

FIRST REGULAR SESSION

HOUSE BILL NO. 1290

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PARKER.

2813H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 332, RSMo, by adding thereto one new section relating to licensure of dentists and dental hygienists.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 332, RSMo, is amended by adding thereto one new section, to be known as section 332.800, to read as follows:

332.800. The Interstate Dental and Dental Hygiene Licensure Compact is hereby enacted into law and the Governor shall enter into a Compact on behalf of the State of Missouri with any jurisdiction legally joined therein, in the form substantially as set forth in this Act.

Section 1. PURPOSE

This Compact shall be known as the Interstate Dental and Dental Hygiene Licensure Compact and the purpose of the Compact is to expedite licensure and increase access to dental health care through licensure boards acting in cooperation. The Compact adopts the existing structures most utilized by Dental Boards across the United States, while ensuring the safety of the public through the sharing of documents and information. This Compact ensures that each state retains the right to impose an adverse action on a licensee as a home state or as a practicing state. Each state has an opportunity to share investigations and information with the home state of licensure. The Compact is operated by state dental board members, administrators and other staff, thus allowing for each state to maintain its sovereignty.

The Compact:

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **(a) Allows for expedited licensure portability and ease of movement of licenses**
18 **between states;**

19 **(b) Allows each state to continue to regulate the practice of dentistry and dental**
20 **hygiene within its borders;**

21 **(c) Creates a common goal of protecting the public by ensuring a uniform**
22 **licensure standard and sharing of information in the Compact;**

23 **(d) Allows for licensure in every participating state by requiring passage of the**
24 **uniform licensure examination that assesses psychomotor and cognitive dental skills and**
25 **is currently accepted in fifty state (50) licensing jurisdictions and United States**
26 **territories;**

27 **(e) Gives licensees one (1) location to maintain professional documentation to**
28 **expedite license transfers in states, hospitals or institutional credentialing;**

29 **(f) Facilitates a faster licensure process for relocation or separation of military**
30 **members and their dependent spouses; there are no Compact fees for military members**
31 **or their spouses;**

32 **(g) Alleviates a duplicative process for licensure among multiple states; and**

33 **(h) Saves applicants money by not having to obtain duplicate documents from a**
34 **source that charges for the documents.**

35 **Section 2. DEFINITIONS**

36 **(a) "AADB" means the American Association of Dental Boards (AADB) or its**
37 **named successor, formerly known as the American Association of Dental Examiners**
38 **(AADE), originally chartered on September 10th, 1896 and renewed in 1944, comprised**
39 **of State Dental Boards in the United States and its territories;**

40 **(b) "Attorneys' Committee" means the committee of attorneys who currently**
41 **represent a Member State Dental Board. The Attorneys' Committee shall designate one**
42 **of its members to participate in the Commission as a non-voting member. An attorney**
43 **that has previously served as an attorney for a Member State Dental Board may be**
44 **invited on a year-to-year basis to serve on the Attorneys' Committee if they have not**
45 **engaged in an official case against a State Dental Board or have any other conflict of**
46 **interest. The Attorneys' Committee may assist the investigators in working through**
47 **joint investigation issues between states;**

48 **(c) "Active-duty military person or spouse" means a Licensee in full-time active-**
49 **duty status in the active uniformed services of the United States, including members of**
50 **the National Guard and Reserves. The legal spouse of the military member must be**
51 **recognized by the military unit as a dependent while the service member is on active**
52 **duty. Spouses shall receive the same privileges as military members for the purpose of**
53 **this Compact;**

54 (d) "Active Investigation" means an active investigation potentially resulting in
55 formal allegations or charges precipitating a judicial process by a State Dental Board,
56 oversight agency, or other law enforcement entity;

57 (e) "Adverse Action" means an order issued by a State Dental Board or reported
58 to the clearinghouse pursuant to the Commission's Bylaws and rules that disciplines a
59 Licensee. Adverse Action includes, and is not limited to, the suspension, limiting, or
60 revocation of a License or Compact License Privilege; the imposition of fees and
61 sanctions; and any temporary emergency order that may be later withdrawn by a
62 Board;

63 (f) "ADEX examination" means the initial licensure examinations developed by
64 the American Board of Dental Examiners, Inc. or its successor;

65 (g) "Bylaws" means the bylaws passed by the Commission or its named
66 successor commission;

67 (h) "Clearinghouse" means the clearinghouse and databank that houses prior
68 Adverse Action documentations, orders and denials of licensure or permits from State
69 Dental Boards that is administered by the AADB or its successor;

