

1 **DENTIST AND DENTAL HYGIENIST COMPACT**

2 **SECTION 1. TITLE AND PURPOSE**

3 This statute shall be known and cited as the Dentist and Dental Hygienist Compact. The purpose
4 of this Compact is to facilitate the interstate practice of dentistry and dental hygiene with the goal
5 of improving public access to services and supporting the ability of Dentists and Dental
6 Hygienists to provide dentistry and dental hygiene services when relocating in Participating
7 States. The Compact preserves the regulatory authority of Participating States to protect public
8 health and safety through their authority to regulate the practice of dentistry and dental hygiene
9 in their State by Dentists and Dental Hygienists who practice in their State pursuant to a
10 Compact Privilege.

11 **SECTION 2. DEFINITIONS**

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

- 13 A. **“Active-Duty Military”** means full-time duty status in the active uniformed service of
14 the United States, including members of the National Guard and Reserve on active-duty
15 orders pursuant to 10 U.S.C. Section 1209 and 1211.
- 16 B. **“Adverse Action”** means disciplinary action or encumbrance imposed on a license or
17 Compact Privilege by a State Licensing Authority.
- 18 C. **“Alternative Program”** means a non-disciplinary monitoring or practice remediation
19 process applicable to a Dentist or Dental Hygienist approved by the State Licensing
20 Authority of a Participating State in which the Dentist or Dental Hygienist is licensed.
21 This includes, but is not limited to, programs to which Licensees with substance abuse or
22 addiction issues are referred in lieu of Adverse Action.
- 23 D. **“Clinical Assessment”** means examination or process, required for licensure as a Dentist
24 or Dental Hygienist as applicable, that provides evidence of clinical competence in
25 dentistry or dental hygiene.
- 26 E. **“Commissioner”** means the individual appointed by a Participating State to serve as the
27 member of the Commission for that Participating State.
- 28 F. **“Compact”** means this Dentist and Dental Hygienist Licensing Compact .
- 29 G. **“Compact Privilege”** means the authorization granted by the Commission to allow a
30 Licensee from a Participating State to practice as a Dentist or Dental Hygienist in a
31 Remote State.

- 32 H. **“Continuing Professional Development”** means a requirement, as a condition of license
33 renewal or the renewal of a license registration, to provide evidence of successful
34 participation in, educational or professional activities relevant to practice or area of work.
- 35 I. **“Criminal Background Check”** means the submission of fingerprints or other
36 biometric-based information for a license applicant for the purpose of obtaining that
37 applicant’s criminal history record information, as defined in 28 C.F.R. § 20.3(d) from
38 the Federal Bureau of Investigation and the agency responsible for retaining State
39 criminal records in the State.
- 40 J. **“Data System”** means the Commission’s repository of information about Licensees,
41 including but not limited to examination, licensure, investigative, Compact Privilege,
42 Adverse Action, and Alternative Program.
- 43 K. **“Dental Hygienist”** means an individual who is licensed by a State Licensing Authority
44 to practice dental hygiene.
- 45 L. **“Dentist”** means an individual who is licensed by a State Licensing Authority to practice
46 dentistry.
- 47 M. **“Dentist and Dental Hygienist Compact Commission” or “Commission”** means a
48 government agency established by this Compact comprised of each State that has enacted
49 the Compact and a national administrative body comprised of a Commissioner from each
50 State that has enacted the Compact.
- 51 N. **“Encumbered License”** means a license that a State Licensing Authority has limited in
52 any way other than through an Alternative Program.
- 53 O. **“Executive Board”** means the Chair, Vice Chair, Secretary and Treasurer and any other
54 Commissioners as may be determined by Commission Rule or bylaw.
- 55 P. **“Jurisprudence Requirement”** means the assessment of an individual’s knowledge of
56 the laws and Rules governing the practice of dentistry or dental hygiene, as applicable, in
57 a State.
- 58 Q. **“Licensee”** means an individual who currently holds an authorization from a
59 Participating State, other than a Compact Privilege, or other privilege, to practice as a
60 Dentist or Dental Hygienist in that State.
- 61 R. **“Model Compact”** the model for the Interstate Dentist and Dental Hygienist Compact on
62 file with the Council of State Governments or other entity as designated by the
63 Commission.

- 64 S. **“Participating State”** means a State that has enacted the Compact and been admitted to
65 the Commission in accordance with the provisions herein and Commission Rules.
- 66 T. **“Qualifying License”** means a license that is not an Encumbered License issued by a
67 Participating State to practice dentistry or dental hygiene.
- 68 U. **“Remote State”** means a Participating State where a Licensee who is not licensed as a
69 Dentist or Dental Hygienist is exercising or seeking to exercise the Compact Privilege.
- 70 V. **“Rule”** means a regulation promulgated by an entity that has the force of law.
- 71 W. **“Scope of Practice”** means the procedures, actions, and processes a Dentist or Dental
72 Hygienist licensed in a State is permitted to undertake in that State and the circumstances
73 under which the Licensee is permitted to undertake those procedures, actions and
74 processes. Such procedures, actions and processes and the circumstances under which
75 they may be undertaken may be established through means, including, but not limited to,
76 statute, Rules and regulations, case law, and other processes available to the State
77 Licensing Authority or other government agency.
- 78 X. **“Significant Investigative Information”** means information, records, and documents
79 received or generated by a State Licensing Authority pursuant to an investigation for
80 which a determination has been made that there is probable cause to believe that the
81 Licensee has violated a statute or regulation that is considered more than a minor
82 infraction for which the State Licensing Authority could pursue adverse action against the
83 Licensee.
- 84 Y. **“State”** means any state, commonwealth, district, or territory of the United States of
85 America that regulates the practices of dentistry and dental hygiene.
- 86 Z. **“State Licensing Authority”** means the agency or other entity of a State that is
87 responsible for the licensing and regulation of Dentists and Dental Hygienists.

