

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1961

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PETERS.

4056H.01P

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 324, RSMo, by adding thereto sixteen 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 sixteen new sections,
2 to be known as sections 324.214, 324.218, 324.1800, 324.1805, 324.1810, 324.1815,
3 324.1820, 324.1825, 324.1830, 324.1835, 324.1840, 324.1845, 324.1850, 324.1855,
4 324.1860, and 324.1865, to read as follows:

- 324.214. 1. For purposes of this section, the following terms mean:**
- 2 **(1) "License", a license, certificate, registration, permit, accreditation, or**
3 **military occupational specialty that enables a person to legally practice an occupation or**
4 **profession in a particular jurisdiction;**
- 5 **(2) "Military", the Armed Forces of the United States, including the Air Force,**
6 **Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard, and any other**
7 **military branch that is designated by Congress as part of the Armed Forces of the**
8 **United States, and all reserve components and auxiliaries. The term "military" also**
9 **includes the military reserves and militia of any United States territory or state;**
- 10 **(3) "Nonresident military spouse", a nonresident spouse of an active-duty**
11 **member of the Armed Forces of the United States who has been transferred or is**
12 **scheduled to be transferred to the state of Missouri, or who has been transferred or is**
13 **scheduled to be transferred to an adjacent state and is or will be domiciled in the state of**
14 **Missouri, or has moved to the state of Missouri on a permanent change-of-station basis;**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

17 (5) "Resident military spouse", a spouse of an active-duty member of the Armed
18 Forces of the United States who has been transferred or is scheduled to be transferred to
19 the state of Missouri or an adjacent state and who is a permanent resident of the state of
20 Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or her
21 home of record.

22 2. Any person who holds a valid current dietitian license issued by another state,
23 a branch or unit of the military, a territory of the United States, or the District of
24 Columbia, and who has been licensed for at least one year in such other jurisdiction,
25 may submit to the committee an application for a dietitian license in Missouri along with
26 proof of current licensure and proof of licensure for at least one year in the other
27 jurisdiction.

28 3. The committee shall:

29 (1) Within six months of receiving an application described in subsection 2 of
30 this section, waive any examination, educational, or experience requirements for
31 licensure in this state for the applicant if it determines that there were minimum
32 education requirements and, if applicable, work experience and clinical supervision
33 requirements in effect and the other jurisdiction verifies that the person met those
34 requirements in order to be licensed or certified in that jurisdiction. The committee
35 may require an applicant to take and pass an examination specific to the laws of this
36 state; or

37 (2) Within thirty days of receiving an application described in subsection 2 of
38 this section from a nonresident military spouse or a resident military spouse, waive any
39 examination, educational, or experience requirements for licensure in this state for the
40 applicant and issue such applicant a license under this section if such applicant
41 otherwise meets the requirements of this section.

42 4. (1) The committee shall not waive any examination, educational, or
43 experience requirements for any applicant who has had his or her license revoked by an
44 oversight body outside the state; who is currently under investigation, who has a
45 complaint pending, or who is currently under disciplinary action, except as provided in
46 subdivision (2) of this subsection, with an oversight body outside the state; who does not
47 hold a license in good standing with an oversight body outside the state; who has a
48 criminal record that would disqualify him or her for licensure in Missouri; or who does
49 not hold a valid current license in the other jurisdiction on the date the committee
50 receives his or her application under this section.

51 **(2) If another jurisdiction has taken disciplinary action against an applicant, the**
52 **committee shall determine if the cause for the action was corrected and the matter**
53 **resolved. If the matter has not been resolved by that jurisdiction, the committee may**
54 **deny a license until the matter is resolved.**

55 **5. Nothing in this section shall prohibit the committee from denying a license to**
56 **an applicant under this section for any reason described in section 324.217.**

57 **6. Any person who is licensed under the provisions of this section shall be subject**
58 **to the committee's jurisdiction and all rules and regulations pertaining to the practice as**
59 **a dietitian in this state.**

60 **7. This section shall not be construed to waive any requirement for an applicant**
61 **to pay any fees.**

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

8 **2. (1) Any dietitian who has agreed to supervise a temporary licensee shall hold**
9 **an unencumbered license to practice dietetics in this state and shall provide the**
10 **committee proof of active dietetics practice in this state for a minimum of one year**
11 **before supervising the temporary licensee.**

12 **(2) The supervising dietitian shall not be an immediate family member of the**
13 **temporary licensee. The committee shall define the term "immediate family member"**
14 **for purposes of this subdivision and the scope of such supervision by rule.**

15 **3. (1) The dietitian who has agreed to supervise the applicant for a temporary**
16 **license shall submit to the committee a signed and notarized form prescribed by the**
17 **committee attesting that the applicant for a temporary license shall begin employment**
18 **at a location in this state within seven days of issuance of the temporary license.**

19 **(2) If the temporary licensee's employment described in subdivision (1) of this**
20 **subsection ceases, the supervising dietitian shall notify the committee within three days**
21 **of such cessation.**

22 **4. A licensed dietitian shall not supervise more than one temporary licensee at a**
23 **time.**

24 **5. The temporary license obtained by an applicant under this section shall expire**
25 **the date the committee is notified by the supervising dietitian that the temporary**

26 licensee's employment has ceased or within one hundred eighty days of its issuance,
27 whichever occurs first.

324.1800. 1. Sections 324.1800 to 324.1865 shall be known and may be cited as
2 the "Dietitian Licensure Compact".

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

8 3. This Compact is designed to achieve the following objectives:

- 9 (1) Increase public access to dietetics services;
- 10 (2) Provide opportunities for interstate practice by Licensed Dietitians who meet
11 uniform requirements;
- 12 (3) Eliminate the necessity for Licenses in multiple States;
- 13 (4) Reduce administrative burden on Member States and Licensees;
- 14 (5) Enhance the States' ability to protect the public's health and safety;
- 15 (6) Encourage the cooperation of Member States in regulating multistate
16 practice of Licensed Dietitians;
- 17 (7) Support relocating Active Military Members and their spouses;
- 18 (8) Enhance the exchange of licensure, investigative, and disciplinary
19 information among Member States; and
- 20 (9) Vest all Member States with the authority to hold a Licensed Dietitian
21 accountable for meeting all State practice laws in the State in which the patient is
22 located at the time care is rendered.