70 (i) "CODA" means the Commission on Dental Accreditation or its successor as
71 approved by the United States Department of Education;

72 (j) "Commission" means the Interstate Dental and Dental Hygiene Compact
73 Licensure Commission created pursuant to Section 3 of this Act;

74 (k) "Commissioners" means the two (2) members chosen by each Member State
75 Dental Board to serve as the voting members of the Commission;

76 (l) "Compact" means the Interstate Dental and Dental Hygiene Licensure
77 Compact created pursuant to Section 3 of this Act;

78 (m) "Compact License Privilege" means the expedited dental or dental hygiene
79 license to practice in a Member State that is not the Licensee's Home State;

80 (n) "Conviction" means an adjudication or formal judgment by a court that an
81 individual is guilty through a plea of guilty or no contest, or a finding of guilt by the
82 court. Evidence of a conviction of a criminal offense by the court shall be considered
83 final for the purposes of considering or imposing disciplinary action by a Member State
84 Dental Board;

85 (o) "Criminal background check" means a criminal background check using the
86 results of fingerprint or other biometric data checks compliant with the requirements of
87 the Federal Bureau of Investigation, with the exception of federal employees who have
88 suitability determination in accordance with 5 C.F.R. 731.202;

89 (p) "Dental hygienist" means any person who:

90 1. Has successfully graduated from a CODA-approved dental hygiene school;

91 **2. Has successfully passed the ADEX dental hygiene licensure examination; or**
92 **has been in practice five (5) years or more and has successfully passed a Regional Board**
93 **Examination or equivalent state-administered psychomotor licensure examination prior**
94 **to January 1, 2024;**

95 **3. Has successfully passed the written national dental hygiene board**
96 **examination administered by the Joint Commission on National Dental Examinations;**

97 **4. Possesses a full and unrestricted dental hygiene license issued by a Member**
98 **State;**

99 **5. Has never been convicted or received adjudication, deferred adjudication,**
100 **community supervision or deferred disposition for any offense (other than traffic**
101 **offenses) by a court of appropriate jurisdiction;**

102 **6. Has never been a subject of discipline by a Licensing Agency through any**
103 **Adverse Action, order, or other restriction of the Licensee by a Licensing Agency, with**
104 **the exception of failure to pay fees or failure to complete continuing education;**

105 **7. Is not currently under Active Investigation by a Licensing Agency or law**
106 **enforcement authority in any state, federal or foreign jurisdiction; and**

107 **8. Meets any jurisprudence requirement established by a Member State Dental**
108 **Board in which a Licensee is seeking a Compact License Privilege;**

109 **(q) "Dental Practice Act" means the laws and regulations governing the practice**
110 **of dentistry within a Member State;**

111 **(r) "Dentist" means any person who:**

112 **1. Has successfully graduated from a CODA-approved dental school;**

113 **2. Has successfully passed the ADEX dental licensure exam; or has been in**
114 **practice five (5) years or more and has successfully passed a Regional Board**
115 **Examination or equivalent state-administered psychomotor licensure examination**
116 **prior to January 1, 2024;**

117 **3. Has successfully passed the written National Dental Board Exam**
118 **administered by the Joint Commission on National Dental Examinations;**

119 **4. Possesses a full and unrestricted dental license issued by a Member State**
120 **Dental Board;**

121 **5. Has never been convicted or received adjudication, deferred adjudication,**
122 **community supervision, or deferred disposition for any offense (other than traffic**
123 **offenses) by a court of appropriate jurisdiction;**

124 **6. Has never been a subject of discipline by a Licensing Agency through any**
125 **Adverse Action, order, or other restriction of the Licensee by a Licensing Agency, with**
126 **the exception of failure to pay fees or failure to complete continuing education;**

127 7. Has never had a state or federal drug registration, permit, or license
128 restricted, suspended, or revoked by the United States Drug Enforcement
129 Administration or any Licensing Agency that oversees scheduled drug registrations;

130 8. Is not currently under Active Investigation by a Licensing Agency or law
131 enforcement authority in any state, federal or foreign jurisdiction; and

132 9. Meets any jurisprudence requirement established by a Member State Dental
133 Board in which a Licensee is seeking a Compact License Privilege;

134 (s) "Home State" means the state of primary licensure of a Licensee;

135 (t) "License" means the authorization by a Licensing Authority for a dentist or
136 dental hygienist to engage in the unrestricted practice of dentistry or dental hygiene,
137 which would be unlawful without such license;

