, the</u>	585
<u>presiding officer shall state that the meeting will be closed</u>	586
<u>and reference each relevant exempting provision, and such</u>	587
<u>reference shall be recorded in the minutes.</u>	588
<u>4. The Compact Commission shall keep minutes that fully</u>	589
<u>and clearly describe all matters discussed in a meeting and</u>	590
<u>shall provide a full and accurate summary of actions taken, and</u>	591
<u>the reasons therefore, including a description of the views</u>	592
<u>expressed. All documents considered in connection with an action</u>	593
<u>shall be identified in such minutes. All minutes and documents</u>	594
<u>of a closed meeting shall remain under seal, subject to release</u>	595
<u>only by a majority vote of the Compact Commission or order of a</u>	596
<u>court of competent jurisdiction.</u>	597
<u>G. Financing of the Compact Commission</u>	598
<u>1. The Compact Commission shall pay, or provide for the</u>	599
<u>payment of, the reasonable expenses of its establishment,</u>	600
<u>organization, and ongoing activities.</u>	601

2. The Compact Commission may accept any and all 602
appropriate revenue sources as provided in subsection (C) (13). 603

3. The Compact Commission may levy on and collect an 604
annual assessment from each Member State and impose fees on 605
Licensees of Member States to whom it grants a Compact Privilege 606
to cover the cost of the operations and activities of the 607
Compact Commission and its staff, which must, in a total amount, 608
be sufficient to cover its annual budget as approved each year 609
for which revenue is not provided by other sources. The 610
aggregate annual assessment amount for Member States shall be 611
allocated based upon a formula that the Compact Commission shall 612
promulgate by Rule. 613

4. The Compact Commission shall not incur obligations of 614
any kind prior to securing the funds adequate to meet the same; 615
nor shall the Compact Commission pledge the credit of any of the 616
Member States, except by and with the authority of the Member 617
State. 618

5. The Compact Commission shall keep accurate accounts of 619
all receipts and disbursements. The receipts and disbursements 620
of the Compact Commission shall be subject to the financial 621
review and accounting procedures established under its bylaws. 622
However, all receipts and disbursements of funds handled by the 623
Compact Commission shall be subject to an annual financial 624
review by a certified or licensed public accountant, and the 625
report of the financial review shall be included in and become 626
part of the annual report of the Compact Commission. 627

H. Qualified Immunity, Defense, and Indemnification 628

1. The members, officers, executive director, employees 629
and representatives of the Compact Commission shall be immune 630

from suit and liability, both personally and in their official 631
capacity, for any claim for damage to or loss of property or 632
personal injury or other civil liability caused by or arising 633
out of any actual or alleged act, error, or omission that 634
occurred, or that the person against whom the claim is made had 635
a reasonable basis for believing occurred within the scope of 636
Compact Commission employment, duties, or responsibilities; 637
provided that nothing in this paragraph shall be construed to 638
protect any such person from suit or liability for any damage, 639
loss, injury, or liability caused by the intentional or willful 640
or wanton misconduct of that person. The procurement of 641
insurance of any type by the Compact Commission shall not in any 642
way compromise or limit the immunity granted hereunder. 643

2. The Compact Commission shall defend any member, 644
officer, executive director, employee, and representative of the 645
Compact Commission in any civil action seeking to impose 646
liability arising out of any actual or alleged act, error, or 647
omission that occurred within the scope of Compact Commission 648
employment, duties, or responsibilities, or as determined by the 649
Compact Commission that the person against whom the claim is 650
made had a reasonable basis for believing occurred within the 651
scope of Compact Commission employment, duties, or 652
responsibilities; provided that nothing herein shall be 653
construed to prohibit that person from retaining their own 654
counsel at their own expense; and provided further, that the 655
actual or alleged act, error, or omission did not result from 656
that person's intentional or willful or wanton misconduct. 657

3. The Compact Commission shall indemnify and hold 658
harmless any member, officer, executive director, employee, and 659
representative of the Compact Commission for the amount of any 660
settlement or judgment obtained against that person arising out 661

of any actual or alleged act, error, or omission that occurred 662
within the scope of Compact Commission employment, duties, or 663
responsibilities, or that such person had a reasonable basis for 664
believing occurred within the scope of Compact Commission 665
employment, duties, or responsibilities, provided that the 666
actual or alleged act, error, or omission did not result from 667
the intentional or willful or wanton misconduct of that person. 668

4. Nothing herein shall be construed as a limitation on 669
the liability of any Licensee for professional malpractice or 670
misconduct, which shall be governed solely by any other 671
applicable State laws. 672