324.1805. As used in this Compact, and except as otherwise provided, the
2 following definitions shall apply:

3 (1) "ACEND" means the Accreditation Council for Education in Nutrition and
4 Dietetics or its successor organization.

5 (2) "Active Military Member" means any individual with full-time duty status in
6 the active armed forces of the United States, including members of the National Guard
7 and Reserve.

8 (3) "Adverse Action" means any administrative, civil, equitable or criminal
9 action permitted by a State's laws which is imposed by a Licensing Authority or other
10 authority against a Licensee, including actions against an individual's License or
11 Compact Privilege such as revocation, suspension, probation, monitoring of the
12 Licensee, limitation on the Licensee's practice, or any other Encumbrance on licensure

13 affecting a Licensee's authorization to practice, including issuance of a cease and desist
14 action.

15 (4) "Alternative Program" means a non-disciplinary monitoring or practice
16 remediation process approved by a Licensing Authority.

17 (5) "Charter Member State" means any Member State which enacted this
18 Compact by law before the Effective Date specified in section 324.1855.

19 (6) "Continuing Education" means a requirement, as a condition of License
20 renewal, to provide evidence of participation in, and completion of, educational and
21 professional activities relevant to practice or area of work.

22 (7) "CDR" means the Commission on Dietetic Registration or its successor
23 organization.

24 (8) "Compact Commission" means the government agency whose membership
25 consists of all States that have enacted this Compact, which is known as the Dietitian
26 Licensure Compact Commission, as described in section 324.1835, and which shall
27 operate as an instrumentality of the Member States.

28 (9) "Compact Privilege" means a legal authorization, which is equivalent to a
29 License, permitting the Practice of Dietetics in a Remote State.

30 (10) "Current Significant Investigative Information" means:

31 (a) Investigative Information that a Licensing Authority, after a preliminary
32 inquiry that includes notification and an opportunity for the subject Licensee to
33 respond, if required by State law, has reason to believe is not groundless and, if proved
34 true, would indicate more than a minor infraction; or

35 (b) Investigative Information that indicates that the subject Licensee represents
36 an immediate threat to public health and safety regardless of whether the subject
37 Licensee has been notified and had an opportunity to respond.

38 (11) "Data System" means a repository of information about Licensees,
39 including, but not limited to, Continuing Education, examination, licensure,
40 investigative, Compact Privilege and Adverse Action information.

41 (12) "Encumbered License" means a License in which an Adverse Action
42 restricts a Licensee's ability to practice dietetics.

43 (13) "Encumbrance" means a revocation or suspension of, or any limitation on a
44 Licensee's full and unrestricted Practice of Dietetics by a Licensing Authority.

45 (14) "Executive Committee" means a group of delegates elected or appointed to
46 act on behalf of, and within the powers granted to them by, this Compact, and the
47 Compact Commission.

48 (15) "Home State" means the Member State that is the Licensee's primary State
49 of residence or that has been designated pursuant to section 324.1825.

50 (16) "Investigative Information" means information, records, and documents
51 received or generated by a Licensing Authority pursuant to an investigation.

52 (17) "Jurisprudence Requirement" means an assessment of an individual's
53 knowledge of the State laws and regulations governing the Practice of Dietetics in such
54 State.

55 (18) "License" means an authorization from a Member State to either:

56 (a) Engage in the Practice of Dietetics (including medical nutrition therapy); or

57 (b) Use the title "dietitian," "licensed dietitian," "licensed dietitian nutritionist,"
58 "certified dietitian," or other title describing a substantially similar practitioner as the
59 Compact Commission may further define by Rule.

60 (19) "Licensee" or "Licensed Dietitian" means an individual who currently
61 holds a License and who meets all of the requirements outlined in section 324.1815.

62 (20) "Licensing Authority" means the board or agency of a State, or equivalent,
63 that is responsible for the licensing and regulation of the Practice of Dietetics.

64 (21) "Member State" means a State that has enacted the Compact.

65 (22) "Practice of Dietetics" means the synthesis and application of dietetics as
66 defined by state law and regulations, primarily for the provision of nutrition care
67 services, including medical nutrition therapy, in person or via telehealth, to prevent,
68 manage, or treat diseases or medical conditions and promote wellness.

69 (23) "Registered Dietitian" means a person who:

70 (a) Has completed applicable education, experience, examination, and
71 recertification requirements approved by CDR;

72 (b) Is credentialed by CDR as a registered dietitian or a registered dietitian
73 nutritionist; and

74 (c) Is legally authorized to use the title registered dietitian or registered dietitian
75 nutritionist and the corresponding abbreviations "RD" or "RDN."

76 (24) "Remote State" means a Member State other than the Home State, where a
77 Licensee is exercising or seeking to exercise a Compact Privilege.

78 (25) "Rule" means a regulation promulgated by the Compact Commission that
79 has the force of law.

80 (26) "Single State License" means a License issued by a Member State within
81 the issuing State and does not include a Compact Privilege in any other Member State.

82 (27) "State" means any state, commonwealth, district, or territory of the United
83 States of America.

84 (28) "Unencumbered License" means a License that authorizes a Licensee to
85 engage in the full and unrestricted Practice of Dietetics.

324.1810. 1. To participate in the Compact, a State must currently:

2 **(1) License and regulate the Practice of Dietetics; and**
3 **(2) Have a mechanism in place for receiving and investigating complaints about**
4 **Licensees.**

5 **2. A Member State shall:**

6 **(1) Participate fully in the Compact Commission's Data System, including using**
7 **the unique identifier as defined in Rules;**

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

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

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

21 **(b) Communication between a Member State and the Compact Commission or**
22 **among Member States regarding the verification of eligibility for a Compact Privilege**
23 **shall not include any information received from the Federal Bureau of Investigation**
24 **relating to a federal criminal history record information check performed by a Member**
25 **State;**

26 **(4) Comply with and enforce the Rules of the Compact Commission;**

27 **(5) Require an applicant for a Compact Privilege to obtain or retain a License in**
28 **the Licensee's Home State and meet the Home State's qualifications for licensure or**
29 **renewal of licensure, as well as all other applicable State laws; and**

30 **(6) Recognize a Compact Privilege granted to a Licensee who meets all of the**
31 **requirements outlined in section 324.1815 in accordance with the terms of the Compact**
32 **and Rules.**

