



2025 SENATE BILL 71

February 26, 2025 - Introduced by Senators TESTIN, CARPENTER, FEYEN, HABUSH SINYKIN, HESSELBEIN, JAMES, MARKLEIN, SPREITZER and RATCLIFF, cosponsored by Representatives BROOKS, BARE, CALLAHAN, DITTRICH, DUCHOW, GUNDRUM, B. JACOBSON, JOERS, KNODL, KRUG, O'CONNOR, SPIROS, SUBECK, TITTL, UDELL and VINING. Referred to Committee on Health.

1 **AN ACT to renumber and amend** 448.78; **to amend** 146.81 (1) (em), 146.997
2 (1) (d) 6., 252.14 (1) (ar) 4m., 253.065 (3), 253.065 (5), 440.03 (9) (a) (intro.),
3 440.03 (9) (a) 2., 440.03 (13) (b) (intro.), 440.15, 446.01 (1v) (f), 446.02 (6m),
4 448.70 (1m), 448.72 (6), 448.74 (1), 448.78 (title), 448.80, 448.82, 448.87 (2)
5 (intro.), 448.87 (2) (a), 448.956 (1m) and 450.10 (3) (a) 5m.; **to repeal and**
6 **recreate** 632.895 (1) (b) 5. b.; **to create** 14.833, 440.03 (11m) (c) 2rm., 440.03
7 (13) (c) 1. gm., 448.70 (1r), 448.70 (1s), 448.78 (1m) (title), 448.78 (1m) (f),
8 448.78 (2m), (3m) and (4m) and subchapter XIV of chapter 448 [precedes
9 448.9887] of the statutes; **relating to:** ratification of the Dietitian Licensure
10 Compact.

Analysis by the Legislative Reference Bureau

This bill ratifies and enters Wisconsin into the Dietitian Licensure Compact, which provides for the ability of a dietitian to become eligible to practice in other compact states. Significant provisions of the compact include the following:

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1. The creation of a Dietitian Licensure Compact Commission, which includes the primary administrators of the licensure authorities of each member state. The commission has various powers and duties granted in the compact, including establishing bylaws, promulgating rules for the compact, appointing officers and hiring employees, and establishing and electing an executive committee. The commission may levy on and collect an annual assessment from each member state or impose fees on licensees to whom it grants a compact privilege to cover the cost of the operations and activities of the commission and its staff.

2. The ability for a dietitian to obtain a “compact privilege,” which allows a dietitian to practice dietetics in another compact state (remote state) if the dietitian satisfies certain criteria. The compact specifies a number of requirements in order for a dietitian to exercise a compact privilege, including holding an unencumbered dietitian license in a home state and paying any fees and meeting any jurisprudence requirements that may be imposed by a remote state. A dietitian practicing in a remote state under a compact privilege must adhere to the laws and regulations of that state. A remote state may, in accordance with that state’s laws, take adverse action against a licensee’s compact privilege within that state. If a dietitian’s license is encumbered, the dietitian loses the compact privilege in all remote states until certain criteria are satisfied. If a dietitian’s compact privilege in any remote state is removed, the dietitian may lose the compact privilege in all other remote states until certain criteria are satisfied.

3. The ability of member states to issue subpoenas that are enforceable in other states.

4. The creation of a coordinated data system containing licensure and disciplinary action information on dietitians. The compact requires member states to report adverse actions against licensees and to monitor the data system to determine whether adverse actions have been taken against licensees. A member state must submit a uniform data set to the data system on all individuals to whom the compact is applicable as required by the rules of the commission.

5. Provisions regarding resolutions of disputes between member states and between member and nonmember states, including a process for termination of a state’s membership in the compact if the state defaults on its obligations under the compact.

The compact becomes effective in this state upon its enactment in seven states. The compact provides that it may be amended upon enactment of an amendment by all member states. A state may withdraw from the compact by repealing the statute authorizing the compact, but the compact provides that a withdrawal does not take effect until 180 days after the effective date of that repeal.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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1 **SECTION 1.** 14.833 of the statutes is created to read:

2 **14.833 Dietitian licensure compact.** There is created a dietitian licensure
3 compact commission as specified in s. 448.9887. The delegate on the commission
4 representing this state shall be appointed by the dietitian affiliated credentialing
5 board as provided in s. 448.9887 (8) (b) 1. and shall be an individual described in s.
6 448.9887 (8) (b) 2. The commission has the powers and duties granted and imposed
7 under s. 448.9887.

8 **SECTION 2.** 146.81 (1) (em) of the statutes is amended to read:

9 146.81 (1) (em) A dietitian who is certified under subch. V of ch. 448 or who
10 holds a compact privilege under subch. XIV of ch. 448.

11 **SECTION 3.** 146.997 (1) (d) 6. of the statutes is amended to read:

12 146.997 (1) (d) 6. A dietitian who is certified under subch. V of ch. 448 or who
13 holds a compact privilege under subch. XIV of ch. 448.

14 **SECTION 4.** 252.14 (1) (ar) 4m. of the statutes is amended to read:

15 252.14 (1) (ar) 4m. A dietitian who is certified under subch. V of ch. 448 or
16 who holds a compact privilege under subch. XIV of ch. 448.

17 **SECTION 5.** 253.065 (3) of the statutes is amended to read:

18 253.065 (3) Unless the department grants an exception, in order to be eligible
19 for the internship program under sub. (1), an applicant must, at the time of his or
20 her selection, be employed as a nutritionist for the supplemental food program for
21 women, infants, and children under s. 253.06 by either the department or a local
22 agency and have met the educational requirements under s. 448.78 ~~(3)~~ (1m) (c).

23 **SECTION 6.** 253.065 (5) of the statutes is amended to read:

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1 253.065 (5) The department shall issue to each individual who successfully
2 completes the dietetic internship program under this section a certificate of
3 completion that the individual may submit as verification of the completion of more
4 than 900 hours of qualifying dietetics practice under s. 448.78 (4) (1m) (d). The
5 dietitians affiliated credentialing board shall accept certificates of completion
6 issued under this subsection as satisfactory evidence under s. 448.78 (4) (1m) (d).

