

2025 Regular Session

HOUSE BILL NO. 399

BY REPRESENTATIVE CHENEVERT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

DIETITIANS: Provides with respect to the profession of dietetics and dieticians

1 AN ACT

2 To amend and reenact R.S. 44:4.1(B)(24) and to enact Part II of Chapter 41 of Title 37 of
3 the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:3095.1, relative
4 to the Dietitian Licensure Compact; to establish the purpose of the compact; to
5 identify objectives of the compact; to provide for definitions; to establish procedures
6 for the issuance of a compact privilege; to establish the Dietitian Licensure Compact
7 Commission; to provide for member state licensing authority; to establish provisions
8 for military families; to establish authority for certain entities to take adverse action;
9 to require the usage of a coordinated data system; to provide for the promulgation
10 of rules; to provide for oversight, dispute resolution, and enforcement of certain
11 provisions; to provide for construction and severability; to require consistency and
12 conflict resolution between states; to redesignate certain provisions; to provide for
13 exceptions to public records; and to provide for related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. Part II of Chapter 41 of Title 37 of the Louisiana Revised Statutes of
16 1950, comprised of R.S. 37:3095.1, is hereby enacted to read as follows:

1 PART II. DIETITIAN LICENSURE COMPACT

2 §3095.1. Dietician Licensure Compact

3 SECTION 1. PURPOSE

4 The purpose of this compact is to facilitate the interstate practice of dietetics
5 with the goal of improving public access to dietetics services. This compact
6 preserves the regulatory authority of states to protect public health and safety
7 through the current system of state licensure, while also providing for licensure
8 portability through a compact privilege granted to qualifying professionals. This
9 compact is designed to achieve all of the following objectives:

10 (1) Increase public access to dietetics services.

11 (2) Provide opportunities for interstate practice by licensed dietitians who
12 meet uniform requirements.

13 (3) Eliminate the necessity for licenses in multiple states.

14 (4) Reduce the administrative burden on member states and licensees.

15 (5) Enhance the states' ability to protect the public's health and safety.

16 (6) Encourage the cooperation of member states in regulating the multistate
17 practice of licensed dietitians.

18 (7) Support relocating active military members and their spouses.

19 (8) Enhance the exchange of licensure, investigative, and disciplinary
20 information among member states.

21 (9) Vest all member states with the authority to hold a licensed dietitian
22 accountable for meeting all state practice laws in the state in which the patient is
23 located at the time care is rendered.

24 SECTION 2. DEFINITIONS

25 As used in this Part, and except as otherwise provided, the following
26 definitions shall apply:

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

1 (2) "Active military member" means any individual with full-time duty
2 status in the active United States Armed Forces, members of the National Guard of
3 the United States, and the United States Army Reserve.

4 (3) "Adverse action" means any administrative, civil, equitable, or criminal
5 action permitted by a state's laws which is imposed by a licensing authority or other
6 authority against a licensee including actions against an individual's license or
7 compact privilege such as revocation, suspension, probation, monitoring of the
8 licensee, limitation on the licensee's practice, or any other encumbrance on licensure
9 affecting a licensee's authorization to practice including issuance of a cease and
10 desist action.

11 (4) "Alternative program" means a nondisciplinary monitoring or practice
12 remediation process approved by a licensing authority.

13 (5) "Charter member state" means any member state which enacted this
14 compact by law before the effective date specified in Section 12 of this compact.

15 (6) "Continuing education" means a requirement, as a condition of license
16 renewal, to provide evidence of participation in and completion of educational and
17 professional activities relevant to practice or area of work.

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

20 (8) "Compact commission", also known as the Dietitian Licensure Compact
21 Commission, means the government agency whose membership consists of all states
22 that have enacted this compact and operates as an instrumentality of the member
23 states.

24 (9) "Compact privilege" means a legal authorization, which is equivalent to
25 a license, permitting the practice of dietetics in a remote state.

26 (10) "Current significant investigative information" means either of the
27 following:

28 (a) Investigative information that a licensing authority, after a preliminary
29 inquiry that includes notification and an opportunity for the subject licensee to

1 respond, if required by state law, has reason to believe is not groundless and, if
2 proved true, would indicate more than a minor infraction.

3 (b) Investigative information that indicates that the subject licensee
4 represents an immediate threat to public health and safety regardless of whether the
5 subject licensee has been notified and had an opportunity to respond.

