

SESSION OF 2025

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2070

As Amended by House Committee on Health
and Human Services

Brief*

HB 2070, as amended, would enact the Dietitian Compact (Compact). The Compact's uniform provisions are outlined below.

[*Note:* As of February 5, 2025, the Compact has been enacted in four states: Alabama, Nebraska, Ohio, and Tennessee. The Compact is being considered in 15 states, including Kansas, and will become active once it is enacted by 7 states.]

Purpose (Section 1)

The purpose of the Compact would be to facilitate the interstate practice of dietetics with the goal of improving public access to dietetics services and achieve a number of objectives that reduce administrative burden while increasing availability of licensed dietitians as well as cooperation among member state licensing bodies.

The Compact would preserve the regulatory authority of states to protect public health and safety through the current system of state licensure while also providing license portability for qualifying professionals.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

Definitions (Section 2)

The Compact would define various terms used throughout the Compact, including:

- “Adverse action” would mean 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;
- “Compact Commission” (Commission) would mean the governmental agency whose membership consists of all states that have enacted this Compact, which is known as the Dietitian Licensure Compact Commission, and which shall operate as an instrumentality of member states;
- “Practice of dietetics” would mean 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;
- “Registered dietitian” would mean a person who has completed applicable education, experience, examination, and recertification requirements approved by the Commission on Dietetic Registration; is credentialed by the Commission on Dietetic Registration as a registered dietitian or a registered dietitian nutritionist; and is legally authorized to use the title registered dietitian or

registered dietician nutritionist and the corresponding abbreviations “RD” or “RDN”; and

- “Single state license” would mean a license issued by a member state within the issuing state and does not include a Compact privilege in any other member state.

State Participation in the Compact (Section 3)

The Compact would require member states to:

- Participate fully in the Compact Commission’s data system;
- Notify the Compact Commission of adverse actions regarding a licensee;
- Implement a criminal history check including the submission of fingerprints to both the Federal Bureau of Investigation and the comparable state agency for Compact licensees;
- Comply with the rules of the Commission;
- Require an applicant for the Compact to obtain or retain a license in the home state and meet all home state requirements for licensure or renewal; and
- Recognize each licensee who has met the terms of the Compact and rules.

The Compact would authorize member states to charge a fee for granting a Compact privilege. The Compact would specify member states retain sole jurisdiction over the licensing requirements for a single state license to practice dietetics.

Compact Privilege (Section 4)

The Compact would require dietitians to meet certain educational and credentialing criteria to exercise Compact privileges and would align Compact privilege with the underlying valid home state license including renewal criteria and continuing education requirements set by the licensee's home state. The Compact would require that a licensee practicing in a remote state adhere to the remote state's laws and regulations relating to dietetics.

Obtaining a New Home State License Based on Compact Privilege (Section 5)

The Compact would allow a licensee to have only one home state license at a time. The Compact would provide a procedure to change a licensee's home state license when relocating between member states.

Active Duty Military Personnel or Their Spouses (Section 6)

The Compact would allow active duty military personnel or their spouses to designate a home state where such service member or spouse has a current license in good standing and would allow such military personnel or spouse to retain that home state designation during the period of time the service member is on active duty.

Adverse Actions (Section 7)

The Compact would allow a member state to take adverse action against an licensee's compact privilege in such member state and to issue subpoenas. Only the licensee's home state would have the power to take adverse action against the license issued by the home state. However, a member state would have the authority to take adverse action based on the factual findings of another remote state if

the other member state follows its own procedures for adverse actions. Member states would be permitted to recover costs of investigations or dispositions if permitted by their state law. The home state would be required to promptly report the conclusions of any investigation to the data system. The Compact would authorize joint investigations by member states of licensees.

***Establishment of the Dietitian Licensure Compact
Commission (Section 8)***

The Compact would create the Commission and include provisions relating to membership, voting, powers and duties, and financing of the Commission. The Compact would establish the Executive Committee, which would have the power to act on behalf of the Commission according to the terms of the Compact.

