



2023 ASSEMBLY BILL 1153

March 6, 2024 - Introduced by Representatives BROOKS, BODDEN, ANDRACA, JOERS and MURPHY, cosponsored by Senators BALLWEG, FELZKOWSKI, TESTIN and JAMES. Referred to Committee on Regulatory Licensing Reform.

1 **AN ACT to renumber and amend** 448.78; **to amend** 146.81 (1) (em), 146.997 (1)
2 (d) 6., 252.14 (1) (ar) 4m., 253.065 (3), 253.065 (5), 440.03 (9) (a) (intro.), 440.03
3 (9) (a) 2., 440.03 (13) (b) (intro.), 440.15, 446.01 (1v) (f), 446.02 (6m), 448.70
4 (1m), 448.72 (6), 448.74 (1), 448.78 (title), 448.80, 448.82, 448.87 (2) (intro.),
5 448.87 (2) (a), 448.956 (1m) and 450.10 (3) (a) 5m.; **to repeal and recreate**
6 632.895 (1) (b) 5. b.; and **to create** 14.833, 440.03 (11m) (c) 2rm., 440.03 (13) (c)
7 1. gm., 448.70 (1r), 448.70 (1s), 448.78 (1m) (title), 448.78 (1m) (f), 448.78 (2m),
8 (3m) and (4m) and subchapter XIV of chapter 448 [precedes 448.9887] of the
9 statutes; **relating to:** ratification of the Dietitian Licensure Compact.

Analysis by the Legislative Reference Bureau

This bill ratifies and enters Wisconsin into the Dietitian Licensure Compact, which provides for the ability of a dietitian to become eligible to practice in other compact states. Significant provisions of the compact include the following:

1. The creation of a Dietitian Licensure Compact Commission, which includes the primary administrators of the licensure authorities of each member state. The commission has various powers and duties granted in the compact, including establishing bylaws, promulgating rules for the compact, appointing officers and

ASSEMBLY BILL 1153

hiring employees, and establishing and electing an executive committee. The commission may levy on and collect an annual assessment from each member state or impose fees on licensees to whom it grants a compact privilege to cover the cost of the operations and activities of the commission and its staff.

2. The ability for a dietitian to obtain a “compact privilege,” which allows a dietitian to practice dietetics in another compact state (remote state) if the dietitian satisfies certain criteria. The compact specifies a number of requirements in order for a dietitian to exercise a compact privilege, including holding an unencumbered dietitian license in a home state and paying any fees and meeting any jurisprudence requirements that may be imposed by a remote state. A dietitian practicing in a remote state under a compact privilege must adhere to the laws and regulations of that state. A remote state may, in accordance with that state’s laws, take adverse action against a licensee’s compact privilege within that state. If a dietitian’s license is encumbered, the dietitian loses the compact privilege in all remote states until certain criteria are satisfied. If a dietitian’s compact privilege in any remote state is removed, the dietitian may lose the compact privilege in all other remote states until certain criteria are satisfied.

3. The ability of member states to issue subpoenas that are enforceable in other states.

4. The creation of a coordinated data system containing licensure and disciplinary action information on dietitians. The compact requires member states to report adverse actions against licensees and to monitor the data system to determine whether adverse actions have been taken against licensees. A member state must submit a uniform data set to the data system on all individuals to whom the compact is applicable as required by the rules of the commission.

5. Provisions regarding resolutions of disputes between member states and between member and nonmember states, including a process for termination of a state’s membership in the compact if the state defaults on its obligations under the compact.

The compact becomes effective in this state upon its enactment in seven states. The compact provides that it may be amended upon enactment of an amendment by all member states. A state may withdraw from the compact by repealing the statute authorizing the compact, but the compact provides that a withdrawal does not take effect until 180 days after the effective date of that repeal.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 14.833 of the statutes is created to read:

2 **14.833 Dietitian licensure compact.** There is created a dietitian licensure
3 compact commission as specified in s. 448.9887. The delegate on the commission

ASSEMBLY BILL 1153

1 representing this state shall be appointed by the dietitian affiliated credentialing
2 board as provided in s. 448.9887 (8) (b) 1. and shall be an individual described in s.
3 448.9887 (8) (b) 2. The commission has the powers and duties granted and imposed
4 under s. 448.9887.

5 **SECTION 2.** 146.81 (1) (em) of the statutes is amended to read:

6 146.81 (1) (em) A dietitian who is certified under subch. V of ch. 448 or who
7 holds a compact privilege under subch. XIV of ch. 448.

8 **SECTION 3.** 146.997 (1) (d) 6. of the statutes is amended to read:

9 146.997 (1) (d) 6. A dietitian who is certified under subch. V of ch. 448 or who
10 holds a compact privilege under subch. XIV of ch. 448.

11 **SECTION 4.** 252.14 (1) (ar) 4m. of the statutes is amended to read:

12 252.14 (1) (ar) 4m. A dietitian who is certified under subch. V of ch. 448 or who
13 holds a compact privilege under subch. XIV of ch. 448.

14 **SECTION 5.** 253.065 (3) of the statutes is amended to read:

15 253.065 (3) Unless the department grants an exception, in order to be eligible
16 for the internship program under sub. (1), an applicant must, at the time of his or her
17 selection, be employed as a nutritionist for the supplemental food program for
18 women, infants, and children under s. 253.06 by either the department or a local
19 agency and have met the educational requirements under s. 448.78 (3) (1m) (c).

