

By: Senator(s) Blackwell

To: Public Health and Welfare

SENATE BILL NO. 2236

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
38 is 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
53 practice, or any other Encumbrance on licensure affecting a
54 Licensee's authorization to practice, including issuance of a
55 cease and desist action.

56 D. "Alternative Program" means a non-disciplinary 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.

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,



69 which is known as the Dietitian Licensure Compact Commission, as
70 described in Section 8, and which shall operate as an
71 instrumentality of the Member States.

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

75 J. "Current Significant Investigative Information" means:

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

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

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

90 L. "Encumbered License" means a License in which an Adverse
91 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.

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.



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

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

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

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

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

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

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

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

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



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

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

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

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

149 **Section 3. STATE PARTICIPATION IN THE COMPACT**

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

- 151 1. License and regulate the Practice of Dietetics; and
152 2. Have a mechanism in place for receiving and
153 investigating complaints about Licensees.

154 B. A Member State shall:

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

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

161 3. Implement or utilize procedures for considering the
162 criminal history record information of applicants for an initial



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

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

174 b. Communication between a Member State and the
175 Compact Commission or among Member States regarding the
176 verification of eligibility for a Compact Privilege shall not
177 include any information received from the Federal Bureau of
178 Investigation relating to a federal criminal history record
179 information check performed by a Member State.

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

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



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

189 C. Member States may set and collect a fee for granting a
190 Compact Privilege.

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

197 E. Nothing in this Compact shall affect the requirements
198 established by a Member State for the issuance of a Single State
199 License.

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

204 **Section 4. COMPACT PRIVILEGE**

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

207 1. Satisfy one of the following:

208 a. Hold a valid current registration that gives
209 the applicant the right to use the term Registered Dietitian; or

210 b. Complete all of the following:



211 i. An education program which is either:

212 a) A master's degree or doctoral degree
213 that is programmatically accredited by (i) ACEND; or (ii) a
214 dietetics accrediting agency recognized by the United
215 States Department of Education, which the Compact
216 Commission may by Rule determine, and from a college or
217 university accredited at the time of graduation by the
218 appropriate regional accrediting agency recognized by the
219 Council on Higher Education Accreditation and the United
220 States Department of Education.

221 b) An academic degree from a college or
222 university in a foreign country equivalent to the degree described
223 in subparagraph (a) that is programmatically accredited by (i)
224 ACEND; or (ii) a dietetics accrediting agency recognized
225 by the United States Department of Education, which the
226 Compact Commission may by Rule determine.

227 ii. A planned, documented, supervised
228 practice experience in dietetics that is programmatically
229 accredited by (i) ACEND, or (ii) a dietetics accrediting agency
230 recognized by the United States Department of Education which the
231 Compact Commission may by Rule determine and which involves at
232 least 1000 hours of practice experience under the supervision of a
233 Registered Dietitian or a Licensed Dietitian.

234 iii. Successful completion of either: (i) the
235 Registration Examination for Dietitians administered by CDR, or



236 (ii) a national credentialing examination for dietitians approved
237 by the Compact Commission by Rule; such completion being no more
238 than five years prior to the date of the Licensee's application
239 for initial licensure and accompanied by a period of continuous
240 licensure thereafter, all of which may be further governed by the
241 Rules of the Compact Commission.

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

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

245 4. Pay any applicable fees, including any State fee,
246 for the Compact Privilege;

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

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

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



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

265 D. Notwithstanding anything to the contrary provided in this
266 Compact or State law, a Licensee exercising a Compact Privilege
267 shall not be required to complete Continuing Education
268 Requirements required by a Remote State. A Licensee exercising a
269 Compact Privilege is only required to meet any Continuing
270 Education Requirements as required by the Home State.

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

273 A. A Licensee may hold a Home State License, which allows
274 for a Compact Privilege in other Member States, in only one Member
275 State at a time.

276 B. If a Licensee changes Home State by moving between two
277 Member States:

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

282 2. Upon receipt of an application for obtaining a new
283 Home State License by virtue of a Compact Privilege, the new Home



284 State shall verify that the Licensee meets the criteria in Section
285 4 via the Data System, and require that the Licensee complete the
286 following:

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

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

291 c. Any Jurisprudence Requirements of the new Home
292 State.