88 SECTION 3. STATE PARTICIPATION IN THE COMPACT

- 89 A. In order to join the Compact and thereafter continue as a Participating State, a State must:
- 90 1. Enact a compact that is not materially different from the Model Compact as determined
91 in accordance with Commission Rules;
- 92 2. Participate fully in the Commission’s Data System;
- 93 3. Have a mechanism in place for receiving and investigating complaints about its
94 Licensees;

- 95 4. Notify the Commission, in compliance with the terms of the Compact and Commission
96 Rules, of any Adverse Action or the availability of Significant Investigative Information
97 regarding a Licensee;
 - 98 5. Fully implement a Criminal Background Check requirement, within a time frame
99 established by Commission Rule, by receiving the results of a qualifying Criminal
100 Background Check;
 - 101 6. Comply with the Commission Rules applicable to a Participating State;
 - 102 7. Utilize the National Board Examinations of the Joint Commission on National Dental
103 Examinations or another examination accepted by Commission Rule as a requirement for
104 licensure;
 - 105 8. Require for licensure that applicants graduate from a predoctoral dental education
106 program, leading to the D.D.S. or D.M.D. degree, or a dental hygiene education program
107 accredited by the Commission on Dental Accreditation or another agency permitted by
108 Commission Rule;
 - 109 9. Require for licensure that applicants successfully complete a Clinical Assessment;
 - 110 10. Have Continuing Professional Development requirements as a condition for license
111 renewal or renewal of license; and
 - 112 11. Pay a participation fee to the Commission as established by Commission Rule.
- 113 B. When conducting a Criminal Background Check the State Licensing Authority shall:
- 114 1. Consider that information in making a licensure decision;
 - 115 2. Maintain documentation of completion of the Criminal Background Check and
116 background check information to the extent allowed by State and federal law; and
 - 117 3. Report to the Commission whether it has completed the Criminal Background Check and
118 whether the individual was denied a license.
- 119 C. The Commission shall grant a Licensee of a Participating State who does not hold an
120 Encumbered License in any other Participating State, the Compact Privilege in a Remote
121 State in accordance with the terms of the Compact and Commission Rules. If a Remote State
122 has a Jurisprudence Requirement, the Commission shall not grant the Licensee the Compact
123 Privilege for that Remote State unless and until the Commission is informed by the Remote
124 State or Licensee that the Licensee has satisfied the Jurisprudence Requirement.

125 **SECTION 4. COMPACT PRIVILEGE**

- 126 A. To exercise the Compact Privilege under the terms and provisions of the Compact, the
127 Licensee shall:

- 128 1. Have a Qualifying License as a Dentist or Dental Hygienist in a Participating State.
 - 129 2. Be eligible for a Compact Privilege in any Remote State in accordance with D, G and H
130 of this section;
 - 131 3. Apply to the Commission whenever the Licensee is seeking a Compact Privilege within
132 one or more Remote States;
 - 133 4. Pay any applicable Commission and Remote State fees for a Compact Privilege in the
134 Remote State;
 - 135 5. Meet any Jurisprudence Requirements established by a Remote State in which the
136 Licensee is seeking a Compact Privilege;
 - 137 6. Have passed a National Board Examination of the Joint Commission on National Dental
138 Examinations or another examination accepted by Commission Rule as a requirement for
139 licensure;
 - 140 7. Have graduated from a predoctoral dental education program, leading to the D.D.S. or
141 D.M.D. degree, or a dental hygiene education program accredited by the Commission on
142 Dental Accreditation or another agency permitted by Commission Rule;
 - 143 8. Have successfully completed a Clinical Assessment for licensure;
 - 144 9. Report to the Commission Adverse Action taken by any non-Participating State when
145 applying for a Compact Privilege and, otherwise, within thirty (30) days from the date the
146 Adverse Action is taken;
 - 147 10. Report to the Commission when applying for a Compact Privilege the address of the
148 Licensee's primary residence and thereafter immediately report to the Commission any
149 change in the address of the Licensee's primary residence; and
 - 150 11. Consent to accept service of process by mail at the Licensee's primary residence on
151 record with the Commission with respect to any action brought against the Licensee by
152 the Commission or a Participating State, and consent to accept service of a subpoena by
153 mail at the Licensee's primary residence on record with the Commission with respect to
154 any action brought or investigation conducted by the Commission or a Participating
155 State.
- 156 B. The Licensee must comply with the requirements of subsection A of this section to maintain
157 the Compact Privilege in the Remote State. If those requirements are met, the Compact
158 Privilege will continue as long as the Licensee maintains a Qualifying License and pays any
159 applicable renewal fees.
- 160 C. A Licensee providing dentistry or dental hygiene in a Remote State under the Compact
161 Privilege shall function within the Scope of Practice authorized by the Remote State for a
162 Dentist or Dental Hygienist licensed in that State.

163 D. A Licensee providing dentistry or dental hygiene pursuant to Compact Privilege in a Remote
164 State is subject to that State's regulatory authority. A Remote State may, in accordance with
165 due process and that State's laws, remove by Adverse Action a Licensee's Compact Privilege
166 in the Remote State for a specific period of time, and impose fines or take any other
167 necessary actions to protect the health and safety of its citizens. If a Remote State imposes an
168 Adverse Action against a Compact Privilege that limits the Compact Privilege, that Adverse
169 Action applies to all Compact Privileges in all Remote States. A Licensee whose Compact
170 Privilege in a Remote State is removed for a specified period of time is not eligible for a
171 Compact Privilege in any other Remote State until the specific time for removal of the
172 Compact Privilege has passed and all encumbrance requirements are satisfied.