20 **SECTION 6.** 253.065 (5) of the statutes is amended to read:

21 253.065 (5) The department shall issue to each individual who successfully
22 completes the dietetic internship program under this section a certificate of
23 completion that the individual may submit as verification of the completion of more
24 than 900 hours of qualifying dietetics practice under s. 448.78 (4) (1m) (d). The

ASSEMBLY BILL 1153**SECTION 6**

1 dietitians affiliated credentialing board shall accept certificates of completion issued
2 under this subsection as satisfactory evidence under s. 448.78 (4) (1m) (d).

3 **SECTION 7.** 440.03 (9) (a) (intro.) of the statutes, as affected by 2023 Wisconsin
4 Act 88, is amended to read:

5 440.03 (9) (a) (intro.) Subject to pars. (b) and (c) and s. 458.33 (2) (b) and (5),
6 the department shall, biennially, determine each fee for an initial credential for
7 which no examination is required, for a reciprocal credential, and for a credential
8 renewal and any fees imposed under ss. 447.51 (2), 448.986 (2), 448.9875 (2),
9 448.9885 (2), 448.9888 (2), 457.51 (2), and 459.71 (2) by doing all of the following:

10 **SECTION 8.** 440.03 (9) (a) 2. of the statutes, as affected by 2023 Wisconsin Act
11 88, is amended to read:

12 440.03 (9) (a) 2. Not later than January 31 of each odd-numbered year,
13 adjusting for the succeeding fiscal biennium each fee for an initial credential for
14 which an examination is not required, for a reciprocal credential, and, subject to s.
15 440.08 (2) (a), for a credential renewal, and any fees imposed under ss. 447.51 (2),
16 448.986 (2), 448.9875 (2), 448.9885 (2), 448.9888 (2), 457.51 (2), and 459.71 (2), if an
17 adjustment is necessary to reflect the approximate administrative and enforcement
18 costs of the department that are attributable to the regulation of the particular
19 occupation or business during the period in which the initial or reciprocal credential,
20 credential renewal, or compact privilege is in effect and, for purposes of each fee for
21 a credential renewal, to reflect an estimate of any additional moneys available for the
22 department's general program operations as a result of appropriation transfers that
23 have been or are estimated to be made under s. 20.165 (1) (i) during the fiscal
24 biennium in progress at the time of the deadline for an adjustment under this

ASSEMBLY BILL 1153

1 subdivision or during the fiscal biennium beginning on the July 1 immediately
2 following the deadline for an adjustment under this subdivision.

3 **SECTION 9.** 440.03 (11m) (c) 2rm. of the statutes is created to read:

4 440.03 **(11m)** (c) 2rm. The coordinated data system under s. 448.9887 (9), if
5 such disclosure is required under the dietitian licensure compact under s. 448.9887.

6 **SECTION 10.** 440.03 (13) (b) (intro.) of the statutes, as affected by 2023
7 Wisconsin Act 88, is amended to read:

8 440.03 **(13)** (b) (intro.) The department may investigate whether an applicant
9 for or holder of any of the following credentials has been charged with or convicted
10 of a crime only pursuant to rules promulgated by the department under this
11 paragraph, including rules that establish the criteria that the department will use
12 to determine whether an investigation under this paragraph is necessary, except as
13 provided in par. (c) and ss. 441.51 (5) (a) 5., 447.50 (3) (a) 5., 448.980 (5) (b) 3., 448.985
14 (3) (a) 4., 448.987 (3) (a) 5. a. and (5) (b) 2. a., 448.988 (3) (a) 5., 448.9887 (3) (b) 3. and
15 (5) (b) 2. a., 455.50 (3) (e) 4. and (f) 4., 457.50 (3) (b) 3. and (5) (b) 2. a., and 459.70 (3)
16 (b) 2.:

17 **SECTION 11.** 440.03 (13) (c) 1. gm. of the statutes is created to read:

18 440.03 **(13)** (c) 1. gm. An applicant for a dietitian compact privilege under s.
19 448.9887 (4) and an applicant for a dietitian certificate described in s. 448.9887 (5)
20 (b) 2. a.

21 **SECTION 12.** 440.15 of the statutes, as affected by 2023 Wisconsin Act 88, is
22 amended to read:

23 **440.15 No fingerprinting.** Except as provided under ss. 440.03 (13) (c),
24 441.51 (5) (a) 5., 447.50 (3) (a) 5., 448.980 (5) (b) 3., 448.985 (3) (a) 4., 448.987 (3) (a)
25 5. a. and (5) (b) 2. a., 448.988 (3) (a) 5., 448.9887 (3) (b) 3. and (5) (b) 2. a., 450.071

ASSEMBLY BILL 1153**SECTION 12**

1 (3) (c) 9., 450.075 (3) (c) 9., 455.50 (3) (e) 4. and (f) 4., 457.50 (3) (b) 3. and (5) (b) 2.
2 a., and 459.70 (3) (b) 1., the department or a credentialing board may not require that
3 an applicant for a credential or a credential holder be fingerprinted or submit
4 fingerprints in connection with the department's or the credentialing board's
5 credentialing.

6 **SECTION 13.** 446.01 (1v) (f) of the statutes is amended to read:

7 446.01 (1v) (f) Dietitians affiliated credentialing board under subch. V of ch.
8 448. “Health care professional” also includes an individual who holds a compact
9 privilege under subch. XIV of ch. 448.

