

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/House Bill No. 596, Page 1, Section A, Line 4,

2 by inserting after all of said line the following:

3 "324.214. 1. For purposes of this section, the
4 following terms mean:

5 (1) "License", a license, certificate, registration,
6 permit, accreditation, or military occupational specialty
7 that enables a person to legally practice an occupation or
8 profession in a particular jurisdiction;

9 (2) "Military", the Armed Forces of the United States,
10 including the Air Force, Army, Coast Guard, Marine Corps,
11 Navy, Space Force, National Guard, and any other military
12 branch that is designated by Congress as part of the Armed
13 Forces of the United States, and all reserve components and
14 auxiliaries. The term "military" also includes the military
15 reserves and militia of any United States territory or state;

16 (3) "Nonresident military spouse", a nonresident
17 spouse of an active-duty member of the Armed Forces of the
18 United States who has been transferred or is scheduled to be
19 transferred to this state, or who has been transferred or is
20 scheduled to be transferred to an adjacent state and is or
21 will be domiciled in this state, or has moved to this state
22 on a permanent change-of-station basis;

23 (4) "Oversight body", any board, department, agency,
24 or office of a jurisdiction that issues licenses;

25 (5) "Resident military spouse", a spouse of an active-
26 duty member of the Armed Forces of the United States who has

27 been transferred or is scheduled to be transferred to this
28 state or an adjacent state and who is a permanent resident
29 of this state, who is domiciled in this state, or who has
30 this state as his or her home of record.

31 2. Any person who holds a valid current dietitian
32 license issued by another state, a branch or unit of the
33 military, a territory of the United States, or the District
34 of Columbia, and who has been licensed for at least one year
35 in such other jurisdiction, may submit to the committee an
36 application for a dietitian license in this state along with
37 proof of current licensure and proof of licensure for at
38 least one year in the other jurisdiction.

39 3. The committee shall:

40 (1) Within six months of receiving an application
41 described in subsection 2 of this section, waive any
42 examination, educational, or experience requirements for
43 licensure in this state for the applicant if it determines
44 that there were minimum education requirements and, if
45 applicable, work experience and clinical supervision
46 requirements in effect and the other jurisdiction verifies
47 that the person met those requirements in order to be
48 licensed or certified in that jurisdiction. The committee
49 may require an applicant to take and pass an examination
50 specific to the laws of this state; or

51 (2) Within thirty days of receiving an application
52 described in subsection 2 of this section from a nonresident
53 military spouse or a resident military spouse, waive any
54 examination, educational, or experience requirements for
55 licensure in this state for the applicant and issue such
56 applicant a license under this section if such applicant
57 otherwise meets the requirements of this section.

58 4. (1) The committee shall not waive any examination,
59 educational, or experience requirements for any applicant

60 who has had his or her license revoked by an oversight body
61 outside the state; who is currently under investigation, who
62 has a complaint pending, or who is currently under
63 disciplinary action, except as provided in subdivision (2)
64 of this subsection, with an oversight body outside the
65 state; who does not hold a license in good standing with an
66 oversight body outside the state; who has a criminal record
67 that would disqualify him or her for licensure in this
68 state; or who does not hold a valid current license in the
69 other jurisdiction on the date the committee receives his or
70 her application under this section.

71 (2) If another jurisdiction has taken disciplinary
72 action against an applicant, the committee shall determine
73 if the cause for the action was corrected and the matter
74 resolved. If the matter has not been resolved by that
75 jurisdiction, the committee may deny a license until the
76 matter is resolved.

77 5. Nothing in this section shall prohibit the
78 committee from denying a license to an applicant under this
79 section for any reason described in section 324.217.

80 6. Any person who is licensed under the provisions of
81 this section shall be subject to the committee's
82 jurisdiction and all rules and regulations pertaining to
83 dietetics practice in this state.

84 7. This section shall not be construed to waive any
85 requirement for an applicant to pay any fees.

86 324.218. 1. An applicant who has not previously taken
87 or passed an examination recognized by the committee and who
88 meets the qualifications of subsection 2 of section 324.210
89 may obtain without examination a nonrenewable temporary
90 license by paying a temporary license fee and submitting to
91 the committee an agreement-to-supervise form that is signed
92 by a licensed dietitian who has agreed to supervise the

93 applicant. Such temporary licensee may practice dietetics,
94 but any such practice shall be under the supervision of a
95 dietitian licensed in this state.

96 2. (1) Any dietitian who has agreed to supervise a
97 temporary licensee shall hold an unencumbered license to
98 practice dietetics in this state and shall provide the
99 committee proof of active dietetics practice in this state
100 for a minimum of one year before supervising the temporary
101 licensee.

102 (2) The supervising dietitian shall not be an
103 immediate family member of the temporary licensee. The
104 committee shall define the term "immediate family member"
105 for purposes of this subdivision and the scope of such
106 supervision by rule.