138 (u) "Licensee" means a Dentist or Dental Hygienist who holds an unrestricted
139 License to practice as a dentist or dental hygienist;

140 (v) "Licensing Agency" means the agency or other entity of a State that is
141 responsible for the licensing of Dentists and Dental Hygienists. If a Member State
142 Dental Board has such responsibility, it shall be deemed a Licensing Agency;

143 (w) "Member State Dental Board" means a state agency in a Member State that
144 protects the public through licensure, regulation, and the education of dentists and
145 dental hygienists, as directed by the state law. All actions taken by a Member State
146 Dental Board shall be under the authority of the laws of its State and any other rights
147 conferred under this Compact;

148 (x) "Member State" means a state, the District of Columbia, or any other United
149 States territory that has enacted the Compact;

150 (y) "Regional Board Examination" means initial licensure examinations
151 administered by the Western Regional Examining Board (WREB), the North East
152 Regional Board of Dental Examiners (NERB), the Commission on Dental Competency
153 Assessments (CDCA), Council of Interstate Testing Agencies (CITA), Southern Regional
154 Testing Agency (SRTA), or Central Regional Dental Testing Services (CRDTS) that
155 assess psychomotor skills;

156 (z) "Repository" means the repository of original documents of a Licensee that
157 may include original transcripts, certification documents, test scores, military training
158 records, previous or current licensing documents and other sources of materials needed
159 for applications and verification administered by the AADB or its successor. The
160 Repository shall receive documents from primary or originating sources and/or verify
161 their authenticity;

162 (aa) "Scope of practice" means the dental-related procedures that require a
163 License, permit, or training, to undertake the treatment and procedure to be completed
164 on a patient within the Member State's requirements;

165 (bb) "State" means a state within the United States or a United States Territory;
166 and

167 (cc) "State jurisprudence" means the knowledge of a Member State's laws and
168 rules of dentistry and dental hygiene.

169 Section 3. COMPACT AND COMMISSION

170 (a) The Member States hereby create the Interstate Dental and Dental Hygiene
171 Licensure Compact and the Commission. Each Member State must enact a compact
172 that is not materially different from this Compact, as determined by the Commission.

173 (b) Each Member State Dental Board shall have two (2) voting members who
174 shall serve as Commissioners. Each Commissioner shall have one (1) vote. Member
175 States with separate dental and dental hygiene Licensing Agencies shall appoint one (1)
176 Commissioner from each licensing agency. One Commissioner shall be a current
177 member of a Member State Dental Board. Commissioners may not delegate votes or
178 vote by proxy, however, if a Commissioner is unable to attend, the Member State may
179 substitute a Commissioner who meets the same requirements.

180 (c) Upon five (5) states joining the Compact, the Compact shall become active.
181 The Commission shall adopt Bylaws upon becoming active.

182 (d) The Commission shall meet at least once per calendar year (the "Annual
183 Meeting") and at additional times as necessary pursuant to the Bylaws and rules.

184 (e) At each Annual Meeting, the Commission shall elect a Chair, Vice Chair,
185 Secretary, and Treasurer from the membership of the Commission (the "Officers").
186 The Officers shall be members of the Commission's Executive Committee (the
187 "Executive Committee"). The Commission shall also elect representatives from four
188 (4) regional districts established by the Commission to serve on the Executive
189 Committee. All Officers and Executive Committee representatives shall serve one
190 (1)-year terms.

191 (f) Quorum for purposes of conducting business shall be a majority of
192 Commissioners attending in person or virtually.

193 (g) The Commission shall provide notice of all meetings on its website and in
194 other communications to Member State Dental Boards.

195 (h) A vote of two-thirds (2/3) of the Commissioners present shall be required for
196 an executive session to discuss:

197 (1) Items specifically related to participation in a lawsuit or in anticipation of a
198 legal proceeding;