293 3. The former Home State shall convert the former Home
294 State License into a Compact Privilege once the new Home State has
295 activated the new Home State License in accordance with applicable
296 Rules adopted by the Compact Commission.

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

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

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



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

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

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

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

319 **Section 7. ADVERSE ACTIONS**

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

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

325 2. Issue subpoenas for both hearings and investigations
326 that require the attendance and testimony of witnesses as well as
327 the production of evidence. Subpoenas issued by a Licensing
328 Authority in a Member State for the attendance and testimony of
329 witnesses or the production of evidence from another Member State
330 shall be enforced in the latter State by any court of competent
331 jurisdiction, according to the practice and procedure applicable



332 to subpoenas issued in proceedings pending before that court. The
333 issuing authority shall pay any witness fees, travel expenses,
334 mileage, and other fees required by the service statutes of the
335 State in which the witnesses or evidence are located.

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

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

343 D. The Home State shall complete any pending investigations
344 of a Licensee who changes Home States during the course of the
345 investigations. The Home State shall also have authority to
346 take appropriate action(s) and shall promptly report the
347 conclusions of the investigations to the administrator of the Data
348 System. The administrator of the Data System shall promptly
349 notify the new Home State of any Adverse Actions.

350 E. A Member State, if otherwise permitted by State law, may
351 recover from the affected Licensee the costs of investigations and
352 dispositions of cases resulting from any Adverse Action taken
353 against that Licensee.

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



357 G. Joint Investigations:

358 1. In addition to the authority granted to a Member
359 State by its respective State law, any Member State may
360 participate with other Member States in joint investigations
361 of Licensees.

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

365 H. If Adverse Action is taken by the Home State against a
366 Licensee's Home State License resulting in an Encumbrance on the
367 Home State License, the Licensee's Compact Privilege(s) in all
368 other Member States shall be revoked until all Encumbrances have
369 been removed from the Home State License. All Home State
370 disciplinary orders that impose Adverse Action against a Licensee
371 shall include a statement that the Licensee's Compact Privileges
372 are revoked in all Member States during the pendency of the order.

373 I. Once an Encumbered License in the Home State is restored
374 to an Unencumbered License (as certified by the Home State's
375 Licensing Authority), the Licensee must meet the requirements
376 of Section 4(A) and follow the administrative requirements to
377 reapply to obtain a Compact Privilege in any Remote State.

378 J. If a Member State takes Adverse Action, it shall promptly
379 notify the administrator of the Data System. The administrator of
380 the Data System shall promptly notify the other Member
381 States State of any Adverse Actions.



382 K. Nothing in this Compact shall override a Member State's
383 decision that participation in an Alternative Program may be used
384 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 State. The Compact Commission shall
393 come into existence on or after the effective date of the Compact
394 as set forth in Section 12.

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 60 days of the vacancy.

408 6. Each delegate shall be entitled to one vote on all
409 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 1. Establish the fiscal year of the Compact Commission;

422 2. Establish code of conduct and conflict of interest
423 policies;

424 3. Establish and amend Rules and bylaws;

425 4. Maintain its financial records in accordance with
426 the bylaws;

427 5. Meet and take such actions as are consistent with
428 the provisions of this Compact, the Compact Commission's Rules,
429 and the bylaws;



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

434 7. Maintain and certify records and information
435 provided to a Member State as the authenticated business records
436 of the Compact Commission, and designate an agent to do so on the
437 Compact Commission's behalf;

438 8. Purchase and maintain insurance and bonds;

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

442 10. Conduct an annual financial review;

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

449 12. Assess and collect fees;

450 13. Accept any and all appropriate donations, grants of
451 money, other sources of revenue, equipment, supplies, materials,
452 services, and gifts, and receive, utilize, and dispose of the



453 same; provided that at all times the Compact Commission shall
454 avoid any actual or appearance of impropriety or conflict of
455 interest;

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

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

462 16. Establish a budget and make expenditures;

463 17. Borrow money;

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

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

471 20. Establish and elect an Executive Committee,
472 including a chair and a vice chair;