107 3. (1) The dietitian who has agreed to supervise the
108 applicant for a temporary license shall submit to the
109 committee a signed notarized form prescribed by the
110 committee attesting that the applicant for a temporary
111 license shall begin employment at a location in this state
112 within seven days of issuance of the temporary license.

113 (2) If the temporary licensee's employment described
114 in subdivision (1) of this subsection ceases, the
115 supervising dietitian shall notify the committee within
116 three days of such cessation.

117 4. A licensed dietitian shall not supervise more than
118 one temporary licensee at a time.

119 5. The temporary license obtained by an applicant
120 under this section shall expire the date the committee is
121 notified by the supervising dietitian that the temporary
122 licensee's employment has ceased or within one hundred
123 eighty days of its issuance, whichever occurs first.

124 324.1800. SECTION 1: PURPOSE

The purpose of this Compact is to facilitate interstate Practice of Dietetics with the goal of improving public access to dietetics services. This Compact preserves the regulatory authority of States to protect public health and safety through the current system of State licensure, while also providing for licensure portability through a Compact Privilege granted to qualifying professionals.

This Compact is designed to achieve the following objectives:

- A. Increase public access to dietetics services;
- B. Provide opportunities for interstate practice by Licensed Dietitians who meet uniform requirements;
- C. Eliminate the necessity for Licenses in multiple States;
- D. Reduce administrative burden on Member States and Licensees;
- E. Enhance the States' ability to protect the public's health and safety;
- F. Encourage the cooperation of Member States in regulating multistate practice of Licensed Dietitians;
- G. Support relocating Active Military Members and their spouses;
- H. Enhance the exchange of licensure, investigative, and disciplinary information among Member States; and
- I. Vest all Member States with the authority to hold a Licensed Dietitian accountable for meeting all State practice laws in the State in which the patient is located at the time care is rendered.

SECTION 2. DEFINITIONS

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

156 A. "ACEND" means the Accreditation Council for
157 Education in Nutrition and Dietetics or its successor
158 organization.

159 B. "Active Military Member" means any individual with
160 full-time duty status in the active armed forces of the
161 United States, including members of the National Guard and
162 Reserve.

163 C. "Adverse Action" means any administrative, civil,
164 equitable or criminal action permitted by a State's laws
165 which is imposed by a Licensing Authority or other authority
166 against a Licensee, including actions against an
167 individual's License or Compact Privilege such as
168 revocation, suspension, probation, monitoring of the
169 Licensee, limitation on the Licensee's practice, or any
170 other Encumbrance on licensure affecting a Licensee's
171 authorization to practice, including issuance of a cease and
172 desist action.

173 D. "Alternative Program" means a non-disciplinary
174 monitoring or practice remediation process approved by a
175 Licensing Authority.

176 E. "Charter Member State" means any Member State which
177 enacted this Compact by law before the Effective Date
178 specified in Section 12.

179 F. "Continuing Education" means a requirement, as a
180 condition of License renewal, to provide evidence of
181 participation in, and completion of, educational and
182 professional activities relevant to practice or area of work.

183 G. "CDR" means the Commission on Dietetic Registration
184 or its successor organization.

185 H. "Compact Commission" means the government agency
186 whose membership consists of all States that have enacted
187 this Compact, which is known as the Dietitian Licensure

Compact Commission, as described in Section 8, and which shall operate as an instrumentality of the Member States.

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

J. "Current Significant Investigative Information" means:

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

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

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

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

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

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

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

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

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

R. "License" means an authorization from a Member State to either:

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

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

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

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

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

V. "Practice of Dietetics" means the synthesis and application of dietetics, primarily for the provision of nutrition care services, including medical nutrition therapy, in person or via telehealth, to prevent, manage, or treat diseases or medical conditions and promote wellness.

W. "Registered Dietitian" means a person who:

250 1. Has completed applicable education, experience,
251 examination, and recertification requirements approved by
252 CDR;

253 2. Is credentialed by CDR as a registered dietitian or
254 a registered dietitian nutritionist; and

255 3. Is legally authorized to use the title registered
256 dietitian or registered dietitian nutritionist and the
257 corresponding abbreviations "RD" or "RDN."

258 X. "Remote State" means a Member State other than the
259 Home State, where a Licensee is exercising or seeking to
260 exercise a Compact Privilege.

261 Y. "Rule" means a regulation promulgated by the
262 Compact Commission that has the force of law.

263 Z. "Single State License" means a License issued by a
264 Member State within the issuing State and does not include a
265 Compact Privilege in any other Member State.

266 AA. "State" means any state, commonwealth, district,
267 or territory of the United States of America.

268 BB. "Unencumbered License" means a License that
269 authorizes a Licensee to engage in the full and unrestricted
270 Practice of Dietetics.

