

By: Senator(s) Blackwell

To: Public Health and
Welfare

SENATE BILL NO. 2664
(As Passed the Senate)

1 AN ACT TO ENACT INTO LAW THE DIETITIAN LICENSURE COMPACT AND
2 PROVIDE THAT THE STATE OF MISSISSIPPI ENTERS THE COMPACT WITH
3 OTHER STATES THAT JOIN IN THE COMPACT; TO AMEND SECTIONS 73-10-3,
4 73-10-7, AND 73-10-15, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
5 PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** The Dietitian Licensure Compact is enacted into
8 law and entered into by this state with any and all states legally
9 joining in the Compact in accordance with its terms, in the form
10 substantially as follows:

11 **Dietitian Licensure Compact**

12 **Section 1: PURPOSE**

13 The purpose of this Compact is to facilitate interstate
14 practice of dietetics with the goal of improving public access to
15 dietetics services. This Compact preserves the regulatory
16 authority of states to protect public health and safety through
17 the current system of state licensure, while also providing for
18 licensure portability through a compact privilege granted to
19 qualifying professionals.



20 This Compact is designed to achieve the following objectives:

21 A. Increase public access to dietetics services;

22 B. Provide opportunities for interstate practice by licensed

23 dietitians who meet uniform requirements;

24 C. Eliminate the necessity for licenses in multiple states;

25 D. Reduce administrative burden on member states and

26 licensees;

27 E. Enhance the states' ability to protect the public's

28 health and safety;

29 F. Encourage the cooperation of member states in regulating

30 multistate practice of licensed dietitians;

31 G. Support relocating active military members and their

32 spouses;

33 H. Enhance the exchange of licensure, investigative, and

34 disciplinary information among member states; and

35 I. Vest all member states with the authority to hold a

36 licensed dietitian accountable for meeting all state practice laws

37 in the state in which the patient is located at the time care is

38 rendered.

39 **Section 2. DEFINITIONS**

40 As used in this Compact, and except as otherwise provided,

41 the following definitions shall apply:

42 A. "ACEND" means the Accreditation Council for Education in

43 Nutrition and Dietetics or its successor organization.



44 B. "Active military member" means any individual with
45 full-time duty status in the active Armed Forces of the United
46 States, including members of the National Guard and Reserve.

47 C. "Adverse action" means any administrative, civil,
48 equitable or criminal action permitted by a state's laws which is
49 imposed by a licensing authority or other authority against a
50 licensee, including actions against an individual's license or
51 compact privilege such as revocation, suspension, probation,
52 monitoring of the licensee, limitation on the licensee's practice,
53 or any other encumbrance on licensure affecting a licensee's
54 authorization to practice, including issuance of a cease and
55 desist action.

56 D. "Alternative program" means a nondisciplinary monitoring
57 or practice remediation process approved by a licensing authority.

58 E. "Charter member state" means any member state which
59 enacted this Compact by law before the effective date specified in
60 Section 12 of this Compact.

61 F. "Continuing education" means a requirement, as a
62 condition of license renewal, to provide evidence of participation
63 in, and completion of, educational and professional activities
64 relevant to practice or area of work.

65 G. "CDR" means the Commission on Dietetic Registration or
66 its successor organization.

67 H. "Compact commission" means the government agency whose
68 membership consists of all states that have enacted this Compact,



which is known as the Dietitian Licensure Compact Commission, as described in Section 8 of this Compact, and which shall operate as an instrumentality of the member states.

I. "Compact privilege" means a legal authorization, which is equivalent to a license, permitting the practice of dietetics in a remote state.

J. "Current significant investigative information" means:

1. Investigative information that a licensing authority, after a preliminary inquiry that includes notification and an opportunity for the subject licensee to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or

2. Investigative information that indicates that the subject licensee represents an immediate threat to public health and safety regardless of whether the subject licensee has been notified and had an opportunity to respond.

K. "Data system" means a repository of information about licensees, including, but not limited to, continuing education, examination, licensure, investigative, compact privilege and adverse action information.

L. "Encumbered license" means a license in which an adverse action restricts a licensee's ability to practice dietetics.



92 M. "Encumbrance" means a revocation or suspension of, or any
93 limitation on a licensee's full and unrestricted practice of
94 dietetics by a licensing authority.

95 N. "Executive committee" means a group of delegates elected
96 or appointed to act on behalf of, and within the powers granted to
97 them by, this Compact, and the compact commission.

98 O. "Home state" means the member state that is the
99 licensee's primary state of residence or that has been designated
100 pursuant to Section 6 of this Compact.

101 P. "Investigative information" means information, records,
102 and documents received or generated by a licensing authority
103 pursuant to an investigation.

104 Q. "Jurisprudence requirement" means an assessment of an
105 individual's knowledge of the state laws and regulations governing
106 the practice of dietetics in such state.

107 R. "License" means an authorization from a member state to
108 either:

109 1. Engage in the practice of dietetics, including
110 medical nutrition therapy; or

111 2. Use the title "dietitian," "licensed dietitian,"
112 "licensed dietitian nutritionist," "certified dietitian" or other
113 title describing a substantially similar practitioner as the
114 compact commission may further define by rule.



