

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1847

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HEWKIN.

3984H.01P

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 332.081, 332.211, and 332.281, RSMo, and to enact in lieu thereof sixteen new sections relating to the dental professions.

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

Section A. Sections 332.081, 332.211, and 332.281, RSMo, are repealed and sixteen
2 new sections enacted in lieu thereof, to be known as sections 332.081, 332.211, 332.281,
3 332.700, 332.705, 332.710, 332.715, 332.720, 332.725, 332.730, 332.735, 332.740, 332.745,
4 332.750, 332.755, and 332.760, to read as follows:

332.081. 1. Notwithstanding any other provision of law to the contrary, hospitals
2 licensed under chapter 197 shall be authorized to employ any or all of the following oral
3 health providers:

4 (1) A dentist licensed under this chapter for the purpose of treating on hospital
5 premises those patients who present with a dental condition and such treatment is necessary to
6 ameliorate the condition for which they presented such as severe pain or tooth abscesses;

7 (2) An oral and maxillofacial surgeon licensed under this chapter for the purpose of
8 treating oral conditions that need to be ameliorated as part of treating the underlying cause of
9 the patient's medical needs including, but not limited to, head and neck cancer, HIV or AIDS,
10 severe trauma resulting in admission to the hospital, organ transplant, diabetes, or seizure
11 disorders. It shall be a condition of treatment that such patients are admitted to the hospital on
12 either an in- or out-patient basis; and

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.

13 (3) A maxillofacial prosthodontist licensed under this chapter for the purpose of
14 treating and supporting patients of a head and neck cancer team or other complex care or
15 surgical team for the fabrication of appliances following ablative surgery, surgery to correct
16 birth anomalies, extensive radiation treatment of the head or neck, or trauma-related surgery.

17 2. No person or other entity shall practice dentistry in Missouri or provide dental
18 services as ~~defined~~ **described** in section 332.071 unless and until the board has issued to the
19 person a certificate certifying that the person has been duly registered as a dentist in Missouri
20 or the board has issued such certificate to an entity that has been duly registered to provide
21 dental services by licensed dentists and dental hygienists and unless and until the board has
22 issued to the person a license, to be renewed each period, as provided in this chapter, to
23 practice dentistry or as a dental hygienist, or has issued to the person or entity a permit, to be
24 renewed each period, to provide dental services in Missouri. Nothing in this chapter shall be
25 so construed as to make it unlawful for:

26 (1) A legally qualified physician or surgeon, who does not practice dentistry as a
27 specialty, from extracting teeth;

28 (2) A dentist licensed in a state other than Missouri from making a clinical
29 demonstration before a meeting of dentists in Missouri;

30 (3) Dental students in any accredited dental school to practice dentistry under the
31 personal direction of instructors;

32 (4) Dental hygiene students in any accredited dental hygiene school to practice dental
33 hygiene under the personal direction of instructors;

34 (5) A duly registered and licensed dental hygienist in Missouri to practice dental
35 hygiene as defined in section 332.091;

36 (6) A dental assistant, certified dental assistant, or expanded functions dental assistant
37 to be delegated duties as defined in section 332.093;

38 (7) A duly registered dentist or dental hygienist to teach in an accredited dental or
39 dental hygiene school;

40 (8) A person who has been granted a dental faculty permit under section 332.183 to
41 practice dentistry in the scope of his or her employment at an accredited dental school,
42 college, or program in Missouri;

43 (9) A duly qualified anesthesiologist or nurse anesthetist to administer an anesthetic
44 in connection with dental services or dental surgery;

45 (10) A person to practice dentistry in or for:

46 (a) The United States Armed Forces;

47 (b) The United States Public Health Service;

48 (c) Migrant, community, or health care for the homeless health centers provided in
49 Section 330 of the Public Health Service Act (42 U.S.C. Section 254b);

50 (d) Federally qualified health centers as defined in Section 1905(l) (42 U.S.C. Section
51 1396d(l)) of the Social Security Act;

52 (e) Governmental entities, including county health departments; or

53 (f) The United States Veterans Bureau; or

54 (11) A dentist licensed in a state other than Missouri to evaluate a patient or render an
55 oral, written, or otherwise documented dental opinion when providing testimony or records
56 for the purpose of a civil or criminal action before any judicial or administrative proceeding
57 of this state or other forum in this state.

58 3. No corporation shall practice dentistry as defined in section 332.071 unless that
59 corporation is organized under the provisions of chapter 355 or 356 provided that a
60 corporation organized under the provisions of chapter 355 and qualifying as an organization
61 under 26 U.S.C. Section 501(c)(3) may only employ dentists and dental hygienists licensed in
62 this state to render dental services to Medicaid recipients, low-income individuals who have
63 available income below two hundred percent of the federal poverty level, and all participants
64 in the SCHIP program, unless such limitation is contrary to or inconsistent with federal or
65 state law or regulation. This subsection shall not apply to:

66 (1) A hospital licensed under chapter 197 that provides care and treatment only to
67 children under the age of eighteen at which a person regulated under this chapter provides
68 dental care within the scope of his or her license or registration;

69 (2) A federally qualified health center as defined in Section 1905(l) of the Social
70 Security Act (42 U.S.C. Section 1396d(l)), or a migrant, community, or health care for the
71 homeless health center provided for in Section 330 of the Public Health Services Act (42
72 U.S.C. Section 254b) at which a person regulated under this chapter provides dental care
73 within the scope of his or her license or registration;

74 (3) A city or county health department organized under chapter 192 or chapter 205 at
75 which a person regulated under this chapter provides dental care within the scope of his or her
76 license or registration;

77 (4) A social welfare board organized under section 205.770, a city health department
78 operating under a city charter, or a city-county health department at which a person regulated
79 under this chapter provides dental care within the scope of his or her license or registration;

80 (5) Any entity that has received a permit from the dental board and does not receive
81 compensation from the patient or from any third party on the patient's behalf at which a
82 person regulated under this chapter provides dental care within the scope of his or her license
83 or registration; **or**

84 (6) Any hospital nonprofit corporation exempt from taxation under Section 501(c)(3)
85 of the Internal Revenue Code, as amended, that engages in its operations and provides dental
86 services at facilities owned by a city, county, or other political subdivision of the state, **or any**

87 **entity contracted with the state to provide care in a correctional center, as such term is**
88 **defined in section 217.010**, at which a person regulated under this chapter provides dental
89 care within the scope of his or her license or registration.

90

91 If any of the entities exempted from the requirements of this subsection are unable to provide
92 services to a patient due to the lack of a qualified provider and a referral to another entity is
93 made, the exemption shall extend to the person or entity that subsequently provides services
94 to the patient.

95 4. No unincorporated organization shall practice dentistry as defined in section
96 332.071 unless such organization is exempt from federal taxation under Section 501(c)(3) of
97 the Internal Revenue Code of 1986, as amended, and provides dental treatment without
98 compensation from the patient or any third party on their behalf as a part of a broader
99 program of social services including food distribution. Nothing in this chapter shall prohibit
100 organizations under this subsection from employing any person regulated by this chapter.

101 5. A dentist shall not enter into a contract that allows a person who is not a dentist to
102 influence or interfere with the exercise of the dentist's independent professional judgment.

103 6. A not-for-profit corporation organized under the provisions of chapter 355 and
104 qualifying as an organization under 26 U.S.C. Section 501(c)(3), an unincorporated
105 organization operating pursuant to subsection 4 of this section, or any other person should not
106 direct or interfere or attempt to direct or interfere with a licensed dentist's professional
107 judgment and competent practice of dentistry. Nothing in this subsection shall be so
108 construed as to make it unlawful for not-for-profit organizations to enforce employment
109 contracts, corporate policy and procedure manuals, or quality improvement or assurance
110 requirements.

111 7. All entities defined in subsection 3 of this section and those exempted under
112 subsection 4 of this section shall apply for a permit to employ dentists and dental hygienists
113 licensed in this state to render dental services, and the entity shall apply for the permit in
114 writing on forms provided by the Missouri dental board. The board shall not charge a fee of
115 any kind for the issuance or renewal of such permit. The provisions of this subsection shall
116 not apply to a federally qualified health center as defined in Section 1905(l) of the Social
117 Security Act (42 U.S.C. Section 1396d(l)).