6 (11) "Data system" means a repository of information about licensees
7 including but not limited to continuing education, examination, licensure,
8 investigative, compact privilege, and adverse action information.

9 (12) "Encumbered license" means a license in which an adverse action
10 restricts a licensee's ability to practice dietetics.

11 (13) "Encumbrance" means a revocation or suspension of or any limitation
12 on a licensee's full and unrestricted practice of dietetics by a licensing authority.

13 (14) "Executive committee" means a group of delegates elected or appointed
14 to act on behalf of and within the powers granted to them by this compact and the
15 compact commission.

16 (15) "Home state" means the member state that is the licensee's primary state
17 of residence or that has been designated pursuant to Section 6 of this compact.

18 (16) "Investigative information" means information, records, and documents
19 received or generated by a licensing authority pursuant to an investigation.

20 (17) "Jurisprudence requirement" means an assessment of an individual's
21 knowledge of the state laws and regulations governing the practice of dietetics in
22 such state.

23 (18) "License" means an authorization from a member state to engage in the
24 practice of dietetics, including medical nutrition therapy, or use the title "dietitian",
25 "licensed dietitian", "licensed dietitian nutritionist", "certified dietitian", or other title
26 describing a substantially similar practitioner as the compact commission may
27 further define by rule.

28 (19) "Licensee" or "licensed dietitian" means an individual who currently
29 holds a license and who meets all of the requirements outlined in Section 4 of this
30 compact.

1 (20) "Licensing authority" means the board or agency of a state, or
2 equivalent, that is responsible for the licensing and regulation of the practice of
3 dietetics.

4 (21) "Member state" means a state that has enacted this compact.

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

9 (23) "Registered dietitian" means a person who meets all of the following
10 criteria:

11 (a) Has completed applicable education, experience, examination, and
12 recertification requirements approved by CDR.

13 (b) Is credentialed by CDR as a registered dietitian or a registered dietitian
14 nutritionist.

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

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

19 (25) "Rule" means a regulation promulgated by the compact commission that
20 has the force of law.

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

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

25 (28) "Unencumbered license" means a license that authorizes a licensee to
26 engage in the full and unrestricted practice of dietetics.

27 SECTION 3. STATE PARTICIPATION IN THE COMPACT

28 A. To participate in this compact, a state shall currently meet all of the
29 following criteria:

30 (1) License and regulate the practice of dietetics.

1 (2) Have a mechanism in place for receiving and investigating complaints
2 about licensees.

3 B. A member state shall do all of the following:

4 (1) Participate fully in the compact commission's data system, including
5 using the unique identifier as defined in rules.

6 (2) Notify the compact commission, in compliance with the terms of this
7 compact and the rules, of any adverse action or the availability of current significant
8 investigative information regarding a licensee.

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

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

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

24 (4) Comply with and enforce the rules of the compact commission.

25 (5) Require an applicant for a compact privilege to obtain or retain a license
26 in the licensee's home state, meet the home state's qualifications for licensure or
27 renewal of licensure, and all other applicable state laws.

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

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

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

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

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

12 SECTION 4. COMPACT PRIVILEGE

13 A. To exercise the compact privilege under the terms and provisions of this
14 compact, the licensee shall do all of the following:

15 (1) Satisfy one of the following:

16 (a) Hold a valid, current registration that gives the applicant the right to use
17 the term registered dietitian.

18 (b) Complete all of the following:

19 (i) An education program which is either:

20 (aa) A master's degree or doctoral degree that is programmatically accredited
21 by ACEND or a dietetics accrediting agency recognized by the United States
22 Department of Education, which the compact commission may by rule determine,
23 and from a college or university accredited at the time of graduation by the
24 appropriate regional accrediting agency recognized by the Council on Higher
25 Education Accreditation and the United States Department of Education.

26 (bb) An academic degree from a college or university in a foreign country
27 equivalent to the degree described in Subitem (aa) of this Item that is
28 programmatically accredited by ACEND or a dietetics accrediting agency recognized
29 by the United States Department of Education, which the compact commission may
30 by rule determine.

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

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

13 (2) Hold an unencumbered license in the home state.

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

16 (4) Pay any applicable fees, including any state fee, for the compact
17 privilege.