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

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



478 D. The Executive Committee

479 1. The Executive Committee shall have the power to act
480 on behalf of the Compact Commission according to the terms of this
481 Compact. The powers, duties, and responsibilities of the
482 Executive Committee shall include:

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

487 b. Recommend to the Compact Commission changes to
488 the Rules or bylaws, changes to this Compact legislation, fees
489 charged to Compact Member States, fees charged to Licensees, and
490 other fees;

491 c. Ensure Compact administration services are
492 appropriately provided, including by contract;

493 d. Prepare and recommend the budget;

494 e. Maintain financial records on behalf of the
495 Compact Commission;

496 f. Monitor Compact compliance of Member States and
497 provide compliance reports to the Compact Commission;

498 g. Establish additional committees as necessary;

499 h. Exercise the powers and duties of the Compact
500 Commission during the interim between Compact Commission meetings,
501 except for adopting or amending Rules, adopting or amending
502 bylaws, and exercising any other powers and duties expressly



503 reserved to the Compact Commission by Rule or bylaw; and

504 i. Other duties as provided in the Rules or bylaws
505 of the Compact Commission.

506 2. The Executive Committee shall be composed of nine
507 members:

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

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

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

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

516 3. The Compact Commission may remove any member of the
517 Executive Committee as provided in the Compact Commission's
518 bylaws.

519 4. The Executive Committee shall meet at least
520 annually.

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

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



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

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

532 F. Meetings of the Compact Commission

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

536 a. Public notice for all meetings of the full
537 Compact Commission shall be given in the same manner as required
538 under the rulemaking provisions in Section 10, except that
539 the Compact Commission may hold a special meeting as provided in
540 subsection (F) (1) (b) .

541 b. The Compact Commission may hold a special
542 meeting when it must meet to conduct emergency business by giving
543 24 hours' notice to all Member States, on the Compact Commission's
544 website, and other means as provided in the Compact Commission's
545 Rules. The Compact Commission's legal counsel shall certify that
546 the Compact Commission's need to meet qualifies as an emergency.

547 2. The Compact Commission or the Executive Committee or
548 other committees of the Compact Commission may convene in a
549 closed, non-public meeting for the Compact Commission or Executive
550 Committee or other committees of the Compact Commission
551 to receive legal advice or to discuss:



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



576 investigation or determination of compliance issues pursuant to
577 the Compact;

578 k. Matters specifically exempted from disclosure
579 by federal or Member State law; or

580 l. Other matters as specified in the Rules of the
581 Compact Commission.

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

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

595 G. Financing of the Compact Commission

596 1. The Compact Commission shall pay, or provide for the
597 payment of, the reasonable expenses of its establishment,
598 organization, and ongoing activities.

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



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

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

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

625 H. Qualified Immunity, Defense, and Indemnification



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

641 2. The Compact Commission shall defend any member,
642 officer, executive director, employee, and representative of the
643 Compact Commission in any civil action seeking to impose liability
644 arising out of any actual or alleged act, error, or omission that
645 occurred within the scope of Compact Commission employment,
646 duties, or responsibilities, or as determined by the Compact
647 Commission that the person against whom the claim is made had a
648 reasonable basis for believing occurred within the scope of
649 Compact Commission employment, duties, or responsibilities;
650 provided that nothing herein shall be construed to prohibit that



651 person from retaining their own counsel at their own expense; and
652 provided further, that the actual or alleged act, error, or
653 omission did not result from that person's intentional or willful
654 or wanton misconduct.

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

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

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



675 6. Nothing in this Compact shall be construed to be a
676 waiver of sovereign immunity by the Member States or by the
677 Compact Commission.

678 **Section 9. DATA SYSTEM**

679 A. The Compact Commission shall provide for the development,
680 maintenance, operation, and utilization of a coordinated Data
681 System.

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

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

688 1. Identifying information;

689 2. Licensure data;

690 3. Adverse Actions against a License or Compact
691 Privilege and information related thereto;

692 4. Non-confidential information related to Alternative
693 Program participation, the beginning and ending dates of such
694 participation, and other information related to such participation
695 not made confidential under Member State law;

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

698 6. The presence of Current Significant Investigative
699 Information; and



700 7. Other information that may facilitate the
701 administration of this Compact or the protection of the public, as
702 determined by the Rules of the Compact Commission.