33 **3. Member States may set and collect a fee for granting a Compact Privilege.**

34 **4. Individuals not residing in a Member State shall continue to be able to apply**
35 **for a Member State's Single State License as provided under the laws of each Member**
36 **State. However, the Single State License granted to these individuals shall not be**
37 **recognized as granting a Compact Privilege to engage in the Practice of Dietetics in any**
38 **other Member State.**

39 **5. Nothing in this Compact shall affect the requirements established by a**
40 **Member State for the issuance of a Single State License.**

41 **6. At no point shall the Compact Commission have the power to define the**
42 **requirements for the issuance of a Single State License to practice dietetics. The**
43 **Member States shall retain sole jurisdiction over the provision of these requirements.**

324.1815. 1. To exercise the Compact Privilege under the terms and provisions
2 **of the Compact, the Licensee shall:**

3 **(1) Satisfy one of the following:**

4 **(a) Hold a valid current registration that gives the applicant the right to use the**
5 **term Registered Dietitian; or**

6 **(b) Complete all of the following:**

7 **a. An education program which is either:**

8 **(i) A master's degree or doctoral degree that is programmatically accredited by:**

9 **i. ACEND; or**

10 **ii. A dietetics accrediting agency recognized by the United States Department of**
11 **Education, which the Compact Commission may by Rule determine, and from a college**
12 **or university accredited at the time of graduation by the appropriate regional**
13 **accrediting agency recognized by the Council on Higher Education Accreditation and**
14 **the United States Department of Education.**

15 **(ii) An academic degree from a college or university in a foreign country**
16 **equivalent to the degree described in item (i) that is programmatically accredited by:**

17 **i. ACEND; or**

18 **ii. A dietetics accrediting agency recognized by the United States Department of**
19 **Education, which the Compact Commission may by Rule determine.**

20 **b. A planned, documented, supervised practice experience in dietetics that is**
21 **programmatically accredited by:**

22 **(i) ACEND; or**

23 **(ii) A dietetics accrediting agency recognized by the United States Department of**
24 **Education which the Compact Commission may by Rule determine and which involves**
25 **at least 1000 hours of practice experience under the supervision of a Registered Dietitian**
26 **or a Licensed Dietitian.**

27 **c. Successful completion of either:**

28 **(i) The Registration Examination for Dietitians administered by CDR; or**

29 **(ii) A national credentialing examination for dietitians approved by the Compact**
30 **Commission by Rule; such completion being no more than five years prior to the date of**
31 **the Licensee's application for initial licensure and accompanied by a period of**

32 continuous licensure thereafter, all of which may be further governed by the Rules of the
33 Compact Commission;

34 (2) Hold an Unencumbered License in the Home State;

35 (3) Notify the Compact Commission that the Licensee is seeking a Compact
36 Privilege within a Remote State or States;

37 (4) Pay any applicable fees, including any State fee, for the Compact Privilege;

38 (5) Meet any Jurisprudence Requirements established by the Remote State or
39 States in which the Licensee is seeking a Compact Privilege; and

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

43 2. The Compact Privilege is valid until the expiration date of the Home State
44 License. To maintain a Compact Privilege, renewal of the Compact Privilege shall be
45 congruent with the renewal of the Home State License as the Compact Commission may
46 define by Rule. The Licensee must comply with the requirements of subsection 1 of this
47 section to maintain the Compact Privilege in the Remote State or States.

48 3. A Licensee exercising a Compact Privilege shall adhere to the laws and
49 regulations of the Remote State. Licensees shall be responsible for educating themselves
50 on, and complying with, any and all State laws relating to the Practice of Dietetics in
51 such Remote State.

52 4. Notwithstanding anything to the contrary provided in this Compact or State
53 law, a Licensee exercising a Compact Privilege shall not be required to complete
54 Continuing Education Requirements required by a Remote State. A Licensee exercising
55 a Compact Privilege is only required to meet any Continuing Education Requirements
56 as required by the Home State.

324.1820. 1. A Licensee may hold a Home State License, which allows for a
2 Compact Privilege in other Member States, in only one Member State at a time.

3 2. If a Licensee changes Home State by moving between two Member States:

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

7 (2) Upon receipt of an application for obtaining a new Home State License by
8 virtue of a Compact Privilege, the new Home State shall verify that the Licensee meets
9 the criteria in section 324.1815 via the Data System, and require that the Licensee
10 complete the following:

11 (a) Federal Bureau of Investigation fingerprint based criminal history record
12 information check;

13 **(b) Any other criminal history record information required by the new Home**
14 **State; and**

15 **(c) Any Jurisprudence Requirements of the new Home State.**

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

19 **(4) Notwithstanding any other provision of this Compact, if the Licensee cannot**
20 **meet the criteria in section 324.1815, the new Home State may apply its requirements**
21 **for issuing a new Single State License.**

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

24 **3. If a Licensee changes their State of residence by moving from a Member State**
25 **to a non-Member State, or from a non-Member State to a Member State, the State**
26 **criteria shall apply for issuance of a Single State License in the new State.**

27 **4. Nothing in this Compact shall interfere with a Licensee's ability to hold a**
28 **Single State License in multiple States; however, for the purposes of this Compact, a**
29 **Licensee shall have only one Home State License.**

30 **5. Nothing in this Compact shall affect the requirements established by a**
31 **Member State for the issuance of a Single State License.**

324.1825. An Active Military Member, or their spouse, shall designate a Home
2 **State where the individual has a current License in good standing. The individual may**
3 **retain the Home State designation during the period the service member is on active**
4 **duty.**

324.1830. 1. In addition to the other powers conferred by State law, a Remote
2 **State shall have the authority, in accordance with existing State due process law, to:**

3 **(1) Take Adverse Action against a Licensee's Compact Privilege within that**
4 **Member State; and**

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

14 **2. Only the Home State shall have the power to take Adverse Action against a**
15 **Licensee's Home State License.**

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

20 **4. The Home State shall complete any pending investigations of a Licensee who**
21 **changes Home States during the course of the investigations. The Home State shall also**
22 **have authority to take appropriate action or actions and shall promptly report the**
23 **conclusions of the investigations to the administrator of the Data System. The**
24 **administrator of the Data System shall promptly notify the new Home State of any**
25 **Adverse Actions.**