S. "Licensee" or "licensed dietitian" means an individual who currently holds a License and who meets all of the requirements outlined in Section 4 of this Compact.

T. "Licensing authority" means the board or agency of a state, or equivalent, that is responsible for the licensing and regulation of the practice of dietetics.

U. "Member state" means a state that has enacted the Compact.

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

W. "Registered dietitian" means a person who:

1. Has completed applicable education, experience, examination, and recertification requirements approved by CD;
2. Is credentialed by CDR as a registered dietitian or a registered dietitian nutritionist; and
3. Is legally authorized to use the title registered dietitian or registered dietitian nutritionist and the corresponding abbreviations "RD" or "RDN."

X. "Remote state" means a member state other than the home state, where a licensee is exercising or seeking to exercise a compact privilege.



Y. "Rule" means a regulation promulgated by the compact commission that has the force of law.

Z. "Single state license" means a license issued by a member state within the issuing state and does not include a compact privilege in any other member state.

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

BB. "Unencumbered license" means a license that authorizes a licensee to engage in the full and unrestricted practice of dietetics.

Section 3. STATE PARTICIPATION IN THE COMPACT

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

1. License and regulate the practice of dietetics; and
2. Have a mechanism in place for receiving and investigating complaints about licensees.

B. A member state shall:

1. Participate fully in the compact commission's data system, including using the unique identifier as defined in rules;
2. Notify the compact commission, in compliance with the terms of the Compact and rules, of any adverse action or the availability of current significant investigative information regarding a licensee;
3. Implement or utilize procedures for considering the criminal history record information of applicants for an initial compact privilege. These procedures shall include the submission



of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records;

a. A member state must fully implement a criminal history record information requirement, within a time frame established by rule, which includes receiving the results of the Federal Bureau of Investigation record search and shall use those results in determining compact privilege eligibility.

b. Communication between a member state and the compact commission or among member states regarding the verification of eligibility for a compact privilege shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal history record information check performed by a member state.

4. Comply with and enforce the rules of the compact commission;

5. Require an applicant for a compact privilege to obtain or retain a License in the licensee's home state and meet the home state's qualifications for licensure or renewal of licensure, as well as all other applicable state laws; and

6. Recognize a compact privilege granted to a licensee who meets all of the requirements outlined in Section 4 of this Compact in accordance with the terms of the Compact and rules.



C. Member states may set and collect a fee for granting a compact privilege.

D. Individuals not residing in a member state shall continue to be able to apply for a member state's single state license as provided under the laws of each member state. However, the single state license granted to these individuals shall not be recognized as granting a compact privilege to engage in the practice of dietetics in any other member state.

E. Nothing in this Compact shall affect the requirements established by a member state for the issuance of a single state license.

F. At no point shall the compact commission have the power to define the requirements for the issuance of a single state license to practice dietetics. The member states shall retain sole jurisdiction over the provision of these requirements.

Section 4. COMPACT PRIVILEGE

A. To exercise the compact privilege under the terms and provisions of the Compact, the licensee shall:

1. Satisfy one (1) of the following:

a. Hold a valid current registration that gives the applicant the right to use the term registered dietitian; or

b. Complete all of the following:

i. An education program which is either:

(a) A master's degree or doctoral degree that is programmatically accredited by (i) ACEND; or (ii) a



dietetics accrediting agency recognized by the United States Department of Education, which the compact commission may by rule determine, and from a college or university accredited at the time of graduation by the appropriate regional accrediting agency recognized by the Council on Higher Education Accreditation and the United States Department of Education.

(b) An academic degree from a college or university in a foreign country equivalent to the degree described in item (a) that is programmatically accredited by (i) ACEND; or (ii) a dietetics accrediting agency recognized by the United States Department of Education, which the compact commission may by rule determine.

ii. A planned, documented, supervised practice experience in dietetics that is programmatically accredited by (i) ACEND, or (ii) a dietetics accrediting agency recognized by the United States Department of Education which the compact commission may by rule determine and which involves at least one thousand (1,000) hours of practice experience under the supervision of a registered dietitian or a licensed dietitian.

iii. Successful completion of either: (i) the Registration Examination for Dietitians administered by CDR, or (ii) a national credentialing examination for dietitians approved by the compact commission by rule; such completion being no more than five (5) years prior to the date of the licensee's application for initial licensure and accompanied by a period of



continuous licensure thereafter, all of which may be further governed by the rules of the compact commission.

2. Hold an unencumbered license in the home state;

3. Notify the compact commission that the licensee is seeking a compact privilege within a remote state(s);

4. Pay any applicable fees, including any state fee, for the compact privilege;

5. Meet any jurisprudence requirements established by the remote state(s) in which the licensee is seeking a compact privilege; and

6. Report to the compact commission any adverse action, encumbrance, or restriction on a license taken by any nonmember state within thirty (30) days from the date the action is taken.

B. The compact privilege is valid until the expiration date of the home state license. To maintain a compact privilege, renewal of the compact privilege shall be congruent with the renewal of the home state license as the compact commission may define by rule. The licensee must comply with the requirements of Section 4A of this Compact to maintain the compact privilege in the remote state(s).