271 SECTION 3. STATE PARTICIPATION IN THE COMPACT

272 A. To participate in the Compact, a State must
273 currently:

274 1. License and regulate the Practice of Dietetics; and
275 2. Have a mechanism in place for receiving and
276 investigating complaints about Licensees.

277 B. A Member State shall:

278 1. Participate fully in the Compact Commission's Data
279 System, including using the unique identifier as defined in
280 Rules;

281 2. Notify the Compact Commission, in compliance with
282 the terms of the Compact and Rules, of any Adverse Action or

283 the availability of Current Significant Investigative
284 Information regarding a Licensee;

285 3. Implement or utilize procedures for considering the
286 criminal history record information of applicants for an
287 initial Compact Privilege. These procedures shall include
288 the submission of fingerprints or other biometric-based
289 information by applicants for the purpose of obtaining an
290 applicant's criminal history record information from the
291 Federal Bureau of Investigation and the agency responsible
292 for retaining that State's criminal records;

293 a. A Member State must fully implement a criminal
294 history record information requirement, within a time frame
295 established by Rule, which includes receiving the results of
296 the Federal Bureau of Investigation record search and shall
297 use those results in determining Compact Privilege
298 eligibility.

299 b. Communication between a Member State and the
300 Compact Commission or among Member States regarding the
301 verification of eligibility for a Compact Privilege shall
302 not include any information received from the Federal Bureau
303 of Investigation relating to a federal criminal history
304 record information check performed by a Member State.

305 4. Comply with and enforce the Rules of the Compact
306 Commission;

307 5. Require an applicant for a Compact Privilege to
308 obtain or retain a License in the Licensee's Home State and
309 meet the Home State's qualifications for licensure or
310 renewal of licensure, as well as all other applicable State
311 laws; and

312 6. Recognize a Compact Privilege granted to a Licensee
313 who meets all of the requirements outlined in Section 4 in
314 accordance with the terms of the Compact and Rules.

315 C. Member States may set and collect a fee for
316 granting a Compact Privilege.

317 D. Individuals not residing in a Member State shall
318 continue to be able to apply for a Member State's Single
319 State License as provided under the laws of each Member
320 State. However, the Single State License granted to these
321 individuals shall not be recognized as granting a Compact
322 Privilege to engage in the Practice of Dietetics in any
323 other Member State.

324 E. Nothing in this Compact shall affect the
325 requirements established by a Member State for the issuance
326 of a Single State License.

327 F. At no point shall the Compact Commission have the
328 power to define the requirements for the issuance of a
329 Single State License to practice dietetics. The Member
330 States shall retain sole jurisdiction over the provision of
331 these requirements.

332 SECTION 4. COMPACT PRIVILEGE

333 A. To exercise the Compact Privilege under the terms
334 and provisions of the Compact, the Licensee shall:

335 1. Satisfy one of the following:

336 a. Hold a valid current registration that gives the
337 applicant the right to use the term Registered Dietitian; or

338 b. Complete all of the following:

339 i. An education program which is either:

340 (a) A master's degree or doctoral degree that is
341 programmatically accredited by (i) ACEND; or (ii) a
342 dietetics accrediting agency recognized by the United States
343 Department of Education, which the Compact Commission may by
344 Rule determine, and from a college or university accredited
345 at the time of graduation by the appropriate regional
346 accrediting agency recognized by the Council on Higher

Education Accreditation and the United States Department of Education.

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

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

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

2. Hold an Unencumbered License in the Home State;

3. Notify the Compact Commission that the Licensee is seeking a Compact Privilege within a Remote State(s);

4. Pay any applicable fees, including any State fee, for the Compact Privilege;

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

380 6. Report to the Compact Commission any Adverse
381 Action, Encumbrance, or restriction on a License taken by
382 any non-Member State within 30 days from the date the action
383 is taken.

384 B. The Compact Privilege is valid until the expiration
385 date of the Home State License. To maintain a Compact
386 Privilege, renewal of the Compact Privilege shall be
387 congruent with the renewal of the Home State License as the
388 Compact Commission may define by Rule. The Licensee must
389 comply with the requirements of Section 4(A) to maintain the
390 Compact Privilege in the Remote State(s).

391 C. A Licensee exercising a Compact Privilege shall
392 adhere to the laws and regulations of the Remote State.
393 Licensees shall be responsible for educating themselves on,
394 and complying with, any and all State laws relating to the
395 Practice of Dietetics in such Remote State.

396 D. Notwithstanding anything to the contrary provided
397 in this Compact or State law, a Licensee exercising a
398 Compact Privilege shall not be required to complete
399 Continuing Education Requirements required by a Remote
400 State. A Licensee exercising a Compact Privilege is only
401 required to meet any Continuing Education Requirements as
402 required by the Home State.

403 SECTION 5: OBTAINING A NEW HOME STATE LICENSE BASED ON
404 A COMPACT PRIVILEGE

405 A. A Licensee may hold a Home State License, which
406 allows for a Compact Privilege in other Member States, in
407 only one Member State at a time.

