

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB805 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Mike Osburn

Adopted: _____

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 PROPOSED POLICY
4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 805

By: Pugh of the Senate

and

Osburn of the House

7
8
9
10 PROPOSED POLICY COMMITTEE SUBSTITUTE

11 An Act relating to professions and occupations;
12 enacting the Dietitian Licensure Compact and
13 authorizing the Governor to enter into the Compact
14 with certain jurisdictions; setting forth form of the
15 Compact; amending 59 O.S. 2021, Section 1727, which
16 relates to Licensed Dietitian Board, rules, and
17 duties; authorizing criminal background checks;
18 amending 59 O.S. 2021, Section 1730, which relates to
19 application for Dietitian License and qualifications;
20 adding fingerprint requirement for application;
21 providing for codification; and providing an
22 effective date.

23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

24 SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1742.1 of Title 59, unless there
is created a duplication in numbering, reads as follows:

The Dietitian Licensure Compact is hereby enacted into law and
the Governor shall enter into the Compact on behalf of the State of

1 Oklahoma with any jurisdiction legally joined therein, in the form
2 substantially as set forth in this act.

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1742.2 of Title 59, unless there
5 is created a duplication in numbering, reads as follows:

6 DIETITIAN LICENSURE COMPACT

7 SECTION 1: PURPOSE

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

14 This Compact is designed to achieve the following objectives:

15 A. Increase public access to dietetics services.

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

18 C. Eliminate the necessity for Licenses in multiple States.

19 D. Reduce administrative burden on Member States and Licensees.

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

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

24

1 G. Support relocating Active Military Members and their
2 spouses.

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

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

8 SECTION 2: DEFINITIONS

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

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

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

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

24

1 E. "Charter Member State" means any Member State which enacted
2 this Compact by law before the Effective Date specified in Section
3 12.

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

8 G. "CDR" means the Commission on Dietetic Registration or its
9 successor organization.

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

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

18 J. "Current Significant Investigative Information" means:

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

24

1 2. Investigative Information that indicates that the subject
2 Licensee represents an immediate threat to public health and safety
3 regardless of whether the subject Licensee has been notified and had
4 an opportunity to respond.

5 K. "Data System" means a repository of information about
6 Licensees, including, but not limited to, Continuing Education,
7 examination, licensure, investigative, Compact Privilege and Adverse
8 Action information.

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

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

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

17 O. "Home State" means the Member State that is the Licensee's
18 primary State of residence or that has been designated pursuant to
19 Section 6.

20 P. "Investigative Information" means information, records, and
21 documents received or generated by a Licensing Authority pursuant to
22 an investigation.

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1 Q. "Jurisprudence Requirement" means an assessment of an
2 individual's knowledge of the State laws and regulations governing
3 the Practice of Dietetics in such State.

4 R. "License" means an authorization from a Member State to
5 either:

6 1. Engage in the Practice of Dietetics (including medical
7 nutrition therapy); or

8 2. Use the title "dietitian," "licensed dietitian," "licensed
9 dietitian nutritionist," "certified dietitian," or other title
10 describing a substantially similar practitioner as the Compact
11 Commission may further define by Rule.

12 S. "Licensee" or "Licensed Dietitian" means an individual who
13 currently holds a License and who meets all of the requirements
14 outlined in Section 4.

15 T. "Licensing Authority" means the board or agency of a State,
16 or equivalent, that is responsible for the licensing and regulation
17 of the Practice of Dietetics.

18 U. "Member State" means a State that has enacted the Compact.

19 V. "Practice of Dietetics" means the synthesis and application
20 of dietetics, primarily for the provision of nutrition care
21 services, including medical nutrition therapy, in person or via
22 telehealth, to prevent, manage, or treat diseases or medical
23 conditions and promote wellness.

24 W. "Registered Dietitian" means a person who:

1 1. Has completed applicable education, experience, examination,
2 and recertification requirements approved by CDR;

3 2. Is credentialed by CDR as a registered dietitian or a
4 registered dietitian nutritionist; and

5 3. Is legally authorized to use the title registered dietitian
6 or registered dietitian nutritionist and the corresponding
7 abbreviations "RD" or "RDN".

8 X. "Remote State" means a Member State other than the Home
9 State, where a Licensee is exercising or seeking to exercise a
10 Compact Privilege.

11 Y. "Rule" means a regulation promulgated by the Compact
12 Commission that has the force of law.

13 Z. "Single State License" means a License issued by a Member
14 State within the issuing State and does not include a Compact
15 Privilege in any other Member State.