118 8. Any entity that obtains a permit to render dental services in this state is subject to
119 discipline pursuant to section 332.321. If the board concludes that the person or entity has
120 committed an act or is engaging in a course of conduct that would be grounds for disciplinary
121 action, the board may file a complaint before the administrative hearing commission. The
122 board may refuse to issue or renew the permit of any entity for one or any combination of
123 causes stated in subsection 2 of section 332.321. The board shall notify the applicant in

124 writing of the reasons for the refusal and shall advise the applicant of his or her right to file a
125 complaint with the administrative hearing commission as provided by chapter 621.

126 9. A federally qualified health center as defined in Section 1905(l) of the Social
127 Security Act (42 U.S.C. Section 1396d(l)) shall register with the board. The information
128 provided to the board as part of the registration shall include the name of the health center, the
129 nonprofit status of the health center, sites where dental services will be provided, and the
130 names of all persons employed by, or contracting with, the health center who are required to
131 hold a license pursuant to this chapter. The registration shall be renewed every twenty-four
132 months. The board shall not charge a fee of any kind for the issuance or renewal of the
133 registration. The registration of the health center shall not be subject to discipline pursuant to
134 section 332.321. Nothing in this subsection shall prohibit disciplinary action against a
135 licensee of this chapter who is employed by, or contracts with, such health center for the
136 actions of the licensee in connection with such employment or contract.

137 10. The board may promulgate rules and regulations to ensure not-for-profit
138 corporations are rendering care to the patient populations as set forth herein, including
139 requirements for covered not-for-profit corporations to report patient census data to the board.
140 The provisions of this subsection shall not apply to a federally qualified health center as
141 defined in Section 1905(l) of the Social Security Act (42 U.S.C. Section 1396d(l)).

142 11. All not-for-profit corporations organized or operated pursuant to the provisions of
143 chapter 355 and qualifying as an organization under 26 U.S.C. Section 501(c)(3), or the
144 requirements relating to migrant, community, or health care for the homeless health centers
145 provided in Section 330 of the Public Health Service Act (42 U.S.C. Section 254b) and
146 federally qualified health centers as defined in Section 1905(l) (42 U.S.C. Section 1396d(l))
147 of the Social Security Act, that employ persons who practice dentistry or dental hygiene in
148 this state shall do so in accordance with the relevant laws of this state except to the extent that
149 such laws are contrary to, or inconsistent with, federal statute or regulation.

332.211. ~~[The board shall grant without examination a certificate of registration and a
2 license to a dentist who has been licensed in another state for at least five consecutive years
3 immediately preceding his applying, if the board is satisfied by proof adduced by the
4 applicant that his qualifications are at least equivalent to the requirements for initial
5 registration as a dentist in Missouri under the provisions of this chapter, that he is at least
6 twenty one years of age and is of good moral character and reputation; provided that the
7 board may by rule require an applicant under this section to take any examination over
8 Missouri laws given to dentists initially seeking licensure under section 332.151 and to take a
9 practical examination if his licensure in any state was ever denied, revoked or suspended for
10 incompetency or inability to practice in a safe manner, or if he has failed any practical
11 examination given as a prerequisite to licensure as a dentist in any state. Any such dentist~~

~~12 applying to be so registered and licensed shall accompany his application with a fee not~~
~~13 greater than the dental examination and license fees and if registered and licensed shall renew~~
~~14 his license as provided in section 332.181.]~~ **1. For purposes of this section, the following**

15 terms mean:

16 (1) "License", a license, certificate, registration, permit, accreditation, or
17 military occupational specialty that enables a person to legally practice an occupation or
18 profession in a particular jurisdiction;

19 (2) "Military", the Armed Forces of the United States, including the Air Force,
20 Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard, and any other
21 military branch that is designated by Congress as part of the Armed Forces of the
22 United States, and all reserve components and auxiliaries. The term "military" also
23 includes the military reserves and militia of any United States territory or state;

24 (3) "Nonresident military spouse", a nonresident spouse of an active-duty
25 member of the Armed Forces of the United States who has been transferred or is
26 scheduled to be transferred to the state of Missouri, or who has been transferred or is
27 scheduled to be transferred to an adjacent state and is or will be domiciled in the state of
28 Missouri, or has moved to the state of Missouri on a permanent change-of-station basis;

29 (4) "Oversight body", any board, department, agency, or office of a jurisdiction
30 that issues licenses;

31 (5) "Resident military spouse", a spouse of an active-duty member of the Armed
32 Forces of the United States who has been transferred or is scheduled to be transferred to
33 the state of Missouri or an adjacent state and who is a permanent resident of the state of
34 Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or her
35 home of record.

36 2. Any person who holds a valid current dentist license issued by another state, a
37 branch or unit of the military, a territory of the United States, or the District of
38 Columbia, and who has been licensed for at least one year in such other jurisdiction,
39 may submit to the board an application for a dentist license in Missouri along with proof
40 of current licensure and proof of licensure for at least one year in the other jurisdiction.

41 3. The board shall:

42 (1) Within six months of receiving an application described in subsection 2 of
43 this section, waive any examination, educational, or experience requirements for
44 licensure in this state for the applicant if it determines that there were minimum
45 education requirements and, if applicable, work experience and clinical supervision
46 requirements in effect and the other jurisdiction verifies that the person met those
47 requirements in order to be licensed or certified in that jurisdiction. The board may
48 require an applicant to take and pass an examination specific to the laws of this state; or

49 **(2) Within thirty days of receiving an application described in subsection 2 of**
50 **this section from a nonresident military spouse or a resident military spouse, waive any**
51 **examination, educational, or experience requirements for licensure in this state for the**
52 **applicant and issue such applicant a license under this section if such applicant**
53 **otherwise meets the requirements of this section.**

54 **4. (1) The board shall not waive any examination, educational, or experience**
55 **requirements for any applicant who has had his or her license revoked by an oversight**
56 **body outside the state; who is currently under investigation, who has a complaint**
57 **pending, or who is currently under disciplinary action, except as provided in subdivision**
58 **(2) of this subsection, with an oversight body outside the state; who does not hold a**
59 **license in good standing with an oversight body outside the state; who has a criminal**
60 **record that would disqualify him or her for licensure in Missouri; or who does not hold**
61 **a valid current license in the other jurisdiction on the date the board receives his or her**
62 **application under this section.**

63 **(2) If another jurisdiction has taken disciplinary action against an applicant, the**
64 **board shall determine if the cause for the action was corrected and the matter resolved.**
65 **If the matter has not been resolved by that jurisdiction, the board may deny a license**
66 **until the matter is resolved.**

67 **5. Nothing in this section shall prohibit the board from denying a license to an**
68 **applicant under this section for any reason described in section 332.321.**

69 **6. Any person who is licensed under the provisions of this section shall be subject**
70 **to the board's jurisdiction and all rules and regulations pertaining to the practice as a**
71 **dentist in this state.**

72 **7. This section shall not be construed to waive any requirement for an applicant**
73 **to pay any fees.**

332.281. ~~[The board shall grant without examination a certificate of registration and~~
2 ~~license to a dental hygienist who has been licensed in another state for at least two~~
3 ~~consecutive years immediately preceding his application to practice in Missouri if the board is~~
4 ~~satisfied by proof adduced by the applicant that his qualifications are at least equivalent to the~~
5 ~~requirements for initial registration as a dental hygienist in Missouri under the provisions of~~
6 ~~this chapter; provided that the board may by rule require an applicant under this section to~~
7 ~~take any examination over Missouri laws given to dental hygienist initially seeking licensure~~
8 ~~under section 332.251 and to take a practical examination if his licensure in any state was~~
9 ~~ever denied, revoked or suspended for incompetency or inability to practice in a safe manner,~~
10 ~~or if he has failed any practical examination given as a prerequisite to licensure as a dental~~
11 ~~hygienist in any state. Any such dental hygienist applying to be so registered and licensed~~
12 ~~shall accompany his application with a fee not greater than the dental hygienist examination~~

13 ~~and license fees and if registered and licensed shall renew his license as provided in section~~
14 ~~332.261.]~~ 1. For purposes of this section, the following terms mean:

15 (1) "License", a license, certificate, registration, permit, accreditation, or
16 military occupational specialty that enables a person to legally practice an occupation or
17 profession in a particular jurisdiction;

18 (2) "Military", the Armed Forces of the United States, including the Air Force,
19 Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard, and any other
20 military branch that is designated by Congress as part of the Armed Forces of the
21 United States, and all reserve components and auxiliaries. The term "military" also
22 includes the military reserves and militia of any United States territory or state;

23 (3) "Nonresident military spouse", a nonresident spouse of an active-duty
24 member of the Armed Forces of the United States who has been transferred or is
25 scheduled to be transferred to the state of Missouri, or who has been transferred or is
26 scheduled to be transferred to an adjacent state and is or will be domiciled in the state of
27 Missouri, or has moved to the state of Missouri on a permanent change-of-station basis;

28 (4) "Oversight body", any board, department, agency, or office of a jurisdiction
29 that issues licenses;

30 (5) "Resident military spouse", a spouse of an active-duty member of the Armed
31 Forces of the United States who has been transferred or is scheduled to be transferred to
32 the state of Missouri or an adjacent state and who is a permanent resident of the state of
33 Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or her
34 home of record.

