

# SENATE BILL NO. 1533

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (16).

6572S.011

KRISTINA MARTIN, Secretary

## 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  
2 one new section, to be known as section 332.800, to read as  
3 follows:

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

### SECTION 1. PURPOSE

7 This Compact shall be known as the Interstate Dental  
8 and Dental Hygiene Licensure Compact and the purpose of the  
9 Compact is to expedite licensure and increase access to  
10 dental health care through licensure boards acting in  
11 cooperation. The Compact adopts the existing structures  
12 most utilized by Dental Boards across the United States,  
13 while ensuring the safety of the public through the sharing  
14 of documents and information. This Compact ensures that  
15 each state retains the right to impose an adverse action on  
16 a licensee as a home state or as a practicing state. Each  
17 state has an opportunity to share investigations and

18 information with the home state of licensure. The Compact  
19 is operated by state dental board members, administrators  
20 and other staff, thus allowing for each state to maintain  
21 its sovereignty.

22 The Compact:

23 (a) Allows for expedited licensure portability and  
24 ease of movement of licensees between states;

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

27 (c) Creates a common goal of protecting the public by  
28 ensuring a uniform licensure standard and sharing of  
29 information in the Compact;

30 (d) Allows for licensure in every participating state  
31 by requiring passage of the uniform licensure examination  
32 that assesses psychomotor and cognitive dental skills and is  
33 currently accepted in fifty (50) state licensing  
34 jurisdictions and United States territories;

35 (e) Gives licensees one (1) location to maintain  
36 professional documentation to expedite license transfers in  
37 states, hospitals or institutional credentialing;

38 (f) Facilitates a faster licensure process for  
39 relocation or separation of military members and their  
40 dependent spouses; there are no Compact fees for military  
41 members or their spouses;

42 (g) Alleviates a duplicative process for licensure  
43 among multiple states; and

44 (h) Saves applicants money by not having to obtain  
45 duplicate documents from a source that charges for the  
46 documents.

## 47 SECTION 2. DEFINITIONS

48 (a) "AADB" means the American Association of Dental  
49 Boards (AADB) or its named successor, formerly known as the

50 American Association of Dental Examiners (AADE), originally  
51 chartered on September 10th, 1896 and renewed in 1944,  
52 comprised of State Dental Boards in the United States and  
53 its territories;

54 (b) "Attorneys' Committee" means the committee of  
55 attorneys who currently represent a Member State Dental  
56 Board. The Attorneys' Committee shall designate one of its  
57 members to participate in the Commission as a non-voting  
58 member. An attorney that has previously served as an  
59 attorney for a Member State Dental Board may be invited on a  
60 year-to-year basis to serve on the Attorneys' Committee if  
61 they have not engaged in an official case against a State  
62 Dental Board or have any other conflict of interest. The  
63 Attorneys' Committee may assist the investigators in working  
64 through joint investigation issues between states;

65 (c) "Active-duty military person or spouse" means a  
66 Licensee in full-time active-duty status in the active  
67 uniformed services of the United States, including members  
68 of the National Guard and Reserves. The legal spouse of the  
69 military member must be recognized by the military unit as a  
70 dependent while the service member is on active duty.  
71 Spouses shall receive the same privileges as military  
72 members for the purpose of this Compact;

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

77 (e) "Adverse Action" means an order issued by a State  
78 Dental Board or reported to the clearinghouse pursuant to  
79 the Commission's Bylaws and rules that disciplines a  
80 Licensee. Adverse Action includes, and is not limited to,  
81 the suspension, limiting, or revocation of a License or

82 Compact License Privilege; the imposition of fees and  
83 sanctions; and any temporary emergency order that may be  
84 later withdrawn by a Board;

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

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

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

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

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

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

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

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

109 (n) "Conviction" means an adjudication or formal  
110 judgment by a court that an individual is guilty through a  
111 plea of guilty or no contest, or a finding of guilt by the  
112 court. Evidence of a conviction of a criminal offense by  
113 the court shall be considered final for the purposes of

114 considering or imposing disciplinary action by a Member  
115 State Dental Board;

116 (o) "Criminal background check" means a criminal  
117 background check using the results of fingerprint or other  
118 biometric data checks compliant with the requirements of the  
119 Federal Bureau of Investigation, with the exception of  
120 federal employees who have suitability determination in  
121 accordance with 5 C.F.R. § 731.202;