C. A licensee exercising a compact privilege shall adhere to the laws and regulations of the remote state. Licensees shall be responsible for educating themselves on, and complying with, any and all state laws relating to the practice of dietetics in such remote state.



D. Notwithstanding anything to the contrary provided in this Compact or state law, a licensee exercising a compact privilege shall not be required to complete continuing education requirements required by a remote state. A licensee exercising a compact privilege is only required to meet any continuing education requirements as required by the home state.

**Section 5: OBTAINING A NEW HOME STATE LICENSE
BASED ON A COMPACT PRIVILEGE**

A. A licensee may hold a home state license, which allows for a compact privilege in other member states, in only one (1) member state at a time.

B. If a licensee changes home state by moving between two member states:

1. The licensee shall file an application for obtaining a new home state license based on a compact privilege, pay all applicable fees, and notify the current and new home state in accordance with the rules of the compact commission.

2. Upon receipt of an application for obtaining a new home state license by virtue of a compact privilege, the new home state shall verify that the Licensee meets the criteria in Section 4 of this Compact via the data system, and require that the licensee complete the following:

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



b. Any other criminal history record information required by the new home state; and

c. Any jurisprudence requirements of the new home state.

3. The former home state shall convert the former home state license into a compact privilege once the new home state has activated the new home state license in accordance with applicable rules adopted by the compact commission.

4. Notwithstanding any other provision of this Compact, if the licensee cannot meet the criteria in Section 4 of this Compact, the new home state may apply its requirements for issuing a new single-state license.

5. The licensee shall pay all applicable fees to the new home state in order to be issued a new home state license.

C. If a licensee changes their state of residence by moving from a member state to a nonmember state, or from a nonmember state to a member state, the state criteria shall apply for issuance of a single state license in the new state.

D. Nothing in this Compact shall interfere with a licensee's ability to hold a single state license in multiple states; however, for the purposes of this Compact, a licensee shall have only one (1) home state license.

E. Nothing in this Compact shall affect the requirements established by a member state for the issuance of a single state license.



313 **Section 6. ACTIVE MILITARY MEMBERS OR THEIR SPOUSES**

314 An active military member, or their spouse, shall designate a
315 Home State where the individual has a current license in good
316 standing. The individual may retain the home state designation
317 during the period the service member is on active duty.

318 **Section 7. ADVERSE ACTIONS**

319 A. In addition to the other powers conferred by state law, a
320 remote state shall have the authority, in accordance with existing
321 state due process law, to:

322 1. Take adverse action against a licensee's compact
323 privilege within that member state; and

324 2. Issue subpoenas for both hearings and investigations
325 that require the attendance and testimony of witnesses as well as
326 the production of evidence. Subpoenas issued by a licensing
327 authority in a member state for the attendance and testimony of
328 witnesses or the production of evidence from another member state
329 shall be enforced in the latter state by any court of competent
330 jurisdiction, according to the practice and procedure applicable
331 to subpoenas issued in proceedings pending before that court. The
332 issuing authority shall pay any witness fees, travel expenses,
333 mileage, and other fees required by the service statutes of the
334 state in which the witnesses or evidence are located.

335 B. Only the home state shall have the power to take adverse
336 action against a licensee's home state license.



337 C. For purposes of taking adverse action, the home state
338 shall give the same priority and effect to reported conduct
339 received from a member state as it would if the conduct had
340 occurred within the home state. In so doing, the home state shall
341 apply its own state laws to determine appropriate action.

342 D. The home state shall complete any pending investigations
343 of a licensee who changes home states during the course of the
344 investigations. The home state shall also have authority to take
345 appropriate action(s) and shall promptly report the conclusions of
346 the investigations to the administrator of the data system. The
347 administrator of the data system shall promptly notify the new
348 home state of any adverse actions.

349 E. A member state, if otherwise permitted by state law, may
350 recover from the affected licensee the costs of investigations and
351 dispositions of cases resulting from any adverse action taken
352 against that licensee.

353 F. A member state may take adverse action based on the
354 factual findings of another remote state, provided that the member
355 state follows its own procedures for taking the adverse action.

356 G. Joint investigations:

357 1. In addition to the authority granted to a member
358 state by its respective state law, any member state may
359 participate with other member states in joint investigations of
360 licensees.



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

H. If adverse action is taken by the home state against a licensee's home state license resulting in an encumbrance on the home state license, the licensee's compact privilege(s) in all other member states shall be revoked until all encumbrances have been removed from the home state license. All home state disciplinary orders that impose adverse action against a Licensee shall include a statement that the licensee's compact privileges are revoked in all member states during the pendency of the order.

I. Once an encumbered license in the home state is restored to an unencumbered license (as certified by the home state's licensing authority), the licensee must meet the requirements of Section 4A of this Compact and follow the administrative requirements to reapply to obtain a compact privilege in any remote state.

J. If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the other member state of any adverse actions.

K. Nothing in this Compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action.



385 **Section 8. ESTABLISHMENT OF THE DIETITIAN LICENSURE**
386 **COMPACT COMMISSION**

387 A. The compact member states hereby create and establish a
388 joint government agency whose membership consists of all member
389 states that have enacted the Compact known as the dietitian
390 licensure compact commission. The compact commission is an
391 instrumentality of the Compact states acting jointly and not an
392 instrumentality of any one (1) state. The compact commission
393 shall come into existence on or after the effective date of the
394 Compact as set forth in Section 12 of this Compact.

