

Journal of the Senate

THIRTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 10, 2025, 2:30 p.m.

The Senate was called to order by Vice President Tim Shallenburger.

The roll was called with 37 senators present.

Senators Erickson, J.R. Claeys and Thompson were excused.

Vice President Shallenburger introduced guest chaplain, Rev. Dr. Nori Rost, guest of Senator Francisco, who delivered the following invocation:

"Holy Mystery who is known in acts of Justice and Love, we gather here this day with a sense of purpose. We gather in the name of the people of Kansas.

We ask that you would bless these men and women of the Senate, empower them to do the people's work, give them courage to let the voice of the people be heard; in their deliberations, in their committees, in their votes on the floor. Let them work in such a way that the state of Kansas is strengthened; let them come together in such a way that the people of Kansas – all people of Kansas, the farmers, the bankers, the students, and those who teach, the wealthy, the poor, people of all sexual orientations and gender identities, races and ethnicities, and faith traditions, that all these people of Kansas are served. May they remember that in serving these people the interests of this fine state are served well.

And because we are human, and because there will be honest, heart-felt disagreements, I pray for grace for each of these leaders. Grace to acknowledge when they got it wrong and then to make a different choice, grace to forgive when offended by others, and grace to acknowledge different ways of seeing an issue in unity of purpose. In this great land of bounty where we provide food for the table, may these Senators also work in such a way to ensure there is room at the table for all.

It's a new day; the door of possibilities for greater justice, equity, and prosperity stands wide open. May each of these women and men in the Kansas State Senate, indeed may each of us, walk through this door boldly and with great hope for creating a better tomorrow. In your many names, and in the name of all that is holy, we pray. Amen."

The Pledge of Allegiance was led by Vice President Shallenburger.

POINT OF PERSONAL PRIVILEGE

Senator Haley rose on a Point of Personal Privilege to recognize the ladies of Alpha Kappa Alpha Sorority, Inc. and commended them for their ongoing scholastic as well as community service advocacy endeavors throughout Kansas and the world.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Faust Goudeau introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1713—

A RESOLUTION recognizing Alpha Kappa Alpha Sorority, Incorporated, for their outstanding service to the citizens of our state, our nation and the international community and their promotion of scholarship, service and advocacy.

WHEREAS, Alpha Kappa Alpha Sorority, Incorporated (AKA), an international service organization, was founded on the campus of Howard University in Washington D.C. in 1908; and

WHEREAS, AKA is the oldest Greek-letter organization established by African American college-educated women; and

WHEREAS, AKA is comprised of more than 355,000 initiated members in graduate and undergraduate chapters located across the globe, including the United States, Bahamas, Bermuda, Canada, Dubai, Germany, Japan, Liberia, Nigeria, South Korea, South Africa and the U.S. Virgin Islands. AKA is led by International President and CEO Danette Anthony Reed of Dallas, Texas; and

WHEREAS, AKA is often hailed as "America's premier Greek-letter organization for African American women"; and

WHEREAS, AKA was founded on a mission following five basic tenets that have remained unchanged since the sorority's inception. The mission is: To cultivate and encourage high scholastic and ethical standards; to promote unity and friendship among college women; to study and help alleviate problems concerning girls and women in order to improve their social stature; to maintain a progressive interest in college life; and to be of "Service to All Mankind"; and

WHEREAS, The women of AKA enact this mission through service, advocacy, scholarship and action on local, state, national and international levels

WHEREAS, AKA has five graduate chapters and four undergraduate chapters across the state located at the University of Kansas, Kansas State University, Washburn University and Wichita State University: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize Alpha Kappa Alpha Sorority, Incorporated, for their outstanding service to the citizens of our state, our nation and the international community and their promotion of sisterhood, service and advocacy; and

Be it further resolved: That the Secretary of the Senate shall send enrolled copies of this resolution to Mu Omega Chapter President Lani Stigler, Alpha Iota Omega Chapter President Dr. Teresa L. Clouch, Beta Kappa Omega Chapter President Regina McCarty, Mu Eta Omega Chapter President Dr. Zelia Z. Wiley, Upsilon Rho Omega Chapter President Janelle Harvey Jordan, AKA Co-Chair Dr. Lynette Sparkman-Barnes and Senator Faust Goudeau.

On emergency motion of Senator Faust Goudeau **SR 1713** was adopted by voice vote.

COMMUNICATIONS FROM STATE OFFICERS

The following report was received by the Office of the Secretary of the Senate:

Notice of disposal of a school district building, Unified School District No. 232, Johnson County, Kansas.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2313**, **HB 2382**.

Announcing passage of **SB 9**, as amended by **H Sub SB 9**.

Announcing passage of **HB 2396**.

Announcing adoption of **HCR 5011**.

Announcing passage of **SB 7**.

Announcing passage of **SB 20**, as amended; **SB 21**, as amended; **SB 22**, as amended.

Announcing passage of **SB 8**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2313, **HB 2382**, **HB 2396**; **HCR 5011** were thereupon introduced and read by title.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Warren the Senate nonconcurrred in the House amendments to **H Sub SB 9** and requested a conference committee be appointed.

The Vice President appointed Senators Warren, Titus and Corson as a conference committee on the part of the Senate.

On motion of Senator Dietrich the Senate nonconcurrred in the House amendments to **SB 20** and requested a conference committee be appointed.

The Vice President appointed Senators Dietrich, Fagg and Francisco as a conference committee on the part of the Senate.

On motion of Senator Dietrich the Senate nonconcurrred in the House amendments to **SB 21** and requested a conference committee be appointed.

The Vice President appointed Senators Dietrich, Fagg and Francisco as a conference committee on the part of the Senate.

On motion of Senator Dietrich the Senate nonconcurrred in the House amendments to **SB 22** and requested a conference committee be appointed.

The Vice President appointed Senators Dietrich, Fagg and Francisco as a conference committee on the part of the Senate.

On motion of Senator Fagg the Senate nonconcurrred in the House amendments to **SB 92** and requested a conference committee be appointed.

The Vice President appointed Senators Fagg, Petersen and Francisco as a conference committee on the part of the Senate.

REPORTS OF STANDING COMMITTEES

The Committee on **Federal and State Affairs** recommends **HB 2016** be amended on page 3, in line 30, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Also, **HB 2020**, As Amended by House Committee, be amended on page 6, in line 42, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

The Committee on **Judiciary** recommends **HCR 5008**, As Amended by House Committee, be adopted.