408 B. If a Licensee changes Home State by moving between
409 two Member States:

410 1. The Licensee shall file an application for
411 obtaining a new Home State License based on a Compact
412 Privilege, pay all applicable fees, and notify the current

413 and new Home State in accordance with the Rules of the
414 Compact Commission.

415 2. Upon receipt of an application for obtaining a new
416 Home State License by virtue of a Compact Privilege, the new
417 Home State shall verify that the Licensee meets the criteria
418 in Section 4 via the Data System, and require that the
419 Licensee complete the following:

420 a. Federal Bureau of Investigation fingerprint based
421 criminal history record information check;

422 b. Any other criminal history record information
423 required by the new Home State; and

424 c. Any Jurisprudence Requirements of the new Home
425 State.

426 3. The former Home State shall convert the former Home
427 State License into a Compact Privilege once the new Home
428 State has activated the new Home State License in accordance
429 with applicable Rules adopted by the Compact Commission.

430 4. Notwithstanding any other provision of this
431 Compact, if the Licensee cannot meet the criteria in Section
432 4, the new Home State may apply its requirements for issuing
433 a new Single State License.

434 5. The Licensee shall pay all applicable fees to the
435 new Home State in order to be issued a new Home State
436 License.

437 C. If a Licensee changes their State of residence by
438 moving from a Member State to a non-Member State, or from a
439 non-Member State to a Member State, the State criteria shall
440 apply for issuance of a Single State License in the new
441 State.

442 D. Nothing in this Compact shall interfere with a
443 Licensee's ability to hold a Single State License in
444 multiple States; however, for the purposes of this Compact,
445 a Licensee shall have only one Home State License.

446 E. Nothing in this Compact shall affect the
447 requirements established by a Member State for the issuance
448 of a Single State License.

449 SECTION 6. ACTIVE MILITARY MEMBERS OR THEIR SPOUSES

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

455 SECTION 7. ADVERSE ACTIONS

456 A. In addition to the other powers conferred by State
457 law, a Remote State shall have the authority, in accordance
458 with existing State due process law, to:

459 1. Take Adverse Action against a Licensee's Compact
460 Privilege within that Member State; and

461 2. Issue subpoenas for both hearings and
462 investigations that require the attendance and testimony of
463 witnesses as well as the production of evidence. Subpoenas
464 issued by a Licensing Authority in a Member State for the
465 attendance and testimony of witnesses or the production of
466 evidence from another Member State shall be enforced in the
467 latter State by any court of competent jurisdiction,
468 according to the practice and procedure applicable to
469 subpoenas issued in proceedings pending before that court.
470 The issuing authority shall pay any witness fees, travel
471 expenses, mileage, and other fees required by the service
472 statutes of the State in which the witnesses or evidence are
473 located.

474 B. Only the Home State shall have the power to take
475 Adverse Action against a Licensee's Home State License.

476 C. For purposes of taking Adverse Action, the Home
477 State shall give the same priority and effect to reported
478 conduct received from a Member State as it would if the

479 conduct had occurred within the Home State. In so doing,
480 the Home State shall apply its own State laws to determine
481 appropriate action.

482 D. The Home State shall complete any pending
483 investigations of a Licensee who changes Home States during
484 the course of the investigations. The Home State shall also
485 have authority to take appropriate action(s) and shall
486 promptly report the conclusions of the investigations to the
487 administrator of the Data System. The administrator of the
488 Data System shall promptly notify the new Home State of any
489 Adverse Actions.

490 E. A Member State, if otherwise permitted by State
491 law, may recover from the affected Licensee the costs of
492 investigations and dispositions of cases resulting from any
493 Adverse Action taken against that Licensee.

494 F. A Member State may take Adverse Action based on the
495 factual findings of another Remote State, provided that the
496 Member State follows its own procedures for taking the
497 Adverse Action.

498 G. Joint Investigations:

499 1. In addition to the authority granted to a Member
500 State by its respective State law, any Member State may
501 participate with other Member States in joint investigations
502 of Licensees.

503 2. Member States shall share any investigative,
504 litigation, or compliance materials in furtherance of any
505 joint investigation initiated under the Compact.

506 H. If Adverse Action is taken by the Home State
507 against a Licensee's Home State License resulting in an
508 Encumbrance on the Home State License, the Licensee's
509 Compact Privilege(s) in all other Member States shall be
510 revoked until all Encumbrances have been removed from the
511 Home State License. All Home State disciplinary orders that

impose Adverse Action against a Licensee shall include a statement that the Licensee's Compact Privileges are revoked in all Member States during the pendency of the order.

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

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

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

SECTION 8. ESTABLISHMENT OF THE DIETITIAN LICENSURE COMPACT COMMISSION

A. The Compact Member States hereby create and establish a joint government agency whose membership consists of all Member States that have enacted the Compact known as the Dietitian Licensure Compact Commission. The Compact Commission is an instrumentality of the Compact States acting jointly and not an instrumentality of any one State. The Compact Commission shall come into existence on or after the effective date of the Compact as set forth in Section 12.