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

123 (1) Has successfully graduated from a CODA-approved  
124 dental hygiene school;

125 (2) Has successfully passed the ADEX dental hygiene  
126 licensure examination; or has been in practice five (5)  
127 years or more and has successfully passed a Regional Board  
128 Examination or equivalent state-administered psychomotor  
129 licensure examination prior to January 1, 2024;

130 (3) Has successfully passed the written national  
131 dental hygiene board examination administered by the Joint  
132 Commission on National Dental Examinations;

133 (4) Possesses a full and unrestricted dental hygiene  
134 license issued by a Member State;

135 (5) Has never been convicted or received adjudication,  
136 deferred adjudication, community supervision or deferred  
137 disposition for any offense (other than traffic offenses) by  
138 a court of appropriate jurisdiction;

139 (6) Has never been a subject of discipline by a  
140 Licensing Agency through any Adverse Action, order, or other  
141 restriction of the Licensee by a Licensing Agency, with the  
142 exception of failure to pay fees or failure to complete  
143 continuing education;

144           (7) Is not currently under Active Investigation by a  
145       Licensing Agency or law enforcement authority in any state,  
146       federal or foreign jurisdiction; and

147           (8) Meets any jurisprudence requirement established by  
148       a Member State Dental Board in which a Licensee is seeking a  
149       Compact License Privilege;

150           (q) "Dental Practice Act" means the laws and  
151       regulations governing the practice of dentistry within a  
152       Member State;

153           (r) "Dentist" means any person who:

154           (1) Has successfully graduated from a CODA-approved  
155       dental school;

156           (2) Has successfully passed the ADEX dental licensure  
157       exam; or has been in practice five (5) years or more and has  
158       successfully passed a Regional Board Examination or  
159       equivalent state-administered psychomotor licensure  
160       examination prior to January 1, 2024;

161           (3) Has successfully passed the written National  
162       Dental Board Exam administered by the Joint Commission on  
163       National Dental Examinations;

164           (4) Possesses a full and unrestricted dental license  
165       issued by a Member State Dental Board;

166           (5) Has never been convicted or received adjudication,  
167       deferred adjudication, community supervision, or deferred  
168       disposition for any offense (other than traffic offenses) by  
169       a court of appropriate jurisdiction;

170           (6) Has never been a subject of discipline by a  
171       Licensing Agency through any Adverse Action, order, or other  
172       restriction of the Licensee by a Licensing Agency, with the  
173       exception of failure to pay fees or failure to complete  
174       continuing education;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### SECTION 3. COMPACT AND COMMISSION

(a) The Member States hereby create the Interstate Dental and Dental Hygiene Licensure Compact and the Commission. Each Member State must enact a compact that is



239 not materially different from this Compact, as determined by  
240 the Commission.

241 (b) Each Member State Dental Board shall have two (2)  
242 voting members who shall serve as Commissioners. Each  
243 Commissioner shall have one (1) vote. Member States with  
244 separate dental and dental hygiene Licensing Agencies shall  
245 appoint one (1) Commissioner from each licensing agency.  
246 One Commissioner shall be a current member of a Member State  
247 Dental Board. Commissioners may not delegate votes or vote  
248 by proxy, however, if a Commissioner is unable to attend,  
249 the Member State may substitute a Commissioner who meets the  
250 same requirements.

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

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

257 (e) At each Annual Meeting, the Commission shall elect  
258 a Chair, Vice Chair, Secretary, and Treasurer from the  
259 membership of the Commission (the "Officers"). The Officers  
260 shall be members of the Commission's Executive Committee  
261 (the "Executive Committee"). The Commission shall also  
262 elect representatives from four (4) regional districts  
263 established by the Commission to serve on the Executive  
264 Committee. All Officers and Executive Committee  
265 representatives shall serve one (1) year terms.

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

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

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

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

(2) Matters specifically exempted from disclosure by federal statute;

(3) Information or matters involving law enforcement agencies or information that accuses a person of a crime or a public censure;

(4) Discussions that would include information of a personal nature that would constitute an unwarranted invasion of personal privacy;

(5) Anything considered internal practices and procedures or a trade secret;

(6) Other items described in the Commission Bylaws allowing for executive sessions to be called; or

(7) Advice of Legal Counsel.

