

2025 Regular Session

HOUSE BILL NO. 399

BY REPRESENTATIVE CHENEVERT

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

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

1 AN ACT

2 To amend and reenact R.S. 44:4.1(B)(24) and to enact Part II of Chapter 41 of Title 37 of

3 the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:3095.1, relative

4 to the Dietitian Licensure Compact; to establish the purpose of the compact; to

5 identify objectives of the compact; to provide for definitions; to establish procedures

6 for the issuance of a compact privilege; to establish the Dietitian Licensure Compact

7 Commission; to provide for member state licensing authority; to establish provisions

8 for military families; to establish authority for certain entities to take adverse action;

9 to require the usage of a coordinated data system; to provide for the promulgation

10 of rules; to provide for oversight, dispute resolution, and enforcement of certain

11 provisions; to provide for construction and severability; to require consistency and

12 conflict resolution between states; to redesignate certain provisions; to provide for

13 exceptions to public records; and to provide for related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. Part II of Chapter 41 of Title 37 of the Louisiana Revised Statutes of

16 1950, comprised of R.S. 37:3095.1, is hereby enacted to read as follows:





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

3           (10) "Current significant investigative information" means either of the  
4           following:

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

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

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

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

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

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

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

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

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

29           (18) "License" means an authorization from a member state to engage in the  
30           practice of dietetics, including medical nutrition therapy, or use the title "dietitian",

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

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

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

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

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

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

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

19 (b) Is credentialed by CDR as a registered dietitian or a registered dietitian  
20 nutritionist.

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

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

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

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

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

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

3           SECTION 3. STATE PARTICIPATION IN THE COMPACT

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

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

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

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

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

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

15          (3)(a) Implement or utilize procedures for considering the criminal history  
16          record information of applicants for an initial compact privilege. These procedures  
17          shall include the submission of fingerprints or other biometric-based information by  
18          applicants for the purpose of obtaining an applicant's criminal history record  
19          information from the Federal Bureau of Investigation and the agency responsible for  
20          retaining that state's criminal records.

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

25          (c) Communication between a member state and the compact commission  
26          or among member states regarding the verification of eligibility for a compact  
27          privilege shall not include any information received from the Federal Bureau of  
28          Investigation relating to a federal criminal history record information check  
29          performed by a member state.

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

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

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

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

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

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

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

#### 18                                   SECTION 4. COMPACT PRIVILEGE

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

21                  (1) Satisfy one of the following:

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

24                          (b) Complete all of the following:

25                                  (i) An education program which is either:

26    (aa) A master's degree or doctoral degree that is programmatically accredited  
27    by ACEND or a dietetics accrediting agency recognized by the United States  
28    Department of Education, which the compact commission may by rule determine,  
29    and from a college or university accredited at the time of graduation by the

1 appropriate regional accrediting agency recognized by the Council on Higher  
2 Education Accreditation and the United States Department of Education.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

## 20          SECTION 6. ACTIVE MILITARY MEMBERS OR THEIR SPOUSES

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

## 24                         SECTION 7. ADVERSE ACTIONS

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

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

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

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

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

16           D. The home state shall complete any pending investigations of a licensee  
17           who changes home states during the course of the investigations. The home state  
18           shall also have authority to take appropriate action and shall promptly report the  
19           conclusions of the investigations to the administrator of the data system. The  
20           administrator of the data system shall promptly notify the new home state of any  
21           adverse actions.

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

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

28           G. Joint investigations.



1 existence on or after the effective date of this compact as set forth in Section 12 of  
2 this compact.

3 B. Membership, voting, and meetings.

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

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

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

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

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

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

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

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

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

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

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

26 (3) Establish and amend rules and bylaws.

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

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

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

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

7           (8) Purchase and maintain insurance and bonds.

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

10          (10) Conduct an annual financial review.

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

16          (12) Assess and collect fees.

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

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

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

25          (16) Establish a budget and make expenditures.

26          (17) Borrow money.

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

1           (19) Provide and receive information from, and cooperate with, law  
2           enforcement agencies.

3           (20) Establish and elect an executive committee including a chair and a vice  
4           chair.

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

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

10           D. The executive committee.

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

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

17           (b) Recommend to the compact commission changes to the rules or bylaws,  
18           changes to this compact legislation, fees charged to compact member states, fees  
19           charged to licensees, and other fees.