16 AA. "State" means any state, commonwealth, district, or
17 territory of the United States of America.

18 BB. "Unencumbered License" means a License that authorizes a
19 Licensee to engage in the full and unrestricted Practice of
20 Dietetics.

21 SECTION 3: STATE PARTICIPATION IN THE COMPACT

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

23 1. License and regulate the Practice of Dietetics; and
24

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

3 B. A Member State shall:

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

6 2. Notify the Compact Commission, in compliance with the terms
7 of the Compact and Rules, of any Adverse Action or the availability
8 of Current Significant Investigative Information regarding a
9 Licensee;

10 3. Implement or utilize procedures for considering the criminal
11 history record information of applicants for an initial Compact
12 Privilege. These procedures shall include the submission of
13 fingerprints or other biometric-based information by applicants for
14 the purpose of obtaining an applicant's criminal history record
15 information from the Federal Bureau of Investigation and the agency
16 responsible for retaining that State's criminal records;

17 a. A Member State must fully implement a criminal history
18 record information requirement, within a time frame
19 established by Rule, which includes receiving the
20 results of the Federal Bureau of Investigation record
21 search and shall use those results in determining
22 Compact Privilege eligibility.

23 b. Communication between a Member State and the Compact
24 Commission or among Member States regarding the

1 verification of eligibility for a Compact Privilege
2 shall not include any information received from the
3 Federal Bureau of Investigation relating to a federal
4 criminal history record information check performed by
5 a Member State;

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

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

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

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

16 D. Individuals not residing in a Member State shall continue to
17 be able to apply for a Member State's Single State License as
18 provided under the laws of each Member State. However, the Single
19 State License granted to these individuals shall not be recognized
20 as granting a Compact Privilege to engage in the Practice of
21 Dietetics in any other Member State.

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

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

5 SECTION 4: COMPACT PRIVILEGE

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

8 1. Satisfy one of the following:

9 a. hold a valid current registration that gives the
10 applicant the right to use the term Registered
11 Dietitian, or

12 b. complete all of the following:

13 (1) an education program which is either:

14 (a) a master's degree or doctoral degree that is
15 programmatically accredited by:

16 (i) ACEND, or

17 (ii) a dietetics accrediting agency

18 recognized by the United States

19 Department of Education, which the

20 Compact Commission may by Rule

21 determine, and from a college or

22 university accredited at the time of

23 graduation by the appropriate regional

24 accrediting agency recognized by the

1 Council on Higher Education
2 Accreditation and the United States
3 Department of Education, or

4 (b) an academic degree from a college or
5 university in a foreign country equivalent
6 to the degree described in subdivision (a)
7 that is programmatically accredited by:

8 (i) ACEND, or

9 (ii) a dietetics accrediting agency
10 recognized by the United States
11 Department of Education, which the
12 Compact Commission may by Rule
13 determine,

14 (2) a planned, documented, supervised practice
15 experience in dietetics that is programmatically
16 accredited by:

17 (a) ACEND, or

18 (b) a dietetics accrediting agency recognized by
19 the United States Department of Education
20 which the Compact Commission may by Rule
21 determine and which involves at least one
22 thousand (1000) hours of practice experience
23 under the supervision of a Registered
24 Dietitian or a Licensed Dietitian, and

1 (3) successful completion of either:

2 (a) the Registration Examination for Dietitians
3 administered by CDR, or

4 (b) a national credentialing examination for
5 dietitians approved by the Compact
6 Commission by Rule; such completion being no
7 more than five (5) years prior to the date
8 of the Licensee's application for initial
9 licensure and accompanied by a period of
10 continuous licensure thereafter, all of
11 which may be further governed by the Rules
12 of the Compact Commission;

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

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

16 4. Pay any applicable fees, including any State fee, for the
17 Compact Privilege;

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

21 6. Report to the Compact Commission any Adverse Action,
22 Encumbrance, or restriction on a License taken by any non-Member
23 State within thirty (30) days from the date the action is taken.