173 E. If a license in a Participating State is an Encumbered License, the Licensee shall lose the
174 Compact Privilege in a Remote State and shall not be eligible for a Compact Privilege in any
175 Remote State until the license is no longer encumbered.

176 F. Once an Encumbered License in a Participating State is restored to good standing, the
177 Licensee must meet the requirements of subsection A of this section to obtain a Compact
178 Privilege in a Remote State.

179 G. If a Licensee's Compact Privilege in a Remote State is removed by the Remote State, the
180 individual shall lose or be ineligible for the Compact Privilege in any Remote State until the
181 following occur:

182 1. The specific period of time for which the Compact Privilege was removed has ended; and

183 2. All conditions for removal of the Compact Privilege have been satisfied.

184 H. Once the requirements of subsection G of this section have been met, the Licensee must meet
185 the requirements in subsection A of this section to obtain a Compact Privilege in a Remote
186 State.

187 **SECTION 5. ACTIVE-DUTY MILITARY PERSONNEL OR THEIR SPOUSES**

188 An Active-Duty Military individual and their spouse shall not be required to pay to the
189 Commission for a Compact Privilege the fee otherwise charged by the Commission. If a Remote
190 State chooses to charge a fee for a Compact Privilege, it may choose to charge a reduced fee or
191 no fee to an Active-Duty Military individual and their spouse for a Compact Privilege.

192 **SECTION 6. ADVERSE ACTIONS**

193 A. A Participating State in which a Licensee is licensed shall have exclusive authority to impose
194 Adverse Action against the Qualifying License issued by that Participating State.

195 B. A Participating State may take Adverse Action based on the Significant Investigative
196 Information of a Remote State, so long as the Participating State follows its own procedures
197 for imposing Adverse Action.

198 C. Nothing in this Compact shall override a Participating State’s decision that participation in an
199 Alternative Program may be used in lieu of Adverse Action and that such participation shall
200 remain non-public if required by the Participating State’s laws. Participating States must
201 require Licensees who enter any Alternative Program in lieu of discipline to agree not to
202 practice in any other Participating State during the term of the Alternative Program without
203 prior authorization from such other Participating State.

204 D. Any Participating State in which a Licensee is applying to practice or is practicing pursuant
205 to a Compact Privilege may investigate actual or alleged violations of the statutes and
206 regulations authorizing the practice of dentistry or dental hygiene in any other Participating
207 State in which the Dentist or Dental Hygienist holds a license or Compact Privilege.

208 E. A Remote State shall have the authority to:

209 1. Take Adverse Actions as set forth in Section 4.D against a Licensee’s Compact Privilege
210 in the State;

211 2. Issue subpoenas for both hearings and investigations that require the attendance and
212 testimony of witnesses, and the production of evidence. Subpoenas issued by a State
213 Licensing Authority in a Participating State for the attendance and testimony of
214 witnesses, or the production of evidence from another Participating State, shall be
215 enforced in the latter State by any court of competent jurisdiction, according to the
216 practice and procedure of that court applicable to subpoenas issued in proceedings
217 pending before it. The issuing authority shall pay any witness fees, travel expenses,
218 mileage, and other fees required by the service statutes of the State where the witnesses
219 or evidence are located; and

220 3. If otherwise permitted by State law, recover from the Licensee the costs of investigations
221 and disposition of cases resulting from any Adverse Action taken against that Licensee.

222 F. Joint Investigations

223 1. In addition to the authority granted to a Participating State by its respective dentist or
224 dental hygienist licensure act or other applicable State law, a Participating State may
225 jointly investigate Licensees with other Participating States.

226 2. Participating States shall share any Investigative Information, litigation, or compliance
227 materials in furtherance of any joint or individual investigation initiated under the
228 Compact.

229 G. Authority to Continue Investigation.

230 1. After a Licensee's Compact Privilege in a Remote State is terminated, the Remote State
231 may continue an investigation of the Licensee that began when the Licensee had a
232 Compact Privilege in that Remote State.

233 2. If the investigation yields what would be Significant Investigative Information had the
234 Licensee continued to have a Compact Privilege in that Remote State, the Remote State

235 shall report the presence of such Information to the Data System as required by Section
236 8.B.6 as if it was Significant Investigative Information.

237 **SECTION 7. ESTABLISHMENT OF THE COMMISSION.**

238 A. The Compact Participating States hereby create and establish a joint government agency and
239 national administrative body known as the Dentist and Dental Hygienist Compact
240 Commission. The Commission is an instrumentality of the Compact States acting jointly and
241 not an instrumentality of any one state. The Commission shall come into existence on or
242 after the effective date of the Compact as set forth in Section 11.A.

243 B. Participation, Voting, and Meetings

244 1. Each Participating State shall have and be limited to one (1) Commissioner. The
245 Commission may by Rule or bylaw establish a term of office of a Commissioner or term
246 limits.

247 2. The Commissioner shall be a member or designee of the State Licensing Authority.

248 3. Any Commissioner may be removed or suspended from serving as a Commissioner as
249 provided by the law of the State from which the Commissioner is appointed or the
250 Commission's Rules or bylaws.

251 4. The Participating State shall fill a vacancy of its Commissioner in the Commission within
252 sixty (60) days of the vacancy.

