

2025 SENATE WORKFORCE DEVELOPMENT

SB 2223

2025 SENATE STANDING COMMITTEE MINUTES

Workforce Development Committee Fort Lincoln Room, State Capitol

SB 2223
2/7/2025

Relating to adoption of the dietician licensure compact.
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10:00 a.m. Chairman Wobbema opened the hearing.

Members Present: Chairman Wobbema, Vice-Chairman Axtman, Senator Boschee, Senator Larson, Senator Powers.

Discussion Topics:

- Multistate solutions
- Establishment of Compact Law
- Improve public safety

10:01 a.m. Senator Barta introduced the bill and submitted testimony #36173.

10:05 a.m. Amanda Ihmels, Registered Dietitian Nutritionist with ND Board of Dietetic Practice, testified in favor and submitted testimony #34073.

10:11 a.m. Jay Sheldon, Administrator with ND Military Commission, testified in favor and submitted testimony #35791 and #37425.

10:18 a.m. Senator Larson moved Do Pass.

10:18 a.m. Senator Larson withdraws the motion.

10:18 a.m. Senator Larson moved Amendment LC#25.0824.01001.

10:18 a.m. Senator Axtman seconded the motion.

Senators	Vote
Senator Mike Wobbema	Y
Senator Michelle Axtman	Y
Senator Josh Boschee	AB
Senator Diane Larson	Y
Senator Michelle Powers	Y

Motion passed 4-0-1.

10:19 a.m. Senator Larson moved Do Pass as amended.

10:20 a.m. Senator Axtman seconded the motion.

Senators	Vote
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Senator Mike Wobbema	Y
Senator Michelle Axtman	Y
Senator Josh Boschee	AB
Senator Diane Larson	Y
Senator Michelle Powers	Y

Motion passed 4-0-1.

Senator Axtman will carry the bill.

Additional written testimony:

Jennifer Haugen, Owner of Norther Edge Nutrition LLC, submitted testimony in favor #33219.

Casey Bjoralt, ND Academy of Nutrition and Dietetics, submitted testimony in favor #35261.

Tim Blasl, President of ND Hospital Association, submitted testimony in favor #35986.

Cale Dunwoody, Fargo Moorehead West Fargo Chamber of Commerce, submitted testimony in favor #36057.

Brekka Kramer, President and CEO of Minot Area Chamber EDC, submitted testimony in favor #36154.

10:21 a.m. Chairman Wobbema closed the hearing.

Andrew Ficek, Committee Clerk

February 4, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2223

Introduced by

Senators Barta, Axtman, Burckhard

Representatives Bahl, Frelich

2-7-25

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1 A BILL for an Act to create and enact chapter 43-44.1 of the North Dakota Century Code,
2 relating to adoption of the ~~dietician~~ dietitian licensure compact.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** Chapter 43-44.1 of the North Dakota Century Code is created and enacted as
5 follows:

6 **43-44.1-01. ~~Dietician~~ Dietitian licensure compact.**

7 The ~~dietician~~ dietitian licensure compact is entered with all states legally joining the
8 compact, in the form substantially as follows:

9 **ARTICLE I - PURPOSE**

10 1. The purpose of this compact is to facilitate interstate practice of dietetics with the goal
11 of improving public access to dietetic services. This compact preserves the regulatory
12 authority of states to protect public health and safety through the current system of
13 state licensure, while also providing for licensure portability through a compact
14 privilege granted to qualifying professionals.

15 2. This compact is designed to achieve the following objectives:

- 16 a. Increase public access to dietetic services;
17 b. Provide opportunities for interstate practice by licensed dietitians who meet
18 uniform requirements;
19 c. Eliminate the necessity for licenses in multiple states;
20 d. Reduce the administrative burden on member states and licensees;

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- e. Enhance the ability of member states to protect the public's health and safety;
- f. Encourage the cooperation of member states in regulating the multistate practice of licensed dietitians;
- g. Support relocating active military members and the member's spouse;
- 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.

ARTICLE II - DEFINITIONS

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

- 1. "ACEND" means the accreditation council for education in nutrition and dietetics or its successor organization.
- 2. "Active military member" means any individual with full-time duty status in the active armed forces of the United States, including members of the national guard and reserve.
- 3. "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing authority or other authority against a licensee, including actions against an individual's license or compact privilege such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting a licensee's authorization to practice, including issuance of a cease and desist action.
- 4. "Alternative program" means a nondisciplinary monitoring or practice remediation process approved by a licensing authority.
- 5. "CDR" means the commission on dietetic registration or its successor organization.
- 6. "Charter member state" means any member state that enacted this compact by law before the effective date specified in article XII.
- 7. "Compact commission" means the government agency whose membership consists of all states that have enacted this compact, which is known as the dietitian licensure compact commission, as described in article VIII, and which shall operate as an instrumentality of the member states.

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- 1 8. "Compact privilege" means a legal authorization, which is equivalent to a license,
2 permitting the practice of dietetics in a remote state.
- 3 9. "Continuing education" means a requirement, as a condition of license renewal, to
4 provide evidence of participation in, and completion of, educational and professional
5 activities relevant to practice or area of work.
- 6 10. "Current significant investigative information" means investigative information that:
7 a. A licensing authority, after a preliminary inquiry that includes notification and an
8 opportunity for the subject licensee to respond, if required by state law, has
9 reason to believe is not groundless and, if proved true, would indicate more than
10 a minor infraction; or
11 b. Indicates that the subject licensee represents an immediate threat to public
12 health and safety regardless of whether the subject licensee has been notified
13 and had an opportunity to respond.
- 14 11. "Data system" means a repository of information about licensees, including continuing
15 education, examination, licensure, investigative, compact privilege, and adverse action
16 information.
- 17 12. "Encumbered license" means a license in which an adverse action restricts a
18 licensee's ability to practice dietetics.
- 19 13. "Encumbrance" means a revocation or suspension of, or any limitation on a licensee's
20 full and unrestricted practice of dietetics by a licensing authority.
- 21 14. "Executive committee" means a group of delegates elected or appointed to act on
22 behalf of, and within the powers granted to them by, this compact, and the compact
23 commission.
- 24 15. "Home state" means the member state that is the licensee's primary state of residence
25 or that has been designated pursuant to article XI.
- 26 16. "Investigative information" means information, records, and documents received or
27 generated by a licensing authority pursuant to an investigation.
- 28 17. "Jurisprudence requirement" means an assessment of an individual's knowledge of
29 the state laws and regulations governing the practice of dietetics in the state.
- 30 18. "License" means an authorization from a member state to either:
31 a. Engage in the practice of dietetics, including medical nutrition therapy; or

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- 1 b. Use the title "dietitian", "licensed dietitian", "licensed dietitian nutritionist",
2 "certified dietitian", or other title describing a substantially similar practitioner as
3 the compact commission may further define by rule.
- 4 19. "Licensee" or "licensed dietitian" means an individual who currently holds a license
5 and who meets all of the requirements outlined in article IV.
- 6 20. "Licensing authority" means the board or agency of a state, or equivalent, that is
7 responsible for the licensing and regulation of the practice of dietetics.
- 8 21. "Member state" means a state that has enacted the compact.
- 9 22. "Practice of dietetics" means the synthesis and application of dietetics as defined by
10 state law and regulations, primarily for the provision of nutrition care services,
11 including medical nutrition therapy, in person or via telehealth, to prevent, manage, or
12 treat diseases or medical conditions, and promote wellness.
- 13 23. "Registered dietitian" means an individual who:
- 14 a. Has completed applicable education, experience, examination, and recertification
15 requirements approved by CDR;
- 16 b. Is credentialed by CDR as a registered dietitian or a registered dietitian
17 nutritionist; and
- 18 c. Is legally authorized to use the title registered dietitian or registered dietitian
19 nutritionist and the corresponding abbreviations "RD" or "RDN".
- 20 24. "Remote state" means a member state other than the home state, where a licensee is
21 exercising or seeking to exercise a compact privilege.
- 22 25. "Rule" means a regulation promulgated by the compact commission which has the
23 force of law.
- 24 26. "Single state license" means a license issued by a member state within the issuing
25 state and does not include a compact privilege in any other member state.
- 26 27. "State" means any state, commonwealth, district, or territory of the United States of
27 America.
- 28 28. "Unencumbered license" means a license that authorizes a licensee to engage in the
29 full and unrestricted practice of dietetics.

30 **ARTICLE III - STATE PARTICIPATION IN THE COMPACT**

- 31 1. To participate in the compact, a state shall currently:

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- 1 a. License and regulate the practice of dietetics; and
- 2 b. Have a mechanism in place for receiving and investigating complaints about
- 3 licensees.
- 4 2. A member state shall:
- 5 a. Participate fully in the compact commission's data system, including using the
- 6 unique identifier as defined in rules;
- 7 b. Notify the compact commission, in compliance with the terms of the compact and
- 8 rules, of any adverse action or the availability of current significant investigative
- 9 information regarding a licensee;
- 10 c. Implement or utilize procedures for considering the criminal history record
- 11 information of applicants for an initial compact privilege. These procedures must
- 12 include the submission of fingerprints or other biometric-based information by
- 13 applicants for the purpose of obtaining an applicant's criminal history record
- 14 information from the federal bureau of investigation and the agency responsible
- 15 for retaining that state's criminal records;
- 16 (1) A member state shall fully implement a criminal history record information
- 17 requirement, within a time frame established by rule, which includes
- 18 receiving the results of the federal bureau of investigation record search,
- 19 and shall use those results in determining compact privilege eligibility.
- 20 (2) Communication between a member state and the compact commission or
- 21 among member states regarding the verification of eligibility for a compact
- 22 privilege may not include any information received from the federal bureau
- 23 of investigation relating to a federal criminal history record information check
- 24 performed by a member state.
- 25 d. Comply with and enforce the rules of the compact commission;
- 26 e. Require an applicant for a compact privilege to obtain or retain a license in the
- 27 licensee's home state and meet the home state's qualifications for licensure or
- 28 renewal of licensure, as well as all other applicable state laws; and
- 29 f. Recognize a compact privilege granted to a licensee who meets all of the
- 30 requirements outlined in article IV under the terms of the compact and rules.
- 31 3. Member states may set and collect a fee for granting a compact privilege.

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- 1 4. Individuals not residing in a member state shall continue to be able to apply for a
2 member state's single state license as provided under the laws of each member state.
3 However, the single state license granted to these individuals may not be recognized
4 as granting a compact privilege to engage in the practice of dietetics in any other
5 member state.
- 6 5. Nothing in this compact may affect the requirements established by a member state
7 for the issuance of a single state license.
- 8 6. The compact commission may not define the requirements for the issuance of a single
9 state license to practice dietetics. The member states shall retain sole jurisdiction over
10 the provision of these requirements.

11 **ARTICLE IV - COMPACT PRIVILEGE**

- 12 1. To exercise the compact privilege under the terms and provisions of the compact, the
13 licensee shall:
- 14 a. Satisfy one of the following:
- 15 (1) Hold a valid current registration that gives the applicant the right to use the
16 term registered dietitian; or
- 17 (2) Complete all of the following:
- 18 (a) An education program which is either:
- 19 [1] A master's degree or doctoral degree that is programmatically
20 accredited by ACEND or a dietetics accrediting agency
21 recognized by the United States department of education, which
22 the compact commission may by rule determine, and from a
23 college or university accredited at the time of graduation by the
24 appropriate regional accrediting agency recognized by the
25 council on higher education accreditation and the United States
26 department of education; or
- 27 [2] An academic degree from a college or university in a foreign
28 country equivalent to the degree described in subparagraph (a)
29 that is programmatically accredited by ACEND or a dietetics
30 accrediting agency recognized by the United States department

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- 1 of education, which the compact commission may by rule
2 determine.
- 3 (b) A planned, documented, supervised practice experience in dietetics
4 that is programmatically accredited by ACEND or a dietetics
5 accrediting agency recognized by the United States department of
6 education, which the compact commission may by rule determine and
7 which involves at least one thousand hours of practice experience
8 under the supervision of a registered dietitian or a licensed dietitian.
- 9 (c) Successful completion of either the registration examination for
10 dietitians administered by CDR or a national credentialing
11 examination for dietitians approved by the compact commission by
12 rule, with completion occurring no more than five years before the
13 date of the licensee's application for initial licensure and accompanied
14 by a period of continuous licensure thereafter, all of which may be
15 further governed by the rules of the compact commission.
- 16 b. Hold an unencumbered license in the home state;
17 c. Notify the compact commission that the licensee is seeking a compact privilege
18 within a remote state;
19 d. Pay any applicable fees, including any state fee, for the compact privilege;
20 e. Meet any jurisprudence requirements established by the remote state in which
21 the licensee is seeking a compact privilege; and
22 f. Report to the compact commission any adverse action, encumbrance, or
23 restriction on a license taken by any nonmember state within thirty days from the
24 date the action is taken.
- 25 2. The compact privilege is valid until the expiration date of the home state license. To
26 maintain a compact privilege, renewal of the compact privilege must be congruent with
27 the renewal of the home state license as the compact commission may define by rule.
28 The licensee shall comply with the requirements of subsection 1 of article IV to
29 maintain the compact privilege in the remote state.

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3. A licensee exercising a compact privilege shall adhere to the laws and regulations of the remote state. Licensees must be responsible for educating themselves on, and complying with, all state laws relating to the practice of dietetics in the remote state.

4. Notwithstanding anything to the contrary provided in this compact or state law, a licensee exercising a compact privilege may not be required to complete continuing education requirements required by a remote state. A licensee exercising a compact privilege only is required to meet any continuing education requirements as required by the home state.

ARTICLE V - OBTAINING A NEW HOME STATE LICENSE BASED ON A COMPACT PRIVILEGE

1. A licensee may hold a home state license, which allows for a compact privilege in other member states, in only one member state at a time.

2. If a licensee changes home state by moving between two member states:

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

b. Upon receipt of an application for obtaining a new home state license by virtue of a compact privilege, the new home state shall verify that the licensee meets the criteria in article IV via the data system, and require that the licensee complete:

(1) A federal bureau of investigation fingerprint-based criminal history record information check;

(2) Any other criminal history record information required by the new home state; and

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

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

d. Notwithstanding any other provision of this compact, if the licensee cannot meet the criteria in article IV, the new home state may apply its requirements for issuing a new single state license.

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- 1 e. The licensee shall pay all applicable fees to the new home state to be issued a
2 new home state license.
- 3 3. If a licensee changes the licensee's state of residence by moving from a member state
4 to a nonmember state, or from a nonmember state to a member state, the state
5 criteria shall apply for issuance of a single state license in the new state.
- 6 4. Nothing in this compact may interfere with a licensee's ability to hold a single state
7 license in multiple states; however, for the purposes of this compact, a licensee may
8 have only one home state license.
- 9 5. Nothing in this compact may affect the requirements established by a member state
10 for the issuance of a single state license.

11 **ARTICLE VI - ACTIVE MILITARY MEMBERS**

12 **OR THE MEMBER'S SPOUSE**

13 An active military member, or the member's spouse, shall designate a home state where
14 the individual has a current license in good standing. The individual may retain the home state
15 designation during the period the service member is on active duty.

16 **ARTICLE VII - ADVERSE ACTIONS**

- 17 1. In addition to the other powers conferred by state law, a remote state must have the
18 authority, under state due process law, to:
 - 19 a. Take adverse action against a licensee's compact privilege within that member
20 state; and
 - 21 b. Issue subpoenas for both hearings and investigations that require the attendance
22 and testimony of witnesses as well as the production of evidence. Subpoenas
23 issued by a licensing authority in a member state for the attendance and
24 testimony of witnesses or the production of evidence from another member state
25 must be enforced in the latter state by any court of competent jurisdiction,
26 according to the practice and procedure applicable to subpoenas issued in
27 proceedings pending before that court. The issuing authority shall pay any
28 witness fees, travel expenses, mileage, and other fees required by the service
29 statutes of the state in which the witnesses or evidence are located.
- 30 2. Only the home state may have the power to take adverse action against a licensee's
31 home state license.

