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STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
& FINANCIAL REGULATION
OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION



Joan F. Cohen
Commissioner

**TESTIMONY OF
PENNY VAILLANCOURT, DEPUTY COMMISSIONER**

IN OPPOSITION TO L.D. 416

“An Act to Enact the Dietitian Compact”

Sponsored by Representative Kristi Mathieson

**BEFORE THE JOINT STANDING COMMITTEE ON
HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES**

Public Hearing: March 5, 2025, 10:00 AM

Good afternoon, Senator Bailey, Representative Mathieson, and Members of the Committee. My name is Penny Vaillancourt, Deputy Commissioner of the Department of Professional and Financial Regulation and I am here on behalf of the Office of Professional and Occupational Regulation (“OPOR”) testifying in opposition to LD 416.

The Board of Licensing of Dietetic Practice (“the Board”) is a professional licensing board within OPOR which is an umbrella agency that supports 38 licensing boards and programs. OPOR’s sole purpose is to protect the health and welfare of Maine citizens. The Board protects the public by licensing dietitians and dietetic technicians who meet the minimum qualifications in statute, by investigating allegations of unprofessional conduct or incompetent practice, and by imposing sanctions when deemed appropriate.

LD 416 is model compact legislation developed by the Council of State Governments (“CSG”) in partnership with the Department of Defense, and The Academy of Nutrition and Dietetics with a stated purpose to support mobility and reduce barriers to licensure portability. As is with other licensure compacts, states must enact the model compact legislation to participate.

The Dietetic Compact has been adopted by four states (Nebraska, Tennessee, Alabama, and Ohio) and legislation is pending in 12 states, including Maine, New Hampshire, Rhode Island, North Dakota, Kansas, Oklahoma, Indiana, Arkansas, Missouri, Kentucky, Mississippi, and South Carolina. Seven states must join before the compact is effective and work can commence to develop rules, data systems, etc.

At this time, OPOR is opposed to taking on any additional compacts, especially those which have not yet been fully formed, for two primary reasons. First, there are statutory and technological challenges associated with implementing the licensure compacts Maine has already adopted. Secondly, OPOR underestimated the amount of time necessary to participate as commission

members and that commitment is redirecting resources away from our existing statutory responsibilities including license application processing and investigation of consumer complaints.

Since 2021, Maine has enacted seven (7) OPOR related compacts¹ and all but one are still in the initial stages of development and implementation requiring significant amounts of board member and staff time.

For example, the Dentist and Dental Hygiene Compact (DDH compact) was enacted in Maine last session and as the seventh state it established the minimum number of states necessary to convene the compact. As a member of the DDH Compact we are required to participate as a DDH Compact commission member. At the early stage of the compact, the commission member's role is to help get a compact up and running. On behalf of the Board, I serve as the DDH Compact commission member and so I can speak from personal experience as to the tremendous workload involved. As a Commission member I am required to review and vote on the following:

- development of bylaws,
- review of legislative updates,
- election of officers,
- development of rules on rulemaking,
- identification of a technology platform that aligns with OPORs licensing database,
- development of rules on "clinical assessments",
- provide direction to compact staff to do research,
- report back to the Board of Dental Practice for direction/feedback,
- drafting legislation to authorize FBI background checks,
- coordinating with state and federal contacts on obtaining permission/training in conducting background checks, analyzing the impact that requiring a background check on all applications will have on existing licensure processes to name just a few.

In total, OPOR staff time with the DDH compact since its first meeting in August of 2024 has exceeded 100 hours and the commission has met only twice. This experience has highlighted not only the level of expertise needed to be at the table to help establish a compact, but that it is unrealistic for an OPOR board member or board manager to serve in that capacity. As a reminder, most OPOR board managers serve 6-9 boards.

In addition, this compact will create two tiers of licensure for dietitians in Maine because it sets forth license requirements that are more restrictive than what is currently required for Maine licensure. Unlike Maine, the compact requires a Master's or Doctoral Degree, requires 1,000 internship hours versus Maine's requirement of 900, and requires a valid current registration with the Commission of Dietetic Registration (CDR). Having two tier licensing requirements will not only create additional work for licensing staff to track but may create confusion for licensees.

¹¹ Psychology, Counseling, Speech Language Pathology, Occupational Therapy, Physical Therapy, Social Work, Dentist/Dental Hygiene

Additionally, increasing the minimum standards without identified public protection purposes is contrary to OPOR's work with this committee and the legislature to reduce barriers to licensure to enable otherwise qualified individuals to enter Maine's workforce.

Finally, there are financial considerations in adopting the compact which may result in increasing licensure fees for dietitian and dietetic technician licensees. We will need to hire additional OPOR staff, budget for compact costs assessed on each participating state which is unknown at this time, and funding to support the technological and training necessary to fully implement the data and licensure component of the compact. This will include reconfiguring our ALMS data system to comply with the Compact's requirement to report and supply certain required information to a coordinated database accessible by the member states to facilitate information sharing. Of note, each of the licensing compacts has different data reporting requirements requiring different configurations.

In closing, I want to make clear that OPOR supports identifying and implementing opportunities to expand licensing flexibilities, which could include joining licensure compacts. But, to do so at the early stages of a new licensure compact is creating tremendous burdens on our small staff and impacting our ability to timely attend to our mission critical day-to-day operations of timely licensing and complaint investigations.

To that end, we respectfully request that the Committee wait until compacts are up and running before considering whether a compact best serves the citizens and licensees of our state.

Again, thank you for the opportunity to comment. I would be happy to answer any questions now or at work session.