703 D. The records and information provided to a Member State
704 pursuant to this Compact or through the Data System, when
705 certified by the Compact Commission or an agent thereof, shall
706 constitute the authenticated business records of the Compact
707 Commission, and shall be entitled to any associated hearsay
708 exception in any relevant judicial, quasi-judicial, or
709 administrative proceedings in a Member State.

710 E. Current Significant Investigative Information pertaining
711 to a Licensee in any Member State will only be available to other
712 Member States.

713 F. It is the responsibility of the Member States to report
714 any Adverse Action against a Licensee and to monitor the Data
715 System to determine whether any Adverse Action has been taken
716 against a Licensee. Adverse Action information pertaining to a
717 Licensee in any Member State will be available to any other Member
718 State.

719 G. Member States contributing information to the Data System
720 may designate information that may not be shared with the public
721 without the express permission of the contributing State.

722 H. Any information submitted to the Data System that is
723 subsequently expunged pursuant to federal law or the laws of the
724 Member State contributing the information shall be removed



725 from the Data System.

726 **Section 10. RULEMAKING**

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

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

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



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

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

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

760 G. Prior to adoption of a proposed Rule by the Compact
761 Commission, and at least thirty (30) days in advance of the
762 meeting at which the Compact Commission will hold a public hearing
763 on the proposed Rule, the Compact Commission shall provide a
764 Notice of Proposed rulemaking:

765 1. On the website of the Compact Commission or other
766 publicly accessible platform;

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

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

771 H. The Notice of Proposed rulemaking shall include:



772 1. The time, date, and location of the public hearing
773 at which the Compact Commission will hear public comments on the
774 proposed Rule and, if different, the time, date, and location
775 of the meeting where the Compact Commission will consider and vote
776 on the proposed Rule;

777 2. If the hearing is held via telecommunication, video
778 conference, or other means of communication, the Compact
779 Commission shall include the mechanism for access to the
780 hearing in the Notice of Proposed rulemaking;

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

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

785 5. The manner in which interested persons may submit
786 written comments.

787 I. All hearings will be recorded. A copy of the recording
788 and all written comments and documents received by the Compact
789 Commission in response to the proposed Rule shall be available to
790 the public.

791 J. Nothing in this Section shall be construed as requiring a
792 separate hearing on each Rule. Rules may be grouped for the
793 convenience of the Compact Commission at hearings required by this
794 Section.



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

798 1. The Compact Commission may adopt changes to the
799 proposed Rule provided the changes do not enlarge the original
800 purpose of the proposed Rule.

801 2. The Compact Commission shall provide an explanation
802 of the reasons for substantive changes made to the proposed Rule
803 as well as reasons for substantive changes not made that were
804 recommended by commenters.

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

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



- 819 1. Meet an imminent threat to public health, safety, or
820 welfare;
- 821 2. Prevent a loss of Compact Commission or Member State
822 funds;
- 823 3. Meet a deadline for the promulgation of a Rule that
824 is established by federal law or rule; or
- 825 4. Protect public health and safety.

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

840 N. No Member State's rulemaking requirements shall apply
841 under this Compact.

842 **Section 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

843 A. Oversight



844 1. The executive and judicial branches of State
845 government in each Member State shall enforce this Compact and
846 take all actions necessary and appropriate to implement this
847 Compact.

848 2. Except as otherwise provided in this Compact, venue
849 is proper and judicial proceedings by or against the Compact
850 Commission shall be brought solely and exclusively in a court of
851 competent jurisdiction where the principal office of the Compact
852 Commission is located. The Compact Commission may waive venue and
853 jurisdictional defenses to the extent it adopts or consents to
854 participate in alternative dispute resolution proceedings.
855 Nothing herein shall affect or limit the selection or propriety of
856 venue in any action against a Licensee for professional
857 malpractice, misconduct, or any such similar matter.

