

HOUSE BILL NO. 340

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE UNDERWOOD

Introduced: 2/23/26

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the dietitian licensure compact; and providing for an effective date."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 08.38.090 is amended by adding a new subsection to read:

4 (b) The department shall implement the Dietitian Licensure Compact under
5 AS 08.38.200.

6 * **Sec. 2.** AS 08.38 is amended by adding new sections to read:

7 **Article 2. Dietitian Licensure Compact.**

8 **Sec. 08.38.200. Dietitian Licensure Compact enacted.** The Dietitian
9 Licensure Compact as contained in this section is enacted into law and entered into on
10 behalf of the state with all other states and jurisdictions legally joining it in a form
11 substantially as follows:

12 **SECTION 1. PURPOSE.**

13 The purpose of this Compact is to facilitate interstate Practice of Dietetics with
14 the goal of improving public access to dietetics services. This Compact preserves the
15 regulatory authority of States to protect public health and safety through the current

1 system of State licensure, while also providing for licensure portability through a
2 Compact Privilege granted to qualifying professionals.

3 This Compact is designed to achieve the following objectives:

- 4 (A) Increase public access to dietetics services;
- 5 (B) Provide opportunities for interstate practice by Licensed Dietitians who
6 meet 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 SECTION 2. DEFINITIONS.

19 As used in this Compact, and except as otherwise provided, the following
20 definitions shall apply:

- 21 (A) "ACEND" means the Accreditation Council for Education in Nutrition
22 and Dietetics or its successor organization.
- 23 (B) "Active Military Member" means any individual with full-time duty status
24 in the active armed forces of the United States, including members of the National
25 Guard and Reserve.
- 26 (C) "Adverse Action" means any administrative, civil, equitable or criminal
27 action permitted by a State's laws which is imposed by a Licensing Authority or other
28 authority against a Licensee, including actions against an individual's License or
29 Compact Privilege such as revocation, suspension, probation, monitoring of the
30 Licensee, limitation on the Licensee's practice, or any other Encumbrance on licensure
31 affecting a Licensee's authorization to practice, including issuance of a cease and

1 desist action.

2 (D) "Alternative Program" means a non-disciplinary monitoring or practice
3 remediation process approved by a Licensing Authority.

4 (E) "Charter Member State" means any Member State which enacted this
5 Compact by law before the Effective Date specified in Section 12.

6 (F) "Continuing Education" means a requirement, as a condition of License
7 renewal, to provide evidence of participation in, and completion of, educational and
8 professional activities relevant to practice or area of work.

9 (G) "CDR" means the Commission on Dietetic Registration or its successor
10 organization.

11 (H) "Compact Commission" means the government agency whose
12 membership consists of all States that have enacted this Compact, which is known as
13 the Dietitian Licensure Compact Commission, as described in Section 8, and which
14 shall operate as an instrumentality of the Member States.

15 (I) "Compact Privilege" means a legal authorization, which is equivalent to a
16 License, permitting the Practice of Dietetics in a Remote State.

17 (J) "Current Significant Investigative Information" means:

18 (1) Investigative Information that a Licensing Authority, after a
19 preliminary inquiry that includes notification and an opportunity for the subject
20 Licensee to respond, if required by State law, has reason to believe is not groundless
21 and, if proved true, would indicate more than a minor infraction; or

22 (2) Investigative Information that indicates that the subject Licensee
23 represents an immediate threat to public health and safety regardless of whether the
24 subject Licensee has been notified and had an opportunity to respond.

25 (K) "Data System" means a repository of information about Licensees,
26 including, but not limited to, Continuing Education, examination, licensure,
27 investigative, Compact Privilege and Adverse Action information.

28 (L) "Encumbered License" means a License in which an Adverse Action
29 restricts a Licensee's ability to practice dietetics.

30 (M) "Encumbrance" means a revocation or suspension of, or any limitation on
31 a Licensee's full and unrestricted Practice of Dietetics by a Licensing Authority.

1 (N) "Executive Committee" means a group of delegates elected or appointed
2 to act on behalf of, and within the powers granted to them by, this Compact, and the
3 Compact Commission.

4 (O) "Home State" means the Member State that is the Licensee's primary State
5 of residence or that has been designated pursuant to Section 6.

6 (P) "Investigative Information" means information, records, and documents
7 received or generated by a Licensing Authority pursuant to an investigation.

8 (Q) "Jurisprudence Requirement" means an assessment of an individual's
9 knowledge of the State laws and regulations governing the Practice of Dietetics in
10 such State.

11 (R) "License" means an authorization from a Member State to either:

12 (1) Engage in the Practice of Dietetics (including medical nutrition
13 therapy); or

14 (2) Use the title "dietitian," "licensed dietitian," "licensed dietitian
15 nutritionist," "certified dietitian," or other title describing a substantially similar
16 practitioner as the Compact Commission may further define by Rule.

17 (S) "Licensee" or "Licensed Dietitian" means an individual who currently
18 holds a License and who meets all of the requirements outlined in Section 4.

19 (T) "Licensing Authority" means the board or agency of a State, or equivalent,
20 that is responsible for the licensing and regulation of the Practice of Dietetics.

21 (U) "Member State" means a State that has enacted the Compact.

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

26 (W) "Registered Dietitian" means a person who:

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

29 (2) Is credentialed by CDR as a registered dietitian or a registered
30 dietitian nutritionist; and

31 (3) Is legally authorized to use the title registered dietitian or registered

1 dietitian nutritionist and the corresponding abbreviations "RD" or "RDN."

