
DIGEST

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HB 399 Re-Reengrossed

2025 Regular Session

Chenevert

Abstract: Creates the Dietitian Licensure Compact in Louisiana.

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

Proposed law adds a criminal background check as licensure requirement for a state licensed dietitian or nutritionist.

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. 37:3085(7), 3086(C)(5), and 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.

The House Floor Amendments to the reengrossed bill:

1. Authorize the La. State Bd. of Examiners in Dietetics and Nutrition to obtain criminal background checks.
2. Add a criminal background check as licensure requirement for a state licensed dietitian or nutritionist.