5. Nothing in this Compact shall be interpreted to waive 673
or otherwise abrogate a Member State's state action immunity or 674
state action affirmative defense with respect to antitrust 675
claims under the Sherman Act, Clayton Act, or any other State or 676
federal antitrust or anticompetitive law or regulation. 677

6. Nothing in this Compact shall be construed to be a 678
waiver of sovereign immunity by the Member States or by the 679
Compact Commission. 680

SECTION 9. DATA SYSTEM 681

A. The Compact Commission shall provide for the 682
development, maintenance, operation, and utilization of a 683
coordinated Data System. 684

B. The Compact Commission shall assign each applicant for 685
a Compact Privilege a unique identifier, as determined by the 686
Rules. 687

C. Notwithstanding any other provision of State law to the 688
contrary, a Member State shall submit a uniform data set to the 689
Data System on all individuals to whom this Compact is 690

<u>applicable as required by the Rules of the Compact Commission,</u>	691
<u>including:</u>	692
<u>1. Identifying information;</u>	693
<u>2. Licensure data;</u>	694
<u>3. Adverse Actions against a License or Compact Privilege</u> <u>and information related thereto;</u>	695 696
<u>4. Non-confidential information related to Alternative</u> <u>Program participation, the beginning and ending dates of such</u> <u>participation, and other information related to such</u> <u>participation not made confidential under Member State law;</u>	697 698 699 700
<u>5. Any denial of application for licensure, and the</u> <u>reason(s) for such denial;</u>	701 702
<u>6. The presence of Current Significant Investigative</u> <u>Information; and</u>	703 704
<u>7. Other information that may facilitate the</u> <u>administration of this Compact or the protection of the public,</u> <u>as determined by the Rules of the Compact Commission.</u>	705 706 707
<u>D. The records and information provided to a Member State</u> <u>pursuant to this Compact or through the Data System, when</u> <u>certified by the Compact Commission or an agent thereof, shall</u> <u>constitute the authenticated business records of the Compact</u> <u>Commission, and shall be entitled to any associated hearsay</u> <u>exception in any relevant judicial, quasi-judicial, or</u> <u>administrative proceedings in a Member State.</u>	708 709 710 711 712 713 714
<u>E. Current Significant Investigative Information</u> <u>pertaining to a Licensee in any Member State will only be</u> <u>available to other Member States.</u>	715 716 717

F. It is the responsibility of the Member States to report 718
any Adverse Action against a Licensee and to monitor the Data 719
System to determine whether any Adverse Action has been taken 720
against a Licensee. Adverse Action information pertaining to a 721
Licensee in any Member State will be available to any other 722
Member State. 723

G. Member States contributing information to the Data 724
System may designate information that may not be shared with the 725
public without the express permission of the contributing State. 726

H. Any information submitted to the Data System that is 727
subsequently expunged pursuant to federal law or the laws of the 728
Member State contributing the information shall be removed from 729
the Data System. 730

SECTION 10. RULEMAKING 731

A. The Compact Commission shall promulgate reasonable 732
Rules in order to effectively and efficiently implement and 733
administer the purposes and provisions of the Compact. A Rule 734
shall be invalid and have no force or effect only if a court of 735
competent jurisdiction holds that the Rule is invalid because 736
the Compact Commission exercised its rulemaking authority in a 737
manner that is beyond the scope and purposes of the Compact, or 738
the powers granted hereunder, or based upon another applicable 739
standard of review. 740

B. The Rules of the Compact Commission shall have the 741
force of law in each Member State, provided however that where 742
the Rules conflict with the laws or regulations of a Member 743
State that relate to the procedures, actions, and processes a 744
Licensed Dietitian is permitted to undertake in that State and 745
the circumstances under which they may do so, as held by a court 746

of competent jurisdiction, the Rules of the Compact Commission 747
shall be ineffective in that State to the extent of the 748
conflict. 749

C. The Compact Commission shall exercise its rulemaking 750
powers pursuant to the criteria set forth in this Section and 751
the Rules adopted thereunder. Rules shall become binding on the 752
day following adoption or as of the date specified in the Rule 753
or amendment, whichever is later. 754

D. If a majority of the legislatures of the Member States 755
rejects a Rule or portion of a Rule, by enactment of a statute 756
or resolution in the same manner used to adopt the Compact 757
within four (4) years of the date of adoption of the Rule, then 758
such Rule shall have no further force and effect in any Member 759
State. 760