253 5. Each Commissioner shall be entitled to one (1) vote with regard to all matters that are
254 voted upon by the Commissioners.

255 6. A Commissioner shall vote in person or by such other means as provided in the
256 Commission's bylaws. The bylaws may provide for Commissioner participation in
257 meetings by telephone or other means of communication.

258 7. The Commission shall meet at least once during each calendar year. Additional meetings
259 shall be held as set forth in the Commission's bylaws.

260 C. The Commission shall have the following powers and duties:

261 1. Establish code of conduct and conflict of interest policies;

262 2. Establish the fiscal year of the Commission;

263 3. Establish bylaws;

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

265 5. Meet and take such actions as are consistent with the provisions of this Compact and the
266 bylaws;

- 267 6. Promulgate Commission Rules to facilitate and coordinate implementation and
268 administration of this Compact. The Rules shall have the force and effect of law and shall
269 be binding on all Participating States;
- 270 7. Bring and prosecute legal proceedings or actions in the name of the Commission,
271 provided that the standing of any State Licensing Authority to sue or be sued under
272 applicable law shall not be affected;
- 273 8. Purchase and maintain insurance and bonds;
- 274 9. Borrow, accept, or contract for services of personnel, including, but not limited to,
275 employees of a Participating State;
- 276 10. Hire employees and engage contractors, elect officers, fix compensation, define duties,
277 grant such individuals appropriate authority to carry out the purposes of the Compact, and
278 establish the Commission's personnel policies and programs relating to conflicts of
279 interest, qualifications of personnel, and other related personnel matters;
- 280 11. Accept and dispose of equipment, supplies, materials and services, and provide for
281 financing of the Commission and payments of its debts and expenses, provided that at all
282 times the Commission shall avoid any appearance of impropriety and/or conflict of
283 interest;
- 284 12. Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold,
285 improve or use, any property, real, personal or mixed; provided that at all times the
286 Commission shall avoid any appearance of impropriety;
- 287 13. Sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any
288 property real, personal, or mixed;
- 289 14. Establish a budget and make expenditures;
- 290 15. Borrow money;
- 291 16. Appoint committees, including standing committees composed of Commissioners, State
292 regulators, State legislators or their representatives, and consumer representatives, and
293 such other interested persons as may be designated in this Compact and the
294 Commission's bylaws;
- 295 17. Provide and receive information from, and cooperate with, law enforcement agencies;
- 296 18. Elect a Chair, Vice Chair, Secretary and Treasurer and such other officers of the
297 Commission as provided in the Commission's bylaws;
- 298 19. Reserve for itself, in addition to those reserved exclusively to the Commission under the
299 Compact, powers that the Executive Board may not exercise;

- 300 20. Approve or disapprove a State's participation in the Compact based upon its
301 determination as to whether the State's Compact legislation departs in a material manner
302 from the model Compact language;
- 303 21. In its discretion, establish a period of time a Compact Privilege shall be in effect without
304 renewal.
- 305 22. As set forth in the Commission Rules, charge a fee to a Licensee for the grant of a
306 Compact Privilege in a Remote State and thereafter, as may be established by
307 Commission Rule, charge the Licensee a Compact Privilege renewal fee for each renewal
308 period in which the Licensee exercises or intends to exercise the Compact Privilege in
309 that Remote State. Nothing herein shall be construed to prevent a Remote State from
310 charging a Licensee a fee for a Compact Privilege or renewals of a Compact Privilege, or
311 a fee for the Jurisprudence Requirement if the Remote State imposes such a requirement
312 for the grant of a Compact Privilege;
- 313 23. Maintain and certify records and information provided to a Participating State as the
314 authenticated business records of the Commission, and designate a person to do so on the
315 Commission's behalf; and
- 316 24. Perform such other functions as may be necessary or appropriate to achieve the purposes
317 of this Compact.

318 D. Meetings of the Commission

- 319 1. All meetings of the Commission that are not closed pursuant to this subsection shall be
320 open to the public. Notice of public meetings shall be posted on the Commission's
321 website at least thirty (30) days prior to the public meeting.
- 322 2. Notwithstanding subsection D.1 of this section, the Commission may convene a public
323 meeting by providing at least twenty-four (24) hours prior notice on the Commission's
324 website, and any other means as provided in the Commission's Rules, for any of the
325 reasons it may dispense with notice of proposed rulemaking under Section 9.L.
- 326 3. The Commission may convene in a closed, non-public meeting or non-public part of a
327 public meeting to receive legal advice or to discuss:
- 328 a. Non-compliance of a Participating State with its obligations under the Compact;
- 329 b. The employment, compensation, discipline or other matters, practices or procedures
330 related to specific employees or other matters related to the Commission's internal
331 personnel practices and procedures;
- 332 c. Current, threatened, or reasonably anticipated litigation;
- 333 d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real
334 estate;