395 B. Membership, voting, and meetings

396 1. Each member state shall have and be limited to one
397 (1) delegate selected by that member state's licensing authority.

398 2. The delegate shall be the primary administrator of
399 the licensing authority or their designee.

400 3. The compact commission shall by rule or bylaw
401 establish a term of office for delegates and may by rule or bylaw
402 establish term limits.

403 4. The compact commission may recommend removal or
404 suspension of any delegate from office.

405 5. A member state's licensing authority shall fill any
406 vacancy of its delegate occurring on the compact commission within
407 sixty (60) days of the vacancy.



408 6. Each delegate shall be entitled to one (1) vote on
409 all matters before the compact commission requiring a vote by the
410 delegates.

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

415 8. The compact commission shall meet at least once
416 during each calendar year. Additional meetings may be held as set
417 forth in the bylaws. The compact commission may meet in person or
418 by telecommunication, video conference, or other means of
419 communication.

420 C. The compact commission shall have the following powers
421 to:

- 422 1. Establish the fiscal year of the compact commission;
- 423 2. Establish code of conduct and conflict-of-interest
424 policies;
- 425 3. Establish and amend rules and bylaws;
- 426 4. Maintain its financial records in accordance with
427 the bylaws;
- 428 5. Meet and take such actions as are consistent with
429 the provisions of this Compact, the compact commission's rules,
430 and the bylaws;
- 431 6. Initiate and conclude legal proceedings or actions
432 in the name of the compact commission, provided that the standing



433 of any licensing authority to sue or be sued under applicable law
434 shall not be affected;

435 7. Maintain and certify records and information
436 provided to a member state as the authenticated business records
437 of the compact commission, and designate an agent to do so on the
438 compact commission's behalf;

439 8. Purchase and maintain insurance and bonds;

440 9. Borrow, accept, or contract for services of
441 personnel, including, but not limited to, employees of a member
442 state;

443 10. Conduct an annual financial review;

444 11. Hire employees, elect or appoint officers, fix
445 compensation, define duties, grant such individuals appropriate
446 authority to carry out the purposes of the Compact, and establish
447 the compact commission's personnel policies and programs relating
448 to conflicts of interest, qualifications of personnel, and other
449 related personnel matters;

450 12. Assess and collect fees;

451 13. Accept any and all appropriate donations, grants of
452 money, other sources of revenue, equipment, supplies, materials,
453 services, and gifts, and receive, utilize, and dispose of the
454 same; provided that at all times the compact commission shall
455 avoid any actual or appearance of impropriety or conflict of
456 interest;



457 14. Lease, purchase, retain, own, hold, improve, or use
458 any property, real, personal, or mixed, or any undivided interest
459 therein;

460 15. Sell, convey, mortgage, pledge, lease, exchange,
461 abandon, or otherwise dispose of any property real, personal, or
462 mixed;

463 16. Establish a budget and make expenditures;

464 17. Borrow money;

465 18. Appoint committees, including standing committees,
466 composed of members, state regulators, state legislators or their
467 representatives, and consumer representatives, and such other
468 interested persons as may be designated in this Compact or the
469 bylaws;

470 19. Provide and receive information from, and cooperate
471 with, law enforcement agencies;

472 20. Establish and elect an executive committee,
473 including a chair and a vice chair;

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

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

479 D. The executive committee

480 1. The executive committee shall have the power to act
481 on behalf of the compact commission according to the terms of this



Compact. The powers, duties, and responsibilities of the executive committee shall include:

a. Oversee the day-to-day activities of the administration of the Compact including enforcement and compliance with the provisions of the Compact, its rules and bylaws, and other such duties as deemed necessary;

b. Recommend to the compact commission changes to the rules or bylaws, changes to this compact legislation, fees charged to compact member states, fees charged to Licensees, and other fees;

c. Ensure compact administration services are appropriately provided, including by contract;

d. Prepare and recommend the budget;

e. Maintain financial records on behalf of the compact commission;

f. Monitor compact compliance of member states and provide compliance reports to the compact commission;

g. Establish additional committees as necessary;

h. Exercise the powers and duties of the compact commission during the interim between compact commission meetings, except for adopting or amending rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the compact commission by rule or bylaw; and

i. Other duties as provided in the rules or bylaws of the compact commission.



2. The executive committee shall be composed of nine (9) members:

a. The chair and vice chair of the Compact commission shall be voting members of the executive committee;

b. Five (5) voting members from the current membership of the compact commission, elected by the compact commission;

c. One (1) ex officio, nonvoting member from a recognized professional association representing dietitians; and

d. One (1) ex officio, nonvoting member from a recognized national credentialing organization for dietitians.

3. The compact commission may remove any member of the executive committee as provided in the compact commission's bylaws.