Committee on **Local Government, Transparency and Ethics** recommends **Substitute for HB 2145** be passed.

Also, **HB 2099**, As Amended by House Committee, be amended on page 1, in line 33, after "search" by inserting "warrant"; and the bill be passed as amended.

HB 2116 be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

The Committee on **Public Health and Welfare** recommends **HB 2068** be amended on page 22, following line 15, by inserting:

"Sec. 2.

SECTION 1—PURPOSE

In order to strengthen access to medical services and in recognition of the advances in the delivery of medical services, the participating states of the PA licensure compact have allied in common purpose to develop a comprehensive process that complements the existing authority of state licensing boards to license and discipline PAs and seeks to enhance the portability of a license to practice as a PA while safeguarding the safety of patients. This compact allows medical services to be provided by PAs, via the mutual recognition of the licensee's qualifying license by other compact-participating states. This compact also adopts the prevailing standard for PA licensure and affirms that the practice and delivery of medical services by the PA occurs where the patient is located at the time of the patient encounter and, therefore, requires the PA to be under the jurisdiction of the state licensing board where the patient is located. State licensing boards that participate in this compact retain the jurisdiction to impose adverse action against a compact privilege in that state issued to a PA through the procedures of this compact. The PA licensure compact will alleviate burdens for military families by allowing active duty military personnel and their spouses to obtain a compact privilege based on having an unrestricted license in good standing from a participating state.

SECTION 2—DEFINITIONS

As used in this compact:

(a) "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws that is imposed by a licensing board or other authority against a PA license, application for licensure or compact privilege such as license denial, censure, revocation, suspension, probation, monitoring of the licensee or restriction on the licensee's practice.

(b) "Compact privilege" means the authorization granted by a remote state to allow a licensee from another participating state to practice as a PA to provide medical services and other licensed activity to a patient located in the remote state under the remote state's laws and regulations.

(c) "Conviction" means a finding by a court that an individual is guilty of a felony or misdemeanor offense through adjudication or entry of a guilty plea or no contest to the charge by the offender.

(d) "Criminal background check" means the submission of fingerprints or other biometric-based information for an applicant for licensure for the purpose of obtaining that applicant's criminal history record information, as defined in 28 C.F.R. § 20.3(d), from the state's criminal history record repository as defined in 28 C.F.R. § 20.3(f).

(e) "Data system" means the repository of information concerning licensees, including, but not limited to, license status and adverse actions, that is created and administered under the terms of this compact.

(f) "Executive committee" means a group of directors and ex officio individuals elected or appointed pursuant to section 7(f)(2).

(g) "Impaired practitioner" means a PA whose practice is adversely affected by a health-related condition that impacts such PA's ability to practice.

(h) "Investigative information" means information, records or documents received or generated by a licensing board pursuant to an investigation.

(i) "Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of a PA in a state.

(j) "License" means current authorization by a state, other than authorization pursuant to a compact privilege, for a PA to provide medical services that would be unlawful without current authorization.

(k) "Licensee" means an individual who holds a license from a state to provide medical services as a PA.

(l) "Licensing board" means any state entity authorized to license and otherwise regulate PAs.

(m) "Medical services" means healthcare services provided for the diagnosis, prevention, treatment, cure or relief of a health condition, injury or disease, as defined by a state's laws and regulations.

(n) "Model compact" means the model for the PA licensure compact on file with the council of state governments or other entity as designated by the commission.

(o) "PA" means an individual who is licensed as a physician assistant in a state. For purposes of this compact, any other title or status adopted by a state to replace the term "physician assistant" shall be deemed synonymous with "physician assistant" and shall confer the same rights and responsibilities to the licensee under the provisions of this compact at the time of its enactment.

(p) "PA licensure compact commission," "compact commission" or "commission" means the national administrative body created pursuant to section 7(a).

(q) "Participating state" means a state that has enacted this compact.

(r) "Qualifying license" means an unrestricted license issued by a participating state to provide medical services as a PA.

(s) "Remote state" means a participating state where a licensee who is not licensed as a PA is exercising or seeking to exercise the compact privilege.

(t) "Rule" means any rule or regulation adopted by an entity that has the force and effect of law.

(u) "Significant investigative information" means investigative information that a licensing board, after an inquiry or investigation that includes notification and an opportunity for the PA to respond if required by state law, has reason to believe is not groundless and, if proven true, would indicate more than a minor infraction.

(v) "State" means any state, commonwealth, district or territory of the United States.

SECTION 3—STATE PARTICIPATION IN THIS COMPACT

(a) To participate in this compact, a participating state shall:

(1) License PAs;

(2) participate in the compact commission's data system;

(3) have a mechanism in place for receiving and investigating complaints against licensees and applicants for licensure;

(4) notify the commission, in compliance with the terms of this compact and

commission rules, of any adverse action against a licensee or applicant for licensure and the existence of significant investigative information regarding a licensee or applicant for licensure;

(5) fully implement a criminal background check requirement, within a time frame established by commission rule, by its licensing board receiving the results of a criminal background check and reporting to the commission whether the applicant for licensure has been granted a license;

(6) comply with the rules of the compact commission;

(7) utilize passage of a recognized national examination such as the NCCPA PANCE as a requirement for PA licensure; and

(8) grant the compact privilege to a holder of a qualifying license in a participating state.

(b) Nothing in this compact shall be construed to prohibit a participating state from charging a fee for granting the compact privilege.

SECTION 4—COMPACT PRIVILEGE

(a) To exercise the compact privilege, a licensee shall:

(1) Have graduated from a PA program accredited by the accreditation review commission on education for the physician assistant, inc., or other programs authorized by commission rule;

(2) hold current NCCPA certification;

(3) have no felony or misdemeanor convictions;

(4) have never had a controlled substance license, permit or registration suspended or revoked by a state or by the United States drug enforcement administration;

(5) have a unique identifier as determined by commission rule;

(6) hold a qualifying license;

(7) have had no revocation of a license or limitation or restriction on any license currently held due to an adverse action;

(A) if a licensee has had a limitation or restriction on a license or compact privilege due to an adverse action, two years shall have elapsed from the date on which the license or compact privilege is no longer limited or restricted due to the adverse action;

(B) if a compact privilege has been revoked or is limited or restricted in a participating state for conduct that would not be a basis for disciplinary action in a participating state in which the licensee is practicing or applying to practice under a compact privilege, that participating state shall have the discretion not to consider such action as an adverse action requiring the denial or removal of a compact privilege in that state;

(8) notify the compact commission that the licensee is seeking the compact privilege in a remote state;

(9) meet any jurisprudence requirement of a remote state in which the licensee is seeking to practice under the compact privilege and pay any fees applicable to satisfying the jurisprudence requirement; and

(10) report to the commission any adverse action taken by a nonparticipating state within 30 days after such adverse action is taken.