7 **SECTION 7.** 440.03 (9) (a) (intro.) of the statutes is amended to read:

8 440.03 (9) (a) (intro.) Subject to pars. (b) and (c) and s. 458.33 (2) (b) and (5),
9 the department shall, biennially, determine each fee for an initial credential for
10 which no examination is required, for a reciprocal credential, and for a credential
11 renewal and any fees imposed under ss. 447.51 (2), 448.986 (2), 448.9875 (2),
12 448.9885 (2), 448.9888 (2), 457.51 (2), and 459.71 (2) by doing all of the following:

13 **SECTION 8.** 440.03 (9) (a) 2. of the statutes is amended to read:

14 440.03 (9) (a) 2. Not later than January 31 of each odd-numbered year,
15 adjusting for the succeeding fiscal biennium each fee for an initial credential for
16 which an examination is not required, for a reciprocal credential, and, subject to s.
17 440.08 (2) (a), for a credential renewal, and any fees imposed under ss. 447.51 (2),
18 448.986 (2), 448.9875 (2), 448.9885 (2), 448.9888 (2), 457.51 (2), and 459.71 (2), if an
19 adjustment is necessary to reflect the approximate administrative and enforcement
20 costs of the department that are attributable to the regulation of the particular
21 occupation or business during the period in which the initial or reciprocal
22 credential, credential renewal, or compact privilege is in effect and, for purposes of
23 each fee for a credential renewal, to reflect an estimate of any additional moneys

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1 available for the department's general program operations as a result of
2 appropriation transfers that have been or are estimated to be made under s. 20.165
3 (1) (i) during the fiscal biennium in progress at the time of the deadline for an
4 adjustment under this subdivision or during the fiscal biennium beginning on the
5 July 1 immediately following the deadline for an adjustment under this subdivision.

6 **SECTION 9.** 440.03 (11m) (c) 2rm. of the statutes is created to read:

7 440.03 (11m) (c) 2rm. The coordinated data system under s. 448.9887 (9), if
8 such disclosure is required under the dietitian licensure compact under s. 448.9887.

9 **SECTION 10.** 440.03 (13) (b) (intro.) of the statutes, is amended to read:

10 440.03 (13) (b) (intro.) The department may investigate whether an applicant
11 for or holder of any of the following credentials has been charged with or convicted
12 of a crime only pursuant to rules promulgated by the department under this
13 paragraph, including rules that establish the criteria that the department will use
14 to determine whether an investigation under this paragraph is necessary, except as
15 provided in par. (c) and ss. 441.51 (5) (a) 5., 447.50 (3) (a) 5., 448.980 (5) (b) 3.,
16 448.985 (3) (a) 4., 448.987 (3) (a) 5. a. and (5) (b) 2. a., 448.988 (3) (a) 5., 448.9887 (3)
17 (b) 3. and (5) (b) 2. a., 455.50 (3) (e) 4. and (f) 4., 457.50 (3) (b) 3. and (5) (b) 2. a., and
18 459.70 (3) (b) 2.:

19 **SECTION 11.** 440.03 (13) (c) 1. gm. of the statutes is created to read:

20 440.03 (13) (c) 1. gm. An applicant for a dietitian compact privilege under s.
21 448.9887 (4) and an applicant for a dietitian certificate described in s. 448.9887 (5)
22 (b) 2. a.

23 **SECTION 12.** 440.15 of the statutes is amended to read:

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1 **440.15 No fingerprinting.** Except as provided under ss. 440.03 (13) (c),
2 441.51 (5) (a) 5., 447.50 (3) (a) 5., 448.980 (5) (b) 3., 448.985 (3) (a) 4., 448.987 (3) (a)
3 5. a. and (5) (b) 2. a., 448.988 (3) (a) 5., 448.9887 (3) (b) 3. and (5) (b) 2. a., 450.071 (3)
4 (c) 9., 450.075 (3) (c) 9., 455.50 (3) (e) 4. and (f) 4., 457.50 (3) (b) 3. and (5) (b) 2. a.,
5 and 459.70 (3) (b) 1., the department or a credentialing board may not require that
6 an applicant for a credential or a credential holder be fingerprinted or submit
7 fingerprints in connection with the department's or the credentialing board's
8 credentialing.

9 **SECTION 13.** 446.01 (1v) (f) of the statutes is amended to read:

10 446.01 (1v) (f) Dietitians affiliated credentialing board under subch. V of ch.
11 448. "Health care professional" also includes an individual who holds a compact
12 privilege under subch. XIV of ch. 448.

13 **SECTION 14.** 446.02 (6m) of the statutes is amended to read:

14 446.02 (6m) No chiropractor may provide counsel, direction, guidance, advice,
15 or a recommendation to a patient regarding the health effects of vitamins, herbs, or
16 nutritional supplements unless the chiropractor has been issued a certificate under
17 sub. (2) (c) 1. This subsection does not apply to a chiropractor licensed under this
18 chapter who is a certified as a dietitian under subch. V of ch. 448, as defined in s.
19 448.70 (1m).

20 **SECTION 15.** 448.70 (1m) of the statutes is amended to read:

21 448.70 (1m) "Certified dietitian" means an individual who is certified as a
22 dietitian under this subchapter or who holds a compact privilege.

23 **SECTION 16.** 448.70 (1r) of the statutes is created to read:

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1 448.70 (1r) “Compact” means the dietitian licensure compact under s.
2 448.9887.

3 **SECTION 17.** 448.70 (1s) of the statutes is created to read:

4 448.70 (1s) “Compact privilege” means a compact privilege, as defined in s.
5 448.9887 (2) (i), that is granted under the compact to an individual to practice in
6 this state.

7 **SECTION 18.** 448.72 (6) of the statutes is amended to read:

8 448.72 (6) Prohibit an individual from using the title “~~dietitian~~”, “dietitian,”
9 “licensed dietitian,” or “certified dietitian” if the person is licensed or certified as a
10 dietitian under the laws of another state which has licensure or certification
11 requirements that the affiliated credentialing board determines to be substantially
12 equivalent to the requirements under s. 448.78 (1m).

13 **SECTION 19.** 448.74 (1) of the statutes is amended to read:

14 448.74 (1) Establish criteria for the approval of educational programs and
15 training under s. 448.78 ~~(3) and (4)~~ (1m) (c) and (d).