35 2. Any person who holds a valid current dental hygienist license issued by
36 another state, a branch or unit of the military, a territory of the United States, or the
37 District of Columbia, and who has been licensed for at least one year in such other
38 jurisdiction, may submit to the board an application for a dental hygienist license in
39 Missouri along with proof of current licensure and proof of licensure for at least one
40 year in the other jurisdiction.

41 3. The board shall:

42 (1) Within six months of receiving an application described in subsection 2 of
43 this section, waive any examination, educational, or experience requirements for
44 licensure in this state for the applicant if it determines that there were minimum
45 education requirements and, if applicable, work experience and clinical supervision
46 requirements in effect and the other jurisdiction verifies that the person met those
47 requirements in order to be licensed or certified in that jurisdiction. The board may
48 require an applicant to take and pass an examination specific to the laws of this state; or

49 **(2) Within thirty days of receiving an application described in subsection 2 of**
50 **this section from a nonresident military spouse or a resident military spouse, waive any**
51 **examination, educational, or experience requirements for licensure in this state for the**
52 **applicant and issue such applicant a license under this section if such applicant**
53 **otherwise meets the requirements of this section.**

54 **4. (1) The board shall not waive any examination, educational, or experience**
55 **requirements for any applicant who has had his or her license revoked by an oversight**
56 **body outside the state; who is currently under investigation, who has a complaint**
57 **pending, or who is currently under disciplinary action, except as provided in subdivision**
58 **(2) of this subsection, with an oversight body outside the state; who does not hold a**
59 **license in good standing with an oversight body outside the state; who has a criminal**
60 **record that would disqualify him or her for licensure in Missouri; or who does not hold**
61 **a valid current license in the other jurisdiction on the date the board receives his or her**
62 **application under this section.**

63 **(2) If another jurisdiction has taken disciplinary action against an applicant, the**
64 **board shall determine if the cause for the action was corrected and the matter resolved.**
65 **If the matter has not been resolved by that jurisdiction, the board may deny a license**
66 **until the matter is resolved.**

67 **5. Nothing in this section shall prohibit the board from denying a license to an**
68 **applicant under this section for any reason described in section 332.321.**

69 **6. Any person who is licensed under the provisions of this section shall be subject**
70 **to the board's jurisdiction and all rules and regulations pertaining to the practice as a**
71 **dental hygienist in this state.**

72 **7. This section shall not be construed to waive any requirement for an applicant**
73 **to pay any fees.**

332.700. Sections 332.700 to 332.760 shall be known and cited as the Dentist and
2 **Dental Hygienist Compact. The purposes of this Compact are to facilitate the interstate**
3 **practice of dentistry and dental hygiene and improve public access to dentistry and**
4 **dental hygiene services by providing Dentists and Dental Hygienists licensed in a**
5 **Participating State the ability to practice in Participating States in which they are not**
6 **licensed. The Compact does this by establishing a pathway for Dentists and Dental**
7 **Hygienists licensed in a Participating State to obtain a Compact Privilege that**
8 **authorizes them to practice in another Participating State in which they are not licensed.**
9 **The Compact enables Participating States to protect the public health and safety with**
10 **respect to the practice of such Dentists and Dental Hygienists, through the State's**
11 **authority to regulate the practice of dentistry and dental hygiene in the State. The**
12 **Compact:**

- 13 **(1) Enables Dentists and Dental Hygienists who qualify for a Compact Privilege**
14 **to practice in other Participating States without satisfying burdensome and duplicative**
15 **requirements associated with securing a License to practice in those States;**
- 16 **(2) Promotes mobility and addresses workforce shortages through each**
17 **Participating State's acceptance of a Compact Privilege to practice in that State;**
- 18 **(3) Increases public access to qualified, licensed Dentists and Dental Hygienists**
19 **by creating a responsible, streamlined pathway for Licensees to practice in Participating**
20 **States;**
- 21 **(4) Enhances the ability of Participating States to protect the public's health and**
22 **safety;**
- 23 **(5) Does not interfere with licensure requirements established by a Participating**
24 **State;**
- 25 **(6) Facilitates the sharing of licensure and disciplinary information among**
26 **Participating States;**
- 27 **(7) Requires Dentists and Dental Hygienists who practice in a Participating State**
28 **pursuant to a Compact Privilege to practice within the Scope of Practice authorized in**
29 **that State;**
- 30 **(8) Extends the authority of a Participating State to regulate the practice of**
31 **dentistry and dental hygiene within its borders to Dentists and Dental Hygienists who**
32 **practice in the State through a Compact Privilege;**
- 33 **(9) Promotes the cooperation of Participating States in regulating the practice of**
34 **dentistry and dental hygiene within those States;**
- 35 **(10) Facilitates the relocation of military members and their spouses who are**
36 **licensed to practice dentistry or dental hygiene.**

332.705. As used in this Compact, unless the context requires otherwise, the
2 **following definitions shall apply:**

- 3 **(1) "Active Military Member" means any person with full-time duty status in**
4 **the armed forces of the United States, including members of the National Guard and**
5 **Reserve.**
- 6 **(2) "Adverse Action" means disciplinary action or encumbrance imposed on a**
7 **License or Compact Privilege by a State Licensing Authority.**
- 8 **(3) "Alternative Program" means a non-disciplinary monitoring or practice**
9 **remediation process applicable to a Dentist or Dental Hygienist approved by a State**
10 **Licensing Authority of a Participating State in which the Dentist or Dental Hygienist is**
11 **licensed. This includes, but is not limited to, programs to which Licensees with**
12 **substance abuse or addiction issues are referred in lieu of Adverse Action.**

13 (4) **"Clinical Assessment"** means examination or process, required for licensure
14 as a Dentist or Dental Hygienist as applicable, that provides evidence of clinical
15 competence in dentistry or dental hygiene.

16 (5) **"Commissioner"** means the individual appointed by a Participating State to
17 serve as the member of the Commission for that Participating State.

18 (6) **"Compact"** means this Dentist and Dental Hygienist Compact.

19 (7) **"Compact Privilege"** means the authorization granted by a Remote State to
20 allow a Licensee from a Participating State to practice as a Dentist or Dental Hygienist
21 in a Remote State.

22 (8) **"Continuing Professional Development"** means a requirement, as a condition
23 of License renewal to provide evidence of successful participation in educational or
24 professional activities relevant to practice or area of work.

25 (9) **"Criminal Background Check"** means the submission of fingerprints or
26 other biometric-based information for a License applicant for the purpose of obtaining
27 that applicant's criminal history record information, as defined in 28 C.F.R. § 20.3(d)
28 from the Federal Bureau of Investigation and the State's criminal history record
29 repository as defined in 28 C.F.R. § 20.3(f).

30 (10) **"Data System"** means the Commission's repository of information about
31 Licensees, including but not limited to examination, licensure, investigative, Compact
32 Privilege, Adverse Action, and Alternative Program.

33 (11) **"Dental Hygienist"** means an individual who is licensed by a State Licensing
34 Authority to practice dental hygiene.

35 (12) **"Dentist"** means an individual who is licensed by a State Licensing
36 Authority to practice dentistry.

37 (13) **"Dentist and Dental Hygienist Compact Commission"** or **"Commission"**
38 means a joint government agency established by this Compact comprised of each State
39 that has enacted the Compact and a national administrative body comprised of a
40 Commissioner from each State that has enacted the Compact.

41 (14) **"Encumbered License"** means a License that a State Licensing Authority
42 has limited in any way other than through an Alternative Program.

43 (15) **"Executive Board"** means the Chair, Vice Chair, Secretary and Treasurer
44 and any other Commissioners as may be determined by Commission Rule or bylaw.

45 (16) **"Jurisprudence Requirement"** means the assessment of an individual's
46 knowledge of the laws and Rules governing the practice of dentistry or dental hygiene,
47 as applicable, in a State.

48 (17) "License" means current authorization by a State, other than authorization
49 pursuant to a Compact Privilege, or other privilege, for an individual to practice as a
50 Dentist or Dental Hygienist in that State.