2 (X) "Remote State" means a Member State other than the Home State, where a
3 Licensee is exercising or seeking to exercise a Compact Privilege.

4 (Y) "Rule" means a regulation promulgated by the Compact Commission that
5 has the force of law.

6 (Z) "Single State License" means a License issued by a Member State within
7 the issuing State and does not include a Compact Privilege in any other Member State.

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

10 (BB) "Unencumbered License" means a License that authorizes a Licensee to
11 engage in the full and unrestricted Practice of Dietetics.

12 SECTION 3. STATE PARTICIPATION IN THE COMPACT.

13 (A) To participate in the Compact, a State must currently:

14 (1) License and regulate the Practice of Dietetics; and

15 (2) Have a mechanism in place for receiving and investigating
16 complaints about Licensees.

17 (B) A Member State shall:

18 (1) Participate fully in the Compact Commission's Data System,
19 including using the unique identifier as defined in Rules;

20 (2) Notify the Compact Commission, in compliance with the terms of
21 the Compact and Rules, of any Adverse Action or the availability of Current
22 Significant Investigative Information regarding a Licensee;

23 (3) Implement or utilize procedures for considering the criminal
24 history record information of applicants for an initial Compact Privilege. These
25 procedures shall include the submission of fingerprints or other biometric-based
26 information by applicants for the purpose of obtaining an applicant's criminal history
27 record information from the Federal Bureau of Investigation and the agency
28 responsible for retaining that State's criminal records;

29 (a) A Member State must fully implement a criminal history
30 record information requirement, within a time frame established by Rule,
31 which includes receiving the results of the Federal Bureau of Investigation

1 record search and shall use those results in determining Compact Privilege
2 eligibility.

3 (b) Communication between a Member State and the Compact
4 Commission or among Member States regarding the verification of eligibility
5 for a Compact Privilege shall not include any information received from the
6 Federal Bureau of Investigation relating to a federal criminal history record
7 information check performed by a Member State.

8 (4) Comply with and enforce the Rules of the Compact Commission;

9 (5) Require an applicant for a Compact Privilege to obtain or retain a
10 License in the Licensee's Home State and meet the Home State's qualifications for
11 licensure or renewal of licensure, as well as all other applicable State laws; and

12 (6) Recognize a Compact Privilege granted to a Licensee who meets
13 all of the requirements outlined in Section 4 in accordance with the terms of the
14 Compact and Rules.

15 (C) Member States may set and collect a fee for granting a Compact Privilege.

16 (D) Individuals not residing in a Member State shall continue to be able to
17 apply for a Member State's Single State License as provided under the laws of each
18 Member State. However, the Single State License granted to these individuals shall
19 not be recognized as granting a Compact Privilege to engage in the Practice of
20 Dietetics in any other Member State.

21 (E) Nothing in this Compact shall affect the requirements established by a
22 Member State for the issuance of a Single State License.

23 (F) At no point shall the Compact Commission have the power to define the
24 requirements for the issuance of a Single State License to practice dietetics. The
25 Member States shall retain sole jurisdiction over the provision of these requirements.

26 SECTION 4. COMPACT PRIVILEGE.

27 (A) To exercise the Compact Privilege under the terms and provisions of the
28 Compact, the Licensee shall:

29 (1) Satisfy one of the following:

30 (a) Hold a valid current registration that gives the applicant the
31 right to use the term Registered Dietitian; or

1 (b) Complete all of the following:

2 (i) An education program which is either:

3 (a) A master's degree or doctoral degree that is
4 programmatically accredited by (i) ACEND; or (ii) a dietetics
5 accrediting agency recognized by the United States Department
6 of Education, which the Compact Commission may by Rule
7 determine, and from a college or university accredited at the
8 time of graduation by the appropriate regional accrediting
9 agency recognized by the Council on Higher Education
10 Accreditation and the United States Department of Education;

11 (b) An academic degree from a college or
12 university in a foreign country equivalent to the degree
13 described in subparagraph (a) that is programmatically
14 accredited by (i) ACEND; or (ii) a dietetics accrediting agency
15 recognized by the United States Department of Education,
16 which the Compact Commission may by Rule determine;

17 (ii) A planned, documented, supervised practice
18 experience in dietetics that is programmatically accredited by (i) ACEND, or
19 (ii) a dietetics accrediting agency recognized by the United States Department
20 of Education which the Compact Commission may by Rule determine and
21 which involves at least 1000 hours of practice experience under the supervision
22 of a Registered Dietitian or a Licensed Dietitian;

23 (iii) Successful completion of either: (i) the Registration
24 Examination for Dietitians administered by CDR, or (ii) a national
25 credentialing examination for dietitians approved by the Compact Commission
26 by Rule; such completion being no more than five years prior to the date of the
27 Licensee's application for initial licensure and accompanied by a period of
28 continuous licensure thereafter, all of which may be further governed by the
29 Rules of the Compact Commission;

30 (2) Hold an Unencumbered License in the Home State;

31 (3) Notify the Compact Commission that the Licensee is seeking a

1 Compact Privilege within a Remote State(s);

2 (4) Pay any applicable fees, including any State fee, for the Compact
3 Privilege;

4 (5) Meet any Jurisprudence Requirements established by the Remote
5 State(s) in which the Licensee is seeking a Compact Privilege; and

6 (6) Report to the Compact Commission any Adverse Action,
7 Encumbrance, or restriction on a License taken by any non-Member State within 30
8 days from the date the action is taken.