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

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

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

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

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

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

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

5 2. Upon receipt of an application for obtaining a new Home
6 State License by virtue of a Compact Privilege, the new Home State
7 shall verify that the Licensee meets the criteria in Section 4 via
8 the Data System, and require that the Licensee complete the
9 following:

- 10 a. Federal Bureau of Investigation fingerprint based
- 11 criminal history record information check,
- 12 b. any other criminal history record information required
- 13 by the new Home State, and
- 14 c. any Jurisprudence Requirements of the new Home State;

15 3. The former Home State shall convert the former Home State
16 License into a Compact Privilege once the new Home State has
17 activated the new Home State License in accordance with applicable
18 Rules adopted by the Compact Commission;

19 4. Notwithstanding any other provision of this Compact, if the
20 Licensee cannot meet the criteria in Section 4, the new Home State
21 may apply its requirements for issuing a new Single State License;
22 and

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

1 C. If a Licensee changes their State of residence by moving
2 from a Member State to a non-Member State, or from a non-Member
3 State to a Member State, the State criteria shall apply for issuance
4 of a Single State License in the new State.

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

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

12 SECTION 6: ACTIVE MILITARY MEMBERS OR THEIR SPOUSES

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

17 SECTION 7: ADVERSE ACTIONS

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

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

23 2. Issue subpoenas for both hearings and investigations that
24 require the attendance and testimony of witnesses as well as the

1 production of evidence. Subpoenas issued by a Licensing Authority
2 in a Member State for the attendance and testimony of witnesses or
3 the production of evidence from another Member State shall be
4 enforced in the latter State by any court of competent jurisdiction,
5 according to the practice and procedure applicable to subpoenas
6 issued in proceedings pending before that court. The issuing
7 authority shall pay any witness fees, travel expenses, mileage, and
8 other fees required by the service statutes of the State in which
9 the witnesses or evidence is located.

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

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

17 D. The Home State shall complete any pending investigations of
18 a Licensee who changes Home States during the course of the
19 investigations. The Home State shall also have authority to take
20 appropriate action(s) and shall promptly report the conclusions of
21 the investigations to the administrator of the Data System. The
22 administrator of the Data System shall promptly notify the new Home
23 State of any Adverse Actions.

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1 E. A Member State, if otherwise permitted by State law, may
2 recover from the affected Licensee the costs of investigations and
3 dispositions of cases resulting from any Adverse Action taken
4 against that Licensee.

5 F. A Member State may take Adverse Action based on the factual
6 findings of another Remote State, provided that the Member State
7 follows its own procedures for taking the Adverse Action.

8 G. Joint Investigations.

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

12 2. Member States shall share any investigative, litigation, or
13 compliance materials in furtherance of any joint investigation
14 initiated under the Compact.

15 H. If Adverse Action is taken by the Home State against a
16 Licensee's Home State License resulting in an Encumbrance on the
17 Home State License, the Licensee's Compact Privilege(s) in all other
18 Member States shall be revoked until all Encumbrances have been
19 removed from the Home State License. All Home State disciplinary
20 orders that impose Adverse Action against a Licensee shall include a
21 statement that the Licensee's Compact Privileges are revoked in all
22 Member States during the pendency of the order.

23 I. Once an Encumbered License in the Home State is restored to
24 an Unencumbered License (as certified by the Home State's Licensing

1 Authority), the Licensee must meet the requirements of Section 4(A)
2 and follow the administrative requirements to reapply to obtain a
3 Compact Privilege in any Remote State.

4 J. If a Member State takes Adverse Action, it shall promptly
5 notify the administrator of the Data System. The administrator of
6 the Data System shall promptly notify the other Member States of any
7 Adverse Actions.

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

11 SECTION 8: ESTABLISHMENT OF THE DIETITIAN LICENSURE COMPACT
12 COMMISSION

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

21 B. Membership, Voting, and Meetings.

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

24

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

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

6 4. The Compact Commission may recommend removal or suspension
7 of any delegate from office.

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

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

13 7. Delegates shall meet and vote by such means as set forth in
14 the bylaws. The bylaws may provide for delegates to meet and vote
15 in person or by telecommunication, video conference, or other means
16 of communication.

17 8. The Compact Commission shall meet at least once during each
18 calendar year. Additional meetings may be held as set forth in the
19 bylaws. The Compact Commission may meet in person or by
20 telecommunication, video conference, or other means of
21 communication.

