FINAL BILL REPORT
SHB 2088

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Synopsis as Enacted

Brief Description: Concerning the dietitian licensure compact.

Sponsors: House Committee on Postsecondary Education & Workforce (originally sponsored by Representatives Leavitt, Keaton, Barnard, Timmons, Reed, Jacobsen, Ryu, Zahn, Richards, Doglio, Simmons, Reeves, Macri, Pollet and Bernbaum).

House Committee on Postsecondary Education & Workforce
Senate Committee on Health & Long-Term Care

Background:

A dietician is a person certified to practice dietetics, which is the integration and application of scientific principles of food, nutrition, biochemistry, physiology, management, and behavioral social sciences in counseling people to achieve and maintain health.

To be licensed as a dietician, an applicant must file a written application and:
- be at least 18 years old;
- complete a major course of study in human nutrition, foods and nutrition, dietetics, or food systems management and receive a baccalaureate or higher degree from an accredited institution;
- complete a planned, continuous preprofessional experience in dietetic practice; and
- complete an examination.

Summary:

Compact Establishment.
The Dietician Licensure Compact (Compact) is established, which allows licensed dieticians to practice across state lines in Compact states under a Compact privilege.

Compact Commission.
The Compact is administered by a Compact commission (Commission), which is a joint

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government agency established by the Compact's participating states. The membership of the Commission consists of one delegate selected by each participating state. The delegate must be the primary administrator of the licensing authority or their designee.

Duties of the Commission include:
- establishing bylaws;
- taking actions consistent with the Compact and bylaws;
- promulgating rules to facilitate and coordinate implementation and administration of the Compact;
- initiating and concluding legal proceedings on behalf of the Commission;
- establishing a budget and making expenditures; and
- preparing and providing an annual report.

The Commission must establish an executive committee composed of nine members. The executive committee's duties include recommending changes to rules or bylaws, preparing and recommending a budget, monitoring Compact compliance, and other duties provided in the bylaws.

The Commission and executive committee must meet at least once every year. With limited exceptions, all meetings of the Commission and executive committee are open to the public. Notice must be provided on the Commission's website at least 30 days prior to the meeting. The Commission must keep minutes of its meetings. The Commission may close meetings to the public to discuss certain matters, including noncompliance by participating states, employment matters, litigation, disclosure of trade secrets, law enforcement investigative records, and matters specifically exempt from disclosure by federal or state law.

The Commission must promulgate reasonable rules to effectively and efficiently achieve the purpose of the Compact. At least 30 days prior to voting on a rule, the Commission must file a notice of proposed rulemaking, conduct a public hearing, and allow the submission of written input. The Commission may enact emergency rules with 24 hours' notice that must undergo the full rulemaking process no later than 90 days after their effective dates.

The Commission may levy an annual assessment on Compact states and levy fees on licensees to cover the costs of operations and activities.

Other Compact provisions relating to the Commission include provisions relating to:
- judicial proceedings against the Commission;
- financing the Commission; and
- qualified immunity, defense, and indemnification of Commission members.

Data System.
The Commission must establish a coordinated data and reporting system containing licensure, adverse action, and the reporting of significant investigative information on all

licensed dieticians and applicants denied a license in participating states. Participating states must submit a uniform data set to the data system. Participating states may designate information that may not be shared without the states' permission. Any information that is subsequently required to be expunged by the laws of a participating state must be removed from the system.

State Membership Requirements.
To be eligible for Compact membership, a state must:

- license and regulate the practice of dieticians;
- participate in the Compact's data system;
- have a mechanism in place for receiving and investigating complaints against licensees and license applicants;
- notify the Commission of any adverse action against a licensee or applicant or the existence of significant investigative information regarding a licensee or license applicants;
- fully implement a criminal background check requirement;
- comply with applicable Commission rules;
- require an applicant to obtain or retain a license in the licensee's home state; and
- grant the Compact privilege to a holder of a qualifying license in a participating state.

Compact Privilege Requirements.
To exercise the Compact privilege, a licensee must:

- have graduated from an accredited dietician program;
- have successfully completed an examination for dieticians approved by the Commission;
- hold a valid current registration that gives the applicant the right to use the term "registered dietician";
- hold a qualifying license;
- notify the Commission that the licensee is seeking the Compact privilege in a remote state;
- meet any jurisprudence requirement of a remote state in which the licensee is seeking to practice under the Compact privilege and pay any applicable fees; and
- report to the Commission any adverse action taken by a nonparticipating state within 30 days after the action is taken.

Discipline.
A participating state in which a licensee is licensed has exclusive power to impose adverse action against the qualified license. Remote states may take adverse action against a dietician's Compact privilege within that state and issue subpoenas for both hearings and investigations. Participating states may take adverse action based on factual findings of a remote state. States may participate in joint investigations. If adverse action is taken by a participating state, the adverse action applies in all other participating states. If the Compact privilege is removed, the licensee loses the Compact privilege in other participating states until the specific period of time for the removal has ended and all

conditions for removal have been satisfied. If any participating state takes adverse action, it must promptly notify the administrator of the data system.

Joining and Withdrawing.
The Compact comes into effect on the date the Compact is adopted into state law. States may join the Compact by enacting the Compact's provisions into law. States that enact the Compact before the Compact comes into effect are subject to review after the effective date of the Compact. The Compact may be amended by enactments in all participating states. A state may withdraw from the Compact by repealing its enacting statute, but the withdrawal is not effective until 180 days after the statute's repeal.

Oversight, Dispute Resolution, and Enforcement.
The executive and judicial branches of the participating states must enforce the Compact. If the Commission determines a state is in default, it must provide written notice to that state and provide it with remedial training and specific technical assistance regarding the default. After all other means of securing compliance have been exhausted, a defaulting state may be terminated from the Compact through a vote of the majority of Commission members.

Severability.
State laws in conflict with the Compact are superseded to the extent of the Compact. The Compact does not prevent the enforcement of any other law of a participating state that is not inconsistent with the Compact. Permissible agreements between the Commission and the participating states are binding. If the Compact conflicts with the constitution of a participating state, the Compact is ineffective to the extent of that conflict. If the constitutional provision in question is a material departure from the Compact, the state may be terminated from the Compact.

Votes on Final Passage:

House	93	1
Senate	48	0

Effective: July 1, 2028