9 (B) The Compact Privilege is valid until the expiration date of the Home State
10 License. To maintain a Compact Privilege, renewal of the Compact Privilege shall be
11 congruent with the renewal of the Home State License as the Compact Commission
12 may define by Rule. The Licensee must comply with the requirements of Section 4(A)
13 to maintain the Compact Privilege in the Remote State(s).

14 (C) A Licensee exercising a Compact Privilege shall adhere to the laws and
15 regulations of the Remote State. Licensees shall be responsible for educating
16 themselves on, and complying with, any and all State laws relating to the Practice of
17 Dietetics in such Remote State.

18 (D) Notwithstanding anything to the contrary provided in this Compact or
19 State law, a Licensee exercising a Compact Privilege shall not be required to complete
20 Continuing Education Requirements required by a Remote State. A Licensee
21 exercising a Compact Privilege is only required to meet any Continuing Education
22 Requirements as required by the Home State.

23 SECTION 5. OBTAINING A NEW HOME STATE LICENSE BASED ON A COMPACT
24 PRIVILEGE.

25 (A) A Licensee may hold a Home State License, which allows for a Compact
26 Privilege in other Member States, in only one Member State at a time.

27 (B) If a Licensee changes Home State by moving between two Member
28 States:

29 (1) The Licensee shall file an application for obtaining a new Home
30 State License based on a Compact Privilege, pay all applicable fees, and notify the
31 current and new Home State in accordance with the Rules of the Compact

1 Commission.

2 (2) Upon receipt of an application for obtaining a new Home State
3 License by virtue of a Compact Privilege, the new Home State shall verify that the
4 Licensee meets the criteria in Section 4 via the Data System, and require that the
5 Licensee complete the following:

6 (a) Federal Bureau of Investigation fingerprint based criminal
7 history record information check;

8 (b) Any other criminal history record information required by
9 the new Home State; and

10 (c) Any Jurisprudence Requirements of the new Home State.

11 (3) The former Home State shall convert the former Home State
12 License into a Compact Privilege once the new Home State has activated the new
13 Home State License in accordance with applicable Rules adopted by the Compact
14 Commission.

15 (4) Notwithstanding any other provision of this Compact, if the
16 Licensee cannot meet the criteria in Section 4, the new Home State may apply its
17 requirements for issuing a new Single State License.

18 (5) The Licensee shall pay all applicable fees to the new Home State in
19 order to be issued a new Home State License.

20 (C) If a Licensee changes their State of residence by moving from a Member
21 State to a non-Member State, or from a non-Member State to a Member State, the
22 State criteria shall apply for issuance of a Single State License in the new State.

23 (D) Nothing in this Compact shall interfere with a Licensee's ability to hold a
24 Single State License in multiple States; however, for the purposes of this Compact, a
25 Licensee shall have only one Home State License.

26 (E) Nothing in this Compact shall affect the requirements established by a
27 Member State for the issuance of a Single State License.

28 SECTION 6. ACTIVE MILITARY MEMBERS OR THEIR SPOUSES.

29 An Active Military Member, or their spouse, shall designate a Home State
30 where the individual has a current License in good standing. The individual may retain
31 the Home State designation during the period the service member is on active duty.

SECTION 7. ADVERSE ACTIONS.

1
2 (A) In addition to the other powers conferred by State law, a Remote State
3 shall have the authority, in accordance with existing State due process law, to:

4 (1) Take Adverse Action against a Licensee's Compact Privilege
5 within that Member State; and

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

15 (B) Only the Home State shall have the power to take Adverse Action against
16 a Licensee's Home State License.

17 (C) For purposes of taking Adverse Action, the Home State shall give the
18 same priority and effect to reported conduct received from a Member State as it would
19 if the conduct had occurred within the Home State. In so doing, the Home State shall
20 apply its own State laws to determine appropriate action.

21 (D) The Home State shall complete any pending investigations of a Licensee
22 who changes Home States during the course of the investigations. The Home State
23 shall also have authority to take appropriate action(s) and shall promptly report the
24 conclusions of the investigations to the administrator of the Data System. The
25 administrator of the Data System shall promptly notify the new Home State of any
26 Adverse Actions.

27 (E) A Member State, if otherwise permitted by State law, may recover from
28 the affected Licensee the costs of investigations and dispositions of cases resulting
29 from any Adverse Action taken against that Licensee.

30 (F) A Member State may take Adverse Action based on the factual findings of
31 another Remote State, provided that the Member State follows its own procedures for

1 taking the Adverse Action.

2 (G) Joint Investigations:

3 (1) In addition to the authority granted to a Member State by its
4 respective State law, any Member State may participate with other Member States in
5 joint investigations of Licensees.

6 (2) Member States shall share any investigative, litigation, or
7 compliance materials in furtherance of any joint investigation initiated under the
8 Compact.

9 (H) If Adverse Action is taken by the Home State against a Licensee's Home
10 State License resulting in an Encumbrance on the Home State License, the Licensee's
11 Compact Privilege(s) in all other Member States shall be revoked until all
12 Encumbrances have been removed from the Home State License. All Home State
13 disciplinary orders that impose Adverse Action against a Licensee shall include a
14 statement that the Licensee's Compact Privileges are revoked in all Member States
15 during the pendency of the order.