B. Membership, Voting, and Meetings

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

2. The delegate shall be the primary administrator of the Licensing Authority or their designee.

545 3. The Compact Commission shall by Rule or bylaw
546 establish a term of office for delegates and may by Rule or
547 bylaw establish term limits.

548 4. The Compact Commission may recommend removal or
549 suspension of any delegate from office.

550 5. A Member State's Licensing Authority shall fill any
551 vacancy of its delegate occurring on the Compact Commission
552 within 60 days of the vacancy.

553 6. Each delegate shall be entitled to one vote on all
554 matters before the Compact Commission requiring a vote by
555 the delegates.

556 7. Delegates shall meet and vote by such means as set
557 forth in the bylaws. The bylaws may provide for delegates
558 to meet and vote in-person or by telecommunication, video
559 conference, or other means of communication.

560 8. The Compact Commission shall meet at least once
561 during each calendar year. Additional meetings may be held
562 as set forth in the bylaws. The Compact Commission may meet
563 in person or by telecommunication, video conference, or
564 other means of communication.

565 C. The Compact Commission shall have the following
566 powers:

567 1. Establish the fiscal year of the Compact Commission;

568 2. Establish code of conduct and conflict of interest
569 policies;

570 3. Establish and amend Rules and bylaws;

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

573 5. Meet and take such actions as are consistent with
574 the provisions of this Compact, the Compact Commission's
575 Rules, and the bylaws;

576 6. Initiate and conclude legal proceedings or actions
577 in the name of the Compact Commission, provided that the

578 standing of any Licensing Authority to sue or be sued under
579 applicable law shall not be affected;

580 7. Maintain and certify records and information
581 provided to a Member State as the authenticated business
582 records of the Compact Commission, and designate an agent to
583 do so on the Compact Commission's behalf;

584 8. Purchase and maintain insurance and bonds;

585 9. Borrow, accept, or contract for services of
586 personnel, including, but not limited to, employees of a
587 Member State;

588 10. Conduct an annual financial review;

589 11. Hire employees, elect or appoint officers, fix
590 compensation, define duties, grant such individuals
591 appropriate authority to carry out the purposes of the
592 Compact, and establish the Compact Commission's personnel
593 policies and programs relating to conflicts of interest,
594 qualifications of personnel, and other related personnel
595 matters;

596 12. Assess and collect fees;

597 13. Accept any and all appropriate donations, grants
598 of money, other sources of revenue, equipment, supplies,
599 materials, services, and gifts, and receive, utilize, and
600 dispose of the same; provided that at all times the Compact
601 Commission shall avoid any actual or appearance of
602 impropriety or conflict of interest;

603 14. Lease, purchase, retain, own, hold, improve, or
604 use any property, real, personal, or mixed, or any undivided
605 interest therein;

606 15. Sell, convey, mortgage, pledge, lease, exchange,
607 abandon, or otherwise dispose of any property real,
608 personal, or mixed;

609 16. Establish a budget and make expenditures;

610 17. Borrow money;

611 18. Appoint committees, including standing committees,
612 composed of members, State regulators, State legislators or
613 their representatives, and consumer representatives, and
614 such other interested persons as may be designated in this
615 Compact or the bylaws;

616 19. Provide and receive information from, and
617 cooperate with, law enforcement agencies;

618 20. Establish and elect an Executive Committee,
619 including a chair and a vice chair;

620 21. Determine whether a State's adopted language is
621 materially different from the model compact language such
622 that the State would not qualify for participation in the
623 Compact; and

624 22. Perform such other functions as may be necessary
625 or appropriate to achieve the purposes of this Compact.

626 D. The Executive Committee

627 1. The Executive Committee shall have the power to act
628 on behalf of the Compact Commission according to the terms
629 of this Compact. The powers, duties, and responsibilities
630 of the Executive Committee shall include:

631 a. Oversee the day-to-day activities of the
632 administration of the Compact including enforcement and
633 compliance with the provisions of the Compact, its Rules and
634 bylaws, and other such duties as deemed necessary;

635 b. Recommend to the Compact Commission changes to the
636 Rules or bylaws, changes to this Compact legislation, fees
637 charged to Compact Member States, fees charged to Licensees,
638 and other fees;

639 c. Ensure Compact administration services are
640 appropriately provided, including by contract;

641 d. Prepare and recommend the budget;

642 e. Maintain financial records on behalf of the Compact
643 Commission;