16 **SECTION 20.** 448.78 (title) of the statutes is amended to read:

17 **448.78 (title) Certification of dietitians; compact privileges.**

18 **SECTION 21.** 448.78 of the statutes is renumbered 448.78 (1m), and 448.78
19 (1m) (c) 2. and (d) 3. b., as renumbered, are amended to read:

20 448.78 (1m) (c) 2. Received a bachelor’s, master’s or doctoral degree in human
21 nutrition, nutrition education, food and nutrition, dietetics or food systems
22 management from a program at a college or university that is not located in a state

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1 or territory of the United States if the affiliated credentialing board determines
2 that the program is substantially equivalent to a program under ~~par-(a)~~ subd. 1.

3 (d) 3. b. A program at a college or university that is not located in a state or
4 territory of the United States if the affiliated credentialing board determines that
5 the program is substantially equivalent to a program under subd. ~~1~~ 3. a.

6 **SECTION 22.** 448.78 (1m) (title) of the statutes is created to read:

7 448.78 (1m) (title) CERTIFICATE.

8 **SECTION 23.** 448.78 (1m) (f) of the statutes is created to read:

9 448.78 (1m) (f) Subject to ss. 111.321, 111.322, and 111.335, submits evidence
10 satisfactory to the affiliated credentialing board that he or she does not have a
11 conviction record.

12 **SECTION 24.** 448.78 (2m), (3m) and (4m) of the statutes are created to read:

13 448.78 (2m) LICENSE BASED ON COMPACT PRIVILEGE. The affiliated
14 credentialing board shall grant a certificate as a dietitian to any individual who
15 does all of the following:

16 (a) Submits an application for the certificate to the department on a form
17 provided by the department.

18 (b) Pays the fee specified in s. 440.05 (1).

19 (c) Submits evidence satisfactory to the affiliated credentialing board that he
20 or she holds a home state license in another state that is a party to the compact, has
21 changed his or her primary state of residence to this state, and satisfies all other
22 requirements under s. 448.9887 (5).

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1 (d) Subject to ss. 111.321, 111.322, and 111.335, submits evidence satisfactory
2 to the affiliated credentialing board that he or she does not have a conviction record.

3 **(3m)** COMPACT PRIVILEGE. The affiliated credentialing board shall grant a
4 compact privilege to an individual who does all of the following:

5 (a) Submits an application for the compact privilege to the department on a
6 form provided by the department.

7 (b) Submits evidence satisfactory to the affiliated credentialing board that he
8 or she holds an unencumbered home state license in another state that is a party to
9 the compact and satisfies all other requirements under s. 448.9887 (4).

10 (c) Pays any fee established by the department under s. 448.9888 (2).

11 **(4m)** TYPES OF CERTIFICATE. A certificate as a dietitian granted under sub.
12 (1m) may be either of the following:

13 (a) A certificate that, subject to s. 448.9887 (4), entitles the holder to obtain
14 and exercise a compact privilege in other states that are parties to the compact.

15 (b) A single-state certificate, which entitles the holder to practice only in this
16 state. Nothing in the compact applies to the holder of a single-state certificate
17 unless otherwise applicable under this subchapter.

18 **SECTION 25.** 448.80 of the statutes is amended to read:

19 **448.80 Temporary certificate.** Upon application and payment of the fee
20 specified in s. 440.05 (6), the affiliated credentialing board may grant a temporary
21 dietitian certificate to an individual who satisfies the requirements under s. 448.78
22 ~~(1) to (4)~~ (1m) (a) to (d) and has submitted an application to take the next available
23 examination under s. 448.84. A temporary certificate granted under this section is

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1 valid for a period designated by the affiliated credentialing board, not to exceed 9
2 months, and may be renewed once by the affiliated credentialing board.

3 **SECTION 26.** 448.82 of the statutes is amended to read:

4 **448.82 Reciprocal certificate.** Upon application and payment of the fee
5 specified in s. 440.05 (2), the affiliated credentialing board shall grant a dietitian
6 certificate to an individual who holds a similar certificate or license in another state
7 or territory of the United States if the affiliated credentialing board determines
8 that the requirements for receiving the certificate in the other state or territory are
9 substantially equivalent to the requirements under s. 448.78 (1m).

10 **SECTION 27.** 448.87 (2) (intro.) of the statutes is amended to read:

11 448.87 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the
12 affiliated credentialing board may reprimand a certified dietitian or deny, limit,
13 suspend or revoke a certificate granted under this subchapter or a compact
14 privilege if it finds that the applicant or certified dietitian has done any of the
15 following:

16 **SECTION 28.** 448.87 (2) (a) of the statutes is amended to read:

17 448.87 (2) (a) Made a material misstatement in an application for a certificate
18 or a compact privilege or for renewal of a certificate.

19 **SECTION 29.** 448.956 (1m) of the statutes, as affected by 2021 Wisconsin Act
20 251, is amended to read:

21 448.956 (1m) Subject to sub. (1) (a), a licensee may provide athletic training to
22 an individual without a referral, except that a licensee may not provide athletic
23 training as described under s. 448.95 (5) (d) or (e) in an outpatient rehabilitation

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1 setting unless the licensee has obtained a written referral for the individual from a
2 practitioner licensed or certified under subch. II, III, IV, V, or VII of this chapter;
3 under ch. 446; or under s. 441.16 (2) or from a practitioner who holds a compact
4 privilege under subch. XI ~~or~~, XII, or XIV of ch. 448.

5 **SECTION 30.** Subchapter XIV of chapter 448 [precedes 448.9887] of the
6 statutes is created to read:

7 **CHAPTER 448**

8 **SUBCHAPTER XIV**

9 **DIETITIAN LICENSURE COMPACT**

10 **448.9887 Dietitian licensure compact. (1) PURPOSE.** The purpose of this
11 compact is to facilitate interstate practice of dietetics with the goal of improving
12 public access to dietetics services. This compact preserves the regulatory authority
13 of states to protect public health and safety through the current system of state
14 licensure, while also providing for licensure portability through a compact privilege
15 granted to qualifying professionals. This compact is designed to achieve the
16 following objectives:

- 17 (a) Increase public access to dietetics services;
- 18 (b) Provide opportunities for interstate practice by licensed dietitians who
19 meet uniform requirements;
- 20 (c) Eliminate the necessity for licenses in multiple states;
- 21 (d) Reduce administrative burden on member states and licensees;
- 22 (e) Enhance the states' ability to protect the public's health and safety;

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1 (f) Encourage the cooperation of member states in regulating multistate
2 practice of licensed dietitians;

3 (g) Support relocating active military members and their spouses;

4 (h) Enhance the exchange of licensure, investigative, and disciplinary
5 information among member states; and

6 (i) Vest all member states with the authority to hold a licensed dietitian
7 accountable for meeting all state practice laws in the state in which the patient is
8 located at the time care is rendered.