4. The executive committee shall meet at least annually.

a. Executive committee meetings shall be open to the public, except that the executive committee may meet in a closed, nonpublic meeting as provided in subsection F.2. of this section.

b. The executive committee shall give thirty (30) days' notice of its meetings, posted on the website of the compact commission and as determined to provide notice to persons with an interest in the business of the compact commission.



c. The executive committee may hold a special meeting in accordance with subsection F.1.b. of this section.

E. The compact commission shall adopt and provide to the member states an annual report.

F. Meetings of the compact commission

1. All meetings shall be open to the public, except that the compact commission may meet in a closed, nonpublic meeting as provided in subsection F.2. of this section.

a. Public notice for all meetings of the full compact commission shall be given in the same manner as required under the rulemaking provisions in Section 10 of this Compact, except that the compact commission may hold a special meeting as provided in subsection F.1.b. of this section.

b. The compact commission may hold a special meeting when it must meet to conduct emergency business by giving twenty-four (24) hours' notice to all member states, on the compact commission's website, and other means as provided in the compact commission's rules. The compact commission's legal counsel shall certify that the compact commission's need to meet qualifies as an emergency.

2. The compact commission or the executive committee or other committees of the compact commission may convene in a closed, nonpublic meeting for the compact commission or executive Committee or other committees of the compact commission to receive legal advice or to discuss:



556 a. Noncompliance of a member state with its
557 obligations under the Compact;
558 b. The employment, compensation, discipline, or
559 other matters, practices, or procedures related to specific
560 employees;
561 c. Current or threatened discipline of a licensee
562 by the compact commission or by a member state's licensing
563 authority;
564 d. Current, threatened, or reasonably anticipated
565 litigation;
566 e. Negotiation of contracts for the purchase,
567 lease, or sale of goods, services, or real estate;
568 f. Accusing any person of a crime or formally
569 censuring any person;
570 g. Trade secrets or commercial or financial
571 information that is privileged or confidential;
572 h. Information of a personal nature where
573 disclosure would constitute a clearly unwarranted invasion of
574 personal privacy;
575 i. Investigative records compiled for law
576 enforcement purposes;
577 j. Information related to any investigative
578 reports prepared by or on behalf of or for use of the compact
579 commission or other committee charged with responsibility of



580 investigation or determination of compliance issues pursuant to
581 the Compact;

582 k. Matters specifically exempted from disclosure
583 by federal or member state law; or

584 l. Other matters as specified in the rules of the
585 compact commission.

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

590 4. The compact commission shall keep minutes that fully
591 and clearly describe all matters discussed in a meeting and shall
592 provide a full and accurate summary of actions taken, and the
593 reasons therefore, including a description of the views expressed.
594 All documents considered in connection with an action shall be
595 identified in such minutes. All minutes and documents of a closed
596 meeting shall remain under seal, subject to release only by a
597 majority vote of the compact commission or order of a court of
598 competent jurisdiction.

599 G. Financing of the compact commission

600 1. The compact commission shall pay, or provide for the
601 payment of, the reasonable expenses of its establishment,
602 organization, and ongoing activities.



2. The compact commission may accept any and all appropriate revenue sources as provided in subsection C.13. of this section.

3. The compact commission may levy on and collect an annual assessment from each member state and impose fees on licensees of member states to whom it grants a compact privilege to cover the cost of the operations and activities of the compact commission and its staff, which must, in a total amount, be sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for member states shall be allocated based upon a formula that the compact commission shall promulgate by rule.

4. The compact commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the compact commission pledge the credit of any of the member states, except by and with the authority of the member state.

5. The compact commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the compact commission shall be subject to the financial review and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the compact commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the



financial review shall be included in and become part of the annual report of the compact commission.

H. Qualified immunity, defense, and indemnification

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

2. The compact commission shall defend any member, officer, executive director, employee, and representative of the compact commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of compact commission employment, duties, or responsibilities, or as determined by the compact commission that the person against whom the claim is made had a



reasonable basis for believing occurred within the scope of compact commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining their own counsel at their own expense; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

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

4. Nothing herein shall be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable state laws.

5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a member state's state action immunity or state action affirmative defense with respect to antitrust



claims under the Sherman Act, Clayton Act, or any other state or federal antitrust or anticompetitive law or regulation.

6. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the member states or by the compact commission.

Section 9. DATA SYSTEM

A. The compact commission shall provide for the development, maintenance, operation, and utilization of a coordinated data system.

B. The compact commission shall assign each applicant for a compact privilege a unique identifier, as determined by the rules.

C. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this Compact is applicable as required by the rules of the compact commission, including:

1. Identifying information;
2. Licensure data;
3. Adverse actions against a license or compact privilege and information related thereto;
4. Nonconfidential information related to alternative program participation, the beginning and ending dates of such participation, and other information related to such participation not made confidential under member state law;
5. Any denial of application for licensure, and the reason(s) for such denial;



6. The presence of current significant investigative information; and

7. Other information that may facilitate the administration of this Compact or the protection of the public, as determined by the rules of the compact commission.

D. The records and information provided to a member state pursuant to this Compact or through the data system, when certified by the compact commission or an agent thereof, shall constitute the authenticated business records of the compact commission, and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial, or administrative proceedings in a Member State.

E. Current significant investigative information pertaining to a licensee in any member state will only be available to other member states.