E. Rules shall be adopted at a regular or special meeting 761
of the Compact Commission. 762

F. Prior to adoption of a proposed Rule, the Compact 763
Commission shall hold a public hearing and allow persons to 764
provide oral and written comments, data, facts, opinions, and 765
arguments. 766

G. Prior to adoption of a proposed Rule by the Compact 767
Commission, and at least thirty (30) days in advance of the 768
meeting at which the Compact Commission will hold a public 769
hearing on the proposed Rule, the Compact Commission shall 770
provide a Notice of Proposed rulemaking: 771

1. On the website of the Compact Commission or other 772
publicly accessible platform; 773

2. To persons who have requested notice of the Compact 774
Commission's notices of proposed rulemaking; and 775

<u>3. In such other way(s) as the Compact Commission may by</u>	776
<u>Rule specify.</u>	777
<u>H. The Notice of Proposed rulemaking shall include:</u>	778
<u>1. The time, date, and location of the public hearing at</u>	779
<u>which the Compact Commission will hear public comments on the</u>	780
<u>proposed Rule and, if different, the time, date, and location of</u>	781
<u>the meeting where the Compact Commission will consider and vote</u>	782
<u>on the proposed Rule;</u>	783
<u>2. If the hearing is held via telecommunication, video</u>	784
<u>conference, or other means of communication, the Compact</u>	785
<u>Commission shall include the mechanism for access to the hearing</u>	786
<u>in the Notice of Proposed rulemaking;</u>	787
<u>3. The text of the proposed Rule and the reason therefore;</u>	788
<u>4. A request for comments on the proposed Rule from any</u>	789
<u>interested person; and</u>	790
<u>5. The manner in which interested persons may submit</u>	791
<u>written comments.</u>	792
<u>I. All hearings will be recorded. A copy of the recording</u>	793
<u>and all written comments and documents received by the Compact</u>	794
<u>Commission in response to the proposed Rule shall be available</u>	795
<u>to the public.</u>	796
<u>J. Nothing in this Section shall be construed as requiring</u>	797
<u>a separate hearing on each Rule. Rules may be grouped for the</u>	798
<u>convenience of the Compact Commission at hearings required by</u>	799
<u>this Section.</u>	800
<u>K. The Compact Commission shall, by majority vote of all</u>	801
<u>members, take final action on the proposed Rule based on the</u>	802
<u>rulemaking record and the full text of the Rule.</u>	803

1. The Compact Commission may adopt changes to the 804
proposed Rule provided the changes do not enlarge the original 805
purpose of the proposed Rule. 806

2. The Compact Commission shall provide an explanation of 807
the reasons for substantive changes made to the proposed Rule as 808
well as reasons for substantive changes not made that were 809
recommended by commenters. 810

3. The Compact Commission shall determine a reasonable 811
effective date for the Rule. Except for an emergency as provided 812
in Section 10(L), the effective date of the Rule shall be no 813
sooner than 30 days after issuing the notice that it adopted or 814
amended the Rule. 815

L. Upon determination that an emergency exists, the 816
Compact Commission may consider and adopt an emergency Rule with 817
24 hours' notice, with opportunity to comment, provided that the 818
usual rulemaking procedures provided in the Compact and in this 819
Section shall be retroactively applied to the Rule as soon as 820
reasonably possible, in no event later than ninety (90) days 821
after the effective date of the Rule. For the purposes of this 822
provision, an emergency Rule is one that must be adopted 823
immediately in order to: 824

1. Meet an imminent threat to public health, safety, or 825
welfare; 826

2. Prevent a loss of Compact Commission or Member State 827
funds; 828

3. Meet a deadline for the promulgation of a Rule that is 829
established by federal law or rule; or 830

4. Protect public health and safety. 831

M. The Compact Commission or an authorized committee of 832
the Compact Commission may direct revision to a previously 833
adopted Rule for purposes of correcting typographical errors, 834
errors in format, errors in consistency, or grammatical errors. 835
Public notice of any revision shall be posted on the website of 836
the Compact Commission. The revision shall be subject to 837
challenge by any person for a period of thirty (30) days after 838
posting. The revision may be challenged only on grounds that the 839
revision results in a material change to a Rule. A challenge 840
shall be made in writing and delivered to the Compact Commission 841
prior to the end of the notice period. If no challenge is made, 842
the revision will take effect without further action. If the 843
revision is challenged, the revision may not take effect without 844
the approval of the Compact Commission. 845

N. No Member State's rulemaking requirements shall apply 846
under this Compact. 847

SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT 848

A. Oversight 849

1. The executive and judicial branches of State government 850
in each Member State shall enforce this Compact and take all 851
actions necessary and appropriate to implement this Compact. 852