9 **(2) DEFINITIONS.** As used in this compact, and except as otherwise provided,
10 the following definitions shall apply:

11 (a) “ACEND” means the Accreditation Council for Education in Nutrition and
12 Dietetics or its successor organization.

13 (b) “Active military member” means any individual with full-time duty status
14 in the active armed forces of the United States, including members of the national
15 guard and reserve.

16 (c) “Adverse action” means any administrative, civil, equitable or criminal
17 action permitted by a state’s laws which is imposed by a licensing authority or other
18 authority against a licensee, including actions against an individual’s license or
19 compact privilege such as revocation, suspension, probation, monitoring of the
20 licensee, limitation on the licensee’s practice, or any other encumbrance on
21 licensure affecting a licensee’s authorization to practice, including issuance of a
22 cease and desist action.

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1 (d) “Alternative program” means a nondisciplinary monitoring or practice
2 remediation process approved by a licensing authority.

3 (e) “Charter member state” means any member state which enacted this
4 compact by law before the effective date specified in sub. (12).

5 (f) “Continuing education” means a requirement, as a condition of license
6 renewal, to provide evidence of participation in, and completion of, educational and
7 professional activities relevant to practice or area of work.

8 (g) “CDR” means the Commission on Dietetic Registration or its successor
9 organization.

10 (h) “Compact commission” means the government agency whose membership
11 consists of all states that have enacted this compact, which is known as the dietitian
12 licensure compact commission, as described in sub. (8), and which shall operate as
13 an instrumentality of the member states.

14 (i) “Compact privilege” means a legal authorization, which is equivalent to a
15 license, permitting the practice of dietetics in a remote state.

16 (j) “Current significant investigative information” means:

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

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

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1 (k) “Data system” means a repository of information about licensees,
2 including, but not limited to, continuing education, examination, licensure,
3 investigative, compact privilege and adverse action information.

4 (L) “Encumbered license” means a license in which an adverse action restricts
5 a licensee’s ability to practice dietetics.

6 (m) “Encumbrance” means a revocation or suspension of, or any limitation on
7 a licensee’s full and unrestricted practice of dietetics by a licensing authority.

8 (n) “Executive committee” means a group of delegates elected or appointed to
9 act on behalf of, and within the powers granted to them by, this compact, and the
10 compact commission.

11 (o) “Home state” means the member state that is the licensee’s primary state
12 of residence or that has been designated pursuant to sub. (6).

13 (p) “Investigative information” means information, records, and documents
14 received or generated by a licensing authority pursuant to an investigation.

15 (q) “Jurisprudence requirement” means an assessment of an individual’s
16 knowledge of the state laws and regulations governing the practice of dietetics in
17 such state.

18 (r) “License” means an authorization from a member state to either:

19 1. Engage in the practice of dietetics (including medical nutrition therapy); or

20 2. Use the title “dietitian,” “licensed dietitian,” “licensed dietitian
21 nutritionist,” “certified dietitian,” or other title describing a substantially similar
22 practitioner as the compact commission may further define by rule.

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1 (s) “Licensee” or “licensed dietitian” means an individual who currently holds
2 a license and who meets all of the requirements outlined in sub. (4).

3 (t) “Licensing authority” means the board or agency of a state, or equivalent,
4 that is responsible for the licensing and regulation of the practice of dietetics.

5 (u) “Member state” means a state that has enacted the compact.

6 (v) “Practice of dietetics” means the synthesis and application of dietetics,
7 primarily for the provision of nutrition care services, including medical nutrition
8 therapy, in person or via telehealth, to prevent, manage, or treat diseases or
9 medical conditions and promote wellness.

10 (w) “Registered dietitian” means a person who:

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

13 2. Is credentialed by CDR as a registered dietitian or a registered dietitian
14 nutritionist; and

15 3. Is legally authorized to use the title registered dietitian or registered
16 dietitian nutritionist and the corresponding abbreviations “RD” or “RDN.”

17 (x) “Remote state” means a member state other than the home state, where a
18 licensee is exercising or seeking to exercise a compact privilege.

19 (y) “Rule” means a regulation promulgated by the compact commission that
20 has the force of law.

21 (z) “Single state license” means a license issued by a member state within the
22 issuing state and does not include a compact privilege in any other member state.

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1 (z) “State” means any state, commonwealth, district, or territory of the
2 United States.

3 (zb) “Unencumbered license” means a license that authorizes a licensee to
4 engage in the full and unrestricted practice of dietetics.

5 **(3) STATE PARTICIPATION IN THE COMPACT.** (a) To participate in the compact,
6 a state must currently:

7 1. License and regulate the practice of dietetics; and

8 2. Have a mechanism in place for receiving and investigating complaints
9 about licensees.

10 (b) A member state shall:

11 1. Participate fully in the compact commission’s data system, including using
12 the unique identifier, as defined in rules;

13 2. Notify the compact commission, in compliance with the terms of the
14 compact and rules, of any adverse action or the availability of current significant
15 investigative information regarding a licensee;

16 3. Implement or utilize procedures for considering the criminal history record
17 information of applicants for an initial compact privilege. These procedures shall
18 include the submission of fingerprints or other biometric-based information by
19 applicants for the purpose of obtaining an applicant’s criminal history record
20 information from the federal bureau of investigation and the agency responsible for
21 retaining that state’s criminal records;

22 a. A member state must fully implement a criminal history record
23 information requirement, within a time frame established by rule, which includes

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1 receiving the results of the federal bureau of investigation record search and shall
2 use those results in determining compact privilege eligibility.

3 b. Communication between a member state and the compact commission or
4 among member states regarding the verification of eligibility for a compact
5 privilege shall not include any information received from the federal bureau of
6 investigation relating to a federal criminal history record information check
7 performed by a member state.