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- 1 3. For purposes of taking adverse action, the home state shall give the same priority and
2 effect to reported conduct received from a member state as it would if the conduct had
3 occurred within the home state. In so doing, the home state shall apply its own state
4 laws to determine appropriate action.
- 5 4. The home state shall complete any pending investigations of a licensee who changes
6 home states during the course of the investigations. The home state must have
7 authority to take appropriate action and shall promptly report the conclusions of the
8 investigations to the administrator of the data system. The administrator of the data
9 system shall promptly notify the new home state of any adverse actions.
- 10 5. A member state, if otherwise permitted by state law, may recover from the affected
11 licensee the costs of investigations and dispositions of cases resulting from any
12 adverse action taken against that licensee.
- 13 6. A member state may take adverse action based on the factual findings of another
14 remote state, provided that the member state follows its own procedures for taking the
15 adverse action.
- 16 7. Joint investigations:
 - 17 a. In addition to the authority granted to a member state by its respective state law,
18 any member state may participate with other member states in joint
19 investigations of licensees.
 - 20 b. Member states shall share any investigative, litigation, or compliance materials in
21 furtherance of any joint investigations initiated under the compact.
- 22 8. If adverse action is taken by the home state against a licensee's home state license
23 resulting in an encumbrance on the home state license, the licensee's compact
24 privilege in all other member states must be revoked until all encumbrances have
25 been removed from the home state license. All home state disciplinary orders that
26 impose adverse action against a licensee must include a statement that the licensee's
27 compact privileges are revoked in all member states during the pendency of the order.
- 28 9. Once an encumbered license in the home state is restored to an unencumbered
29 license, as certified by the home state's licensing authority, the licensee shall meet the
30 requirements of subsection 1 of article IV and follow the administrative requirements to
31 reapply to obtain a compact privilege in any remote state.

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1 10. If a member state takes adverse action, the member state promptly shall notify the
2 administrator of the data system. The administrator of the data system promptly shall
3 notify the other member states of any adverse actions.

4 11. Nothing in this compact may override a member state's decision that participation in
5 an alternative program may be used in lieu of adverse action.

6 **ARTICLE VIII - ESTABLISHMENT OF THE DIETITIAN**

7 **LICENSURE COMPACT COMMISSION**

8 1. The compact member states hereby create and establish a joint government agency
9 whose membership consists of all member states that have enacted the compact
10 known as the dietitian licensure compact commission. The compact commission is an
11 instrumentality of the compact states acting jointly and not an instrumentality of any
12 one state. The compact commission shall come into existence on or after the effective
13 date of the compact as set forth in article XII.

14 2. Membership, voting, and meetings.

15 a. Each member state must have and be limited to one delegate selected by that
16 member state's licensing authority.

17 b. The delegate must be the primary administrator of the licensing authority or the
18 licensing authority's designee.

19 c. The compact commission shall by rule or bylaw establish a term of office for
20 delegates and may by rule or bylaw establish term limits.

21 d. The compact commission may recommend removal or suspension of any
22 delegate from office.

23 e. A member state's licensing authority shall fill any vacancy of its delegate
24 occurring on the compact commission within sixty days of the vacancy.

25 f. Each delegate must be entitled to one vote on all matters before the compact
26 commission requiring a vote by the delegates.

27 g. Delegates shall meet and vote by the means set forth in the bylaws. The bylaws
28 may provide for delegates to meet and vote in-person or by telecommunication,
29 video conference, or other means of communication.

30 h. The compact commission shall meet at least once during each calendar year.
31 Additional meetings may be held as set forth in the bylaws. The compact

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1 commission may meet in-person or by telecommunication, video conference, or
2 other means of communication.

3 3. The compact commission has the power to:

4 a. Establish the fiscal year of the compact commission;

5 b. Establish code of conduct and conflict of interest policies;

6 c. Establish and amend rules and bylaws;

7 d. Maintain the commission's financial records in accordance with the bylaws;

8 e. Meet and take actions consistent with the provisions of this compact, the
9 compact commission's rules, and the bylaws;

10 f. Initiate and conclude legal proceedings or actions in the name of the compact
11 commission, provided that the standing of any licensing authority to sue or be
12 sued under applicable law may not be affected;

13 g. Maintain and certify records and information provided to a member state as the
14 authenticated business records of the compact commission, and designate an
15 agent to do so on the compact commission's behalf;

16 h. Purchase and maintain insurance and bonds;

17 i. Borrow, accept, or contract for services of personnel, including employees of a
18 member state;

19 j. Conduct an annual financial review;

20 k. Hire employees, elect or appoint officers, fix compensation, define duties, grant
21 those individuals appropriate authority to carry out the purposes of the compact,
22 and establish the compact commission's personnel policies and programs
23 relating to conflicts of interest, qualifications of personnel, and other related
24 personnel matters;

25 l. Assess and collect fees;

26 m. Accept all appropriate donations, grants of money, other sources of revenue,
27 equipment, supplies, materials, services, and gifts, and receive, utilize, and
28 dispose of the same provided that at all times the compact commission shall
29 avoid any actual or appearance of impropriety or conflict of interest;

30 n. Lease, purchase, retain, own, hold, improve, or use any property, real, personal,
31 or mixed, or any undivided interest therein;

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- 1 o. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose
- 2 of any property real, personal, or mixed;
- 3 p. Establish a budget and make expenditures;
- 4 q. Borrow money;
- 5 r. Appoint committees, including standing committees, composed of members,
- 6 state regulators, state legislators or their representatives, and consumer
- 7 representatives, and other interested persons as may be designated in this
- 8 compact or the bylaws;
- 9 s. Provide and receive information from, and cooperate with, law enforcement
- 10 agencies;
- 11 t. Establish and elect an executive committee, including a chair and a vice chair;
- 12 u. Determine whether a state's adopted language is materially different from the
- 13 model compact language such that the state would not qualify for participation in
- 14 the compact; and
- 15 v. Perform such other functions as may be necessary or appropriate to achieve the
- 16 purposes of this compact.
- 17 4. The executive committee.
- 18 a. The executive committee must have the power to act on behalf of the compact
- 19 commission according to the terms of this compact. The powers, duties, and
- 20 responsibilities of the executive committee shall include:
- 21 (1) Overseeing the day-to-day activities of the administration of the compact,
- 22 including enforcement and compliance with the provisions of the compact,
- 23 its rules and bylaws, and other duties as deemed necessary;
- 24 (2) Recommending to the compact commission changes to the rules or bylaws,
- 25 changes to this compact legislation, fees charged to compact member
- 26 states, fees charged to licensees, and other fees;
- 27 (3) Ensuring compact administration services are provided appropriately,
- 28 including by contract;
- 29 (4) Preparing and recommending the budget;
- 30 (5) Maintaining financial records on behalf of the compact commission;

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- 1 (6) Monitoring compact compliance of member states and providing compliance
- 2 reports to the compact commission;
- 3 (7) Establishing additional committees as necessary;
- 4 (8) Exercising the powers and duties of the compact commission during the
- 5 interim between compact commission meetings, except for adopting or
- 6 amending rules, adopting or amending bylaws, and exercising any other
- 7 powers and duties expressly reserved to the compact commission by rule or
- 8 bylaw; and
- 9 (9) Other duties as provided in the rules or bylaws of the compact commission.
- 10 b. The executive committee must be composed of nine members:
- 11 (1) The chair and vice chair of the compact commission, which must be voting
- 12 members of the executive committee;
- 13 (2) Five voting members from the current membership of the compact
- 14 commission, elected by the compact commission;
- 15 (3) One ex officio, nonvoting member from a recognized professional
- 16 association representing dietitians; and
- 17 (4) One ex officio, nonvoting member from a recognized national credentialing
- 18 organization for dietitians.
- 19 c. The compact commission may remove any member of the executive committee
- 20 as provided in the compact commission's bylaws.
- 21 d. The executive committee shall meet at least annually.
- 22 (1) Executive committee meetings must be open to the public, except that the
- 23 executive committee may meet in a closed, nonpublic meeting as provided
- 24 in subdivision b of subsection 6.
- 25 (2) The executive committee shall give thirty days notice of its meetings, posted
- 26 on the website of the compact commission and as determined to provide
- 27 notice to persons with an interest in the business of the compact
- 28 commission.
- 29 (3) The executive committee may hold a special meeting in accordance with
- 30 paragraph 2 of subdivision a of subsection 6.

- 1 5. The compact commission shall adopt and provide to the member states an annual
2 report.
- 3 6. Meetings of the compact commission.
- 4 a. All meetings must be open to the public, except that the compact commission
5 may meet in a closed, nonpublic meeting as provided in subdivision b of
6 subsection 6.
- 7 (1) Public notice for all meetings of the full compact commission must be given
8 in the same manner as required under the rulemaking provisions in
9 article X, except that the compact commission may hold a special meeting
10 as provided in paragraph 2 of subdivision a of subsection 6.
- 11 (2) The compact commission may hold a special meeting when it must meet to
12 conduct emergency business by giving twenty-four hours notice to all
13 member states, on the compact commission's website, and other means as
14 provided in the compact commission's rules. The compact commission's
15 legal counsel shall certify that the compact commission's need to meet
16 qualifies as an emergency.
- 17 b. The compact commission or the executive committee or other committees of the
18 compact commission may convene in a closed, nonpublic meeting for the
19 compact commission or executive committee or other committees of the compact
20 commission to receive legal advice or to discuss:
- 21 (1) Noncompliance of a member state with its obligations under the compact;
22 (2) The employment, compensation, discipline, or other matters, practices, or
23 procedures related to specific employees;
- 24 (3) Current or threatened discipline of a licensee by the compact commission or
25 by a member state's licensing authority;
- 26 (4) Current, threatened, or reasonably anticipated litigation;
27 (5) Negotiation of contracts for the purchase, lease, or sale of goods, services,
28 or real estate;
- 29 (6) Accusing a person of a crime or formally censuring a person;
30 (7) Trade secrets or commercial or financial information that is privileged or
31 confidential;

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- 1 (8) Information of a personal nature if disclosure would constitute a clearly
2 unwarranted invasion of personal privacy;
3 (9) Investigative records compiled for law enforcement purposes;
4 (10) Information related to any investigative reports prepared by or on behalf of
5 or for use of the compact commission or other committee charged with
6 responsibility of investigation or determination of compliance issues
7 pursuant to the compact;
8 (11) Matters specifically exempted from disclosure by federal or member state
9 law; or
10 (12) Other matters as specified in the rules of the compact commission.
11 c. If a meeting or portion of a meeting is closed, the presiding officer shall state the
12 meeting will be closed and reference each relevant exempting provision and the
13 reference must be recorded in the minutes.
14 d. The compact commission shall keep minutes that fully and clearly describe all
15 matters discussed in a meeting and provide a full and accurate summary of
16 actions taken and the reasons for taking the action, including a description of the
17 views expressed. The documents considered in connection with an action must
18 be identified in the minutes. The minutes and documents of a closed meeting
19 must remain under seal, subject to release only by a majority vote of the compact
20 commission or order of a court of competent jurisdiction.
21 7. Financing of the compact commission.
22 a. The compact commission shall pay, or provide for the payment of, the reasonable
23 expenses of the commission's establishment, organization, and ongoing
24 activities.
25 b. The compact commission may accept all appropriate revenue sources as
26 provided in subdivision m of subsection 3.
27 c. The compact commission may levy on and collect an annual assessment from
28 each member state and impose fees on licensees of member states to whom it
29 grants a compact privilege to cover the cost of the operations and activities of the
30 compact commission and its staff which must, in a total amount, be sufficient to
31 cover its annual budget as approved each year for which revenue is not provided

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1 by other sources. The aggregate annual assessment amount for member states
2 must be allocated based upon a formula that the compact commission shall
3 promulgate by rule.

4 d. The compact commission may not incur an obligation before securing the funds
5 adequate to meet the obligation, nor shall the compact commission pledge the
6 credit of any of the member states, except by and with the authority of the
7 member state.

8 e. The compact commission shall keep accurate accounts of all receipts and
9 disbursements. The receipts and disbursements of the compact commission
10 must be subject to the financial review and accounting procedures established
11 under its bylaws. However, all receipts and disbursements of funds handled by
12 the compact commission must be subject to an annual financial review by a
13 certified or licensed public accountant and the report of the financial review must
14 be included in and become part of the annual report of the compact commission.

15 8. Qualified immunity, defense, and indemnification.

16 a. The members, officers, executive director, employees, and representatives of the
17 compact commission must be immune from suit and liability, both personally and
18 in their official capacity, for any claim for damage to or loss of property or
19 personal injury or other civil liability caused by or arising out of any actual or
20 alleged act, error, or omission that occurred, or that the individual against whom
21 the claim is made had a reasonable basis for believing occurred within the scope
22 of compact commission employment, duties, or responsibilities provided that
23 nothing in this subdivision may be construed to protect the individual from suit or
24 liability for any damage, loss, injury, or liability caused by the intentional, willful, or
25 wanton misconduct of that individual. The procurement of insurance of any type
26 by the compact commission may not compromise or limit the immunity granted
27 hereunder.

28 b. The compact commission shall defend any member, officer, executive director,
29 employee, and representative of the compact commission in any civil action
30 seeking to impose liability arising out of any actual or alleged act, error, or
31 omission that occurred within the scope of compact commission employment,

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duties, or responsibilities, or as determined by the compact commission that the individual 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 may be construed to prohibit that individual from retaining the individual's own counsel at the individual's own expense and provided further that the actual or alleged act, error, or omission did not result from that individual's intentional, willful, or wanton misconduct.

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

d. Nothing herein may be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which must be governed solely by any other applicable state laws.

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

f. Nothing in this compact may be construed to be a waiver of sovereign immunity by the member states or by the compact commission.

ARTICLE IX - DATA SYSTEM

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

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

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- 1 3. Notwithstanding any other provision of state law to the contrary, a member state shall
2 submit a uniform data set to the data system on all individuals to whom this compact is
3 applicable as required by the rules of the compact commission, including:
 - 4 a. Identifying information;
 - 5 b. Licensure data;
 - 6 c. Adverse actions against a license or compact privilege and information related to
7 the adverse action;
 - 8 d. Nonconfidential information related to alternative program participation, the
9 beginning and ending dates of the participation, and other information related to
10 the participation not made confidential under member state law;
 - 11 e. Any denial of application for licensure, and the reason for the denial;
 - 12 f. The presence of current significant investigative information; and
 - 13 g. Other information that may facilitate the administration of this compact or the
14 protection of the public, as determined by the rules of the compact commission.
- 15 4. The records and information provided to a member state pursuant to this compact or
16 through the data system, when certified by the compact commission or an agent of the
17 commission, shall constitute the authenticated business records of the compact
18 commission, and must be entitled to any associated hearsay exception in a relevant
19 judicial, quasi-judicial, or administrative proceeding in a member state.
- 20 5. Current significant investigative information pertaining to a licensee in any member
21 state will be available only to other member states.
- 22 6. It is the responsibility of the member states to report any adverse action against a
23 licensee and to monitor the data system to determine whether any adverse action has
24 been taken against a licensee. Adverse action information pertaining to a licensee in
25 any member state will be available to any other member state.
- 26 7. Member states contributing information to the data system may designate information
27 that may not be shared with the public without the express permission of the
28 contributing state.
- 29 8. Any information submitted to the data system which is subsequently expunged
30 pursuant to federal law or the laws of the member state contributing the information
31 must be removed from the data system.

