

SESSION OF 2025

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2069

As Amended by Senate Committee on Public
Health and Welfare

Brief*

HB 2069, as amended, would enact the School Psychologist Compact (Compact) and the Dietician Compact.

[*Note:* As of February 5, 2025, the Compact has been enacted in Colorado and West Virginia. The Compact is being considered in 8 states, including Kansas, and will become active once it is enacted by 7 states. As of February 5, 2025, the Dietician Compact has been enacted in 4 states: Alabama, Nebraska, Ohio, and Tennessee. The Compact is being considered in 15 states, including Kansas, and will become active once it is enacted by 7 states.]

School Psychologist Compact

Purpose

The Compact's purpose would be to facilitate the interstate practice of school psychology in educational or school settings to improve the availability of school psychological services to the public. The Compact would establish a pathway to allow school psychologists to obtain equivalent licenses to provide school psychological services in any member state and promote the mobility of school psychologists between and among member states to address workforce shortages. The Compact would also facilitate the relocation of military members and their spouses who are licensed to provide school psychological services.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

Definitions

The Compact would define various terms, including:

- “School psychological services” would mean academic, mental, and behavioral health services, including assessment, prevention, consultation, and collaboration, intervention, and evaluation provided by a school psychologist in a school, as outlined in applicable professional standards as determined by the School Psychologist Interstate Licensure Compact Commission (Commission) rule; and
- “School psychologist” would mean an individual who has met the requirements to obtain a home state license that legally conveys the professional title of school psychologist as determined by Commission rule.

State Participation in the Compact

The Compact would define requirements for states to join and maintain eligibility as member states in the Compact, including enacting a Compact statute not materially different from the model legislation and participating in the sharing of information with the Commission and other member states as necessary. The Compact would require applicants for a home state license to have:

- Taken and passed a qualifying national exam as defined by the rules of the Commission;
- Completed a minimum of 1,200 hours of supervised internship, including at least 600 hours completed in a school prior to being approved for licensure; and
- Graduated from a qualifying school psychologist education program.

The Compact would provide for member states to set and collect a fee for granting an equivalent license.

School Psychologist Participation in the Compact

The Compact would set requirements for a licensee to obtain and maintain an equivalent license from a remote state, including holding and maintaining a home state license, paying any required fees, and undergoing a criminal background check. To renew an equivalent license in a member state other than the home state, a licensee would be required to apply for renewal, complete a background check, and pay renewal fees as determined by the licensing authority.

Active Military Members or Their Spouses

The Compact would provide for a licensee who is an active military member or the spouse of an active military member to hold a home state license in any of the following locations:

- The licensee's permanent residence;
- A member state that is the licensee's primary state of practice; or
- A member state where the licensee has relocated pursuant to a permanent change of station.

Discipline and Adverse Actions

The Compact would not limit the authority of a member state to investigate or impose disciplinary measures on licensees according to the state's practice laws. Member states would be able to receive and would be required to provide files and information regarding the investigation and discipline, if any, of licensees in other member states upon request.

*Establishment of the School Psychologist Interstate
Licensure Compact Commission*

The Compact would create and establish a joint government agency, the School Psychologist Interstate Licensure Compact Commission (Commission), consisting of member states that have enacted the Compact. The Compact would provide requirements for membership, voting, and meetings of the Commission; the powers of the Commission; and the Executive Committee of the Commission.

The Compact would provide for the Commission to pay for the reasonable expenses of its establishment, organization, and ongoing activities. The Commission would be able to levy and collect an annual assessment from each member state and impose fees on licensees to cover the cost of the operations and activities of the Commission. The Compact would require the Commission to adopt an annual report, including a financial review, and provide the report to the member states.

The Compact would provide for the qualified immunity, defense, and indemnity of its members, officers, employees, and representatives of the Commission acting within the scope of Commission employment, duties, or responsibilities. The protections would not apply for damage, loss, injury, or liability caused by the individual's intentional, willful, or wanton misconduct. The Compact would not limit the liability of any licensee for professional malpractice or misconduct governed by applicable state laws.

Facilitating Information Exchange

The Compact would require the Commission to facilitate the exchange of information to administer and implement the provisions of the Compact, including the following licensee information:

- Identifying information;

- Licensure data;
- Adverse actions against a license and related information;
- Non-confidential information related to alternative program participation;
- Any denial of application for licensure and the reasons for denial;
- The presence of investigative information; and
- Other information that may facilitate the administration of the Compact or the protection of the public, as determined by the rules of the Commission.