(b) The compact privilege shall be valid until the expiration or revocation of the qualifying license unless terminated pursuant to an adverse action. The licensee shall comply with the requirements of subsection (a) to maintain the compact privilege in a remote state. If the participating state takes adverse action against a qualifying license,

the licensee shall lose the compact privilege in any remote state in which the licensee has a compact privilege until the licensee meets the following conditions:

- (1) The license is no longer limited or restricted; and
- (2) two years have elapsed from the date on which the license is no longer limited or restricted due to the adverse action.

(c) Once a restricted or limited license satisfies the requirements of subsection (b), the licensee shall meet the requirements of subsection (a) to obtain a compact privilege in any remote state.

(d) For each remote state in which a PA seeks authority to prescribe controlled substances, the PA shall satisfy all the requirements imposed by such state in granting or renewing such authority.

SECTION 5—DESIGNATION OF THE STATE FROM WHICH THE LICENSEE IS APPLYING FOR A COMPACT PRIVILEGE

Upon a licensee's application for a compact privilege, the licensee shall identify to the commission the participating state from which the licensee is applying, in accordance with applicable rules adopted by the commission and subject to the following requirements:

(a) When applying for a compact privilege, the licensee shall provide the commission with the address of the licensee's primary residence and, thereafter, shall immediately report to the commission any change in the address of the licensee's primary residence; and

(b) when applying for a compact privilege, the licensee is required to consent to accept service of process by mail at the licensee's primary residence on file with the commission with respect to any action brought against the licensee by the commission or a participating state, including a subpoena, with respect to any action brought or investigation conducted by the commission or a participating state.

SECTION 6—ADVERSE ACTIONS

(a) A participating state in which a licensee is licensed shall have exclusive power to impose adverse action against the qualifying license issued by that participating state.

(b) In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to:

(1) Take adverse action against a PA's compact privilege within that state to remove a licensee's compact privilege or take other action necessary under applicable law to protect the health and safety of its citizens; and

(2) issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a participating state for the attendance and testimony of witnesses or the production of evidence from another participating state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of such court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which the witnesses or evidence is located.

(c) Notwithstanding subsection (b)(2), subpoenas shall not be issued by a participating state to gather evidence of conduct in another state that is lawful in such other state for the purpose of taking adverse action against a licensee's compact privilege or application for a compact privilege in the participating state.

(d) Nothing in this compact shall be deemed to authorize a participating state to impose discipline against a PA's compact privilege or to deny an application for a compact privilege in that participating state for the individual's otherwise lawful practice in another state.

(e) For purposes of taking adverse action, the participating state that issued the qualifying license shall give the same priority and effect to reported conduct received from any other participating state as it would if the conduct had occurred within the participating state that issued the qualifying license. The participating state shall apply its own state laws to determine appropriate action.

(f) A participating state, if otherwise permitted by state law, may recover from the affected PA the costs of investigations and disposition of cases resulting from any adverse action taken against that PA.

(g) A participating state may take adverse action based on the factual findings of a remote state if the participating state follows its own procedures for taking the adverse action.

(h) Joint investigations.

(1) In addition to the authority granted to a participating state by such state's PA laws and regulations or other applicable state law, any participating state may participate with other participating states in joint investigations of licensees.

(2) Participating states shall share any investigative, litigation or compliance materials in furtherance of any joint or individual investigation initiated under this compact.

(i) If an adverse action is taken against a PA's qualifying license, the PA's compact privilege in all remote states shall be deactivated until two years have elapsed after all restrictions have been removed from the state license. All disciplinary orders by the participating state that issued the qualifying license that impose adverse action against a PA's license shall include a statement that the PA's compact privilege is deactivated in all participating states during the pendency of the order.

(j) If any participating state takes adverse action, it promptly shall notify the administrator of the data system.

SECTION 7—ESTABLISHMENT OF THE PA LICENSURE COMPACT COMMISSION

(a) The participating states hereby create and establish a joint government agency and national administrative body known as the PA licensure compact commission. The commission is an instrumentality of the compact states acting jointly and not an instrumentality of any one state. The commission shall come into existence on or after the effective date of the compact as set forth in section 11(a).

(b) Membership, voting and meetings.

(1) Each participating state shall have and be limited to one delegate selected by such participating state's licensing board or, if such participating state has more than one licensing board, selected collectively by the participating state's licensing boards.

(2) A delegate shall be either:

(A) A current PA, physician or public member of a licensing board or PA council or committee; or

(B) an administrator of a licensing board.

(3) Any delegate may be removed or suspended from office as provided by the laws of the state from which the delegate is appointed.

(4) The participating state licensing board shall fill any vacancy occurring in the commission within 60 days.

(5) Each delegate shall be entitled to one vote on all matters voted on by the commission and shall otherwise have an opportunity to participate in the commission's business and affairs. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telecommunications, video conference or other means of communication.

(6) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in this compact and the bylaws.

(7) The commission shall establish by rule a term of office for delegates.

(c) The commission shall have the following powers and duties:

(1) Establish a code of ethics for the commission;

(2) establish the fiscal year of the commission;

(3) establish fees;

(4) establish bylaws;

(5) maintain its financial records in accordance with the bylaws;

(6) meet and take such actions as are consistent with the provisions of this compact and the bylaws;

(7) adopt rules to facilitate and coordinate implementation and administration of this compact, and such rules shall have the force and effect of law and shall be binding in all participating states;

(8) bring and prosecute legal proceedings or actions in the name of the commission, except that the standing of any state licensing board to sue or be sued under applicable law shall not be affected;

(9) purchase and maintain insurance and bonds;

(10) borrow, accept or contract for services of personnel, including, but not limited to, employees of a participating state;

(11) hire employees and engage contractors, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of this compact and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;

(12) accept any and all appropriate donations and grants of money, equipment, supplies, materials and services and receive, utilize and dispose of the same. At all times the commission shall avoid any appearance of impropriety or conflict of interest;

(13) lease, purchase, accept appropriate gifts or donations of or otherwise own, hold, improve or use any property real, personal or mixed. In performing these actions, the commission shall avoid the appearance of impropriety at all times;

(14) sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property real, personal or mixed;

(15) establish a budget and make expenditures;

(16) borrow money;

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

(18) provide and receive information from, and cooperate with, law enforcement agencies;

(19) elect a chairperson, vice chairperson, secretary and treasurer and such other officers of the commission as provided in the commission's bylaws;

(20) reserve for itself, in addition to those reserved exclusively to the commission under the compact, powers that the executive committee shall not exercise;

(21) approve or disapprove a state's participation in the compact based upon its determination as to whether the state's compact legislation materially departs from the model compact language;

(22) prepare and provide to the participating states an annual report; and

(23) perform such other functions as may be necessary or appropriate to achieve the purposes of this compact, consistent with the state regulation of PA licensure and practice.

