

FIRST REGULAR SESSION

SENATE BILL NO. 412

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

0065S.01I

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 324, RSMo, by adding thereto three new sections relating to dietitians.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 324, RSMo, is amended by adding thereto
2 three new sections, to be known as sections 324.214, 324.218,
3 and 324.1800, to read as follows:

**324.214. 1. For purposes of this section, the
2 following terms mean:**

3 (1) "License", a license, certificate, registration,
4 permit, accreditation, or military occupational specialty
5 that enables a person to legally practice an occupation or
6 profession in a particular jurisdiction;

7 (2) "Military", the Armed Forces of the United States,
8 including the Air Force, Army, Coast Guard, Marine Corps,
9 Navy, Space Force, National Guard, and any other military
10 branch that is designated by Congress as part of the Armed
11 Forces of the United States, and all reserve components and
12 auxiliaries. The term "military" also includes the military
13 reserves and militia of any United States territory or state;

14 (3) "Nonresident military spouse", a nonresident
15 spouse of an active-duty member of the Armed Forces of the
16 United States who has been transferred or is scheduled to be
17 transferred to this state, or who has been transferred or is
18 scheduled to be transferred to an adjacent state and is or

19 will be domiciled in this state, or has moved to this state
20 on a permanent change-of-station basis;

21 (4) "Oversight body", any board, department, agency,
22 or office of a jurisdiction that issues licenses;

23 (5) "Resident military spouse", a spouse of an active-
24 duty member of the Armed Forces of the United States who has
25 been transferred or is scheduled to be transferred to this
26 state or an adjacent state and who is a permanent resident
27 of this state, who is domiciled in this state, or who has
28 this state as his or her home of record.

29 2. Any person who holds a valid current dietitian
30 license issued by another state, a branch or unit of the
31 military, a territory of the United States, or the District
32 of Columbia, and who has been licensed for at least one year
33 in such other jurisdiction, may submit to the committee an
34 application for a dietitian license in this state along with
35 proof of current licensure and proof of licensure for at
36 least one year in the other jurisdiction.

37 3. The committee shall:

38 (1) Within six months of receiving an application
39 described in subsection 2 of this section, waive any
40 examination, educational, or experience requirements for
41 licensure in this state for the applicant if it determines
42 that there were minimum education requirements and, if
43 applicable, work experience and clinical supervision
44 requirements in effect and the other jurisdiction verifies
45 that the person met those requirements in order to be
46 licensed or certified in that jurisdiction. The committee
47 may require an applicant to take and pass an examination
48 specific to the laws of this state; or

49 (2) Within thirty days of receiving an application
50 described in subsection 2 of this section from a nonresident

51 military spouse or a resident military spouse, waive any
52 examination, educational, or experience requirements for
53 licensure in this state for the applicant and issue such
54 applicant a license under this section if such applicant
55 otherwise meets the requirements of this section.

56 4. (1) The committee shall not waive any examination,
57 educational, or experience requirements for any applicant
58 who has had his or her license revoked by an oversight body
59 outside the state; who is currently under investigation, who
60 has a complaint pending, or who is currently under
61 disciplinary action, except as provided in subdivision (2)
62 of this subsection, with an oversight body outside the
63 state; who does not hold a license in good standing with an
64 oversight body outside the state; who has a criminal record
65 that would disqualify him or her for licensure in this
66 state; or who does not hold a valid current license in the
67 other jurisdiction on the date the committee receives his or
68 her application under this section.

69 (2) If another jurisdiction has taken disciplinary
70 action against an applicant, the committee shall determine
71 if the cause for the action was corrected and the matter
72 resolved. If the matter has not been resolved by that
73 jurisdiction, the committee may deny a license until the
74 matter is resolved.

75 5. Nothing in this section shall prohibit the
76 committee from denying a license to an applicant under this
77 section for any reason described in section 324.217.

78 6. Any person who is licensed under the provisions of
79 this section shall be subject to the committee's
80 jurisdiction and all rules and regulations pertaining to
81 dietetics practice in this state.

82 7. This section shall not be construed to waive any
83 requirement for an applicant to pay any fees.

 324.218. 1. An applicant who has not previously taken
2 or passed an examination recognized by the committee and who
3 meets the qualifications of subsection 2 of section 324.210
4 may obtain without examination a nonrenewable temporary
5 license by paying a temporary license fee and submitting to
6 the committee an agreement-to-supervise form that is signed
7 by a licensed dietitian who has agreed to supervise the
8 applicant. Such temporary licensee may practice dietetics,
9 but any such practice shall be under the supervision of a
10 dietitian licensed in this state.

11 2. (1) Any dietitian who has agreed to supervise a
12 temporary licensee shall hold an unencumbered license to
13 practice dietetics in this state and shall provide the
14 committee proof of active dietetics practice in this state
15 for a minimum of one year before supervising the temporary
16 licensee.

17 (2) The supervising dietitian shall not be an
18 immediate family member of the temporary licensee. The
19 committee shall define the term "immediate family member"
20 for purposes of this subdivision and the scope of such
21 supervision by rule.

22 3. (1) The dietitian who has agreed to supervise the
23 applicant for a temporary license shall submit to the
24 committee a signed notarized form prescribed by the
25 committee attesting that the applicant for a temporary
26 license shall begin employment at a location in this state
27 within seven days of issuance of the temporary license.

28 (2) If the temporary licensee's employment described
29 in subdivision (1) of this subsection ceases, the

30 supervising dietitian shall notify the committee within
31 three days of such cessation.