26 **5. A Member State, if otherwise permitted by State law, may recover from the**
27 **affected Licensee the costs of investigations and dispositions of cases resulting from any**
28 **Adverse Action taken against that Licensee.**

29 **6. A Member State may take Adverse Action based on the factual findings of**
30 **another Remote State, provided that the Member State follows its own procedures for**
31 **taking the Adverse Action.**

32 **7. (1) In addition to the authority granted to a Member State by its respective**
33 **State law, any Member State may participate with other Member States in joint**
34 **investigations of Licensees.**

35 **(2) Member States shall share any investigative, litigation, or compliance**
36 **materials in furtherance of any joint investigation initiated under the Compact.**

37 **8. If Adverse Action is taken by the Home State against a Licensee's Home State**
38 **License resulting in an Encumbrance on the Home State License, the Licensee's**
39 **Compact Privilege or Privileges in all other Member States shall be revoked until all**
40 **Encumbrances have been removed from the Home State License. All Home State**
41 **disciplinary orders that impose Adverse Action against a Licensee shall include a**
42 **statement that the Licensee's Compact Privileges are revoked in all Member States**
43 **during the pendency of the order.**

44 **9. Once an Encumbered License in the Home State is restored to an**
45 **Unencumbered License (as certified by the Home State's Licensing Authority), the**
46 **Licensee must meet the requirements of subsection 1 of section 324.1815 and follow the**
47 **administrative requirements to reapply to obtain a Compact Privilege in any Remote**
48 **State.**

49 **10. If a Member State takes Adverse Action, it shall promptly notify the**
50 **administrator of the Data System. The administrator of the Data System shall promptly**
51 **notify the other Member States of any Adverse Actions.**

52 **11. Nothing in this Compact shall override a Member State's decision that**
53 **participation in an Alternative Program may be used in lieu of Adverse Action.**

324.1835. 1. The Compact Member States hereby create and establish a joint
2 **government agency whose membership consists of all Member States that have enacted**
3 **the Compact known as the Dietitian Licensure Compact Commission. The Compact**
4 **Commission is an instrumentality of the Compact States acting jointly and not an**
5 **instrumentality of any one State. The Compact Commission shall come into existence**
6 **on or after the effective date of the Compact as set forth in section 324.1855.**

7 **2. (1) Each Member State shall have and be limited to one (1) delegate selected**
8 **by that Member State's Licensing Authority.**

9 **(2) The delegate shall be the primary administrator of the Licensing Authority**
10 **or their designee.**

11 **(3) The Compact Commission shall by Rule or bylaw establish a term of office**
12 **for delegates and may by Rule or bylaw establish term limits.**

13 **(4) The Compact Commission may recommend removal or suspension of any**
14 **delegate from office.**

15 **(5) A Member State's Licensing Authority shall fill any vacancy of its delegate**
16 **occurring on the Compact Commission within 60 days of the vacancy.**

17 **(6) Each delegate shall be entitled to one vote on all matters before the Compact**
18 **Commission requiring a vote by the delegates.**

19 **(7) Delegates shall meet and vote by such means as set forth in the bylaws. The**
20 **bylaws may provide for delegates to meet and vote in-person or by telecommunication,**
21 **video conference, or other means of communication.**

22 **(8) The Compact Commission shall meet at least once during each calendar year.**
23 **Additional meetings may be held as set forth in the bylaws. The Compact Commission**
24 **may meet in person or by telecommunication, video conference, or other means of**
25 **communication.**

26 **3. The Compact Commission shall have the following powers:**

27 **(1) Establish the fiscal year of the Compact Commission;**

28 **(2) Establish code of conduct and conflict of interest policies;**

29 **(3) Establish and amend Rules and bylaws;**

30 **(4) Maintain its financial records in accordance with the bylaws;**

31 **(5) Meet and take such actions as are consistent with the provisions of this**
32 **Compact, the Compact Commission's Rules, and the bylaws;**

33 **(6) Initiate and conclude legal proceedings or actions in the name of the**
34 **Compact Commission, provided that the standing of any Licensing Authority to sue or**
35 **be sued under applicable law shall not be affected;**

36 **(7) Maintain and certify records and information provided to a Member State as**
37 **the authenticated business records of the Compact Commission, and designate an agent**
38 **to do so on the Compact Commission's behalf;**

39 **(8) Purchase and maintain insurance and bonds;**

40 **(9) Borrow, accept, or contract for services of personnel, including, but not**
41 **limited to, employees of a Member State;**

42 **(10) Conduct an annual financial review;**

43 **(11) Hire employees, elect or appoint officers, fix compensation, define duties,**
44 **grant such individuals appropriate authority to carry out the purposes of the Compact,**
45 **and establish the Compact Commission's personnel policies and programs relating to**
46 **conflicts of interest, qualifications of personnel, and other related personnel matters;**

47 **(12) Assess and collect fees;**

48 **(13) Accept any and all appropriate donations, grants of money, other sources of**
49 **revenue, equipment, supplies, materials, services, and gifts, and receive, utilize, and**
50 **dispose of the same; provided that at all times the Compact Commission shall avoid any**
51 **actual or appearance of impropriety or conflict of interest;**

52 **(14) Lease, purchase, retain, own, hold, improve, or use any property, real,**
53 **personal, or mixed, or any undivided interest therein;**

54 **(15) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise**
55 **dispose of any property real, personal, or mixed;**

56 **(16) Establish a budget and make expenditures;**

57 **(17) Borrow money;**

58 **(18) Appoint committees, including standing committees, composed of members,**
59 **State regulators, State legislators or their representatives, and consumer**
60 **representatives, and such other interested persons as may be designated in this**
61 **Compact or the bylaws;**

62 **(19) Provide and receive information from, and cooperate with, law enforcement**
63 **agencies;**

64 **(20) Establish and elect an Executive Committee, including a chair and a vice**
65 **chair;**

66 **(21) Determine whether a State's adopted language is materially different from**
67 **the model compact language such that the State would not qualify for participation in**
68 **the Compact; and**

69 **(22) Perform such other functions as may be necessary or appropriate to achieve**
70 **the purposes of this Compact.**

71 **4. (1) The Executive Committee shall have the power to act on behalf of the**
72 **Compact Commission according to the terms of this Compact. The powers, duties, and**
73 **responsibilities of the Executive Committee shall include:**