- 199 **(2) Matters specifically exempted from disclosure by federal statute;**
200 **(3) Information or matters involving law enforcement agencies or information**
201 **that accuses a person of a crime or a public censure;**
202 **(4) Discussions that would include information of a personal nature that would**
203 **constitute an unwarranted invasion of personal privacy;**
204 **(5) Anything considered internal practices and procedures or a trade secret;**
205 **(6) Other items described in the Commission Bylaws allowing for executive**
206 **sessions to be called; or**
207 **(7) Advice of Legal Counsel.**
208 **(i) The Commission shall keep minutes and make them available to all Member**
209 **States.**
210 **(j) The Commission may establish other committees as needed.**
211 **(k) The Commission shall prepare an annual report that shall be made available**
212 **to the legislatures and governors of the Member States. The annual report shall**
213 **describe the activities of the Commission during the preceding calendar year. Such**
214 **reports shall also include reports of the annual financial audit and any actions taken by**
215 **or rules that were adopted by the Commission.**
- 216 **Section 4. DUTIES OF COMPACT MEMBER STATES**
- 217 **(a) Member States shall submit to the Clearinghouse all Member State Dental**
218 **Board actions and other documents and data as determined by the Commission;**
219 **(b) Member States shall notify the Commission of any Adverse Action taken by**
220 **the Member State Dental Board, any Active Investigation by the Member State Dental**
221 **Board, any Active Investigation involving pending criminal charges, or other**
222 **circumstance as determined by the Commission;**
223 **(c) Any Adverse Action, order, restriction or denial of a license or permit on a**
224 **Licensee or Compact License Privilege holder shall be reported to the Clearinghouse by**
225 **the Member State Dental Board;**
226 **(d) Member State Dental Boards may submit to the Clearinghouse nonpublic**
227 **complaints, or disciplinary or investigatory information not required by Section 4(c).**
228 **All investigatory material shall be considered confidential and not part of a public**
229 **record unless otherwise specifically required by state statute;**
230 **(e) Member States shall accept continuing education credits as required or**
231 **recognized by any other Member State;**
232 **(f) Documents in the Repository shall be treated by a Member State as the**
233 **equivalent of a primary or original source document for licensure;**

234 (g) Member States shall accept a standardized application for a Compact
235 License Privilege. The standardized application shall be established by the rules
236 enacted by the Commission;

237 (h) Member States may agree to share information regarding ongoing
238 investigations and actions, including joint investigations between states. All
239 investigatory material shall be considered confidential and not part of a public record
240 unless otherwise specifically required by state statute; and

241 (i) As part of the Compact enforcement, participating Member States may issue
242 subpoenas and seek testimony of witnesses, which subpoenas shall be enforced in other
243 Member States and enforced by a court of competent jurisdiction where the witnesses or
244 evidence is located.

245 Section 5. POWERS AND DUTIES OF THE COMMISSION

246 (a) The Commission shall have the duty and power to:

247 (1) Oversee and maintain the administration of the Compact, including the
248 organizational needs, the financial activities, the hiring of personnel and ongoing
249 activities or needs of the Commission;

250 (2) Promulgate Bylaws and rules to operate the Compact and the Commission;

251 (3) Establish a budget and make expenditures;

252 (4) Have an annual financial audit performed by an independent certified public
253 accounting firm;

254 (5) Issue, upon the request of a Member State Dental Board, advisory opinions
255 concerning the meaning or interpretation of the Compact and its Bylaws, rules, and
256 actions;

257 (6) Enforce compliance with Compact provisions, the rules promulgated by the
258 Commission, and the Bylaws, using all necessary and proper means, including but not
259 limited to the use of judicial process;

260 (7) Hold an Annual Meeting for the Commission where the elections of the
261 Executive Committee and other issues may be discussed and voted on;

262 (8) Establish personnel policies and programs relating to conflicts of interest,
263 and the rates of compensation and qualifications of personnel;

264 (9) Accept donations and grants of money, equipment, supplies, materials and
265 services, and to receive, utilize and dispose of them in a manner consistent with the
266 conflict-of-interest policies established by the Commission;

267 (10) Report annually to the legislatures and governors of the Member State
268 Dental Boards concerning the activities of the Commission during the preceding
269 calendar year. Such reports shall also include reports of annual financial audits, all

270 actions of the Commission, rules adopted by the Commission, and any
271 recommendations by the Commission; and

272 (11) Coordinate education, training and public awareness regarding the
273 Compact, its implementation, and its operation.

274 (b) The Executive Committee shall have the power to act on behalf of the
275 Commission, with the exception of rulemaking, during periods when the Commission is
276 not in session. When acting on behalf of the Commission, the Executive Committee shall
277 oversee the administration of the Compact, including enforcement of and compliance
278 with the Compact.

279 (c) The officers and employees of the Commission shall be immune from suit and
280 liability, either personally or in their official capacity, for a claim for damage to or loss
281 of property or personal injury or other civil liability caused or arising out of, or relating
282 to, an actual or alleged act, error or omission that occurred, or that such person had a
283 reasonable basis for believing occurred, within the scope of Commission employment,
284 duties or responsibilities; provided, that such person shall not be protected from suit or
285 liability for damage, loss, injury or liability caused by the intentional or willful and
286 wanton misconduct of such person.