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

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

24 2. Establish code of conduct and conflict of interest policies;

- 1 3. Establish and amend Rules and bylaws;
- 2 4. Maintain its financial records in accordance with the
- 3 bylaws;
- 4 5. Meet and take such actions as are consistent with the
- 5 provisions of this Compact, the Compact Commission's Rules, and the
- 6 bylaws;
- 7 6. Initiate and conclude legal proceedings or actions in the
- 8 name of the Compact Commission, provided that the standing of any
- 9 Licensing Authority to sue or be sued under applicable law shall not
- 10 be affected;
- 11 7. Maintain and certify records and information provided to a
- 12 Member State as the authenticated business records of the Compact
- 13 Commission, and designate an agent to do so on the Compact
- 14 Commission's behalf;
- 15 8. Purchase and maintain insurance and bonds;
- 16 9. Borrow, accept, or contract for services of personnel,
- 17 including, but not limited to, employees of a Member State;
- 18 10. Conduct an annual financial review;
- 19 11. Hire employees, elect or appoint officers, fix
- 20 compensation, define duties, grant such individuals appropriate
- 21 authority to carry out the purposes of the Compact, and establish
- 22 the Compact Commission's personnel policies and programs relating to
- 23 conflicts of interest, qualifications of personnel, and other
- 24 related personnel matters;

- 1 12. Assess and collect fees;
- 2 13. Accept any and all appropriate donations, grants of money,
3 other sources of revenue, equipment, supplies, materials, services,
4 and gifts, and receive, utilize, and dispose of the same; provided,
5 that at all times the Compact Commission shall avoid any actual or
6 appearance of impropriety or conflict of interest;
- 7 14. Lease, purchase, retain, own, hold, improve, or use any
8 property, real, personal, or mixed, or any undivided interest
9 therein;
- 10 15. Sell, convey, mortgage, pledge, lease, exchange, abandon,
11 or otherwise dispose of any property, real, personal, or mixed;
- 12 16. Establish a budget and make expenditures;
- 13 17. Borrow money;
- 14 18. Appoint committees, including standing committees, composed
15 of members, State regulators, State legislators or their
16 representatives, and consumer representatives, and such other
17 interested persons as may be designated in this Compact or the
18 bylaws;
- 19 19. Provide and receive information from, and cooperate with,
20 law enforcement agencies;
- 21 20. Establish and elect an Executive Committee, including a
22 chair and a vice chair;
- 23
- 24

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

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

6 D. The Executive Committee.

7 1. The Executive Committee shall have the power to act on
8 behalf of the Compact Commission according to the terms of this
9 Compact. The powers, duties, and responsibilities of the Executive
10 Committee shall include:

- 11 a. oversee the day-to-day activities of the
12 administration of the Compact including enforcement
13 and compliance with the provisions of the Compact, its
14 Rules and bylaws, and other such duties as deemed
15 necessary,
- 16 b. recommend to the Compact Commission changes to the
17 Rules or bylaws, changes to this Compact legislation,
18 fees charged to Compact Member States, fees charged to
19 Licensees, and other fees,
- 20 c. ensure Compact administration services are
21 appropriately provided, including by contract,
- 22 d. prepare and recommend the budget,
- 23 e. maintain financial records on behalf of the Compact
24 Commission,

- 1 f. monitor Compact compliance of Member States and
2 provide compliance reports to the Compact Commission,
3 g. establish additional committees as necessary,
4 h. exercise the powers and duties of the Compact
5 Commission during the interim between Compact
6 Commission meetings, except for adopting or amending
7 Rules, adopting or amending bylaws, and exercising any
8 other powers and duties expressly reserved to the
9 Compact Commission by Rule or bylaw, and
10 i. other duties as provided in the Rules or bylaws of the
11 Compact Commission.

12 2. The Executive Committee shall be composed of nine (9)
13 members:

- 14 a. the chair and vice chair of the Compact Commission,
15 who shall be voting members of the Executive
16 Committee,
17 b. five voting members from the current membership of the
18 Compact Commission, elected by the Compact Commission,
19 c. one ex officio, nonvoting member from a recognized
20 professional association representing dietitians, and
21 d. one ex officio, nonvoting member from a recognized
22 national credentialing organization for dietitians.

23 3. The Compact Commission may remove any member of the
24 Executive Committee as provided in the Compact Commission's bylaws.

1 4. The Executive Committee shall meet at least annually.

2 a. Executive Committee meetings shall be open to the
3 public, except that the Executive Committee may meet
4 in a closed, nonpublic meeting as provided in
5 subsection (F) (2) of this section.

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

11 c. The Executive Committee may hold a special meeting in
12 accordance with subsection (F) (1) (b) of this section.