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

865 B. Default, Technical Assistance, and Termination

866 1. If the Compact Commission determines that a Member
867 State has defaulted in the performance of its obligations or
868 responsibilities under this Compact or the promulgated Rules, the



869 Compact Commission shall provide written notice to the defaulting
870 State. The notice of default shall describe the default, the
871 proposed means of curing the default, and any other action that
872 the Compact Commission may take and shall offer training and
873 specific technical assistance regarding the default.

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

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

884 D. Termination of membership in the Compact shall be imposed
885 only after all other means of securing compliance have been
886 exhausted. Notice of intent to suspend or terminate shall be
887 given by the Compact Commission to the governor, the majority and
888 minority leaders of the defaulting State's legislature, the
889 defaulting State's Licensing Authority, and each of the
890 Member States' Licensing Authority.

891 E. A State that has been terminated is responsible for all
892 assessments, obligations, and liabilities incurred through the



893 effective date of termination, including obligations that extend
894 beyond the effective date of termination.

895 F. Upon the termination of a State's membership from this
896 Compact, that State shall immediately provide notice to all
897 Licensees within that State of such termination. The
898 terminated State shall continue to recognize all Compact
899 Privileges granted pursuant to this Compact for a minimum of six
900 months after the date of said notice of termination.

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

905 H. The defaulting State may appeal the action of the Compact
906 Commission by petitioning the U.S. District Court for the District
907 of Columbia or the federal district where the Compact Commission
908 has its principal offices. The prevailing party shall be awarded
909 all costs of such litigation, including reasonable attorney's
910 fees.

911 I. Dispute Resolution

912 1. Upon request by a Member State, the Compact
913 Commission shall attempt to resolve disputes related to the
914 Compact that arise among Member States and between Member
915 and non-Member States.



916 2. The Compact Commission shall promulgate a Rule
917 providing for both mediation and binding dispute resolution for
918 disputes as appropriate.

919 J. Enforcement

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

933 2. A Member State may initiate legal action against the
934 Compact Commission in the U.S. District Court for the District of
935 Columbia or the federal district where the Compact Commission has
936 its principal offices to enforce compliance with the provisions of
937 the Compact and its promulgated Rules. The relief sought may
938 include both injunctive relief and damages. In the event judicial
939 enforcement is necessary, the prevailing party shall be awarded



940 all costs of such litigation, including reasonable attorney's
941 fees.

942 3. No party other than a Member State shall enforce
943 this Compact against the Compact
944 Commission.

945 **Section 12. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT**

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

949 1. On or after the effective date of the Compact, the
950 Compact Commission shall convene and review the enactment of each
951 of the first seven Member States ("Charter Member States") to
952 determine if the statute enacted by each such Charter Member State
953 is materially different than the model Compact statute.

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

957 b. If any Member State is later found to be in
958 default, or is terminated, or withdraws from the Compact, the
959 Compact Commission shall remain in existence and the Compact shall
960 remain in effect even if the number of Member States should be
961 less than seven.

962 2. Member States enacting the Compact subsequent to the
963 seven initial Charter Member States shall be subject to the



964 process set forth in Section 8(C)(21) to determine if their
965 enactments are materially different from the model Compact
966 statute and whether they qualify for participation in the Compact.

967 3. All actions taken for the benefit of the Compact
968 Commission or in furtherance of the purposes of the administration
969 of the Compact prior to the effective date of the Compact or the
970 Compact Commission coming into existence shall be considered to
971 be actions of the Compact Commission unless specifically
972 repudiated by the Compact Commission.

973 4. Any State that joins the Compact subsequent to the
974 Compact Commission's initial adoption of the Rules and bylaws
975 shall be subject to the Rules and bylaws as they exist on the date
976 on which the Compact becomes law in that State. Any Rule that has
977 been previously adopted by the Compact Commission shall have the
978 full force and effect of law on the day the Compact becomes law in
979 that State.

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

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

984 2. Withdrawal shall not affect the continuing
985 requirement of the withdrawing State's Licensing Authority to
986 comply with the investigative and Adverse Action reporting
987 requirements of this Compact prior to the effective date of
988 withdrawal.



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

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

1000 D. This Compact may be amended by the Member States. No
1001 amendment to this Compact shall become effective and binding upon
1002 any Member State until it is enacted into the laws of all Member
1003 States.