(d) Meetings of the commission.

(1) All meetings of the commission that are not closed pursuant to this subsection shall be open to the public. Notice of public meetings shall be posted on the commission's website at least 30 days prior to the public meeting.

(2) Notwithstanding subsection (d)(1), the commission may convene a public meeting by providing at least 24 hours' prior notice on the commission's website and any other means as provided in the commission's rules for any of the reasons it may dispense, with notice of proposed rulemaking under section 9(l).

(3) The commission may convene in a closed, nonpublic meeting or nonpublic part of a public meeting to receive legal advice or to discuss:

(A) Noncompliance of a participating state with its obligations under this compact;

(B) the employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

(C) any current, threatened or reasonably anticipated litigation;

(D) the negotiation of contracts for the purchase, lease or sale of goods, services or real estate;

(E) the accusation of any individual of a crime or the formal censure any individual;

(F) the disclosure of trade secrets or commercial or financial information that is privileged or confidential;

(G) the disclosure of information of a personal nature, if disclosure would constitute a clearly unwarranted invasion of personal privacy;

(H) the disclosure of investigative records compiled for law enforcement purposes;

(I) the disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with the responsibility of investigation or determination of compliance issues pursuant to this compact;

(J) legal advice; or

(K) any matters specifically exempted from disclosure by federal or a participating state's statutes.

(4) If a meeting, or portion of a meeting, is closed pursuant to subsection (d)(3), the chairperson of the meeting or the chairperson's designee shall certify that the meeting or portion of the meeting may be closed and shall reference each relevant exempting provision.

(5) The commission shall keep minutes that fully and clearly describe all matters

discussed in a meeting and shall provide a full and accurate summary of actions taken, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

(e) Financing of the commission.

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

(2) The commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services.

(3) The commission may levy on and collect an annual assessment from each participating state and may impose compact privilege fees on licensees of participating states to which a compact privilege is granted to cover the cost of the operations and activities of the commission and its staff. Such assessment shall be in a total amount sufficient to cover the commission's annual budget as approved by the commission each year for which revenue is not provided by other sources. The aggregate annual assessment amount levied on participating states shall be allocated based upon a formula to be determined by commission rule. Compact privileges and such compact privilege's associated fees shall be governed as follows:

(A) A compact privilege expires when the licensee's qualifying license in the participating state from which the licensee applied for the compact privilege expires; and

(B) if the licensee terminates the qualifying license through which the licensee applied for the compact privilege before its scheduled expiration and the licensee has a qualifying license in another participating state, the licensee shall inform the commission that it is changing to that participating state through which it applies for a compact privilege to that participating state and pay to the commission any compact privilege fee required by commission rule.

(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet such obligations, nor shall the commission pledge the credit of any of the participating states, except by and with the authority of the participating state.

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

(f) The executive committee.

(1) The executive committee shall have to power to act on behalf of the commission according to the terms of this compact and commission rules.

(2) The executive committee shall be composed of nine members described as follows:

(A) Seven voting members who are elected by the commission from the current membership of the commission;

(B)(i)(a) one ex officio, nonvoting member from a recognized national PA

professional association; and

(b) one ex officio, nonvoting member from a recognized national PA certification organization.

(ii) The ex officio members shall be selected by their respective organizations.

(3) The commission may remove any member of the executive committee as provided in its bylaws.

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

(5) The executive committee shall have the following duties and responsibilities:

(A) Recommend to the commission changes to the commission's rules or bylaws, changes to this compact legislation, fees to be paid by compact-participating states such as annual dues and any commission compact fee charged to licensees for the compact privilege;

(B) ensure that compact administration services are appropriately provided, whether contractual or otherwise;

(C) prepare and recommend the budget;

(D) maintain financial records on behalf of the commission;

(E) monitor compact compliance of participating states and provide compliance reports to the commission;

(F) establish additional committees as necessary;

(G) exercise the powers and duties of the commission during the interim between commission meetings, except for issuing proposed rulemaking or adopting commission rules or bylaws or exercising any other powers and duties exclusively reserved to the commission by the commission's rules; and

(H) perform other duties as provided in the commission's rules or bylaws.

(6) All meetings of the executive committee at which it votes or plans to vote on matters in exercising the powers and duties of the commission shall be open to the public and public notice of such meetings shall be given as public meetings of the commission are given.

(7) The executive committee may convene in a closed, nonpublic meeting for the same reasons that the commission may convene in a nonpublic meeting as set forth in subsection (d)(3), and shall announce the closed meeting as the commission is required to do under subsection (d)(4) and keep minutes of the closed meeting as the commission is required to do under subsection (d)(5).

(g) Qualified immunity, defense and indemnification.

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

(2) The commission shall defend any member, officer, executive director, employee, and representative of the commission in any civil action seeking to impose

liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities or as determined by the commission that the individual against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities. Nothing herein shall be construed to prohibit such individual from retaining such individual's own counsel at the individual's own expense or that the actual or alleged act, error or omission did not result from the individual's intentional, willful or wanton misconduct.

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

(4) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses in any proceedings as authorized by commission rules.

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

(6) Nothing herein shall be construed to designate the venue or jurisdiction to bring actions for alleged acts of malpractice, professional misconduct, negligence or other such civil action pertaining to the practice of a PA. All such matters shall be determined exclusively by state law other than this compact.

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

(8) Nothing in this compact shall be construed to be a waiver of sovereign immunity by the participating states or by the commission.

SECTION 8—DATA SYSTEM

(a) The commission shall provide for the development, maintenance, operation and utilization of a coordinated data and reporting system containing licensure, adverse action and the reporting of the existence of significant investigative information on all licensed PAs and applicants that are denied a license in participating states.