- 644 f. Monitor Compact compliance of Member States and
645 provide compliance reports to the Compact Commission;
- 646 g. Establish additional committees as necessary;
- 647 h. Exercise the powers and duties of the Compact
648 Commission during the interim between Compact Commission
649 meetings, except for adopting or amending Rules, adopting or
650 amending bylaws, and exercising any other powers and duties
651 expressly reserved to the Compact Commission by Rule or
652 bylaw; and
- 653 i. Other duties as provided in the Rules or bylaws of
654 the Compact Commission.
- 655 2. The Executive Committee shall be composed of nine
656 members:
- 657 a. The chair and vice chair of the Compact Commission
658 shall be voting members of the Executive Committee;
- 659 b. Five voting members from the current membership of
660 the Compact Commission, elected by the Compact Commission;
- 661 c. One ex-officio, nonvoting member from a recognized
662 professional association representing dietitians; and
- 663 d. One ex-officio, nonvoting member from a recognized
664 national credentialing organization for dietitians.
- 665 3. The Compact Commission may remove any member of the
666 Executive Committee as provided in the Compact Commission's
667 bylaws.
- 668 4. The Executive Committee shall meet at least
669 annually.
- 670 a. Executive Committee meetings shall be open to the
671 public, except that the Executive Committee may meet in a
672 closed, non-public meeting as provided in subsection (F)(2).
- 673 b. The Executive Committee shall give 30 days' notice
674 of its meetings, posted on the website of the Compact
675 Commission and as determined to provide notice to persons
676 with an interest in the business of the Compact Commission.

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

679 E. The Compact Commission shall adopt and provide to
680 the Member States an annual report.

681 F. Meetings of the Compact Commission

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

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

690 b. The Compact Commission may hold a special meeting
691 when it must meet to conduct emergency business by giving 24
692 hours' notice to all Member States, on the Compact
693 Commission's website, and other means as provided in the
694 Compact Commission's Rules. The Compact Commission's legal
695 counsel shall certify that the Compact Commission's need to
696 meet qualifies as an emergency.

697 2. The Compact Commission or the Executive Committee
698 or other committees of the Compact Commission may convene in
699 a closed, non-public meeting for the Compact Commission or
700 Executive Committee or other committees of the Compact
701 Commission to receive legal advice or to discuss:

702 a. Non-compliance of a Member State with its
703 obligations under the Compact;

704 b. The employment, compensation, discipline, or other
705 matters, practices, or procedures related to specific
706 employees;

707 c. Current or threatened discipline of a Licensee by
708 the Compact Commission or by a Member State's Licensing
709 Authority;

710 d. Current, threatened, or reasonably anticipated
711 litigation;

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

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

716 g. Trade secrets or commercial or financial
717 information that is privileged or confidential;

718 h. Information of a personal nature where disclosure
719 would constitute a clearly unwarranted invasion of personal
720 privacy;

721 i. Investigative records compiled for law enforcement
722 purposes;

723 j. Information related to any investigative reports
724 prepared by or on behalf of or for use of the Compact
725 Commission or other committee charged with responsibility of
726 investigation or determination of compliance issues pursuant
727 to the Compact;

728 k. Matters specifically exempted from disclosure by
729 federal or Member State law; or

730 l. Other matters as specified in the Rules of the
731 Compact Commission.

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

736 4. The Compact Commission shall keep minutes that
737 fully and clearly describe all matters discussed in a
738 meeting and shall provide a full and accurate summary of
739 actions taken, and the reasons therefore, including a
740 description of the views expressed. All documents
741 considered in connection with an action shall be identified
742 in such minutes. All minutes and documents of a closed

meeting shall remain under seal, subject to release only by a majority vote of the Compact Commission or order of a court of competent jurisdiction.

G. Financing of the Compact Commission

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

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

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

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

5. The Compact Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Compact Commission shall be subject to the financial review and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Compact Commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review

shall be included in and become part of the annual report of the Compact Commission.

H. Qualified Immunity, Defense, and Indemnification

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

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

808 did not result from that person's intentional or willful or
809 wanton misconduct.

810 3. The Compact Commission shall indemnify and hold
811 harmless any member, officer, executive director, employee,
812 and representative of the Compact Commission for the amount
813 of any settlement or judgment obtained against that person
814 arising out of any actual or alleged act, error, or omission
815 that occurred within the scope of Compact Commission
816 employment, duties, or responsibilities, or that such person
817 had a reasonable basis for believing occurred within the
818 scope of Compact Commission employment, duties, or
819 responsibilities, provided that the actual or alleged act,
820 error, or omission did not result from the intentional or
821 willful or wanton misconduct of that person.

822 4. Nothing herein shall be construed as a limitation
823 on the liability of any Licensee for professional
824 malpractice or misconduct, which shall be governed solely by
825 any other applicable State laws.

826 5. Nothing in this Compact shall be interpreted to
827 waive or otherwise abrogate a Member State's state action
828 immunity or state action affirmative defense with respect to
829 antitrust claims under the Sherman Act, Clayton Act, or any
830 other State or federal antitrust or anticompetitive law or
831 regulation.