51 (18) "Licensee" means an individual who holds an unrestricted License from a
52 Participating State to practice as a Dentist or Dental Hygienist in that State.

53 (19) "Model Compact" means the model for the Dentist and Dental Hygienist
54 Compact on file with the Council of State Governments or other entity as designated by
55 the Commission.

56 (20) "Participating State" means a State that has enacted the Compact and been
57 admitted to the Commission in accordance with the provisions herein and Commission
58 Rules.

59 (21) "Qualifying License" means a License that is not an Encumbered License
60 issued by a Participating State to practice dentistry or dental hygiene.

61 (22) "Remote State" means a Participating State where a Licensee who is not
62 licensed as a Dentist or Dental Hygienist is exercising or seeking to exercise the Compact
63 Privilege.

64 (23) "Rule" means a regulation promulgated by an entity that has the force of
65 law.

66 (24) "Scope of Practice" means the procedures, actions, and processes a Dentist
67 or Dental Hygienist licensed in a State is permitted to undertake in that State and the
68 circumstances under which the Licensee is permitted to undertake those procedures,
69 actions and processes. Such procedures, actions and processes and the circumstances
70 under which they may be undertaken may be established through means, including, but
71 not limited to, statute, regulations, case law, and other processes available to the State
72 Licensing Authority or other government agency.

73 (25) "Significant Investigative Information" means information, records, and
74 documents received or generated by a State Licensing Authority pursuant to an
75 investigation for which a determination has been made that there is probable cause to
76 believe that the Licensee has violated a statute or regulation that is considered more
77 than a minor infraction for which the State Licensing Authority could pursue Adverse
78 Action against the Licensee.

79 (26) "State" means any state, commonwealth, district, or territory of the United
80 States of America that regulates the practices of dentistry and dental hygiene.

81 (27) "State Licensing Authority" means an agency or other entity of a State that
82 is responsible for the licensing and regulation of Dentists or Dental Hygienists.

332.710. 1. In order to join the Compact and thereafter continue as a
2 Participating State, a State must:

- 3 **(1) Enact a compact that is not materially different from the Model Compact as**
4 **determined in accordance with Commission Rules;**
- 5 **(2) Participate fully in the Commission's Data System;**
- 6 **(3) Have a mechanism in place for receiving and investigating complaints about**
7 **its Licensees and License applicants;**
- 8 **(4) Notify the Commission, in compliance with the terms of the Compact and**
9 **Commission Rules, of any Adverse Action or the availability of Significant Investigative**
10 **Information regarding a Licensee and License applicant;**
- 11 **(5) Fully implement a Criminal Background Check requirement, within a time**
12 **frame established by Commission Rule, by receiving the results of a qualifying Criminal**
13 **Background Check;**
- 14 **(6) Comply with the Commission Rules applicable to a Participating State;**
- 15 **(7) Accept the National Board Examinations of the Joint Commission on**
16 **National Dental Examinations or another examination accepted by Commission Rule as**
17 **a licensure examination;**
- 18 **(8) Accept for licensure that applicants for a Dentist License graduate from a**
19 **predoctoral dental education program accredited by the Commission on Dental**
20 **Accreditation, or another accrediting agency recognized by the United States**
21 **Department of Education for the accreditation of dentistry and dental hygiene**
22 **education programs, leading to the Doctor of Dental Surgery (D.D.S.) or Doctor of**
23 **Dental Medicine (D.M.D.) degree;**
- 24 **(9) Accept for licensure that applicants for a Dental Hygienist License graduate**
25 **from a dental hygiene education program accredited by the Commission on Dental**
26 **Accreditation or another accrediting agency recognized by the United States**
27 **Department of Education for the accreditation of dentistry and dental hygiene**
28 **education programs;**
- 29 **(10) Require for licensure that applicants successfully complete a Clinical**
30 **Assessment;**
- 31 **(11) Have Continuing Professional Development requirements as a condition for**
32 **License renewal; and**
- 33 **(12) Pay a participation fee to the Commission as established by Commission**
34 **Rule.**
- 35 **2. Providing alternative pathways for an individual to obtain an unrestricted**
36 **License does not disqualify a State from participating in the Compact.**
- 37 **3. When conducting a Criminal Background Check the State Licensing**
38 **Authority shall:**
- 39 **(1) Consider that information in making a licensure decision;**

40 **(2) Maintain documentation of completion of the Criminal Background Check**
41 **and background check information to the extent allowed by State and federal law; and**

42 **(3) Report to the Commission whether it has completed the Criminal**
43 **Background Check and whether the individual was granted or denied a License.**

44 **4. A Licensee of a Participating State who has a Qualifying License in that State**
45 **and does not hold an Encumbered License in any other Participating State, shall be**
46 **issued a Compact Privilege in a Remote State in accordance with the terms of the**
47 **Compact and Commission Rules. If a Remote State has a Jurisprudence Requirement a**
48 **Compact Privilege will not be issued to the Licensee unless the Licensee has satisfied the**
49 **Jurisprudence Requirement.**

332.715. 1. To obtain and exercise the Compact Privilege under the terms and
2 **provisions of the Compact, the Licensee shall:**

3 **(1) Have a Qualifying License as a Dentist or Dental Hygienist in a Participating**
4 **State;**

5 **(2) Be eligible for a Compact Privilege in any Remote State in accordance with**
6 **subsections 4, 7, and 8 of this section;**

7 **(3) Submit to an application process whenever the Licensee is seeking a Compact**
8 **Privilege;**

9 **(4) Pay any applicable Commission and Remote State fees for a Compact**
10 **Privilege in the Remote State;**

11 **(5) Meet any Jurisprudence Requirement established by a Remote State in**
12 **which the Licensee is seeking a Compact Privilege;**

13 **(6) Have passed a National Board Examination of the Joint Commission on**
14 **National Dental Examinations or another examination accepted by Commission Rule;**

15 **(7) For a Dentist, have graduated from a predoctoral dental education program**
16 **accredited by the Commission on Dental Accreditation, or another accrediting agency**
17 **recognized by the United States Department of Education for the accreditation of**
18 **dentistry and dental hygiene education programs, leading to the Doctor of Dental**
19 **Surgery (D.D.S.) or Doctor of Dental Medicine (D.M.D.) degree;**

20 **(8) For a Dental Hygienist, have graduated from a dental hygiene education**
21 **program accredited by the Commission on Dental Accreditation or another accrediting**
22 **agency recognized by the United States Department of Education for the accreditation**
23 **of dentistry and dental hygiene education programs;**

24 **(9) Have successfully completed a Clinical Assessment for licensure;**

25 **(10) Report to the Commission Adverse Action taken by any non-Participating**
26 **State when applying for a Compact Privilege and, otherwise, within thirty (30) days**
27 **from the date the Adverse Action is taken;**

28 **(11) Report to the Commission when applying for a Compact Privilege the**
29 **address of the Licensee's primary residence and thereafter immediately report to the**
30 **Commission any change in the address of the Licensee's primary residence; and**

31 **(12) Consent to accept service of process by mail at the Licensee's primary**
32 **residence on record with the Commission with respect to any action brought against the**
33 **Licensee by the Commission or a Participating State, and consent to accept service of a**
34 **subpoena by mail at the Licensee's primary residence on record with the Commission**
35 **with respect to any action brought or investigation conducted by the Commission or a**
36 **Participating State.**

37 **2. The Licensee must comply with the requirements of subsection 1 of this**
38 **section to maintain the Compact Privilege in the Remote State. If those requirements**
39 **are met, the Compact Privilege will continue as long as the Licensee maintains a**
40 **Qualifying License in the State through which the Licensee applied for the Compact**
41 **Privilege and pays any applicable Compact Privilege renewal fees.**

42 **3. A Licensee providing dentistry or dental hygiene in a Remote State under the**
43 **Compact Privilege shall function within the Scope of Practice authorized by the Remote**
44 **State for a Dentist or Dental Hygienist licensed in that State.**

45 **4. A Licensee providing dentistry or dental hygiene pursuant to a Compact**
46 **Privilege in a Remote State is subject to that State's regulatory authority. A Remote**
47 **State may, in accordance with due process and that State's laws, by Adverse Action**
48 **revoke or remove a Licensee's Compact Privilege in the Remote State for a specific**
49 **period of time and impose fines or take any other necessary actions to protect the health**
50 **and safety of its citizens. If a Remote State imposes an Adverse Action against a**
51 **Compact Privilege that limits the Compact Privilege, that Adverse Action applies to all**
52 **Compact Privileges in all Remote States. A Licensee whose Compact Privilege in a**
53 **Remote State is removed for a specified period of time is not eligible for a Compact**
54 **Privilege in any other Remote State until the specific time for removal of the Compact**
55 **Privilege has passed and all encumbrance requirements are satisfied.**

56 **5. If a License in a Participating State is an Encumbered License, the Licensee**
57 **shall lose the Compact Privilege in a Remote State and shall not be eligible for a**
58 **Compact Privilege in any Remote State until the License is no longer encumbered.**

59 **6. Once an Encumbered License in a Participating State is restored to good**
60 **standing, the Licensee must meet the requirements of subsection 1 of this section to**
61 **obtain a Compact Privilege in a Remote State.**

62 **7. If a Licensee's Compact Privilege in a Remote State is removed by the Remote**
63 **State, the individual shall lose or be ineligible for the Compact Privilege in any Remote**
64 **State until the following occur:**

65 (1) The specific period of time for which the Compact Privilege was removed has
66 ended; and

67 (2) All conditions for removal of the Compact Privilege have been satisfied.