(b) Notwithstanding any other state law to the contrary, a participating state shall submit a uniform data set to the data system on all PAs to whom this compact is applicable, utilizing a unique identifier, as required by the rules of the commission, including:

- (1) Identifying information;
- (2) licensure data;
- (3) adverse actions against a license or compact privilege;
- (4) any denial of application for licensure and the reason for such denial, excluding the reporting of any criminal history record information where such reporting is

prohibited by law;

(5) the existence of significant investigative information; and

(6) other information that may facilitate the administration of this compact, as determined by the rules of the commission.

(c) Significant investigative information pertaining to a licensee in any participating state shall only be available to other participating states.

(d) The commission shall promptly notify all participating states of any adverse action taken against a licensee or an individual applying for a license that has been reported to such commission. Such adverse action information shall be available to any other participating state.

(e) Participating states contributing information to the data system may, in accordance with state or federal law, designate information that shall not be shared with the public without the express permission of the contributing state. Notwithstanding any such designation, such information shall be reported to the commission through the data system.

(f) Any information submitted to the data system that is subsequently expunged pursuant to federal law or the laws of the participating state contributing the information shall be removed from the data system upon reporting of such by the participating state to the commission.

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

SECTION 9—RULEMAKING

(a) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Commission rules shall become binding as of the date specified by the commission for each rule.

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

(c) The rules of the commission shall have the force of law in each participating state, except that where the rules of the commission conflict with the laws of the participating state that establish the medical services, a PA may perform in the participating state, as held by a court of competent jurisdiction, and the rules of the commission shall be ineffective in that state to the extent of the conflict.

(d) If a majority of the legislatures of the participating states rejects a commission rule, by enactment of a statute or resolution in the same manner used to adopt this compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any participating state or to any state applying to participate in the compact.

(e) Commission rules shall be adopted at a regular or special meeting of the commission.

(f) Prior to promulgation and adoption of a final rule by the commission and at least 30 days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

(1) On the commission's website or other publicly accessible platform;

(2) to persons who have requested notice of the commission's notices of proposed rulemaking; and

(3) in such other ways as the commission may specify by rule.

(g) The notice of proposed rulemaking shall include:

(1) The time, date and location of the public hearing on the proposed rule and the proposed time, date and location of the meeting in which the proposed rule will be considered and voted upon;

(2) the text of and the reason for the proposed rule;

(3) a request for comments on the proposed rule from any interested person and the date by which written comments must be received; and

(4) the manner in which interested persons may submit notice to the commission of their intention to attend the public hearing or provide any written comments.

(h) Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

(i) If the hearing is to be held via electronic means, the commission shall publish the mechanism for access to the electronic hearing.

(1) All persons wishing to be heard at the hearing shall, as directed in the notice of proposed rulemaking published not less than five business days before the scheduled date of the hearing, notify the commission of their desire to appear and testify at the hearing.

(2) Hearings shall be conducted in a manner that provides each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(3) All hearings shall be recorded. A copy of the recording and the written comments, data, facts, opinions and arguments received in response to the proposed rulemaking shall be made available to a person upon request.

(4) Nothing in this section shall be construed as requiring a separate hearing on each proposed rule. Proposed rules may be grouped for the convenience of the commission at hearings required by this section.

(j) Following the public hearing, the commission shall consider all written and oral comments timely received.

(k) The commission shall, by majority vote of all delegates, take final action on the proposed rule and shall determine the effective date of the rule, if adopted, based on the rulemaking record and the full text of the rule.

(1) If adopted, the rule shall be posted on the commission's website.

(2) The commission may adopt changes to the proposed rule if the changes do not expand the original purpose of the proposed rule.

(3) The commission shall provide an explanation on its website of the reasons for any substantive changes made to the proposed rule as well as reasons for any substantive changes not made that were recommended by commenters.

(4) The commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in subsection (l), the effective date of the rule shall be not sooner than 30 days after the commission issued the notice that it adopted the rule.

(l) Upon the determination that an emergency exists, the commission may consider and adopt an emergency rule with 24 hours' prior notice, without the opportunity for comment or hearing, except that the usual rulemaking procedures provided in this compact and in this section shall be retroactively applied to the rule as soon as reasonably possible but in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that shall be adopted immediately by the commission in order to:

- (1) Address an imminent threat to public health, safety or welfare;
- (2) prevent a loss of commission or participating state funds;
- (3) meet a deadline for the promulgation of a commission rule that is established by federal law or rule; or
- (4) protect public health and safety.

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

(n) No participating state's rulemaking requirements shall apply under this compact.

SECTION 10—OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

(a) Oversight.

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

(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent that it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct or any such similar matter.

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

(b) Default, technical assistance and termination.

(1) If the commission determines that a participating state has defaulted in the performance of its obligations or responsibilities under this compact or the commission rules, the commission shall provide written notice to the defaulting state and other

participating states. The notice shall describe the default, the proposed means of curing the default and any other action that the commission may take and shall offer remedial training and specific technical assistance regarding the default.

(2) If a state in default fails to cure the default, the defaulting state may be terminated from this compact upon an affirmative vote of a majority of the delegates of the participating states, and all rights, privileges and benefits conferred by this compact upon such state may be terminated on the effective date of termination. A cure of the default shall not relieve the offending state of obligations or liabilities incurred during the period of default.

(3) Termination of participation in this compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature and to the licensing board of each of the participating states.

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

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

(6) The defaulting state may appeal its termination from the compact by the commission by petitioning the United States district court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

(7) Upon the termination of a state's participation in the compact, the state shall immediately provide notice to all licensees within that state of such termination:

(A) Licensees who have been granted a compact privilege in that state shall retain the compact privilege for 180 days following the effective date of such termination; and

(B) licensees who are licensed in that state who have been granted a compact privilege in a participating state shall retain the compact privilege for 180 days unless the licensee also has a qualifying license in a participating state or obtains a qualifying license in a participating state before the 180-day period ends, in which case, the compact privilege shall continue.

(c) Dispute resolution.

(1) Upon request by a participating state, the commission shall attempt to resolve disputes related to this compact that arise among participating states and between participating and nonparticipating states.

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

(d) Enforcement.

(1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions of this compact and rules of the commission.

(2) If compliance is not secured after all means to secure compliance have been exhausted, by majority vote, the commission may initiate legal action in the United States district court for the District of Columbia or the federal district where the commission has its principal offices against a participating state in default to enforce compliance with the provisions of this compact and the commission's adopted rules and

bylaws. The relief sought may include both injunctive relief and damages. In the event that judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

(e) Legal action against the commission.