(i) The Commission shall keep minutes and make them available to all Member States.

(j) The Commission may establish other committees as needed.

(k) The Commission shall prepare an annual report that shall be made available to the legislatures and governors of the Member States. The annual report shall describe the activities of the Commission during the preceding calendar year. Such reports shall also include reports of the annual financial audit and any actions taken by or rules that were adopted by the Commission.

## SECTION 4. DUTIES OF COMPACT MEMBER STATES

(a) Member States shall submit to the Clearinghouse all Member State Dental Board actions and other documents and data as determined by the Commission;

(b) Member States shall notify the Commission of any Adverse Action taken by the Member State Dental Board, any Active Investigation by the Member State Dental Board, any Active Investigation involving pending criminal charges, or other circumstance as determined by the Commission;

(c) Any Adverse Action, order, restriction or denial of a license or permit on a Licensee or Compact License Privilege holder shall be reported to the Clearinghouse by the Member State Dental Board;

(d) Member State Dental Boards may submit to the Clearinghouse nonpublic complaints, or disciplinary or investigatory information not required by Section 4(c). All investigatory material shall be considered confidential and not part of a public record unless otherwise specifically required by state statute;

(e) Member States shall accept continuing education credits as required or recognized by any other Member State;

(f) Documents in the Repository shall be treated by a Member State as the equivalent of a primary or original source document for licensure;

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

(h) Member States may agree to share information regarding ongoing investigations and actions, including joint investigations between states. All investigatory material shall be considered confidential and not part of a

public record unless otherwise specifically required by  
state statute; and

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

#### SECTION 5. POWERS AND DUTIES OF THE COMMISSION

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

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

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

(3) Establish a budget and make expenditures;

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

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

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

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

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

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

369           (10) Report annually to the legislatures and governors  
370 of the Member State Dental Boards concerning the activities  
371 of the Commission during the preceding calendar year. Such  
372 reports shall also include reports of annual financial  
373 audits, all actions of the Commission, rules adopted by the  
374 Commission, and any recommendations by the Commission; and

375           (11) Coordinate education, training and public  
376 awareness regarding the Compact, its implementation, and its  
377 operation.

378           (b) The Executive Committee shall have the power to  
379 act on behalf of the Commission, with the exception of  
380 rulemaking, during periods when the Commission is not in  
381 session. When acting on behalf of the Commission, the  
382 Executive Committee shall oversee the administration of the  
383 Compact, including enforcement of and compliance with the  
384 Compact.

385           (c) The officers and employees of the Commission shall  
386 be immune from suit and liability, either personally or in  
387 their official capacity, for a claim for damage to or loss  
388 of property or personal injury or other civil liability  
389 caused or arising out of, or relating to, an actual or  
390 alleged act, error or omission that occurred, or that such  
391 person had a reasonable basis for believing occurred, within  
392 the scope of Commission employment, duties or  
393 responsibilities; provided, that such person shall not be  
394 protected from suit or liability for damage, loss, injury or  
395 liability caused by the intentional or willful and wanton  
396 misconduct of such person.

397           (d) The liability of the executive director and  
398 employees of the Commission or representatives of the  
399 Commission, acting within the scope of such person's  
400 employment or duties for acts, errors or omissions occurring  
401 within such person's state may not exceed the limits of  
402 liability set forth under the constitution and laws of that  
403 state for state officials, employees and agents. The  
404 Commission shall be considered to be an instrumentality of  
405 the states for the purposes of any such action. Nothing in  
406 this subsection shall be construed to protect such person  
407 from suit or liability for damage, loss, injury or liability  
408 caused by the intentional or willful and wanton misconduct  
409 of such person.

410           (e) The Commission shall defend the Commission's  
411 executive director, its employees, and, subject to the  
412 approval of the attorney general or other appropriate legal  
413 counsel of the Member State represented by a Commission  
414 representative, shall defend such Commission representative  
415 in any civil action seeking to impose liability arising out  
416 of an actual or alleged act, error or omission that occurred  
417 within the scope of Commission employment, duties or  
418 responsibilities, or that the defendant had a reasonable  
419 basis for believing occurred within the scope of Commission  
420 employment, duties or responsibilities, provided that the  
421 actual or alleged act, error or omission did not result from  
422 intentional or willful and wanton misconduct on the part of  
423 such person.