10 **SECTION 14.** 446.02 (6m) of the statutes is amended to read:

11 446.02 (6m) No chiropractor may provide counsel, direction, guidance, advice,
12 or a recommendation to a patient regarding the health effects of vitamins, herbs, or
13 nutritional supplements unless the chiropractor has been issued a certificate under
14 sub. (2) (c) 1. This subsection does not apply to a chiropractor licensed under this
15 chapter who is a certified as a dietitian under subch. V of ch. 448, as defined in s.
16 448.70 (1m).

17 **SECTION 15.** 448.70 (1m) of the statutes is amended to read:

18 448.70 (1m) “Certified dietitian” means an individual who is certified as a
19 dietitian under this subchapter or who holds a compact privilege.

20 **SECTION 16.** 448.70 (1r) of the statutes is created to read:

21 448.70 (1r) “Compact” means the dietitian licensure compact under s.
22 448.9887.

23 **SECTION 17.** 448.70 (1s) of the statutes is created to read:

ASSEMBLY BILL 1153

1 448.70 (1s) “Compact privilege” means a compact privilege, as defined in s.
2 448.9887 (2) (i), that is granted under the compact to an individual to practice in this
3 state.

4 **SECTION 18.** 448.72 (6) of the statutes is amended to read:

5 448.72 (6) Prohibit an individual from using the title “~~dietitian~~”, “dietitian,”
6 “licensed dietitian,” or “certified dietitian” if the person is licensed or certified as a
7 dietitian under the laws of another state which has licensure or certification
8 requirements that the affiliated credentialing board determines to be substantially
9 equivalent to the requirements under s. 448.78 (1m).

10 **SECTION 19.** 448.74 (1) of the statutes is amended to read:

11 448.74 (1) Establish criteria for the approval of educational programs and
12 training under s. 448.78 (3) ~~and (4)~~ (1m) (c) and (d).

13 **SECTION 20.** 448.78 (title) of the statutes is amended to read:

14 **448.78 (title) Certification of dietitians; compact privileges.**

15 **SECTION 21.** 448.78 of the statutes is renumbered 448.78 (1m), and 448.78 (1m)
16 (c) 2. and (d) 3. b., as renumbered, are amended to read:

17 448.78 (1m) (c) 2. Received a bachelor’s, master’s or doctoral degree in human
18 nutrition, nutrition education, food and nutrition, dietetics or food systems
19 management from a program at a college or university that is not located in a state
20 or territory of the United States if the affiliated credentialing board determines that
21 the program is substantially equivalent to a program under ~~par. (a)~~ subd. 1.

22 (d) 3. b. A program at a college or university that is not located in a state or
23 territory of the United States if the affiliated credentialing board determines that the
24 program is substantially equivalent to a program under subd. 1. ~~3.~~ a.

25 **SECTION 22.** 448.78 (1m) (title) of the statutes is created to read:

ASSEMBLY BILL 1153**SECTION 22**

1 448.78 **(1m)** (title) CERTIFICATE.

2 **SECTION 23.** 448.78 (1m) (f) of the statutes is created to read:

3 448.78 **(1m)** (f) Subject to ss. 111.321, 111.322, and 111.335, submits evidence
4 satisfactory to the affiliated credentialing board that he or she does not have a
5 conviction record.

6 **SECTION 24.** 448.78 (2m), (3m) and (4m) of the statutes are created to read:

7 448.78 **(2m)** LICENSE BASED ON COMPACT PRIVILEGE. The affiliated credentialing
8 board shall grant a certificate as a dietitian to any individual who does all of the
9 following:

10 (a) Submits an application for the certificate to the department on a form
11 provided by the department.

12 (b) Pays the fee specified in s. 440.05 (1).

13 (c) Submits evidence satisfactory to the affiliated credentialing board that he
14 or she holds a home state license in another state that is a party to the compact, has
15 changed his or her primary state of residence to this state, and satisfies all other
16 requirements under s. 448.9887 (5).

17 (d) Subject to ss. 111.321, 111.322, and 111.335, submits evidence satisfactory
18 to the affiliated credentialing board that he or she does not have a conviction record.

19 **(3m)** COMPACT PRIVILEGE. The affiliated credentialing board shall grant a
20 compact privilege to an individual who does all of the following:

21 (a) Submits an application for the compact privilege to the department on a
22 form provided by the department.

23 (b) Submits evidence satisfactory to the affiliated credentialing board that he
24 or she holds an unencumbered home state license in another state that is a party to
25 the compact and satisfies all other requirements under s. 448.9887 (4).

ASSEMBLY BILL 1153

1 (c) Pays any fee established by the department under s. 448.9888 (2).

2 **(4m)** TYPES OF CERTIFICATE. A certificate as a dietitian granted under sub. (1m)
3 may be either of the following:

4 (a) A certificate that, subject to s. 448.9887 (4), entitles the holder to obtain and
5 exercise a compact privilege in other states that are parties to the compact.

6 (b) A single-state certificate, which entitles the holder to practice only in this
7 state. Nothing in the compact applies to the holder of a single-state certificate unless
8 otherwise applicable under this subchapter.

9 **SECTION 25.** 448.80 of the statutes is amended to read:

10 **448.80 Temporary certificate.** Upon application and payment of the fee
11 specified in s. 440.05 (6), the affiliated credentialing board may grant a temporary
12 dietitian certificate to an individual who satisfies the requirements under s. 448.78
13 ~~(1) to (4)~~ (1m) (a) to (d) and has submitted an application to take the next available
14 examination under s. 448.84. A temporary certificate granted under this section is
15 valid for a period designated by the affiliated credentialing board, not to exceed 9
16 months, and may be renewed once by the affiliated credentialing board.