16 (I) Once an Encumbered License in the Home State is restored to an
17 Unencumbered License (as certified by the Home State's Licensing Authority), the
18 Licensee must meet the requirements of Section 4(A) and follow the administrative
19 requirements to reapply to obtain a Compact Privilege in any Remote State.

20 (J) If a Member State takes Adverse Action, it shall promptly notify the
21 administrator of the Data System. The administrator of the Data System shall promptly
22 notify the other Member States of any Adverse Actions.

23 (K) Nothing in this Compact shall override a Member State's decision that
24 participation in an Alternative Program may be used in lieu of Adverse Action.

25 SECTION 8. ESTABLISHMENT OF THE DIETITIAN LICENSURE COMPACT
26 COMMISSION.

27 (A) The Compact Member States hereby create and establish a joint
28 government agency whose membership consists of all Member States that have
29 enacted the Compact known as the Dietitian Licensure Compact Commission. The
30 Compact Commission is an instrumentality of the Compact States acting jointly and
31 not an instrumentality of any one State. The Compact Commission shall come into

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

2 (B) Membership, Voting, and Meetings.

3 (1) Each Member State shall have and be limited to one (1) delegate
4 selected by that Member State's Licensing Authority.

5 (2) The delegate shall be the primary administrator of the Licensing
6 Authority or their designee.

7 (3) The Compact Commission shall by Rule or bylaw establish a term
8 of office for delegates and may by Rule or bylaw establish term limits.

9 (4) The Compact Commission may recommend removal or suspension
10 of any delegate from office.

11 (5) A Member State's Licensing Authority shall fill any vacancy of its
12 delegate occurring on the Compact Commission within 60 days of the vacancy.

13 (6) Each delegate shall be entitled to one vote on all matters before the
14 Compact Commission requiring a vote by the delegates.

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

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

22 (C) The Compact Commission shall have the following powers:

23 (1) Establish the fiscal year of the Compact Commission;

24 (2) Establish code of conduct and conflict of interest policies;

25 (3) Establish and amend Rules and bylaws;

26 (4) Maintain its financial records in accordance with the bylaws;

27 (5) Meet and take such actions as are consistent with the provisions of
28 this Compact, the Compact Commission's Rules, and the bylaws;

29 (6) Initiate and conclude legal proceedings or actions in the name of
30 the Compact Commission, provided that the standing of any Licensing Authority to
31 sue or be sued under applicable law shall not be affected;

1 (7) Maintain and certify records and information provided to a
2 Member State as the authenticated business records of the Compact Commission, and
3 designate an agent to do so on the Compact Commission's behalf;

4 (8) Purchase and maintain insurance and bonds;

5 (9) Borrow, accept, or contract for services of personnel, including, but
6 not limited to, employees of a Member State;

7 (10) Conduct an annual financial review;

8 (11) Hire employees, elect or appoint officers, fix compensation,
9 define duties, grant such individuals appropriate authority to carry out the purposes of
10 the Compact, and establish the Compact Commission's personnel policies and
11 programs relating to conflicts of interest, qualifications of personnel, and other related
12 personnel matters;

13 (12) Assess and collect fees;

14 (13) Accept any and all appropriate donations, grants of money, other
15 sources of revenue, equipment, supplies, materials, services, and gifts, and receive,
16 utilize, and dispose of the same; provided that at all times the Compact Commission
17 shall avoid any actual or appearance of impropriety or conflict of interest;

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

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

22 (16) Establish a budget and make expenditures;

23 (17) Borrow money;

24 (18) Appoint committees, including standing committees, composed of
25 members, State regulators, State legislators or their representatives, and consumer
26 representatives, and such other interested persons as may be designated in this
27 Compact or the bylaws;

28 (19) Provide and receive information from, and cooperate with, law
29 enforcement agencies;

30 (20) Establish and elect an Executive Committee, including a chair and
31 a vice chair;

1 (21) Determine whether a State's adopted language is materially
2 different from the model compact language such that the State would not qualify for
3 participation in the Compact; and

4 (22) Perform such other functions as may be necessary or appropriate
5 to achieve the purposes of this Compact.

6 (D) The Executive Committee.

7 (1) The Executive Committee shall have the power to act on behalf of
8 the Compact Commission according to the terms of this Compact. The powers, duties,
9 and responsibilities of the Executive Committee shall include:

10 (a) Oversee the day-to-day activities of the administration of
11 the Compact including enforcement and compliance with the provisions of the
12 Compact, its Rules and bylaws, and other such duties as deemed necessary;

13 (b) Recommend to the Compact Commission changes to the
14 Rules or bylaws, changes to this Compact legislation, fees charged to Compact
15 Member States, fees charged to Licensees, and other fees;

16 (c) Ensure Compact administration services are appropriately
17 provided, including by contract;

18 (d) Prepare and recommend the budget;

19 (e) Maintain financial records on behalf of the Compact
20 Commission;

21 (f) Monitor Compact compliance of Member States and
22 provide compliance reports to the Compact Commission;

23 (g) Establish additional committees as necessary;

24 (h) Exercise the powers and duties of the Compact Commission
25 during the interim between Compact Commission meetings, except for
26 adopting or amending Rules, adopting or amending bylaws, and exercising any
27 other powers and duties expressly reserved to the Compact Commission by
28 Rule or bylaw; and

29 (i) Other duties as provided in the Rules or bylaws of the
30 Compact Commission.