Rulemaking

The Compact would provide the Commission with the ability to promulgate reasonable rules to achieve the intent and purpose of the Compact. A majority of legislatures of the member states would be able to reject a rule by enactment of a statute or resolution within four years of adoption of the rule. The Compact would also provide for emergency rulemaking procedures.

Oversight, Dispute Resolution, and Enforcement

The Compact would provide for the executive and judicial branches of the state government in each member state to enforce the Compact and take all actions necessary and appropriate to implement the Compact.

If the Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under the Compact, the Commission would provide written notice to the defaulting state to describe the

default and provide proposed means of curing the default. The Commission would be required to offer training and specific technical assistance regarding the default.

The Compact would define the process for removing a defaulting state, resolving disputes among member states, and enforcing the Compact against a member state or the Commission.

Effective Date, Withdrawal, and Amendment

The Compact would come into effect on the date that the Compact statute is enacted into law in the seventh member state.

The Compact would provide for procedures to remove a defaulting member state or for a member state to withdraw from the Compact. The Compact would be amendable by enactment of law by all member states.

Construction and Severability

The Compact and the Commission's rulemaking authority would be liberally construed so as to effectuate the purposes, implementation, and administration of the Compact. The provisions of the Compact would be severable.

Consistent Effect and Conflict with Other State Laws

The Compact would not prevent or inhibit the enforcement of any other law of a member state not inconsistent with the Compact. Any laws, statutes, regulations, or other legal requirements in a member state in conflict with the Compact would be superseded to the extent of the conflict, and all permissible agreements between the Commission and member states would be binding.

Dietician Compact

Purpose

The purpose of the Dietician Compact would be to facilitate the interstate practice of dietetics with the goal of improving public access to dietetics services and achieving a number of objectives that reduce administrative burden while increasing availability of licensed dietitians as well as cooperation among member state licensing bodies.

The Dietician Compact would preserve the regulatory authority of states to protect public health and safety through the current system of state licensure while also providing license portability for qualifying professionals.

Definitions

The Dietician Compact would define various terms used throughout the Dietician Compact, including:

- “Adverse action” would mean any administrative, civil, equitable, or criminal action permitted by a state’s laws that is imposed by a licensing authority or other authority against a licensee, including actions against an individual’s license or Dietician 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;
- “Compact Commission” would mean the governmental agency whose membership consists of all states that have enacted this Dietician Compact, which is known as the Dietitian Licensure Compact Commission (Dietician

Compact Commission), and which shall operate as an instrumentality of member states;

- “Practice of dietetics” would mean the synthesis and application of dietetics as defined by state law and regulations, primarily for the provision of nutrition care services, including medical nutrition therapy, in person or via telehealth, to prevent, manage, or treat diseases or medical conditions and promote wellness;
- “Registered dietitian” would mean a person who has completed applicable education, experience, examination, and recertification requirements approved by the Commission on Dietetic Registration; is credentialed by the Commission on Dietetic Registration as a registered dietitian or a registered dietitian nutritionist; and is legally authorized to use the title registered dietitian or registered dietitian nutritionist and the corresponding abbreviations “RD” or “RDN”; and
- “Single state license” would mean a license issued by a member state within the issuing state and does not include a Dietician Compact privilege in any other member state.

State Participation in the Dietician Compact

The Dietician Compact would require member states to:

- Participate fully in the Dietician Compact Commission’s data system;
- Notify the Dietician Compact Commission of adverse actions regarding a licensee;
- Implement a criminal history check including the submission of fingerprints to both the Federal

Bureau of Investigation and the comparable state agency for Dietician Compact licensees;

- Comply with the rules of the Dietician Compact Commission;
- Require an applicant for the Dietician Compact to obtain or retain a license in the home state and meet all home state requirements for licensure or renewal; and
- Recognize each licensee who has met the terms of the Dietician Compact and rules.

The Dietician Compact would authorize member states to charge a fee for granting a Dietician Compact privilege. The Dietician Compact would specify member states retain sole jurisdiction over the licensing requirements for a single state license to practice dietetics.

Dietician Compact Privilege

The Dietician Compact would require dietitians to meet certain educational and credentialing criteria to exercise Dietician Compact privileges and would align Dietician Compact privilege with the underlying valid home state license including renewal criteria and continuing education requirements set by the licensee's home state. The Dietician Compact would require that a licensee practicing in a remote state adhere to the remote state's laws and regulations relating to dietetics.

Obtaining a New Home State License Based on Dietician Compact Privilege

The Dietician Compact would allow a licensee to have only one home state license at a time. The Dietician Compact would provide a procedure to change a licensee's home state license when relocating between member states.