17 **SECTION 26.** 448.82 of the statutes is amended to read:

18 **448.82 Reciprocal certificate.** Upon application and payment of the fee
19 specified in s. 440.05 (2), the affiliated credentialing board shall grant a dietitian
20 certificate to an individual who holds a similar certificate or license in another state
21 or territory of the United States if the affiliated credentialing board determines that
22 the requirements for receiving the certificate in the other state or territory are
23 substantially equivalent to the requirements under s. 448.78 (1m).

24 **SECTION 27.** 448.87 (2) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 1153**SECTION 27**

1 448.87 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the
2 affiliated credentialing board may reprimand a certified dietitian or deny, limit,
3 suspend or revoke a certificate granted under this subchapter or a compact privilege
4 if it finds that the applicant or certified dietitian has done any of the following:

5 **SECTION 28.** 448.87 (2) (a) of the statutes is amended to read:

6 448.87 (2) (a) Made a material misstatement in an application for a certificate
7 or a compact privilege or for renewal of a certificate.

8 **SECTION 29.** 448.956 (1m) of the statutes, as affected by 2021 Wisconsin Act
9 251, is amended to read:

10 448.956 (1m) Subject to sub. (1) (a), a licensee may provide athletic training
11 to an individual without a referral, except that a licensee may not provide athletic
12 training as described under s. 448.95 (5) (d) or (e) in an outpatient rehabilitation
13 setting unless the licensee has obtained a written referral for the individual from a
14 practitioner licensed or certified under subch. II, III, IV, V, or VII of this chapter;
15 under ch. 446; or under s. 441.16 (2) or from a practitioner who holds a compact
16 privilege under subch. XI ~~or~~, XII, or XIV of ch. 448.

17 **SECTION 30.** Subchapter XIV of chapter 448 [precedes 448.9887] of the statutes
18 is created to read:

19 **CHAPTER 448**

20 **SUBCHAPTER XIV**

21 **DIETITIAN LICENSURE COMPACT**

22 **448.9887 Dietitian licensure compact. (1) PURPOSE.** The purpose of this
23 compact is to facilitate interstate practice of dietetics with the goal of improving
24 public access to dietetics services. This compact preserves the regulatory authority
25 of states to protect public health and safety through the current system of state

ASSEMBLY BILL 1153

1 licensure, while also providing for licensure portability through a compact privilege
2 granted to qualifying professionals. This compact is designed to achieve the
3 following objectives:

4 (a) Increase public access to dietetics services;

5 (b) Provide opportunities for interstate practice by licensed dietitians who meet
6 uniform requirements;

7 (c) Eliminate the necessity for licenses in multiple states;

8 (d) Reduce administrative burden on member states and licensees;

9 (e) Enhance the states' ability to protect the public's health and safety;

10 (f) Encourage the cooperation of member states in regulating multistate
11 practice of licensed dietitians;

12 (g) Support relocating active military members and their spouses;

13 (h) Enhance the exchange of licensure, investigative, and disciplinary
14 information among member states; and

15 (i) Vest all member states with the authority to hold a licensed dietitian
16 accountable for meeting all state practice laws in the state in which the patient is
17 located at the time care is rendered.

18 **(2) DEFINITIONS.** As used in this compact, and except as otherwise provided, the
19 following definitions shall apply:

20 (a) "ACEND" means the Accreditation Council for Education in Nutrition and
21 Dietetics or its successor organization.

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

ASSEMBLY BILL 1153**SECTION 30**

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

8 (d) "Alternative program" means a nondisciplinary monitoring or practice
9 remediation process approved by a licensing authority.

10 (e) "Charter member state" means any member state which enacted this
11 compact by law before the effective date specified in sub. (12).

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

15 (g) "CDR" means the Commission on Dietetic Registration or its successor
16 organization.

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

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

23 (j) "Current significant investigative information" means:

24 1. Investigative information that a licensing authority, after a preliminary
25 inquiry that includes notification and an opportunity for the subject licensee to

ASSEMBLY BILL 1153

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

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

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 1153**SECTION 30**

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

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

6 (t) “Licensing authority” means the board or agency of a state, or equivalent,
7 that is responsible for the licensing and regulation of the practice of dietetics.

8 (u) “Member state” means a state that has enacted the compact.

9 (v) “Practice of dietetics” means the synthesis and application of dietetics,
10 primarily for the provision of nutrition care services, including medical nutrition
11 therapy, in person or via telehealth, to prevent, manage, or treat diseases or medical
12 conditions and promote wellness.

13 (w) “Registered dietitian” means a person who:

14 1. Has completed applicable education, experience, examination, and
15 recertification requirements approved by CDR;

16 2. Is credentialed by CDR as a registered dietitian or a registered dietitian
17 nutritionist; and

18 3. Is legally authorized to use the title registered dietitian or registered
19 dietitian nutritionist and the corresponding abbreviations “RD” or “RDN.”

20 (x) “Remote state” means a member state other than the home state, where a
21 licensee is exercising or seeking to exercise a compact privilege.

22 (y) “Rule” means a regulation promulgated by the compact commission that has
23 the force of law.

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

ASSEMBLY BILL 1153

1 (za) “State” means any state, commonwealth, district, or territory of the United
2 States.

3 (zb) “Unencumbered license” means a license that authorizes a licensee to
4 engage in the full and unrestricted practice of dietetics.