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

20 (6) Report to the compact commission any adverse action, encumbrance, or
21 restriction on a license taken by any non-member state within thirty days from the
22 date the action is taken.

23 B. The compact privilege is valid until the expiration date of the home state
24 license. To maintain a compact privilege, renewal of the compact privilege is
25 congruent with the renewal of the home state license as the compact commission
26 may define by rule. The licensee shall comply with the requirements of Subsection
27 A of this Section of this compact to maintain the compact privilege in the remote
28 states.

29 C. A licensee exercising a compact privilege shall adhere to the laws and
30 regulations of the remote state. Licensees are responsible for educating themselves

1 on and complying with any and all state laws relating to the practice of dietetics in
2 such remote state.

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

8 SECTION 5. OBTAINING A NEW HOME STATE LICENSE BASED ON A
9 COMPACT PRIVILEGE

10 A. A licensee may hold a home state license, which allows for a compact
11 privilege in 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 the licensee shall do all of the following:

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

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

21 (a) Federal Bureau of Investigation fingerprint based criminal history record
22 information check.

23 (b) Any other criminal history record information required by the new home
24 state.

25 (c) Any jurisprudence requirements of the new home state.

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

1 (4) Notwithstanding any other provision of this compact, if the licensee
2 cannot meet the criteria in Section 4 of this compact, the new home state may apply
3 its requirements for issuing a new single state license.

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

6 C. If a licensee changes his state of residence by moving from a member
7 state to a non-member state, or from a non-member state to a member state, the state
8 criteria shall apply for issuance of a single state license in the new state.

9 D. Nothing in this compact shall interfere with a licensee's ability to hold a
10 single state license in multiple states; however, for the purposes of this compact, a
11 licensee shall have only one home state license.

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

14 SECTION 6. ACTIVE MILITARY MEMBERS OR THEIR SPOUSES

15 An active military member, or his spouse, shall designate a home state where
16 the individual has a current license in good standing. The individual may retain the
17 home state designation during the period the service member is on active duty.

18 SECTION 7. ADVERSE ACTIONS

19 A. In addition to the other powers conferred by state law, a remote state shall
20 have the authority, in accordance with existing state due process law, to do all of the
21 following:

22 (1) Take adverse action against a licensee's compact privilege within that
23 member state.

24 (2) Issue subpoenas for both hearings and investigations that require the
25 attendance and testimony of witnesses as well as the production of evidence.
26 Subpoenas issued by a licensing authority in a member state for the attendance and
27 testimony of witnesses or the production of evidence from another member state
28 shall be enforced in the latter state by any court of competent jurisdiction, according
29 to the practice and procedure applicable to subpoenas issued in proceedings pending
30 before that court. The issuing authority shall pay any witness fees, travel expenses,

1 mileage, and other fees required by the service statutes of the state in which the
2 witnesses or evidence are located.

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

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

9 D. The home state shall complete any pending investigations of a licensee
10 who changes home states during the course of the investigations. The home state
11 shall also have authority to take appropriate action and shall promptly report the
12 conclusions of the investigations to the administrator of the data system. The
13 administrator of the data system shall promptly notify the new home state of any
14 adverse actions.

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

18 F. A member state may take adverse action based on the factual findings of
19 another remote state provided that the member state follows its own procedures for
20 taking the adverse action.

21 G. Joint investigations.

22 (1) In addition to the authority granted to a member state by its respective
23 state law, any member state may participate with other member states in joint
24 investigations of a licensee.

25 (2) Member states shall share any investigative, litigation, or compliance
26 materials in furtherance of any joint investigation initiated in accordance with this
27 compact.

28 H. If adverse action is taken by the home state against a licensee's home state
29 license resulting in an encumbrance on the home state license, the licensee's compact
30 privilege in all other member states is revoked until all encumbrances have been

1 removed from the home state license. All home state disciplinary orders that impose
2 adverse action against a licensee shall include a statement that the licensee's compact
3 privileges are revoked in all member states during the pendency of the order.

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

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

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

14 SECTION 8. ESTABLISHMENT OF THE DIETITIAN LICENSURE COMPACT

15 COMMISSION

16 A. The compact member states hereby create and establish a joint
17 government agency whose membership consists of all member states that have
18 enacted this compact, known as the Dietitian Licensure Compact Commission. The
19 compact commission is an instrumentality of the compact states acting jointly and
20 not an instrumentality of any one state. The compact commission shall come into
21 existence on or after the effective date of this compact as set forth in Section 12 of
22 this compact.