13 E. The Compact Commission shall adopt and provide to the Member
14 States an annual report.

15 F. Meetings of the Compact Commission.

16 1. All meetings shall be open to the public, except that the
17 Compact Commission may meet in a closed, nonpublic meeting as
18 provided in subsection (F) (2) of this section.

19 a. Public notice for all meetings of the full Compact
20 Commission shall be given in the same manner as
21 required under the rulemaking provisions in Section
22 10, except that the Compact Commission may hold a
23 special meeting as provided in subsection (F) (1) (b) of
24 this section.

1 b. The Compact Commission may hold a special meeting when
2 it must meet to conduct emergency business by giving
3 twenty-four (24) hours' notice to all Member States,
4 on the Compact Commission's website, and other means
5 as provided in the Compact Commission's Rules. The
6 Compact Commission's legal counsel shall certify that
7 the Compact Commission's need to meet qualifies as an
8 emergency.

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

14 a. noncompliance of a Member State with its obligations
15 under the Compact,

16 b. the employment, compensation, discipline, or other
17 matters, practices, or procedures related to specific
18 employees,

19 c. current or threatened discipline of a Licensee by the
20 Compact Commission or by a Member State's Licensing
21 Authority,

22 d. current, threatened, or reasonably anticipated
23 litigation,

- e. negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate,
- f. accusing any person of a crime or formally censuring any person,
- g. trade secrets or commercial or financial information that is privileged or confidential,
- h. information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy,
- i. investigative records compiled for law enforcement purposes,
- j. information related to any investigative reports prepared by or on behalf of or for use of the Compact Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact,
- k. matters specifically exempted from disclosure by federal or Member State law, or
- l. other matters as specified in the Rules of the Compact Commission.

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

1 4. The Compact Commission shall keep minutes that fully and
2 clearly describe all matters discussed in a meeting and shall
3 provide a full and accurate summary of actions taken, and the
4 reasons therefore, including a description of the views expressed.
5 All documents considered in connection with an action shall be
6 identified in such minutes. All minutes and documents of a closed
7 meeting shall remain under seal, subject to release only by a
8 majority vote of the Compact Commission or order of a court of
9 competent jurisdiction.

10 G. Financing of the Compact Commission.

11 1. The Compact Commission shall pay, or provide for the payment
12 of, the reasonable expenses of its establishment, organization, and
13 ongoing activities.

14 2. The Compact Commission may accept any and all appropriate
15 revenue sources as provided in subsection (C)(13) of this section.

16 3. The Compact Commission may levy on and collect an annual
17 assessment from each Member State and impose fees on Licensees of
18 Member States to whom it grants a Compact Privilege to cover the
19 cost of the operations and activities of the Compact Commission and
20 its staff, which must, in a total amount, be sufficient to cover its
21 annual budget as approved each year for which revenue is not
22 provided by other sources. The aggregate annual assessment amount
23 for Member States shall be allocated based upon a formula that the
24 Compact Commission shall promulgate by Rule.

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

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

14 H. Qualified Immunity, Defense, and Indemnification.

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

1 any damage, loss, injury, or liability caused by the intentional or
2 willful or wanton misconduct of that person. The procurement of
3 insurance of any type by the Compact Commission shall not in any way
4 compromise or limit the immunity granted hereunder.

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

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

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

5 4. Nothing herein shall be construed as a limitation on the
6 liability of any Licensee for professional malpractice or
7 misconduct, which shall be governed solely by any other applicable
8 State laws.

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

14 6. Nothing in this Compact shall be construed to be a waiver of
15 sovereign immunity by the Member States or by the Compact
16 Commission.

17 SECTION 9: DATA SYSTEM

18 A. The Compact Commission shall provide for the development,
19 maintenance, operation, and utilization of a coordinated Data
20 System.

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

23 C. Notwithstanding any other provision of State law to the
24 contrary, a Member State shall submit a uniform data set to the Data

1 System on all individuals to whom this Compact is applicable as
2 required by the Rules of the Compact Commission, including:

3 1. Identifying information;

4 2. Licensure data;

5 3. Adverse Actions against a License or Compact Privilege and
6 information related thereto;

7 4. Nonconfidential information related to Alternative Program
8 participation, the beginning and ending dates of such participation,
9 and other information related to such participation not made
10 confidential under Member State law;

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

13 6. The presence of Current Significant Investigative
14 Information; and

15 7. Other information that may facilitate the administration of
16 this Compact or the protection of the public, as determined by the
17 Rules of the Compact Commission.