- 335 e. Accusing any person of a crime or formally censuring any person;
- 336 f. Disclosure of trade secrets or commercial or financial information that is privileged or
337 confidential;
- 338 g. Disclosure of information of a personal nature where disclosure would constitute a
339 clearly unwarranted invasion of personal privacy;
- 340 h. Disclosure of investigative records compiled for law enforcement purposes;
- 341 i. Disclosure of information related to any investigative reports prepared by or on behalf
342 of or for use of the Commission or committee charged with the responsibility of
343 investigation or determination of compliance issues pursuant to the Compact;
- 344 j. Legal advice;
- 345 k. Matters specifically exempted from disclosure by federal or Participating State law;
346 or
- 347 l. Other matters as provided by Commission Rule.
- 348 4. If a meeting, or portion of a meeting, is closed pursuant to subsection D.3 of this section,
349 the presiding officer shall make an announcement that the meeting or portion of the
350 meeting shall be closed and shall reference each relevant exempting provision.
- 351 5. The Commission shall keep minutes that fully and clearly describe all matters discussed
352 in a meeting and shall provide a full and accurate summary of actions taken. All
353 documents considered in connection with an action shall be identified in such minutes.
354 All minutes and documents of a closed meeting shall remain under seal, subject to release
355 by a majority vote of the Commission or order of a court of competent jurisdiction.
- 356 E. The Commission shall prepare and provide to the Participating States an annual report of its
357 activities.
- 358 F. Financing of the Commission
- 359 1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its
360 establishment, organization, and ongoing activities.
- 361 2. The Commission may accept any and all appropriate sources of revenue, donations, and
362 grants of money, equipment, supplies, materials, and services.
- 363 3. The Participating States' annual assessment fees and the Licensees' Compact Privilege
364 fees and any applicable renewal fees shall be used to cover the cost of the operations and
365 activities of the Commission and its staff and must be in a total amount sufficient to cover
366 its annual budget as approved each year for which revenue is not provided by other
367 sources. The aggregate annual assessment amount for Participating States shall be
368 allocated based upon a formula to be determined by Commission Rule.

- 369 4. The Commission shall not incur obligations of any kind prior to securing the funds
370 adequate to meet the same, nor shall the Commission pledge the credit of any
371 Participating State, except by and with the authority of the Participating State.
- 372 5. The Commission shall keep accurate accounts of all receipts and disbursements. The
373 receipts and disbursements of the Commission shall be subject to the financial review and
374 accounting procedures established under its bylaws. All receipts and disbursements of
375 funds handled by the Commission shall be subject to an annual financial review by a
376 certified or licensed public accountant, and the report of the financial review shall be
377 included in and become part of the annual report of the Commission.

378 G. The Executive Board

- 379 1. The Executive Board shall have the power to act on behalf of the Commission according
380 to the terms of this Compact and Commission Rules.
- 381 2. The Commission may remove any member of the Executive Board as provided in the
382 Commission's bylaws.
- 383 3. The Executive Board shall meet at least annually.
- 384 4. The Executive Board shall have the following duties and responsibilities:
- 385 a. Recommend to the Commission changes to the Commission's Rules or bylaws,
386 changes to this Compact legislation, fees to be paid by Compact Participating States
387 such as annual dues, and any Commission Compact fee charged to Licensees for the
388 Compact Privilege;
- 389 b. Ensure Compact administration services are appropriately provided, contractual or
390 otherwise;
- 391 c. Prepare and recommend the budget;
- 392 d. Maintain financial records on behalf of the Commission;
- 393 e. Monitor Compact compliance of Participating States and provide compliance reports
394 to the Commission;
- 395 f. Establish additional committees as necessary;
- 396 g. Exercise the powers and duties of the Commission during the interim between
397 Commission meetings, except for issuing proposed rulemaking or adopting
398 Commission Rules or bylaws, or exercising any other powers and duties exclusively
399 reserved to the Commission by the Commission's Rules; and
- 400 h. Other duties as provided in the Commission's Rules or bylaws.

401 5. All meeting of the Executive Board at which it votes or plans to vote on matters in
402 exercising the powers and duties of the Commission shall be open to the public and
403 public notice of such meetings shall be given as public meetings of the Commission are
404 given.

405 6. The Executive Board may convene in a closed, non-public meeting for the same reasons
406 that the Commission may convene in a non-public meeting as set forth in Section 7.D 3
407 and shall announce the closed meeting as the Commission is required to under Section
408 7.D.4 and keep minutes of the closed meeting as the Commission is required to under
409 Section 7.D.5.

410 H. Qualified Immunity, Defense, and Indemnification

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

421 2. The Commission shall defend any Commissioner, officer, employee, or representative of
422 the Commission in any civil action seeking to impose liability arising out of any actual or
423 alleged act, error, or omission that occurred within the scope of Commission
424 employment, duties, or responsibilities, or, as determined by the Commission, that the
425 person against whom the claim is made had a reasonable basis for believing occurred
426 within the scope of Commission employment, duties, or responsibilities, provided that
427 nothing herein shall be construed to prohibit that person from retaining his or her own
428 counsel, and provided further, that the actual or alleged act, error, or omission did not
429 result from that person's intentional or willful or wanton misconduct.

430 3. The Commission shall indemnify and hold harmless any Commissioner, officer,
431 employee, or representative of the Commission for the amount of any settlement or
432 judgment obtained against that person arising out of any actual or alleged act, error or
433 omission that occurred within the scope of Commission employment, duties, or
434 responsibilities, or that such person had a reasonable basis for believing occurred within
435 the scope of Commission employment, duties, or responsibilities, provided that the actual
436 or alleged act, error, or omission did not result from the intentional or willful or wanton
437 misconduct of that person.

438 4. Venue is proper and judicial proceedings by or against the Commission shall be brought
439 solely and exclusively in a court of competent jurisdiction where the principal office of
440 the Commission is located. The Commission may waive venue and jurisdictional
441 defenses in any proceedings as authorized by Commission Rules.