(1) A participating state may initiate legal action against the commission in the United States district court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its rules. The relief sought may include both injunctive relief and damages. In the event that judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

(2) No person other than a participating state shall enforce this compact against the commission.

SECTION 11—DATE OF IMPLEMENTATION OF THE PA LICENSURE COMPACT COMMISSION

(a) This compact shall come into effect on the date that this compact statute is enacted into law in the seventh participating state.

(1) On or after the effective date of the compact, the commission shall convene and review the enactment of each of the states that enacted the compact prior to the commission convening, called charter-participating states, to determine if the statute enacted by each such charter-participating state is materially different than the model compact.

(A) A charter-participating state whose enactment is found to be materially different from the model compact shall be entitled to the default process set forth in section 10(b).

(B) If any participating state later withdraws from the compact or its participation is terminated, the commission shall remain in existence and the compact shall remain in effect even if the number of participating states should be fewer than seven. Participating states enacting the compact subsequent to the commission convening shall be subject to the process set forth in section 7(c)(21) to determine if their enactments are materially different from the model compact and whether they qualify for participation in the compact.

(2) Participating states enacting the compact subsequent to the seven initial charter-participating states shall be subject to the process set forth in section 7(c)(21) to determine if their enactments are materially different from the model compact and whether they qualify for participation in the compact.

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

(b) Any state that joins this compact shall be subject to the commission's rules and bylaws as they exist on the date that this compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day that this compact becomes law in that state.

(c) Any participating state may withdraw from this compact by enacting a statute repealing the same.

(1) A participating state's withdrawal shall not take effect until 180 days after enactment of the repealing statute. During the 180-day period, all compact privileges that were in effect in the withdrawing state and were granted to licensees licensed in the withdrawing state shall remain in effect. If any licensee licensed in the withdrawing state is also licensed in another participating state or obtains a license in another participating state within the 180 days, the licensee's compact privileges in other participating states shall not be affected by the passage of the 180 days.

(2) Withdrawal shall not affect the continuing requirement of the state licensing board of the withdrawing state to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.

(3) Upon the enactment of a statute withdrawing a state from this compact, the state shall immediately provide notice of such withdrawal to all licensees within that state. Such withdrawing state shall continue to recognize all licenses granted pursuant to this compact for a minimum of 180 days after the date of such notice of withdrawal.

(d) Nothing contained in this compact shall be construed to invalidate or prevent any PA licensure agreement or other cooperative arrangement between participating states and between a participating state and nonparticipating state that does not conflict with the provisions of this compact.

(e) This compact may be amended by the participating states. No amendment to this compact shall become effective and binding upon any participating state until it is enacted materially in the same manner into the laws of all participating states as determined by the commission.

SECTION 12—CONSTRUCTION AND SEVERABILITY

(a) This compact and the 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 adoption of rules shall not be construed to limit the 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 participating 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 the provisions of this subsection or subsection (b), the commission may deny a state's participation in the compact or, in accordance with the requirements of section 10(b), terminate a participating state's participation in the compact, if it determines that a constitutional requirement of a participating state is, or would be with respect to a state seeking to participate in the compact, a material departure from the compact. Otherwise, if this compact shall be held to be contrary to the constitution of any participating state, the compact shall remain in full force and effect as to the remaining participating states and in full force and effect as to the participating state affected as to all severable matters.

SECTION 13—BINDING EFFECT OF COMPACT

(a) Nothing herein prevents the enforcement of any other law of a participating state that is not inconsistent with this compact.

(b) Any laws in a participating state in conflict with this compact are superseded to the extent of the conflict.

(c) All agreements between the commission and the participating states are binding in accordance with their terms.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "licensure compacts; relating to"; in line 3, after "cosmetologists" by inserting "; relating to physician assistants; enacting the physician assistant licensure compact to provide interstate practice privileges"; and the bill be passed as amended.

Also, **HB 2069**, As Amended by House Committee, be amended on page 17, following line 17, by inserting:

"Sec. 2. This section shall be known and may be cited as the dietitian compact.

SECTION 1—PURPOSE

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

- (a) Increase public access to dietetics services;
- (b) provide opportunities for interstate practice by licensed dietitians who meet uniform requirements;
- (c) eliminate the necessity for licenses in multiple states;
- (d) reduce administrative burden on member states and licensees;
- (e) enhance the states' ability to protect the public's health and safety;
- (f) encourage the cooperation of member states in regulating multistate practice of licensed dietitians;
- (g) support relocating active military members and their spouses;
- (h) enhance the exchange of licensure, investigative and disciplinary information among member states; and
- (i) vest all member states with the authority to hold a licensed dietitian accountable for meeting all state practice laws in the state where the patient is located at the time care is rendered.

SECTION 2—DEFINITIONS

As used in this compact, and except as otherwise provided, the following definitions apply:

(a) "ACEND" means the accreditation council for education in nutrition and dietetics or its successor organization.

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

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

(d) "Alternative program" means a non-disciplinary monitoring or practice remediation process approved by a licensing authority.

(e) "CDR" means the commission on dietetic registration or its successor organization.

(f) "Charter member state" means any member state that enacted this compact by law before the effective date specified in section 12.

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

(h) "Compact commission" means the governmental agency whose membership consists of all states that have enacted this compact, which is known as the dietitian licensure compact commission, as described in section 8, and which shall operate as an instrumentality of the member states.

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

(j) "Current significant investigative information" means:

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

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

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

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

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

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

(o) "Home state" means the member state that is the licensee's primary state of residence or that has been designated pursuant to section 6.

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

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

(r) "License" means an authorization from a member state to either:

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

(2) use the title "dietitian," "licensed dietitian," "licensed dietitian nutritionist," "certified dietitian" or other title describing a substantially similar practitioner as the compact commission may further define by rule.

(s) "Licensee" or "licensed dietitian" means an individual who currently holds a license and who meets all of the requirements outlined in section 4.

(t) "Licensing authority" means the board or agency of a state, or equivalent, that is

responsible for the licensing and regulation of the practice of dietetics.

(u) "Member state" means a state that has enacted the compact.

(v) "Practice of dietetics" means the synthesis and application of dietetics as defined by state law and regulations, primarily for the provision of nutrition care services, including medical nutrition therapy, in person or via telehealth, to prevent, manage or treat diseases or medical conditions and promote wellness.