31 (2) The Executive Committee shall be composed of nine members:

1 (a) The chair and vice chair of the Compact Commission shall
2 be voting members of the Executive Committee;

3 (b) Five voting members from the current membership of the
4 Compact Commission, elected by the Compact Commission;

5 (c) One ex-officio, nonvoting member from a recognized
6 professional association representing dietitians; and

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

9 (3) The Compact Commission may remove any member of the
10 Executive Committee as provided in the Compact Commission's bylaws.

11 (4) The Executive Committee shall meet at least annually.

12 (a) Executive Committee meetings shall be open to the public,
13 except that the Executive Committee may meet in a closed, non-public meeting
14 as provided in subsection (F)(2).

15 (b) The Executive Committee shall give 30 days' notice of its
16 meetings, posted on the website of the Compact Commission and as
17 determined to provide notice to persons with an interest in the business of the
18 Compact Commission.

19 (c) The Executive Committee may hold a special meeting in
20 accordance with subsection (F)(1)(b).

21 (E) The Compact Commission shall adopt and provide to the Member States
22 an annual report.

23 (F) Meetings of the Compact Commission.

24 (1) All meetings shall be open to the public, except that the Compact
25 Commission may meet in a closed, non-public meeting as provided in subsection
26 (F)(2).

27 (a) Public notice for all meetings of the full Compact
28 Commission shall be given in the same manner as required under the
29 rulemaking provisions in Section 10, except that the Compact Commission
30 may hold a special meeting as provided in subsection (F)(1)(b).

31 (b) The Compact Commission may hold a special meeting

1 when it must meet to conduct emergency business by giving 24 hours' notice to
2 all Member States, on the Compact Commission's website, and other means as
3 provided in the Compact Commission's Rules. The Compact Commission's
4 legal counsel shall certify that the Compact Commission's need to meet
5 qualifies as an emergency.

6 (2) The Compact Commission or the Executive Committee or other
7 committees of the Compact Commission may convene in a closed, non-public meeting
8 for the Compact Commission or Executive Committee or other committees of the
9 Compact Commission to receive legal advice or to discuss:

10 (a) Non-compliance of a Member State with its obligations
11 under the Compact;

12 (b) The employment, compensation, discipline, or other
13 matters, practices, or procedures related to specific employees;

14 (c) Current or threatened discipline of a Licensee by the
15 Compact Commission or by a Member State's Licensing Authority;

16 (d) Current, threatened, or reasonably anticipated litigation;

17 (e) Negotiation of contracts for the purchase, lease, or sale of
18 goods, services, or real estate;

19 (f) Accusing any person of a crime or formally censuring any
20 person;

21 (g) Trade secrets or commercial or financial information that is
22 privileged or confidential;

23 (h) Information of a personal nature where disclosure would
24 constitute a clearly unwarranted invasion of personal privacy;

25 (i) Investigative records compiled for law enforcement
26 purposes;

27 (j) Information related to any investigative reports prepared by
28 or on behalf of or for use of the Compact Commission or other committee
29 charged with responsibility of investigation or determination of compliance
30 issues pursuant to the Compact;

31 (k) Matters specifically exempted from disclosure by federal or

1 Member State law; or

2 (I) Other matters as specified in the Rules of the Compact
3 Commission.

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

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

14 (G) Financing of the Compact Commission.

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

17 (2) The Compact Commission may accept any and all appropriate
18 revenue sources as provided in subsection (C)(13).

19 (3) The Compact Commission may levy on and collect an annual
20 assessment from each Member State and impose fees on Licensees of Member States
21 to whom it grants a Compact Privilege to cover the cost of the operations and activities
22 of the Compact Commission and its staff, which must, in a total amount, be sufficient
23 to cover its annual budget as approved each year for which revenue is not provided by
24 other sources. The aggregate annual assessment amount for Member States shall be
25 allocated based upon a formula that the Compact Commission shall promulgate by
26 Rule.

27 (4) The Compact Commission shall not incur obligations of any kind
28 prior to securing the funds adequate to meet the same; nor shall the Compact
29 Commission pledge the credit of any of the Member States, except by and with the
30 authority of the Member State.

31 (5) The Compact Commission shall keep accurate accounts of all

1 receipts and disbursements. The receipts and disbursements of the Compact
2 Commission shall be subject to the financial review and accounting procedures
3 established under its bylaws. However, all receipts and disbursements of funds
4 handled by the Compact Commission shall be subject to an annual financial review by
5 a certified or licensed public accountant, and the report of the financial review shall be
6 included in and become part of the annual report of the Compact Commission.

7 (H) Qualified Immunity, Defense, and Indemnification.

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

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

31 (3) The Compact Commission shall indemnify and hold harmless any

1 member, officer, executive director, employee, and representative of the Compact
2 Commission for the amount of any settlement or judgment obtained against that
3 person arising out of any actual or alleged act, error, or omission that occurred within
4 the scope of Compact Commission employment, duties, or responsibilities, or that
5 such person had a reasonable basis for believing occurred within the scope of Compact
6 Commission employment, duties, or responsibilities, provided that the actual or
7 alleged act, error, or omission did not result from the intentional or willful or wanton
8 misconduct of that person.

9 (4) Nothing herein shall be construed as a limitation on the liability of
10 any Licensee for professional malpractice or misconduct, which shall be governed
11 solely by any other applicable State laws.