F. It is the responsibility of the member states to report any adverse action against a licensee and to monitor the data system to determine whether any adverse action has been taken against a licensee. Adverse action information pertaining to a licensee in any member state will be available to any other member state.

G. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing State.



H. Any information submitted to the data system that is subsequently expunged pursuant to federal law or the laws of the member state contributing the information shall be removed from the data system.

Section 10. RULEMAKING

A. The compact commission shall promulgate reasonable rules in order to effectively and efficiently implement and administer the purposes and provisions of the Compact. A rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the rule is invalid because the compact commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the Compact, or the powers granted hereunder, or based upon another applicable standard of review.

B. The rules of the compact commission shall have the force of law in each member state, provided however that where the rules conflict with the laws or regulations of a member state that relate to the procedures, actions, and processes a licensed dietitian is permitted to undertake in that state and the circumstances under which they may do so, as held by a court of competent jurisdiction, the rules of the compact commission shall be ineffective in that state to the extent of the conflict.

C. The compact commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules shall become binding on the day



following adoption or as of the date specified in the rule or amendment, whichever is later.

D. If a majority of the legislatures of the member states rejects a rule or portion of a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four (4) years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

E. Rules shall be adopted at a regular or special meeting of the compact commission.

F. Prior to adoption of a proposed rule, the compact commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.

G. Prior to adoption of a proposed rule by the compact commission, and at least thirty (30) days in advance of the meeting at which the compact commission will hold a public hearing on the proposed rule, the compact commission shall provide a notice of proposed rulemaking:

1. On the website of the compact commission or other publicly accessible platform;

2. To persons who have requested notice of the compact commission's notices of proposed rulemaking; and

3. In such other way(s) as the compact commission may by rule specify.

H. The notice of proposed rulemaking shall include:



777 1. The time, date, and location of the public hearing
778 at which the compact commission will hear public comments on the
779 proposed rule and, if different, the time, date, and location of
780 the meeting where the compact commission will consider and vote on
781 the proposed rule;

782 2. If the hearing is held via telecommunication, video
783 conference, or other means of communication, the compact
784 commission shall include the mechanism for access to the hearing
785 in the notice of proposed rulemaking;

786 3. The text of the proposed rule and the reason
787 therefore;

788 4. A request for comments on the proposed rule from any
789 interested person; and

790 5. The manner in which interested persons may submit
791 written comments.

792 I. All hearings will be recorded. A copy of the recording
793 and all written comments and documents received by the compact
794 commission in response to the proposed rule shall be available to
795 the public.

796 J. Nothing in this section shall be construed as requiring a
797 separate hearing on each rule. Rules may be grouped for the
798 convenience of the compact commission at hearings required by this
799 section.



800 K. The compact commission shall, by majority vote of all
801 members, take final action on the proposed rule based on the
802 rulemaking record and the full text of the rule.

803 1. The compact commission may adopt changes to the
804 proposed rule provided the changes do not enlarge the original
805 purpose of the proposed rule.

806 2. The compact commission shall provide an explanation
807 of the reasons for substantive changes made to the proposed rule
808 as well as reasons for substantive changes not made that were
809 recommended by commenters.

810 3. The compact commission shall determine a reasonable
811 effective date for the rule. Except for an emergency as provided
812 in subsection L. of this section, the effective date of the rule
813 shall be no sooner than thirty (30) days after issuing the notice
814 that it adopted or amended the rule.

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



1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of compact commission or member state funds;
3. Meet a deadline for the promulgation of a rule that is established by federal law or rule; or
4. Protect public health and safety.

M. The compact commission or an authorized committee of the compact commission may direct revision to a previously adopted rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revision shall be posted on the website of the compact commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the compact commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the compact commission.

N. No member state's rulemaking requirements shall apply under this Compact.

Section 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight



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

853 2. Except as otherwise provided in this Compact, venue
854 is proper and judicial proceedings by or against the compact
855 commission shall be brought solely and exclusively in a court of
856 competent jurisdiction where the principal office of the compact
857 commission is located. The compact commission may waive venue and
858 jurisdictional defenses to the extent it adopts or consents to
859 participate in alternative dispute resolution proceedings.

860 Nothing herein shall affect or limit the selection or propriety of
861 venue in any action against a licensee for professional
862 malpractice, misconduct, or any such similar matter.

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

870 B. Default, technical assistance, and termination

871 1. If the compact commission determines that a member
872 state has defaulted in the performance of its obligations or
873 responsibilities under this Compact or the promulgated rules, the



874 compact commission shall provide written notice to the defaulting
875 state. The notice of default shall describe the default, the
876 proposed means of curing the default, and any other action that
877 the compact commission may take and shall offer training and
878 specific technical assistance regarding the default.

879 2. The compact commission shall provide a copy of the
880 notice of default to the other member states.

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

889 D. Termination of membership in the Compact shall be imposed
890 only after all other means of securing compliance have been
891 exhausted. Notice of intent to suspend or terminate shall be
892 given by the compact commission to the Governor, the majority and
893 minority leaders of the defaulting state's Legislature, the
894 defaulting state's licensing authority, and each of the member
895 states' licensing authority.