23 B. Membership, voting, and meetings.

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

26 (2) The delegate shall be the primary administrator of the licensing authority
27 or their designee.

28 (3) The compact commission shall, by rule or bylaw, establish a term of
29 office for delegates and may, by rule or bylaw, establish term limits.

1 (4) The compact commission may recommend removal or suspension of any
2 delegate from office.

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

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

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

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

14 C. The compact commission shall have all of the following powers:

15 (1) Establish the fiscal year of the compact commission.

16 (2) Establish code of conduct and conflict of interest policies.

17 (3) Establish and amend rules and bylaws.

18 (4) Maintain its financial records in accordance with the bylaws.

19 (5) Meet and take such actions as are consistent with the provisions of this
20 compact, the compact commission's rules, and the bylaws.

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

24 (7) Maintain and certify records and information provided to a member state
25 as the authenticated business records of the compact commission and designate an
26 agent to do so on the compact commission's behalf.

27 (8) Purchase and maintain insurance and bonds.

28 (9) Borrow, accept, or contract for services of personnel including but not
29 limited to employees of a member state.

30 (10) Conduct an annual financial review.

1 (11) Hire employees, elect or appoint officers, fix compensation, define
2 duties, grant such individuals appropriate authority to carry out the purposes of this
3 compact, and establish the compact commission's personnel policies and programs
4 relating to conflicts of interest, qualifications of personnel, and other related
5 personnel matters.

6 (12) Assess and collect fees.

7 (13) Accept any and all appropriate donations, grants of money, other
8 sources of revenue, equipment, supplies, materials, services, and gifts and receive,
9 utilize, and dispose of the same provided that at all times the compact commission
10 shall avoid any actual or appearance of impropriety or conflict of interest.

11 (14) Lease, purchase, retain, own, hold, improve, or use any property, real,
12 personal, or mixed, or any undivided interest therein.

13 (15) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise
14 dispose of any property real, personal, or mixed.

15 (16) Establish a budget and make expenditures.

16 (17) Borrow money.

17 (18) Appoint committees, including standing committees, composed of
18 members, state regulators, state legislators or their representatives, and consumer
19 representatives, and such other interested persons as may be designated in this
20 compact or the bylaws.

21 (19) Provide and receive information from, and cooperate with, law
22 enforcement agencies.

23 (20) Establish and elect an executive committee including a chair and a vice
24 chair.

25 (21) Determine whether a state's adopted language is materially different
26 from the model compact language such that the state would not qualify for
27 participation in the compact.

28 (22) Perform such other functions as may be necessary or appropriate to
29 achieve the purposes of this compact.

30 D. The executive committee.

1 (1) The executive committee shall have the power to act on behalf of the
2 compact commission according to the terms of this compact. The powers, duties,
3 and responsibilities of the executive committee shall include all of the following:

4 (a) Oversee the day-to-day activities of the administration of this compact
5 including enforcement and compliance with the provisions of this compact, its rules
6 and bylaws, and other such duties as deemed necessary.

7 (b) Recommend to the compact commission changes to the rules or bylaws,
8 changes to this compact legislation, fees charged to compact member states, fees
9 charged to licensees, and other fees.

10 (c) Ensure compact commission administration services are appropriately
11 provided including by contract.

12 (d) Prepare and recommend the budget.

13 (e) Maintain financial records on behalf of the compact commission.

14 (f) Monitor member states compliance with this compact and provide
15 compliance reports to the compact commission.

16 (g) Establish additional committees as necessary.

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

21 (i) Other duties as provided in the rules or bylaws of the compact
22 commission.

23 (2) The executive committee shall be composed of the following nine
24 members:

25 (a) The chair and vice chair of the compact commission shall be voting
26 members of the executive committee.

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

29 (c) One ex-officio, nonvoting member from a recognized professional
30 association representing dietitians.

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

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

5 (4) The executive committee shall meet at least annually.

6 (a) Executive committee meetings shall be open to the public, except that the
7 executive committee may meet in a closed, non-public meeting as provided in
8 Paragraph (F)(2) of this Section.