Active Duty Military Personnel or Their Spouses

The Dietician Compact would allow active duty military personnel or their spouses to designate a home state where such service member or spouse has a current license in good standing and would allow such military personnel or spouse to retain that home state designation during the period of time the service member is on active duty.

Adverse Actions

The Dietician Compact would allow a member state to take adverse action against an licensee's Dietician Compact privilege in such member state and to issue subpoenas. Only the licensee's home state would have the power to take adverse action against the license issued by the home state. However, a member state would have the authority to take adverse action based on the factual findings of another remote state if the other member state follows its own procedures for adverse actions. Member states would be permitted to recover costs of investigations or dispositions if permitted by their state law. The home state would be required to promptly report the conclusions of any investigation to the data system. The Dietician Compact would authorize joint investigations by member states of licensees.

Establishment of the Dietitian Licensure Compact Commission

The Dietician Compact would create the Dietician Compact Commission and include provisions relating to membership, voting, powers, and duties, and financing of the Dietician Compact Commission. The Dietician Compact would establish the Executive Committee, which would have the power to act on behalf of the Dietician Compact Commission according to the terms of the Dietician Compact.

The Dietician Compact would provide for the Dietician Compact Commission to pay for the reasonable expenses of its establishment, organization, and ongoing activities. The Dietician Compact Commission would be authorized to levy and collect an annual assessment from each member state and impose fines on licensees of member states to cover the cost of operations. The Dietician Compact would require the Dietician Compact Commission to adopt an annual report, including a financial review, and provide the report to member states.

The Dietician Compact would provide for the qualified immunity, defense, and indemnity of its members, officers, employees, and representatives acting within the scope of Dietician Compact Commission employment, duties, or responsibilities. The protections would not apply for damage, loss, injury, or liability caused by the individual's intentional, willful, or wanton misconduct. The Dietician Compact would not limit the liability of any licensee for professional malpractice or misconduct governed by applicable state laws.

Data Systems

The Dietician Compact would require the Dietician Compact Commission to develop, maintain, operate, and utilize a coordinated data system. The Dietician Compact would govern how the information would be provided to the data system by member states and the use of the data by member states, as well as its designation of information that could not be shared with the public without the express permission of the contributing state. The Dietician Compact would also require removal of expunged information from the data system.

Rulemaking

The Dietician Compact would authorize the Dietician Compact Commission to exercise rulemaking powers. The bill would require notice of proposed rules to specified persons

and locations to be provided at least 30 days prior to the meeting where the Dietician Compact Commission will consider such rules. Additionally, the Dietician Compact Commission would be required to provide notice of the public hearing and provide access to the meeting and record all hearings. The Dietician Compact would state a majority of legislatures of the member states could reject a rule by enactment of a statute or resolution within four years of adoption of the rule. The Dietician Compact would also provide for emergency rulemaking procedures.

Oversight, Dispute Resolution, and Enforcement

The Dietician Compact would provide that the executive and judicial branches in each member state would enforce and implement the Dietician Compact. The Dietician Compact would establish judicial venue and service of process for the Dietician Compact Commission. The Dietician Compact would also establish a process to be followed by member states regarding default, requesting technical assistance, or termination from the Dietician Compact. The Dietician Compact would require the Dietician Compact Commission, upon member request, to resolve disputes arising among member states and between member states and non-member states. In addition, the Dietician Compact Commission would be authorized to enforce the provisions of the Dietician Compact, and, by supermajority vote, could initiate legal action in federal court against a member state.

Effective Date, Withdrawal, and Amendment

The Dietician Compact would be effective on the date on which the Dietician Compact statute is enacted into law in the seventh member state. Any member state would be allowed to withdraw from the Dietician Compact by enacting a statute that would repeal the Dietician Compact, but this would not take effect until 180 days after the enactment of the repealing statute. Member states could amend the Dietician Compact, but any amendment would not be effective until it is enacted

by all member states. Additionally, the Dietician Compact would not invalidate or prevent any licensure agreement or cooperative arrangement between a member state and nonmember state that did not conflict with the Dietician Compact.

Construction and Severability

The Dietician Compact would state the Dietician Compact and the Dietician Compact Commission's rulemaking authority shall be liberally construed and the provisions of the Dietician Compact would be severable.

Consistent Effect and Conflict with Other State Laws

The Dietician Compact would not prevent the enforcement of any other law of a member state not inconsistent with the Dietician Compact. Laws in conflict with the Dietician Compact would be superseded to the extent of the conflict and all lawful actions of the Dietician Compact Commission would be binding upon member states.