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

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

12 6. Recognize a compact privilege granted to a licensee who meets all of the
13 requirements outlined in sub. (4) in accordance with the terms of the compact and
14 rules.

15 (c) Member states may set and collect a fee for granting a compact privilege.

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

21 (e) Nothing in this compact shall affect the requirements established by a
22 member state for the issuance of a single state license.

23 (f) At no point shall the compact commission have the power to define the

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1 requirements for the issuance of a single state license to practice dietetics. The
2 member states shall retain sole jurisdiction over the provision of these
3 requirements.

4 (4) COMPACT PRIVILEGE. (a) To exercise the compact privilege under the
5 terms and provisions of the compact, the licensee shall:

6 1. Satisfy one of the following:

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

9 b. Complete all of the following:

10 i. An education program which is either:

11 a) A master's degree or doctoral degree that is programmatically accredited
12 by (i) ACEND; or (ii) a dietetics accrediting agency recognized by the U.S.
13 department of education, which the compact commission may by rule determine,
14 and from a college or university accredited at the time of graduation by the
15 appropriate regional accrediting agency recognized by the Council on Higher
16 Education Accreditation and the U.S. department of education.

17 b) An academic degree from a college or university in a foreign country
18 equivalent to the degree described in subparagraph (a) that is programmatically
19 accredited by (i) ACEND; or (ii) a dietetics accrediting agency recognized by the U.S.
20 department of education, which the compact commission may by rule determine.

21 ii. A planned, documented, supervised practice experience in dietetics that is
22 programmatically accredited by (i) ACEND, or (ii) a dietetics accrediting agency
23 recognized by the U.S. department of education which the compact commission may

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1 by rule determine and which involves at least 1,000 hours of practice experience
2 under the supervision of a registered dietitian or a licensed dietitian.

3 iii. Successful completion of either: (i) the registration examination for
4 dietitians administered by CDR, or (ii) a national credentialing examination for
5 dietitians approved by the compact commission by rule; such completion being no
6 more than 5 years prior to the date of the licensee's application for initial licensure
7 and accompanied by a period of continuous licensure thereafter, all of which may be
8 further governed by the rules of the compact commission.

9 2. Hold an unencumbered license in the home state;

10 3. Notify the compact commission that the licensee is seeking a compact
11 privilege within a remote state;

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

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

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

18 (b) The compact privilege is valid until the expiration date of the home state
19 license. To maintain a compact privilege, renewal of the compact privilege shall be
20 congruent with the renewal of the home state license as the compact commission
21 may define by rule. The licensee must comply with the requirements of par. (a) to
22 maintain the compact privilege in the remote state.

23 (c) A licensee exercising a compact privilege shall adhere to the laws and

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1 regulations of the remote state. Licensees shall be responsible for educating
2 themselves on, and complying with, any and all state laws relating to the practice of
3 dietetics in such remote state.

4 (d) Notwithstanding anything to the contrary provided in this compact or
5 state law, a licensee exercising a compact privilege shall not be required to complete
6 continuing education requirements required by a remote state. A licensee
7 exercising a compact privilege is only required to meet any continuing education
8 requirements as required by the home state.

9 (5) OBTAINING A NEW HOME STATE LICENSE BASED ON A COMPACT PRIVILEGE.

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

12 (b) If a licensee changes home state by moving between two member states:

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

16 2. Upon receipt of an application for obtaining a new home state license by
17 virtue of a compact privilege, the new home state shall verify that the licensee
18 meets the criteria in sub. (4) via the data system, and require that the licensee
19 complete the following:

20 a. Federal bureau of investigation fingerprint based criminal history record
21 information check;

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

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1 c. Any jurisprudence requirements of the new home state.

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

5 4. Notwithstanding any other provision of this compact, if the licensee cannot
6 meet the criteria in sub. (4), the new home state may apply its requirements for
7 issuing a new single state license.

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

10 (c) If a licensee changes their state of residence by moving from a member
11 state to a nonmember state, or from a nonmember state to a member state, the state
12 criteria shall apply for issuance of a single state license in the new state.

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

16 (e) Nothing in this compact shall affect the requirements established by a
17 member state for the issuance of a single state license.

18 **(6) ACTIVE MILITARY MEMBERS OR THEIR SPOUSES.** An active military member,
19 or their spouse, shall designate a home state where the individual has a current
20 license in good standing. The individual may retain the home state designation
21 during the period the service member is on active duty.

22 **(7) ADVERSE ACTIONS.** (a) In addition to the other powers conferred by state

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1 law, a remote state shall have the authority, in accordance with existing state due
2 process law, to:

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

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

14 (b) Only the home state shall have the power to take adverse action against a
15 licensee's home state license.

16 (c) For purposes of taking adverse action, the home state shall give the same
17 priority and effect to reported conduct received from a member state as it would if
18 the conduct had occurred within the home state. In so doing, the home state shall
19 apply its own state laws to determine appropriate action.

20 (d) The home state shall complete any pending investigations of a licensee
21 who changes home states during the course of the investigations. The home state
22 shall also have authority to take appropriate action and shall promptly report the
23 conclusions of the investigations to the administrator of the data system. The

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1 administrator of the data system shall promptly notify the new home state of any
2 adverse actions.

3 (e) A member state, if otherwise permitted by state law, may recover from the
4 affected licensee the costs of investigations and dispositions of cases resulting from
5 any adverse action taken against that licensee.

6 (f) A member state may take adverse action based on the factual findings of
7 another remote state, provided that the member state follows its own procedures for
8 taking the adverse action.

9 (g) *Joint investigations.* 1. In addition to the authority granted to a member
10 state by its respective state law, any member state may participate with other
11 member states in joint investigations of licensees.

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

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

21 (i) Once an encumbered license in the home state is restored to an
22 unencumbered license (as certified by the home state's licensing authority), the

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1 licensee must meet the requirements of sub. (4) (a) and follow the administrative
2 requirements to reapply to obtain a compact privilege in any remote state.

3 (j) If a member state takes adverse action, it shall promptly notify the
4 administrator of the data system. The administrator of the data system shall
5 promptly notify the other member states of any adverse actions.