32 4. A licensed dietitian shall not supervise more than
33 one temporary licensee at a time.

34 5. The temporary license obtained by an applicant
35 under this section shall expire the date the committee is
36 notified by the supervising dietitian that the temporary
37 licensee's employment has ceased or within one hundred
38 eighty days of its issuance, whichever occurs first.

324.1800. SECTION 1: PURPOSE

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

9 This Compact is designed to achieve the following
10 objectives:

11 A. Increase public access to dietetics services;

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

14 C. Eliminate the necessity for Licenses in multiple
15 States;

16 D. Reduce administrative burden on Member States and
17 Licensees;

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

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

22 G. Support relocating Active Military Members and
23 their spouses;

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

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

30 SECTION 2. DEFINITIONS

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

33 A. "ACEND" means the Accreditation Council for
34 Education in Nutrition and Dietetics or its successor
35 organization.

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

40 C. "Adverse Action" means any administrative, civil,
41 equitable or criminal action permitted by a State's laws
42 which is imposed by a Licensing Authority or other authority
43 against a Licensee, including actions against an
44 individual's License or Compact Privilege such as
45 revocation, suspension, probation, monitoring of the
46 Licensee, limitation on the Licensee's practice, or any
47 other Encumbrance on licensure affecting a Licensee's
48 authorization to practice, including issuance of a cease and
49 desist action.

50 D. "Alternative Program" means a non-disciplinary
51 monitoring or practice remediation process approved by a
52 Licensing Authority.

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

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

60 G. "CDR" means the Commission on Dietetic Registration
61 or its successor organization.

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

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

70 J. "Current Significant Investigative Information"
71 means:

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

78 2. Investigative Information that indicates that the
79 subject Licensee represents an immediate threat to public
80 health and safety regardless of whether the subject Licensee
81 has been notified and had an opportunity to respond.

82 K. "Data System" means a repository of information
83 about Licensees, including, but not limited to, Continuing
84 Education, examination, licensure, investigative, Compact
85 Privilege and Adverse Action information.

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

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

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

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

99 P. "Investigative Information" means information,
100 records, and documents received or generated by a Licensing
101 Authority pursuant to an investigation.

102 Q. "Jurisprudence Requirement" means an assessment of
103 an individual's knowledge of the State laws and regulations
104 governing the Practice of Dietetics in such State.

105 R. "License" means an authorization from a Member
106 State to either:

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

109 2. Use the title "dietitian," "licensed dietitian,"
110 "licensed dietitian nutritionist," "certified dietitian," or
111 other title describing a substantially similar practitioner
112 as the Compact Commission may further define by Rule.

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

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

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

121 V. "Practice of Dietetics" means the synthesis and
122 application of dietetics, primarily for the provision of
123 nutrition care services, including medical nutrition
124 therapy, in person or via telehealth, to prevent, manage, or
125 treat diseases or medical conditions and promote wellness.

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

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

130 2. Is credentialed by CDR as a registered dietitian or
131 a registered dietitian nutritionist; and

132 3. Is legally authorized to use the title registered
133 dietitian or registered dietitian nutritionist and the
134 corresponding abbreviations "RD" or "RDN."

135 X. "Remote State" means a Member State other than the
136 Home State, where a Licensee is exercising or seeking to
137 exercise a Compact Privilege.

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

140 Z. "Single State License" means a License issued by a
141 Member State within the issuing State and does not include a
142 Compact Privilege in any other Member State.

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

145 BB. "Unencumbered License" means a License that
146 authorizes a Licensee to engage in the full and unrestricted
147 Practice of Dietetics.

148 SECTION 3. STATE PARTICIPATION IN THE COMPACT

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

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

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

154 B. A Member State shall:

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

158 2. Notify the Compact Commission, in compliance with
159 the terms of the Compact and Rules, of any Adverse Action or
160 the availability of Current Significant Investigative
161 Information regarding a Licensee;

162 3. Implement or utilize procedures for considering the
163 criminal history record information of applicants for an
164 initial Compact Privilege. These procedures shall include
165 the submission of fingerprints or other biometric-based
166 information by applicants for the purpose of obtaining an
167 applicant's criminal history record information from the
168 Federal Bureau of Investigation and the agency responsible
169 for retaining that State's criminal records;

170 a. A Member State must fully implement a criminal
171 history record information requirement, within a time frame
172 established by Rule, which includes receiving the results of
173 the Federal Bureau of Investigation record search and shall
174 use those results in determining Compact Privilege
175 eligibility.

176 b. Communication between a Member State and the
177 Compact Commission or among Member States regarding the
178 verification of eligibility for a Compact Privilege shall
179 not include any information received from the Federal Bureau

180 of Investigation relating to a federal criminal history
181 record information check performed by a Member State.

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

184 5. Require an applicant for a Compact Privilege to
185 obtain or retain a License in the Licensee's Home State and
186 meet the Home State's qualifications for licensure or
187 renewal of licensure, as well as all other applicable State
188 laws; and

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

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

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

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

204 F. At no point shall the Compact Commission have the
205 power to define the requirements for the issuance of a
206 Single State License to practice dietetics. The Member
207 States shall retain sole jurisdiction over the provision of
208 these requirements.