424           (f) To the extent not covered by the state involved,  
425 Member State, or the Commission, the representatives or  
426 employees of the Commission shall be held harmless by the  
427 Commission in the amount of a settlement or judgment,  
428 including attorney fees and costs, obtained against such

persons arising out of an actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

SECTION 6. APPLICATION, ELIGIBILITY, AND ISSUANCE OF  
COMPACT LICENSE PRIVILEGE TO A MEMBER STATE

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

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

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

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

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

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

465 (e) The Home State Dental Board shall determine the  
466 eligibility of an application for a Compact License  
467 Privilege and shall issue a letter of approval or denial of  
468 the application for a Compact License Privilege.

469 (f) The letter from the Applicant's Home State Dental  
470 Board approving the application shall be submitted to the  
471 Member State Dental Board for the Member State in which the  
472 Applicant proposes to practice, and shall include: (i) the  
473 Compact application packet; (ii) authorization to seek  
474 access to the Applicant's Repository documents; (iii) any  
475 additional information that may be required by the proposed  
476 Compact License Privilege state; and (iv) any required  
477 fees. The Member State Dental Board shall review the  
478 application to confirm compliance with the Member State's  
479 laws and regulations. Following such review, if the Member  
480 State Dental Board approves the application, it shall issue  
481 a Compact License Privilege from the proposed Member State  
482 to the Applicant.

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

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

491 (i) A Compact License Privilege may be revoked,  
492 suspended or limited by the issuing Member State Dental



Board if at any time the Licensee's Home State license is revoked, suspended or limited.

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

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

#### SECTION 7. JURISDICTION OVER COMPACT LICENSE PRIVILEGE HOLDERS

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

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

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

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

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

(2) The Licensee's Home State; or

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

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

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

#### SECTION 8. FEES AND MILITARY WAIVER

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

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

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

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

#### SECTION 9. JOINT INVESTIGATIONS AND DISCIPLINARY ACTIONS

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

555           (b) Member State Dental Boards may participate with  
556 other Member State Dental Boards in joint investigations of  
557 Licensees that are subject to this Compact.

558           (c) Member State Dental Boards may share  
559 investigative, litigation or other materials in furtherance  
560 of any joint or individual investigation of a Compact  
561 License Privilege holder.

562           (d) A subpoena issued by a Member State or Member  
563 State Dental Board shall be enforceable in other Member  
564 States as allowed by law.

565           (e) If a Compact License Privilege holder has an  
566 Adverse Action taken against them by any Member State Dental  
567 Board, the Compact License Privilege holder shall  
568 automatically be subject to similar discipline by other  
569 Member State Dental Boards.

570           (f) If a Compact License Privilege holder has an  
571 Adverse Action taken against their Home State license,  
572 including being revoked, surrendered, or relinquished in  
573 lieu of discipline or suspended, then automatically all  
574 other Compact License Privileges shall be placed in the same  
575 status. The Home State Dental Board shall notify the  
576 Commission and the Commission shall issue a notice to all  
577 Member State Dental Boards of such Adverse Action.

578           (g) If discipline or an Adverse Action is taken  
579 against a Compact License Privilege holder in a Member  
580 State, the Member State Board shall notify the Commission  
581 and the Home State of the Compact License Privilege holder.  
582 The Home State may deem the action conclusive as a matter of  
583 law and fact and may:

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

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

SECTION 10. OTHER REQUESTS FOR INFORMATION FROM THE  
REPOSITORY AND THE CLEARINGHOUSE

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

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

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

SECTION 11. RULEMAKING FUNCTIONS OF THE COMMISSION

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

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

(c) Rules deemed appropriate for the operations of the Commission shall be made pursuant to a rulemaking process that substantially conforms to the Model State

617 Administrative Procedure Act of 2010, and subsequent  
618 amendments thereto.

619 SECTION 12. OVERSIGHT OF THE COMPACT

620 (a) The executive, legislative, and judicial branches  
621 of state government in each Member State shall enforce the  
622 Compact and shall take all actions necessary and appropriate  
623 to effectuate the Compact's purposes and intent to allow for  
624 expedited licensure for the purpose of mobility. The  
625 provisions of the Compact and the rules promulgated  
626 hereunder shall have standing as statutory law but shall not  
627 override existing state authority to regulate the practice  
628 of dentistry and dental hygiene.