2. Except as otherwise provided in this Compact, venue is 853
proper and judicial proceedings by or against the Compact 854
Commission shall be brought solely and exclusively in a court of 855
competent jurisdiction where the principal office of the Compact 856
Commission is located. The Compact Commission may waive venue 857
and jurisdictional defenses to the extent it adopts or consents 858
to participate in alternative dispute resolution proceedings. 859
Nothing herein shall affect or limit the selection or propriety 860

of venue in any action against a Licensee for professional 861
malpractice, misconduct, or any such similar matter. 862

3. The Compact Commission shall be entitled to receive 863
service of process in any proceeding regarding the enforcement 864
or interpretation of the Compact and shall have standing to 865
intervene in such a proceeding for all purposes. Failure to 866
provide the Compact Commission service of process shall render a 867
judgment or order void as to the Compact Commission, this 868
Compact, or promulgated Rules. 869

B. Default, Technical Assistance, and Termination 870

1. If the Compact Commission determines that a Member 871
State has defaulted in the performance of its obligations or 872
responsibilities under this Compact or the promulgated Rules, 873
the Compact Commission shall provide written notice to the 874
defaulting State. The notice of default shall describe the 875
default, the proposed means of curing the default, and any other 876
action that the Compact Commission may take and shall offer 877
training and specific technical assistance regarding the 878
default. 879

2. The Compact Commission shall provide a copy of the 880
notice of default to the other Member States. 881

C. If a State in default fails to cure the default, the 882
defaulting State may be terminated from the Compact upon an 883
affirmative vote of a majority of the delegates of the Member 884
States, and all rights, privileges, and benefits conferred on 885
that State by this Compact may be terminated on the effective 886
date of termination. A cure of the default does not relieve the 887
offending State of obligations or liabilities incurred during 888
the period of default. 889

D. Termination of membership in the Compact shall be 890
imposed only after all other means of securing compliance have 891
been exhausted. Notice of intent to suspend or terminate shall 892
be given by the Compact Commission to the governor, the majority 893
and minority leaders of the defaulting State's legislature, the 894
defaulting State's Licensing Authority, and each of the Member 895
States' Licensing Authority. 896

E. A State that has been terminated is responsible for all 897
assessments, obligations, and liabilities incurred through the 898
effective date of termination, including obligations that extend 899
beyond the effective date of termination. 900

F. Upon the termination of a State's membership from this 901
Compact, that State shall immediately provide notice to all 902
Licensees within that State of such termination. The terminated 903
State shall continue to recognize all Compact Privileges granted 904
pursuant to this Compact for a minimum of six months after the 905
date of said notice of termination. 906

G. The Compact Commission shall not bear any costs related 907
to a State that is found to be in default or that has been 908
terminated from the Compact, unless agreed upon in writing 909
between the Compact Commission and the defaulting State. 910

H. The defaulting State may appeal the action of the 911
Compact Commission by petitioning the U.S. District Court for 912
the District of Columbia or the federal district where the 913
Compact Commission has its principal offices. The prevailing 914
party shall be awarded all costs of such litigation, including 915
reasonable attorney's fees. 916

I. Dispute Resolution 917

1. Upon request by a Member State, the Compact Commission 918

shall attempt to resolve disputes related to the Compact that 919
arise among Member States and between Member and non-Member 920
States. 921

2. The Compact Commission shall promulgate a Rule 922
providing for both mediation and binding dispute resolution for 923
disputes as appropriate. 924

J. Enforcement 925

1. By supermajority vote, the Compact Commission may 926
initiate legal action against a Member State in default in the 927
United States District Court for the District of Columbia or the 928
federal district where the Compact Commission has its principal 929
offices to enforce compliance with the provisions of the Compact 930
and its promulgated Rules. The relief sought may include both 931
injunctive relief and damages. In the event judicial enforcement 932
is necessary, the prevailing party shall be awarded all costs of 933
such litigation, including reasonable attorney's fees. The 934
remedies herein shall not be the exclusive remedies of the 935
Compact Commission. The Compact Commission may pursue any other 936
remedies available under federal or the defaulting Member 937
State's law. 938

2. A Member State may initiate legal action against the 939
Compact Commission in the U.S. District Court for the District 940
of Columbia or the federal district where the Compact Commission 941
has its principal offices to enforce compliance with the 942
provisions of the Compact and its promulgated Rules. The relief 943
sought may include both injunctive relief and damages. In the 944
event judicial enforcement is necessary, the prevailing party 945
shall be awarded all costs of such litigation, including 946
reasonable attorney's fees. 947