209 SECTION 4. COMPACT PRIVILEGE

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

- 212 1. Satisfy one of the following:
- 213 a. Hold a valid current registration that gives the
- 214 applicant the right to use the term Registered Dietitian; or
- 215 b. Complete all of the following:
- 216 i. An education program which is either:
- 217 (a) A master's degree or doctoral degree that is
- 218 programmatically accredited by (i) ACEND; or (ii) a
- 219 dietetics accrediting agency recognized by the United States
- 220 Department of Education, which the Compact Commission may by
- 221 Rule determine, and from a college or university accredited
- 222 at the time of graduation by the appropriate regional
- 223 accrediting agency recognized by the Council on Higher
- 224 Education Accreditation and the United States Department of
- 225 Education.
- 226 (b) An academic degree from a college or university in
- 227 a foreign country equivalent to the degree described in
- 228 subparagraph (a) that is programmatically accredited by (i)
- 229 ACEND; or (ii) a dietetics accrediting agency recognized by
- 230 the United States Department of Education, which the Compact
- 231 Commission may by Rule determine.
- 232 ii. A planned, documented, supervised practice
- 233 experience in dietetics that is programmatically accredited
- 234 by (i) ACEND, or (ii) a dietetics accrediting agency
- 235 recognized by the United States Department of Education
- 236 which the Compact Commission may by Rule determine and which
- 237 involves at least 1000 hours of practice experience under
- 238 the supervision of a Registered Dietitian or a Licensed
- 239 Dietitian.
- 240 iii. Successful completion of either: (i) the
- 241 Registration Examination for Dietitians administered by CDR,
- 242 or (ii) a national credentialing examination for dietitians
- 243 approved by the Compact Commission by Rule; such completion

244 being no more than five years prior to the date of the
245 Licensee's application for initial licensure and accompanied
246 by a period of continuous licensure thereafter, all of which
247 may be further governed by the Rules of the Compact
248 Commission.

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

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

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

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

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

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

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

273 D. Notwithstanding anything to the contrary provided
274 in this Compact or State law, a Licensee exercising a
275 Compact Privilege shall not be required to complete

276 Continuing Education Requirements required by a Remote
277 State. A Licensee exercising a Compact Privilege is only
278 required to meet any Continuing Education Requirements as
279 required by the Home State.

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

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

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

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

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

297 a. Federal Bureau of Investigation fingerprint based
298 criminal history record information check;

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

301 c. Any Jurisprudence Requirements of the new Home
302 State.

303 3. The former Home State shall convert the former Home
304 State License into a Compact Privilege once the new Home
305 State has activated the new Home State License in accordance
306 with applicable Rules adopted by the Compact Commission.

307 4. Notwithstanding any other provision of this
308 Compact, if the Licensee cannot meet the criteria in Section
309 4, the new Home State may apply its requirements for issuing
310 a new Single State License.

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

314 C. If a Licensee changes their State of residence by
315 moving from a Member State to a non-Member State, or from a
316 non-Member State to a Member State, the State criteria shall
317 apply for issuance of a Single State License in the new
318 State.

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

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

326 SECTION 6. ACTIVE MILITARY MEMBERS OR THEIR SPOUSES

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

332 SECTION 7. ADVERSE ACTIONS

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

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

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

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

353 C. For purposes of taking Adverse Action, the Home
354 State shall give the same priority and effect to reported
355 conduct received from a Member State as it would if the
356 conduct had occurred within the Home State. In so doing,
357 the Home State shall apply its own State laws to determine
358 appropriate action.

359 D. The Home State shall complete any pending
360 investigations of a Licensee who changes Home States during
361 the course of the investigations. The Home State shall also
362 have authority to take appropriate action(s) and shall
363 promptly report the conclusions of the investigations to the
364 administrator of the Data System. The administrator of the
365 Data System shall promptly notify the new Home State of any
366 Adverse Actions.

367 E. A Member State, if otherwise permitted by State
368 law, may recover from the affected Licensee the costs of

369 investigations and dispositions of cases resulting from any
370 Adverse Action taken against that Licensee.

371 F. A Member State may take Adverse Action based on the
372 factual findings of another Remote State, provided that the
373 Member State follows its own procedures for taking the
374 Adverse Action.

375 G. Joint Investigations:

376 1. In addition to the authority granted to a Member
377 State by its respective State law, any Member State may
378 participate with other Member States in joint investigations
379 of Licensees.

380 2. Member States shall share any investigative,
381 litigation, or compliance materials in furtherance of any
382 joint investigation initiated under the Compact.

383 H. If Adverse Action is taken by the Home State
384 against a Licensee's Home State License resulting in an
385 Encumbrance on the Home State License, the Licensee's
386 Compact Privilege(s) in all other Member States shall be
387 revoked until all Encumbrances have been removed from the
388 Home State License. All Home State disciplinary orders that
389 impose Adverse Action against a Licensee shall include a
390 statement that the Licensee's Compact Privileges are revoked
391 in all Member States during the pendency of the order.

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

398 J. If a Member State takes Adverse Action, it shall
399 promptly notify the administrator of the Data System. The

400 administrator of the Data System shall promptly notify the
401 other Member States of any Adverse Actions.

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

405 SECTION 8. ESTABLISHMENT OF THE DIETITIAN LICENSURE
406 COMPACT COMMISSION

407 A. The Compact Member States hereby create and
408 establish a joint government agency whose membership
409 consists of all Member States that have enacted the Compact
410 known as the Dietitian Licensure Compact Commission. The
411 Compact Commission is an instrumentality of the Compact
412 States acting jointly and not an instrumentality of any one
413 State. The Compact Commission shall come into existence on
414 or after the effective date of the Compact as set forth in
415 Section 12.