6 (k) Nothing in this compact shall override a member state's decision that
7 participation in an alternative program may be used in lieu of adverse action.

8 **(8) ESTABLISHMENT OF THE DIETITIAN LICENSURE COMPACT COMMISSION.** (a)
9 The compact member states hereby create and establish a joint government agency
10 whose membership consists of all member states that have enacted the compact
11 known as the dietitian licensure compact commission. The compact commission is
12 an instrumentality of the compact states acting jointly and not an instrumentality
13 of any one state. The compact commission shall come into existence on or after the
14 effective date of the compact as set forth in sub. (12).

15 (b) *Membership, voting, and meetings.* 1. Each member state shall have and
16 be limited to one delegate selected by that member state's licensing authority.

17 2. The delegate shall be the primary administrator of the licensing authority
18 or their designee.

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

21 4. The compact commission may recommend removal or suspension of any
22 delegate from office.

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1 5. A member state's licensing authority shall fill any vacancy of its delegate
2 occurring on the compact commission within 60 days of the vacancy.

3 6. Each delegate shall be entitled to one vote on all matters before the compact
4 commission requiring a vote by the delegates.

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

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

12 (c) The compact commission shall have the following powers:

13 1. Establish the fiscal year of the compact commission;

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

15 3. Establish and amend rules and bylaws;

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

17 5. Meet and take such actions as are consistent with the provisions of this
18 compact, the compact commission's rules, and the bylaws;

19 6. Initiate and conclude legal proceedings or actions in the name of the
20 compact commission, provided that the standing of any licensing authority to sue or
21 be sued under applicable law shall not be affected;

22 7. Maintain and certify records and information provided to a member state

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1 as the authenticated business records of the compact commission, and designate an
2 agent to do so on the compact commission's behalf;

3 8. Purchase and maintain insurance and bonds;

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

6 10. Conduct an annual financial review;

7 11. Hire employees, elect or appoint officers, fix compensation, define duties,
8 grant such individuals appropriate authority to carry out the purposes of the
9 compact, and establish the compact commission's personnel policies and programs
10 relating to conflicts of interest, qualifications of personnel, and other related
11 personnel matters;

12 12. Assess and collect fees;

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

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

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

21 16. Establish a budget and make expenditures;

22 17. Borrow money;

23 18. Appoint committees, including standing committees, composed of

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1 members, state regulators, state legislators or their representatives, and consumer
2 representatives, and such other interested persons as may be designated in this
3 compact or the bylaws;

4 19. Provide and receive information from, and cooperate with, law
5 enforcement agencies;

6 20. Establish and elect an executive committee, including a chair and a vice
7 chair;

8 21. Determine whether a state's adopted language is materially different from
9 the model compact language such that the state would not qualify for participation
10 in the compact; and

11 22. Perform such other functions as may be necessary or appropriate to
12 achieve the purposes of this compact.

13 (d) *The executive committee.* 1. The executive committee shall have the power
14 to act on behalf of the compact commission according to the terms of this compact.

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

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

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

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

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- 1 d. Prepare and recommend the budget;
- 2 e. Maintain financial records on behalf of the compact commission;
- 3 f. Monitor compact compliance of member states and provide compliance
4 reports to the compact commission;
- 5 g. Establish additional committees as necessary;
- 6 h. Exercise the powers and duties of the compact commission during the
7 interim between compact commission meetings, except for adopting or amending
8 rules, adopting or amending bylaws, and exercising any other powers and duties
9 expressly reserved to the compact commission by rule or bylaw; and
- 10 i. Other duties as provided in the rules or bylaws of the compact commission.
- 11 2. The executive committee shall be composed of nine members:
 - 12 a. The chair and vice chair of the compact commission shall be voting
13 members of the executive committee;
 - 14 b. Five voting members from the current membership of the compact
15 commission, elected by the compact commission;
 - 16 c. One ex officio, nonvoting member from a recognized professional association
17 representing dietitians; and
 - 18 d. One ex officio, nonvoting member from a recognized national credentialing
19 organization for dietitians.
- 20 3. The compact commission may remove any member of the executive
21 committee as provided in the compact commission's bylaws.
- 22 4. The executive committee shall meet at least annually.
 - 23 a. Executive committee meetings shall be open to the public, except that the

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1 executive committee may meet in a closed, nonpublic meeting as provided in par. (f)

2 2.

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

6 c. The executive committee may hold a special meeting in accordance with
7 par. (f) 1. b.

8 (e) The compact commission shall adopt and provide to the member states an
9 annual report.

10 (f) *Meetings of the compact commission.* 1. All meetings shall be open to the
11 public, except that the compact commission may meet in a closed, nonpublic
12 meeting as provided in subd. 2.

13 a. Public notice for all meetings of the full compact commission shall be given
14 in the same manner as required under the rule-making provisions in sub. (10),
15 except that the compact commission may hold a special meeting as provided in
16 subd. 1. b.

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

22 2. The compact commission or the executive committee or other committees of
23 the compact commission may convene in a closed, nonpublic meeting for the

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1 compact commission or executive committee or other committees of the compact
2 commission to receive legal advice or to discuss:

3 a. Noncompliance of a member state with its obligations under the compact;

4 b. The employment, compensation, discipline, or other matters, practices, or
5 procedures related to specific employees;

6 c. Current or threatened discipline of a licensee by the compact commission or
7 by a member state's licensing authority;

8 d. Current, threatened, or reasonably anticipated litigation;

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

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

12 g. Trade secrets or commercial or financial information that is privileged or
13 confidential;

14 h. Information of a personal nature where disclosure would constitute a
15 clearly unwarranted invasion of personal privacy;

16 i. Investigative records compiled for law enforcement purposes;

17 j. Information related to any investigative reports prepared by or on behalf of
18 or for use of the compact commission or other committee charged with
19 responsibility of investigation or determination of compliance issues pursuant to
20 the compact;

21 k. Matters specifically exempted from disclosure by federal or member state
22 law; or

23 L. Other matters as specified in the rules of the compact commission.

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

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

11 (g) *Financing of the compact commission.* 1. The compact commission shall
12 pay, or provide for the payment of, the reasonable expenses of its establishment,
13 organization, and ongoing activities.

14 2. The compact commission may accept any and all appropriate revenue
15 sources as provided in par. (c) 13.