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ARTICLE X - RULEMAKING

1. The compact commission shall promulgate reasonable rules to effectively and efficiently implement and administer the purposes and provisions of the compact. A rule has no force or effect if a court of competent jurisdiction holds the rule is invalid because the compact commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the compact, or the powers granted under the compact, or based upon another applicable standard of review.
2. The rules of the compact commission must have the force of law in each member state, provided that if the rules conflict with the laws or regulations of a member state that relate to the procedures, actions, and processes a licensed dietitian is permitted to undertake in that state and the circumstances under which the licensed dietitian may do so, as held by a court of competent jurisdiction, the rules of the compact commission are ineffective in that state to the extent of the conflict.
3. The compact commission shall exercise its rulemaking powers pursuant to the criteria and rules set forth and adopted under this section. Rules become binding on the day following adoption or as of the date specified in the rule or amendment, whichever is later.
4. 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 years of the date of adoption of the rule, then the rule has no further force and effect in any member state.
5. Rules must be adopted at a regular or special meeting of the compact commission.
6. Before adoption of a proposed rule, the compact commission shall hold a public hearing and allow individuals to provide oral and written comments, data, facts, opinions, and arguments.
7. Before adoption of a proposed rule by the compact commission, and at least thirty 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:
 - a. On the website of the compact commission or other publicly accessible platform:

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- 1 b. To persons who have requested notice of the compact commission's notices of
- 2 proposed rulemaking; and
- 3 c. In such other way as the compact commission may by rule specify.
- 4 8. The notice of proposed rulemaking must include:
- 5 a. The time, date, and location of the public hearing at which the compact
- 6 commission will hear public comments on the proposed rule and, if different, the
- 7 time, date, and location of the meeting at which the compact commission will
- 8 consider and vote on the proposed rule;
- 9 b. If the hearing is held via telecommunication, video conference, or other means of
- 10 communication, the compact commission shall include the mechanism for access
- 11 to the hearing in the notice of proposed rulemaking;
- 12 c. The text of the proposed rule and the reason for the rule;
- 13 d. A request for comments on the proposed rule from any interested person; and
- 14 e. The manner in which interested persons may submit written comments.
- 15 9. All hearings will be recorded. A copy of the recording and all written comments and
- 16 documents received by the compact commission in response to the proposed rule
- 17 must be available to the public.
- 18 10. Nothing in this section may be construed as requiring a separate hearing on each rule.
- 19 Rules may be grouped for the convenience of the compact commission at hearings
- 20 required by this section.
- 21 11. The compact commission shall, by majority vote of all members, take final action on
- 22 the proposed rule based on the rulemaking record and the full text of the rule.
- 23 a. The compact commission may adopt changes to the proposed rule provided the
- 24 changes do not enlarge the original purpose of the proposed rule.
- 25 b. The compact commission shall provide an explanation of the reasons for
- 26 substantive changes made to the proposed rule as well as reasons for
- 27 substantive changes not made that were recommended by commenters.
- 28 c. The compact commission shall determine a reasonable effective date for the rule.
- 29 Except for an emergency as provided in subsection 12 of article X, the effective
- 30 date of the rule must be no sooner than thirty days after issuing the notice that
- 31 the commission adopted or amended the rule.

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- 1 12. Upon determination that an emergency exists, the compact commission may consider
2 and adopt an emergency rule with twenty-four hours notice and with opportunity to
3 comment, provided that the usual rulemaking procedures provided in the compact and
4 in this section must be retroactively applied to the rule as soon as reasonably possible,
5 in no event later than ninety days after the effective date of the rule. For the purposes
6 of this provision, an emergency rule is one that must be adopted immediately in order
7 to:
8 a. Meet an imminent threat to public health, safety, or welfare;
9 b. Prevent a loss of compact commission or member state funds;
10 c. Meet a deadline for the promulgation of a rule that is established by federal law
11 or rule; or
12 d. Protect public health and safety.
13 13. The compact commission or an authorized committee of the compact commission may
14 direct revision to a previously adopted rule for purposes of correcting typographical
15 errors, errors in format, errors in consistency, or grammatical errors. Public notice of
16 any revision must be posted on the website of the compact commission. The revision
17 must be subject to challenge by any person for a period of thirty days after posting.
18 The revision may be challenged only on grounds that the revision results in a material
19 change to a rule. A challenge must be made in writing and delivered to the compact
20 commission before the end of the notice period. If no challenge is made, the revision
21 will take effect without further action. If the revision is challenged, the revision may not
22 take effect without the approval of the compact commission.
23 14. A member state's rulemaking requirements may not apply under this compact.
24 **ARTICLE XI - OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**
25 1. Oversight.
26 a. The executive and judicial branches of state government in each member state
27 shall enforce this compact and take all actions necessary and appropriate to
28 implement this compact.
29 b. Except as otherwise provided in this compact, venue is proper and judicial
30 proceedings by or against the compact commission must be brought solely and
31 exclusively in a court of competent jurisdiction where the principal office of the

- 1 compact commission is located. The compact commission may waive venue and
2 jurisdictional defenses to the extent it adopts or consents to participate in
3 alternative dispute resolution proceedings. Nothing herein shall affect or limit the
4 selection or propriety of venue in any action against a licensee for professional
5 malpractice, misconduct, or any such similar matter.
- 6 c. The compact commission must be entitled to receive service of process in any
7 proceeding regarding the enforcement or interpretation of the compact and shall
8 have standing to intervene in that proceeding for all purposes. Failure to provide
9 the compact commission service of process shall render a judgment or order void
10 as to the compact commission, this compact, or promulgated rules.
- 11 2. Default, technical assistance, and termination.
- 12 a. If the compact commission determines a member state has defaulted in the
13 performance of its obligations or responsibilities under this compact or the
14 promulgated rules, the compact commission shall provide written notice to the
15 defaulting state. The notice of default shall describe the default, the proposed
16 means of curing the default, and any other action that the compact commission
17 may take and shall offer training and specific technical assistance regarding the
18 default.
- 19 b. The compact commission shall provide a copy of the notice of default to the other
20 member states.
- 21 3. If a state in default fails to cure the default, the defaulting state may be terminated
22 from the compact upon an affirmative vote of a majority of the delegates of the
23 member states, and all rights, privileges, and benefits conferred on that state by this
24 compact may be terminated on the effective date of termination. A cure of the default
25 does not relieve the offending state of obligations or liabilities incurred during the
26 period of default.
- 27 4. Termination of membership in the compact must be imposed only after all other means
28 of securing compliance have been exhausted. Notice of intent to suspend or terminate
29 must be given by the compact commission to the governor, the majority and minority
30 leaders of the defaulting state's legislature, the defaulting state's licensing authority,
31 and each of the member states licensing authority.

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- 1 5. A state that has been terminated is responsible for all assessments, obligations, and
2 liabilities incurred through the effective date of termination, including obligations that
3 extend beyond the effective date of termination.
- 4 6. Upon the termination of a state's membership from this compact, that state shall
5 immediately provide notice to all licensees within that state of the termination. The
6 terminated state shall continue to recognize all compact privileges granted pursuant to
7 this compact for a minimum of six months after the date of the notice of termination.
- 8 7. The compact commission may not bear any costs related to a state that is found to be
9 in default or that has been terminated from the compact, unless agreed upon in writing
10 between the compact commission and the defaulting state.
- 11 8. The defaulting state may appeal the action of the compact commission by petitioning
12 the United States district court for the District of Columbia or the federal district where
13 the compact commission has its principal offices. The prevailing party must be
14 awarded all costs of the litigation, including reasonable attorney's fees.
- 15 9. Dispute resolution.
 - 16 a. Upon request by a member state, the compact commission shall attempt to
17 resolve disputes related to the compact that arise among member states and
18 between member and nonmember states.
 - 19 b. The compact commission shall promulgate a rule providing for both mediation
20 and binding dispute resolution for disputes as appropriate.
- 21 10. Enforcement.
 - 22 a. By supermajority vote, the compact commission may initiate legal action against
23 a member state in default in the United States district court for the District of
24 Columbia or the federal district where the compact commission has its principal
25 offices to enforce compliance with the provisions of the compact and its
26 promulgated rules. The relief sought may include both injunctive relief and
27 damages. In the event judicial enforcement is necessary, the prevailing party
28 must be awarded all costs of the litigation, including reasonable attorney's fees.
29 The remedies herein may not be the exclusive remedies of the compact
30 commission. The compact commission may pursue any other remedies available
31 under federal or the defaulting member state's law.

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b. A member state may initiate legal action against the compact commission 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 must be awarded all costs of the litigation, including reasonable attorney's fees.

c. No party other than a member state may enforce this compact against the compact commission.

ARTICLE XII - EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

1. The compact shall come into effect on the date on which the compact statute is enacted into law in the seventh member state.

a. 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 charter member state is materially different than the model compact statute.

(1) A charter member state whose enactment is found to be materially different from the model compact statute must be entitled to the default process set forth in article XI.

(2) If any member state is later found to be in default, 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 is less than seven.

b. Member states enacting the compact subsequent to the seven initial charter member states must be subject to the process set forth in subdivision u of subsection 3 of article VIII to determine if the member state's enactments are materially different from the model compact statute and whether the member states qualify for participation in the compact.

c. All actions taken for the benefit of the compact commission or in furtherance of the purposes of the administration of the compact before the effective date of the compact or the compact commission coming into existence must be considered

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

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

9 2. Any member state may withdraw from this compact by enacting a statute repealing the
10 compact.

11 a. A member state's withdrawal may not take effect until one hundred eighty days
12 after enactment of the repealing statute.

13 b. Withdrawal may not affect the continuing requirement of the withdrawing state's
14 licensing authority to comply with the investigative and adverse action reporting
15 requirements of this compact before the effective date of withdrawal.

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

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

25 4. This compact may be amended by the member states. No amendment to this compact
26 may become effective and binding upon any member state until it is enacted into the
27 laws of all member states.

28 **ARTICLE XIII - CONSTRUCTION AND SEVERABILITY**

29 1. This compact and the compact commission's rulemaking authority must be liberally
30 construed so as to effectuate the purposes and the implementation and administration
31 of the compact. Provisions of the compact expressly authorizing or requiring the

1 promulgation of rules may not be construed to limit the compact commission's
2 rulemaking authority solely for those purposes.

3 2. The provisions of this compact must be severable and if any phrase, clause, sentence,
4 or provision of this compact is held by a court of competent jurisdiction to be contrary
5 to the constitution of any member state, a state seeking participation in the compact,
6 or of the United States, or the applicability thereof to any government, agency, person,
7 or circumstance is held to be unconstitutional by a court of competent jurisdiction, the
8 validity of the remainder of this compact and the applicability thereof to any other
9 government, agency, person, or circumstance shall not be affected thereby.

10 3. Notwithstanding subsection 2, the compact commission may deny a state's
11 participation in the compact or, in accordance with the requirements of subsection 2 of
12 article XI, terminate a member state's participation in the compact, if it determines that
13 a constitutional requirement of a member state is a material departure from the
14 compact. Otherwise, if this compact must be held to be contrary to the constitution of
15 any member state, the compact shall remain in full force and effect as to the remaining
16 member states and in full force and effect as to the member state affected as to all
17 severable matters.

18 **ARTICLE XIV - CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS**

19 1. Nothing herein may prevent or inhibit the enforcement of any other law of a member
20 state that is not inconsistent with the compact.

21 2. Any laws, statutes, regulations, or other legal requirements in a member state in
22 conflict with the compact are superseded to the extent of the conflict.

23 3. All permissible agreements between the compact commission and the member states
24 are binding in accordance with the terms of the agreement.

**REPORT OF STANDING COMMITTEE
SB 2223**

Workforce Development Committee (Sen. Wobbema, Chairman) recommends **AMENDMENTS** ([25.0824.01001](#)) and when so amended, recommends **DO PASS** (4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2223 was placed on the Sixth order on the calendar. This bill affects workforce development.

Re: Support for SB 2223

Senate Workforce Development Committee:

As a Licensed Registered Dietitian and a member of the North Dakota Academy of Nutrition and Dietetics I am writing in support of the Senate Bill SB 2223, relating to the adoption of the dietitian licensure compact. This would provide easier access to nutrition care and provide continued care for patients who have established care with providers while living in the state of North Dakota. Benefits of this compact include:

- Providing nutrition care services in multiple states, either in person or through telehealth, requires RDNs to become licensed according to each state's requirements, which can be time-consuming and costly. A potential solution to facilitate cost-effective interstate practice for licensed registered dietitian nutritionists is a licensure compact.
- The mobility of licensed RDNs — particularly RDNs who serve in the military or are spouses of military personnel — would help alleviate barriers to practice after relocating to a new state.
- Improve public safety and promote workforce development by reducing unnecessary licensure burdens.

As a practicing licensed registered dietitian in the state of North Dakota, I see many benefits to my patients. Most of my current patients are students at the University of North Dakota. These students often leave on holiday breaks and summer breaks back to their home states (and countries) which often leads to an extended break in service. This is particularly harmful to clients with disordered eating behaviors who struggle with trust and need frequent follow-up to ensure their well-being. It is very challenging to find providers to transfer care for short times such as winter break or summer vacation which can lead to setbacks in their health. I urge you to consider these patients and the quality of their care when considering your decision.

My recommendation is to pass SB 2223.

Respectfully,

Jennifer Haugen, RD, CSSD, LD
Registered Dietitian, licensed in North Dakota and Minnesota
Board Certified Specialist in Sport Dietetics
Grand Forks, ND

Testimony in Support of Senate Bill 2223

2/7/2025

Chairman Wobbema and Esteemed Members of the Committee,

My name is Amanda Ihmels, RDN, CSO, LRD and I am representing the North Dakota Board of Dietetic Practice, the dietitian licensing board. I am here today to express the boards support for Senate Bill 2223, which proposes North Dakota's adoption of the Dietitian Licensure Compact, as outlined in Chapter 43-44.1 of the North Dakota Century Code.

The proposed compact represents a pivotal step toward advancing dietetic practice and improving access to critical nutrition care across state lines. This legislation is aligned with the mission of the North Dakota Board of Dietetic Practice to protect public health and safety while fostering professional excellence among dietitians.

Senate Bill 2223 achieves several critical objectives:

1. **Expands Access to Nutrition Care:** By allowing dietitians to practice across state lines through a streamlined licensure process, this compact eliminates barriers that currently limit access to medical nutrition therapy and other essential dietetic services. This is particularly beneficial for underserved and rural communities, which often face limited access to healthcare professionals.
2. **Supports Relocating Professionals:** The compact supports military families, including active-duty members and their spouses, by reducing the administrative burdens of obtaining multiple licenses when relocating. This ensures uninterrupted access to dietetic care for these families.
3. **Promotes Consistency and Accountability:** Through uniform licensure requirements and the sharing of licensure and disciplinary information among member states, the compact enhances the ability to hold dietitians accountable while maintaining the highest professional standards.
4. **Advances Telehealth Services:** The compact facilitates the provision of telehealth nutrition services, a rapidly growing area of healthcare delivery. This is particularly significant in states like North Dakota, where geographic challenges can hinder in-person access to care.
5. **Reduces Administrative Burdens:** By eliminating the need for multiple state licenses, this compact decreases costs and administrative complexity for both dietitians and state licensing boards, allowing for more efficient use of resources.

As a regulatory board dedicated to upholding professional standards and protecting public health, we believe this compact empowers our state to enhance the delivery of dietetic services while maintaining robust oversight. This legislation reflects a forward-thinking approach to healthcare, recognizing the evolving needs of our communities and the value of collaborative, multistate solutions.

I urge you to support Senate Bill 2223 and join North Dakota with other states in advancing this important initiative. Adopting the Dietitian Licensure Compact is not only a step toward modernizing licensure but also a commitment to improving the health and well-being of all North Dakotans.

Thank you for your time and consideration. I am happy to answer any questions you may have.

Sincerely,

Amanda Ihmels, RDN, CSO, LRD

LRD Chair

North Dakota Board of Dietetic Practice

Written Testimony in Support of SB 2223

North Dakota Academy of Nutrition and Dietetics

Dear Chairperson and Committee Members,

The North Dakota Academy of Nutrition and Dietetics (NDAND) strongly supports Senate Bill 2223 to adopt the Dietitian Licensure Compact. This compact will provide numerous benefits for dietitians, licensing authorities, and the citizens of North Dakota.

Benefits for Dietetic Practitioners:

By adopting SB 2223, North Dakota will enable dietitians to practice across multiple compact member states without needing to obtain and maintain separate licenses in each state. This increased mobility will open up new job opportunities, improve professional flexibility, and make it easier for dietitians to relocate. In particular, the compact will benefit military spouses, who often face challenges in maintaining their careers while moving to new locations. Moreover, the compact will streamline the process for dietitians, reducing the time and resources spent on managing multiple licenses.

Benefits for Licensing Authorities:

This compact will reduce administrative burdens for the North Dakota Board of Dietetic Practice by creating a unified "compact information system." This system will facilitate the sharing of licensure and disciplinary information between states, ensuring efficient and effective regulation of dietitians. Additionally, the compact will enhance cooperation among state licensing boards during investigations and disciplinary actions, while preserving state jurisdiction over dietitians practicing in North Dakota.

Benefits for the State of North Dakota:

SB 2223 will help strengthen North Dakota's workforce and improve public health by providing greater access to qualified dietitians. The compact will also promote transparency and public safety by allowing for rapid verification of licensure status through the shared data system. Importantly, this compact will not alter North Dakota's current licensure requirements for initial licensure or license renewal. Instead, it provides an alternative, voluntary pathway for dietitians to practice across state lines, ensuring that North Dakota maintains full control over its licensure processes.