416 B. Membership, Voting, and Meetings

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

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

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

425 4. The Compact Commission may recommend removal or
426 suspension of any delegate from office.

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

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

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

437 8. The Compact Commission shall meet at least once
438 during each calendar year. Additional meetings may be held
439 as set forth in the bylaws. The Compact Commission may meet
440 in person or by telecommunication, video conference, or
441 other means of communication.

442 C. The Compact Commission shall have the following
443 powers:

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

445 2. Establish code of conduct and conflict of interest
446 policies;

447 3. Establish and amend Rules and bylaws;

448 4. Maintain its financial records in accordance with
449 the bylaws;

450 5. Meet and take such actions as are consistent with
451 the provisions of this Compact, the Compact Commission's
452 Rules, and the bylaws;

453 6. Initiate and conclude legal proceedings or actions
454 in the name of the Compact Commission, provided that the
455 standing of any Licensing Authority to sue or be sued under
456 applicable law shall not be affected;

457 7. Maintain and certify records and information
458 provided to a Member State as the authenticated business
459 records of the Compact Commission, and designate an agent to
460 do so on the Compact Commission's behalf;

461 8. Purchase and maintain insurance and bonds;

- 462 9. Borrow, accept, or contract for services of
463 personnel, including, but not limited to, employees of a
464 Member State;
- 465 10. Conduct an annual financial review;
- 466 11. Hire employees, elect or appoint officers, fix
467 compensation, define duties, grant such individuals
468 appropriate authority to carry out the purposes of the
469 Compact, and establish the Compact Commission's personnel
470 policies and programs relating to conflicts of interest,
471 qualifications of personnel, and other related personnel
472 matters;
- 473 12. Assess and collect fees;
- 474 13. Accept any and all appropriate donations, grants
475 of money, other sources of revenue, equipment, supplies,
476 materials, services, and gifts, and receive, utilize, and
477 dispose of the same; provided that at all times the Compact
478 Commission shall avoid any actual or appearance of
479 impropriety or conflict of interest;
- 480 14. Lease, purchase, retain, own, hold, improve, or
481 use any property, real, personal, or mixed, or any undivided
482 interest therein;
- 483 15. Sell, convey, mortgage, pledge, lease, exchange,
484 abandon, or otherwise dispose of any property real,
485 personal, or mixed;
- 486 16. Establish a budget and make expenditures;
- 487 17. Borrow money;
- 488 18. Appoint committees, including standing committees,
489 composed of members, State regulators, State legislators or
490 their representatives, and consumer representatives, and
491 such other interested persons as may be designated in this
492 Compact or the bylaws;

- 493 19. Provide and receive information from, and
494 cooperate with, law enforcement agencies;
- 495 20. Establish and elect an Executive Committee,
496 including a chair and a vice chair;
- 497 21. Determine whether a State's adopted language is
498 materially different from the model compact language such
499 that the State would not qualify for participation in the
500 Compact; and
- 501 22. Perform such other functions as may be necessary
502 or appropriate to achieve the purposes of this Compact.
- 503 D. The Executive Committee
- 504 1. The Executive Committee shall have the power to act
505 on behalf of the Compact Commission according to the terms
506 of this Compact. The powers, duties, and responsibilities
507 of the Executive Committee shall include:
- 508 a. Oversee the day-to-day activities of the
509 administration of the Compact including enforcement and
510 compliance with the provisions of the Compact, its Rules and
511 bylaws, and other such duties as deemed necessary;
- 512 b. Recommend to the Compact Commission changes to the
513 Rules or bylaws, changes to this Compact legislation, fees
514 charged to Compact Member States, fees charged to Licensees,
515 and other fees;
- 516 c. Ensure Compact administration services are
517 appropriately provided, including by contract;
- 518 d. Prepare and recommend the budget;
- 519 e. Maintain financial records on behalf of the Compact
520 Commission;
- 521 f. Monitor Compact compliance of Member States and
522 provide compliance reports to the Compact Commission;
- 523 g. Establish additional committees as necessary;

524 h. Exercise the powers and duties of the Compact
525 Commission during the interim between Compact Commission
526 meetings, except for adopting or amending Rules, adopting or
527 amending bylaws, and exercising any other powers and duties
528 expressly reserved to the Compact Commission by Rule or
529 bylaw; and

530 i. Other duties as provided in the Rules or bylaws of
531 the Compact Commission.

532 2. The Executive Committee shall be composed of nine
533 members:

534 a. The chair and vice chair of the Compact Commission
535 shall be voting members of the Executive Committee;

536 b. Five voting members from the current membership of
537 the Compact Commission, elected by the Compact Commission;

538 c. One ex-officio, nonvoting member from a recognized
539 professional association representing dietitians; and

540 d. One ex-officio, nonvoting member from a recognized
541 national credentialing organization for dietitians.

542 3. The Compact Commission may remove any member of the
543 Executive Committee as provided in the Compact Commission's
544 bylaws.

545 4. The Executive Committee shall meet at least
546 annually.

547 a. Executive Committee meetings shall be open to the
548 public, except that the Executive Committee may meet in a
549 closed, non-public meeting as provided in subsection (F) (2).

550 b. The Executive Committee shall give 30 days' notice
551 of its meetings, posted on the website of the Compact
552 Commission and as determined to provide notice to persons
553 with an interest in the business of the Compact Commission.

554 c. The Executive Committee may hold a special meeting
555 in accordance with subsection (F) (1) (b).