1004 **Section 13. CONSTRUCTION AND SEVERABILITY**

1005 A. This Compact and the Compact Commission's rulemaking
1006 authority shall be liberally construed so as to effectuate the
1007 purposes and the implementation and administration of the
1008 Compact. Provisions of the Compact expressly authorizing or
1009 requiring the promulgation of Rules shall not be construed to
1010 limit the Compact Commission's rulemaking authority solely
1011 for those purposes.



1012 B. The provisions of this Compact shall be severable and if
1013 any phrase, clause, sentence, or provision of this Compact is held
1014 by a court of competent jurisdiction to be contrary to the
1015 constitution of any Member State, a State seeking participation in
1016 the Compact, or of the United States, or the applicability thereof
1017 to any government, agency, person, or circumstance is held to be
1018 unconstitutional by a court of competent jurisdiction, the
1019 validity of the remainder of this Compact and the applicability
1020 thereof to any other government, agency, person, or circumstance
1021 shall not be affected thereby.

1022 C. Notwithstanding Section 13(B), the Compact Commission may
1023 deny a State's participation in the Compact or, in accordance with
1024 the requirements of Section 11(B), terminate a Member State's
1025 participation in the Compact, if it determines that a
1026 constitutional requirement of a Member State is a material
1027 departure from the Compact. Otherwise, if this Compact shall be
1028 held to be contrary to the constitution of any Member State, the
1029 Compact shall remain in full force and effect as to the remaining
1030 Member States and in full force and effect as to the Member State
1031 affected as to all severable matters.

1032 **Section 14. CONSISTENT EFFECT AND CONFLICT WITH OTHER**
1033 **STATE LAWS**

1034 A. Nothing herein shall prevent or inhibit the enforcement
1035 of any other law of a Member State that is not inconsistent with
1036 the Compact.



1037 B. Any laws, statutes, regulations, or other legal
1038 requirements in a Member State in conflict with the Compact are
1039 superseded to the extent of the conflict.

1040 C. All permissible agreements between the Compact Commission
1041 and the Member States are binding in accordance with their terms.

1042 **SECTION 2.** Section 73-10-3, Mississippi Code of 1972, is
1043 amended as follows:

1044 73-10-3. (1) For the purposes of this chapter the following
1045 terms shall have the meanings set forth herein:

1046 (a) "Advisory council" means the Mississippi Council of
1047 Advisors in Dietetics established in this chapter.

1048 (b) "Board" means the Mississippi State Board of
1049 Health.

1050 (c) "Association" means the American Dietetic
1051 Association (ADA).

1052 (d) "Mississippi association" means the Mississippi
1053 Dietetic Association, an affiliate of the American Dietetic
1054 Association.

1055 (e) "Commission on Dietetic Registration" (CDR) means
1056 the Commission on Dietetic Registration that is a member of the
1057 National Commission for Health Certifying Agencies.

1058 (f) "Degree" means a degree received from a college or
1059 university that was accredited through the Council on
1060 Postsecondary Accreditation and the United States Department of
1061 Education at the time the degree was conferred.



1062 (g) "Registered dietitian" means a person registered by
1063 the Commission on Dietetic Registration.

1064 (h) "Licensed dietitian" means a person who is licensed
1065 under this chapter or holds a compact privilege.

1066 (i) "Provisionally licensed dietitian" means a person
1067 provisionally licensed under this chapter.

1068 (j) "Dietetics practice" means the integration and
1069 application of the principles derived from the sciences of
1070 nutrition, biochemistry, food, physiology, management and
1071 behavioral and social sciences to achieve and maintain people's
1072 health. Dietetics practice includes, but is not limited to:

1073 (i) Providing medical nutrition therapy.

1074 (ii) Development, administration, evaluation and
1075 consultation regarding nutritional care standards of quality in
1076 food services and medical nutrition therapy.

1077 (iii) Providing case management services.