287 (d) The liability of the executive director and employees of the Commission or
288 representatives of the Commission, acting within the scope of such person's employment
289 or duties for acts, errors or omissions occurring within such person's state may not
290 exceed the limits of liability set forth under the constitution and laws of that state for
291 state officials, employees and agents. The Commission shall be considered to be an
292 instrumentality of the states for the purposes of any such action. Nothing in this
293 subsection shall be construed to protect such person from suit or liability for damage,
294 loss, injury or liability caused by the intentional or willful and wanton misconduct of
295 such person.

296 (e) The Commission shall defend the Commission's executive director, its
297 employees, and, subject to the approval of the attorney general or other appropriate
298 legal counsel of the Member State represented by a Commission representative, shall
299 defend such Commission representative in any civil action seeking to impose liability
300 arising out of an actual or alleged act, error or omission that occurred within the scope
301 of Commission employment, duties or responsibilities, or that the defendant had a
302 reasonable basis for believing occurred within the scope of Commission employment,
303 duties or responsibilities, provided that the actual or alleged act, error or omission did
304 not result from intentional or willful and wanton misconduct on the part of such person.

305 (f) To the extent not covered by the state involved, Member State, or the
306 Commission, the representatives or employees of the Commission shall be held harmless

307 by the Commission in the amount of a settlement or judgment, including attorney fees
308 and costs, obtained against such persons arising out of an actual or alleged act, error or
309 omission that occurred within the scope of Commission employment, duties or
310 responsibilities, or that such persons had a reasonable basis for believing occurred
311 within the scope of Commission employment, duties or responsibilities, provided that
312 the actual or alleged act, error or omission did not result from intentional or willful and
313 wanton misconduct on the part of such persons.

314 **Section 6. APPLICATION, ELIGIBILITY, AND ISSUANCE OF COMPACT**
315 **LICENSE PRIVILEGE TO A MEMBER STATE**

316 (a) A dentist or dental hygienist applying for Compact License Privileges shall
317 meet the requirements of a Dentist as listed in Section (2)(r) of this Compact or a Dental
318 Hygienist as listed in Section (2)(p) of this Compact and hold a current License in a
319 Member State under this Compact.

320 (b) Each Dentist or Dental Hygienist shall designate a Home State of licensure.
321 The Home State shall be determined by:

322 (1) The State of primary residence for the Dentist or Dental Hygienist, where
323 twenty-five percent (25%) of their practice within one year occurs. An active-duty
324 military member or their spouse may choose a Home State as designated with the
325 military but are not required to meet the requirement of twenty-five percent (25%)
326 practice being within their Home State; or

327 (2) If no State qualifies under Section 6(b)(1), then the State that the Dentist or
328 Dental Hygienist listed as their state of residence on the previous year's federal tax
329 return.

330 (c) A Dentist or Dental Hygienist may redesignate a Home State no more than
331 one time in a calendar year if the qualifications of a Home State are met.

332 (d) A Dentist or Dental hygienist seeking a Compact License Privilege (the
333 "Applicant") shall apply to their Home State Dental Board for a letter stating that the
334 Applicant is eligible for Compact License Privileges.

335 (e) The Home State Dental Board shall determine the eligibility of an application
336 for a Compact License Privilege and shall issue a letter of approval or denial of the
337 application for a Compact License Privilege.

338 (f) The letter from the Applicant's Home State Dental Board approving the
339 application shall be submitted to the Member State Dental Board for the Member State
340 in which the Applicant proposes to practice, and shall include: (i) the Compact
341 application packet; (ii) authorization to seek access to the Applicant's Repository
342 documents; (iii) any additional information that may be required by the proposed
343 Compact License Privilege state; and (iv) any required fees. The Member State Dental

344 Board shall review the application to confirm compliance with the Member State's laws
345 and regulations. Following such review, if the Member State Dental Board approves the
346 application, it shall issue a Compact License Privilege from the proposed Member State
347 to the Applicant.

348 (g) Appeals of a denial of a Compact License Privilege application shall be filed
349 with the Member State Dental Board making such determination, and shall be filed
350 within thirty (30) days of the date of the denial.

351 (h) A Licensee holding a Compact License Privilege shall notify the Commission
352 within ten (10) business days of any Adverse Action taken against a License held in a
353 state that is not a Member State.