68 8. Once the requirements of subsection 7 of this section have been met, the
69 Licensee must meet the requirements in subsection 1 of this section to obtain a Compact
70 Privilege in a Remote State.

332.720. An Active Military Member and their spouse shall not be required to
2 pay to the Commission for a Compact Privilege the fee otherwise charged by the
3 Commission. If a Remote State chooses to charge a fee for a Compact Privilege, it may
4 choose to charge a reduced fee or no fee to an Active Military Member and their spouse
5 for a Compact Privilege.

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

4 2. A Participating State may take Adverse Action based on the Significant
5 Investigative Information of a Remote State, so long as the Participating State follows its
6 own procedures for imposing Adverse Action.

7 3. Nothing in this Compact shall override a Participating State's decision that
8 participation in an Alternative Program may be used in lieu of Adverse Action and that
9 such participation shall remain non-public if required by the Participating State's laws.
10 Participating States must require Licensees who enter any Alternative Program in lieu
11 of discipline to agree not to practice pursuant to a Compact Privilege in any other
12 Participating State during the term of the Alternative Program without prior
13 authorization from such other Participating State.

14 4. Any Participating State in which a Licensee is applying to practice or is
15 practicing pursuant to a Compact Privilege may investigate actual or alleged violations
16 of the statutes and regulations authorizing the practice of dentistry or dental hygiene in
17 any other Participating State in which the Dentist or Dental Hygienist holds a License or
18 Compact Privilege.

19 5. A Remote State shall have the authority to:

20 (1) Take Adverse Actions as set forth in subsection 4 of section 332.715 against a
21 Licensee's Compact Privilege in the State;

22 (2) In furtherance of its rights and responsibilities under the Compact and the
23 Commission's Rules issue subpoenas for both hearings and investigations that require
24 the attendance and testimony of witnesses, and the production of evidence. Subpoenas
25 issued by a State Licensing Authority in a Participating State for the attendance and
26 testimony of witnesses, or the production of evidence from another Participating State,

27 shall be enforced in the latter State by any court of competent jurisdiction, according to
28 the practice and procedure of that court applicable to subpoenas issued in proceedings
29 pending before it. The issuing authority shall pay any witness fees, travel expenses,
30 mileage, and other fees required by the service statutes of the State where the witnesses
31 or evidence are located; and

32 (3) If otherwise permitted by State law, recover from the Licensee the costs of
33 investigations and disposition of cases resulting from any Adverse Action taken against
34 that Licensee.

35 6. (1) In addition to the authority granted to a Participating State by its Dentist
36 or Dental Hygienist licensure act or other applicable State law, a Participating State
37 may jointly investigate Licensees with other Participating States.

38 (2) Participating States shall share any Significant Investigative Information,
39 litigation, or compliance materials in furtherance of any joint or individual investigation
40 initiated under the Compact.

41 7. (1) After a Licensee's Compact Privilege in a Remote State is terminated, the
42 Remote State may continue an investigation of the Licensee that began when the
43 Licensee had a Compact Privilege in that Remote State.

44 (2) If the investigation yields what would be Significant Investigative
45 Information had the Licensee continued to have a Compact Privilege in that Remote
46 State, the Remote State shall report the presence of such information to the Data System
47 as required by subdivision (6) of subsection 2 of section 332.735 as if it was Significant
48 Investigative Information.

332.730. 1. The Compact Participating States hereby create and establish a joint
2 government agency whose membership consists of all Participating States that have
3 enacted the Compact. The Commission is an instrumentality of the Participating States
4 acting jointly and not an instrumentality of any one State. The Commission shall come
5 into existence on or after the effective date of the Compact as set forth in subsection 1 of
6 section 332.750.

7 2. (1) Each Participating State shall have and be limited to one (1)
8 Commissioner selected by that Participating State's State Licensing Authority or, if
9 the State has more than one State Licensing Authority, selected collectively by the State
10 Licensing Authorities.

11 (2) The Commissioner shall be a member or designee of such Authority or
12 Authorities.

13 (3) The Commission may by Rule or bylaw establish a term of office for
14 Commissioners and may by Rule or bylaw establish term limits.

15 **(4) The Commission may recommend to a State Licensing Authority or**
16 **Authorities, as applicable, removal or suspension of an individual as the State's**
17 **Commissioner.**

18 **(5) A Participating State's State Licensing Authority, or Authorities, as**
19 **applicable, shall fill any vacancy of its Commissioner on the Commission within sixty**
20 **(60) days of the vacancy.**

21 **(6) Each Commissioner shall be entitled to one vote on all matters that are voted**
22 **upon by the Commission.**

23 **(7) The Commission shall meet at least once during each calendar year.**
24 **Additional meetings may be held as set forth in the bylaws. The Commission may meet**
25 **by telecommunication, video conference or other similar electronic means.**

26 **3. The Commission shall have the following powers:**

27 **(1) Establish the fiscal year of the Commission;**

28 **(2) Establish a code of conduct and conflict of interest policies;**

29 **(3) Adopt Rules and bylaws;**

30 **(4) Maintain its financial records in accordance with the bylaws;**

31 **(5) Meet and take such actions as are consistent with the provisions of this**
32 **Compact, the Commission's Rules, and the bylaws;**

33 **(6) Initiate and conclude legal proceedings or actions in the name of the**
34 **Commission, provided that the standing of any State Licensing Authority to sue or be**
35 **sued under applicable law shall not be affected;**

36 **(7) Maintain and certify records and information provided to a Participating**
37 **State as the authenticated business records of the Commission, and designate a person**
38 **to do so on the Commission's behalf;**

39 **(8) Purchase and maintain insurance and bonds;**

40 **(9) Borrow, accept, or contract for services of personnel, including, but not**
41 **limited to, employees of a Participating State;**

42 **(10) Conduct an annual financial review;**

43 **(11) Hire employees, elect or appoint officers, fix compensation, define duties,**
44 **grant such individuals appropriate authority to carry out the purposes of the Compact,**
45 **and establish the Commission's personnel policies and programs relating to conflicts of**
46 **interest, qualifications of personnel, and other related personnel matters;**

47 **(12) As set forth in the Commission Rules, charge a fee to a Licensee for the**
48 **grant of a Compact Privilege in a Remote State and thereafter, as may be established by**
49 **Commission Rule, charge the Licensee a Compact Privilege renewal fee for each**
50 **renewal period in which that Licensee exercises or intends to exercise the Compact**
51 **Privilege in that Remote State. Nothing herein shall be construed to prevent a Remote**

52 State from charging a Licensee a fee for a Compact Privilege or renewals of a Compact
53 Privilege, or a fee for the Jurisprudence Requirement if the Remote State imposes such
54 a requirement for the grant of a Compact Privilege;

55 (13) Accept any and all appropriate gifts, donations, grants of money, other
56 sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and
57 dispose of the same; provided that at all times the Commission shall avoid any
58 appearance of impropriety and/or conflict of interest;

59 (14) Lease, purchase, retain, own, hold, improve, or use any property, real,
60 personal, or mixed, or any undivided interest therein;

61 (15) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise
62 dispose of any property real, personal, or mixed;

63 (16) Establish a budget and make expenditures;

64 (17) Borrow money;

65 (18) Appoint committees, including standing committees, which may be
66 composed of members, State regulators, State legislators or their representatives, and
67 consumer representatives, and such other interested persons as may be designated in
68 this Compact and the bylaws;

69 (19) Provide and receive information from, and cooperate with, law enforcement
70 agencies;

71 (20) Elect a Chair, Vice Chair, Secretary and Treasurer and such other officers
72 of the Commission as provided in the Commission's bylaws;

73 (21) Establish and elect an Executive Board;

74 (22) Adopt and provide to the Participating States an annual report;

75 (23) Determine whether a State's enacted compact is materially different from
76 the Model Compact language such that the State would not qualify for participation in
77 the Compact; and

78 (24) Perform such other functions as may be necessary or appropriate to achieve
79 the purposes of this Compact.