1078 (k) "Medical nutrition therapy" is a nutritional
1079 diagnostic therapy and counseling services for the purpose of
1080 disease management. It means the assessment of the nutritional
1081 status of patients with a condition, illness or injury that
1082 appropriately requires medical nutrition therapy as part of the
1083 treatment. The assessment includes review and analysis of medical
1084 and diet history, blood chemistry lab values and anthropometric
1085 measurements to determine nutritional status and treatment
1086 modalities.



1087 Therapy ranges from diet modification and nutrition
1088 counseling to administration of specialized nutrition therapies
1089 such as intravenous medical nutritional products as determined
1090 necessary to manage a condition or treat illness or injury.

1091 (1) "Diet modification and nutrition counseling" means
1092 intervention and advice in assisting individuals or groups in the
1093 development of personal diet plans to achieve appropriate
1094 nutritional intake. To develop the diet plan, the dietitian
1095 integrates information from the nutritional assessment with
1096 information on food and other sources of nutrients and meal
1097 preparation consistent with cultural background and socioeconomic
1098 status.

1099 (m) "Specialized nutrition therapies" mean medical
1100 foods, enteral nutrition delivered via tube, or parenteral
1101 nutrition delivered by intravenous infusion.

1102 (n) "Nutrition educator" shall mean one who
1103 communicates scientific nutrition information to individuals
1104 and/or groups and who provides information on food sources of
1105 nutrients to meet normal nutrition need based on the most current
1106 "Recommended Dietary Allowances" of the Food and Nutrition Board,
1107 National Academy of Sciences, National Research Council.

1108 (o) "Dietitian" means one engaged in dietetics
1109 practice, medical nutrition therapy or nutrition education. The
1110 terms dietitian or dietician are used interchangeably in this
1111 chapter.



1112 (p) "Direct, technical supervision" means the direct,
1113 technical supervision by a licensed dietitian, as prescribed in
1114 regulations by the board, of the dietetics practice or medical
1115 nutrition therapy provided to an individual and/or group by a
1116 provisionally licensed dietitian.

1117 (q) "Department" means the Mississippi State Department
1118 of Health.

1119 (2) All other terms shall have their commonly ascribed
1120 definitions unless some other meaning is clearly intended from its
1121 context.

1122 **SECTION 3.** Section 73-10-7, Mississippi Code of 1972, is
1123 amended as follows:

1124 73-10-7. It shall be unlawful for any person, corporation or
1125 association to, in any manner, represent himself or itself as a
1126 dietitian or nutritionist, send out billings as providing services
1127 covered in Section 73-10-3(j), or use in connection with his or
1128 its name, the titles "dietitian," "dietician" or "nutritionist" or
1129 use the letters "LD," "LN" or any other facsimile thereof when he
1130 or she is not licensed in accordance with the provisions of this
1131 chapter, holds a compact privilege or meets the exemptions in
1132 paragraph (c) of Section 73-10-13. Notwithstanding any other
1133 provision of this chapter, a dietitian registered by the
1134 Commission on Dietetic Registration (CDR) shall have the right to
1135 use the title "Registered Dietitian" and the designation "R.D."
1136 Registered dietitians shall be licensed according to the



1137 provisions of this chapter to practice dietetics or provide
1138 medical nutrition therapy.

1139 **SECTION 4.** Section 73-10-15, Mississippi Code of 1972, is
1140 amended as follows:

1141 73-10-15. (1) Besides those who hold a compact privilege, a
1142 nonresident dietitian may practice dietetics in Mississippi for
1143 five (5) days per year with current other state's licensure or
1144 with current registration with the Commission on Dietetics
1145 Registration.

1146 (2) The board may waive the prescribed examination for
1147 licensure and grant a license to any person who shall present
1148 proof of current licensure as a dietitian in another state, the
1149 District of Columbia, or territory of the United States which
1150 requires standards for licensure considered by the advisory
1151 council to be greater than or equal to the requirements for
1152 licensure of this chapter, if such state or territory extends
1153 reciprocity to licensees of the State of Mississippi. The
1154 issuance of a license by reciprocity to a military-trained
1155 applicant, military spouse or person who establishes residence in
1156 this state shall be subject to the provisions of Section 73-50-1
1157 or 73-50-2, as applicable.

1158 **SECTION 5.** This act shall take effect and be in force from
1159 and after July 1, 2024.