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

12 (c) The executive committee may hold a special meeting in accordance with
13 Subparagraph (F)(1)(b) of this Section.

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

16 F. Meetings of the compact commission.

17 (1) All meetings shall be open to the public, except that the compact
18 commission may meet in a closed, non-public meeting as provided in Paragraph (2)
19 of this Subsection.

20 (a) Public notice for all meetings of the full compact commission shall be
21 given in the same manner as required under the rulemaking provisions in Section 10
22 of this compact, except that the compact commission may hold a special meeting as
23 provided in Subparagraph (b) of this Paragraph.

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

29 (2) The compact commission or the executive committee or other
30 committees of the compact commission may convene in a closed, non-public

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

3 (a) Non-compliance of a member state with its obligations under the
4 compact.

5 (b) The employment, compensation, discipline, or other matters, practices,
6 or procedures related to specific employees.

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

9 (d) Current, threatened, or reasonably anticipated litigation.

10 (e) Negotiation of contracts for the purchase, lease, or sale of goods,
11 services, or real estate.

12 (f) Accusing any person of a crime or formally censuring any person.

13 (g) Trade secrets or commercial or financial information that is privileged
14 or confidential.

15 (h) Information of a personal nature where disclosure would constitute a
16 clearly unwarranted invasion of personal privacy.

17 (i) Investigative records compiled for law enforcement purposes.

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

22 (k) Matters specifically exempted from disclosure by federal or member state
23 law.

24 (l) Other matters as specified in the rules of the compact commission.

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

28 (4) The compact commission shall keep minutes that fully and clearly
29 describe all matters discussed in a meeting and shall provide a full and accurate
30 summary of actions taken, and the reasons therefore, including a description of the

1 views expressed. All documents considered in connection with an action shall be
2 identified in such minutes. All minutes and documents of a closed meeting shall
3 remain under seal, subject to release only by a majority vote of the compact
4 commission or order of a court of competent jurisdiction.

5 G. Financing of the compact commission.

6 (1) The compact commission shall pay, or provide for the payment of, the
7 reasonable expenses of its establishment, organization, and ongoing activities.

8 (2) The compact commission may accept any and all appropriate revenue
9 sources as provided in Paragraph (C)(13) of this Section.

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

18 (4) The compact commission shall not incur obligations of any kind prior to
19 securing the funds adequate to meet the same nor shall the compact commission
20 pledge the credit of any of the member states except by and with the authority of the
21 member state.

22 (5) The compact commission shall keep accurate accounts of all receipts and
23 disbursements. The receipts and disbursements of the compact commission are
24 subject to the financial review and accounting procedures established under its
25 bylaws. However, all receipts and disbursements of funds handled by the compact
26 commission are be subject to an annual financial review by a certified or licensed
27 public accountant, and the report of the financial review shall be included in and
28 become part of the annual report of the compact commission.

29 H. Qualified immunity, defense, and indemnification.

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

13 (2) The compact commission shall defend any member, officer, executive
14 director, employee, and representative of the compact commission in any civil action
15 seeking to impose liability arising out of any actual or alleged act, error, or omission
16 that occurred within the scope of compact commission employment, duties, or
17 responsibilities, or as determined by the compact commission that the person against
18 whom the claim is made had a reasonable basis for believing occurred within the
19 scope of compact commission employment, duties, or responsibilities provided that
20 nothing herein shall be construed to prohibit that person from retaining their own
21 counsel at their own expense; and provided further, that the actual or alleged act,
22 error, or omission did not result from that person's intentional or willful or wanton
23 misconduct.

24 (3) The compact commission shall indemnify and hold harmless any
25 member, officer, executive director, employee, or representative of the compact
26 commission for the amount of any settlement or judgment obtained against that
27 person arising out of any actual or alleged act, error, or omission that occurred within
28 the scope of compact commission employment, duties, or responsibilities or that
29 such person had a reasonable basis for believing occurred within the scope of
30 compact commission employment, duties, or responsibilities provided that the actual

1 or alleged act, error, or omission did not result from the intentional or willful or
2 wanton misconduct of that person.

3 (4) Nothing in this compact shall be construed as a limitation on the liability
4 of any licensee for professional malpractice or misconduct, which shall be governed
5 solely by any other applicable state laws.