18 D. The records and information provided to a Member State
19 pursuant to this Compact or through the Data System, when certified
20 by the Compact Commission or an agent thereof, shall constitute the
21 authenticated business records of the Compact Commission, and shall
22 be entitled to any associated hearsay exception in any relevant
23 judicial, quasi-judicial, or administrative proceedings in a Member
24 State.

1 E. Current Significant Investigative Information pertaining to
2 a Licensee in any Member State will only be available to other
3 Member States.

4 F. It is the responsibility of the Member States to report any
5 Adverse Action against a Licensee and to monitor the Data System to
6 determine whether any Adverse Action has been taken against a
7 Licensee. Adverse Action information pertaining to a Licensee in
8 any Member State will be available to any other Member State.

9 G. Member States contributing information to the Data System
10 may designate information that may not be shared with the public
11 without the express permission of the contributing State.

12 H. Any information submitted to the Data System that is
13 subsequently expunged pursuant to federal law or the laws of the
14 Member State contributing the information shall be removed from the
15 Data System.

16 SECTION 10: RULEMAKING

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

1 B. The Rules of the Compact Commission shall have the force of
2 law in each Member State; provided, however, that where the Rules
3 conflict with the laws or regulations of a Member State that relate
4 to the procedures, actions, and processes a Licensed Dietitian is
5 permitted to undertake in that State and the circumstances under
6 which they may do so, as held by a court of competent jurisdiction,
7 the Rules of the Compact Commission shall be ineffective in that
8 State to the extent of the conflict.

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

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

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

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

24

1 G. Prior to adoption of a proposed Rule by the Compact
2 Commission, and at least thirty (30) days in advance of the meeting
3 at which the Compact Commission will hold a public hearing on the
4 proposed Rule, the Compact Commission shall provide a Notice of
5 Proposed rulemaking:

6 1. On the website of the Compact Commission or other publicly
7 accessible platform;

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

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

12 H. The Notice of Proposed rulemaking shall include:

13 1. The time, date, and location of the public hearing at which
14 the Compact Commission will hear public comments on the proposed
15 Rule and, if different, the time, date, and location of the meeting
16 where the Compact Commission will consider and vote on the proposed
17 Rule;

18 2. If the hearing is held via telecommunication, video
19 conference, or other means of communication, the Compact Commission
20 shall include the mechanism for access to the hearing in the Notice
21 of Proposed rulemaking;

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

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

1 5. The manner in which interested persons may submit written
2 comments.

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

7 J. Nothing in this section shall be construed as requiring a
8 separate hearing on each Rule. Rules may be grouped for the
9 convenience of the Compact Commission at hearings required by this
10 section.

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

14 1. The Compact Commission may adopt changes to the proposed
15 Rule provided the changes do not enlarge the original purpose of the
16 proposed Rule.

17 2. The Compact Commission shall provide an explanation of the
18 reasons for substantive changes made to the proposed Rule as well as
19 reasons for substantive changes not made that were recommended by
20 commenters.

21 3. The Compact Commission shall determine a reasonable
22 effective date for the Rule. Except for an emergency as provided in
23 Section 10(L), the effective date of the Rule shall be no sooner
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1 than thirty (30) days after issuing the notice that it adopted or
2 amended the Rule.

3 L. Upon determination that an emergency exists, the Compact
4 Commission may consider and adopt an emergency Rule with twenty-four
5 (24) hours' notice, with opportunity to comment, provided that the
6 usual rulemaking procedures provided in the Compact and in this
7 section shall be retroactively applied to the Rule as soon as
8 reasonably possible, in no event later than ninety (90) days after
9 the effective date of the Rule. For the purposes of this provision,
10 an emergency Rule is one that must be adopted immediately in order
11 to:

- 12 1. Meet an imminent threat to public health, safety, or
13 welfare;
- 14 2. Prevent a loss of Compact Commission or Member State funds;
- 15 3. Meet a deadline for the promulgation of a Rule that is
16 established by federal law or rule; or
- 17 4. Protect public health and safety.

