

RÉSUMÉ DIGEST

HB 399

2025 Regular Session

Chenevert

Proposed law would have authorized the La. State Bd. of Examiners in Dietetics and Nutrition to obtain criminal background checks.

Proposed law would have added a criminal background check as a licensure requirement for a state-licensed dietitian or nutritionist.

Proposed law would have adopted the Dietitian Licensure Compact (compact).

Proposed law would have provided that the purpose of the compact would be to facilitate the interstate practice of licensed dietitians by improving public access to competent dietetic services and to preserve the regulatory authority of states to protect public health and safety through the current system of state licensure while decreasing a state's administrative burden.

Proposed law would have established a process for dietitians licensed in a member state to practice in another member state through a compact privilege.

Proposed law would have provided for definitions.

Proposed law would have allowed states to participate in the compact if they met certain criteria including all of the following:

- (1) License and regulate the practice of dietetics.
- (2) Require applicants for licensure to graduate from a program that satisfies the requirements set forth in proposed law.
- (3) Have a mechanism in place for receiving and investigating complaints about licensees.

Proposed law would have provided that in order to maintain membership in the compact, a member state would do all of the following:

- (1) Require that applicants for a compact privilege complete an educational program and pass a qualifying exam as provided in proposed law.
- (2) Participate fully in the commission's data system including using the commission's unique identifier as defined by commission rules.
- (3) Notify the commission, in compliance with the terms of this compact and commission rules, of any adverse action or the availability of significant investigative information regarding a licensee.
- (4) Implement procedures for considering the criminal history records of applicants for a compact privilege.
- (5) Comply with the rules of the commission.
- (6) Require an applicant to obtain or retain a license in the home state and meet the home state's qualifications for licensure or renewal of licensure, as well as all other applicable home state laws.
- (7) Authorize a licensee holding a compact privilege in any member state to practice in accordance with the terms of this compact and rules of the commission.
- (8) Designate a delegate to participate in the commission meetings.

Proposed law would have specified certain criteria for an applicant to be eligible for a compact privilege to practice in a remote member state including all of the following:

- (1) Hold an active, unencumbered license in the home state.
- (2) Meet educational requirements as established by proposed law or hold a current registration that gives the applicant the right to use the term registered dietitian.
- (3) Pay any applicable fees including any state fees.
- (4) Meet any subject matter knowledge requirements of the remote member state.
- (5) Report to the commission any adverse action, encumbrance, or restriction on any professional license taken by any member state or nonmember state within 30 days from the date the action is taken.
- (5) Meet any continuing education requirements established by the home state.
- (6) Abide by the laws, regulations, and standards of the remote state.

Proposed law would have established criteria for a licensee to obtain a new home state license in a remote member state based on a compact privilege awarded by the remote member state including all of the following:

- (1) Hold only one home state license.
- (2) File an application with the new home state to obtain a new home state license based on an existing compact privilege in the new home state.
- (3) Pay all applicable fees.
- (4) Notify the new home and the previous home state in accordance with the rules of the commission.
- (5) Complete a Federal Bureau of Investigation fingerprint-based criminal history record check and any other criminal history record check required by the new home state.
- (6) Be eligible to obtain a compact privilege in the new home state.
- (7) Pay all applicable fees to the new home state.

Proposed law would have specified procedures that a remote member state may take to initiate an adverse action against a licensee's compact privilege including conducting investigations and hearings separately and jointly with the licensee's home state. Proposed law would have further specified that only the home state has the authority to take adverse action against a licensee's home state license.

Proposed law would have required an active military member or his spouse to designate a home state where the individual has a current license in good standing. Proposed law would have further provided that the individual may retain his home state designation during the period the service member is on active duty.

Proposed law would have established the authority of the commission, outlined the abilities of member states, and established mechanisms to adopt rules for the commission.

Proposed law would have established a joint government agency, which shall consist of all member states that have enacted the compact, and provided that the commission is an instrumentality of the compact states acting jointly and not an instrumentality of any one state.

Proposed law would have established certain criteria for membership, voting, and meetings including procedures and circumstances for meetings closed to the public.

Proposed law would have provided for the executive committee, annual report, financing for the commission, and details provisions for qualified immunity, defense, and indemnification.

Proposed law would have required the commission to provide for the development, maintenance, operation, and utilization of a coordinated data system and would have established provisions in furtherance of such requirements.

Proposed law would have established provisions for oversight, dispute resolution, and enforcement of the compact.

Proposed law would have established consequences if the commission determined that a member state defaulted in the performance of its obligations or responsibilities in accordance with proposed law or the rules promulgated by the commission. Proposed law would have further provided that upon failure to cure its default, a state may be subject to termination from the commission.

Proposed law would have provided that the compact shall come into effect on the date on which the compact statute is enacted into law in the seventh member state.

Proposed law would have established provisions for a state's withdrawal from the compact.

Proposed law would have provided that the compact may be amended by the member states and would have further provided that no amendment to the compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

Proposed law would have established certain provisions for rulemaking in accordance with proposed law and, when applicable, severability of certain provisions of proposed law.

Proposed law would have provided that proposed law would not prevent or inhibit the enforcement of any other law of a member state that is not inconsistent with the compact.

Proposed law would have provided that any laws, statutes, regulations, or other legal requirements in a member state in conflict with the compact are superseded to the extent of the conflict.

Proposed law would have further provided that all permissible agreements between the commission and the member states are binding in accordance with their terms.

Proposed law would have exempted certain provisions of proposed law from public records requests.

(Proposed to amend R.S. 44:4.1(B)(24); Proposed to add R.S. 37:3085(7), 3086(C)(5), and 3095.1)

VETO MESSAGE: "While House Bill 399 is framed as a step toward enhancing license portability, it does so by ceding significant state authority to an unelected, multi-state compact commission. Far from a simple streamlining measure, House Bill 399 would undermine Louisiana's ability to govern its own licensing systems, posing serious risks to privacy, transparency, and fiscal responsibility.

Under HB 399, Louisiana would delegate broad regulatory powers to an external commission-powers that include collecting fees, filing lawsuits, borrowing state personnel (including Louisiana employees), and forming committees with regulators, legislators, and consumer representatives from other states. These powers are granted without meaningful legislative oversight or accountability to Louisiana taxpayers. Particularly alarming is Section 9 of the bill, which compels Louisiana to transmit licensee data - including sensitive personal information - to a shared national database managed by the commission. With no assurance of data protection or confidentiality House Bill 399 creates serious privacy risks. Meanwhile, the bill grants the commission qualified immunity - effectively shielding it from liability should a breach occur.

The bill permits the commission to impose fees both on the Louisiana Board of Examiners in Dietetics and Nutrition and on individual licensees, with rates set through commission rulemaking processes that operate entirely outside Louisiana's legislative or administrative frameworks. Moreover, if Louisiana chooses to withdraw from the compact, the State

remains liable for any financial obligations incurred during its membership - and the commission may sue in federal court to collect those debts.

Beyond the financial implications, the bill raises significant concerns about transparency and accountability. HB 399 allows the commission to hold closed meetings for a broad range of reasons, including any "other matters as specified in the rules of the compact commission." As a result, the commission could entirely bypass Louisiana's Open Meetings Law without seeking a legislative amendment.

In 2024, my administration enacted the Welcome Home Act, which already requires licensing boards to issue Louisiana licenses to qualified applicants licensed in other states. If Representative Chenevert wishes to expand licensure portability to out-of-state residents, I am eager to collaborate on legislation that does so without compromising state sovereignty, licensee privacy, or public accountability.

For these reasons, I have vetoed HB 399."