3. No party other than a Member State shall enforce this Compact against the Compact Commission. 948
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SECTION 12. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT 950

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the seventh Member State. 951
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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. 954
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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. 959
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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. 962
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2. Member States enacting the Compact subsequent to the seven initial Charter Member States shall be subject to the process set forth in Section 8(C)(21) to determine if their enactments are materially different from the model Compact statute and whether they qualify for participation in the Compact. 967
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3. All actions taken for the benefit of the Compact Commission or in furtherance of the purposes of the administration of the Compact prior to the effective date of the Compact or the Compact Commission coming into existence shall be 973
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considered to be actions of the Compact Commission unless 977
specifically repudiated by the Compact Commission. 978

4. Any State that joins the Compact subsequent to the 979
Compact Commission's initial adoption of the Rules and bylaws 980
shall be subject to the Rules and bylaws as they exist on the 981
date on which the Compact becomes law in that State. Any Rule 982
that has been previously adopted by the Compact Commission shall 983
have the full force and effect of law on the day the Compact 984
becomes law in that State. 985

B. Any Member State may withdraw from this Compact by 986
enacting a statute repealing the same. 987

1. A Member State's withdrawal shall not take effect until 988
180 days after enactment of the repealing statute. 989

2. Withdrawal shall not affect the continuing requirement 990
of the withdrawing State's Licensing Authority to comply with 991
the investigative and Adverse Action reporting requirements of 992
this Compact prior to the effective date of withdrawal. 993

3. Upon the enactment of a statute withdrawing from this 994
Compact, a State shall immediately provide notice of such 995
withdrawal to all Licensees within that State. Notwithstanding 996
any subsequent statutory enactment to the contrary, such 997
withdrawing State shall continue to recognize all Compact 998
Privileges granted pursuant to this Compact for a minimum of 180 999
days after the date of such notice of withdrawal. 1000

C. Nothing contained in this Compact shall be construed to 1001
invalidate or prevent any licensure agreement or other 1002
cooperative arrangement between a Member State and a non-Member 1003
State that does not conflict with the provisions of this 1004
Compact. 1005

D. This Compact may be amended by the Member States. No amendment to this Compact shall become effective and binding upon any Member State until it is enacted into the laws of all Member States. 1006
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SECTION 13. CONSTRUCTION AND SEVERABILITY 1010

A. This Compact and the Compact Commission's rulemaking authority shall be liberally construed so as to effectuate the purposes and the implementation and administration of the Compact. Provisions of the Compact expressly authorizing or requiring the promulgation of Rules shall not be construed to limit the Compact Commission's rulemaking authority solely for those purposes. 1011
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B. The provisions of this Compact shall be severable and if any phrase, clause, sentence, or provision of this Compact is held by a court of competent jurisdiction to be contrary to the constitution of any Member State, a State seeking participation in the Compact, or of the United States, or the applicability thereof to any government, agency, person, or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this Compact and the applicability thereof to any other government, agency, person, or circumstance shall not be affected thereby. 1018
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C. Notwithstanding Section 13(B), the Compact Commission may deny a State's participation in the Compact or, in accordance with the requirements of Section 11(B), terminate a Member State's participation in the Compact, if it determines that a constitutional requirement of a Member State is a material departure from the Compact. Otherwise, if this Compact shall be held to be contrary to the constitution of any Member State, the Compact shall remain in full force and effect as to 1028
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the remaining Member States and in full force and effect as to 1036
the Member State affected as to all severable matters. 1037

SECTION 14. CONSISTENT EFFECT AND CONFLICT WITH OTHER 1038
STATE LAWS 1039

A. Nothing herein shall prevent or inhibit the enforcement 1040
of any other law of a Member State that is not inconsistent with 1041
the Compact. 1042

B. Any laws, statutes, regulations, or other legal 1043
requirements in a Member State in conflict with the Compact are 1044
superseded to the extent of the conflict. 1045

C. All permissible agreements between the Compact 1046
Commission and the Member States are binding in accordance with 1047
their terms. 1048

Sec. 4759.31. (A) Not later than sixty days after the 1049
"Dietitian Licensure Compact" is entered into under section 1050
4759.30 of the Revised Code, the state medical board, in 1051
accordance with section 8 of the compact, shall select one 1052
individual to serve as a delegate to the dietitian licensure 1053
compact commission created under the compact. The board shall 1054
fill a vacancy in this position not later than sixty days after 1055
the vacancy occurs. 1056

(B) The board may establish a fee for a licensee from a 1057
compact state for granting a compact privilege in accordance 1058
with section 3 of the compact. 1059