80 4. (1) All meetings of the Commission that are not closed pursuant to this
81 subsection shall be open to the public. Notice of public meetings shall be posted on the
82 Commission's website at least thirty (30) days prior to the public meeting.

83 (2) Notwithstanding subdivision (1) of this subsection, the Commission may
84 convene an emergency public meeting by providing at least twenty-four (24) hours prior
85 notice on the Commission's website, and any other means as provided in the
86 Commission's Rules, for any of the reasons it may dispense with notice of proposed
87 rulemaking under subsection 12 of section 332.740. The Commission's legal counsel

88 shall certify that one of the reasons justifying an emergency public meeting has been
89 met.

90 (3) Notice of all Commission meetings shall provide the time, date, and location
91 of the meeting, and if the meeting is to be held or accessible via telecommunication,
92 video conference, or other electronic means, the notice shall include the mechanism for
93 access to the meeting through such means.

94 (4) The Commission may convene in a closed, non-public meeting for the
95 Commission to receive legal advice or to discuss:

96 (a) Non-compliance of a Participating State with its obligations under the
97 Compact;

98 (b) The employment, compensation, discipline or other matters, practices or
99 procedures related to specific employees or other matters related to the Commission's
100 internal personnel practices and procedures;

101 (c) Current or threatened discipline of a Licensee or Compact Privilege holder
102 by the Commission or by a Participating State's Licensing Authority;

103 (d) Current, threatened, or reasonably anticipated litigation;

104 (e) Negotiation of contracts for the purchase, lease, or sale of goods, services, or
105 real estate;

106 (f) Accusing any person of a crime or formally censuring any person;

107 (g) Trade secrets or commercial or financial information that is privileged or
108 confidential;

109 (h) Information of a personal nature where disclosure would constitute a clearly
110 unwarranted invasion of personal privacy;

111 (i) Investigative records compiled for law enforcement purposes;

112 (j) Information related to any investigative reports prepared by or on behalf of
113 or for use of the Commission or other committee charged with responsibility of
114 investigation or determination of compliance issues pursuant to the Compact;

115 (k) Legal advice;

116 (l) Matters specifically exempted from disclosure to the public by federal or
117 Participating State law; and

118 (m) Other matters as promulgated by the Commission by Rule.

119 (5) If a meeting, or portion of a meeting, is closed, the presiding officer shall state
120 that the meeting will be closed and reference each relevant exempting provision, and
121 such reference shall be recorded in the minutes.

122 (6) The Commission shall keep minutes that fully and clearly describe all
123 matters discussed in a meeting and shall provide a full and accurate summary of actions
124 taken, and the reasons therefor, including a description of the views expressed. All

125 documents considered in connection with an action shall be identified in such minutes.
126 All minutes and documents of a closed meeting shall remain under seal, subject to
127 release only by a majority vote of the Commission or order of a court of competent
128 jurisdiction.

129 **5. (1) The Commission shall pay, or provide for the payment of, the reasonable**
130 **expenses of its establishment, organization, and ongoing activities.**

131 **(2) The Commission may accept any and all appropriate sources of revenue,**
132 **donations, and grants of money, equipment, supplies, materials, and services.**

133 **(3) The Commission may levy on and collect an annual assessment from each**
134 **Participating State and impose fees on Licensees of Participating States when a**
135 **Compact Privilege is granted, to cover the cost of the operations and activities of the**
136 **Commission and its staff, which must be in a total amount sufficient to cover its annual**
137 **budget as approved each fiscal year for which sufficient revenue is not provided by**
138 **other sources. The aggregate annual assessment amount for Participating States shall**
139 **be allocated based upon a formula that the Commission shall promulgate by Rule.**

140 **(4) The Commission shall not incur obligations of any kind prior to securing the**
141 **funds adequate to meet the same; nor shall the Commission pledge the credit of any**
142 **Participating State, except by and with the authority of the Participating State.**

143 **(5) The Commission shall keep accurate accounts of all receipts and**
144 **disbursements. The receipts and disbursements of the Commission shall be subject**
145 **to the financial review and accounting procedures established under its bylaws. All**
146 **receipts and disbursements of funds handled by the Commission shall be subject to an**
147 **annual financial review by a certified or licensed public accountant, and the report of**
148 **the financial review shall be included in and become part of the annual report of the**
149 **Commission.**

150 **6. (1) The Executive Board shall have the power to act on behalf of the**
151 **Commission according to the terms of this Compact. The powers, duties, and**
152 **responsibilities of the Executive Board shall include:**

153 **(a) Overseeing the day-to-day activities of the administration of the Compact**
154 **including compliance with the provisions of the Compact, the Commission's Rules and**
155 **bylaws;**

156 **(b) Recommending to the Commission changes to the Rules or bylaws, changes**
157 **to this Compact legislation, fees charged to Compact Participating States, fees charged**
158 **to Licensees, and other fees;**

159 **(c) Ensuring Compact administration services are appropriately provided,**
160 **including by contract;**

161 **(d) Preparing and recommending the budget;**

- 162 (e) **Maintaining financial records on behalf of the Commission;**
163 (f) **Monitoring Compact compliance of Participating States and providing**
164 **compliance reports to the Commission;**
165 (g) **Establishing additional committees as necessary;**
166 (h) **Exercising the powers and duties of the Commission during the interim**
167 **between Commission meetings, except for adopting or amending Rules, adopting or**
168 **amending bylaws, and exercising any other powers and duties expressly reserved to the**
169 **Commission by Rule or bylaw; and**
170 (i) **Other duties as provided in the Rules or bylaws of the Commission.**
171 (2) **The Executive Board shall be composed of up to seven (7) members:**
172 (a) **The Chair, Vice Chair, Secretary and Treasurer of the Commission and any**
173 **other members of the Commission who serve on the Executive Board shall be voting**
174 **members of the Executive Board; and**
175 (b) **Other than the Chair, Vice Chair, Secretary, and Treasurer, the Commission**
176 **may elect up to three (3) voting members from the current membership of the**
177 **Commission.**
178 (3) **The Commission may remove any member of the Executive Board as**
179 **provided in the Commission's bylaws.**
180 (4) **The Executive Board shall meet at least annually.**
181 (a) **An Executive Board meeting at which it takes or intends to take formal**
182 **action on a matter shall be open to the public, except that the Executive Board may meet**
183 **in a closed, non-public session of a public meeting when dealing with any of the matters**
184 **covered under subdivision (4) of subsection 4 of this section.**
185 (b) **The Executive Board shall give five (5) business days' notice of its public**
186 **meetings, posted on its website and as it may otherwise determine to provide notice to**
187 **persons with an interest in the public matters the Executive Board intends to address at**
188 **those meetings.**
189 (5) **The Executive Board may hold an emergency meeting when acting for the**
190 **Commission to:**
191 (a) **Meet an imminent threat to public health, safety, or welfare;**
192 (b) **Prevent a loss of Commission or Participating State funds; or**
193 (c) **Protect public health and safety.**
194 7. (1) **The members, officers, executive director, employees and representatives**
195 **of the Commission shall be immune from suit and liability, both personally and in their**
196 **official capacity, for any claim for damage to or loss of property or personal injury or**
197 **other civil liability caused by or arising out of any actual or alleged act, error, or**
198 **omission that occurred, or that the person against whom the claim is made had a**

199 reasonable basis for believing occurred within the scope of Commission employment,
200 duties or responsibilities; provided that nothing in this subdivision shall be construed to
201 protect any such person from suit or liability for any damage, loss, injury, or liability
202 caused by the intentional or willful or wanton misconduct of that person. The
203 procurement of insurance of any type by the Commission shall not in any way
204 compromise or limit the immunity granted hereunder.

205 (2) The Commission shall defend any member, officer, executive director,
206 employee, and representative of the Commission in any civil action seeking to impose
207 liability arising out of any actual or alleged act, error, or omission that occurred within
208 the scope of Commission employment, duties, or responsibilities, or as determined by
209 the Commission that the person against whom the claim is made had a reasonable basis
210 for believing occurred within the scope of Commission employment, duties, or
211 responsibilities; provided that nothing herein shall be construed to prohibit that
212 person from retaining their own counsel at their own expense; and provided further,
213 that the actual or alleged act, error, or omission did not result from that person's
214 intentional or willful or wanton misconduct.