18 M. The Compact Commission or an authorized committee of the
19 Compact Commission may direct revision to a previously adopted Rule
20 for purposes of correcting typographical errors, errors in format,
21 errors in consistency, or grammatical errors. Public notice of any
22 revision shall be posted on the website of the Compact Commission.
23 The revision shall be subject to challenge by any person for a
24 period of thirty (30) days after posting. The revision may be

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

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

9 SECTION 11: OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

10 A. Oversight.

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

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

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1 3. The Compact Commission shall be entitled to receive service
2 of process in any proceeding regarding the enforcement or
3 interpretation of the Compact and shall have standing to intervene
4 in such a proceeding for all purposes. Failure to provide the
5 Compact Commission service of process shall render a judgment or
6 order void as to the Compact Commission, this Compact, or
7 promulgated Rules.

8 B. Default, Technical Assistance, and Termination.

9 1. If the Compact Commission determines that a Member State has
10 defaulted in the performance of its obligations or responsibilities
11 under this Compact or the promulgated Rules, the Compact Commission
12 shall provide written notice to the defaulting State. The notice of
13 default shall describe the default, the proposed means of curing the
14 default, and any other action that the Compact Commission may take
15 and shall offer training and specific technical assistance regarding
16 the default.

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

19 C. If a State in default fails to cure the default, the
20 defaulting State may be terminated from the Compact upon an
21 affirmative vote of a majority of the delegates of the Member
22 States, and all rights, privileges, and benefits conferred on that
23 State by this Compact may be terminated on the effective date of
24 termination. A cure of the default does not relieve the offending

1 State of obligations or liabilities incurred during the period of
2 default.

3 D. Termination of membership in the Compact shall be imposed
4 only after all other means of securing compliance have been
5 exhausted. Notice of intent to suspend or terminate shall be given
6 by the Compact Commission to the governor, the majority and minority
7 leaders of the defaulting State's legislature, the defaulting
8 State's Licensing Authority, and each of the Member States'
9 Licensing Authorities.

10 E. A State that has been terminated is responsible for all
11 assessments, obligations, and liabilities incurred through the
12 effective date of termination, including obligations that extend
13 beyond the effective date of termination.

14 F. Upon the termination of a State's membership from this
15 Compact, that State shall immediately provide notice to all
16 Licensees within that State of such termination. The terminated
17 State shall continue to recognize all Compact Privileges granted
18 pursuant to this Compact for a minimum of six (6) months after the
19 date of said notice of termination.

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

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1 H. The defaulting State may appeal the action of the Compact
2 Commission by petitioning the United States District Court for the
3 District of Columbia or the federal district where the Compact
4 Commission has its principal offices. The prevailing party shall be
5 awarded all costs of such litigation, including reasonable
6 attorney's fees.

7 I. Dispute Resolution.

8 1. Upon request by a Member State, the Compact Commission shall
9 attempt to resolve disputes related to the Compact that arise among
10 Member States and between Member and non-Member States.

11 2. The Compact Commission shall promulgate a Rule providing for
12 both mediation and binding dispute resolution for disputes as
13 appropriate.

14 J. Enforcement.

15 1. By supermajority vote, the Compact Commission may initiate
16 legal action against a Member State in default in the United States
17 District Court for the District of Columbia or the federal district
18 where the Compact Commission has its principal offices to enforce
19 compliance with the provisions of the Compact and its promulgated
20 Rules. The relief sought may include both injunctive relief and
21 damages. In the event judicial enforcement is necessary, the
22 prevailing party shall be awarded all costs of such litigation,
23 including reasonable attorney's fees. The remedies herein shall not
24 be the exclusive remedies of the Compact Commission. The Compact

1 Commission may pursue any other remedies available under federal or
2 the defaulting Member State's law.

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

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

13 SECTION 12: EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

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

16 1. On or after the effective date of the Compact, the Compact
17 Commission shall convene and review the enactment of each of the
18 first seven Member States ("Charter Member States") to determine if
19 the statute enacted by each such Charter Member State is materially
20 different than the model Compact statute.

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

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

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

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

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

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

3 1. A Member State's withdrawal shall not take effect until one
4 hundred eighty (180) days after enactment of the repealing statute.

5 2. Withdrawal shall not affect the continuing requirement of
6 the withdrawing State's Licensing Authority to comply with the
7 investigative and Adverse Action reporting requirements of this
8 Compact prior to the effective date of withdrawal.

9 3. Upon the enactment of a statute withdrawing from this
10 Compact, a State shall immediately provide notice of such withdrawal
11 to all Licensees within that State. Notwithstanding any subsequent
12 statutory enactment to the contrary, such withdrawing State shall
13 continue to recognize all Compact Privileges granted pursuant to
14 this Compact for a minimum of one hundred eighty (180) days after
15 the date of such notice of withdrawal.