832 6. Nothing in this Compact shall be construed to be a
833 waiver of sovereign immunity by the Member States or by the
834 Compact Commission.

835 SECTION 9. DATA SYSTEM

836 A. The Compact Commission shall provide for the
837 development, maintenance, operation, and utilization of a
838 coordinated Data System.

839 B. The Compact Commission shall assign each applicant
840 for a Compact Privilege a unique identifier, as determined
841 by the Rules.

842 C. Notwithstanding any other provision of State law to
843 the contrary, a Member State shall submit a uniform data set
844 to the Data System on all individuals to whom this Compact
845 is applicable as required by the Rules of the Compact
846 Commission, including:

- 847 1. Identifying information;
- 848 2. Licensure data;
- 849 3. Adverse Actions against a License or Compact
850 Privilege and information related thereto;
- 851 4. Non-confidential information related to Alternative
852 Program participation, the beginning and ending dates of
853 such participation, and other information related to such
854 participation not made confidential under Member State law;
- 855 5. Any denial of application for licensure, and the
856 reason(s) for such denial;
- 857 6. The presence of Current Significant Investigative
858 Information; and
- 859 7. Other information that may facilitate the
860 administration of this Compact or the protection of the
861 public, as determined by the Rules of the Compact Commission.

862 D. The records and information provided to a Member
863 State pursuant to this Compact or through the Data System,
864 when certified by the Compact Commission or an agent
865 thereof, shall constitute the authenticated business records
866 of the Compact Commission, and shall be entitled to any
867 associated hearsay exception in any relevant judicial, quasi-
868 judicial, or administrative proceedings in a Member State.

869 E. Current Significant Investigative Information
870 pertaining to a Licensee in any Member State will only be
871 available to other Member States.

872 F. It is the responsibility of the Member States to
873 report any Adverse Action against a Licensee and to monitor
874 the Data System to determine whether any Adverse Action has
875 been taken against a Licensee. Adverse Action information
876 pertaining to a Licensee in any Member State will be
877 available to any other Member State.

878 G. Member States contributing information to the Data
879 System may designate information that may not be shared with
880 the public without the express permission of the
881 contributing State.

882 H. Any information submitted to the Data System that
883 is subsequently expunged pursuant to federal law or the laws
884 of the Member State contributing the information shall be
885 removed from the Data System.

886 SECTION 10. RULEMAKING

887 A. The Compact Commission shall promulgate reasonable
888 Rules in order to effectively and efficiently implement and
889 administer the purposes and provisions of the Compact. A
890 Rule shall be invalid and have no force or effect only if a
891 court of competent jurisdiction holds that the Rule is
892 invalid because the Compact Commission exercised its
893 rulemaking authority in a manner that is beyond the scope
894 and purposes of the Compact, or the powers granted
895 hereunder, or based upon another applicable standard of
896 review.

897 B. The Rules of the Compact Commission shall have the
898 force of law in each Member State, provided however that
899 where the Rules conflict with the laws or regulations of a
900 Member State that relate to the procedures, actions, and
901 processes a Licensed Dietitian is permitted to undertake in
902 that State and the circumstances under which they may do so,
903 as held by a court of competent jurisdiction, the Rules of

the Compact Commission shall be ineffective in that State to the extent of the conflict.

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

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

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

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

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

1. On the website of the Compact Commission or other publicly accessible platform;

2. To persons who have requested notice of the Compact Commission's notices of proposed rulemaking; and

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

H. The Notice of Proposed rulemaking shall include:

1. The time, date, and location of the public hearing at which the Compact Commission will hear public comments on

937 the proposed Rule and, if different, the time, date, and
938 location of the meeting where the Compact Commission will
939 consider and vote on the proposed Rule;

940 2. If the hearing is held via telecommunication, video
941 conference, or other means of communication, the Compact
942 Commission shall include the mechanism for access to the
943 hearing in the Notice of Proposed rulemaking;

944 3. The text of the proposed Rule and the reason
945 therefore;

946 4. A request for comments on the proposed Rule from
947 any interested person; and

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

950 I. All hearings will be recorded. A copy of the
951 recording and all written comments and documents received by
952 the Compact Commission in response to the proposed Rule
953 shall be available to the public.

954 J. Nothing in this Section shall be construed as
955 requiring a separate hearing on each Rule. Rules may be
956 grouped for the convenience of the Compact Commission at
957 hearings required by this Section.

958 K. The Compact Commission shall, by majority vote of
959 all members, take final action on the proposed Rule based on
960 the rulemaking record and the full text of the Rule.

961 1. The Compact Commission may adopt changes to the
962 proposed Rule provided the changes do not enlarge the
963 original purpose of the proposed Rule.

964 2. The Compact Commission shall provide an explanation
965 of the reasons for substantive changes made to the proposed
966 Rule as well as reasons for substantive changes not made
967 that were recommended by commenters.