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

558 F. Meetings of the Compact Commission

559 1. All meetings shall be open to the public, except
560 that the Compact Commission may meet in a closed, non-public
561 meeting as provided in subsection (F) (2).

562 a. Public notice for all meetings of the full Compact
563 Commission shall be given in the same manner as required
564 under the rulemaking provisions in Section 10, except that
565 the Compact Commission may hold a special meeting as
566 provided in subsection (F) (1) (b).

567 b. The Compact Commission may hold a special meeting
568 when it must meet to conduct emergency business by giving 24
569 hours' notice to all Member States, on the Compact
570 Commission's website, and other means as provided in the
571 Compact Commission's Rules. The Compact Commission's legal
572 counsel shall certify that the Compact Commission's need to
573 meet qualifies as an emergency.

574 2. The Compact Commission or the Executive Committee
575 or other committees of the Compact Commission may convene in
576 a closed, non-public meeting for the Compact Commission or
577 Executive Committee or other committees of the Compact
578 Commission to receive legal advice or to discuss:

579 a. Non-compliance of a Member State with its
580 obligations under the Compact;

581 b. The employment, compensation, discipline, or other
582 matters, practices, or procedures related to specific
583 employees;

584 c. Current or threatened discipline of a Licensee by
585 the Compact Commission or by a Member State's Licensing
586 Authority;

587 d. Current, threatened, or reasonably anticipated
588 litigation;

589 e. Negotiation of contracts for the purchase, lease,
590 or sale of goods, services, or real estate;

591 f. Accusing any person of a crime or formally
592 censuring any person;

593 g. Trade secrets or commercial or financial
594 information that is privileged or confidential;

595 h. Information of a personal nature where disclosure
596 would constitute a clearly unwarranted invasion of personal
597 privacy;

598 i. Investigative records compiled for law enforcement
599 purposes;

600 j. Information related to any investigative reports
601 prepared by or on behalf of or for use of the Compact
602 Commission or other committee charged with responsibility of
603 investigation or determination of compliance issues pursuant
604 to the Compact;

605 k. Matters specifically exempted from disclosure by
606 federal or Member State law; or

607 1. Other matters as specified in the Rules of the
608 Compact Commission.

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

613 4. The Compact Commission shall keep minutes that
614 fully and clearly describe all matters discussed in a
615 meeting and shall provide a full and accurate summary of
616 actions taken, and the reasons therefore, including a
617 description of the views expressed. All documents
618 considered in connection with an action shall be identified

619 in such minutes. All minutes and documents of a closed
620 meeting shall remain under seal, subject to release only by
621 a majority vote of the Compact Commission or order of a
622 court of competent jurisdiction.

623 G. Financing of the Compact Commission

624 1. The Compact Commission shall pay, or provide for
625 the payment of, the reasonable expenses of its
626 establishment, organization, and ongoing activities.

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

630 3. The Compact Commission may levy on and collect an
631 annual assessment from each Member State and impose fees on
632 Licensees of Member States to whom it grants a Compact
633 Privilege to cover the cost of the operations and activities
634 of the Compact Commission and its staff, which must, in a
635 total amount, be sufficient to cover its annual budget as
636 approved each year for which revenue is not provided by
637 other sources. The aggregate annual assessment amount for
638 Member States shall be allocated based upon a formula that
639 the Compact Commission shall promulgate by Rule.

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

645 5. The Compact Commission shall keep accurate accounts
646 of all receipts and disbursements. The receipts and
647 disbursements of the Compact Commission shall be subject to
648 the financial review and accounting procedures established
649 under its bylaws. However, all receipts and disbursements
650 of funds handled by the Compact Commission shall be subject

651 to an annual financial review by a certified or licensed
652 public accountant, and the report of the financial review
653 shall be included in and become part of the annual report of
654 the Compact Commission.

655 H. Qualified Immunity, Defense, and Indemnification

656 1. The members, officers, executive director,
657 employees and representatives of the Compact Commission
658 shall be immune from suit and liability, both personally and
659 in their official capacity, for any claim for damage to or
660 loss of property or personal injury or other civil liability
661 caused by or arising out of any actual or alleged act,
662 error, or omission that occurred, or that the person against
663 whom the claim is made had a reasonable basis for believing
664 occurred within the scope of Compact Commission employment,
665 duties, or responsibilities; provided that nothing in this
666 paragraph shall be construed to protect any such person from
667 suit or liability for any damage, loss, injury, or liability
668 caused by the intentional or willful or wanton misconduct of
669 that person. The procurement of insurance of any type by
670 the Compact Commission shall not in any way compromise or
671 limit the immunity granted hereunder.

672 2. The Compact Commission shall defend any member,
673 officer, executive director, employee, and representative of
674 the Compact Commission in any civil action seeking to impose
675 liability arising out of any actual or alleged act, error,
676 or omission that occurred within the scope of Compact
677 Commission employment, duties, or responsibilities, or as
678 determined by the Compact Commission that the person against
679 whom the claim is made had a reasonable basis for believing
680 occurred within the scope of Compact Commission employment,
681 duties, or responsibilities; provided that nothing herein
682 shall be construed to prohibit that person from retaining

683 their own counsel at their own expense; and provided
684 further, that the actual or alleged act, error, or omission
685 did not result from that person's intentional or willful or
686 wanton misconduct.