(w) "Registered dietitian" means a person who:

(1) Has completed applicable education, experience, examination and recertification requirements approved by CDR;

(2) is credentialed by CDR as a registered dietitian or a registered dietitian nutritionist; and

(3) is legally authorized to use the title registered dietitian or registered dietitian nutritionist and the corresponding abbreviations "RD" or "RDN."

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

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

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

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

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

SECTION 3—STATE PARTICIPATION IN THE COMPACT

(a) To participate in the compact, a state shall currently:

(1) License and regulate the practice of dietetics; and

(2) have a mechanism in place for receiving and investigating complaints concerning licensees.

(b) A member state shall:

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

(2) notify the compact commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of current significant investigative information regarding a licensee;

(3) implement or utilize procedures for considering the criminal history record information of applicants for an initial compact privilege. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the federal bureau of investigation and the agency responsible for retaining that state's criminal records;

(A) a member state shall fully implement a criminal history record information requirement, within a time frame established by rule, that includes receiving the results of the federal bureau of investigation record search and shall use those results in determining compact privilege eligibility; and

(B) communication between a member state and the compact commission or among member states regarding the verification of eligibility for a compact privilege shall not include any information received from the federal bureau of investigation

relating to a federal criminal history record information check performed by a member state;

(4) comply with and enforce the rules of the compact commission;

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

(6) recognize a compact privilege granted to a licensee who meets all of the requirements outlined in section 4 in accordance with the terms of the compact and rules.

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

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

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

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

SECTION 4—COMPACT PRIVILEGE

(a) To exercise the compact privilege under the terms and provisions of the compact, the licensee shall:

(1) Satisfy one of the following:

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

(B) complete all of the following:

(i) An education program that is either:

(a) A master's degree or doctoral degree that is programmatically accredited by:

(1) ACEND; or

(2) a dietetics accrediting agency recognized by the United States department of education, which the compact commission may by rule determine, and from a college or university accredited at the time of graduation by the appropriate regional accrediting agency recognized by the council on higher education accreditation and the United States department of education; or

(b) an academic degree from a college or university in a foreign country equivalent to the degree described in subclause (a) that is programmatically accredited by:

(1) ACEND; or

(2) a dietetics accrediting agency recognized by the United States department of education, which the compact commission may by rule determine;

(ii) planned, documented and supervised practice experience in dietetics that is programmatically accredited by:

(a) ACEND; or

(b) a dietetics accrediting agency recognized by the United States department of education which the compact commission may by rule determine, that involves at least 1000 hours of practice experience under the supervision of a registered dietitian or a licensed dietitian; and

(iii) successful completion of either:

(a) The registration examination for dietitians administered by CDR; or
 (b) a national credentialing examination for dietitians approved by the compact commission by rule, such completion being not more than five years prior to the date of the licensee's application for initial licensure and accompanied by a period of continuous licensure thereafter, all of which may be further governed by the rules of the compact commission;

(2) hold an unencumbered license in the home state;
 (3) notify the compact commission that the licensee is seeking a compact privilege within a remote state;
 (4) pay any applicable fees, including any state fee, for the compact privilege;
 (5) meet any jurisprudence requirements established by the remote state where the licensee is seeking a compact privilege; and
 (6) report to the compact commission any adverse action, encumbrance or restriction on a license taken by any nonmember state within 30 days from the date the action is taken.

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

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

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

SECTION 5—OBTAINING A NEW HOME STATE LICENSE BASED ON A COMPACT PRIVILEGE

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

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

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

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

(A) Federal bureau of investigation fingerprint-based criminal history record information check;

(B) any other criminal history record information required by the new home state; and

(C) any jurisprudence requirements of the new home state.

(3) The former home state shall convert the former home state license into a

compact privilege once the new home state has activated the new home state license in accordance with applicable rules adopted by the compact commission.

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

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

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

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

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

SECTION 6—ACTIVE MILITARY MEMBERS OR THEIR SPOUSES

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

SECTION 7—ADVERSE ACTIONS

(a) In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to:

(1) Take adverse action against a licensee's compact privilege within that member state; and

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

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

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

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

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

(f) A member state may take adverse action based on the factual findings of another

remote state if the member state follows its own procedures for taking the adverse action.

(g) Joint investigations.

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

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

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

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

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

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

SECTION 8—ESTABLISHMENT OF THE DIETITIAN LICENSURE COMPACT COMMISSION

(a) The compact member states hereby create and establish a joint governmental agency whose membership consists of all member states that have enacted the compact known as the dietitian licensure compact commission. The compact commission is an instrumentality of the compact states acting jointly and not an instrumentality of any one state. The compact commission shall come into existence on or after the effective date of the compact as set forth in section 12.

(b) Membership, voting and meetings.

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

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

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

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

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

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

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

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

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

(1) Establish the fiscal year of the compact commission;
(2) establish code of conduct and conflict of interest policies;
(3) establish and amend rules and bylaws;
(4) maintain its financial records in accordance with the bylaws;
(5) meet and take such actions as are consistent with the provisions of this compact, the compact commission's rules and the bylaws;

(6) initiate and conclude legal proceedings or actions in the name of the compact commission, except that the standing of any licensing authority to sue or be sued under applicable law shall not be affected;

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

(8) purchase and maintain insurance and bonds;

(9) borrow, accept or contract for services of personnel, including, but not limited to, employees of a member state;

(10) conduct an annual financial review;

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

(12) assess and collect fees;

(13) accept any and all appropriate donations, grants of money, other sources of revenue, equipment, supplies, materials, services and gifts, and receive, utilize and dispose of the same except that at all times the compact commission shall avoid any actual or appearance of impropriety or conflict of interest;

(14) lease, purchase, retain, own, hold, improve or use any property, real, personal or mixed or any undivided interest therein;

(15) sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property real, personal or mixed;

(16) establish a budget and make expenditures;

(17) borrow money;

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

(19) provide and receive information from, and cooperate with, law enforcement agencies;

(20) establish and elect an executive committee, including a chair and a vice chair;

(21) determine whether a state's adopted language is materially different from the model compact language such that the state would not qualify for participation in the compact; and

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

(d) The executive committee.

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

(A) Oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact and its rules and bylaws and other such duties as deemed necessary;

(B) recommend to the compact commission changes to the rules or bylaws, changes to this compact legislation, fees charged to compact member states, fees charged to licensees and other fees;

(C) ensure compact administration services are appropriately provided, including by contract;

(D) prepare and recommend the budget;

(E) maintain financial records on behalf of the compact commission;

(F) monitor compact compliance of member states and provide compliance reports to the compact commission;

(G) establish additional committees as necessary;

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

(I) other duties as provided in the rules or bylaws of the compact commission.