5 **(3) STATE PARTICIPATION IN THE COMPACT.** (a) To participate in the compact, a
6 state must currently:

- 7 1. License and regulate the practice of dietetics; and
8 2. Have a mechanism in place for receiving and investigating complaints about
9 licensees.

10 (b) A member state shall:

11 1. Participate fully in the compact commission’s data system, including using
12 the unique identifier, as defined in rules;

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

16 3. Implement or utilize procedures for considering the criminal history record
17 information of applicants for an initial compact privilege. These procedures shall
18 include the submission of fingerprints or other biometric-based information by
19 applicants for the purpose of obtaining an applicant’s criminal history record
20 information from the federal bureau of investigation and the agency responsible for
21 retaining that state’s criminal records;

22 a. A member state must fully implement a criminal history record information
23 requirement, within a time frame established by rule, which includes receiving the
24 results of the federal bureau of investigation record search and shall use those
25 results in determining compact privilege eligibility.

ASSEMBLY BILL 1153**SECTION 30**

1 b. Communication between a member state and the compact commission or
2 among member states regarding the verification of eligibility for a compact privilege
3 shall not include any information received from the federal bureau of investigation
4 relating to a federal criminal history record information check performed by a
5 member state.

6 4. Comply with and enforce the rules of the compact commission;

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

10 6. Recognize a compact privilege granted to a licensee who meets all of the
11 requirements outlined in sub. (4) in accordance with the terms of the compact and
12 rules.

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

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

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

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

24 **(4) COMPACT PRIVILEGE.** (a) To exercise the compact privilege under the terms
25 and provisions of the compact, the licensee shall:

ASSEMBLY BILL 1153

- 1 1. Satisfy one of the following:
- 2 a. Hold a valid current registration that gives the applicant the right to use the
- 3 term registered dietitian; or
- 4 b. Complete all of the following:
- 5 i. An education program which is either:
- 6 a) A master's degree or doctoral degree that is programmatically accredited by
- 7 (i) ACEND; or (ii) a dietetics accrediting agency recognized by the U.S. department
- 8 of education, which the compact commission may by rule determine, and from a
- 9 college or university accredited at the time of graduation by the appropriate regional
- 10 accrediting agency recognized by the Council on Higher Education Accreditation and
- 11 the U.S. department of education.
- 12 b) An academic degree from a college or university in a foreign country
- 13 equivalent to the degree described in subparagraph (a) that is programmatically
- 14 accredited by (i) ACEND; or (ii) a dietetics accrediting agency recognized by the U.S.
- 15 department of education, which the compact commission may by rule determine.
- 16 ii. A planned, documented, supervised practice experience in dietetics that is
- 17 programmatically accredited by (i) ACEND, or (ii) a dietetics accrediting agency
- 18 recognized by the U.S. department of education which the compact commission may
- 19 by rule determine and which involves at least 1,000 hours of practice experience
- 20 under the supervision of a registered dietitian or a licensed dietitian.
- 21 iii. Successful completion of either: (i) the registration examination for
- 22 dietitians administered by CDR, or (ii) a national credentialing examination for
- 23 dietitians approved by the compact commission by rule; such completion being no
- 24 more than 5 years prior to the date of the licensee's application for initial licensure

ASSEMBLY BILL 1153**SECTION 30**

1 and accompanied by a period of continuous licensure thereafter, all of which may be
2 further governed by the rules of the compact commission.

3 2. Hold an unencumbered license in the home state;

4 3. Notify the compact commission that the licensee is seeking a compact
5 privilege within a remote state;

6 4. Pay any applicable fees, including any state fee, for the compact privilege;

7 5. Meet any jurisprudence requirements established by the remote state in
8 which the licensee is seeking a compact privilege; and

9 6. Report to the compact commission any adverse action, encumbrance, or
10 restriction on a license taken by any nonmember state within 30 days from the date
11 the action is taken.

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

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

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

ASSEMBLY BILL 1153

1 **(5) OBTAINING A NEW HOME STATE LICENSE BASED ON A COMPACT PRIVILEGE.** (a) A
2 licensee may hold a home state license, which allows for a compact privilege in other
3 member states, in only one member state at a time.

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

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

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

12 a. Federal bureau of investigation fingerprint based criminal history record
13 information check;

14 b. Any other criminal history record information required by the new home
15 state; and

16 c. Any jurisprudence requirements of the new home state.

17 3. The former home state shall convert the former home state license into a
18 compact privilege once the new home state has activated the new home state license
19 in accordance with applicable rules adopted by the compact commission.

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

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

ASSEMBLY BILL 1153**SECTION 30**

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

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

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

9 **(6) ACTIVE MILITARY MEMBERS OR THEIR SPOUSES.** An active military member, or
10 their spouse, shall designate a home state where the individual has a current license
11 in good standing. The individual may retain the home state designation during the
12 period the service member is on active duty.

13 **(7) ADVERSE ACTIONS.** (a) In addition to the other powers conferred by state law,
14 a remote state shall have the authority, in accordance with existing state due process
15 law, to:

16 1. Take adverse action against a licensee's compact privilege within that
17 member state; and

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

ASSEMBLY BILL 1153

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

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

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

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

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

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

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

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

ASSEMBLY BILL 1153**SECTION 30**

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

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

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

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

17 **(8) ESTABLISHMENT OF THE DIETITIAN LICENSURE COMPACT COMMISSION.** (a) The
18 compact member states hereby create and establish a joint government agency
19 whose membership consists of all member states that have enacted the compact
20 known as the dietitian licensure compact commission. The compact commission is
21 an instrumentality of the compact states acting jointly and not an instrumentality
22 of any one state. The compact commission shall come into existence on or after the
23 effective date of the compact as set forth in sub. (12).