687 3. The Compact Commission shall indemnify and hold
688 harmless any member, officer, executive director, employee,
689 and representative of the Compact Commission for the amount
690 of any settlement or judgment obtained against that person
691 arising out of any actual or alleged act, error, or omission
692 that occurred within the scope of Compact Commission
693 employment, duties, or responsibilities, or that such person
694 had a reasonable basis for believing occurred within the
695 scope of Compact Commission employment, duties, or
696 responsibilities, provided that the actual or alleged act,
697 error, or omission did not result from the intentional or
698 willful or wanton misconduct of that person.

699 4. Nothing herein shall be construed as a limitation
700 on the liability of any Licensee for professional
701 malpractice or misconduct, which shall be governed solely by
702 any other applicable State laws.

703 5. Nothing in this Compact shall be interpreted to
704 waive or otherwise abrogate a Member State's state action
705 immunity or state action affirmative defense with respect to
706 antitrust claims under the Sherman Act, Clayton Act, or any
707 other State or federal antitrust or anticompetitive law or
708 regulation.

709 6. Nothing in this Compact shall be construed to be a
710 waiver of sovereign immunity by the Member States or by the
711 Compact Commission.

712 SECTION 9. DATA SYSTEM

713 A. The Compact Commission shall provide for the
714 development, maintenance, operation, and utilization of a
715 coordinated Data System.

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

719 C. Notwithstanding any other provision of State law to
720 the contrary, a Member State shall submit a uniform data set
721 to the Data System on all individuals to whom this Compact
722 is applicable as required by the Rules of the Compact
723 Commission, including:

724 1. Identifying information;

725 2. Licensure data;

726 3. Adverse Actions against a License or Compact
727 Privilege and information related thereto;

728 4. Non-confidential information related to Alternative
729 Program participation, the beginning and ending dates of
730 such participation, and other information related to such
731 participation not made confidential under Member State law;

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

734 6. The presence of Current Significant Investigative
735 Information; and

736 7. Other information that may facilitate the
737 administration of this Compact or the protection of the
738 public, as determined by the Rules of the Compact Commission.

739 D. The records and information provided to a Member
740 State pursuant to this Compact or through the Data System,
741 when certified by the Compact Commission or an agent
742 thereof, shall constitute the authenticated business records
743 of the Compact Commission, and shall be entitled to any

744 associated hearsay exception in any relevant judicial, quasi-
745 judicial, or administrative proceedings in a Member State.

746 E. Current Significant Investigative Information
747 pertaining to a Licensee in any Member State will only be
748 available to other Member States.

749 F. It is the responsibility of the Member States to
750 report any Adverse Action against a Licensee and to monitor
751 the Data System to determine whether any Adverse Action has
752 been taken against a Licensee. Adverse Action information
753 pertaining to a Licensee in any Member State will be
754 available to any other Member State.

755 G. Member States contributing information to the Data
756 System may designate information that may not be shared with
757 the public without the express permission of the
758 contributing State.

759 H. Any information submitted to the Data System that
760 is subsequently expunged pursuant to federal law or the laws
761 of the Member State contributing the information shall be
762 removed from the Data System.

763 SECTION 10. RULEMAKING

764 A. The Compact Commission shall promulgate reasonable
765 Rules in order to effectively and efficiently implement and
766 administer the purposes and provisions of the Compact. A
767 Rule shall be invalid and have no force or effect only if a
768 court of competent jurisdiction holds that the Rule is
769 invalid because the Compact Commission exercised its
770 rulemaking authority in a manner that is beyond the scope
771 and purposes of the Compact, or the powers granted
772 hereunder, or based upon another applicable standard of
773 review.

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

776 where the Rules conflict with the laws or regulations of a
777 Member State that relate to the procedures, actions, and
778 processes a Licensed Dietitian is permitted to undertake in
779 that State and the circumstances under which they may do so,
780 as held by a court of competent jurisdiction, the Rules of
781 the Compact Commission shall be ineffective in that State to
782 the extent of the conflict.

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

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

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

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

800 G. Prior to adoption of a proposed Rule by the Compact
801 Commission, and at least thirty (30) days in advance of the
802 meeting at which the Compact Commission will hold a public
803 hearing on the proposed Rule, the Compact Commission shall
804 provide a Notice of Proposed rulemaking:

805 1. On the website of the Compact Commission or other
806 publicly accessible platform;

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

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

811 H. The Notice of Proposed rulemaking shall include:

812 1. The time, date, and location of the public hearing
813 at which the Compact Commission will hear public comments on
814 the proposed Rule and, if different, the time, date, and
815 location of the meeting where the Compact Commission will
816 consider and vote on the proposed Rule;

817 2. If the hearing is held via telecommunication, video
818 conference, or other means of communication, the Compact
819 Commission shall include the mechanism for access to the
820 hearing in the Notice of Proposed rulemaking;

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

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

825 5. The manner in which interested persons may submit
826 written comments.

827 I. All hearings will be recorded. A copy of the
828 recording and all written comments and documents received by
829 the Compact Commission in response to the proposed Rule
830 shall be available to the public.

831 J. Nothing in this Section shall be construed as
832 requiring a separate hearing on each Rule. Rules may be
833 grouped for the convenience of the Compact Commission at
834 hearings required by this Section.

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

838 1. The Compact Commission may adopt changes to the
839 proposed Rule provided the changes do not enlarge the
840 original purpose of the proposed Rule.

841 2. The Compact Commission shall provide an explanation
842 of the reasons for substantive changes made to the proposed
843 Rule as well as reasons for substantive changes not made
844 that were recommended by commenters.