354 (i) A Compact License Privilege may be revoked, suspended or limited by the
355 issuing Member State Dental Board if at any time the Licensee's Home State license is
356 revoked, suspended or limited.

357 (j) The Commission shall issue rules on the duration of a Compact License
358 Privilege, the application and renewal process for a Compact License Privilege, and any
359 application fees.

360 (k) Eligibility or ineligibility to receive a Compact License Privilege shall not
361 limit the ability of a Licensee to seek a state license through the regular process outside
362 of the Compact.

363 Section 7. JURISDICTION OVER COMPACT LICENSE PRIVILEGE 364 HOLDERS

365 (a) Each Licensee holding a Compact License Privilege shall be subject to and
366 comply with the laws and regulations of the Member State in which such Licensee
367 practices under a Compact License Privilege.

368 (b) Each Licensee holding a Compact License Privilege shall be subject to the
369 jurisdiction and authority of the Member State Dental Board of the state in which such
370 Licensee practices, as if they held a license issued from such Member State Dental
371 Board. Such Compact License Privilege holder shall be deemed a "Licensee" of the
372 Member State Dental Board for purposes of such board taking an Adverse Action.

373 (c) Each Licensee holding a Compact License Privilege shall list a current
374 address with the Commission that shall serve as their official address of service.

375 (d) A Licensee holding a Compact License Privilege may have an Adverse Action
376 taken against them by:

377 (1) The Member State Dental Board of the Member State in which they are
378 practicing with a Compact License Privilege;

379 (2) The Licensee's Home State; or

380 **(3) The State Licensing Authority of a State that is not a Member State from**
381 **which the Licensee holds a License.**

382 **(e) A Home State may take an Adverse Action against the holder of a Compact**
383 **License Privilege, regardless of where the actions giving rise to the Adverse Action**
384 **occurred.**

385 **(f) Any Member State in which the Compact Licensee holds a Compact License**
386 **Privilege may investigate an allegation of a violation of the laws and rules of the practice**
387 **of dentistry or dental hygiene in any other State where the Compact Licensee holds a**
388 **Compact License Privilege.**

389 **Section 8. FEES AND MILITARY WAIVER**

390 **(a) The Commission shall issue rules regarding the use of the Repository by each**
391 **holder of a Compact License Privilege.**

392 **(b) A Member State Dental Board issuing a Compact License Privilege**
393 **authorizing practice in its State may impose a fee for a Compact License Privilege, for**
394 **either initial issuance or any renewal.**

395 **(c) No Compact fee shall be required of any active-duty military member and/or**
396 **their spouse up to one (1) year after separation from the service. Each Member State**
397 **issuing a Compact License Privilege may waive fees for active-duty military and/or their**
398 **spouse as required by each individual state statute.**

399 **(d) Active-duty military may transfer military training records to the Repository**
400 **without a fee.**

401 **Section 9. JOINT INVESTIGATIONS AND DISCIPLINARY ACTIONS**

402 **(a) Each Member State shall name a point of contact for joint investigations**
403 **between Member State Dental Boards.**

404 **(b) Member State Dental Boards may participate with other Member State**
405 **Dental Boards in joint investigations of Licensees that are subject to this Compact.**

406 **(c) Member State Dental Boards may share investigative, litigation or other**
407 **materials in furtherance of any joint or individual investigation of a Compact License**
408 **Privilege holder.**

409 **(d) A subpoena issued by a Member State or Member State Dental Board shall**
410 **be enforceable in other Member States as allowed by law.**

411 **(e) If a Compact License Privilege holder has an Adverse Action taken against**
412 **them by any Member State Dental Board, the Compact License Privilege holder shall**
413 **automatically be subject to similar discipline by other Member State Dental Boards.**

414 **(f) If a Compact License Privilege holder has an Adverse Action taken against**
415 **their Home State license, including being revoked, surrendered, or relinquished in lieu**
416 **of discipline or suspended, then automatically all other Compact License Privileges shall**

417 **be placed in the same status. The Home State Dental Board shall notify the Commission**
418 **and the Commission shall issue a notice to all Member State Dental Boards of such**
419 **Adverse Action.**

420 **(g) If discipline or an Adverse Action is taken against a Compact License**
421 **Privilege holder in a Member State, the Member State Board shall notify the**
422 **Commission and the Home State of the Compact License Privilege holder. The Home**
423 **State may deem the action conclusive as a matter of law and fact and may:**

424 **(1) Impose the same or lesser sanction consistent with the Home State's laws; or**