215 (3) Notwithstanding subdivision (1) of this subsection, should any member,
216 officer, executive director, employee, or representative of the Commission be held liable
217 for the amount of any settlement or judgment arising out of any actual or alleged act,
218 error, or omission that occurred within the scope of that individual's employment,
219 duties, or responsibilities for the Commission, or that the person to whom that
220 individual is liable had a reasonable basis for believing occurred within the scope of the
221 individual's employment, duties, or responsibilities for the Commission, the
222 Commission shall indemnify and hold harmless such individual, provided that the
223 actual or alleged act, error, or omission did not result from the intentional or willful or
224 wanton misconduct of the individual.

225 (4) Nothing herein shall be construed as a limitation on the liability of any
226 Licensee for professional malpractice or misconduct, which shall be governed solely by
227 any other applicable State laws.

228 (5) Nothing in this Compact shall be interpreted to waive or otherwise abrogate
229 a Participating State's state action immunity or state action affirmative defense with
230 respect to antitrust claims under the Sherman Act, Clayton Act, or any other State or
231 federal antitrust or anticompetitive law or regulation.

232 (6) Nothing in this Compact shall be construed to be a waiver of sovereign
233 immunity by the Participating States or by the Commission.

332.735. 1. The Commission shall provide for the development, maintenance,
2 operation, and utilization of a coordinated database and reporting system containing

3 licensure, Adverse Action, and the presence of Significant Investigative Information on
4 all Licensees and applicants for a License in Participating States.

5 2. Notwithstanding any other provision of State law to the contrary, a
6 Participating State shall submit a uniform data set to the Data System on all individuals
7 to whom this Compact is applicable as required by the Rules of the Commission,
8 including:

9 (1) Identifying information;

10 (2) Licensure data;

11 (3) Adverse Actions against a Licensee, License applicant or Compact Privilege
12 and information related thereto;

13 (4) Non-confidential information related to Alternative Program participation,
14 the beginning and ending dates of such participation, and other information related to
15 such participation;

16 (5) Any denial of an application for licensure, and the reason or reasons for such
17 denial, (excluding the reporting of any criminal history record information where
18 prohibited by law);

19 (6) The presence of Significant Investigative Information; and

20 (7) Other information that may facilitate the administration of this Compact or
21 the protection of the public, as determined by the Rules of the Commission.

22 3. The records and information provided to a Participating State pursuant to
23 this Compact or through the Data System, when certified by the Commission or an
24 agent thereof, shall constitute the authenticated business records of the Commission,
25 and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-
26 judicial or administrative proceedings in a Participating State.

27 4. Significant Investigative Information pertaining to a Licensee in any
28 Participating State will only be available to other Participating States.

29 5. It is the responsibility of the Participating States to monitor the database to
30 determine whether Adverse Action has been taken against a Licensee or License
31 applicant. Adverse Action information pertaining to a Licensee or License applicant in
32 any Participating State will be available to any other Participating State.

33 6. Participating States contributing information to the Data System may
34 designate information that may not be shared with the public without the express
35 permission of the contributing State.

36 7. Any information submitted to the Data System that is subsequently expunged
37 pursuant to federal law or the laws of the Participating State contributing the
38 information shall be removed from the Data System.

332.740. 1. The Commission shall promulgate reasonable Rules in order to effectively and efficiently implement and administer the purposes and provisions of the Compact. A Commission Rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the Rule is invalid because the Commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the Compact, or the powers granted hereunder, or based upon another applicable standard of review.

2. The Rules of the Commission shall have the force of law in each Participating State, provided however that where the Rules of the Commission conflict with the laws of the Participating State that establish the Participating State's Scope of Practice as held by a court of competent jurisdiction, the Rules of the Commission shall be ineffective in that State to the extent of the conflict.

3. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in this section and the Rules adopted thereunder. Rules shall become binding as of the date specified by the Commission for each Rule.

4. If a majority of the legislatures of the Participating States rejects a Commission Rule or portion of a Commission Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact, within four (4) years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Participating State or to any State applying to participate in the Compact.

5. Rules shall be adopted at a regular or special meeting of the Commission.

6. Prior to adoption of a proposed Rule, the Commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.

7. Prior to adoption of a proposed Rule by the Commission, and at least thirty (30) days in advance of the meeting at which the Commission will hold a public hearing on the proposed Rule, the Commission shall provide a Notice of Proposed Rulemaking:

(1) On the website of the Commission or other publicly accessible platform;

(2) To persons who have requested notice of the Commission's notices of proposed rulemaking; and

(3) In such other way or ways as the Commission may by Rule specify.

8. The Notice of Proposed Rulemaking shall include:

(1) The time, date, and location of the public hearing at which the Commission will hear public comments on the proposed Rule and, if different, the time, date, and location of the meeting where the Commission will consider and vote on the proposed Rule;

37 **(2) If the hearing is held via telecommunication, video conference, or other**
38 **electronic means, the Commission shall include the mechanism for access to the hearing**
39 **in the Notice of Proposed Rulemaking;**

40 **(3) The text of the proposed Rule and the reason therefor;**

41 **(4) A request for comments on the proposed Rule from any interested person;**
42 **and**

43 **(5) The manner in which interested persons may submit written comments.**

44 **9. All hearings will be recorded. A copy of the recording and all written**
45 **comments and documents received by the Commission in response to the proposed Rule**
46 **shall be available to the public.**

47 **10. Nothing in this section shall be construed as requiring a separate hearing on**
48 **each Commission Rule. Rules may be grouped for the convenience of the Commission**
49 **at hearings required by this section.**

50 **11. The Commission shall, by majority vote of all Commissioners, take final**
51 **action on the proposed Rule based on the rulemaking record.**

52 **(1) The Commission may adopt changes to the proposed Rule provided the**
53 **changes do not enlarge the original purpose of the proposed Rule.**

54 **(2) The Commission shall provide an explanation of the reasons for substantive**
55 **changes made to the proposed Rule as well as reasons for substantive changes not made**
56 **that were recommended by commenters.**

57 **(3) The Commission shall determine a reasonable effective date for the Rule.**
58 **Except for an emergency as provided in subsection 12 of this section, the effective date**
59 **of the Rule shall be no sooner than thirty (30) days after the Commission issuing the**
60 **notice that it adopted or amended the Rule.**

61 **12. Upon determination that an emergency exists, the Commission may consider**
62 **and adopt an emergency Rule with 24 hours' notice, with opportunity to comment,**
63 **provided that the usual rulemaking procedures provided in the Compact and in this**
64 **section shall be retroactively applied to the Rule as soon as reasonably possible, in no**
65 **event later than ninety (90) days after the effective date of the Rule. For the purposes of**
66 **this provision, an emergency Rule is one that must be adopted immediately in order to:**

67 **(1) Meet an imminent threat to public health, safety, or welfare;**

68 **(2) Prevent a loss of Commission or Participating State funds;**

69 **(3) Meet a deadline for the promulgation of a Rule that is established by federal**
70 **law or rule; or**

71 **(4) Protect public health and safety.**

72 **13. The Commission or an authorized committee of the Commission may direct**
73 **revisions to a previously adopted Rule for purposes of correcting typographical errors,**

74 errors in format, errors in consistency, or grammatical errors. Public notice of any
75 revisions shall be posted on the website of the Commission. The revision shall be subject
76 to challenge by any person for a period of thirty (30) days after posting. The revision
77 may be challenged only on grounds that the revision results in a material change to a
78 Rule. A challenge shall be made in writing and delivered to the Commission prior to the
79 end of the notice period. If no challenge is made, the revision will take effect without
80 further action. If the revision is challenged, the revision may not take effect without the
81 approval of the Commission.

82 14. No Participating State's rulemaking requirements shall apply under this
83 Compact.

332.745. 1. (1) The executive and judicial branches of State government in each
2 Participating State shall enforce this Compact and take all actions necessary and
3 appropriate to implement the Compact.

4 (2) Venue is proper and judicial proceedings by or against the Commission shall
5 be brought solely and exclusively in a court of competent jurisdiction where the
6 principal office of the Commission is located. The Commission may waive venue and
7 jurisdictional defenses to the extent it adopts or consents to participate in alternative
8 dispute resolution proceedings. Nothing herein shall affect or limit the selection or
9 propriety of venue in any action against a Licensee for professional malpractice,
10 misconduct or any such similar matter.