In conclusion, SB 2223 represents a valuable opportunity for North Dakota to enhance healthcare delivery, promote professional mobility, and support a well-regulated workforce. The North Dakota Academy of Nutrition and Dietetics urges the committee to pass this bill, benefiting both dietitians and the residents of North Dakota.

Thank you for considering this testimony. Should you have any questions, please do not hesitate to reach out.

Sincerely,

North Dakota Academy of Nutrition and Dietetics

TESTIMONY OF
LEIUTENANT COLONEL JAY SHELDON
NORTH DAKOTA NATIONAL GUARD
BEFORE THE
SENATE WORKFORCE DEVELOPMENT COMMITTEE
07 FEBRUARY 2025
SENATE BILL 2223

Chair Wobbema and Members of the Committee,

My name is Jay Sheldon, and I am here representing the North Dakota Military Commission to voice our support for SB 2223, which would allow North Dakota to join an interstate licensing compact for dietitians.

North Dakota proudly serves as home to many military families who contribute greatly to our communities. Military families face frequent relocations, and for spouses who are licensed dietitians, moving from state to state often results in delays as they navigate new licensure requirements. These interruptions can make it difficult for them to continue their professional work, affecting not only their careers.

By joining the dietitian licensing compact, North Dakota would enable dietitians licensed in other compact-member states to transfer their credentials more seamlessly, reducing barriers to employment for military spouses and others moving to our state. This measure would also support North Dakota's healthcare system by making it easier to attract skilled dietitians to serve our communities.

In line with North Dakota's longstanding commitment to military families, adopting this compact demonstrates strong support for our military community by reducing unnecessary barriers for spouses who wish to contribute their skills. It is a tangible way for our state to show that we value their service and are committed to helping them build meaningful careers here in North Dakota.

On behalf of the North Dakota Military Commission, I urge you to support SB 2223 and to vote in favor of North Dakota joining the dietitian licensing compact.

Thank you for your time and consideration. I am happy to answer any questions.



2025 SB 2223

Senate Workforce Development Committee

Senator Wobbema, Chairman

February 7, 2025

Chairman Wobbema and members of the Senate Workforce Development Committee, I am Tim Blasl, President of the North Dakota Hospital Association (NDHA). I am here to testify in support of Senate Bill 2223. I ask that you give this bill a **Do Pass** recommendation.

Hospitals support the passage of the dietitian licensure compact because it would streamline the interstate practice of dietitians with the goal of improving access to medical nutrition therapy and other essential dietetic services. While we have workforce challenges across all hospitals, it is especially difficult in rural and underserved areas. This bill would assist in expanding access to nutrition care in all parts of the state.

Other health care professions have similar interstate licensing compacts that have worked well in our state to make licensing across state lines faster and more efficient, such as the Interstate Medical Licensure Compact (IMLC), the Nurse Licensure Compact (NLC) and Advanced Practice Registered Nurse Compact (APRN Compact), the Physical Therapy Compact (PT Compact), and the Psychology Interjurisdictional Compact (PSYPACT).

Additional benefits of adopting this particular compact are that it will:

- Increase public access to medical nutrition therapy and other essential dietetic services by providing for the mutual recognition of other member state licenses;
- Enhance states' ability to protect the public's health and safety;
- Encourage cooperation of member states in regulating multistate dietitian practice;
- Support spouses of relocating military members by reducing the time and burden of obtaining multiple licenses;
- Enhance the exchange of licensure, investigative, and disciplinary information

between member states;

- Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards; and
- Facilitate the use of telehealth technology to increase access to dietetic services.

In summary, we believe this bill will streamline interstate licensure, improve access to important dietetic services, and improve the health and well-being of North Dakotans. We support passage of this bill and hope that you will give it a **Do Pass** recommendation.

Thank you.

Respectfully Submitted,

Tim Blasl, President
North Dakota Hospital Association



Letter of Support – SB 2223

Friday, February 7, 2025

Chairman Wobbema and members of the Senate Workforce Development Committee,

For the record, my name is K Cale Dunwoody, and I have the distinct pleasure of serving as the Vice President of Public Policy for the Fargo Moorhead West Fargo Chamber of Commerce (FMWF Chamber). On behalf of our over 1,700 members, I respectfully offer testimony in support of Senate Bill 2306.

At the FMWF Chamber, our mission is to protect and promote business, inspire individuals, cultivate communities, and influence action. Joining the dietician licensure compact offers North Dakota new opportunities to fortify our workforce and build a more robust economy. This compact brings the following benefits:

- Membership increases North Dakotan's access to vital healthcare services. This compact specifically addresses access to telehealthcare, meaning those in rural areas can receive virtual care they may have previously been excluded from based on their geographic location. This promotes a healthier and more vibrant community.
- Membership increases support for military spouses. Due to relocation and frequent moves, military spouses in licensed careers face great barriers when moving to new states. To ensure North Dakota is a military friendly state, we encourage the adoption of this compact to reduce the administrative burden and wait time of obtaining required licensing for military spouses to work and thrive in our state.

Because of the positive impact this will have on our state economy and workforce, we respectfully urge the committee to give this bill a DO PASS recommendation.

Sincerely,

Cale Dunwoody
Vice President of Public Policy
Fargo Moorhead West Fargo Chamber of Commerce



Support for SB 2223
Senate Workforce Development Committee
Chairman Wobbema
February 6, 2025

Chairman Wobbema and Members of the Senate Workforce Development Committee,

My name is Brekka Kramer, President | CEO of the Minot Area Chamber EDC (MACEDC) and Executive Committee Member of the North Dakota Military Commission. On behalf of MACEDC and our over 600 member investors, I offer testimony in favor of Senate Bill 2223 to adopt the Dietitian Licensure Compact.

MACEDC's mission is to advocate for and invest in business activity by being a collaborative partner in the community, focused on improving quality of life for all. MACEDC has five key strategic pillars, two of them being workforce development and military support. We believe that Senate Bill 2223 as proposed would have a positive impact on the workforce environment of our great state by supporting licensed dietitians, specifically military spouses, in their endeavor to continue work during their relocation.

Simplifying the licensing transition not only benefits the dietitian, but everyone in North Dakota, allowing them to provide their services and join the workforce. Improving accessibility to cross-state licensing attracts additional workers, and the lack of barriers to entry will save time and money for the dietitian as well as state administration by removing the need to file and maintain separate licenses. The improved process will also be incredibly beneficial as it not only encourages current dietitians to practice and improve the health and lives of those in the state, but it opens new opportunities for current residents and military spouses to expand their education that will follow them throughout changes in their lives.

I am a proud member of the North Dakota Military Commission, which has a vision to make North Dakota the most military friendly state in the nation. As a long-term advocate for improved licensure and career portability for military service members and their spouses, I ask for your support of Senate Bill 2223 and am available for any questions you may have.

Thank you,

Brekka Kramer
Minot Area Chamber EDC President | CEO
North Dakota Military Commission Executive Committee Member

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Title.

Prepared by the Legislative Council
staff for Senator Barta
February 4, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2223

Introduced by

Senators Barta, Axtman, Burckhard

Representatives Bahl, Frelich

- 1 A BILL for an Act to create and enact chapter 43-44.1 of the North Dakota Century Code,
2 relating to adoption of the ~~dietician~~dietitian licensure compact.

3 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

- 4 **SECTION 1.** Chapter 43-44.1 of the North Dakota Century Code is created and enacted as
5 follows:

6 **43-44.1-01. ~~Dietician~~Dietitian licensure compact.**

- 7 The ~~dietician~~dietitian licensure compact is entered with all states legally joining the
8 compact, in the form substantially as follows:

9 **ARTICLE I - PURPOSE**

- 10 1. The purpose of this compact is to facilitate interstate practice of dietetics with the goal
11 of improving public access to dietetic services. This compact preserves the regulatory
12 authority of states to protect public health and safety through the current system of
13 state licensure, while also providing for licensure portability through a compact
14 privilege granted to qualifying professionals.
15 2. This compact is designed to achieve the following objectives:
16 a. Increase public access to dietetic services;
17 b. Provide opportunities for interstate practice by licensed dietitians who meet
18 uniform requirements;
19 c. Eliminate the necessity for licenses in multiple states;
20 d. Reduce the administrative burden on member states and licensees;

- e. Enhance the ability of member states to protect the public's health and safety;
- f. Encourage the cooperation of member states in regulating the multistate practice of licensed dietitians;
- g. Support relocating active military members and the member's spouse;
- 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.

ARTICLE II - DEFINITIONS

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

1. "ACEND" means the accreditation council for education in nutrition and dietetics or its successor organization.
2. "Active military member" means any individual with full-time duty status in the active armed forces of the United States, including members of the national guard and reserve.
3. "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing authority or other authority against a licensee, including actions against an individual's license or compact privilege such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting a licensee's authorization to practice, including issuance of a cease and desist action.
4. "Alternative program" means a nondisciplinary monitoring or practice remediation process approved by a licensing authority.
5. "CDR" means the commission on dietetic registration or its successor organization.
6. "Charter member state" means any member state that enacted this compact by law before the effective date specified in article XII.
7. "Compact commission" means the government agency whose membership consists of all states that have enacted this compact, which is known as the dietitian licensure compact commission, as described in article VIII, and which shall operate as an instrumentality of the member states.

- 1 8. "Compact privilege" means a legal authorization, which is equivalent to a license,
2 permitting the practice of dietetics in a remote state.
- 3 9. "Continuing education" means a requirement, as a condition of license renewal, to
4 provide evidence of participation in, and completion of, educational and professional
5 activities relevant to practice or area of work.
- 6 10. "Current significant investigative information" means investigative information that:
7 a. A licensing authority, after a preliminary inquiry that includes notification and an
8 opportunity for the subject licensee to respond, if required by state law, has
9 reason to believe is not groundless and, if proved true, would indicate more than
10 a minor infraction; or
11 b. Indicates that the subject licensee represents an immediate threat to public
12 health and safety regardless of whether the subject licensee has been notified
13 and had an opportunity to respond.
- 14 11. "Data system" means a repository of information about licensees, including continuing
15 education, examination, licensure, investigative, compact privilege, and adverse action
16 information.
- 17 12. "Encumbered license" means a license in which an adverse action restricts a
18 licensee's ability to practice dietetics.
- 19 13. "Encumbrance" means a revocation or suspension of, or any limitation on a licensee's
20 full and unrestricted practice of dietetics by a licensing authority.
- 21 14. "Executive committee" means a group of delegates elected or appointed to act on
22 behalf of, and within the powers granted to them by, this compact, and the compact
23 commission.
- 24 15. "Home state" means the member state that is the licensee's primary state of residence
25 or that has been designated pursuant to article XI.
- 26 16. "Investigative information" means information, records, and documents received or
27 generated by a licensing authority pursuant to an investigation.
- 28 17. "Jurisprudence requirement" means an assessment of an individual's knowledge of
29 the state laws and regulations governing the practice of dietetics in the state.
- 30 18. "License" means an authorization from a member state to either:
31 a. Engage in the practice of dietetics, including medical nutrition therapy; or

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

4 19. "Licensee" or "licensed dietitian" means an individual who currently holds a license
5 and who meets all of the requirements outlined in article IV.

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

8 21. "Member state" means a state that has enacted the compact.

9 22. "Practice of dietetics" means the synthesis and application of dietetics as defined by
10 state law and regulations, primarily for the provision of nutrition care services,
11 including medical nutrition therapy, in person or via telehealth, to prevent, manage, or
12 treat diseases or medical conditions, and promote wellness.

13 23. "Registered dietitian" means an individual who:

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

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

18 c. Is legally authorized to use the title registered dietitian or registered dietitian
19 nutritionist and the corresponding abbreviations "RD" or "RDN".

20 24. "Remote state" means a member state other than the home state, where a licensee is
21 exercising or seeking to exercise a compact privilege.

22 25. "Rule" means a regulation promulgated by the compact commission which has the
23 force of law.

24 26. "Single state license" means a license issued by a member state within the issuing
25 state and does not include a compact privilege in any other member state.

26 27. "State" means any state, commonwealth, district, or territory of the United States of
27 America.

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

30 **ARTICLE III - STATE PARTICIPATION IN THE COMPACT**

31 1. To participate in the compact, a state shall currently:

- 1 a. License and regulate the practice of dietetics; and
- 2 b. Have a mechanism in place for receiving and investigating complaints about
- 3 licensees.
- 4 2. A member state shall:
- 5 a. Participate fully in the compact commission's data system, including using the
- 6 unique identifier as defined in rules;
- 7 b. Notify the compact commission, in compliance with the terms of the compact and
- 8 rules, of any adverse action or the availability of current significant investigative
- 9 information regarding a licensee;
- 10 c. Implement or utilize procedures for considering the criminal history record
- 11 information of applicants for an initial compact privilege. These procedures must
- 12 include the submission of fingerprints or other biometric-based information by
- 13 applicants for the purpose of obtaining an applicant's criminal history record
- 14 information from the federal bureau of investigation and the agency responsible
- 15 for retaining that state's criminal records;
- 16 (1) A member state shall fully implement a criminal history record information
- 17 requirement, within a time frame established by rule, which includes
- 18 receiving the results of the federal bureau of investigation record search,
- 19 and shall use those results in determining compact privilege eligibility.
- 20 (2) Communication between a member state and the compact commission or
- 21 among member states regarding the verification of eligibility for a compact
- 22 privilege may not include any information received from the federal bureau
- 23 of investigation relating to a federal criminal history record information check
- 24 performed by a member state.
- 25 d. Comply with and enforce the rules of the compact commission;
- 26 e. Require an applicant for a compact privilege to obtain or retain a license in the
- 27 licensee's home state and meet the home state's qualifications for licensure or
- 28 renewal of licensure, as well as all other applicable state laws; and
- 29 f. Recognize a compact privilege granted to a licensee who meets all of the
- 30 requirements outlined in article IV under the terms of the compact and rules.
- 31 3. Member states may set and collect a fee for granting a compact privilege.

- 1 4. Individuals not residing in a member state shall continue to be able to apply for a
2 member state's single state license as provided under the laws of each member state.
3 However, the single state license granted to these individuals may not be recognized
4 as granting a compact privilege to engage in the practice of dietetics in any other
5 member state.
- 6 5. Nothing in this compact may affect the requirements established by a member state
7 for the issuance of a single state license.
- 8 6. The compact commission may not define the requirements for the issuance of a single
9 state license to practice dietetics. The member states shall retain sole jurisdiction over
10 the provision of these requirements.

11 **ARTICLE IV - COMPACT PRIVILEGE**

- 12 1. To exercise the compact privilege under the terms and provisions of the compact, the
13 licensee shall:
 - 14 a. Satisfy one of the following:
 - 15 (1) Hold a valid current registration that gives the applicant the right to use the
16 term registered dietitian; or
 - 17 (2) Complete all of the following:
 - 18 (a) An education program which is either:
 - 19 [1] A master's degree or doctoral degree that is programmatically
20 accredited by ACEND or a dietetics accrediting agency
21 recognized by the United States department of education, which
22 the compact commission may by rule determine, and from a
23 college or university accredited at the time of graduation by the
24 appropriate regional accrediting agency recognized by the
25 council on higher education accreditation and the United States
26 department of education; or
 - 27 [2] An academic degree from a college or university in a foreign
28 country equivalent to the degree described in subparagraph (a)
29 that is programmatically accredited by ACEND or a dietetics
30 accrediting agency recognized by the United States department

1 of education, which the compact commission may by rule
2 determine.

3 (b) A planned, documented, supervised practice experience in dietetics
4 that is programmatically accredited by ACEND or a dietetics
5 accrediting agency recognized by the United States department of
6 education, which the compact commission may by rule determine and
7 which involves at least one thousand hours of practice experience
8 under the supervision of a registered dietitian or a licensed dietitian.

9 (c) Successful completion of either the registration examination for
10 dietitians administered by CDR or a national credentialing
11 examination for dietitians approved by the compact commission by
12 rule, with completion occurring no more than five years before the
13 date of the licensee's application for initial licensure and accompanied
14 by a period of continuous licensure thereafter, all of which may be
15 further governed by the rules of the compact commission.