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

850 L. Upon determination that an emergency exists, the
851 Compact Commission may consider and adopt an emergency Rule
852 with 24 hours' notice, with opportunity to comment, provided
853 that the usual rulemaking procedures provided in the Compact
854 and in this Section shall be retroactively applied to the
855 Rule as soon as reasonably possible, in no event later than
856 ninety (90) days after the effective date of the Rule. For
857 the purposes of this provision, an emergency Rule is one
858 that must be adopted immediately in order to:

859 1. Meet an imminent threat to public health, safety,
860 or welfare;

861 2. Prevent a loss of Compact Commission or Member
862 State funds;

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

865 4. Protect public health and safety.

866 M. The Compact Commission or an authorized committee
867 of the Compact Commission may direct revision to a
868 previously adopted Rule for purposes of correcting
869 typographical errors, errors in format, errors in

870 consistency, or grammatical errors. Public notice of any
871 revision shall be posted on the website of the Compact
872 Commission. The revision shall be subject to challenge by
873 any person for a period of thirty (30) days after posting.
874 The revision may be challenged only on grounds that the
875 revision results in a material change to a Rule. A
876 challenge shall be made in writing and delivered to the
877 Compact Commission prior to the end of the notice period.
878 If no challenge is made, the revision will take effect
879 without further action. If the revision is challenged, the
880 revision may not take effect without the approval of the
881 Compact Commission.

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

884 SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND
885 ENFORCEMENT

886 A. Oversight

887 1. The executive and judicial branches of State
888 government in each Member State shall enforce this Compact
889 and take all actions necessary and appropriate to implement
890 this Compact.

891 2. Except as otherwise provided in this Compact, venue
892 is proper and judicial proceedings by or against the Compact
893 Commission shall be brought solely and exclusively in a
894 court of competent jurisdiction where the principal office
895 of the Compact Commission is located. The Compact
896 Commission may waive venue and jurisdictional defenses to
897 the extent it adopts or consents to participate in
898 alternative dispute resolution proceedings. Nothing herein
899 shall affect or limit the selection or propriety of venue in
900 any action against a Licensee for professional malpractice,
901 misconduct, or any such similar matter.

902 3. The Compact Commission shall be entitled to receive
903 service of process in any proceeding regarding the
904 enforcement or interpretation of the Compact and shall have
905 standing to intervene in such a proceeding for all
906 purposes. Failure to provide the Compact Commission service
907 of process shall render a judgment or order void as to the
908 Compact Commission, this Compact, or promulgated Rules.

909 B. Default, Technical Assistance, and Termination

910 1. If the Compact Commission determines that a Member
911 State has defaulted in the performance of its obligations or
912 responsibilities under this Compact or the promulgated
913 Rules, the Compact Commission shall provide written notice
914 to the defaulting State. The notice of default shall
915 describe the default, the proposed means of curing the
916 default, and any other action that the Compact Commission
917 may take and shall offer training and specific technical
918 assistance regarding the default.

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

921 C. If a State in default fails to cure the default,
922 the defaulting State may be terminated from the Compact upon
923 an affirmative vote of a majority of the delegates of the
924 Member States, and all rights, privileges, and benefits
925 conferred on that State by this Compact may be terminated on
926 the effective date of termination. A cure of the default
927 does not relieve the offending State of obligations or
928 liabilities incurred during the period of default.

929 D. Termination of membership in the Compact shall be
930 imposed only after all other means of securing compliance
931 have been exhausted. Notice of intent to suspend or
932 terminate shall be given by the Compact Commission to the
933 governor, the majority and minority leaders of the

934 defaulting State's legislature, the defaulting State's
935 Licensing Authority, and each of the Member States'
936 Licensing Authority.

937 E. A State that has been terminated is responsible for
938 all assessments, obligations, and liabilities incurred
939 through the effective date of termination, including
940 obligations that extend beyond the effective date of
941 termination.

942 F. Upon the termination of a State's membership from
943 this Compact, that State shall immediately provide notice to
944 all Licensees within that State of such termination. The
945 terminated State shall continue to recognize all Compact
946 Privileges granted pursuant to this Compact for a minimum of
947 six months after the date of said notice of termination.

948 G. The Compact Commission shall not bear any costs
949 related to a State that is found to be in default or that
950 has been terminated from the Compact, unless agreed upon in
951 writing between the Compact Commission and the defaulting
952 State.

953 H. The defaulting State may appeal the action of the
954 Compact Commission by petitioning the U.S. District Court
955 for the District of Columbia or the federal district where
956 the Compact Commission has its principal offices. The
957 prevailing party shall be awarded all costs of such
958 litigation, including reasonable attorney's fees.

959 I. Dispute Resolution

960 1. Upon request by a Member State, the Compact
961 Commission shall attempt to resolve disputes related to the
962 Compact that arise among Member States and between Member
963 and non-Member States.

964 2. The Compact Commission shall promulgate a Rule
965 providing for both mediation and binding dispute resolution
966 for disputes as appropriate.

967 J. Enforcement

968 1. By supermajority vote, the Compact Commission may
969 initiate legal action against a Member State in default in
970 the United States District Court for the District of
971 Columbia or the federal district where the Compact
972 Commission has its principal offices to enforce compliance
973 with the provisions of the Compact and its promulgated
974 Rules. The relief sought may include both injunctive relief
975 and damages. In the event judicial enforcement is
976 necessary, the prevailing party shall be awarded all costs
977 of such litigation, including reasonable attorney's fees.
978 The remedies herein shall not be the exclusive remedies of
979 the Compact Commission. The Compact Commission may pursue
980 any other remedies available under federal or the defaulting
981 Member State's law.