896 E. A state that has been terminated is responsible for all
897 assessments, obligations, and liabilities incurred through the



898 effective date of termination, including obligations that extend
899 beyond the effective date of termination.

900 F. Upon the termination of a state's membership from this
901 Compact, that state shall immediately provide notice to all
902 licensees within that state of such termination. The
903 terminated state shall continue to recognize all compact
904 privileges granted pursuant to this Compact for a minimum of six
905 (6) months after the date of said notice of termination.

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

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

916 I. Dispute resolution

917 1. Upon request by a member state, the compact
918 commission shall attempt to resolve disputes related to the
919 Compact that arise among member states and between member and
920 nonmember states.



921 2. The compact commission shall promulgate a rule
922 providing for both mediation and binding dispute resolution for
923 disputes as appropriate.

924 J. Enforcement

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

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



3. No party other than a member state shall enforce this Compact against the compact commission.

Section 12. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

A. The Compact shall come into effect on the date on which the compact statute is enacted into law in the seventh member state.

1. On or after the effective date of the Compact, the compact commission shall convene and review the enactment of each of the first seven (7) member states ("charter member states") to determine if the statute enacted by each such charter member state is materially different than the model compact statute.

a. A charter member state whose enactment is found to be materially different from the model compact statute shall be entitled to the default process set forth in Section 11 of this Compact.

b. If any member state is later found to be in default, or is terminated, or withdraws from the Compact, the compact commission shall remain in existence and the Compact shall remain in effect even if the number of member states should be less than seven (7).

2. Member states enacting the Compact subsequent to the seven initial charter member states shall be subject to the process set forth in Section 8C.21. of this Compact to determine if their enactments are materially different from the model



compact statute and whether they qualify for participation in the Compact.

3. All actions taken for the benefit of the Compact commission or in furtherance of the purposes of the administration of the Compact prior to the effective date of the Compact or the compact commission coming into existence shall be considered to be actions of the compact commission unless specifically repudiated by the compact commission.

4. Any state that joins the Compact subsequent to the compact commission's initial adoption of the rules and bylaws shall be subject to the rules and bylaws as they exist on the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the compact commission shall have the full force and effect of law on the day the Compact becomes law in that state.

B. Any member state may withdraw from this Compact by enacting a statute repealing the same.

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

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's licensing authority to comply with the investigative and adverse action reporting requirements of this Compact prior to the effective date of withdrawal.



995 3. Upon the enactment of a statute withdrawing from
996 this Compact, a state shall immediately provide notice of such
997 withdrawal to all licensees within that state. Notwithstanding
998 any subsequent statutory enactment to the contrary, such
999 withdrawing state shall continue to recognize all compact
1000 privileges granted pursuant to this Compact for a minimum of one
1001 hundred eighty (180) days after the date of such notice of
1002 withdrawal.

1003 C. Nothing contained in this Compact shall be construed to
1004 invalidate or prevent any licensure agreement or other cooperative
1005 arrangement between a member state and a nonmember state that does
1006 not conflict with the provisions of this Compact.

1007 D. This Compact may be amended by the member states. No
1008 amendment to this Compact shall become effective and binding upon
1009 any member state until it is enacted into the laws of all member
1010 states.

1011 **Section 13. CONSTRUCTION AND SEVERABILITY**

1012 A. This Compact and the compact commission's rulemaking
1013 authority shall be liberally construed so as to effectuate the
1014 purposes and the implementation and administration of the Compact.
1015 Provisions of the Compact expressly authorizing or requiring the
1016 promulgation of rules shall not be construed to limit the compact
1017 commission's rulemaking authority solely for those purposes.

1018 B. The provisions of this Compact shall be severable and if
1019 any phrase, clause, sentence, or provision of this Compact is held



1020 by a court of competent jurisdiction to be contrary to the
1021 constitution of any member state, a state seeking participation in
1022 the Compact, or of the United States, or the applicability thereof
1023 to any government, agency, person, or circumstance is held to be
1024 unconstitutional by a court of competent jurisdiction, the
1025 validity of the remainder of this Compact and the applicability
1026 thereof to any other government, agency, person, or circumstance
1027 shall not be affected thereby.

1028 C. Notwithstanding subsection B. of this section, the
1029 compact commission may deny a state's participation in the Compact
1030 or, in accordance with the requirements of Section 11.B.,
1031 terminate a member state's participation in the Compact, if it
1032 determines that a constitutional requirement of a member state is
1033 a material departure from the Compact. Otherwise, if this Compact
1034 shall be held to be contrary to the constitution of any member
1035 state, the Compact shall remain in full force and effect as to the
1036 remaining member states and in full force and effect as to the
1037 member state affected as to all severable matters.

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

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



B. Any laws, statutes, regulations, or other legal requirements in a member state in conflict with the Compact are superseded to the extent of the conflict.

C. All permissible agreements between the compact commission and the member states are binding in accordance with their terms.

SECTION 2. Section 73-10-3, Mississippi Code of 1972, is amended as follows:

73-10-3. (1) For the purposes of this chapter the following terms shall have the meanings set forth herein:

(a) "Advisory council" means the Mississippi Council of Advisors in Dietetics established in this chapter.

(b) "Board" means the Mississippi State Board of Health.