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

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

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

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

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

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

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

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1 5. Nothing in this compact shall be interpreted to waive or otherwise abrogate
2 a member state's state action immunity or state action affirmative defense with
3 respect to antitrust claims under the Sherman Act, Clayton Act, or any other state
4 or federal antitrust or anticompetitive law or regulation.

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

7 **(9) DATA SYSTEM.** (a) The compact commission shall provide for the
8 development, maintenance, operation, and utilization of a coordinated data system.

9 (b) The compact commission shall assign each applicant for a compact
10 privilege a unique identifier, as determined by the rules.

11 (c) Notwithstanding any other provision of state law to the contrary, a
12 member state shall submit a uniform data set to the data system on all individuals
13 to whom this compact is applicable as required by the rules of the compact
14 commission, including:

15 1. Identifying information;

16 2. Licensure data;

17 3. Adverse actions against a license or compact privilege and information
18 related thereto;

19 4. Nonconfidential information related to alternative program participation,
20 the beginning and ending dates of such participation, and other information related
21 to such participation not made confidential under member state law;

22 5. Any denial of application for licensure, and the reason for such denial;

23 6. The presence of current significant investigative information; and

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

3 (d) The records and information provided to a member state pursuant to this
4 compact or through the data system, when certified by the compact commission or
5 an agent thereof, shall constitute the authenticated business records of the compact
6 commission, and shall be entitled to any associated hearsay exception in any
7 relevant judicial, quasi-judicial, or administrative proceedings in a member state.

8 (e) Current significant investigative information pertaining to a licensee in
9 any member state will only be available to other member states.

10 (f) It is the responsibility of the member states to report any adverse action
11 against a licensee and to monitor the data system to determine whether any
12 adverse action has been taken against a licensee. Adverse action information
13 pertaining to a licensee in any member state will be available to any other member
14 state.

15 (g) Member states contributing information to the data system may designate
16 information that may not be shared with the public without the express permission
17 of the contributing state.

18 (h) Any information submitted to the data system that is subsequently
19 expunged pursuant to federal law or the laws of the member state contributing the
20 information shall be removed from the data system.

21 **(10) RULE MAKING.** (a) The compact commission shall promulgate reasonable
22 rules in order to effectively and efficiently implement and administer the purposes
23 and provisions of the compact. A rule shall be invalid and have no force or effect

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1 only if a court of competent jurisdiction holds that the rule is invalid because the
2 compact commission exercised its rule-making authority in a manner that is
3 beyond the scope and purposes of the compact, or the powers granted hereunder, or
4 based upon another applicable standard of review.

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

12 (c) The compact commission shall exercise its rule-making powers pursuant to
13 the criteria set forth in this subsection and the rules adopted thereunder. Rules
14 shall become binding on the day following adoption or as of the date specified in the
15 rule or amendment, whichever is later.

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

20 (e) Rules shall be adopted at a regular or special meeting of the compact
21 commission.

22 (f) Prior to adoption of a proposed rule, the compact commission shall hold a

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1 public hearing and allow persons to provide oral and written comments, data, facts,
2 opinions, and arguments.

3 (g) Prior to adoption of a proposed rule by the compact commission, and at
4 least 30 days in advance of the meeting at which the compact commission will hold
5 a public hearing on the proposed rule, the compact commission shall provide a
6 notice of proposed rule making:

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

9 2. To persons who have requested notice of the compact commission's notices
10 of proposed rule making; and

11 3. In such other way as the compact commission may by rule specify.

12 (h) The notice of proposed rule making shall include:

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

17 2. If the hearing is held via telecommunication, video conference, or other
18 means of communication, the compact commission shall include the mechanism for
19 access to the hearing in the notice of proposed rule making;

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

21 4. A request for comments on the proposed rule from any interested person;

22 and

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

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1 (i) All hearings will be recorded. A copy of the recording and all written
2 comments and documents received by the compact commission in response to the
3 proposed rule shall be available to the public.

4 (j) Nothing in this subsection shall be construed as requiring a separate
5 hearing on each rule. Rules may be grouped for the convenience of the compact
6 commission at hearings required by this subsection.

7 (k) The compact commission shall, by majority vote of all members, take final
8 action on the proposed rule based on the rule-making record and the full text of the
9 rule.

10 1. The compact commission may adopt changes to the proposed rule provided
11 the changes do not enlarge the original purpose of the proposed rule.

12 2. The compact commission shall provide an explanation of the reasons for
13 substantive changes made to the proposed rule as well as reasons for substantive
14 changes not made that were recommended by commenters.

15 3. The compact commission shall determine a reasonable effective date for the
16 rule. Except for an emergency as provided in par. (L), the effective date of the rule
17 shall be no sooner than 30 days after issuing the notice that it adopted or amended
18 the rule.

19 (L) Upon determination that an emergency exists, the compact commission
20 may consider and adopt an emergency rule with 24 hours' notice, with opportunity
21 to comment, provided that the usual rule-making procedures provided in the
22 compact and in this subsection shall be retroactively applied to the rule as soon as
23 reasonably possible, in no event later than 90 days after the effective date of the

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1 rule. For the purposes of this provision, an emergency rule is one that must be
2 adopted immediately in order to:

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

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

19 (n) No member state's rule-making requirements shall apply under this
20 compact.

21 **(11) OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.** (a) *Oversight.* 1.
22 The executive and judicial branches of state government in each member state shall

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1 enforce this compact and take all actions necessary and appropriate to implement
2 this compact.

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

11 3. The compact commission shall be entitled to receive service of process in
12 any proceeding regarding the enforcement or interpretation of the compact and
13 shall have standing to intervene in such a proceeding for all purposes. Failure to
14 provide the compact commission service of process shall render a judgment or order
15 void as to the compact commission, this compact, or promulgated rules.

16 (b) *Default, technical assistance, and termination.* 1. If the compact
17 commission determines that a member state has defaulted in the performance of its
18 obligations or responsibilities under this compact or the promulgated rules, the
19 compact commission shall provide written notice to the defaulting state. The notice
20 of default shall describe the default, the proposed means of curing the default, and
21 any other action that the compact commission may take and shall offer training and
22 specific technical assistance regarding the default.