16 b. Hold an unencumbered license in the home state;

17 c. Notify the compact commission that the licensee is seeking a compact privilege
18 within a remote state;

19 d. Pay any applicable fees, including any state fee, for the compact privilege;

20 e. Meet any jurisprudence requirements established by the remote state in which
21 the licensee is seeking a compact privilege; and

22 f. Report to the compact commission any adverse action, encumbrance, or
23 restriction on a license taken by any nonmember state within thirty days from the
24 date the action is taken.

25 2. The compact privilege is valid until the expiration date of the home state license. To
26 maintain a compact privilege, renewal of the compact privilege must be congruent with
27 the renewal of the home state license as the compact commission may define by rule.
28 The licensee shall comply with the requirements of subsection 1 of article IV to
29 maintain the compact privilege in the remote state.

- 1 3. A licensee exercising a compact privilege shall adhere to the laws and regulations of
2 the remote state. Licensees must be responsible for educating themselves on, and
3 complying with, all state laws relating to the practice of dietetics in the remote state.
4 4. Notwithstanding anything to the contrary provided in this compact or state law, a
5 licensee exercising a compact privilege may not be required to complete continuing
6 education requirements required by a remote state. A licensee exercising a compact
7 privilege only is required to meet any continuing education requirements as required
8 by the home state.

9 **ARTICLE V - OBTAINING A NEW HOME STATE LICENSEBASED ON A COMPACT**
10 **PRIVILEGE**

- 11 1. A licensee may hold a home state license, which allows for a compact privilege in
12 other member states, in only one member state at a time.
13 2. If a licensee changes home state by moving between two member states:
14 a. The licensee shall file an application for obtaining a new home state license
15 based on a compact privilege, pay all applicable fees, and notify the current and
16 new home state in accordance with the rules of the compact commission.
17 b. Upon receipt of an application for obtaining a new home state license by virtue of
18 a compact privilege, the new home state shall verify that the licensee meets the
19 criteria in article IV via the data system, and require that the licensee complete:
20 (1) A federal bureau of investigation fingerprint-based criminal history record
21 information check;
22 (2) Any other criminal history record information required by the new home
23 state; and
24 (3) Any jurisprudence requirements of the new home state.
25 c. The former home state shall convert the former home state license into a
26 compact privilege once the new home state has activated the new home state
27 license in accordance with applicable rules adopted by the compact commission.
28 d. Notwithstanding any other provision of this compact, if the licensee cannot meet
29 the criteria in article IV, the new home state may apply its requirements for
30 issuing a new single state license.

- 1 e. The licensee shall pay all applicable fees to the new home state to be issued a
2 new home state license.
- 3 3. If a licensee changes the licensee's state of residence by moving from a member state
4 to a nonmember state, or from a nonmember state to a member state, the state
5 criteria shall apply for issuance of a single state license in the new state.
- 6 4. Nothing in this compact may interfere with a licensee's ability to hold a single state
7 license in multiple states; however, for the purposes of this compact, a licensee may
8 have only one home state license.
- 9 5. Nothing in this compact may affect the requirements established by a member state
10 for the issuance of a single state license.

11 **ARTICLE VI - ACTIVE MILITARY MEMBERS**

12 **OR THE MEMBER'S SPOUSE**

13 An active military member, or the member's spouse, shall designate a home state where
14 the individual has a current license in good standing. The individual may retain the home state
15 designation during the period the service member is on active duty.

16 **ARTICLE VII - ADVERSE ACTIONS**

- 17 1. In addition to the other powers conferred by state law, a remote state must have the
18 authority, under state due process law, to:
- 19 a. Take adverse action against a licensee's compact privilege within that member
20 state; and
- 21 b. Issue subpoenas for both hearings and investigations that require the attendance
22 and testimony of witnesses as well as the production of evidence. Subpoenas
23 issued by a licensing authority in a member state for the attendance and
24 testimony of witnesses or the production of evidence from another member state
25 must be enforced in the latter state by any court of competent jurisdiction,
26 according to the practice and procedure applicable to subpoenas issued in
27 proceedings pending before that court. The issuing authority shall pay any
28 witness fees, travel expenses, mileage, and other fees required by the service
29 statutes of the state in which the witnesses or evidence are located.
- 30 2. Only the home state may have the power to take adverse action against a licensee's
31 home state license.

- 1 3. For purposes of taking adverse action, the home state shall give the same priority and
2 effect to reported conduct received from a member state as it would if the conduct had
3 occurred within the home state. In so doing, the home state shall apply its own state
4 laws to determine appropriate action.
- 5 4. The home state shall complete any pending investigations of a licensee who changes
6 home states during the course of the investigations. The home state must have
7 authority to take appropriate action and shall promptly report the conclusions of the
8 investigations to the administrator of the data system. The administrator of the data
9 system shall promptly notify the new home state of any adverse actions.
- 10 5. A member state, if otherwise permitted by state law, may recover from the affected
11 licensee the costs of investigations and dispositions of cases resulting from any
12 adverse action taken against that licensee.
- 13 6. A member state may take adverse action based on the factual findings of another
14 remote state, provided that the member state follows its own procedures for taking the
15 adverse action.
- 16 7. Joint investigations:
 - 17 a. In addition to the authority granted to a member state by its respective state law,
18 any member state may participate with other member states in joint
19 investigations of licensees.
 - 20 b. Member states shall share any investigative, litigation, or compliance materials in
21 furtherance of any joint investigations initiated under the compact.
- 22 8. If adverse action is taken by the home state against a licensee's home state license
23 resulting in an encumbrance on the home state license, the licensee's compact
24 privilege in all other member states must be revoked until all encumbrances have
25 been removed from the home state license. All home state disciplinary orders that
26 impose adverse action against a licensee must include a statement that the licensee's
27 compact privileges are revoked in all member states during the pendency of the order.
- 28 9. Once an encumbered license in the home state is restored to an unencumbered
29 license, as certified by the home state's licensing authority, the licensee shall meet the
30 requirements of subsection 1 of article IV and follow the administrative requirements to
31 reapply to obtain a compact privilege in any remote state.

1 10. If a member state takes adverse action, the member state promptly shall notify the
2 administrator of the data system. The administrator of the data system promptly shall
3 notify the other member states of any adverse actions.

4 11. Nothing in this compact may override a member state's decision that participation in
5 an alternative program may be used in lieu of adverse action.

6 **ARTICLE VIII - ESTABLISHMENT OF THE DIETITIAN**

7 **LICENSURE COMPACT COMMISSION**

8 1. The compact member states hereby create and establish a joint government agency
9 whose membership consists of all member states that have enacted the compact
10 known as the dietitian licensure compact commission. The compact commission is an
11 instrumentality of the compact states acting jointly and not an instrumentality of any
12 one state. The compact commission shall come into existence on or after the effective
13 date of the compact as set forth in article XII.

14 2. Membership, voting, and meetings.

15 a. Each member state must have and be limited to one delegate selected by that
16 member state's licensing authority.

17 b. The delegate must be the primary administrator of the licensing authority or the
18 licensing authority's designee.

19 c. The compact commission shall by rule or bylaw establish a term of office for
20 delegates and may by rule or bylaw establish term limits.

21 d. The compact commission may recommend removal or suspension of any
22 delegate from office.

23 e. A member state's licensing authority shall fill any vacancy of its delegate
24 occurring on the compact commission within sixty days of the vacancy.

25 f. Each delegate must be entitled to one vote on all matters before the compact
26 commission requiring a vote by the delegates.

27 g. Delegates shall meet and vote by the means set forth in the bylaws. The bylaws
28 may provide for delegates to meet and vote in-person or by telecommunication,
29 video conference, or other means of communication.

30 h. The compact commission shall meet at least once during each calendar year.
31 Additional meetings may be held as set forth in the bylaws. The compact

1 commission may meet in-person or by telecommunication, video conference, or
2 other means of communication.

3 3. The compact commission has the power to:

4 a. Establish the fiscal year of the compact commission;

5 b. Establish code of conduct and conflict of interest policies;

6 c. Establish and amend rules and bylaws;

7 d. Maintain the commission's financial records in accordance with the bylaws;

8 e. Meet and take actions consistent with the provisions of this compact, the
9 compact commission's rules, and the bylaws;

10 f. Initiate and conclude legal proceedings or actions in the name of the compact
11 commission, provided that the standing of any licensing authority to sue or be
12 sued under applicable law may not be affected;

13 g. Maintain and certify records and information provided to a member state as the
14 authenticated business records of the compact commission, and designate an
15 agent to do so on the compact commission's behalf;

16 h. Purchase and maintain insurance and bonds;

17 i. Borrow, accept, or contract for services of personnel, including employees of a
18 member state;

19 j. Conduct an annual financial review;

20 k. Hire employees, elect or appoint officers, fix compensation, define duties, grant
21 those individuals appropriate authority to carry out the purposes of the compact,
22 and establish the compact commission's personnel policies and programs
23 relating to conflicts of interest, qualifications of personnel, and other related
24 personnel matters;

25 l. Assess and collect fees;

26 m. Accept all appropriate donations, grants of money, other sources of revenue,
27 equipment, supplies, materials, services, and gifts, and receive, utilize, and
28 dispose of the same provided that at all times the compact commission shall
29 avoid any actual or appearance of impropriety or conflict of interest;

30 n. Lease, purchase, retain, own, hold, improve, or use any property, real, personal,
31 or mixed, or any undivided interest therein;

- 1 o. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose
- 2 of any property real, personal, or mixed;
- 3 p. Establish a budget and make expenditures;
- 4 q. Borrow money;
- 5 r. Appoint committees, including standing committees, composed of members,
- 6 state regulators, state legislators or their representatives, and consumer
- 7 representatives, and other interested persons as may be designated in this
- 8 compact or the bylaws;
- 9 s. Provide and receive information from, and cooperate with, law enforcement
- 10 agencies;
- 11 t. Establish and elect an executive committee, including a chair and a vice chair;
- 12 u. Determine whether a state's adopted language is materially different from the
- 13 model compact language such that the state would not qualify for participation in
- 14 the compact; and
- 15 v. Perform such other functions as may be necessary or appropriate to achieve the
- 16 purposes of this compact.
- 17 4. The executive committee.
- 18 a. The executive committee must have the power to act on behalf of the compact
- 19 commission according to the terms of this compact. The powers, duties, and
- 20 responsibilities of the executive committee shall include:
- 21 (1) Overseeing the day-to-day activities of the administration of the compact,
- 22 including enforcement and compliance with the provisions of the compact,
- 23 its rules and bylaws, and other duties as deemed necessary;
- 24 (2) Recommending to the compact commission changes to the rules or bylaws,
- 25 changes to this compact legislation, fees charged to compact member
- 26 states, fees charged to licensees, and other fees;
- 27 (3) Ensuring compact administration services are provided appropriately,
- 28 including by contract;
- 29 (4) Preparing and recommending the budget;
- 30 (5) Maintaining financial records on behalf of the compact commission;

- 1 (6) Monitoring compact compliance of member states and providing compliance
2 reports to the compact commission;
- 3 (7) Establishing additional committees as necessary;
- 4 (8) Exercising the powers and duties of the compact commission during the
5 interim between compact commission meetings, except for adopting or
6 amending rules, adopting or amending bylaws, and exercising any other
7 powers and duties expressly reserved to the compact commission by rule or
8 bylaw; and
- 9 (9) Other duties as provided in the rules or bylaws of the compact commission.
- 10 b. The executive committee must be composed of nine members:
 - 11 (1) The chair and vice chair of the compact commission, which must be voting
12 members of the executive committee;
 - 13 (2) Five voting members from the current membership of the compact
14 commission, elected by the compact commission;
 - 15 (3) One ex officio, nonvoting member from a recognized professional
16 association representing dietitians; and
 - 17 (4) One ex officio, nonvoting member from a recognized national credentialing
18 organization for dietitians.
- 19 c. The compact commission may remove any member of the executive committee
20 as provided in the compact commission's bylaws.
- 21 d. The executive committee shall meet at least annually.
 - 22 (1) Executive committee meetings must be open to the public, except that the
23 executive committee may meet in a closed, nonpublic meeting as provided
24 in subdivision b of subsection 6.
 - 25 (2) The executive committee shall give thirty days notice of its meetings, posted
26 on the website of the compact commission and as determined to provide
27 notice to persons with an interest in the business of the compact
28 commission.
 - 29 (3) The executive committee may hold a special meeting in accordance with
30 paragraph 2 of subdivision a of subsection 6.

- 1 5. The compact commission shall adopt and provide to the member states an annual
2 report.
- 3 6. Meetings of the compact commission.
- 4 a. All meetings must be open to the public, except that the compact commission
5 may meet in a closed, nonpublic meeting as provided in subdivision b of
6 subsection 6.
- 7 (1) Public notice for all meetings of the full compact commission must be given
8 in the same manner as required under the rulemaking provisions in
9 article X, except that the compact commission may hold a special meeting
10 as provided in paragraph 2 of subdivision a of subsection 6.
- 11 (2) The compact commission may hold a special meeting when it must meet to
12 conduct emergency business by giving twenty-four hours notice to all
13 member states, on the compact commission's website, and other means as
14 provided in the compact commission's rules. The compact commission's
15 legal counsel shall certify that the compact commission's need to meet
16 qualifies as an emergency.
- 17 b. The compact commission or the executive committee or other committees of the
18 compact commission may convene in a closed, nonpublic meeting for the
19 compact commission or executive committee or other committees of the compact
20 commission to receive legal advice or to discuss:
- 21 (1) Noncompliance of a member state with its obligations under the compact;
22 (2) The employment, compensation, discipline, or other matters, practices, or
23 procedures related to specific employees;
24 (3) Current or threatened discipline of a licensee by the compact commission or
25 by a member state's licensing authority;
26 (4) Current, threatened, or reasonably anticipated litigation;
27 (5) Negotiation of contracts for the purchase, lease, or sale of goods, services,
28 or real estate;
29 (6) Accusing a person of a crime or formally censuring a person;
30 (7) Trade secrets or commercial or financial information that is privileged or
31 confidential;

1 (8) Information of a personal nature if disclosure would constitute a clearly
2 unwarranted invasion of personal privacy;

3 (9) Investigative records compiled for law enforcement purposes;

4 (10) Information related to any investigative reports prepared by or on behalf of
5 or for use of the compact commission or other committee charged with
6 responsibility of investigation or determination of compliance issues
7 pursuant to the compact;

8 (11) Matters specifically exempted from disclosure by federal or member state
9 law; or

10 (12) Other matters as specified in the rules of the compact commission.

11 c. If a meeting or portion of a meeting is closed, the presiding officer shall state the
12 meeting will be closed and reference each relevant exempting provision and the
13 reference must be recorded in the minutes.

14 d. The compact commission shall keep minutes that fully and clearly describe all
15 matters discussed in a meeting and provide a full and accurate summary of
16 actions taken and the reasons for taking the action, including a description of the
17 views expressed. The documents considered in connection with an action must
18 be identified in the minutes. The minutes and documents of a closed meeting
19 must remain under seal, subject to release only by a majority vote of the compact
20 commission or order of a court of competent jurisdiction.

21 7. Financing of the compact commission.

22 a. The compact commission shall pay, or provide for the payment of, the reasonable
23 expenses of the commission's establishment, organization, and ongoing
24 activities.

25 b. The compact commission may accept all appropriate revenue sources as
26 provided in subdivision m of subsection 3.

27 c. The compact commission may levy on and collect an annual assessment from
28 each member state and impose fees on licensees of member states to whom it
29 grants a compact privilege to cover the cost of the operations and activities of the
30 compact commission and its staff which must, in a total amount, be sufficient to
31 cover its annual budget as approved each year for which revenue is not provided

1 by other sources. The aggregate annual assessment amount for member states
2 must be allocated based upon a formula that the compact commission shall
3 promulgate by rule.

4 d. The compact commission may not incur an obligation before securing the funds
5 adequate to meet the obligation, nor shall the compact commission pledge the
6 credit of any of the member states, except by and with the authority of the
7 member state.

8 e. The compact commission shall keep accurate accounts of all receipts and
9 disbursements. The receipts and disbursements of the compact commission
10 must be subject to the financial review and accounting procedures established
11 under its bylaws. However, all receipts and disbursements of funds handled by
12 the compact commission must be subject to an annual financial review by a
13 certified or licensed public accountant and the report of the financial review must
14 be included in and become part of the annual report of the compact commission.

15 8. Qualified immunity, defense, and indemnification.