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

ASSEMBLY BILL 1153

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

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

5 4. The compact commission may recommend removal or suspension of any
6 delegate from office.

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

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

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

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

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

19 1. Establish the fiscal year of the compact commission;

20 2. Establish code of conduct and conflict of interest policies;

21 3. Establish and amend rules and bylaws;

22 4. Maintain its financial records in accordance with the bylaws;

23 5. Meet and take such actions as are consistent with the provisions of this
24 compact, the compact commission's rules, and the bylaws;

ASSEMBLY BILL 1153**SECTION 30**

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

4 7. Maintain and certify records and information provided to a member state as
5 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 duties,
12 grant such individuals appropriate authority to carry out the purposes of the
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 sources
18 of revenue, equipment, supplies, materials, services, and gifts, and receive, utilize,
19 and dispose of the same; provided that at all times the compact commission shall
20 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;

ASSEMBLY BILL 1153

1 17. Borrow money;

2 18. Appoint committees, including standing committees, composed of
3 members, state regulators, state legislators or their representatives, and consumer
4 representatives, and such other interested persons as may be designated in this
5 compact or the bylaws;

6 19. Provide and receive information from, and cooperate with, law enforcement
7 agencies;

8 20. Establish and elect an executive committee, including a chair and a vice
9 chair;

10 21. Determine whether a state's adopted language is materially different from
11 the model compact language such that the state would not qualify for participation
12 in the compact; and

13 22. Perform such other functions as may be necessary or appropriate to achieve
14 the purposes of this compact.

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

18 a. Oversee the day-to-day activities of the administration of the compact
19 including enforcement and compliance with the provisions of the compact, its rules
20 and bylaws, and other such duties as deemed necessary;

21 b. Recommend to the compact commission changes to the rules or bylaws,
22 changes to this compact legislation, fees charged to compact member states, fees
23 charged to licensees, and other fees;

24 c. Ensure compact administration services are appropriately provided,
25 including by contract;

ASSEMBLY BILL 1153**SECTION 30**

- 1 d. Prepare and recommend the budget;
- 2 e. Maintain financial records on behalf of the compact commission;
- 3 f. Monitor compact compliance of member states and provide compliance
- 4 reports to the compact commission;
- 5 g. Establish additional committees as necessary;
- 6 h. Exercise the powers and duties of the compact commission during the
- 7 interim between compact commission meetings, except for adopting or amending
- 8 rules, adopting or amending bylaws, and exercising any other powers and duties
- 9 expressly reserved to the compact commission by rule or bylaw; and
- 10 i. Other duties as provided in the rules or bylaws of the compact commission.
- 11 2. The executive committee shall be composed of nine members:
- 12 a. The chair and vice chair of the compact commission shall be voting members
- 13 of the executive committee;
- 14 b. Five voting members from the current membership of the compact
- 15 commission, elected by the compact commission;
- 16 c. One ex officio, nonvoting member from a recognized professional association
- 17 representing dietitians; and
- 18 d. One ex officio, nonvoting member from a recognized national credentialing
- 19 organization for dietitians.
- 20 3. The compact commission may remove any member of the executive
- 21 committee as provided in the compact commission's bylaws.
- 22 4. The executive committee shall meet at least annually.
- 23 a. Executive committee meetings shall be open to the public, except that the
- 24 executive committee may meet in a closed, nonpublic meeting as provided in par. (f)
- 25 2.

ASSEMBLY BILL 1153

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

4 c. The executive committee may hold a special meeting in accordance with par.
5 (f) 1. b.

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

8 (f) *Meetings of the compact commission.* 1. All meetings shall be open to the
9 public, except that the compact commission may meet in a closed, nonpublic meeting
10 as provided in subd. 2.

11 a. Public notice for all meetings of the full compact commission shall be given
12 in the same manner as required under the rule-making provisions in sub. (10),
13 except that the compact commission may hold a special meeting as provided in subd.
14 1. b.

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

20 2. The compact commission or the executive committee or other committees of
21 the compact commission may convene in a closed, nonpublic meeting for the compact
22 commission or executive committee or other committees of the compact commission
23 to receive legal advice or to discuss:

24 a. Noncompliance of a member state with its obligations under the compact;

ASSEMBLY BILL 1153**SECTION 30**

1 b. The employment, compensation, discipline, or other matters, practices, or
2 procedures related to specific employees;

3 c. Current or threatened discipline of a licensee by the compact commission or
4 by a member state's licensing authority;

5 d. Current, threatened, or reasonably anticipated litigation;

6 e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or
7 real estate;

8 f. Accusing any person of a crime or formally censuring any person;

9 g. Trade secrets or commercial or financial information that is privileged or
10 confidential;

11 h. Information of a personal nature where disclosure would constitute a clearly
12 unwarranted invasion of personal privacy;

13 i. Investigative records compiled for law enforcement purposes;

14 j. Information related to any investigative reports prepared by or on behalf of
15 or for use of the compact commission or other committee charged with responsibility
16 of investigation or determination of compliance issues pursuant to the compact;

17 k. Matters specifically exempted from disclosure by federal or member state
18 law; or

19 L. Other matters as specified in the rules of the compact commission.

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

23 4. The compact commission shall keep minutes that fully and clearly describe
24 all matters discussed in a meeting and shall provide a full and accurate summary of
25 actions taken, and the reasons therefore, including a description of the views

ASSEMBLY BILL 1153

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

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

8 2. The compact commission may accept any and all appropriate revenue
9 sources as provided in par. (c) 13.