968 3. The Compact Commission shall determine a reasonable
969 effective date for the Rule. Except for an emergency as

provided in Section 10(L), the effective date of the Rule shall be no sooner than 30 days after issuing the notice that it adopted or amended the Rule.

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

1. Meet an imminent threat to public health, safety, or welfare;

2. Prevent a loss of Compact Commission or Member State funds;

3. Meet a deadline for the promulgation of a Rule that is established by federal law or rule; or

4. Protect public health and safety.

M. The Compact Commission or an authorized committee of the Compact Commission may direct revision to a previously adopted Rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revision shall be posted on the website of the Compact Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made in writing and delivered to the Compact Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the

revision may not take effect without the approval of the Compact Commission.

N. No Member State's rulemaking requirements shall apply under this Compact.

SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

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

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

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

B. Default, Technical Assistance, and Termination

1. If the Compact Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated

Rules, the Compact Commission shall provide written notice to the defaulting State. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the Compact Commission may take and shall offer training and specific technical assistance regarding the default.

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

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

D. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Compact Commission to the governor, the majority and minority leaders of the defaulting State's legislature, the defaulting State's Licensing Authority, and each of the Member States' Licensing Authority.

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

F. Upon the termination of a State's membership from this Compact, that State shall immediately provide notice to all Licensees within that State of such termination. The terminated State shall continue to recognize all Compact

Privileges granted pursuant to this Compact for a minimum of six months after the date of said notice of termination.

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

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

I. Dispute Resolution

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

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

J. Enforcement

1. By supermajority vote, the Compact Commission may initiate legal action against a Member State in default in the United States District Court for the District of Columbia or the federal district where the Compact Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees. The remedies herein shall not be the exclusive remedies of

the Compact Commission. The Compact Commission may pursue any other remedies available under federal or the defaulting Member State's law.

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

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

SECTION 12. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

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

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

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

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

1135 2. Member States enacting the Compact subsequent to
1136 the seven initial Charter Member States shall be subject to
1137 the process set forth in Section 8(C) (21) to determine if
1138 their enactments are materially different from the model
1139 Compact statute and whether they qualify for participation
1140 in the Compact.

1141 3. All actions taken for the benefit of the Compact
1142 Commission or in furtherance of the purposes of the
1143 administration of the Compact prior to the effective date of
1144 the Compact or the Compact Commission coming into existence
1145 shall be considered to be actions of the Compact Commission
1146 unless specifically repudiated by the Compact Commission.

1147 4. Any State that joins the Compact subsequent to the
1148 Compact Commission's initial adoption of the Rules and
1149 bylaws shall be subject to the Rules and bylaws as they
1150 exist on the date on which the Compact becomes law in that
1151 State. Any Rule that has been previously adopted by the
1152 Compact Commission shall have the full force and effect of
1153 law on the day the Compact becomes law in that State.

1154 B. Any Member State may withdraw from this Compact by
1155 enacting a statute repealing the same.

1156 1. A Member State's withdrawal shall not take effect
1157 until 180 days after enactment of the repealing statute.

1158 2. Withdrawal shall not affect the continuing
1159 requirement of the withdrawing State's Licensing Authority
1160 to comply with the investigative and Adverse Action
1161 reporting requirements of this Compact prior to the
1162 effective date of withdrawal.

1163 3. Upon the enactment of a statute withdrawing from
1164 this Compact, a State shall immediately provide notice of
1165 such withdrawal to all Licensees within that State.
1166 Notwithstanding any subsequent statutory enactment to the
1167 contrary, such withdrawing State shall continue to recognize

all Compact Privileges granted pursuant to this Compact for a minimum of 180 days after the date of such notice of withdrawal.

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

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

SECTION 13. CONSTRUCTION AND SEVERABILITY

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

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

C. Notwithstanding Section 13(B), the Compact Commission may deny a State's participation in the Compact

1201 or, in accordance with the requirements of Section 11(B),
1202 terminate a Member State's participation in the Compact, if
1203 it determines that a constitutional requirement of a Member
1204 State is a material departure from the Compact. Otherwise,
1205 if this Compact shall be held to be contrary to the
1206 constitution of any Member State, the Compact shall remain
1207 in full force and effect as to the remaining Member States
1208 and in full force and effect as to the Member State affected
1209 as to all severable matters.

1210 SECTION 14. CONSISTENT EFFECT AND CONFLICT WITH OTHER
1211 STATE LAWS

1212 A. Nothing herein shall prevent or inhibit the
1213 enforcement of any other law of a Member State that is not
1214 inconsistent with the Compact.

1215 B. Any laws, statutes, regulations, or other legal
1216 requirements in a Member State in conflict with the Compact
1217 are superseded to the extent of the conflict.

1218 C. All permissible agreements between the Compact
1219 Commission and the Member States are binding in accordance
1220 with their terms."; and

1221 Further amend the title and enacting clause accordingly.