12 (5) Nothing in this Compact shall be interpreted to waive or otherwise
13 abrogate a Member State's state action immunity or state action affirmative defense
14 with respect to antitrust claims under the Sherman Act, Clayton Act, or any other State
15 or federal antitrust or anticompetitive law or regulation.

16 (6) Nothing in this Compact shall be construed to be a waiver of
17 sovereign immunity by the Member States or by the Compact Commission.

18 SECTION 9. DATA SYSTEM.

19 (A) The Compact Commission shall provide for the development,
20 maintenance, operation, and utilization of a coordinated Data System.

21 (B) The Compact Commission shall assign each applicant for a Compact
22 Privilege a unique identifier, as determined by the Rules.

23 (C) Notwithstanding any other provision of State law to the contrary, a
24 Member State shall submit a uniform data set to the Data System on all individuals to
25 whom this Compact is applicable as required by the Rules of the Compact
26 Commission, including:

- 27 (1) Identifying information;
- 28 (2) Licensure data;
- 29 (3) Adverse Actions against a License or Compact Privilege and
30 information related thereto;
- 31 (4) Non-confidential information related to Alternative Program

1 participation, the beginning and ending dates of such participation, and other
 2 information related to such participation not made confidential under Member State
 3 law;

4 (5) Any denial of application for licensure, and the reason(s) for such
 5 denial;

6 (6) The presence of Current Significant Investigative Information; and

7 (7) Other information that may facilitate the administration of this
 8 Compact or the protection of the public, as determined by the Rules of the Compact
 9 Commission.

10 (D) The records and information provided to a Member State pursuant to this
 11 Compact or through the Data System, when certified by the Compact Commission or
 12 an agent thereof, shall constitute the authenticated business records of the Compact
 13 Commission, and shall be entitled to any associated hearsay exception in any relevant
 14 judicial, quasi-judicial, or administrative proceedings in a Member State.

15 (E) Current Significant Investigative Information pertaining to a Licensee in
 16 any Member State will only be available to other Member States.

17 (F) It is the responsibility of the Member States to report any Adverse Action
 18 against a Licensee and to monitor the Data System to determine whether any Adverse
 19 Action has been taken against a Licensee. Adverse Action information pertaining to a
 20 Licensee in any Member State will be available to any other Member State.

21 (G) Member States contributing information to the Data System may
 22 designate information that may not be shared with the public without the express
 23 permission of the contributing State.

24 (H) Any information submitted to the Data System that is subsequently
 25 expunged pursuant to federal law or the laws of the Member State contributing the
 26 information shall be removed from the Data System.

27 SECTION 10. RULEMAKING.

28 (A) The Compact Commission shall promulgate reasonable Rules in order to
 29 effectively and efficiently implement and administer the purposes and provisions of
 30 the Compact. A Rule shall be invalid and have no force or effect only if a court of
 31 competent jurisdiction holds that the Rule is invalid because the Compact Commission

1 exercised its rulemaking authority in a manner that is beyond the scope and purposes
2 of the Compact, or the powers granted hereunder, or based upon another applicable
3 standard of review.

4 (B) The Rules of the Compact Commission shall have the force of law in each
5 Member State, provided however that where the Rules conflict with the laws or
6 regulations of a Member State that relate to the procedures, actions, and processes a
7 Licensed Dietitian is permitted to undertake in that State and the circumstances under
8 which they may do so, as held by a court of competent jurisdiction, the Rules of the
9 Compact Commission shall be ineffective in that State to the extent of the conflict.

10 (C) The Compact Commission shall exercise its rulemaking powers pursuant
11 to the criteria set forth in this Section and the Rules adopted thereunder. Rules shall
12 become binding on the day following adoption or as of the date specified in the Rule
13 or amendment, whichever is later.

14 (D) If a majority of the legislatures of the Member States rejects a Rule or
15 portion of a Rule, by enactment of a statute or resolution in the same manner used to
16 adopt the Compact within four (4) years of the date of adoption of the Rule, then such
17 Rule shall have no further force and effect in any Member State.

18 (E) Rules shall be adopted at a regular or special meeting of the Compact
19 Commission.

20 (F) Prior to adoption of a proposed Rule, the Compact Commission shall hold
21 a public hearing and allow persons to provide oral and written comments, data, facts,
22 opinions, and arguments.

23 (G) Prior to adoption of a proposed Rule by the Compact Commission, and at
24 least thirty (30) days in advance of the meeting at which the Compact Commission
25 will hold a public hearing on the proposed Rule, the Compact Commission shall
26 provide a Notice of Proposed rulemaking:

27 (1) On the website of the Compact Commission or other publicly
28 accessible platform;

29 (2) To persons who have requested notice of the Compact
30 Commission's notices of proposed rulemaking; and

31 (3) In such other way(s) as the Compact Commission may by Rule

1 specify.

2 (H) The Notice of Proposed rulemaking shall include:

3 (1) The time, date, and location of the public hearing at which the
4 Compact Commission will hear public comments on the proposed Rule and, if
5 different, the time, date, and location of the meeting where the Compact Commission
6 will consider and vote on the proposed Rule;

7 (2) If the hearing is held via telecommunication, video conference, or
8 other means of communication, the Compact Commission shall include the
9 mechanism for access to the hearing in the Notice of Proposed rulemaking;

10 (3) The text of the proposed Rule and the reason therefore;

11 (4) A request for comments on the proposed Rule from any interested
12 person; and

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

15 (I) All hearings will be recorded. A copy of the recording and all written
16 comments and documents received by the Compact Commission in response to the
17 proposed Rule shall be available to the public.