11 (3) The Commission shall be entitled to receive service of process in any
12 proceeding regarding the enforcement or interpretation of the Compact or Commission
13 Rule and shall have standing to intervene in such a proceeding for all purposes. Failure
14 to provide the Commission service of process shall render a judgment or order void as
15 to the Commission, this Compact, or promulgated Rules.

16 2. (1) If the Commission determines that a Participating State has defaulted in
17 the performance of its obligations or responsibilities under this Compact or the
18 promulgated Rules, the Commission shall provide written notice to the defaulting State.
19 The notice of default shall describe the default, the proposed means of curing the
20 default, and any other action that the Commission may take, and shall offer training
21 and specific technical assistance regarding the default.

22 (2) The Commission shall provide a copy of the notice of default to the other
23 Participating States.

24 3. If a State in default fails to cure the default, the defaulting State may be
25 terminated from the Compact upon an affirmative vote of a majority of the
26 Commissioners, and all rights, privileges and benefits conferred on that State by this
27 Compact may be terminated on the effective date of termination. A cure of the default

28 does not relieve the offending State of obligations or liabilities incurred during the
29 period of default.

30 4. Termination of participation in the Compact shall be imposed only after all
31 other means of securing compliance have been exhausted. Notice of intent to suspend or
32 terminate shall be given by the Commission to the governor, the majority and minority
33 leaders of the defaulting State's legislature, the defaulting State's State Licensing
34 Authority or Authorities, as applicable, and each of the Participating States' State
35 Licensing Authority or Authorities, as applicable.

36 5. A State that has been terminated is responsible for all assessments,
37 obligations, and liabilities incurred through the effective date of termination, including
38 obligations that extend beyond the effective date of termination.

39 6. Upon the termination of a State's participation in this Compact, that State
40 shall immediately provide notice to all Licensees of the State, including Licensees of
41 other Participating States issued a Compact Privilege to practice within that State, of
42 such termination. The terminated State shall continue to recognize all Compact
43 Privileges then in effect in that State for a minimum of one hundred eighty (180) days
44 after the date of said notice of termination.

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

48 8. The defaulting State may appeal the action of the Commission by petitioning
49 the U.S. District Court for the District of Columbia or the federal district where the
50 Commission has its principal offices. The prevailing party shall be awarded all costs of
51 such litigation, including reasonable attorney's fees.

52 9. (1) Upon request by a Participating State, the Commission shall attempt to
53 resolve disputes related to the Compact that arise among Participating States and
54 between Participating States and non-Participating States.

55 (2) The Commission shall promulgate a Rule providing for both mediation and
56 binding dispute resolution for disputes as appropriate.

57 10. (1) The Commission, in the reasonable exercise of its discretion, shall enforce
58 the provisions of this Compact and the Commission's Rules.

59 (2) By majority vote, the Commission may initiate legal action against a
60 Participating State in default in the United States District Court for the District of
61 Columbia or the federal district where the Commission has its principal offices to
62 enforce compliance with the provisions of the Compact and its promulgated Rules. The
63 relief sought may include both injunctive relief and damages. In the event judicial
64 enforcement is necessary, the prevailing party shall be awarded all costs of such

65 litigation, including reasonable attorney's fees. The remedies herein shall not be the
66 exclusive remedies of the Commission. The Commission may pursue any other
67 remedies available under federal or the defaulting Participating State's law.

68 (3) A Participating State may initiate legal action against the Commission in the
69 U.S. District Court for the District of Columbia or the federal district where the
70 Commission has its principal offices to enforce compliance with the provisions of the
71 Compact and its promulgated Rules. The relief sought may include both injunctive
72 relief and damages. In the event judicial enforcement is necessary, the prevailing party
73 shall be awarded all costs of such litigation, including reasonable attorney's fees.

74 (4) No individual or entity other than a Participating State may enforce this
75 Compact against the Commission.

332.750. 1. The Compact shall come into effect on the date on which the
2 Compact statute is enacted into law in the seventh Participating State.

3 (1) On or after the effective date of the Compact, the Commission shall convene
4 and review the enactment of each of the States that enacted the Compact prior to the
5 Commission convening ("Charter Participating States") to determine if the statute
6 enacted by each such Charter Participating State is materially different than the Model
7 Compact.

8 (a) A Charter Participating State whose enactment is found to be materially
9 different from the Model Compact shall be entitled to the default process set forth in
10 section 332.745.

11 (b) If any Participating State is later found to be in default, or is terminated or
12 withdraws from the Compact, the Commission shall remain in existence and the
13 Compact shall remain in effect even if the number of Participating States should be less
14 than seven (7).

15 (2) Participating States enacting the Compact subsequent to the Charter
16 Participating States shall be subject to the process set forth in subdivision (23) of
17 subsection 3 of section 332.730 to determine if their enactments are materially different
18 from the Model Compact and whether they qualify for participation in the Compact.

19 (3) All actions taken for the benefit of the Commission or in furtherance of the
20 purposes of the administration of the Compact prior to the effective date of the Compact
21 or the Commission coming into existence shall be considered to be actions of the
22 Commission unless specifically repudiated by the Commission.

23 (4) Any State that joins the Compact subsequent to the Commission's initial
24 adoption of the Rules and bylaws shall be subject to the Commission's Rules and bylaws
25 as they exist on the date on which the Compact becomes law in that State. Any Rule

26 that has been previously adopted by the Commission shall have the full force and effect
27 of law on the day the Compact becomes law in that State.

28 **2. Any Participating State may withdraw from this Compact by enacting a**
29 **statute repealing that State's enactment of the Compact.**

30 **(1) A Participating State's withdrawal shall not take effect until one hundred**
31 **eighty (180) days after enactment of the repealing statute.**

32 **(2) Withdrawal shall not affect the continuing requirement of the withdrawing**
33 **State's Licensing Authority or Authorities to comply with the investigative and Adverse**
34 **Action reporting requirements of this Compact prior to the effective date of withdrawal.**

35 **(3) Upon the enactment of a statute withdrawing from this Compact, the State**
36 **shall immediately provide notice of such withdrawal to all Licensees within that State.**
37 **Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing**
38 **State shall continue to recognize all Compact Privileges to practice within that State**
39 **granted pursuant to this Compact for a minimum of one hundred eighty (180) days after**
40 **the date of such notice of withdrawal.**

41 **3. Nothing contained in this Compact shall be construed to invalidate or prevent**
42 **any licensure agreement or other cooperative arrangement between a Participating**
43 **State and a non-Participating State that does not conflict with the provisions of this**
44 **Compact.**

45 **4. This Compact may be amended by the Participating States. No amendment to**
46 **this Compact shall become effective and binding upon any Participating State until it is**
47 **enacted into the laws of all Participating States.**

332.755. 1. This Compact and the Commission's rulemaking authority shall be
2 **liberally construed so as to effectuate the purposes, and the implementation and**
3 **administration of the Compact. Provisions of the Compact expressly authorizing or**
4 **requiring the promulgation of Rules shall not be construed to limit the Commission's**
5 **rulemaking authority solely for those purposes.**

6 **2. The provisions of this Compact shall be severable and if any phrase, clause,**
7 **sentence or provision of this Compact is held by a court of competent jurisdiction to be**
8 **contrary to the constitution of any Participating State, a State seeking participation in**
9 **the Compact, or of the United States, or the applicability thereof to any government,**
10 **agency, person or circumstance is held to be unconstitutional by a court of competent**
11 **jurisdiction, the validity of the remainder of this Compact and the applicability thereof**
12 **to any other government, agency, person or circumstance shall not be affected thereby.**

13 **3. Notwithstanding subsection 2 of this section, the Commission may deny a**
14 **State's participation in the Compact or, in accordance with the requirements of**
15 **subsection 2 of section 332.745, terminate a Participating State's participation in the**

16 **Compact, if it determines that a constitutional requirement of a Participating State is a**
17 **material departure from the Compact. Otherwise, if this Compact shall be held to be**
18 **contrary to the constitution of any Participating State, the Compact shall remain in full**
19 **force and effect as to the remaining Participating States and in full force and effect as to**
20 **the Participating State affected as to all severable matters.**

332.760. 1. Nothing herein shall prevent or inhibit the enforcement of any other
2 **law of a Participating State that is not inconsistent with the Compact.**

3 **2. Any laws, statutes, regulations, or other legal requirements in a Participating**
4 **State in conflict with the Compact are superseded to the extent of the conflict.**

5 **3. All permissible agreements between the Commission and the Participating**
6 **States are binding in accordance with their terms.**

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