16 a. The members, officers, executive director, employees, and representatives of the
17 compact commission must be immune from suit and liability, both personally and
18 in their official capacity, for any claim for damage to or loss of property or
19 personal injury or other civil liability caused by or arising out of any actual or
20 alleged act, error, or omission that occurred, or that the individual against whom
21 the claim is made had a reasonable basis for believing occurred within the scope
22 of compact commission employment, duties, or responsibilities provided that
23 nothing in this subdivision may be construed to protect the individual from suit or
24 liability for any damage, loss, injury, or liability caused by the intentional, willful, or
25 wanton misconduct of that individual. The procurement of insurance of any type
26 by the compact commission may not compromise or limit the immunity granted
27 hereunder.

28 b. The compact commission shall defend any member, officer, executive director,
29 employee, and representative of the compact commission in any civil action
30 seeking to impose liability arising out of any actual or alleged act, error, or
31 omission that occurred within the scope of compact commission employment.

1 duties, or responsibilities, or as determined by the compact commission that the
2 individual against whom the claim is made had a reasonable basis for believing
3 occurred within the scope of compact commission employment, duties, or
4 responsibilities provided that nothing herein may be construed to prohibit that
5 individual from retaining the individual's own counsel at the individual's own
6 expense and provided further that the actual or alleged act, error, or omission did
7 not result from that individual's intentional, willful, or wanton misconduct.

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

17 d. Nothing herein may be construed as a limitation on the liability of any licensee for
18 professional malpractice or misconduct, which must be governed solely by any
19 other applicable state laws.

20 e. Nothing in this compact may be interpreted to waive or otherwise abrogate a
21 member state's state action immunity or state action affirmative defense with
22 respect to antitrust claims under the Sherman Act, Clayton Act, or any other state
23 or federal antitrust or anticompetitive law or regulation.

24 f. Nothing in this compact may be construed to be a waiver of sovereign immunity
25 by the member states or by the compact commission.

26 **ARTICLE IX - DATA SYSTEM**

- 27 1. The compact commission shall provide for the development, maintenance, operation,
28 and utilization of a coordinated data system.
29 2. The compact commission shall assign each applicant for a compact privilege a unique
30 identifier, as determined by the rules.

- 1 3. Notwithstanding any other provision of state law to the contrary, a member state shall
2 submit a uniform data set to the data system on all individuals to whom this compact is
3 applicable as required by the rules of the compact commission, including:
 - 4 a. Identifying information;
 - 5 b. Licensure data;
 - 6 c. Adverse actions against a license or compact privilege and information related to
7 the adverse action;
 - 8 d. Nonconfidential information related to alternative program participation, the
9 beginning and ending dates of the participation, and other information related to
10 the participation not made confidential under member state law;
 - 11 e. Any denial of application for licensure, and the reason for the denial;
 - 12 f. The presence of current significant investigative information; and
 - 13 g. Other information that may facilitate the administration of this compact or the
14 protection of the public, as determined by the rules of the compact commission.
- 15 4. The records and information provided to a member state pursuant to this compact or
16 through the data system, when certified by the compact commission or an agent of the
17 commission, shall constitute the authenticated business records of the compact
18 commission, and must be entitled to any associated hearsay exception in a relevant
19 judicial, quasi-judicial, or administrative proceeding in a member state.
- 20 5. Current significant investigative information pertaining to a licensee in any member
21 state will be available only to other member states.
- 22 6. It is the responsibility of the member states to report any adverse action against a
23 licensee and to monitor the data system to determine whether any adverse action has
24 been taken against a licensee. Adverse action information pertaining to a licensee in
25 any member state will be available to any other member state.
- 26 7. Member states contributing information to the data system may designate information
27 that may not be shared with the public without the express permission of the
28 contributing state.
- 29 8. Any information submitted to the data system which is subsequently expunged
30 pursuant to federal law or the laws of the member state contributing the information
31 must be removed from the data system.

ARTICLE X - RULEMAKING

1. The compact commission shall promulgate reasonable rules to effectively and efficiently implement and administer the purposes and provisions of the compact. A rule has no force or effect if a court of competent jurisdiction holds the rule is invalid because the compact commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the compact, or the powers granted under the compact, or based upon another applicable standard of review.
2. The rules of the compact commission must have the force of law in each member state, provided that if the rules conflict with the laws or regulations of a member state that relate to the procedures, actions, and processes a licensed dietitian is permitted to undertake in that state and the circumstances under which the licensed dietitian may do so, as held by a court of competent jurisdiction, the rules of the compact commission are ineffective in that state to the extent of the conflict.
3. The compact commission shall exercise its rulemaking powers pursuant to the criteria and rules set forth and adopted under this section. Rules become binding on the day following adoption or as of the date specified in the rule or amendment, whichever is later.
4. 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 years of the date of adoption of the rule, then the rule has no further force and effect in any member state.
5. Rules must be adopted at a regular or special meeting of the compact commission.
6. Before adoption of a proposed rule, the compact commission shall hold a public hearing and allow individuals to provide oral and written comments, data, facts, opinions, and arguments.
7. Before adoption of a proposed rule by the compact commission, and at least thirty 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:
 - a. On the website of the compact commission or other publicly accessible platform;

- 1 b. To persons who have requested notice of the compact commission's notices of
2 proposed rulemaking; and
- 3 c. In such other way as the compact commission may by rule specify.
- 4 8. The notice of proposed rulemaking must include:
 - 5 a. The time, date, and location of the public hearing at which the compact
6 commission will hear public comments on the proposed rule and, if different, the
7 time, date, and location of the meeting at which the compact commission will
8 consider and vote on the proposed rule;
 - 9 b. If the hearing is held via telecommunication, video conference, or other means of
10 communication, the compact commission shall include the mechanism for access
11 to the hearing in the notice of proposed rulemaking;
 - 12 c. The text of the proposed rule and the reason for the rule;
 - 13 d. A request for comments on the proposed rule from any interested person; and
 - 14 e. The manner in which interested persons may submit written comments.
- 15 9. All hearings will be recorded. A copy of the recording and all written comments and
16 documents received by the compact commission in response to the proposed rule
17 must be available to the public.
- 18 10. Nothing in this section may be construed as requiring a separate hearing on each rule.
19 Rules may be grouped for the convenience of the compact commission at hearings
20 required by this section.
- 21 11. The compact commission shall, by majority vote of all members, take final action on
22 the proposed rule based on the rulemaking record and the full text of the rule.
 - 23 a. The compact commission may adopt changes to the proposed rule provided the
24 changes do not enlarge the original purpose of the proposed rule.
 - 25 b. The compact commission shall provide an explanation of the reasons for
26 substantive changes made to the proposed rule as well as reasons for
27 substantive changes not made that were recommended by commenters.
 - 28 c. The compact commission shall determine a reasonable effective date for the rule.
29 Except for an emergency as provided in subsection 12 of article X, the effective
30 date of the rule must be no sooner than thirty days after issuing the notice that
31 the commission adopted or amended the rule.

- 1 12. Upon determination that an emergency exists, the compact commission may consider
2 and adopt an emergency rule with twenty-four hours notice and with opportunity to
3 comment, provided that the usual rulemaking procedures provided in the compact and
4 in this section must be retroactively applied to the rule as soon as reasonably possible,
5 in no event later than ninety days after the effective date of the rule. For the purposes
6 of this provision, an emergency rule is one that must be adopted immediately in order
7 to:
8 a. Meet an imminent threat to public health, safety, or welfare;
9 b. Prevent a loss of compact commission or member state funds;
10 c. Meet a deadline for the promulgation of a rule that is established by federal law
11 or rule; or
12 d. Protect public health and safety.
13 13. The compact commission or an authorized committee of the compact commission may
14 direct revision to a previously adopted rule for purposes of correcting typographical
15 errors, errors in format, errors in consistency, or grammatical errors. Public notice of
16 any revision must be posted on the website of the compact commission. The revision
17 must be subject to challenge by any person for a period of thirty days after posting.
18 The revision may be challenged only on grounds that the revision results in a material
19 change to a rule. A challenge must be made in writing and delivered to the compact
20 commission before the end of the notice period. If no challenge is made, the revision
21 will take effect without further action. If the revision is challenged, the revision may not
22 take effect without the approval of the compact commission.
23 14. A member state's rulemaking requirements may not apply under this compact.
24 **ARTICLE XI - OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**
25 1. Oversight.
26 a. The executive and judicial branches of state government in each member state
27 shall enforce this compact and take all actions necessary and appropriate to
28 implement this compact.
29 b. Except as otherwise provided in this compact, venue is proper and judicial
30 proceedings by or against the compact commission must be brought solely and
31 exclusively in a court of competent jurisdiction where the principal office of the

- 1 compact commission is located. The compact commission may waive venue and
2 jurisdictional defenses to the extent it adopts or consents to participate in
3 alternative dispute resolution proceedings. Nothing herein shall affect or limit the
4 selection or propriety of venue in any action against a licensee for professional
5 malpractice, misconduct, or any such similar matter.
- 6 c. The compact commission must be entitled to receive service of process in any
7 proceeding regarding the enforcement or interpretation of the compact and shall
8 have standing to intervene in that proceeding for all purposes. Failure to provide
9 the compact commission service of process shall render a judgment or order void
10 as to the compact commission, this compact, or promulgated rules.
- 11 2. Default, technical assistance, and termination.
- 12 a. If the compact commission determines a member state has defaulted in the
13 performance of its obligations or responsibilities under this compact or the
14 promulgated rules, the compact commission shall provide written notice to the
15 defaulting state. The notice of default shall describe the default, the proposed
16 means of curing the default, and any other action that the compact commission
17 may take and shall offer training and specific technical assistance regarding the
18 default.
- 19 b. The compact commission shall provide a copy of the notice of default to the other
20 member states.
- 21 3. If a state in default fails to cure the default, the defaulting state may be terminated
22 from the compact upon an affirmative vote of a majority of the delegates of the
23 member states, and all rights, privileges, and benefits conferred on that state by this
24 compact may be terminated on the effective date of termination. A cure of the default
25 does not relieve the offending state of obligations or liabilities incurred during the
26 period of default.
- 27 4. Termination of membership in the compact must be imposed only after all other means
28 of securing compliance have been exhausted. Notice of intent to suspend or terminate
29 must be given by the compact commission to the governor, the majority and minority
30 leaders of the defaulting state's legislature, the defaulting state's licensing authority,
31 and each of the member states licensing authority.

- 1 5. A state that has been terminated is responsible for all assessments, obligations, and
2 liabilities incurred through the effective date of termination, including obligations that
3 extend beyond the effective date of termination.
- 4 6. Upon the termination of a state's membership from this compact, that state shall
5 immediately provide notice to all licensees within that state of the termination. The
6 terminated state shall continue to recognize all compact privileges granted pursuant to
7 this compact for a minimum of six months after the date of the notice of termination.
- 8 7. The compact commission may not bear any costs related to a state that is found to be
9 in default or that has been terminated from the compact, unless agreed upon in writing
10 between the compact commission and the defaulting state.
- 11 8. The defaulting state may appeal the action of the compact commission by petitioning
12 the United States district court for the District of Columbia or the federal district where
13 the compact commission has its principal offices. The prevailing party must be
14 awarded all costs of the litigation, including reasonable attorney's fees.
- 15 9. Dispute resolution.
 - 16 a. Upon request by a member state, the compact commission shall attempt to
17 resolve disputes related to the compact that arise among member states and
18 between member and nonmember states.
 - 19 b. The compact commission shall promulgate a rule providing for both mediation
20 and binding dispute resolution for disputes as appropriate.
- 21 10. Enforcement.
 - 22 a. By supermajority vote, the compact commission may initiate legal action against
23 a member state in default in the United States district court for the District of
24 Columbia or the federal district where the compact commission has its principal
25 offices to enforce compliance with the provisions of the compact and its
26 promulgated rules. The relief sought may include both injunctive relief and
27 damages. In the event judicial enforcement is necessary, the prevailing party
28 must be awarded all costs of the litigation, including reasonable attorney's fees.
29 The remedies herein may not be the exclusive remedies of the compact
30 commission. The compact commission may pursue any other remedies available
31 under federal or the defaulting member state's law.

- 1 b. A member state may initiate legal action against the compact commission in the
2 United States district court for the District of Columbia or the federal district
3 where the compact commission has its principal offices to enforce compliance
4 with the provisions of the compact and its promulgated rules. The relief sought
5 may include both injunctive relief and damages. In the event judicial enforcement
6 is necessary, the prevailing party must be awarded all costs of the litigation,
7 including reasonable attorney's fees.
8 c. No party other than a member state may enforce this compact against the
9 compact commission.

10 **ARTICLE XII - EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT**

- 11 1. The compact shall come into effect on the date on which the compact statute is
12 enacted into law in the seventh member state.
13 a. On or after the effective date of the compact, the compact commission shall
14 convene and review the enactment of each of the first seven member states,
15 "charter member states", to determine if the statute enacted by each charter
16 member state is materially different than the model compact statute.
17 (1) A charter member state whose enactment is found to be materially different
18 from the model compact statute must be entitled to the default process set
19 forth in article XI.
20 (2) If any member state is later found to be in default, is terminated, or
21 withdraws from the compact, the compact commission shall remain in
22 existence and the compact shall remain in effect even if the number of
23 member states is less than seven.
24 b. Member states enacting the compact subsequent to the seven initial charter
25 member states must be subject to the process set forth in subdivision u of
26 subsection 3 of article VIII to determine if the member state's enactments are
27 materially different from the model compact statute and whether the member
28 states qualify for participation in the compact.
29 c. All actions taken for the benefit of the compact commission or in furtherance of
30 the purposes of the administration of the compact before the effective date of the
31 compact or the compact commission coming into existence must be considered

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

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

9 2. Any member state may withdraw from this compact by enacting a statute repealing the
10 compact.

11 a. A member state's withdrawal may not take effect until one hundred eighty days
12 after enactment of the repealing statute.

13 b. Withdrawal may not affect the continuing requirement of the withdrawing state's
14 licensing authority to comply with the investigative and adverse action reporting
15 requirements of this compact before the effective date of withdrawal.

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

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

25 4. This compact may be amended by the member states. No amendment to this compact
26 may become effective and binding upon any member state until it is enacted into the
27 laws of all member states.

28 **ARTICLE XIII - CONSTRUCTION AND SEVERABILITY**

29 1. This compact and the compact commission's rulemaking authority must be liberally
30 construed so as to effectuate the purposes and the implementation and administration
31 of the compact. Provisions of the compact expressly authorizing or requiring the

- 1 promulgation of rules may not be construed to limit the compact commission's
2 rulemaking authority solely for those purposes.
- 3 2. The provisions of this compact must be severable and if any phrase, clause, sentence,
4 or provision of this compact is held by a court of competent jurisdiction to be contrary
5 to the constitution of any member state, a state seeking participation in the compact,
6 or of the United States, or the applicability thereof to any government, agency, person,
7 or circumstance is held to be unconstitutional by a court of competent jurisdiction, the
8 validity of the remainder of this compact and the applicability thereof to any other
9 government, agency, person, or circumstance shall not be affected thereby.
- 10 3. Notwithstanding subsection 2, the compact commission may deny a state's
11 participation in the compact or, in accordance with the requirements of subsection 2 of
12 article XI, terminate a member state's participation in the compact, if it determines that
13 a constitutional requirement of a member state is a material departure from the
14 compact. Otherwise, if this compact must be held to be contrary to the constitution of
15 any member state, the compact shall remain in full force and effect as to the remaining
16 member states and in full force and effect as to the member state affected as to all
17 severable matters.

18 **ARTICLE XIV - CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS**

- 19 1. Nothing herein may prevent or inhibit the enforcement of any other law of a member
20 state that is not inconsistent with the compact.
- 21 2. Any laws, statutes, regulations, or other legal requirements in a member state in
22 conflict with the compact are superseded to the extent of the conflict.
- 23 3. All permissible agreements between the compact commission and the member states
24 are binding in accordance with the terms of the agreement.



MANPOWER AND
RESERVE AFFAIRS

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
1500 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-1500

February 7, 2025

Senate Workforce Development Committee
Chairman Wobbema
Fort Lincoln Room
Bismarck, ND 58505

RE: SB 2223 – Adoption of the Dietitian Licensure Compact

Dear Chairman Wobbema and Members of the Committee:

On behalf of military families and the Department of Defense, I am writing in support of the policy changes expressed in SB 2223, a bill that addresses licensing issues affecting our Service members and their families and a measure to reduce barriers for employment in North Dakota. I would like to thank you for considering this issue during the 2025 session.