20           (c) Ensure compact commission administration services are appropriately  
21           provided including by contract.

22           (d) Prepare and recommend the budget.

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

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

26           (g) Establish additional committees as necessary.

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

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

3            (2) The executive committee shall be composed of the following nine  
4            members:

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

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

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

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

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

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

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

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

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

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

26           F. Meetings of the compact commission.

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

1           **(b) Public notice for all meetings of the full compact commission shall be**  
2           **given in the same manner as required under the rulemaking provisions in Section 10**  
3           **of this compact, except that the compact commission may hold a special meeting as**  
4           **provided in Subparagraph (c) of this Paragraph.**

5           **(c) The compact commission may hold a special meeting when it must meet**  
6           **to conduct emergency business by giving twenty four hours' notice to all member**  
7           **states on the compact commission's website and other means as provided in the**  
8           **compact commission's rules. The compact commission's legal counsel shall certify**  
9           **that the compact commission's need to meet qualifies as an emergency.**

10           **(2) The compact commission or the executive committee or other**  
11           **committees of the compact commission may convene in a closed, non-public**  
12           **meeting for the compact commission or executive committee or other committees**  
13           **of the compact commission to receive legal advice or to discuss any of the following:**

14           **(a) Non-compliance of a member state with its obligations under the**  
15           **compact.**

16           **(b) The employment, compensation, discipline, or other matters, practices,**  
17           **or procedures related to specific employees.**

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

20           **(d) Current, threatened, or reasonably anticipated litigation.**

21           **(e) Negotiation of contracts for the purchase, lease, or sale of goods,**  
22           **services, or real estate.**

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

24           **(g) Trade secrets or commercial or financial information that is privileged**  
25           **or confidential.**

26           **(h) Information of a personal nature where disclosure would constitute a**  
27           **clearly unwarranted invasion of personal privacy.**

28           **(i) Investigative records compiled for law enforcement purposes.**

29           **(j) Information related to any investigative reports prepared by or on behalf**  
30           **of or for use of the compact commission or other committee charged with**

1 responsibility of investigation or determination of compliance issues pursuant to this  
2 compact.

3 (k) Matters specifically exempted from disclosure by federal or member state  
4 law.

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

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

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

16 G. Financing of the compact commission.

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

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

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

29 (4) The compact commission shall not incur obligations of any kind prior to  
30 securing the funds adequate to meet the same nor shall the compact commission

1 pledge the credit of any of the member states except by and with the authority of the  
2 member state.

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

10 H. Qualified immunity, defense, and indemnification.

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

23 (2) The compact commission shall defend any member, officer, executive  
24 director, employee, and representative of the compact commission in any civil action  
25 seeking to impose liability arising out of any actual or alleged act, error, or omission  
26 that occurred within the scope of compact commission employment, duties, or  
27 responsibilities, or as determined by the compact commission that the person against  
28 whom the claim is made had a reasonable basis for believing occurred within the  
29 scope of compact commission employment, duties, or responsibilities provided that  
30 nothing herein shall be construed to prohibit that person from retaining their own

1 counsel at their own expense; and provided further, that the actual or alleged act,  
2 error, or omission did not result from that person's intentional or willful or wanton  
3 misconduct.

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

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

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

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

#### 22 SECTION 9. DATA SYSTEM

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

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

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

1           (1) Identifying information.

2           (2) Licensure data.

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

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

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

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

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

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

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

20          F. It is the responsibility of the member states to report any adverse action  
21 against a licensee and to monitor the data system to determine whether any adverse  
22 action has been taken against a licensee. Adverse action information pertaining to  
23 a licensee in any member state is available to any other member state.

24          G. Member states contributing information to the data system may designate  
25 information that may not be shared with the public without the express permission  
26 of the contributing state.

27          H. Any information submitted to the data system that is subsequently  
28 expunged pursuant to federal law or the laws of the member state contributing the  
29 information shall be removed from the data system.