425 **(2) Pursue separate actions against the Compact License Privilege holder under**
426 **its laws, regardless of the sanctions pursued by the Member State Dental Board.**

427 **Section 10. OTHER REQUESTS FOR INFORMATION FROM THE**
428 **REPOSITORY AND THE CLEARINGHOUSE**

429 **(a) Insurance companies and entities verifying documents for the purpose of**
430 **licenses extended to a Dentist or Dental Hygienist may seek information from the**
431 **Clearinghouse for public record documents;**

432 **(b) A Dentist or Dental Hygienist may submit a request to the Commission to**
433 **allow any hiring employer, entity, or insurance company to access documents from the**
434 **Repository for the purposes of credentialing, licensing or other privileges;**

435 **(c) The Commission shall set a fee schedule for these services.**

436 **Section 11. RULEMAKING FUNCTIONS OF THE COMMISSION**

437 **(a) The Commission shall promulgate reasonable rules in order to effectively**
438 **and efficiently implement and achieve the purposes and administration of the Compact.**
439 **Notwithstanding the foregoing, in the event the Commission exercises its rulemaking**
440 **authority in a manner that is beyond the scope of the purposes of the Compact or the**
441 **powers granted hereunder, then such an action by the Commission may be determined**
442 **to be invalid and have no force or effect.**

443 **(b) Rules validly issued by the Commission shall have the force of law in each**
444 **Member State.**

445 **(c) Rules deemed appropriate for the operations of the Commission shall be**
446 **made pursuant to a rulemaking process that substantially conforms to the Model State**
447 **Administrative Procedure Act of 2010, and subsequent amendments thereto.**

448 **Section 12. OVERSIGHT OF THE COMPACT**

449 **(a) The executive, legislative, and judicial branches of state government in each**
450 **Member State shall enforce the Compact and shall take all actions necessary and**
451 **appropriate to effectuate the Compact's purposes and intent to allow for expedited**
452 **licensure for the purpose of mobility. The provisions of the Compact and the rules**

453 promulgated hereunder shall have standing as statutory law but shall not override
454 existing state authority to regulate the practice of dentistry and dental hygiene.

455 (b) All courts may take judicial notice of the Compact and the rules in any
456 judicial or administrative proceeding in a Member State pertaining to the subject
457 matter of the Compact which may affect the powers, responsibilities or actions of the
458 Commission.

459 (c) The Commission shall be entitled to receive all service of process in any such
460 proceeding and shall have standing to intervene in the proceeding for all purposes.
461 Except where the Commission has intervened, failure to provide service of process to the
462 Commission shall render a judgment or order void as to the Commission, the Compact
463 or promulgated rules.

464 Section 13. ENFORCEMENT AND DEFAULT PROCEDURES

465 (a) The Commission, in the reasonable exercise of its discretion, shall enforce the
466 provisions and rules of the Compact.

467 (b) The grounds for default under this Compact by a Member State include, but
468 are not limited to, failure of a Member State to perform such obligations or
469 responsibilities imposed upon it by the Compact or by the rules and Bylaws of the
470 Commission promulgated under the Compact.

471 (c) If the Commission determines that a Member State has defaulted in the
472 performance of its obligations or responsibilities under the Compact, or the Bylaws or
473 promulgated rules, the Commission shall:

474 (1) Provide written notice to the defaulting state and other Member States of the
475 nature of the default, the means of curing the default and any action taken by the
476 Commission. The Commission shall specify the conditions by which the defaulting state
477 must cure its default; and

478 (2) Provide remedial training and specific technical assistance regarding the
479 default.

480 (d) If the defaulting state fails to cure the default, the defaulting state shall be
481 terminated from the Compact upon an affirmative vote of a majority of the
482 Commissioners and all rights, privileges and benefits conferred by the Compact shall
483 terminate on the effective date of termination. A cure of the default does not relieve the
484 offending state of obligations or liabilities incurred during the period of the default.

485 (e) Termination of membership in the Compact shall be imposed only after all
486 other means of securing compliance have been exhausted. Notice of intent to terminate
487 shall be given by the Commission to the Governor, the majority and minority leaders of
488 the defaulting state's legislature and each of the Member States.

489 (f) The Commission shall establish rules and procedures to address licenses and
490 Compact License Privilege holders that are materially impacted by the termination of a
491 Member State or the withdrawal of a Member State.

492 (g) The Commission shall not bear any costs relating to any state that has been
493 found to be in default or which has been terminated from the Compact, unless otherwise
494 mutually agreed upon in writing between the Commission and the defaulting state.