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

(A) The chair and vice chair of the compact commission shall be voting members of the executive committee;

(B) five voting members from the current membership of the compact commission, elected by the compact commission;

(C) one exofficio, nonvoting member from a recognized professional association representing dietitians; and

(D) one exofficio, nonvoting member from a recognized national credentialing organization for dietitians.

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

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

(A) Executive committee meetings shall be open to the public, except that the executive committee may meet in a closed, nonpublic meeting as provided in subsection (f)(2).

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

(C) The executive committee may hold a special meeting in accordance with subsection (f)(1)(B).

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

(f) Meetings of the compact commission.

(1) All meetings shall be open to the public, except that the compact commission may meet in a closed, nonpublic meeting as provided in subsection (f)(2).

(A) Public notice for all meetings of the full compact commission shall be given in the same manner as required under the rulemaking provisions in section 10, except that the compact commission may hold a special meeting as provided in subsection (f)(1) (B).

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

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

- (A) Noncompliance of a member state with its obligations under the compact;
 - (B) the employment, compensation, discipline or other matters, practices or procedures related to specific employees;
 - (C) current or threatened discipline of a licensee by the compact commission or by a member state's licensing authority;
 - (D) current, threatened or reasonably anticipated litigation;
 - (E) negotiation of contracts for the purchase, lease, or sale of goods, services or real estate;
 - (F) accusing any person of a crime or formally censuring any person;
 - (G) trade secrets or commercial or financial information that is privileged or confidential;
 - (H) information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
 - (I) investigative records compiled for law enforcement purposes;
 - (J) information related to any investigative reports prepared by or on behalf of or for use of the compact commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact;
 - (K) matters specifically exempted from disclosure by federal or member state law;
- or
- (L) other matters as specified in the rules of the compact commission.

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

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

(g) Financing of the compact commission.

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

(2) The compact commission may accept any and all appropriate revenue sources

as provided in subsection (c)(13).

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

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

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

(h) Qualified immunity, defense and indemnification.

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

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

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

duties or responsibilities, except that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

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

(5) Nothing in this compact shall be interpreted to waive or otherwise abrogate a member state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman antitrust act of 1890, the Clayton act 15 U.S.C. §§ 12-27 or any other state or federal antitrust or anticompetitive law or regulation.

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

SECTION 9—DATA SYSTEMS

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

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

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

(1) Identifying information;

(2) licensure data;

(3) adverse actions against a license or compact privilege and information related thereto;

(4) nonconfidential information related to alternative program participation, the beginning and ending dates of such participation and other information related to such participation not made confidential under member state law;

(5) any denial of application for licensure and the reason for such denial;

(6) the presence of current significant investigative information; and

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

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

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

(f) Member states shall report any adverse action against a licensee and to monitor the data system to determine whether any adverse action has been taken against a licensee. Adverse action information pertaining to a licensee in any member state shall be available to any other member state.

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

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

SECTION 10—RULEMAKING

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

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

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

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

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

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

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

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

(2) to persons who have requested notice of the compact commission's notices of proposed rulemaking; and

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

(h) The notice of proposed rulemaking shall include:

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

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

(3) the text of the proposed rule and the reason therefor;

(4) a request for comments on the proposed rule from any interested person; and

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

(i) All hearings shall be recorded. A copy of the recording and all written comments

and documents received by the compact commission in response to the proposed rule shall be available to the public.

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

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

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

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

(3) The compact commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in subsection (l), the effective date of the rule shall be not sooner than 30 days after issuing the notice that it adopted or amended the rule.

(l) Upon determination that an emergency exists, the compact commission may consider and adopt an emergency rule with 24 hours' notice, with an opportunity to comment, except that the usual rulemaking procedures provided in the compact and this section shall be retroactively applied to the rule as soon as reasonably possible but not later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that shall be adopted immediately in order to:

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

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

(n) No member state's rulemaking requirements shall apply under this compact.

SECTION 11—OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

(a) Oversight.

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

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

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

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

(b) Default, technical assistance and termination.

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

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

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

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

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

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

(g) The compact commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the compact commission and the defaulting state.

(h) The defaulting state may appeal the action of the compact commission by petitioning the United States district court for the District of Columbia or the federal district where the compact commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

(i) Dispute resolution.

(1) Upon request by a member state, the compact commission shall attempt to resolve disputes related to the compact that arise among member states and among member and nonmember states.

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

(j) Enforcement.

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

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

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

SECTION 12—EFFECTIVE DATE, WITHDRAWAL AND AMENDMENT

(a) The compact shall come into effect on the date that the compact statute is enacted into law in the seventh member state.

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

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

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

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

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

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

day the compact becomes law in that state.

(b) Any member state may withdraw from this compact by enacting a statute repealing such compact.

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

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

(3) Upon the enactment of a statute withdrawing from this compact, a state shall immediately provide notice of such withdrawal to all licensees within that state. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing state shall continue to recognize all compact privileges granted pursuant to this compact for a minimum of 180 days after the date of such notice of withdrawal.

(c) Nothing contained in this compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of 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 subsection (b), the compact commission may deny a state's participation in the compact or, in accordance with the requirements of section 11(b), 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. If this compact shall be 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 in this compact shall prevent or inhibit the enforcement of any other law of a member state that is not inconsistent with the compact.

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

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

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "health and healthcare" and inserting "licensure compacts"; in line 3, after "privileges" by inserting "; relating to dieticians; enacting the dietician compact to provide interstate practice privileges"; and the bill be passed as amended.

HB 2075, As Amended by House Committee, be amended on page 2, in line 25, by striking "children" and inserting "child"; by striking all in line 30; in line 31, after "relative" by inserting ", a legal custodian or guardian or an adoptive parent";

On page 3, in line 7, by striking the first "or"; also in line 7, by striking the second comma; in line 34, by striking "interest" and inserting "interests";

On page 4, in line 39, by striking "that" and inserting "such civil"; and the bill be passed as amended.

Your Committee on **Public Health and Welfare** begs leave to submit the following report:

The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointments:

By the Governor:

Member, University of Kansas Hospital Authority: K.S.A. 76-3304

Maureen Mahoney, to fill a term expiring on March 15, 2027

Donald Hall, to fill a term expiring on March 15, 2029

On motion of Senator Blasi, the Senate adjourned until 2:30 p.m., Tuesday, March 11, 2025.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