18 (J) Nothing in this Section shall be construed as requiring a separate hearing
19 on each Rule. Rules may be grouped for the convenience of the Compact Commission
20 at hearings required by this Section.

21 (K) The Compact Commission shall, by majority vote of all members, take
22 final action on the proposed Rule based on the rulemaking record and the full text of
23 the Rule.

24 (1) The Compact Commission may adopt changes to the proposed
25 Rule provided the changes do not enlarge the original purpose of the proposed Rule.

26 (2) The Compact Commission shall provide an explanation of the
27 reasons for substantive changes made to the proposed Rule as well as reasons for
28 substantive changes not made that were recommended by commenters.

29 (3) The Compact Commission shall determine a reasonable effective
30 date for the Rule. Except for an emergency as provided in Section 10(L), the effective
31 date of the Rule shall be no sooner than thirty (30) days after issuing the notice that it

1 adopted or amended the Rule.

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

9 (1) Meet an imminent threat to public health, safety, or welfare;

10 (2) Prevent a loss of Compact Commission or Member State funds;

11 (3) Meet a deadline for the promulgation of a Rule that is established
12 by federal law or rule; or

13 (4) Protect public health and safety.

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

25 (N) No Member State's rulemaking requirements shall apply under this
26 Compact.

27 SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.

28 (A) Oversight.

29 (1) The executive and judicial branches of State government in each
30 Member State shall enforce this Compact and take all actions necessary and
31 appropriate to implement this Compact.

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

9 (3) The Compact Commission shall be entitled to receive service of
10 process in any proceeding regarding the enforcement or interpretation of the Compact
11 and shall have standing to intervene in such a proceeding for all purposes. Failure to
12 provide the Compact Commission service of process shall render a judgment or order
13 void as to the Compact Commission, this Compact, or promulgated Rules.

14 (B) Default, Technical Assistance, and Termination.

15 (1) If the Compact Commission determines that a Member State has
16 defaulted in the performance of its obligations or responsibilities under this Compact
17 or the promulgated Rules, the Compact Commission shall provide written notice to the
18 defaulting State. The notice of default shall describe the default, the proposed means
19 of curing the default, and any other action that the Compact Commission may take and
20 shall offer training and specific technical assistance regarding the default.

21 (2) The Compact Commission shall provide a copy of the notice of
22 default to the other Member States.

23 (C) If a State in default fails to cure the default, the defaulting State may be
24 terminated from the Compact upon an affirmative vote of a majority of the delegates
25 of the Member States, and all rights, privileges, and benefits conferred on that State by
26 this Compact may be terminated on the effective date of termination. A cure of the
27 default does not relieve the offending State of obligations or liabilities incurred during
28 the period of default.

29 (D) Termination of membership in the Compact shall be imposed only after all
30 other means of securing compliance have been exhausted. Notice of intent to suspend
31 or terminate shall be given by the Compact Commission to the governor, the majority

1 and minority leaders of the defaulting State's legislature, the defaulting State's
2 Licensing Authority, and each of the Member States' Licensing Authority.

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

6 (F) Upon the termination of a State's membership from this Compact, that
7 State shall immediately provide notice to all Licensees within that State of such
8 termination. The terminated State shall continue to recognize all Compact Privileges
9 granted pursuant to this Compact for a minimum of six months after the date of said
10 notice of termination.

11 (G) The Compact Commission shall not bear any costs related to a State that is
12 found to be in default or that has been terminated from the Compact, unless agreed
13 upon in writing between the Compact Commission and the defaulting State.

14 (H) The defaulting State may appeal the action of the Compact Commission
15 by petitioning the U.S. District Court for the District of Columbia or the federal
16 district where the Compact Commission has its principal offices. The prevailing party
17 shall be awarded all costs of such litigation, including reasonable attorney's fees.

18 (I) Dispute Resolution.

19 (1) Upon request by a Member State, the Compact Commission shall
20 attempt to resolve disputes related to the Compact that arise among Member States
21 and between Member and non-Member States.

22 (2) The Compact Commission shall promulgate a Rule providing for
23 both mediation and binding dispute resolution for disputes as appropriate.

24 (J) Enforcement.

25 (1) By supermajority vote, the Compact Commission may initiate legal
26 action against a Member State in default in the United States District Court for the
27 District of Columbia or the federal district where the Compact Commission has its
28 principal offices to enforce compliance with the provisions of the Compact and its
29 promulgated Rules. The relief sought may include both injunctive relief and damages.
30 In the event judicial enforcement is necessary, the prevailing party shall be awarded
31 all costs of such litigation, including reasonable attorney's fees. The remedies herein

1 shall not be the exclusive remedies of the Compact Commission. The Compact
2 Commission may pursue any other remedies available under federal or the defaulting
3 Member State's law.

4 (2) A Member State may initiate legal action against the Compact
5 Commission in the U.S. District Court for the District of Columbia or the federal
6 district where the Compact Commission has its principal offices to enforce compliance
7 with the provisions of the Compact and its promulgated Rules. The relief sought may
8 include both injunctive relief and damages. In the event judicial enforcement is
9 necessary, the prevailing party shall be awarded all costs of such litigation, including
10 reasonable attorney's fees.

11 (3) No party other than a Member State shall enforce this Compact
12 against the Compact Commission.