My name is Michelle Richart and I am the Midwest Region Liaison for the Defense-State Liaison Office, operating under the direction of Under Secretary of Defense for Personnel and Readiness, and the Deputy Assistant Secretary for Military Community and Family Policy. We represent the Department and work with state leaders across the country who are concerned for troops and their families' welfare by harmonizing state and federal law and regulation on policy problems of national significance. These are identified by the Office of the Secretary of Defense, the Military Departments, and the National Guard Bureau as areas where states can play a crucial role.

The Department of Defense has advocated for improved licensure and career portability for military Service members and their spouses for several years. Military spouses are disproportionately affected by state-specific professional licensing requirements that can cause delays and gaps in employment, with thirty-six percent requiring a state license to practice in their professions and an annual cross-state relocation rate more than ten times higher than their civilian counterparts. Accordingly, military spouses experience unemployment and underemployment at significantly higher rates than their civilian peers.

As our military members and their families move from state-to-state, obtaining licenses in order to obtain employment is very important. These compacts will serve to relieve one of the many stressors of a military move and support military families' financial and personal well-being.

We are grateful for the tremendous effort that North Dakota has historically made to support our military members and their families and appreciate the opportunity to support the Dietitian Licensure Compact. Again, thank you for your support of this issue and thank you to Senator Barta, Senator Axtman, and Senator Burckhard for introducing this policy change. Please feel free to contact me with any questions you might have.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michelle Richart".

MICHELLE RICHART
Midwest Region Liaison
Defense-State Liaison Office

2025 HOUSE INDUSTRY, BUSINESS AND LABOR

SB 2223

2025 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Room JW327C, State Capitol

SB 2223
3/12/2025

A BILL for an Act to create and enact chapter 43-44.1 of the North Dakota Century Code, relating to adoption of the dietitian licensure compact.

9:01 a. m. Chairman Warrey opened the meeting.

Members Present: Chairman Warrey, Vice Chairman Ostlie, Vice Chairman Johnson, Representatives Bahl, T, Brown, Finley-DeVille, Grindberg, Kasper, Koppelman, D. Ruby, Schatz, Schauer, Vollmer

Member Absent: Representative C. Brown

Discussion Topics:

- Military spouses and families
- Other licensure compacts
- Standards and rules
- Multi state compact
- Telehealth practice
- Rural and underserved areas

9:01 a.m. Senator Jeff Barta, District 43, Grand Forks, ND, introduced and testified.

9:04 a.m. Lieutenant Colonel Jay Sheldon, Administrator, North Dakota Military Commission, testified in favor and submitted testimony #40437 and #40950.

9:13 a.m. Amanda K. Ihmels, Registered Dietetic, Chair, ND Board of Dietetic Practice, testified in favor and submitted testimony #40779.

9:22 a.m. Dr. Rachel I. Iverson Schafer, Registered Dietitian, Mandan ND, testified in favor and submitted testimony #40619.

9:28 a.m. Casey M. Bjoralt, ND Academy of Nutrition and Dietetics, submitted testimony in favor #40498.

9:31 a.m. Representative D. Ruby moved Do Pass.

9:31 a.m. Representative Vollmer seconded the motion.

Representatives	Vote
Representative Jonathan Warrey	Y
Representative Mitch Ostlie	Y
Representative Jorin Johnson	Y
Representative Landon Bahl	Y

Representative Collette Brown	AB
Representative Lisa Finley-DeVile	Y
Representative Karen Grindberg	Y
Representative Jim Kasper	Y
Representative Ben Koppelman	Y
Representative Dan Ruby	Y
Representative Mike Schatz	Y
Representative Austin Schauer	Y
Representative Daniel R. Vollmer	Y

Motion passed 13-0-1.

9:32 a.m. Representative T. Brown will carry the bill.

Additional written testimony:

Michelle, Defense, States Liaison Office, United States Department of Defense, submitted testimony in favor #39572.

Nikki J. Wegner, ND Long Term Care Association, submitted testimony in favor #40488.

Tim Blasl, President, ND Hospital Association, submitted testimony in favor #40600.

BriAnna N. Wanner, Registered Dietitian, Owner, Blue Nutrition, submitted testimony in favor #40613.

Eniola Soetan, North Dakota Student Association, submitted testimony in favor #40909.

9:32 a.m. Chairman Warrey closed the meeting.

Diane Lillis, Committee Clerk

**REPORT OF STANDING COMMITTEE
ENGROSSED SB 2223 ([25.0824.02000](#))**

Industry, Business and Labor Committee (Rep. Warrey, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). SB 2223 was placed on the Fourteenth order on the calendar.



MANPOWER AND
RESERVE AFFAIRS

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
1500 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-1500

March 12, 2025

House Industry, Business and Labor Committee
Chairman Jonathan Warrey
State Capitol
Room JW327C
Bismarck, ND 58505

RE: SB 2223 – Adoption of the Dietitian Licensure Compact

Dear Chairman Warrey and Members of the Committee:

On behalf of military families and the Department of Defense, I am writing in support of the policy changes expressed in SB 2223, a bill that addresses licensing issues affecting our Service members and their families and a measure to reduce barriers for employment in North Dakota. I would like to thank you for considering this issue during the 2025 session.

My name is Michelle Richart and I am the Midwest Region Liaison for the Defense-State Liaison Office, operating under the direction of Under Secretary of Defense for Personnel and Readiness, and the Deputy Assistant Secretary for Military Community and Family Policy. We represent the Department and work with state leaders across the country who are concerned for troops and their families' welfare by harmonizing state and federal law and regulation on policy problems of national significance. These are identified by the Office of the Secretary of Defense, the Military Departments, and the National Guard Bureau as areas where states can play a crucial role.

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As our military members and their families move from state-to-state, obtaining licenses in order to obtain employment is very important. These compacts will serve to relieve one of the many stressors of a military move and support military families' financial and personal well-being.

We are grateful for the tremendous effort that North Dakota has historically made to support our military members and their families and appreciate the opportunity to support the Dietitian Licensure Compact. Again, thank you for your support of this issue and thank you to Representatives Bahl and Frelich for introducing this policy change. Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in cursive script, reading "Michelle Richart", is positioned above the printed name.

MICHELLE RICHART
Midwest Region Liaison
Defense-State Liaison Office

TESTIMONY OF
LEIUTENANT COLONEL JAY SHELDON
NORTH DAKOTA NATIONAL GUARD
BEFORE THE
HOUSE INDUSTRY, BUSINESS, & LABOR COMMITTEE
11 MARCH 2025
SENATE BILL 2223

Chair Warrey and Members of the Committee,

My name is Jay Sheldon, and I am here representing the North Dakota Military Commission to voice our support for SB 2223, which would allow North Dakota to join an interstate licensing compact for dietitians.

North Dakota proudly serves as home to many military families who contribute greatly to our communities. Military families face frequent relocations, and for spouses who are licensed dietitians, moving from state to state often results in delays as they navigate new licensure requirements. These interruptions can make it difficult for them to continue their professional work, affecting not only their careers.

By joining the dietitian licensing compact, North Dakota would enable dietitians licensed in other compact-member states to transfer their credentials more seamlessly, reducing barriers to employment for military spouses and others moving to our state. This measure would also support North Dakota's healthcare system by making it easier to attract skilled dietitians to serve our communities.

In line with North Dakota's longstanding commitment to military families, adopting this compact demonstrates strong support for our military community by reducing unnecessary barriers for spouses who wish to contribute their skills. It is a tangible way for our state to show that we value their service and are committed to helping them build meaningful careers here in North Dakota.

On behalf of the North Dakota Military Commission, I urge you to support SB 2223 and to vote in favor of North Dakota joining the dietitian licensing compact.

Thank you for your time and consideration. I am happy to answer any questions.

Testimony on Dietitian Licensure Compact
House Industry, Business and Labor Committee
March 12, 2025
Senate Bill 2223

Chairman Warrey and Members of the Committee. My name is Nikki Wegner, and I am the President with the North Dakota Long Term Care Association. Thank you for the opportunity to testify in support of Senate Bill 2223. I respectfully ask that you give this bill a Do Pass recommendation.

Long term care facilities in North Dakota depend on licensed dietitians to ensure residents receive proper nutrition. Skilled nursing facilities (SNFs) are federally required to have a registered dietitian (RD) or other clinically qualified nutrition professional oversee their dietary programs, either as an employee or consultant. Basic care facilities, while not subject to the same federal requirements, must still meet state regulations that ensure residents' nutritional needs are met. However, recruiting and retaining these professionals, especially in rural areas, has been a persistent challenge.

Senate Bill 2223 would ease this burden by streamlining the licensure process for dietitians, improving access to medical nutrition therapy and other essential dietetic services for long term care residents. Proper nutrition is a critical component of quality care, supporting residents' overall health, chronic disease management, and recovery from illness or injury.

Interstate licensure compacts have already proven successful for other health care professionals in North Dakota, such as the Interstate Medical Licensure Compact (IMLC), the Nurse Licensure Compact (NLC), the Advanced Practice Registered Nurse Compact (APRN Compact), the Physical Therapy Compact (PT Compact), and the Psychology Interjurisdictional Compact (PSYPACT). The Dietitian Licensure Compact would bring similar benefits by:

- Expanding access to dietetic services by recognizing licenses across member states.
- Enhancing public health and safety by ensuring dietitians meet consistent professional standards.
- Supporting spouses of relocating military members by reducing licensing barriers.
- Improving cooperation among states for licensure, investigation, and discipline.
- Holding providers accountable to state-specific practice standards.
- Facilitating telehealth services, allowing dietitians to provide care to more residents, regardless of location.

For long term care providers, this compact is especially important. Many residents have complex dietary needs, including those with diabetes, swallowing disorders, and other medical conditions requiring specialized nutrition support. However, the current shortage of dietitians makes it difficult for facilities, particularly in rural areas to consistently provide these critical services. By reducing licensure barriers, this bill would help ensure more residents receive the dietetic care they need to maintain their health and well-being.

In summary, Senate Bill 2223 would streamline licensure, expand access to essential dietetic services, and strengthen care for North Dakotans in long term care settings. I urge your support for this bill and ask for a **Do Pass** recommendation.

Thank you for your time.

Nikki Wegner MS, OTR/L, President
North Dakota Long Term Care Association
1900 North 11th Street
Bismarck, ND 58501
(701) 222-0660
nikki@ndltca.org

**Written Testimony in Support of SB 2223**

North Dakota Academy of Nutrition and Dietetics

Dear Chairman Warrey and Members of the Committee,

The North Dakota Academy of Nutrition and Dietetics (NDAND) strongly supports Senate Bill 2223 to adopt the Dietitian Licensure Compact. In partnership with the national Academy of Nutrition and Dietetics, the North Dakota Board of Dietetic Practice (NDBODP), and the United States Army National Guard (USArmy NG), NDAND has played an active role in developing this important legislation. We believe that participation in a multi-state compact will bring significant benefits to dietitians, licensing authorities, and the citizens of North Dakota, while preserving the integrity of North Dakota's licensure law.

Benefits for Dietetic Practitioners:

By adopting SB 2223, North Dakota will enable dietitians to practice across multiple compact member states without needing to obtain and maintain separate licenses in each state. This increased mobility will open up new job opportunities, improve professional flexibility, and make it easier for dietitians to relocate. In particular, the compact will benefit military spouses, who often face challenges in maintaining their careers while moving to new locations. Moreover, the compact will streamline the process for dietitians, reducing the time and resources spent on managing multiple licenses.

Benefits for Licensing Authorities:

This compact will reduce administrative burdens for the North Dakota Board of Dietetic Practice by creating a unified "compact information system." This system will facilitate the sharing of licensure and disciplinary information between states, ensuring efficient and effective regulation of dietitians. Additionally, the compact will enhance cooperation among state licensing boards during investigations and disciplinary actions, while preserving state jurisdiction over dietitians practicing in North Dakota.

Benefits for the State of North Dakota:

SB 2223 will strengthen North Dakota's workforce and improve public health by expanding access to qualified dietitians, especially in rural areas and communities with limited dietetics professionals. The compact will also enhance transparency and public safety through a shared data system for quick licensure verification. Importantly, it does not change North Dakota's existing licensure requirements but provides a voluntary, alternative pathway for dietitians to practice across state lines, ensuring the state retains full control over its licensure processes.

In conclusion, SB 2223 represents a valuable opportunity for North Dakota to enhance healthcare delivery, promote professional mobility, and support a well-regulated workforce. The North Dakota Academy of Nutrition and Dietetics urges the committee to pass this bill, benefiting both dietitians and the residents of North Dakota.

Thank you for considering this testimony.

Sincerely,
North Dakota Academy of Nutrition and Dietetics

**2025 SB 2223****House Industry, Business and Labor Committee****Representative Warrey, Chairman****March 12, 2025**

Chairman Warrey and members of the House Industry, Business and Labor Committee, I am Tim Blasl, President of the North Dakota Hospital Association (NDHA). I am here to testify in support of Senate Bill 2223. I ask that you give this bill a **Do Pass** recommendation.

Hospitals support the passage of the dietitian licensure compact because it would streamline the interstate practice of dietitians with the goal of improving access to medical nutrition therapy and other essential dietetic services. While we have workforce challenges across all hospitals, it is especially difficult in rural and underserved areas. This bill would assist in expanding access to nutrition care in all parts of the state.

Other health care professions have similar interstate licensing compacts that have worked well in our state to make licensing across state lines faster and more efficient, such as the Interstate Medical Licensure Compact (IMLC), the Nurse Licensure Compact (NLC) and Advanced Practice Registered Nurse Compact (APRN Compact), the Physical Therapy Compact (PT Compact), and the Psychology Interjurisdictional Compact (PSYPACT).

Additional benefits of adopting this particular compact are that it will:

- Increase public access to medical nutrition therapy and other essential dietetic services by providing for the mutual recognition of other member state licenses;
- Enhance states' ability to protect the public's health and safety;
- Encourage cooperation of member states in regulating multistate dietician practice;
- Support spouses of relocating military members by reducing the time and burden of obtaining multiple licenses;

- Enhance the exchange of licensure, investigative, and disciplinary information between member states;
- Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards; and
- Facilitate the use of telehealth technology to increase access to dietetic services.

In summary, we believe this bill will streamline interstate licensure, improve access to important dietetic services, and improve the health and well-being of North Dakotans. We support passage of this bill and hope that you will give it a **Do Pass** recommendation.

Thank you.

Respectfully Submitted,

Tim Blasl, President
North Dakota Hospital Association

Testimony on Dietitian Licensure Compact
House Industry, Business and Labor Committee
March 12, 2025
Senate Bill 2223

Chairman Warrey and Members of the Committee,

My name is BriAnna Wanner, a Licensed Registered Dietitian and owner of a telehealth dietetics practice called Blue Nutrition, based out of Bismarck, ND. I express my strong support for HB 2223 and to urge a *do pass* recommendation. This bill represents a significant step forward in advancing the practice of dietetics while improving access to essential nutrition care for North Dakotans.

As a Registered Dietitian delivering telehealth nutrition services, North Dakota HB 2223 presents several key benefits that would directly enhance my ability to serve clients efficiently and effectively.

1. **Greater Access to Clients Across State Lines** – This bill allows me to provide medical nutrition therapy and other essential nutrition services to clients in multiple states without the need for separate licenses. This is especially beneficial for those in rural or underserved areas who struggle to access specialized care.
2. **Reduced Licensing Costs and Administrative Burden** – Managing multiple state licenses is costly and time-consuming. With the adoption of this compact, I can maintain one license in my home state while practicing in other participating states, eliminating redundant fees, paperwork, and compliance requirements.
3. **Expanded Telehealth Opportunities** – Telehealth is a crucial component of my practice, allowing me to offer personalized nutrition care regardless of location. This bill removes regulatory barriers, making it easier to serve clients who may otherwise be restricted by state licensure limitations.
4. **Seamless Professional Mobility** – Whether I relocate, travel, or need to continue care for clients who move, this bill ensures that I can do so without delays in obtaining new state licenses. This continuity is essential for both my business operations and my clients' long-term health outcomes.
5. **Simplified Compliance with High Professional Standards** – The bill maintains strong professional accountability while streamlining continuing education and regulatory requirements across member states. This means I can stay compliant with a single set of standards rather than juggling multiple state-specific rules.