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

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

22 5. The compact commission shall keep accurate accounts of all receipts and
23 disbursements. The receipts and disbursements of the compact commission shall be
24 subject to the financial review and accounting procedures established under its
25 bylaws. However, all receipts and disbursements of funds handled by the compact

ASSEMBLY BILL 1153**SECTION 30**

1 commission shall be subject to an annual financial review by a certified or licensed
2 public accountant, and the report of the financial review shall be included in and
3 become part of the annual report of the compact commission.

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

16 2. The compact commission shall defend any member, officer, executive
17 director, employee, and representative of the compact commission in any civil action
18 seeking to impose liability arising out of any actual or alleged act, error, or omission
19 that occurred within the scope of compact commission employment, duties, or
20 responsibilities, or as determined by the compact commission that the person
21 against whom the claim is made had a reasonable basis for believing occurred within
22 the scope of compact commission employment, duties, or responsibilities; provided
23 that nothing herein shall be construed to prohibit that person from retaining their
24 own counsel at their own expense; and provided further, that the actual or alleged

ASSEMBLY BILL 1153

1 act, error, or omission did not result from that person's intentional or willful or
2 wanton misconduct.

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

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

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

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

21 **(9) DATA SYSTEM.** (a) The compact commission shall provide for the
22 development, maintenance, operation, and utilization of a coordinated data system.

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

ASSEMBLY BILL 1153**SECTION 30**

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

5 1. Identifying information;

6 2. Licensure data;

7 3. Adverse actions against a license or compact privilege and information
8 related thereto;

9 4. Nonconfidential information related to alternative program participation,
10 the beginning and ending dates of such participation, and other information related
11 to such participation not made confidential under member state law;

12 5. Any denial of application for licensure, and the reason for such denial;

13 6. The presence of current significant investigative information; and

14 7. Other information that may facilitate the administration of this compact or
15 the protection of the public, as determined by the rules of the compact commission.

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

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

23 (f) It is the responsibility of the member states to report any adverse action
24 against a licensee and to monitor the data system to determine whether any adverse

ASSEMBLY BILL 1153

1 action has been taken against a licensee. Adverse action information pertaining to
2 a licensee in any member state will be available to any other member state.

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

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

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

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

23 (c) The compact commission shall exercise its rule-making powers pursuant
24 to the criteria set forth in this subsection and the rules adopted thereunder. Rules

ASSEMBLY BILL 1153**SECTION 30**

1 shall become binding on the day following adoption or as of the date specified in the
2 rule or amendment, whichever is later.

3 (d) If a majority of the legislatures of the member states rejects a rule or portion
4 of a rule, by enactment of a statute or resolution in the same manner used to adopt
5 the compact within 4 years of the date of adoption of the rule, then such rule shall
6 have no further force and effect in any member state.

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

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

12 (g) Prior to adoption of a proposed rule by the compact commission, and at least
13 30 days in advance of the meeting at which the compact commission will hold a public
14 hearing on the proposed rule, the compact commission shall provide a notice of
15 proposed rule making:

16 1. On the website of the compact commission or other publicly accessible
17 platform;

18 2. To persons who have requested notice of the compact commission's notices
19 of proposed rule making; and

20 3. In such other way as the compact commission may by rule specify.

21 (h) The notice of proposed rule making shall include:

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

ASSEMBLY BILL 1153

1 2. If the hearing is held via telecommunication, video conference, or other
2 means of communication, the compact commission shall include the mechanism for
3 access to the hearing in the notice of proposed rule making;

4 3. The text of the proposed rule and the reason therefore;

5 4. A request for comments on the proposed rule from any interested person; and

6 5. The manner in which interested persons may submit written comments.

7 (i) All hearings will be recorded. A copy of the recording and all written
8 comments and documents received by the compact commission in response to the
9 proposed rule shall be available to the public.

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

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

16 1. The compact commission may adopt changes to the proposed rule provided
17 the changes do not enlarge the original purpose of the proposed rule.

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

21 3. The compact commission shall determine a reasonable effective date for the
22 rule. Except for an emergency as provided in par. (L), the effective date of the rule
23 shall be no sooner than 30 days after issuing the notice that it adopted or amended
24 the rule.

ASSEMBLY BILL 1153**SECTION 30**

1 (L) Upon determination that an emergency exists, the compact commission
2 may consider and adopt an emergency rule with 24 hours' notice, with opportunity
3 to comment, provided that the usual rule-making procedures provided in the
4 compact and in this subsection shall be retroactively applied to the rule as soon as
5 reasonably possible, in no event later than 90 days after the effective date of the rule.
6 For the purposes of this provision, an emergency rule is one that must be adopted
7 immediately in order to:

- 8 1. Meet an imminent threat to public health, safety, or welfare;
- 9 2. Prevent a loss of compact commission or member state funds;
- 10 3. Meet a deadline for the promulgation of a rule that is established by federal
11 law or rule; or
- 12 4. Protect public health and safety.

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

24 (n) No member state's rule-making requirements shall apply under this
25 compact.