74 **(a) Oversee the day-to-day activities of the administration of the Compact**
75 **including enforcement and compliance with the provisions of the Compact, its Rules and**
76 **bylaws, and other such duties as deemed necessary;**

77 **(b) Recommend to the Compact Commission changes to the Rules or bylaws,**
78 **changes to this Compact legislation, fees charged to Compact Member States, fees**
79 **charged to Licensees, and other fees;**

80 **(c) Ensure Compact administration services are appropriately provided,**
81 **including by contract;**

82 **(d) Prepare and recommend the budget;**

83 **(e) Maintain financial records on behalf of the Compact Commission;**

84 **(f) Monitor Compact compliance of Member States and provide compliance**
85 **reports to the Compact Commission;**

86 **(g) Establish additional committees as necessary;**

87 **(h) Exercise the powers and duties of the Compact Commission during the**
88 **interim between Compact Commission meetings, except for adopting or amending**
89 **Rules, adopting or amending bylaws, and exercising any other powers and duties**
90 **expressly reserved to the Compact Commission by Rule or bylaw; and**

91 **(i) Other duties as provided in the Rules or bylaws of the Compact Commission.**

92 **(2) The Executive Committee shall be composed of nine members:**

93 **(a) The chair and vice chair of the Compact Commission shall be voting**
94 **members of the Executive Committee;**

95 **(b) Five voting members from the current membership of the Compact**
96 **Commission, elected by the Compact Commission;**

97 **(c) One ex-officio, nonvoting member from a recognized professional association**
98 **representing dietitians; and**

99 **(d) One ex-officio, nonvoting member from a recognized national credentialing**
100 **organization for dietitians.**

101 **(3) The Compact Commission may remove any member of the Executive**
102 **Committee as provided in the Compact Commission's bylaws.**

103 **(4) (a) The Executive Committee shall meet at least annually.**

104 **(b) Executive Committee meetings shall be open to the public, except that the**
105 **Executive Committee may meet in a closed, non-public meeting as provided in**
106 **subdivision (2) of subsection 6 of this section.**

107 **(c) The Executive Committee shall give 30 days' notice of its meetings, posted on**
108 **the website of the Compact Commission and as determined to provide notice to persons**
109 **with an interest in the business of the Compact Commission.**

110 **(d) The Executive Committee may hold a special meeting in accordance with**
111 **paragraph (c) of subdivision (1) of subsection 6 of this section.**

112 **5. The Compact Commission shall adopt and provide to the Member States an**
113 **annual report.**

114 **6. (1) (a) All meetings shall be open to the public, except that the Compact**
115 **Commission may meet in a closed, non-public meeting as provided in subdivision (2) of**
116 **this subsection.**

117 **(b) Public notice for all meetings of the full Compact Commission shall be given**
118 **in the same manner as required under the rulemaking provisions in section 324.1845,**
119 **except that the Compact Commission may hold a special meeting as provided in**
120 **paragraph (c) of this subdivision.**

121 **(c) The Compact Commission may hold a special meeting when it must meet to**
122 **conduct emergency business by giving 24 hours' notice to all Member States, on the**
123 **Compact Commission's website, and other means as provided in the Compact**
124 **Commission's Rules. The Compact Commission's legal counsel shall certify that the**
125 **Compact Commission's need to meet qualifies as an emergency.**

126 **(2) The Compact Commission or the Executive Committee or other committees**
127 **of the Compact Commission may convene in a closed, non-public meeting for the**
128 **Compact Commission or Executive Committee or other committees of the Compact**
129 **Commission to receive legal advice or to discuss:**

130 **(a) Non-compliance of a Member State with its obligations under the Compact;**

131 **(b) The employment, compensation, discipline, or other matters, practices, or**
132 **procedures related to specific employees;**

133 **(c) Current or threatened discipline of a Licensee by the Compact Commission**
134 **or by a Member State's Licensing Authority;**

135 **(d) Current, threatened, or reasonably anticipated litigation;**

136 **(e) Negotiation of contracts for the purchase, lease, or sale of goods, services, or**
137 **real estate;**

138 **(f) Accusing any person of a crime or formally censuring any person;**

139 **(g) Trade secrets or commercial or financial information that is privileged or**
140 **confidential;**

141 **(h) Information of a personal nature where disclosure would constitute a clearly**
142 **unwarranted invasion of personal privacy;**

143 **(i) Investigative records compiled for law enforcement purposes;**

144 **(j) Information related to any investigative reports prepared by or on behalf of**
145 **or for use of the Compact Commission or other committee charged with responsibility**
146 **of investigation or determination of compliance issues pursuant to the Compact;**

147 **(k) Matters specifically exempted from disclosure by federal or Member State**
148 **law; or**

149 **(l) Other matters as specified in the Rules of the Compact Commission.**

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

153 **(4) The Compact Commission shall keep minutes that fully and clearly describe**
154 **all matters discussed in a meeting and shall provide a full and accurate summary of**
155 **actions taken, and the reasons therefor, including a description of the views expressed.**
156 **All documents considered in connection with an action shall be identified in such**
157 **minutes. All minutes and documents of a closed meeting shall remain under seal,**
158 **subject to release only by a majority vote of the Compact Commission or order of a**
159 **court of competent jurisdiction.**

160 **7. (1) The Compact Commission shall pay, or provide for the payment of, the**
161 **reasonable expenses of its establishment, organization, and ongoing activities.**

162 **(2) The Compact Commission may accept any and all appropriate revenue**
163 **sources as provided in subdivision (13) of subsection 3 of this section.**

164 **(3) The Compact Commission may levy on and collect an annual assessment**
165 **from each Member State and impose fees on Licensees of Member States to whom it**
166 **grants a Compact Privilege to cover the cost of the operations and activities of the**
167 **Compact Commission and its staff, which must, in a total amount, be sufficient to cover**
168 **its annual budget as approved each year for which revenue is not provided by other**
169 **sources. The aggregate annual assessment amount for Member States shall be allocated**
170 **based upon a formula that the Compact Commission shall promulgate by Rule.**

171 **(4) The Compact Commission shall not incur obligations of any kind prior to**
172 **securing the funds adequate to meet the same; nor shall the Compact Commission**
173 **pledge the credit of any of the Member States, except by and with the authority of the**
174 **Member State.**