- 442 5. Nothing herein shall be construed as a limitation on the liability of any Licensee for
443 professional malpractice or misconduct, which shall be governed solely by any other
444 applicable State laws.
- 445 6. Nothing herein shall be construed to designate the venue or jurisdiction to bring actions
446 for alleged acts of malpractice, professional misconduct, negligence, or other such civil
447 action pertaining to the practice of dentistry or dental hygiene. All such matters shall be
448 determined exclusively by State law other than this Compact.
- 449 7. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a
450 Participating State's state action immunity or state action affirmative defense with respect
451 to antitrust claims under the Sherman Act, Clayton Act, or any other state or federal
452 antitrust or anticompetitive law or regulation.
- 453 8. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the
454 Participating States or by the Commission.

455 **SECTION 8. DATA SYSTEM**

- 456 A. The Commission shall provide for the development, maintenance, operation, and utilization
457 of a coordinated database and reporting system containing licensure, Adverse Action,
458 Alternative Program and the reporting of the existence of Significant Investigative
459 Information, on all Licensees in Participating States.
- 460 B. Notwithstanding any other provision of State law to the contrary, a Participating State shall
461 submit a uniform data set to the Data System on all individuals to whom this Compact is
462 applicable as required by the Rules of the Commission, including:
- 463 1. Identifying information;
- 464 2. Licensure data;
- 465 3. Adverse Actions against a license or Compact Privilege and information related thereto;
- 466 4. Alternative Program participation, the beginning and ending dates of such participation,
467 and other information related to such participation not made confidential under
468 Participating State law;
- 469 5. Any denial of an application for licensure, and the reason(s) for such denial (excluding
470 the reporting of any Criminal history record information where prohibited by law); and
- 471 6. The presence of Significant Investigative Information; and
- 472 7. Other information that may facilitate the administration of this Compact, as determined
473 by the Rules of the Commission.
- 474 C. Significant Investigative Information pertaining to a Licensee in any Participating State will
475 only be available to other Participating States.

- 476 D. It is the responsibility of each Participating State to report any Adverse Action it takes
477 against a license or Compact Privilege, including upon an applicant for a license, and to
478 monitor the database to determine whether Adverse Action has been taken against a Licensee
479 or license applicant. Adverse Action information pertaining to a Licensee in any Participating
480 State will be available to any other Participating State. Participating States may obtain from
481 the Data System information of any Adverse Action taken against a Licensee or an individual
482 applying for a license.
- 483 E. Participating States contributing information to the Data System may, in accordance with a
484 State or federal law so requiring, designate information that may not be shared with the
485 public without the express permission of the contributing State. Notwithstanding any such
486 designation, such information shall be reported to the Commission through the Data System.
- 487 F. Any information submitted to the Data System that is subsequently expunged Pursuant to
488 federal law or the laws of the Participating State contributing the information shall be
489 removed from the Data System upon reporting of such by the Participating State to the
490 Commission.
- 491 G. The records and information provided to a Participating State pursuant to this Compact or
492 through the Data System, when certified by the Commission or an agent thereof, shall
493 constitute the authenticated business records of the Commission, and shall be entitled to any
494 associated hearsay exception in any relevant judicial, quasi-judicial or administrative
495 proceedings in a Participating State.

496 SECTION 9. RULEMAKING

- 497 A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this
498 section and the Rules adopted thereunder. Commission Rules shall become binding as of the
499 date specified in its adoption of each Rule.
- 500 B. No Rule of the Commission shall conflict with the laws of a Participating State that
501 establishes the Scope of Practice of a Licensee in that Participating State.
- 502 C. The Commission shall promulgate reasonable Rules in order to effectively and efficiently
503 achieve the purposes of the Compact. Notwithstanding the foregoing, in the event the
504 Commission exercises its rulemaking authority in a manner that is beyond the scope of the
505 purposes of the Compact, or the powers granted hereunder, or based upon another applicable
506 standard of review, as determined by a court of competent jurisdiction, the Rules to which
507 the judicial determination applies shall be invalid and have no force and effect.
- 508 D. If a majority of the legislatures of the Participating States rejects a Commission Rule, by
509 enactment of a statute or resolution in the same manner used to adopt the Compact within
510 four (4) years of the date of adoption of the Rule, then such Rule shall have no further force
511 and effect in any Participating State or to any State applying to participate in the Compact.
- 512 E. Commission Rules shall be adopted at a regular or special meeting of the Commission.

- 513 F. Prior to promulgation and adoption of a final Rule or Rules by the Commission, and at least
514 thirty (30) days in advance of the meeting at which the Rule will be considered and voted
515 upon, the Commission shall place a Notice of Proposed Rulemaking on the website of the
516 Commission or other publicly accessible platform and provide written Notice of Proposed
517 Rulemaking to the State Licensing Authority of each Participating State;
- 518 G. The Notice of Proposed Rulemaking shall include:
- 519 1. The time, date and location of a public hearing on the proposed rule and the proposed
520 time, date, and location of the meeting in which the proposed Rule will be considered and
521 voted upon;
 - 522 2. The text of the proposed Rule and the reason for the proposed Rule;
 - 523 3. A request for comments on the proposed Rule from any interested person and the date by
524 which written comments must be received; and
 - 525 4. The manner in which interested persons may submit notice to the Commission of their
526 intention to attend the public hearing or provide any written comments.
- 527 H. Prior to adoption of a proposed Rule, the Commission shall allow persons to submit written
528 data, facts, opinions, and arguments, which shall be made available to the public.
- 529 I. If the hearing is to be held via electronic means, the Commission shall publish in the Notice
530 of Proposed Rulemaking the mechanism for access to the electronic hearing.
- 531 1. All persons wishing to be heard at the hearing shall as directed in the notice of the public
532 hearing, not less than five (5) business days before the scheduled date of the hearing,
533 notify the Commission of their desire to appear and testify at the hearing.
 - 534 2. Hearings shall be conducted in a manner providing each person who wishes to comment
535 a fair and reasonable opportunity to comment orally or in writing.
 - 536 3. All hearings will be recorded. A copy of the recording and the written Comments, data,
537 facts, opinions, and arguments received in response to the proposed rulemaking will be
538 made available to a person upon request.
 - 539 4. Nothing in this section shall be construed as requiring a separate hearing on each Rule.
540 Rules may be grouped for the convenience of the Commission at hearings required by
541 this section.
- 542 J. Following the public hearing the Commission shall consider all written and oral comments
543 received.
- 544 K. The Commission shall, by majority vote of all Commissioners, take final action on the
545 proposed Commission Rule and shall determine the effective date of the Rule, if adopted,
546 based on the rulemaking record and the full text of the Rule.