ASSEMBLY BILL 1153

1 **(11) OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.** (a) *Oversight.* 1. The
2 executive and judicial branches of state government in each member state shall
3 enforce this compact and take all actions necessary and appropriate to implement
4 this compact.

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

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

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

ASSEMBLY BILL 1153**SECTION 30**

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

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

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

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

17 (f) Upon the termination of a state's membership from this compact, that state
18 shall immediately provide notice to all licensees within that state of such
19 termination. The terminated state shall continue to recognize all compact privileges
20 granted pursuant to this compact for a minimum of 6 months after the date of said
21 notice of termination.

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

ASSEMBLY BILL 1153

1 (h) The defaulting state may appeal the action of the compact commission by
2 petitioning the U.S. District Court for the District of Columbia or the federal district
3 where the compact commission has its principal offices. The prevailing party shall
4 be awarded all costs of such litigation, including reasonable attorney's fees.

5 (i) *Dispute resolution.* 1. Upon request by a member state, the compact
6 commission shall attempt to resolve disputes related to the compact that arise among
7 member states and between member and nonmember states.

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

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

20 2. A member state may initiate legal action against the compact commission
21 in the U.S. District Court for the District of Columbia or the federal district where
22 the compact commission has its principal offices to enforce compliance with the
23 provisions of the compact and its promulgated rules. The relief sought may include
24 both injunctive relief and damages. In the event judicial enforcement is necessary,

ASSEMBLY BILL 1153**SECTION 30**

1 the prevailing party shall be awarded all costs of such litigation, including
2 reasonable attorney's fees.

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

5 **(12) EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT.** (a) The compact shall come
6 into effect on the date on which the compact statute is enacted into law in the 7th
7 member state.

8 1. On or after the effective date of the compact, the compact commission shall
9 convene and review the enactment of each of the first 7 member states ("charter
10 member states") to determine if the statute enacted by each such charter member
11 state is materially different than the model compact statute.

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

15 b. If any member state is later found to be in default, or is terminated, or
16 withdraws from the compact, the compact commission shall remain in existence and
17 the compact shall remain in effect even if the number of member states should be less
18 than 7.

19 2. Member states enacting the compact subsequent to the 7 initial charter
20 member states shall be subject to the process set forth in sub. (8) (c) 21. to determine
21 if their enactments are materially different from the model compact statute and
22 whether they qualify for participation in the compact.

23 3. All actions taken for the benefit of the compact commission or in furtherance
24 of the purposes of the administration of the compact prior to the effective date of the
25 compact or the compact commission coming into existence shall be considered to be

ASSEMBLY BILL 1153

1 actions of the compact commission unless specifically repudiated by the compact
2 commission.

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

8 (b) Any member state may withdraw from this compact by enacting a statute
9 repealing the same.

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

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

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

21 (c) Nothing contained in this compact shall be construed to invalidate or
22 prevent any licensure agreement or other cooperative arrangement between a
23 member state and a nonmember state that does not conflict with the provisions of
24 this compact.

ASSEMBLY BILL 1153**SECTION 30**

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

4 **(13) CONSTRUCTION AND SEVERABILITY.** (a) This compact and the compact
5 commission's rule-making authority shall be liberally construed so as to effectuate
6 the purposes and the implementation and administration of the compact. Provisions
7 of the compact expressly authorizing or requiring the promulgation of rules shall not
8 be construed to limit the compact commission's rule-making authority solely for
9 those purposes.

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

18 (c) Notwithstanding par. (b), the compact commission may deny a state's
19 participation in the compact or, in accordance with the requirements of sub. (11) (b),
20 terminate a member state's participation in the compact, if it determines that a
21 constitutional requirement of a member state is a material departure from the
22 compact. Otherwise, if this compact shall be held to be contrary to the constitution
23 of any member state, the compact shall remain in full force and effect as to the
24 remaining member states and in full force and effect as to the member state affected
25 as to all severable matters.

ASSEMBLY BILL 1153

1 **(14)** CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS. (a) Nothing
2 herein shall prevent or inhibit the enforcement of any other law of a member state
3 that is not inconsistent with the compact.

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

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

8 **448.9888 Implementation of the dietitian licensure compact. (1)** In this
9 section:

10 (a) “Compact” means the dietitian licensure compact under s. 448.9887.

11 (b) “Compact privilege” means a compact privilege, as defined in s. 448.9887
12 (2) (i), that is granted under the compact to an individual to practice in this state.

13 **(2)** The department may impose a fee for an individual to receive a compact
14 privilege as provided in s. 448.9887 (3) (c).

15 **(3)** (a) An individual who holds a compact privilege shall comply with s. 440.03
16 (13) (am).

17 (b) Subject to s. 448.9887 and any rules promulgated thereunder, ss. 440.20 to
18 440.22 and the rules promulgated under s. 440.03 (1) shall apply to an individual who
19 holds a compact privilege in the same manner that they apply to holders of
20 certificates issued under subch. V.

21 **SECTION 31.** 450.10 (3) (a) 5m. of the statutes is amended to read:

22 450.10 **(3)** (a) 5m. A dietitian who is certified under subch. V of ch. 448 or who
23 holds a compact privilege under subch. XIV of ch. 448.

24 **SECTION 32.** 632.895 (1) (b) 5. b. of the statutes is repealed and recreated to
25 read:

ASSEMBLY BILL 1153

SECTION 32

1 632.895 (1) (b) 5. b. A dietitian who is certified under subch. V of ch. 448 or who
2 holds a compact privilege under subch. XIV of ch. 448.

3 (END)