The Compact would provide for the Commission to pay for the reasonable expenses of its establishment, organization, and ongoing activities. The Commission would be authorized to levy and collect an annual assessment from each member state and impose fines on licensees of member states to cover the cost of operations. The Compact would require the Commission to adopt an annual report, including a financial review, and provide the report to member states.

The Compact would provide for the qualified immunity, defense, and indemnity of its members, officers, employees, and representatives acting within the scope of Commission employment, duties, or responsibilities. The protections would not apply for damage, loss, injury, or liability caused by the individual's intentional, willful, or wanton misconduct. The Compact would not limit the liability of any licensee for professional malpractice or misconduct governed by applicable state laws.

Data Systems (Section 9)

The Compact would require the Commission to develop, maintain, operate, and utilize a coordinated data system. The Compact would govern how the information would be provided to the data system by member states and the use of the data by member states, as well as its designation of information that could not be shared with the public without the express permission of the contributing state. The Compact would also require removal of expunged information from the data system.

Rulemaking (Section 10)

The Compact would authorize the Commission to exercise rulemaking powers. The bill would require notice of proposed rules to specified persons and locations to be provided at least 30 days prior to the meeting where the Commission will consider such rules. Additionally, the Commission would be required to provide notice of the public hearing and provide access to the meeting and record all hearings. The Compact would state a majority of legislatures of the member states could reject a rule by enactment of a statute or resolution within four years of adoption of the rule. The Compact would also provide for emergency rulemaking procedures.

Oversight, Dispute Resolution, and Enforcement (Section 11)

The Compact would provide that the executive and judicial branches in each member state would enforce and implement the Compact. The Compact would establish judicial venue and service of process for the Commission. The Compact would also establish a process to be followed by member states regarding default, requesting technical assistance, or termination from the Compact. The Compact would require the Commission, upon member request, to

resolve disputes arising among member states and between member states and non-member states. In addition, the Commission would be authorized to enforce the provisions of the Compact, and, by supermajority vote, could initiate legal action in federal court against a member state.

Effective Date, Withdrawal, and Amendment (Section 12)

The Compact would be effective on the date on which the Compact statute is enacted into law in the seventh member state. Any member state would be allowed to withdraw from the Compact by enacting a statute that would repeal the Compact, but this would not take effect until 180 days after the enactment of the repealing statute. Member states could amend the Compact, but any amendment would not be effective until it is enacted by all member states. Additionally, the Compact would not invalidate or prevent any licensure agreement or cooperative arrangement between a member state and nonmember state that did not conflict with the Compact.

Construction and Severability (Section 13)

The Compact would state the Compact and the Commission's rulemaking authority shall be liberally construed and the provisions of the Compact would be severable.

Consistent Effect and Conflict with Other State Laws (Section 14)

The Compact would not prevent the enforcement of any other law of a member state not inconsistent with the Compact. Laws in conflict with the Compact would be superseded to the extent of the conflict and all lawful actions of the Commission would be binding upon member states.

Background

The bill was introduced by the House Committee on Commerce, Labor and Economic Development at the request of William Wilk on behalf of the Kansas Chamber of Commerce.

House Committee on Health and Human Services

In the House Committee hearing, **proponent** testimony was provided by a private citizen and representatives of the Kansas Adjutant General's Office, the Kansas Chamber of Commerce, and the U.S. Department of Defense. The proponent conferees noted the portability of licensing across states for the profession as well as assisting military families in their relocations.

Written-only proponent testimony was provided by representatives of the Greater Kansas City Chamber of Commerce, Kansas Academy of Nutrition and Dietetics, Kansas Department for Aging and Disability Services, Kansas Hospital Association, LeadingAge Kansas, Manhattan Nutrition Clinic, Mission Health, and the University of Kansas Cancer Center.

No other testimony was provided.

The House Committee amended the bill to correct the definition for “adverse action” and to remove duplicated language in Section 4 related to Compact privilege.

Fiscal Information

No fiscal note was available when the House Committee took action on the bill.

Health; health care; dietitians; compact; dietitian compact; interstate practice privileges; licensure