- 547 1. If adopted, the Rule shall be posted on the Commission’s website.
- 548 2. The Commission may adopt changes to the proposed Rule provided the changes do not
549 enlarge the original purpose of the proposed Rule.
- 550 3. The Commission shall provide on its website an explanation of the reasons for
551 substantive changes made to the proposed Rule as well as reasons for substantive changes
552 not made that were recommended by commenters.
- 553 4. The Commission shall determine a reasonable effective date for the Rule. Except for an
554 emergency as provided in subsection L, the effective date of the Rule shall be no sooner
555 than thirty (30) days after issuing the notice that it adopted the Rule.
- 556 L. Upon a determination that an emergency exists, the Commission may consider and adopt an
557 emergency Rule with twenty-four (24) hours prior notice, without the opportunity for
558 comment, or hearing, provided that the usual rulemaking procedures provided in the
559 Compact and in this section shall be retroactively applied to the Rule as soon as reasonably
560 possible, in no event later than ninety (90) days after the effective date of the Rule. For the
561 purposes of this provision, an emergency Rule is one that must be adopted immediately in
562 order to:
- 563 1. Meet an imminent threat to public health, safety, or welfare;
- 564 2. Prevent a loss of Commission or Participating State funds;
- 565 3. Meet a deadline for the promulgation of a Rule that is established by federal law or Rule;
566 or
- 567 4. Protect public health and safety.
- 568 M. The Commission or an authorized committee of the Commission may direct revisions to a
569 previously adopted Rule for purposes of correcting typographical
570 errors, errors in format, errors in consistency, or grammatical errors. Public notice of any
571 revisions shall be posted on the website of the Commission. The revision shall be subject to
572 challenge by any person for a period of thirty (30) days after posting. The revision may be
573 challenged only on grounds that the revision results in a material change to a Rule. A
574 challenge shall be made to the Commission as set forth in the notice of revisions and
575 delivered to the Commission prior to the end of the notice period. If no challenge is made,
576 the revision will take effect without further action. If the revision is challenged, the revision
577 may not take effect without the approval of the Commission.

578 **SECTION 10. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

579 A. Oversight

- 580 1. The executive and judicial branches of State government in each Participating State shall
581 enforce this Compact and take all actions necessary and appropriate to implement the
582 Compact.

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

588 B. Default, Technical Assistance, and Termination

589 1. If the Commission determines that a Participating State has defaulted in the performance
590 of its obligations or responsibilities under this Compact or the promulgated Rules, the
591 Commission shall provide written notice to the defaulting State and other Participating
592 States. The notice shall describe the default, the proposed means of curing the default
593 and any other action that the Commission may take, and shall offer remedial training and
594 specific technical assistance regarding the default.

595 2. If a State in default fails to cure the default, the defaulting State may be terminated from
596 the Compact upon an affirmative vote of a majority of the Commissioners of the
597 Participating States, and all rights, privileges and benefits conferred by this Compact
598 upon such State may be terminated on the effective date of termination. A cure of the
599 default does not relieve the offending State of obligations or liabilities incurred during the
600 period of default.

601 3. Termination of participation in the Compact shall be imposed only after all other means
602 of securing compliance have been exhausted. Notice of intent to suspend or terminate
603 shall be given by the Commission to the governor and the majority and minority leaders
604 of the defaulting State's legislature, and to the State Licensing Authority of each of the
605 Participating States.

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

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

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

616 7. If a State has been terminated from participation in the Compact, the State shall
617 immediately provide notice to all Licensees within that State of such termination:

618 a. Licensees who have been granted a Compact Privilege in that State shall retain the
619 Compact Privilege for one hundred eighty (180) days following the effective date of
620 such termination.

621 b. Licensees who are licensed in that State who have been granted a Compact Privilege
622 in a Participating State shall retain the Compact Privilege for one hundred eighty
623 (180) days unless the Licensee also has a license in a Participating State or obtains a
624 license in a Participating State before the one hundred eighty (180)-day period ends,
625 in which case the Compact Privilege shall continue.

626 C. Dispute Resolution

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

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

632 D. Enforcement

633 1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions
634 and Rules of this Compact.

635 2. If compliance is not secured after all means to secure compliance have been exhausted,
636 by majority vote, the Commission may initiate legal action in the United States District
637 Court for the District of Columbia, or the federal district where the Commission has its
638 principal offices, against a Participating State in default to enforce compliance with the
639 provisions of the Compact and its promulgated Rules and bylaws. The relief sought may
640 include both injunctive relief and damages. In the event judicial enforcement is
641 necessary, the prevailing party shall be awarded all costs of such litigation, including
642 reasonable attorney's fees.