175 **(5) The Compact Commission shall keep accurate accounts of all receipts and**
176 **disbursements. The receipts and disbursements of the Compact Commission shall be**
177 **subject to the financial review and accounting procedures established under its bylaws.**

178 **However, all receipts and disbursements of funds handled by the Compact Commission**
179 **shall be subject to an annual financial review by a certified or licensed public**
180 **accountant, and the report of the financial review shall be included in and become part**
181 **of the annual report of the Compact Commission.**

182 **8. (1) The members, officers, executive director, employees and representatives**
183 **of the Compact Commission shall be immune from suit and liability, both personally**
184 **and in their official capacity, for any claim for damage to or loss of property or personal**
185 **injury or other civil liability caused by or arising out of any actual or alleged act, error,**
186 **or omission that occurred, or that the person against whom the claim is made had a**
187 **reasonable basis for believing occurred within the scope of Compact Commission**
188 **employment, duties, or responsibilities; provided that nothing in this subdivision shall**
189 **be construed to protect any such person from suit or liability for any damage, loss,**
190 **injury, or liability caused by the intentional or willful or wanton misconduct of that**
191 **person. The procurement of insurance of any type by the Compact Commission shall**
192 **not in any way compromise or limit the immunity granted hereunder.**

193 **(2) The Compact Commission shall defend any member, officer, executive**
194 **director, employee, and representative of the Compact Commission in any civil action**
195 **seeking to impose liability arising out of any actual or alleged act, error, or omission that**
196 **occurred within the scope of Compact Commission employment, duties, or**
197 **responsibilities, or as determined by the Compact Commission that the person**
198 **against whom the claim is made had a reasonable basis for believing occurred within the**
199 **scope of Compact Commission employment, duties, or responsibilities; provided that**
200 **nothing herein shall be construed to prohibit that person from retaining their own**
201 **counsel at their own expense; and provided further, that the actual or alleged act, error,**
202 **or omission did not result from that person's intentional or willful or wanton**
203 **misconduct.**

204 **(3) The Compact Commission shall indemnify and hold harmless any member,**
205 **officer, executive director, employee, and representative of the Compact Commission for**
206 **the amount of any settlement or judgment obtained against that person arising out of**
207 **any actual or alleged act, error, or omission that occurred within the scope of Compact**
208 **Commission employment, duties, or responsibilities, or that such person had a**
209 **reasonable basis for believing occurred within the scope of Compact Commission**
210 **employment, duties, or responsibilities, provided that the actual or alleged act, error, or**
211 **omission did not result from the intentional or willful or wanton misconduct of that**
212 **person.**

213 **(4) Nothing herein shall be construed as a limitation on the liability of any**
214 **Licensee for professional malpractice or misconduct, which shall be governed solely by**
215 **any other applicable State laws.**

216 **(5) Nothing in this Compact shall be interpreted to waive or otherwise abrogate**
217 **a Member State's state action immunity or state action affirmative defense with respect**
218 **to antitrust claims under the Sherman Act, Clayton Act, or any other State or federal**
219 **antitrust or anticompetitive law or regulation.**

220 **(6) Nothing in this Compact shall be construed to be a waiver of sovereign**
221 **immunity by the Member States or by the Compact Commission.**

324.1840. 1. The Compact Commission shall provide for the development,
2 **maintenance, operation, and utilization of a coordinated Data System.**

3 **2. The Compact Commission shall assign each applicant for a Compact Privilege**
4 **a unique identifier, as determined by the Rules.**

5 **3. Notwithstanding any other provision of State law to the contrary, a Member**
6 **State shall submit a uniform data set to the Data System on all individuals to whom this**
7 **Compact is applicable as required by the Rules of the Compact Commission, including:**

8 **(1) Identifying information;**

9 **(2) Licensure data;**

10 **(3) Adverse Actions against a License or Compact Privilege and information**
11 **related thereto;**

12 **(4) Non-confidential information related to Alternative Program participation,**
13 **the beginning and ending dates of such participation, and other information related to**
14 **such participation not made confidential under Member State law;**

15 **(5) Any denial of application for licensure, and the reason or reasons for such**
16 **denial;**

17 **(6) The presence of Current Significant Investigative Information; and**

18 **(7) Other information that may facilitate the administration of this Compact or**
19 **the protection of the public, as determined by the Rules of the Compact Commission.**

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

25 **5. Current Significant Investigative Information pertaining to a Licensee in any**
26 **Member State will only be available to other Member States.**

27 **6. It is the responsibility of the Member States to report any Adverse Action**
28 **against a Licensee and to monitor the Data System to determine whether any Adverse**

29 Action has been taken against a Licensee. Adverse Action information pertaining to a
30 Licensee in any Member State will be available to any other Member State.

31 7. Member States contributing information to the Data System may designate
32 information that may not be shared with the public without the express permission of
33 the contributing State.

34 8. Any information submitted to the Data System that is subsequently expunged
35 pursuant to federal law or the laws of the Member State contributing the information
36 shall be removed from the Data System.

324.1845. 1. The Compact Commission shall promulgate reasonable Rules in
2 order to effectively and efficiently implement and administer the purposes and
3 provisions of the Compact. A Rule shall be invalid and have no force or effect only if a
4 court of competent jurisdiction holds that the Rule is invalid because the Compact
5 Commission exercised its rulemaking authority in a manner that is beyond the scope
6 and purposes of the Compact, or the powers granted hereunder, or based upon another
7 applicable standard of review.

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

14 3. The Compact Commission shall exercise its rulemaking powers pursuant to
15 the criteria set forth in this Section and the Rules adopted thereunder. Rules shall
16 become binding on the day following adoption or as of the date specified in the Rule or
17 amendment, whichever is later.

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

22 5. Rules shall be adopted at a regular or special meeting of the Compact
23 Commission.

24 6. Prior to adoption of a proposed Rule, the Compact Commission shall hold a
25 public hearing and allow persons to provide oral and written comments, data, facts,
26 opinions, and arguments.

27 7. Prior to adoption of a proposed Rule by the Compact Commission, and at
28 least thirty (30) days in advance of the meeting at which the Compact Commission will

29 hold a public hearing on the proposed Rule, the Compact Commission shall provide a
30 Notice of Proposed rulemaking:

31 (1) On the website of the Compact Commission or other publicly accessible
32 platform;

33 (2) To persons who have requested notice of the Compact Commission's notices
34 of proposed rulemaking; and

35 (3) In such other way or ways as the Compact Commission may by Rule specify.