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

3 (c) If a state in default fails to cure the default, the defaulting state may be
4 terminated from the compact upon an affirmative vote of a majority of the delegates
5 of the member states, and all rights, privileges, and benefits conferred on that state
6 by this compact may be terminated on the effective date of termination. A cure of
7 the default does not relieve the offending state of obligations or liabilities incurred
8 during the period of default.

9 (d) Termination of membership in the compact shall be imposed only after all
10 other means of securing compliance have been exhausted. Notice of intent to
11 suspend or terminate shall be given by the compact commission to the governor, the
12 majority and minority leaders of the defaulting state's legislature, the defaulting
13 state's licensing authority, and each of the member states' licensing authority.

14 (e) A state that has been terminated is responsible for all assessments,
15 obligations, and liabilities incurred through the effective date of termination,
16 including obligations that extend beyond the effective date of termination.

17 (f) Upon the termination of a state's membership from this compact, that
18 state shall immediately provide notice to all licensees within that state of such
19 termination. The terminated state shall continue to recognize all compact
20 privileges granted pursuant to this compact for a minimum of 6 months after the
21 date of said notice of termination.

22 (g) The compact commission shall not bear any costs related to a state that is

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1 found to be in default or that has been terminated from the compact, unless agreed
2 upon in writing between the compact commission and the defaulting state.

3 (h) The defaulting state may appeal the action of the compact commission by
4 petitioning the U.S. District Court for the District of Columbia or the federal
5 district where the compact commission has its principal offices. The prevailing
6 party shall be awarded all costs of such litigation, including reasonable attorney's
7 fees.

8 (i) *Dispute resolution.* 1. Upon request by a member state, the compact
9 commission shall attempt to resolve disputes related to the compact that arise
10 among member states and between member and nonmember states.

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

13 (j) *Enforcement.* 1. By supermajority vote, the compact commission may
14 initiate legal action against a member state in default in the U.S. District Court for
15 the District of Columbia or the federal district where the compact commission has
16 its principal offices to enforce compliance with the provisions of the compact and its
17 promulgated rules. The relief sought may include both injunctive relief and
18 damages. In the event judicial enforcement is necessary, the prevailing party shall
19 be awarded all costs of such litigation, including reasonable attorney's fees. The
20 remedies herein shall not be the exclusive remedies of the compact commission.
21 The compact commission may pursue any other remedies available under federal or
22 the defaulting member state's law.

23 2. A member state may initiate legal action against the compact commission

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1 in the U.S. District Court for the District of Columbia or the federal district where
2 the compact commission has its principal offices to enforce compliance with the
3 provisions of the compact and its promulgated rules. The relief sought may include
4 both injunctive relief and damages. In the event judicial enforcement is necessary,
5 the prevailing party shall be awarded all costs of such litigation, including
6 reasonable attorney's fees.

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

9 **(12) EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT.** (a) The compact shall
10 come into effect on the date on which the compact statute is enacted into law in the
11 7th member state.

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

16 a. A charter member state whose enactment is found to be materially
17 different from the model compact statute shall be entitled to the default process set
18 forth in sub. (11).

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

23 2. Member states enacting the compact subsequent to the 7 initial charter

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1 member states shall be subject to the process set forth in sub. (8) (c) 21. to
2 determine if their enactments are materially different from the model compact
3 statute and whether they qualify for participation in the compact.

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

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

14 (b) Any member state may withdraw from this compact by enacting a statute
15 repealing the same.

16 1. A member state's withdrawal shall not take effect until 180 days after
17 enactment of the repealing statute.

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

21 3. Upon the enactment of a statute withdrawing from this compact, a state
22 shall immediately provide notice of such withdrawal to all licensees within that
23 state. Notwithstanding any subsequent statutory enactment to the contrary, such

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1 withdrawing state shall continue to recognize all compact privileges granted
2 pursuant to this compact for a minimum of 180 days after the date of such notice of
3 withdrawal.

4 (c) Nothing contained in this compact shall be construed to invalidate or
5 prevent any licensure agreement or other cooperative arrangement between a
6 member state and a nonmember state that does not conflict with the provisions of
7 this compact.

8 (d) This compact may be amended by the member states. No amendment to
9 this compact shall become effective and binding upon any member state until it is
10 enacted into the laws of all member states.

11 **(13) CONSTRUCTION AND SEVERABILITY.** (a) This compact and the compact
12 commission's rule-making authority shall be liberally construed so as to effectuate
13 the purposes and the implementation and administration of the compact.
14 Provisions of the compact expressly authorizing or requiring the promulgation of
15 rules shall not be construed to limit the compact commission's rule-making
16 authority solely for those purposes.

17 (b) The provisions of this compact shall be severable and if any phrase, clause,
18 sentence, or provision of this compact is held by a court of competent jurisdiction to
19 be contrary to the constitution of any member state, a state seeking participation in
20 the compact, or of the United States, or the applicability thereof to any government,
21 agency, person, or circumstance is held to be unconstitutional by a court of
22 competent jurisdiction, the validity of the remainder of this compact and the

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1 applicability thereof to any other government, agency, person, or circumstance shall
2 not be affected thereby.

3 (c) Notwithstanding par. (b), the compact commission may deny a state's
4 participation in the compact or, in accordance with the requirements of sub. (11) (b),
5 terminate a member state's participation in the compact, if it determines that a
6 constitutional requirement of a member state is a material departure from the
7 compact. Otherwise, if this compact shall be held to be contrary to the constitution
8 of any member state, the compact shall remain in full force and effect as to the
9 remaining member states and in full force and effect as to the member state
10 affected as to all severable matters.

11 (14) CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS. (a) Nothing
12 herein shall prevent or inhibit the enforcement of any other law of a member state
13 that is not inconsistent with the compact.

14 (b) Any laws, statutes, regulations, or other legal requirements in a member
15 state in conflict with the compact are superseded to the extent of the conflict.

16 (c) All permissible agreements between the compact commission and the
17 member states are binding in accordance with their terms.

18 **448.9888 Implementation of the dietitian licensure compact. (1) In**
19 **this section:**

20 (a) "Compact" means the dietitian licensure compact under s. 448.9887.

21 (b) "Compact privilege" means a compact privilege, as defined in s. 448.9887
22 (2) (i), that is granted under the compact to an individual to practice in this state.