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

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

24 SECTION 13: CONSTRUCTION AND SEVERABILITY

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

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

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

1 force and effect as to the Member State affected as to all severable
2 matters.

3 SECTION 14: CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE
4 LAWS

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

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

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

13 SECTION 3. AMENDATORY 59 O.S. 2021, Section 1727, is
14 amended to read as follows:

15 A. The Board may adopt rules which may be necessary for the
16 performance of its duties pursuant to the provisions of the Licensed
17 Dietitian Act.

18 B. It shall be the duty of the Board, aided by the Committee,
19 to pass upon the qualifications of applicants for licensure, to
20 conduct all examinations and to determine which applicants
21 successfully pass such examinations.

22 C. The Board shall:

23 1. adopt an official seal;

24

1 2. establish the qualifications and fitness of applicants for
2 licenses, renewal of licenses, and reciprocal licenses;

3 3. revoke, suspend, or deny a license, probate a license
4 suspension, or reprimand a licensee for a violation of the Licensed
5 Dietitian Act, or the rules of the Board;

6 4. spend funds necessary for the proper administration of its
7 assigned duties;

8 5. establish reasonable and necessary fees for the
9 administration and implementation of the Licensed Dietitian Act;

10 6. maintain a record listing the name of every licensed
11 dietitian in this state, his or her last-known place of business and
12 last-known place of residence, and the date and number of his or her
13 license. The Board shall compile a list of dietitians licensed to
14 practice in this state and such list shall be available to any
15 person upon application to the Board and the payment of such charge
16 as may be fixed by the Board for such list;

17 7. comply with the Oklahoma Open Meeting Law.

18 D. The Board shall not adopt rules restricting competitive
19 bidding or advertising by a person regulated by the Board except to
20 prohibit false, misleading, or deceptive practices. The Board shall
21 not include in its rules to prohibit false, misleading, or deceptive
22 practices by a person regulated by the Board a rule that:

23 1. restricts the person's use of any medium for advertising; or
24

1 2. restricts the person's personal appearance or use of his or
2 her personal voice in an advertisement; or

3 3. relates to the size or duration of any advertisement by the
4 person; or

5 4. restricts the person's advertisement under a trade name.

6 E. The State Board of Medical Licensure is authorized to obtain
7 a national criminal history background check as a condition of
8 eligibility for individuals applying to become a Licensed Dietitian.

9 1. Applicants shall be fingerprinted for the national criminal
10 history background check. Applicant fingerprints shall be submitted
11 to the Oklahoma State Bureau of Investigation and the national
12 criminal history background check shall be conducted in accordance
13 with Section 150.9 of Title 74 of the Oklahoma Statutes. The Bureau
14 shall return national criminal history results to the Board.

15 2. Results obtained from the national criminal history
16 background check shall be used solely for the screening of
17 applicants and shall be retained by the Board. The Board shall not
18 disseminate criminal history record information resulting from the
19 background check.

20 SECTION 4. AMENDATORY 59 O.S. 2021, Section 1730, is
21 amended to read as follows:

22 Section 1730. A. An applicant for a dietitian license shall
23 submit a sworn application, accompanied by the application fee.

24

1 B. The Committee shall prescribe the form of the application
2 and may by rule establish dates by which applications and fees shall
3 be received. These rules shall not be inconsistent with rules of
4 the Board related to application dates of other licenses.

5 C. To qualify for the licensing examination the applicant
6 shall:

7 1. possess a baccalaureate or post baccalaureate degree with a
8 major course of study in human nutrition, food and nutrition,
9 dietetics, or food systems management or an equivalent major course
10 of study approved by the Committee; ~~and~~

11 2. have completed an internship or preplanned professional
12 experience program approved by the Committee; and

13 3. submit to a national, fingerprint-based background check as
14 described in Section 1727 of this title.

15 D. Not later than the 45th day after the receipt of a properly
16 submitted and timely application and not later than the 30th day
17 before the next examination date, the Board shall notify an
18 applicant in writing that his or her application and any other
19 relevant evidence pertaining to applicant qualifications established
20 by the Board by rule has been received and investigated. The notice
21 shall state whether the application and other evidence submitted
22 have qualified the applicant for examination. If the applicant has
23 not qualified for examination, the notice shall state the reasons
24 for the lack of qualifications.

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SECTION 5. This act shall become effective November 1, 2025.

60-1-13402 TJ 03/31/25