HB 2223 ultimately allows me to focus on what truly matters—delivering high-quality, evidence-based nutrition care to those who need it, without unnecessary regulatory obstacles. It provides greater freedom, financial savings, and opportunities to expand my telehealth nutrition practice while maintaining regulatory integrity. This bill is a common-sense, no risk solution to support both North Dakotans seeking medical nutrition therapy services and for the practitioners who are providing those services.

Thank you for your time and consideration.

BriAnna Wanner RDN, LRD
Blue Nutrition
Bismarck, ND

Senate Bill 2223
House Industry, Business and Labor
Presented by Dr. Rachel Iverson Schafer DHSc RD CSSD
03-12-2025

Chairman Warrey and Members of the Committee,

My name is Dr. Rachel Iverson Schafer, and I am a registered dietitian with experience in both clinical and telehealth settings. I am also an employee of the state; however, I am here today testifying as a private citizen and as a dietitian. I have taken personal time off to be here because I believe so strongly in the importance of SB 2223, which would expand licensure reciprocity for dietitians and improve access to telehealth services.

Throughout my career, I have worked in traditional clinical settings in hospitals, as well as in innovative telehealth programs, including serving as the manager of Sanford Health Plan's Lifestyle Medicine telehealth prevention clinic. In this role, I managed patient flow and collaborated with a team of dietitians to provide evidence-based nutrition education to patients with chronic conditions. Telehealth allowed us to expand access to care, ensuring that patients could receive high-quality nutrition support without the barriers of transportation or time constraints.

In October 2022, I was laid off from my position at Sanford Health, along with my entire team. Losing my job was an incredibly difficult experience, and my options for continuing to work as a dietitian were limited. If this bill had been in place then, I would have had more opportunities to secure remote work without facing the overwhelming financial burden of obtaining multiple state licenses. The uncertainty of job loss would not have been as daunting if I had been able to continue practicing through telehealth without restrictive barriers.

For many dietitians, the ability to provide care through telehealth is not just a convenience. It is essential for maintaining a viable career. This is especially true in North Dakota, where opportunities for dietitians are limited, and salaries do not always reflect the education and expertise required for our profession. Without licensure reciprocity, dietitians are often forced to leave the state in search of higher-paying jobs or face significant financial barriers to practicing across multiple states.

One of North Dakota's key missions is to become the healthiest state in the nation, and expanding access to dietitians through telehealth is a crucial step toward achieving that goal. SB 2223 directly supports this mission by ensuring that more residents, especially those in rural and underserved areas, have access to high-quality, evidence-based nutrition care from registered dietitians. Research consistently shows that access to nutrition counseling improves health outcomes, reduces healthcare costs, and enhances disease prevention efforts. Expanding licensure reciprocity would allow more North Dakotans to benefit from these critical services.

SB 2223 would not only have personally benefited me during my job loss, but it would also create opportunities for other dietitians to remain in North Dakota while growing their careers through remote practice. It would allow highly qualified professionals to continue serving patients from their homes instead of being pushed out of the profession due to unnecessary regulatory barriers.

I urge you to support this bill, not only for the dietitians working hard to provide essential nutrition care but also for the patients who will benefit from increased access to telehealth services. This bill is a step toward modernizing our profession, improving workforce retention, and ensuring that dietitians can continue to support the health and well-being of North Dakotans.

Thank you for your time and consideration. I appreciate the opportunity to share my experience and will stand for any questions.

Testimony in Support of Senate Bill 2223
Presented to the Sixty-Ninth Legislative Assembly of North Dakota

Chairman Warrey and Esteemed Members of the Committee,

My name is Amanda Ihmels, RDN, CSO, LRD and I am representing the North Dakota Board of Dietetic Practice, the dietitian licensing board. I am here today to express the boards support for Senate Bill 2223, which proposes North Dakota's adoption of the Dietitian Licensure Compact, as outlined in Chapter 43-44.1 of the North Dakota Century Code.

The proposed compact represents a pivotal step toward advancing dietetic practice and improving access to critical nutrition care across state lines. This legislation is aligned with the mission of the North Dakota Board of Dietetic Practice to protect public health and safety while fostering professional excellence among dietitians.

Senate Bill 2223 achieves several critical objectives:

1. **Expands Access to Nutrition Care:** By allowing dietitians to practice across state lines through a streamlined licensure process, this compact eliminates barriers that currently limit access to medical nutrition therapy and other essential dietetic services. This is particularly beneficial for underserved and rural communities, which often face limited access to healthcare professionals.
2. **Supports Relocating Professionals:** The compact supports military families, including active-duty members and their spouses, by reducing the administrative burdens of obtaining multiple licenses when relocating. This ensures uninterrupted access to dietetic care for these families.
3. **Promotes Consistency and Accountability:** Through uniform licensure requirements and the sharing of licensure and disciplinary information among member states, the compact enhances the ability to hold dietitians accountable while maintaining the highest professional standards.
4. **Advances Telehealth Services:** The compact facilitates the provision of telehealth nutrition services, a rapidly growing area of healthcare delivery. This is particularly significant in states like North Dakota, where geographic challenges can hinder in-person access to care.
5. **Reduces Administrative Burdens:** By eliminating the need for multiple state licenses, this compact decreases costs and administrative complexity for both dietitians and state licensing boards, allowing for more efficient use of resources.

As a regulatory board dedicated to upholding professional standards and protecting public health, we believe this compact empowers our state to enhance the delivery of dietetic services while maintaining robust oversight. This legislation reflects a forward-thinking approach to healthcare, recognizing the evolving needs of our communities and the value of collaborative, multistate solutions.

I urge you to support Senate Bill 2223 and join North Dakota with other states in advancing this important initiative. Adopting the Dietitian Licensure Compact is not only a step toward modernizing licensure but also a commitment to improving the health and well-being of all North Dakotans.

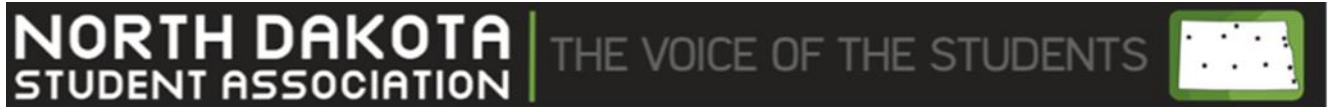
Thank you for your time and consideration. I am happy to answer any questions you may have.

Sincerely,

Amanda Ihmels, RDN, CSO, LRD

LRD Chair

North Dakota Board of Dietetic Practice

**SB 2223**

March 12, 2025

Eniola Soetan, North Dakota Student Association

Eniola.soetan@dickinsonstate.edu

Chair and Members of the Committee,

My name is Eniola Soetan, and I am a delegate of the North Dakota Student Association. I am writing to express my support for SB 2223.

The North Dakota Student Association (NDSA) is a student organization established in 1969 that is dedicated to ensuring that students have a voice in policy that affects Higher Education. The NDSA consists of delegates from each of the 11 public institutions that meet monthly to engage students in Higher Education policy in North Dakota. Our mission is to empower students, foster collaboration between students across campuses in the North Dakota University System, and to advocate on issues of higher education in support of access, affordability, quality, and the student experience.

In January, the NDSA passed [NDSA-15-2425: A Resolution in Support of Interstate Licensure Compacts](#), acknowledging the positive impact that interstate licensure compacts can have on access to important services such as dieticians, particularly in more rural areas such as North Dakota.

According to a February 2020 fact sheet published by the University of North Dakota, 17 North Dakota census tracts were considered food deserts, with many more census tracts being considered low access tracts [\[1\]](#). Despite this, as of May 2023, North Dakota had only 170 employed dieticians, with one of the lowest employments per 1,000 rates in the country [\[2\]](#). Being an area with lower food access, North Dakota residents should have greater access to dieticians that can provide crucial education and resources for how to achieve nutritional wellbeing, particularly in uniquely rural environments.

In the academic realm, it has been rather well established that balanced nutrition is essential to sufficient focus and memory retention in the classroom, as “students who are chronically hungry tend to earn poorer grades, lower test scores, and have worse graduation outcomes and postsecondary outcomes”^[3].

The interstate licensure compact would allow North Dakotans better access to the incredibly impactful service of dietitians. Access to a dietitian could be the difference between a student who is unable to pay attention and retain information in class, and a student who is able to adequately take in their classroom learning and apply it to the workforce. The nutritional education that dietitians can provide to individuals is not only invaluable, but empowering as well, and should not be virtually inaccessible to North Dakotans.

To support the wellbeing and learning capacity of students in the NDUS and across the state of North Dakota, as well as increase the resources available to NDUS students, I would like to express my support for SB 2223.

[1]- <https://med.und.edu/service/healthcare-workforce/files/docs/2020/sdoh-food-access-fact-sheet-2020.pdf>

[2]- <https://www.bls.gov/oes/2023/may/oes291031.htm>

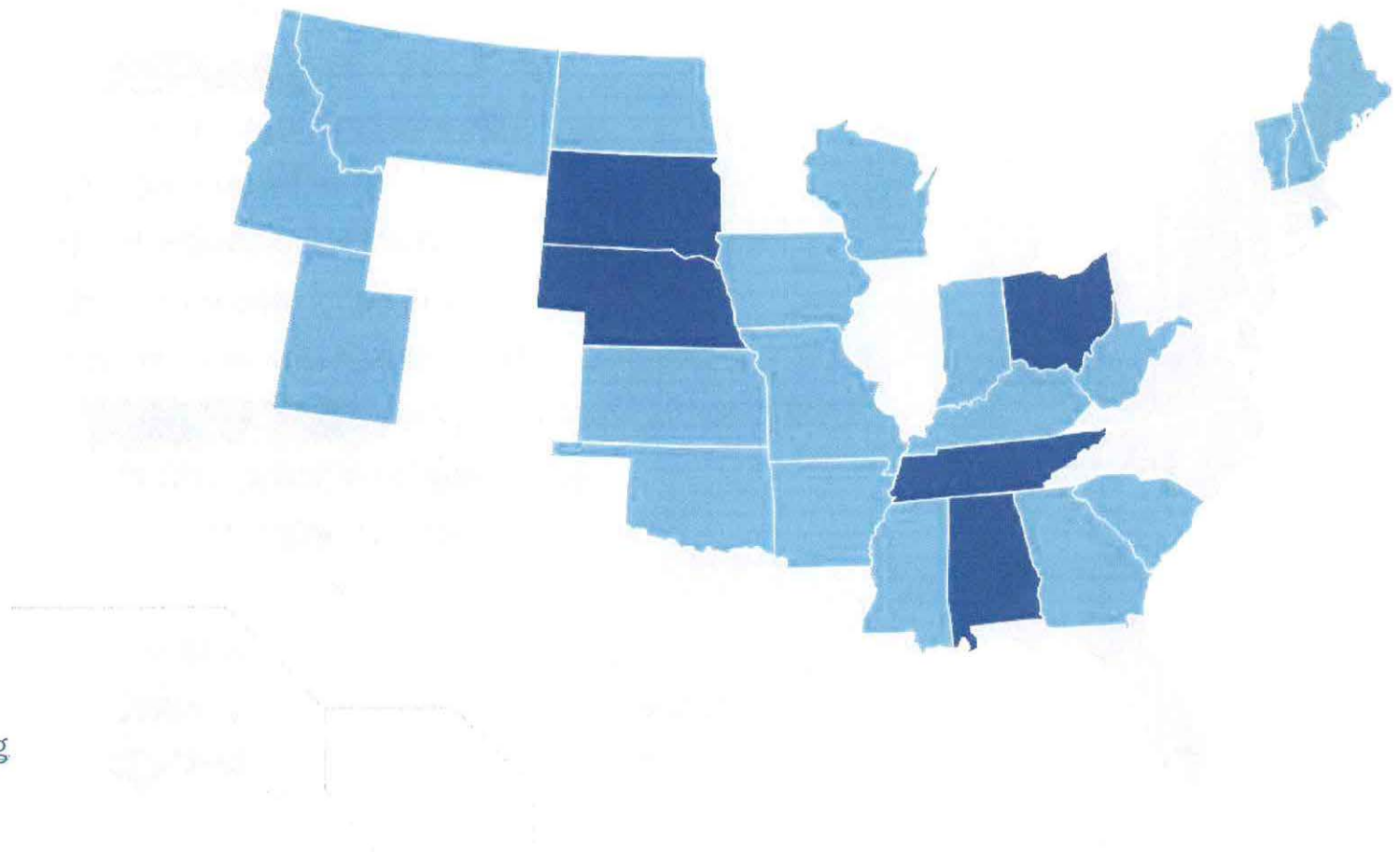
[3]- <https://www.cmich.edu/news/details/how-important-is-nutrition-to-academic-success>

- Advanced Practice Registered Nurse, APRN <https://www.aprncompact.com/>
- Audiology and Speech- Language-Hearing Interstate, ASLP-IC <https://aslpcompact.com>
- Cosmetology <https://cosmetologycompact.org/>
- Counseling <https://counselingcompact.org/>
- Dentistry/Dental Hygiene, DDH <https://ddhcompact.org/>
- Dietitian Licensure Compact <https://dietitianscompact.org/>
- Emergency Medical Services, EMS REPLICA <https://www.EMSCompact.gov>
- Massage Therapy, IMpact <https://massagecompact.org/>
- Nurse Licensure, NLC <https://www.nursecompact.com/>
- Occupational Therapy, OT <https://otcompact.org/>
- Physical Therapist, PT <https://ptcompact.org/>
- Physician Associates, PA <https://www.pacompact.org/>
- Psychology Interjurisdictional, PSYPACT <https://psypact.org/>
- School Psychology <https://schoolpsychcompact.org/>
- Social Work Compact, SW <https://swcompact.org/>
- Teaching, ITMC <https://teachercompact.org/>

No Active Legislation

Legislation
Pending

Legislation
Enacted



<https://dietitianscompact.org>

Support of Military Families - 2021

Cavalier Space Force Station, North Dakota

Public Education*



Academic Performance Criteria

Graduation Rate

Student Learning Rate

School Climate Criteria

Chronic Absenteeism Rate

Suspension Rate

Service Offering Criteria

Pre-Kindergarten Availability

Student to Counselor Ratio

Student to Mental Health Support Ratio

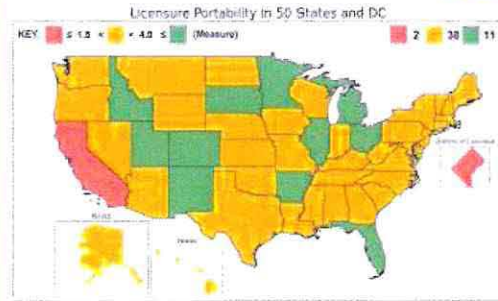
Student to Nurse Ratio

Student to Teacher Ratio

Data Source	Most Recent Survey Time Period Utilized	Date Last Updated
Department of Education - Civil Rights Data Collection District and School Data	SY 2017-2018	October 2020
Department of Education - EDData Graduation Rates (District and School Level)	SY 2018-2019	November 2020
Department of Education - National Center for Education Statistics Common Core of Data Public Elementary/ Secondary School Universe Survey Data	SY 2019-2020	March 2021
Department of Education - National Center of Education Statistics Common Core of Data (School Search)	SY 2018-19 School Details and Enrollment Characteristics SY 2019-20 School Directory Information	April 2020 July 2020
Center for Education Policy Analysis: Stanford Education Data Archive (SEDA)	SY 2008-2009 through SY 2017-2018	February 2021

*Public Education is Computed using 60% Academic Performance, 20% School Climate, and 20% Service Offering.

Licensure Portability



Accounting

Cosmetology

EMS

Engineering

Law

Nursing

Physical Therapy

Psychology

Teaching

Other Professions

Data Source	Most Recent Survey Time Period Utilized	Date Last Updated
State Laws, State Executive Orders, State Bar and Supreme Court Rules (Licensure)	Through Dec. 2021	Dec. 31, 2021

Areas Requiring Additional Support

Public Education

Student to Nurse

PreK

Graduation Rates

Licensure Language

Issue license Temporary license Caveat of active practice 2/4 years before application

Profession

Cosmetology, Psychology, Teaching

Data Current as of Dec. 31, 2021