495 (h) The defaulting state may appeal the action of the Commission by petitioning
496 the state court where the Commission has its principal offices. The prevailing party
497 shall be awarded all costs of such litigation, including reasonable attorneys' fees.

498 (i) The Commission shall not bear any costs relating to any state that has been
499 found to be in default or which has been terminated from the Compact, unless otherwise
500 mutually agreed upon in writing between the Commission and the defaulting state.

501 (j) The remedies herein shall not be the exclusive remedies of the Commission.
502 The Commission may avail itself of any other remedies available under state law or the
503 regulation of a profession.

504 Section 14. DISPUTE RESOLUTION

505 (a) The Commission shall attempt, upon the request of a Member State Dental
506 Board, to resolve disputes which are subject to the Compact and which may arise among
507 Member State Dental Boards.

508 (b) The Commission shall promulgate rules providing for both mediation and
509 voluntary binding dispute resolution, as appropriate.

510 Section 15. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

511 (a) Any state is eligible to become a Member State of the Compact.

512 (b) The Compact shall become effective and binding upon legislative enactment
513 of the Compact into law by no less than five (5) states. Thereafter, it shall become
514 effective and binding on a state upon enactment of the Compact into law by that State.

515 (c) The governors of non-member states, or their designees, shall be invited to
516 participate in the activities of the Commission on a nonvoting basis prior to adoption of
517 the Compact by all States.

518 (d) The Commission may propose amendments to the Compact for enactment by
519 the Member States. No amendment shall become effective and binding upon the
520 Commission and the Member States unless and until it is enacted into law by unanimous
521 consent of the Member States.

522 Section 16. WITHDRAWAL

523 (a) Once effective, the Compact shall continue in force and remain binding upon
524 each and every Member State; provided, however, that a Member State may withdraw

525 from the Compact after giving appropriate notice by specifically repealing the statute
526 which enacted the Compact into law.

527 (b) The Licensee's Compact License Privilege shall remain in effect for six (6)
528 months from the date of the Member State Dental Board withdrawal.

529 (c) The withdrawing State shall immediately notify the chairperson of the
530 Commission in writing upon the introduction of legislation repealing the Compact by
531 the withdrawing State, and upon the enactment of such legislation.

532 (d) The Commission shall notify the other Member States within sixty (60) days
533 of its receipt of notice provided under Section 16(c) of this section.

534 (e) Reinstatement following withdrawal of a Member State shall occur upon the
535 withdrawing state reenacting the Compact or upon such later date as determined by the
536 Commission.

537 (f) The Commission shall issue rules to address the impact of the withdrawal of a
538 Member State on Licenses granted by other Member States to dentists and dental
539 hygienists who designated the withdrawing Member State as their Home State.

540 Section 17. DISSOLUTION

541 (a) The Compact shall dissolve effective upon the date of the withdrawal or
542 default of the Member State which reduces the membership in the Compact to one (1)
543 Member State.

544 (b) Upon the dissolution of the Compact, the Compact shall become null and
545 void and shall be of no further force or effect, and the business and affairs of the
546 Commission shall be concluded and surplus funds shall be distributed in accordance
547 with the Bylaws.

548 Section 18. SEVERABILITY AND CONSTRUCTION

549 (a) The provisions of the Compact shall be severable, and if any phrase, clause,
550 sentence or provision is deemed unenforceable, the remaining provisions of the Compact
551 shall be enforceable.

552 (b) The provisions of the Compact shall be liberally construed to effectuate its
553 purposes.

554 Section 19. BINDING EFFECT OF COMPACT AND OTHER LAWS

555 (a) Nothing herein prevents the enforcement of any other law of a Member State
556 that is not inconsistent with the Compact.

557 (b) All lawful actions of the Commission, including all rules and Bylaws
558 promulgated by the Commission, shall be binding upon the Member States.

559 (c) All agreements between the Commission and the Member States shall be
560 binding in accordance with their terms.

561 **(d) In the event any provision of the Compact exceeds the constitutional limits**
562 **imposed on the legislature of any Member State, such provision shall be ineffective to**
563 **the extent of the conflict with the constitutional provision in question in that Member**
564 **State.**

565 **Section 20. RULES OF ORDER**

566 **The most current edition of the *American Institute of Parliamentarians Standard***
567 ***Code of Parliamentary Procedure* shall govern all meetings of the Commission, including**
568 **its committees, in those situations not otherwise covered in the Bylaws.**

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