36 8. The Notice of Proposed rulemaking shall include:

37 (1) The time, date, and location of the public hearing at which the Compact
38 Commission will hear public comments on the proposed Rule and, if different, the time,
39 date, and location of the meeting where the Compact Commission will consider and vote
40 on the proposed Rule;

41 (2) If the hearing is held via telecommunication, video conference, or other
42 means of communication, the Compact Commission shall include the mechanism for
43 access to the hearing in the Notice of Proposed rulemaking;

44 (3) The text of the proposed Rule and the reason therefor;

45 (4) A request for comments on the proposed Rule from any interested person;
46 and

47 (5) The manner in which interested persons may submit written comments.

48 9. All hearings will be recorded. A copy of the recording and all written
49 comments and documents received by the Compact Commission in response to the
50 proposed Rule shall be available to the public.

51 10. Nothing in this Section shall be construed as requiring a separate hearing on
52 each Rule. Rules may be grouped for the convenience of the Compact Commission at
53 hearings required by this Section.

54 11. (1) The Compact Commission shall, by majority vote of all members, take
55 final action on the proposed Rule based on the rulemaking record and the full text of the
56 Rule.

57 (2) The Compact Commission may adopt changes to the proposed Rule provided
58 the changes do not enlarge the original purpose of the proposed Rule.

59 (3) The Compact Commission shall provide an explanation of the reasons for
60 substantive changes made to the proposed Rule as well as reasons for substantive
61 changes not made that were recommended by commenters.

62 (4) The Compact Commission shall determine a reasonable effective date for the
63 Rule. Except for an emergency as provided in subsection 12 of this section, the effective
64 date of the Rule shall be no sooner than 30 days after issuing the notice that it adopted
65 or amended the Rule.

66 **12. Upon determination that an emergency exists, the Compact Commission**
67 **may consider and adopt an emergency Rule with 24 hours' notice, with opportunity to**
68 **comment, provided that the usual rulemaking procedures provided in the Compact and**
69 **in this Section shall be retroactively applied to the Rule as soon as reasonably possible,**
70 **in no event later than ninety (90) days after the effective date of the Rule. For the**
71 **purposes of this provision, an emergency Rule is one that must be adopted immediately**
72 **in order to:**

73 **(1) Meet an imminent threat to public health, safety, or welfare;**

74 **(2) Prevent a loss of Compact Commission or Member State funds;**

75 **(3) Meet a deadline for the promulgation of a Rule that is established by federal**
76 **law or rule; or**

77 **(4) Protect public health and safety.**

78 **13. The Compact Commission or an authorized committee of the Compact**
79 **Commission may direct revision to a previously adopted Rule for purposes of correcting**
80 **typographical errors, errors in format, errors in consistency, or grammatical errors.**
81 **Public notice of any revision shall be posted on the website of the Compact Commission.**
82 **The revision shall be subject to challenge by any person for a period of thirty (30) days**
83 **after posting. The revision may be challenged only on grounds that the revision results**
84 **in a material change to a Rule. A challenge shall be made in writing and delivered to the**
85 **Compact Commission prior to the end of the notice period. If no challenge is made, the**
86 **revision will take effect without further action. If the revision is challenged, the revision**
87 **may not take effect without the approval of the Compact Commission.**

88 **14. No Member State's rulemaking requirements shall apply under this**
89 **Compact.**

324.1850. 1. (1) The executive and judicial branches of State government in
2 **each Member State shall enforce this Compact and take all actions necessary and**
3 **appropriate to implement this Compact.**

4 **(2) Except as otherwise provided in this Compact, venue is proper and judicial**
5 **proceedings by or against the Compact Commission shall be brought solely and**
6 **exclusively in a court of competent jurisdiction where the principal office of the**
7 **Compact Commission is located. The Compact Commission may waive venue and**
8 **jurisdictional defenses to the extent it adopts or consents to participate in alternative**
9 **dispute resolution proceedings. Nothing herein shall affect or limit the selection or**
10 **propriety of venue in any action against a Licensee for professional malpractice,**
11 **misconduct, or any such similar matter.**

12 **(3) The Compact Commission shall be entitled to receive service of process in**
13 **any proceeding regarding the enforcement or interpretation of the Compact and shall**

14 have standing to intervene in such a proceeding for all purposes. Failure to provide the
15 Compact Commission service of process shall render a judgment or order void as to the
16 Compact Commission, this Compact, or promulgated Rules.

17 2. (1) If the Compact Commission determines that a Member State has
18 defaulted in the performance of its obligations or responsibilities under this Compact or
19 the promulgated Rules, the Compact Commission shall provide written notice to the
20 defaulting State. The notice of default shall describe the default, the proposed means of
21 curing the default, and any other action that the Compact Commission may take and
22 shall offer training and specific technical assistance regarding the default.

23 (2) The Compact Commission shall provide a copy of the notice of default to the
24 other Member States.

25 3. If a State in default fails to cure the default, the defaulting State may be
26 terminated from the Compact upon an affirmative vote of a majority of the delegates of
27 the Member States, and all rights, privileges, and benefits conferred on that State by
28 this Compact may be terminated on the effective date of termination. A cure of the
29 default does not relieve the offending State of obligations or liabilities incurred during
30 the period of default.

31 4. Termination of membership in the Compact shall be imposed only after all
32 other means of securing compliance have been exhausted. Notice of intent to suspend or
33 terminate shall be given by the Compact Commission to the governor, the majority and
34 minority leaders of the defaulting State's legislature, the defaulting State's Licensing
35 Authority, and each of the Member States' Licensing Authority.

36 5. A State that has been terminated is responsible for all assessments,
37 obligations, and liabilities incurred through the effective date of termination, including
38 obligations that extend beyond the effective date of termination.

39 6. Upon the termination of a State's membership from this Compact, that State
40 shall immediately provide notice to all Licensees within that State of such termination.
41 The terminated State shall continue to recognize all Compact Privileges granted
42 pursuant to this Compact for a minimum of six months after the date of said notice of
43 termination.