6 (5) Nothing in this compact shall be interpreted to waive or otherwise
7 abrogate a member state's state action immunity or state action affirmative defense
8 with respect to antitrust claims under the Sherman Act, Clayton Act, or any other
9 state or federal antitrust or anticompetitive law or regulation.

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

12 SECTION 9. DATA SYSTEM

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

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

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

21 (1) Identifying information.

22 (2) Licensure data.

23 (3) Adverse actions against a license or compact privilege and information
24 related thereto.

25 (4) Nonconfidential information related to alternative program participation,
26 the beginning and ending dates of such participation, and other information related
27 to such participation not made confidential under member state law.

28 (5) Any denial of application for licensure, and the reason for such denial.

29 (6) The presence of current significant investigative information.

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

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

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

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

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

29 B. The rules of the compact commission have the force of law in each
30 member state, provided however that where the rules conflict with the laws or

1 regulations of a member state that relate to the procedures, actions, and processes a
2 licensed dietitian is permitted to undertake in that state and the circumstances under
3 which he may do so, as held by a court of competent jurisdiction, the rules of the
4 compact commission shall be ineffective in that state to the extent of the conflict.

5 C. The compact commission shall exercise its rulemaking powers pursuant
6 to the criteria set forth in this Section and the rules adopted thereunder. Rules are
7 binding on the day following adoption or as of the date specified in the rule or
8 amendment, whichever is later.

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

13 E. The compact commission shall adopt rules at a regular or special meeting
14 of the compact commission.

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

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

22 (1) On the website of the compact commission or other publicly accessible
23 platform.

24 (2) To persons who have requested notice of the compact commission's
25 notices of proposed rulemaking.

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

27 H. The notice of proposed rulemaking shall include all of the following:

28 (1) The time, date, and location of the public hearing at which the compact
29 commission will hear public comments on the proposed rule and, if different, the

1 time, date, and location of the meeting where the compact commission will consider
2 and vote on the proposed rule.

3 (2) If the hearing is held via telecommunication, video conference, or other
4 means of communication, the compact commission shall include the mechanism for
5 access to the hearing in the notice of proposed rulemaking.

6 (3) The text of the proposed rule and the reason therefore.

7 (4) A request for comments on the proposed rule from any interested person.

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

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

12 J. Nothing in this Section shall be construed as requiring a separate hearing
13 on each rule. Rules may be grouped for the convenience of the compact commission
14 at hearings required by this Section.

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

18 (1) The compact commission may adopt changes to the proposed rule
19 provided the changes do not enlarge the original purpose of the proposed rule.

20 (2) The compact commission shall provide an explanation of the reasons for
21 substantive changes made to the proposed rule as well as reasons for substantive
22 changes not made that were recommended by commenters.

23 (3) The compact commission shall determine a reasonable effective date for
24 the rule. Except for an emergency as provided in Subsection L of this Section, the
25 effective date of the rule shall be no sooner than thirty days after issuing the notice
26 that it adopted or amended the rule.

27 L. Upon determination that an emergency exists, the compact commission
28 may consider and adopt an emergency rule with twenty four hours' notice, with
29 opportunity to comment, provided that the usual rulemaking procedures provided in
30 this compact and in this Section shall be retroactively applied to the rule as soon as

1 reasonably possible, in no event later than ninety days after the effective date of the
2 rule. For the purposes of this provision, an emergency rule is adopted immediately
3 in order to achieve any of the following:

4 (1) Meet an imminent threat to public health, safety, or welfare.

5 (2) Prevent a loss of compact commission or member state funds.

6 (3) Meet a deadline for the promulgation of a rule that is established by
7 federal law or rule.

8 (4) Protect public health and safety.

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

20 N. No member state's rulemaking requirements shall apply under this
21 compact.

22 SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

23 A. Oversight.

24 (1) The executive and judicial branches of state government in each member
25 state shall enforce this compact and take all actions necessary and appropriate to
26 implement this compact.

27 (2) Except as otherwise provided in this compact, venue is proper and
28 judicial proceedings by or against the compact commission shall be brought solely
29 and exclusively in a court of competent jurisdiction where the principal office of the
30 compact commission is located. The compact commission may waive venue and

1 jurisdictional defenses to the extent it adopts or consents to participate in alternative
2 dispute resolution proceedings. Nothing herein shall affect or limit the selection or
3 propriety of venue in any action against a licensee for professional malpractice,
4 misconduct, or any such similar matter.