Background

The Senate Committee on Public Health and Welfare inserted the contents of HB 2070 into HB 2069 (both as amended by the House Committee) while retaining the contents of HB 2068, as amended by the House Committee. Background information for each bill may be found below.

HB 2069 (School Psychologist Compact)

The bill was introduced by the House Committee on Commerce, Labor and Economic Development at the request of a representative of the Kansas Chamber of Commerce.

House Committee on Health and Human Services

In the House Committee hearing, **proponent** testimony was provided by a private citizen and representatives of the Kansas Association of School Psychologists, Kansas Adjutant General's Department, Kansas Chamber of Commerce, and U.S. Department of Defense. The proponents generally stated the Compact would streamline licensing for school psychologists practicing across state lines and would particularly be of assistance to military spouses and families moving across the country.

Written-only proponent testimony was provided by representatives of the Kansas Association of School Boards, Kansas Association of School Psychologists, and The Greater Kansas City Chamber of Commerce.

The House Committee amended the bill to make technical corrections.

Senate Committee on Public Health and Welfare

In the Senate Committee hearing, **proponent** testimony was provided by representatives of the Kansas Adjutant General's Department and the Kansas Chamber of Commerce. The proponents provided testimony similar to that provided in the hearing in the House Committee on Health and Human Services.

No other testimony was provided.

The Senate Committee amended the bill to add the contents of HB 2070, as amended by the House Committee.

HB 2070 (Dietitian Compact)

The bill was introduced by the House Committee on Commerce, Labor and Economic Development at the request of a representative of the Kansas Chamber of Commerce.

House Committee on Health and Human Services

In the House Committee hearing, **proponent** testimony was provided by a private citizen and representatives of the Kansas Adjutant General's Office, Kansas Chamber of Commerce, and U.S. Department of Defense. The proponents noted the portability of licensing across states for the profession as well as assisting military families in their relocations.

Written-only proponent testimony was provided by representatives of The Greater Kansas City Chamber of Commerce, Kansas Academy of Nutrition and Dietetics, Kansas Department for Aging and Disability Services (KDADS), Kansas Hospital Association, LeadingAge Kansas, Manhattan Nutrition Clinic, Mission Health, and the University of Kansas Cancer Center.

No other testimony was provided.

The House Committee amended the bill to correct the definition for "adverse action" and to remove duplicated language in Section 4 related to Compact privilege.

Senate Committee on Public Health and Welfare

In the Senate Committee hearing, **proponent** testimony was provided by representatives of the Kansas Adjutant General's Department and the Kansas Chamber of Commerce. The proponents provided testimony similar to that provided in the hearing in the House Committee on Health and Human Services.

Written-only proponent testimony was provided by representatives of the American Telemedicine Association/ATA Action, KDADS, Kansas Hospital Association, LeadingAge Kansas, and The Greater Kansas City Chamber of Commerce.

Written-only opponent testimony was provided by a licensed dietician.

The Senate Committee inserted the contents of HB 2070, as amended by the House Committee, into HB 2069, as amended by the House Committee.

Fiscal Information

HB 2069 (School Psychologist Compact)

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the State Department of Education indicated school psychologists currently are required to complete a two-year practicum to work in a school district; however, a school psychologist can work during one year of the practicum. The Compact would require school psychologists to complete a practicum before working in a school district. The State Department of Education would have to amend its current rules and regulations to comply with the Compact in this area. Any additional cost would be negligible and could be absorbed with the State Department of Education's approved budget.

For school districts, because the Compact would not allow a school psychologist to work during their practicum, the supply of school psychologists would be reduced for new staff entering the workforce because of the Compact's requirement; however, a fiscal effect cannot be estimated.

HB 2070 (Dietitian Compact)

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration indicates enactment of the bill could increase the number of cases filed in district courts because the bill states that the Dietician Compact shall be enforced by the Judicial Branch in each state. This, in turn, would increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Until the courts have had an opportunity to operate under the

provisions of the bill, an accurate estimate of the fiscal effect on expenditures by the Judicial Branch cannot be given. Enactment of the bill would not have a fiscal effect on revenues to the Judicial Branch. However, enactment of the bill could result in the collection of docket fees in those cases filed under the provisions of the bill, which would be deposited in the State General Fund.

KDADS indicates that enactment of the bill would reduce revenues for the agency by approximately \$66,000 per year beginning in FY 2026. The estimate is based upon the number of biannual renewal and reciprocity applications and the costs associated with them. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2026 Governor's Budget Report*.

Health; health care; School Psychologist Compact; school psychologists; psychology; Dietician Compact; dieticians; interstate practice privileges; licensure