629 (b) All courts may take judicial notice of the Compact  
630 and the rules in any judicial or administrative proceeding  
631 in a Member State pertaining to the subject matter of the  
632 Compact which may affect the powers, responsibilities or  
633 actions of the Commission.

634 (c) The Commission shall be entitled to receive all  
635 service of process in any such proceeding and shall have  
636 standing to intervene in the proceeding for all purposes.  
637 Except where the Commission has intervened, failure to  
638 provide service of process to the Commission shall render a  
639 judgment or order void as to the Commission, the Compact or  
640 promulgated rules.

641 SECTION 13. ENFORCEMENT AND DEFAULT PROCEDURES

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

645 (b) The grounds for default under this Compact by a  
646 Member State include, but are not limited to, failure of a  
647 Member State to perform such obligations or responsibilities

imposed upon it by the Compact or by the rules and Bylaws of the Commission promulgated under the Compact.

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

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

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

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

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

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

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

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

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

694           (j) The remedies herein shall not be the exclusive  
695 remedies of the Commission. The Commission may avail itself  
696 of any other remedies available under state law or the  
697 regulation of a profession.

#### 698                   SECTION 14. DISPUTE RESOLUTION

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

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

#### 706                   SECTION 15. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

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

709           (b) The Compact shall become effective and binding  
710 upon legislative enactment of the Compact into law by no

711 less than five (5) states. Thereafter, it shall become  
712 effective and binding on a state upon enactment of the  
713 Compact into law by that State.

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

718 (d) The Commission may propose amendments to the  
719 Compact for enactment by the Member States. No amendment  
720 shall become effective and binding upon the Commission and  
721 the Member States unless and until it is enacted into law by  
722 unanimous consent of the Member States.

#### 723 SECTION 16. WITHDRAWAL

724 (a) Once effective, the Compact shall continue in  
725 force and remain binding upon each and every Member State;  
726 provided, however, that a Member State may withdraw from the  
727 Compact after giving appropriate notice by specifically  
728 repealing the statute which enacted the Compact into law.

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

732 (c) The withdrawing State shall immediately notify the  
733 chairperson of the Commission in writing upon the  
734 introduction of legislation repealing the Compact by the  
735 withdrawing State, and upon the enactment of such  
736 legislation.

737 (d) The Commission shall notify the other Member  
738 States within sixty (60) days of its receipt of notice  
739 provided under Section 16(c) of this Act.

740 (e) Reinstatement following withdrawal of a Member  
741 State shall occur upon the withdrawing state reenacting the



742 Compact or upon such later date as determined by the  
743 Commission.

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

#### 749 SECTION 17. DISSOLUTION

750 (a) The Compact shall dissolve effective upon the date  
751 of the withdrawal or default of the Member State which  
752 reduces the membership in the Compact to one (1) Member  
753 State.

754 (b) Upon the dissolution of the Compact, the Compact  
755 shall become null and void and shall be of no further force  
756 or effect, and the business and affairs of the Commission  
757 shall be concluded and surplus funds shall be distributed in  
758 accordance with the Bylaws.

#### 759 SECTION 18. SEVERABILITY AND CONSTRUCTION

760 (a) The provisions of the Compact shall be severable,  
761 and if any phrase, clause, sentence or provision is deemed  
762 unenforceable, the remaining provisions of the Compact shall  
763 be enforceable.

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

#### 766 SECTION 19. BINDING EFFECT OF COMPACT AND OTHER LAWS

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

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

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

776           (d) In the event any provision of the Compact exceeds  
777 the constitutional limits imposed on the legislature of any  
778 Member State, such provision shall be ineffective to the  
779 extent of the conflict with the constitutional provision in  
780 question in that Member State.

781                               SECTION 20. RULES OF ORDER

782           The most current edition of the *American Institute of*  
783 *Parliamentarians Standard Code of Parliamentary Procedure*  
784 shall govern all meetings of the Commission, including its  
785 committees, in those situations not otherwise covered in the  
786 Bylaws.

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