1 hold a public hearing on the proposed rule, the compact commission shall provide  
2 a notice of proposed rulemaking:

3 (1) On the website of the compact commission or other publicly accessible  
4 platform.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8           L. Upon determination that an emergency exists, the compact commission  
9           may consider and adopt an emergency rule with twenty four hours' notice, with  
10           opportunity to comment, provided that the usual rulemaking procedures provided in  
11           this compact and in this Section shall be retroactively applied to the rule as soon as  
12           reasonably possible, in no event later than ninety days after the effective date of the  
13           rule. For the purposes of this provision, an emergency rule is adopted immediately  
14           in order to achieve any of the following:

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

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

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

19                   (4) Protect public health and safety.

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

1           N. No member state's rulemaking requirements shall apply under this  
2           compact.

3           SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

4           A. Oversight.

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

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

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

21           B. Default, technical assistance, and termination.

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

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

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

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

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

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

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

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

27          I. Dispute resolution.

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

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

3           J. Enforcement.

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

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

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

23          SECTION 12. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

24          A.(1) The compact shall come into effect on the date on which this compact  
25          statute is enacted into law in the seventh member state.

26          (2)(a) On or after the effective date of the compact, the compact commission  
27          shall convene and review the enactment of each of the first seven member states,  
28          known as charter member states, to determine if the statute enacted by each such  
29          charter member state is materially different than the model compact statute.

1           **(b) A charter member state whose enactment is found to be materially**  
2           **different from the model compact statute shall be entitled to the default process set**  
3           **forth in Section 11 of this compact.**

4           **(c) If any member state is later found to be in default, or is terminated, or**  
5           **withdraws from the compact, the compact commission shall remain in existence and**  
6           **the compact shall remain in effect even if the number of member states should be**  
7           **less than seven.**

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

12           **(4) All actions taken for the benefit of the compact commission or in**  
13           **furtherance of the purposes of the administration of the compact prior to the effective**  
14           **date of the compact or the compact commission coming into existence are considered**  
15           **actions of the compact commission unless specifically repudiated by the compact**  
16           **commission.**

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

22           **B.(1) Any member state may withdraw from this compact by enacting a**  
23           **statute repealing the same.**

24           **(2) A member state's withdrawal shall not take effect until one hundred and**  
25           **eighty days after enactment of the repealing statute.**

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

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

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

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

#### 14           SECTION 13. CONSTRUCTION AND SEVERABILITY

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

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

28          C. Notwithstanding Section 13(B) of this compact, the compact commission  
29          may deny a state's participation in the compact or, in accordance with the  
30          requirements of Section 11(B) of this compact, terminate a member state's

1 participation in the compact, if it determines that a constitutional requirement of a  
2 member state is a material departure from the compact. Otherwise, if this compact  
3 is held to be contrary to the constitution of any member state, the compact shall  
4 remain in full force and effect as to the remaining member states and in full force  
5 and effect as to the member state affected as to all severable matters.

6 SECTION 14. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE

7 LAWS

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

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

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

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

15 §4.1. Exceptions

16 \* \* \*

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

22 \* \* \*

23 (24) R.S. 37:74, 86, 90, 147, 691, 711.10, 763, 763.1, 781, 920.1, 969.1,  
24 1123(E), 1277, 1278, 1285, 1326, 1338.1, 1360.53.1, 1360.104.1, 1518, 1745.15,  
25 1747, 1806, 2156.1, 2406, 2505.1, 2863.1, 3095.1, 3276.2, 3481, 3507.1

26 \* \* \*

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

## DIGEST

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

HB 399 Reengrossed

2025 Regular Session

Chenevert

**Abstract:** Creates the Dietitian Licensure Compact in Louisiana.

Proposed law adopts the Dietitian Licensure Compact (compact).

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

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

Proposed law provides for definitions.

Proposed law allows states to participate in the compact if they meet certain criteria including all of the following:

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

Proposed law further provides that in order to maintain membership in the compact, a member state shall do all of the following:

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

- (7) Authorize a licensee holding a compact privilege in any member state to practice in accordance with the terms of this compact and rules of the commission.
- (8) Designate a delegate to participate in the commission meetings.

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

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

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

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

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

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

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

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

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

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

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

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

Proposed law provides that if the commission determines that a member state has defaulted in the performance of its obligations or responsibilities in accordance with proposed law or the rules promulgated by the commission, the commission shall provide written notice to the defaulting state.

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

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

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

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

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

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

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

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

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

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

#### Summary of Amendments Adopted by House

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

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

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the engrossed bill:

1. Make technical changes.