44 7. The Compact Commission shall not bear any costs related to a State that is
45 found to be in default or that has been terminated from the Compact, unless agreed
46 upon in writing between the Compact Commission and the defaulting State.

47 8. The defaulting State may appeal the action of the Compact Commission by
48 petitioning the U.S. District Court for the District of Columbia or the federal district
49 where the Compact Commission has its principal offices. The prevailing party shall be
50 awarded all costs of such litigation, including reasonable attorney's fees.

51 **9. (1) Upon request by a Member State, the Compact Commission shall attempt**
52 **to resolve disputes related to the Compact that arise among Member States and between**
53 **Member and non-Member States.**

54 **(2) The Compact Commission shall promulgate a Rule providing for both**
55 **mediation and binding dispute resolution for disputes as appropriate.**

56 **10. (1) By supermajority vote, the Compact Commission may initiate legal**
57 **action against a Member State in default in the United States District Court for the**
58 **District of Columbia or the federal district where the Compact Commission has its**
59 **principal offices to enforce compliance with the provisions of the Compact and its**
60 **promulgated Rules. The relief sought may include both injunctive relief and damages.**
61 **In the event judicial enforcement is necessary, the prevailing party shall be awarded all**
62 **costs of such litigation, including reasonable attorney's fees. The remedies herein shall**
63 **not be the exclusive remedies of the Compact Commission. The Compact Commission**
64 **may pursue any other remedies available under federal or the defaulting Member**
65 **State's law.**

66 **(2) A Member State may initiate legal action against the Compact Commission**
67 **in the U.S. District Court for the District of Columbia or the federal district where the**
68 **Compact Commission has its principal offices to enforce compliance with the provisions**
69 **of the Compact and its promulgated Rules. The relief sought may include both**
70 **injunctive relief and damages. In the event judicial enforcement is necessary, the**
71 **prevailing party shall be awarded all costs of such litigation, including reasonable**
72 **attorney's fees.**

73 **(3) No party other than a Member State shall enforce this Compact against the**
74 **Compact Commission.**

324.1855. 1. (1) The Compact shall come into effect on the date on which the
2 **Compact statute is enacted into law in the seventh Member State.**

3 **(2) (a) On or after the effective date of the Compact, the Compact Commission**
4 **shall convene and review the enactment of each of the first seven Member States**
5 **("Charter Member States") to determine if the statute enacted by each such Charter**
6 **Member State is materially different than the model Compact statute.**

7 **(b) A Charter Member State whose enactment is found to be materially different**
8 **from the model Compact statute shall be entitled to the default process set forth in**
9 **section 324.1850.**

10 **(c) If any Member State is later found to be in default, or is terminated, or**
11 **withdraws from the Compact, the Compact Commission shall remain in existence and**
12 **the Compact shall remain in effect even if the number of Member States should be less**
13 **than seven.**

14 **(3) Member States enacting the Compact subsequent to the seven initial Charter**
15 **Member States shall be subject to the process set forth in subdivision (21) of subsection**
16 **3 of section 324.1835 to determine if their enactments are materially different from the**
17 **model Compact statute and whether they qualify for participation in the Compact.**

18 **(4) All actions taken for the benefit of the Compact Commission or in**
19 **furtherance of the purposes of the administration of the Compact prior to the effective**
20 **date of the Compact or the Compact Commission coming into existence shall be**
21 **considered to be actions of the Compact Commission unless specifically repudiated by**
22 **the Compact Commission.**

23 **(5) Any State that joins the Compact subsequent to the Compact Commission's**
24 **initial adoption of the Rules and bylaws shall be subject to the Rules and bylaws as they**
25 **exist on the date on which the Compact becomes law in that State. Any Rule that has**
26 **been previously adopted by the Compact Commission shall have the full force and effect**
27 **of law on the day the Compact becomes law in that State.**

28 **2. (1) Any Member State may withdraw from this Compact by enacting a**
29 **statute repealing the same.**

30 **(2) A Member State's withdrawal shall not take effect until 180 days after**
31 **enactment of the repealing statute.**

32 **(3) Withdrawal shall not affect the continuing requirement of the withdrawing**
33 **State's Licensing Authority to comply with the investigative and Adverse Action**
34 **reporting requirements of this Compact prior to the effective date of withdrawal.**

35 **(4) Upon the enactment of a statute withdrawing from this Compact, a State**
36 **shall immediately provide notice of such withdrawal to all Licensees within that State.**
37 **Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing**
38 **State shall continue to recognize all Compact Privileges granted pursuant to this**
39 **Compact for a minimum of 180 days after the date of such notice of withdrawal.**

40 **3. Nothing contained in this Compact shall be construed to invalidate or prevent**
41 **any licensure agreement or other cooperative arrangement between a Member State**
42 **and a non-Member State that does not conflict with the provisions of this Compact.**

43 **4. This Compact may be amended by the Member States. No amendment to this**
44 **Compact shall become effective and binding upon any Member State until it is enacted**
45 **into the laws of all Member States.**

324.1860. 1. This Compact and the Compact Commission's rulemaking
2 **authority shall be liberally construed so as to effectuate the purposes and the**
3 **implementation and administration of the Compact. Provisions of the Compact**
4 **expressly authorizing or requiring the promulgation of Rules shall not be construed to**
5 **limit the Compact Commission's rulemaking authority solely for those purposes.**

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

13 **3. Notwithstanding subsection 2 of this section, the Compact Commission may**
14 **deny a State's participation in the Compact or, in accordance with the requirements of**
15 **subsection 2 of section 324.1850, terminate a Member State's participation in the**
16 **Compact, if it determines that a constitutional requirement of a Member State is a**
17 **material departure from the Compact. Otherwise, if this Compact shall be held to be**
18 **contrary to the constitution of any Member State, the Compact shall remain in full force**
19 **and effect as to the remaining Member States and in full force and effect as to the**
20 **Member State affected as to all severable matters.**

324.1865. 1. Nothing herein shall prevent or inhibit the enforcement of any
2 **other law of a Member State that is not inconsistent with the Compact.**

3 **2. Any laws, statutes, regulations, or other legal requirements in a Member State**
4 **in conflict with the Compact are superseded to the extent of the conflict.**

5 **3. All permissible agreements between the Compact Commission and the**
6 **Member States are binding in accordance with their terms.**

✓