643 3. The remedies herein shall not be the exclusive remedies of the Commission. The
644 Commission may pursue any other remedies available under applicable federal or State
645 law.

646 E. Legal Action Against the Commission

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

653 2. No person other than a Participating State shall enforce this compact against the
654 Commission.

655 **SECTION 11.EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT**

656 A. The Compact shall come into effect on the date on which the Compact statute is enacted into
657 law in the tenth Participating State.

658 1. On or after the effective date of the Compact, the Commission shall convene and review
659 the enactment of each of the first ten Participating States (“Charter Participating States”)
660 to determine if the statute enacted by each such Charter Participating State is materially
661 different than the Model Compact.

662 a. A Charter Participating State whose enactment is found to be materially different
663 from the Model Compact shall be entitled to the default process set forth in Section
664 10.B.

665 b. If any Participating State later withdraws from the Compact or its participation is
666 terminated, the Commission shall remain in existence and the Compact shall remain
667 in effect even if the number of Participating States should be less than ten.
668 Participating States enacting the Compact subsequent to the ten initial Charter
669 Participating States shall be subject to the process set forth in Section 7.C.20 to
670 determine if their enactments are materially different from the Model Compact and
671 whether they qualify for participation in the Compact.

672 2. Participating States enacting the Compact subsequent to the ten initial Charter
673 Participating States shall be subject to the process set forth in Section 7.C.20 to determine
674 if their enactments are materially different from the Model Compact and whether they
675 qualify for participation in the Compact.

676 3. All actions taken for the benefit of the Commission or in furtherance of the purposes of
677 the administration of the Compact prior to the effective date of the Compact or the
678 Commission coming into existence shall be considered to be actions of the Commission
679 unless specifically repudiated by the Commission.

680 B. Any State that joins the Compact subsequent to the Commission’s shall be subject to the
681 Commission’s Rules and bylaws as they exist on the date on which the Compact becomes
682 law in that State. Any Rule or bylaw that has been previously adopted by the Commission
683 shall have the full force and effect of law on the day the Compact becomes law in that State.

684 C. Any Participating State may withdraw from this Compact by enacting a statute repealing the
685 same.

686 1. A Participating State’s withdrawal shall not take effect until one hundred eighty (180)
687 days after enactment of the repealing statute. During this one hundred eighty (180) day-
688 period, all Compact Privileges that were in effect in the withdrawing State and were
689 granted to Licensees licensed in the withdrawing State shall remain in effect. If any
690 Licensee licensed in the withdrawing State is also licensed in another Participating State
691 or obtains a license in another Participating State within the one hundred eighty (180)
692 days, the Licensee’s Compact Privileges in other Participating States shall not be affected
693 by the passage of the 180 days.

- 694 2. Withdrawal shall not affect the continuing requirement of the State Licensing Authority
695 of the withdrawing State to comply with the investigative, Alternative Program and
696 Adverse Action reporting requirements of the Compact prior to the effective date of
697 withdrawal.
- 698 3. Upon the enactment of a statute withdrawing from this compact, a State shall
699 immediately provide notice of such withdrawal to all Licensees within that State. Such
700 withdrawing State shall continue to recognize all licenses granted pursuant to this
701 compact for a minimum of one hundred eighty (180) days after the date of such notice of
702 withdrawal.
- 703 D. Nothing contained in this Compact shall be construed to invalidate or prevent any State
704 licensure agreement or other cooperative arrangement between Participating States and
705 between a Participating and non-Participating State that does not conflict with the provisions
706 of this Compact.
- 707 E. This Compact may be amended by the Participating States. No amendment to this Compact
708 shall become effective and binding upon any Participating State until it is enacted materially
709 in the same manner into the laws of all Participating States as determined by the
710 Commission.

711 **SECTION 12. CONSTRUCTION AND SEVERABILITY**

- 712 A. This Compact and the Commission's rulemaking authority shall be liberally construed so as
713 to effectuate the purposes, and the implementation and administration of the Compact.
714 Provisions of the Compact expressly authorizing or requiring the promulgation of Rules shall
715 not be construed to limit the Commission's rulemaking authority solely for those purposes.
- 716 B. The provisions of this Compact shall be severable and if any phrase, clause, sentence or
717 provision of this Compact is held by a court of competent jurisdiction to be contrary to the
718 constitution of any Participating State, a State seeking participation in the Compact, or of the
719 United States, or the applicability thereof to any government, agency, person or circumstance
720 is held to be unconstitutional by a court of competent jurisdiction, the validity of the
721 remainder of this Compact and the applicability thereof to any other government, agency,
722 person or circumstance shall not be affected thereby.
- 723 C. Notwithstanding subsection B or this section, the Commission may deny a State's
724 participation in the Compact or, in accordance with the requirements of Section 10.B,
725 terminate a Participating State's participation in the Compact, if it determines that a
726 constitutional requirement of a Participating State is, or would be with respect to a State
727 seeking to participate in the Compact, a material departure from the Compact. Otherwise, if
728 this Compact shall be held to be contrary to the constitution of any Participating State, the
729 Compact shall remain in full force and effect as to the remaining Participating States and in
730 full force and effect as to the Participating State affected as to all severable matters.

731 **SECTION 13. BINDING EFFECT OF COMPACT AND OTHER LAWS**

- 732 A. Nothing herein shall prevent the enforcement of any other law of a Participating State that is
733 not inconsistent with the Compact.
- 734 B. Any laws of a Participating State in conflict with the Compact are superseded to the extent of
735 the conflict.
- 736 C. All agreements between the Commission and the Participating States are binding in
737 accordance with their terms.

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