13 SECTION 12. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT.

14 (A) The Compact shall come into effect on the date on which the Compact
15 statute is enacted into law in the seventh Member State.

16 (1) On or after the effective date of the Compact, the Compact
17 Commission shall convene and review the enactment of each of the first seven
18 Member States ("Charter Member States") to determine if the statute enacted by each
19 such Charter Member State is materially different than the model Compact statute.

20 (a) A Charter Member State whose enactment is found to be
21 materially different from the model Compact statute shall be entitled to the
22 default process set forth in Section 11.

23 (b) If any Member State is later found to be in default, or is
24 terminated, or withdraws from the Compact, the Compact Commission shall
25 remain in existence and the Compact shall remain in effect even if the number
26 of Member States should be less than seven.

27 (2) Member States enacting the Compact subsequent to the seven
28 initial Charter Member States shall be subject to the process set forth in Section
29 8(C)(21) to determine if their enactments are materially different from the model
30 Compact statute and whether they qualify for participation in the Compact.

31 (3) All actions taken for the benefit of the Compact Commission or in

1 furtherance of the purposes of the administration of the Compact prior to the effective
2 date of the Compact or the Compact Commission coming into existence shall be
3 considered to be actions of the Compact Commission unless specifically repudiated by
4 the Compact Commission.

5 (4) Any State that joins the Compact subsequent to the Compact
6 Commission's initial adoption of the Rules and bylaws shall be subject to the Rules
7 and bylaws as they exist on the date on which the Compact becomes law in that State.
8 Any Rule that has been previously adopted by the Compact Commission shall have
9 the full force and effect of law on the day the Compact becomes law in that State.

10 (B) Any Member State may withdraw from this Compact by enacting a statute
11 repealing the same.

12 (1) A Member State's withdrawal shall not take effect until 180 days
13 after enactment of the repealing statute.

14 (2) Withdrawal shall not affect the continuing requirement of the
15 withdrawing State's Licensing Authority to comply with the investigative and Adverse
16 Action reporting requirements of this Compact prior to the effective date of
17 withdrawal.

18 (3) Upon the enactment of a statute withdrawing from this Compact, a
19 State shall immediately provide notice of such withdrawal to all Licensees within that
20 State. Notwithstanding any subsequent statutory enactment to the contrary, such
21 withdrawing State shall continue to recognize all Compact Privileges granted pursuant
22 to this Compact for a minimum of 180 days after the date of such notice of
23 withdrawal.

24 (C) Nothing contained in this Compact shall be construed to invalidate or
25 prevent any licensure agreement or other cooperative arrangement between a Member
26 State and a non-Member State that does not conflict with the provisions of this
27 Compact.

28 (D) This Compact may be amended by the Member States. No amendment to
29 this Compact shall become effective and binding upon any Member State until it is
30 enacted into the laws of all Member States.

31 SECTION 13. CONSTRUCTION AND SEVERABILITY.

1 (A) This Compact and the Compact Commission's rulemaking authority shall
 2 be liberally construed so as to effectuate the purposes and the implementation and
 3 administration of the Compact. Provisions of the Compact expressly authorizing or
 4 requiring the promulgation of Rules shall not be construed to limit the Compact
 5 Commission's rulemaking authority solely for those purposes.

6 (B) The provisions of this Compact shall be severable and if any phrase,
 7 clause, sentence, or provision of this Compact is held by a court of competent
 8 jurisdiction to be contrary to the constitution of any Member State, a State seeking
 9 participation in the Compact, or of the United States, or the applicability thereof to any
 10 government, agency, person, or circumstance is held to be unconstitutional by a court
 11 of competent jurisdiction, the validity of the remainder of this Compact and the
 12 applicability thereof to any other government, agency, person, or circumstance shall
 13 not be affected thereby.

14 (C) Notwithstanding Section 13(B), the Compact Commission may deny a
 15 State's participation in the Compact or, in accordance with the requirements of Section
 16 11(B), terminate a Member State's participation in the Compact, if it determines that a
 17 constitutional requirement of a Member State is a material departure from the
 18 Compact. Otherwise, if this Compact shall be held to be contrary to the constitution of
 19 any Member State, the Compact shall remain in full force and effect as to the
 20 remaining Member States and in full force and effect as to the Member State affected
 21 as to all severable matters.

22 SECTION 14. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS.

23 (A) Nothing herein shall prevent or inhibit the enforcement of any other law
 24 of a Member State that is not inconsistent with the Compact.

25 (B) Any laws, statutes, regulations, or other legal requirements in a Member
 26 State in conflict with the Compact are superseded to the extent of the conflict.

27 (C) All permissible agreements between the Compact Commission and the
 28 Member States are binding in accordance with their terms.

29 **Sec. 08.38.210. Application.** An applicant for an initial compact privilege
 30 under AS 08.38.200 shall submit, along with the application, the applicant's
 31 fingerprints and the fees required by the Department of Public Safety under

1 AS 12.62.160 for criminal justice information and a national criminal history record
2 check. The department shall forward the fingerprints and fees to the Department of
3 Public Safety to obtain a report of criminal justice information under AS 12.62 and a
4 national criminal history record check under AS 12.62.400.

5 * **Sec. 3.** AS 12.62.400(a) is amended by adding a new paragraph to read:

6 (26) licensure as a dietician exercising a compact privilege through the
7 Dietician Licensure Compact under AS 08.38.200;

8 * **Sec. 4.** This Act takes effect January 1, 2027.