(c) "Association" means the American Dietetic Association (ADA).

(d) "Mississippi association" means the Mississippi Dietetic Association, an affiliate of the American Dietetic Association.

(e) "Commission on Dietetic Registration" (CDR) means the Commission on Dietetic Registration that is a member of the National Commission for Health Certifying Agencies.

(f) "Degree" means a degree received from a college or university that was accredited through the Council on Postsecondary Accreditation and the United States Department of Education at the time the degree was conferred.



(g) "Registered dietitian" means a person registered by the Commission on Dietetic Registration.

(h) "Licensed dietitian" means a person who is licensed under this chapter or holds a compact privilege.

(i) "Provisionally licensed dietitian" means a person provisionally licensed under this chapter.

(j) "Dietetics practice" means the integration and application of the principles derived from the sciences of nutrition, biochemistry, food, physiology, management and behavioral and social sciences to achieve and maintain people's health. Dietetics practice includes, but is not limited to:

(i) Providing medical nutrition therapy.

(ii) Development, administration, evaluation and consultation regarding nutritional care standards of quality in food services and medical nutrition therapy.

(iii) Providing case management services.

(k) "Medical nutrition therapy" is a nutritional diagnostic therapy and counseling services for the purpose of disease management. It means the assessment of the nutritional status of patients with a condition, illness or injury that appropriately requires medical nutrition therapy as part of the treatment. The assessment includes review and analysis of medical and diet history, blood chemistry lab values and anthropometric measurements to determine nutritional status and treatment modalities.



1093 Therapy ranges from diet modification and nutrition
1094 counseling to administration of specialized nutrition therapies
1095 such as intravenous medical nutritional products as determined
1096 necessary to manage a condition or treat illness or injury.

1097 (1) "Diet modification and nutrition counseling" means
1098 intervention and advice in assisting individuals or groups in the
1099 development of personal diet plans to achieve appropriate
1100 nutritional intake. To develop the diet plan, the dietitian
1101 integrates information from the nutritional assessment with
1102 information on food and other sources of nutrients and meal
1103 preparation consistent with cultural background and socioeconomic
1104 status.

1105 (m) "Specialized nutrition therapies" mean medical
1106 foods, enteral nutrition delivered via tube, or parenteral
1107 nutrition delivered by intravenous infusion.

1108 (n) "Nutrition educator" shall mean one who
1109 communicates scientific nutrition information to individuals
1110 and/or groups and who provides information on food sources of
1111 nutrients to meet normal nutrition need based on the most current
1112 "Recommended Dietary Allowances" of the Food and Nutrition Board,
1113 National Academy of Sciences, National Research Council.

1114 (o) "Dietitian" means one engaged in dietetics
1115 practice, medical nutrition therapy or nutrition education. The
1116 terms dietitian or dietician are used interchangeably in this
1117 chapter.



(p) "Direct, technical supervision" means the direct, technical supervision by a licensed dietitian, as prescribed in regulations by the board, of the dietetics practice or medical nutrition therapy provided to an individual and/or group by a provisionally licensed dietitian.

(q) "Department" means the Mississippi State Department of Health.

(2) All other terms shall have their commonly ascribed definitions unless some other meaning is clearly intended from its context.

SECTION 3. Section 73-10-7, Mississippi Code of 1972, is amended as follows:

73-10-7. It shall be unlawful for any person, corporation or association to, in any manner, represent himself or itself as a dietitian or nutritionist, send out billings as providing services covered in Section 73-10-3(j), or use in connection with his or its name, the titles "dietitian," "dietician" or "nutritionist" or use the letters "LD," "LN" or any other facsimile thereof when he or she is not licensed in accordance with the provisions of this chapter, holds a compact privilege or meets the exemptions in paragraph (c) of Section 73-10-13. Notwithstanding any other provision of this chapter, a dietitian registered by the Commission on Dietetic Registration (CDR) shall have the right to use the title "Registered Dietitian" and the designation "R.D." Registered dietitians shall be licensed according to the



1143 provisions of this chapter to practice dietetics or provide
1144 medical nutrition therapy.

1145 **SECTION 4.** Section 73-10-15, Mississippi Code of 1972, is
1146 amended as follows:

1147 73-10-15. (1) Besides those who hold a compact privilege, a
1148 nonresident dietitian may practice dietetics in Mississippi for
1149 five (5) days per year with current other state's licensure or
1150 with current registration with the Commission on Dietetics
1151 Registration.

1152 (2) The board may waive the prescribed examination for
1153 licensure and grant a license to any person who shall present
1154 proof of current licensure as a dietitian in another state, the
1155 District of Columbia, or territory of the United States which
1156 requires standards for licensure considered by the advisory
1157 council to be greater than or equal to the requirements for
1158 licensure of this chapter, if such state or territory extends
1159 reciprocity to licensees of the State of Mississippi. The
1160 issuance of a license by reciprocity to a military-trained
1161 applicant, military spouse or person who establishes residence in
1162 this state shall be subject to the provisions of Section 73-50-1
1163 or 73-50-2, as applicable.

1164 **SECTION 5.** This act shall take effect and be in force from
1165 and after July 1, 2025.