5 (3) The compact commission shall be entitled to receive service of process
6 in any proceeding regarding the enforcement or interpretation of the compact and
7 shall have standing to intervene in such a proceeding for all purposes. Failure to
8 provide the compact commission service of process shall render a judgment or order
9 void as to the compact commission, this compact, or promulgated rules.

10 B. Default, technical assistance, and termination.

11 (1) If the compact commission determines that a member state has defaulted
12 in the performance of its obligations or responsibilities under this compact or the
13 promulgated rules, the compact commission shall provide written notice to the
14 defaulting state. The notice of default shall describe the default, the proposed means
15 of curing the default, and any other action that the compact commission may take
16 and shall offer training and specific technical assistance regarding the default.

17 (2) The compact commission shall provide a copy of the notice of default to
18 the other member states.

19 C. If a state in default fails to cure the default, the defaulting state may be
20 terminated from this compact upon an affirmative vote of a majority of the delegates
21 of the member states, and all rights, privileges, and benefits conferred on that state
22 by this compact may be terminated on the effective date of termination. A cure of
23 the default does not relieve the offending state of obligations or liabilities incurred
24 during the period of default.

25 D. Termination of membership in this compact shall be imposed only after
26 all other means of securing compliance have been exhausted. Notice of intent to
27 suspend or terminate shall be given by the compact commission to the governor, the
28 majority and minority leaders of the defaulting state's legislature, the defaulting
29 state's licensing authority, and each of the member states' licensing authority.

1 E. A state that has been terminated is responsible for all assessments,
2 obligations, and liabilities incurred through the effective date of termination,
3 including obligations that extend beyond the effective date of termination.

4 F. Upon the termination of a state's membership from this compact, that state
5 shall immediately provide notice to all licensees within that state of such termination.
6 The terminated state shall continue to recognize all compact privileges granted
7 pursuant to this compact for a minimum of six months after the date of said notice
8 of termination.

9 G. The compact commission shall not bear any costs related to a state that
10 is found to be in default or that has been terminated from this compact unless agreed
11 upon in writing between the compact commission and the defaulting state.

12 H. The defaulting state may appeal the action of the compact commission by
13 petitioning the United States District Court for the District of Columbia or the federal
14 district where the compact commission has its principal offices. The prevailing party
15 shall be awarded all costs of such litigation, including reasonable attorney's fees.

16 I. Dispute resolution.

17 (1) Upon request by a member state, the compact commission shall attempt
18 to resolve disputes related to this compact that arise among member states and
19 between member and non-member states.

20 (2) The compact commission shall promulgate a rule providing for both
21 mediation and binding dispute resolution for disputes as appropriate.

22 J. Enforcement.

23 (1) By supermajority vote, the compact commission may initiate legal action
24 against a member state in default in the United States District Court for the District
25 of Columbia or the federal district where the compact commission has its principal
26 offices to enforce compliance with the provisions of the compact and its promulgated
27 rules. The relief sought may include both injunctive relief and damages. In the
28 event judicial enforcement is necessary, the prevailing party shall be awarded all
29 costs of such litigation, including reasonable attorney's fees. The remedies herein
30 shall not be the exclusive remedies of the compact commission. The compact

1 commission may pursue any other remedies available under federal or the defaulting
2 member state's law.

3 (2) A member state may initiate legal action against the compact commission
4 in the United States District Court for the District of Columbia or the federal district
5 where the compact commission has its principal offices to enforce compliance with
6 the provisions of the compact and its promulgated rules. The relief sought may
7 include both injunctive relief and damages. In the event judicial enforcement is
8 necessary, the prevailing party shall be awarded all costs of such litigation, including
9 reasonable attorney's fees.

10 (3) No party other than a member state shall enforce this compact against the
11 compact commission.

12 SECTION 12. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

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

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

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

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

26 (2) Member states enacting the compact subsequent to the seven initial
27 charter member states shall be subject to the process set forth in Section 8(C)(21) of
28 this compact to determine if their enactments are materially different from the model
29 compact statute and whether they qualify for participation in the compact.

1 (3) All actions taken for the benefit of the compact commission or in
2 furtherance of the purposes of the administration of the compact prior to the effective
3 date of the compact or the compact commission coming into existence are considered
4 actions of the compact commission unless specifically repudiated by the compact
5 commission.