982 2. A Member State may initiate legal action against
983 the Compact Commission in the U.S. District Court for the
984 District of Columbia or the federal district where the
985 Compact Commission has its principal offices to enforce
986 compliance with the provisions of the Compact and its
987 promulgated Rules. The relief sought may include both
988 injunctive relief and damages. In the event judicial
989 enforcement is necessary, the prevailing party shall be
990 awarded all costs of such litigation, including reasonable
991 attorney's fees.

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

994 SECTION 12. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

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

998 1. On or after the effective date of the Compact, the
999 Compact Commission shall convene and review the enactment of
1000 each of the first seven Member States ("Charter Member
1001 States") to determine if the statute enacted by each such
1002 Charter Member State is materially different than the model
1003 Compact statute.

1004 a. A Charter Member State whose enactment is found to
1005 be materially different from the model Compact statute shall
1006 be entitled to the default process set forth in Section 11.

1007 b. If any Member State is later found to be in
1008 default, or is terminated, or withdraws from the Compact,
1009 the Compact Commission shall remain in existence and the
1010 Compact shall remain in effect even if the number of Member
1011 States should be less than seven.

1012 2. Member States enacting the Compact subsequent to
1013 the seven initial Charter Member States shall be subject to
1014 the process set forth in Section 8(C)(21) to determine if
1015 their enactments are materially different from the model
1016 Compact statute and whether they qualify for participation
1017 in the Compact.

1018 3. All actions taken for the benefit of the Compact
1019 Commission or in furtherance of the purposes of the
1020 administration of the Compact prior to the effective date of
1021 the Compact or the Compact Commission coming into existence
1022 shall be considered to be actions of the Compact Commission
1023 unless specifically repudiated by the Compact Commission.

1024 4. Any State that joins the Compact subsequent to the
1025 Compact Commission's initial adoption of the Rules and
1026 bylaws shall be subject to the Rules and bylaws as they

1027 exist on the date on which the Compact becomes law in that
1028 State. Any Rule that has been previously adopted by the
1029 Compact Commission shall have the full force and effect of
1030 law on the day the Compact becomes law in that State.

1031 B. Any Member State may withdraw from this Compact by
1032 enacting a statute repealing the same.

1033 1. A Member State's withdrawal shall not take effect
1034 until 180 days after enactment of the repealing statute.

1035 2. Withdrawal shall not affect the continuing
1036 requirement of the withdrawing State's Licensing Authority
1037 to comply with the investigative and Adverse Action
1038 reporting requirements of this Compact prior to the
1039 effective date of withdrawal.

1040 3. Upon the enactment of a statute withdrawing from
1041 this Compact, a State shall immediately provide notice of
1042 such withdrawal to all Licensees within that State.
1043 Notwithstanding any subsequent statutory enactment to the
1044 contrary, such withdrawing State shall continue to recognize
1045 all Compact Privileges granted pursuant to this Compact for
1046 a minimum of 180 days after the date of such notice of
1047 withdrawal.

1048 C. Nothing contained in this Compact shall be
1049 construed to invalidate or prevent any licensure agreement
1050 or other cooperative arrangement between a Member State and
1051 a non-Member State that does not conflict with the
1052 provisions of this Compact.

1053 D. This Compact may be amended by the Member States.
1054 No amendment to this Compact shall become effective and
1055 binding upon any Member State until it is enacted into the
1056 laws of all Member States.

1057 SECTION 13. CONSTRUCTION AND SEVERABILITY

1058 A. This Compact and the Compact Commission's
1059 rulemaking authority shall be liberally construed so as to
1060 effectuate the purposes and the implementation and
1061 administration of the Compact. Provisions of the Compact
1062 expressly authorizing or requiring the promulgation of Rules
1063 shall not be construed to limit the Compact Commission's
1064 rulemaking authority solely for those purposes.

1065 B. The provisions of this Compact shall be severable
1066 and if any phrase, clause, sentence, or provision of this
1067 Compact is held by a court of competent jurisdiction to be
1068 contrary to the constitution of any Member State, a State
1069 seeking participation in the Compact, or of the United
1070 States, or the applicability thereof to any government,
1071 agency, person, or circumstance is held to be
1072 unconstitutional by a court of competent jurisdiction, the
1073 validity of the remainder of this Compact and the
1074 applicability thereof to any other government, agency,
1075 person, or circumstance shall not be affected thereby.

1076 C. Notwithstanding Section 13(B), the Compact
1077 Commission may deny a State's participation in the Compact
1078 or, in accordance with the requirements of Section 11(B),
1079 terminate a Member State's participation in the Compact, if
1080 it determines that a constitutional requirement of a Member
1081 State is a material departure from the Compact. Otherwise,
1082 if this Compact shall be held to be contrary to the
1083 constitution of any Member State, the Compact shall remain
1084 in full force and effect as to the remaining Member States
1085 and in full force and effect as to the Member State affected
1086 as to all severable matters.

1087 SECTION 14. CONSISTENT EFFECT AND CONFLICT WITH OTHER
1088 STATE LAWS

1089 A. Nothing herein shall prevent or inhibit the
1090 enforcement of any other law of a Member State that is not
1091 inconsistent with the Compact.

1092 B. Any laws, statutes, regulations, or other legal
1093 requirements in a Member State in conflict with the Compact
1094 are superseded to the extent of the conflict.

1095 C. All permissible agreements between the Compact
1096 Commission and the Member States are binding in accordance
1097 with their terms.

✓