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

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

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

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

19 (3) Upon the enactment of a statute withdrawing from this compact, a state
20 shall immediately provide notice of such withdrawal to all licensees within that state.
21 Notwithstanding any subsequent statutory enactment to the contrary, such
22 withdrawing state shall continue to recognize all compact privileges granted pursuant
23 to this compact for a minimum of one hundred and eighty days after the date of such
24 notice of withdrawal.

25 C. Nothing contained in this compact shall be construed to invalidate or
26 prevent any licensure agreement or other cooperative arrangement between a
27 member state and a non-member state that does not conflict with the provisions of
28 this compact.

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

SECTION 13. CONSTRUCTION AND SEVERABILITY

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

B. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is held by a court of competent jurisdiction to be contrary to the constitution of any member state, a state seeking participation in the compact, or of the United States, or the applicability thereof to any government, agency, person, or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this compact and the applicability thereof to any other government, agency, person, or circumstance shall not be affected thereby.

C. Notwithstanding Section 13(B) of this compact, the compact commission may deny a state's participation in the compact or, in accordance with the requirements of Section 11(B) of this compact, terminate a member state's participation in the compact, if it determines that a constitutional requirement of a member state is a material departure from the compact. Otherwise, if this compact is held to be contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

SECTION 14. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE
LAWS

A. Nothing herein shall prevent or inhibit the enforcement of any other law
of a member state that is not inconsistent with this compact.

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

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

5 Section 2. R.S. 44:4.1(B)(24) is hereby amended and reenacted to read as follows:

6 §4.1. Exceptions

7 * * *

8 B. The legislature further recognizes that there exist exceptions, exemptions,
9 and limitations to the laws pertaining to public records throughout the revised
10 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
11 limitations are hereby continued in effect by incorporation into this Chapter by
12 citation:

13 * * *

(24) R.S. 37:74, 86, 90, 147, 691, 711.10, 763, 763.1, 781, 920.1, 969.1,
1123(E), 1277, 1278, 1285, 1326, 1338.1, 1360.53.1, 1360.104.1, 1518, 1745.15,
1747, 1806, 2156.1, 2406, 2505.1, 2863.1, 3095.1, 3276.2, 3481, 3507.1

17 * * *

18 Section 3. The Louisiana State Law Institute is hereby authorized and directed to
19 designate R.S. 37:3081 through 3094 as "PART I. LICENSING AND REGULATING
20 DIETITIANS AND NUTRITIONISTS".

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 399 Engrossed

2025 Regular Session

Chenevert

Abstract: Creates the Dietitian Licensure Compact in Louisiana.

Proposed law adopts the Dietitian Licensure Compact (compact).

Proposed law further provides that its purpose is to facilitate the interstate practice of licensed dietitians by improving public access to competent dietetic services and further provides for the preservation of regulatory authority for states to protect public health and safety through the current system of state licensure while decreasing a state's administrative burden.

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

Proposed law provides for definitions.

Proposed law allows states to participate in the compact if they meet 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 further provides that in order to maintain membership in the compact, a member state shall 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 specifies 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 applicable standards of the remote state.

Proposed law establishes 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 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 specifies 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 further specifies that only the home state has the authority to take an adverse action against a licensee's home state license.

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

Proposed law establishes authority of the commission, outlines the abilities of member states, and establishes mechanisms to adopt rules for the commission.

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

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

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

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

Proposed law establishes provisions for oversight, dispute resolution, and enforcement of the compact.

Proposed law provides that if the commission determines that a member state has defaulted in the performance of its obligations or responsibilities in accordance with proposed law or

the rules promulgated by the commission, the commission shall provide written notice to the defaulting state.

Proposed law further provides that upon failure to cure its default, a state may be subject to termination from the commission.

Proposed law provides 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 establishes provisions for a state's withdrawal from the compact.

Proposed law provides that the compact may be amended by the member states and further provides 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 establishes certain provisions for rulemaking in accordance with proposed law and, when applicable, severability of certain provisions of proposed law.

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

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

Proposed law exempts certain provisions of proposed law from public records requests.

(Amends R.S. 44:4.1(B)(24); Adds R.S. 37:3095.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Exempt certain records related to the compact from public records requests.
2. Make technical changes.