

SENATE SUBSTITUTE  
FOR  
SENATE BILL NO. 778  
AN ACT

To repeal sections 332.211 and 332.281, RSMo, and to enact in lieu thereof three new sections relating to licensure of dentists and dental hygienists.

---

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

Section A. Sections 332.211 and 332.281, RSMo, are  
2 repealed and three new sections enacted in lieu thereof, to be  
3 known as sections 332.211, 332.281, and 332.700, to read as  
4 follows:

332.211. [The board shall grant without examination a  
2 certificate of registration and a license to a dentist who  
3 has been licensed in another state for at least five  
4 consecutive years immediately preceding his applying, if the  
5 board is satisfied by proof adduced by the applicant that  
6 his qualifications are at least equivalent to the  
7 requirements for initial registration as a dentist in  
8 Missouri under the provisions of this chapter, that he is at  
9 least twenty-one years of age and is of good moral character  
10 and reputation; provided that the board may by rule require  
11 an applicant under this section to take any examination over  
12 Missouri laws given to dentists initially seeking licensure  
13 under section 332.151 and to take a practical examination if  
14 his licensure in any state was ever denied, revoked or  
15 suspended for incompetency or inability to practice in a  
16 safe manner, or if he has failed any practical examination  
17 given as a prerequisite to licensure as a dentist in any  
18 state. Any such dentist applying to be so registered and  
19 licensed shall accompany his application with a fee not  
20 greater than the dental examination and license fees and if

21 registered and licensed shall renew his license as provided  
22 in section 332.181.] 1. As used in this section, the  
23 following terms mean:

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

28 (2) "Military", the Armed Forces of the United States,  
29 including the National Guard, all reserve components, and  
30 any other military branch that is designated by the United  
31 States Congress as part of the Armed Forces of the United  
32 States. The term "military" shall include the military  
33 reserves and militia of any territory or state of the United  
34 States;

35 (3) "Nonresident military spouse", a nonresident  
36 spouse of an active duty member of the Armed Forces of the  
37 United States who has been transferred or is scheduled to be  
38 transferred to this state, or who has been transferred or is  
39 scheduled to be transferred to an adjacent state and is or  
40 will be domiciled in this state, or has moved to this state  
41 on a permanent change-of-station basis;

42 (4) "Resident military spouse", a spouse of an active  
43 duty member of the Armed Forces of the United States who has  
44 been transferred or is scheduled to be transferred to this  
45 state or an adjacent state and who is a permanent resident  
46 of this state, who is domiciled in this state, or who has  
47 this state as his or her home of record.

48 2. Any person who holds a valid current dentist or  
49 dental specialist license issued by another state, a branch  
50 or unit of the military, a territory of the United States,  
51 or the District of Columbia, and who has been licensed for  
52 at least one year in such other jurisdiction, may submit an  
53 application for a dentist or dental specialist license in

54 this state along with proof of current licensure and proof  
55 of licensure for at least one year in the other  
56 jurisdiction, to the board.

57 3. The board shall:

58 (1) Within six months of receiving an application  
59 described in subsection 2 of this section, waive any  
60 examination, educational, or experience requirements for  
61 licensure in this state for the applicant if it determines  
62 that there were minimum education requirements and, if  
63 applicable, work experience and clinical supervision  
64 requirements in effect and the other state verifies that the  
65 person met those requirements in order to be licensed or  
66 certified in that state. The board may require an applicant  
67 to take and pass an examination specific to the laws of this  
68 state; or

69 (2) Within thirty days of receiving an application  
70 described in subsection 2 of this section from a nonresident  
71 military spouse or a resident military spouse, waive any  
72 examination, educational, or experience requirements for  
73 licensure in this state for the applicant and issue such  
74 applicant a license under this section if such applicant  
75 otherwise meets the requirements of this section.

76 4. (1) The board shall not waive any examination,  
77 educational, or experience requirements for any applicant  
78 who has had his or her license revoked by a board of  
79 dentistry outside the state; who is currently under  
80 investigation, who has a complaint pending, or who is  
81 currently under disciplinary action, except as provided in  
82 subdivision (2) of this subsection, with a board of  
83 dentistry outside the state; who does not hold a license in  
84 good standing with a board of dentistry outside the state;  
85 who has a criminal record that would disqualify him or her  
86 for licensure in this state; or who does not hold a valid

87 current license in the other jurisdiction on the date the  
88 board receives his or her application under this section.

89 (2) If another jurisdiction has taken disciplinary  
90 action against an applicant, the board shall determine if  
91 the cause for the action was corrected and the matter  
92 resolved. If the matter has not been resolved by that  
93 jurisdiction, the board may deny a license applied for under  
94 this section until the matter is resolved.

95 5. Nothing in this section shall prohibit the board  
96 from denying a license to an applicant under this section  
97 for any reason described in section 337.525.

98 6. Any person who is licensed under the provisions of  
99 this section shall be subject to the board's jurisdiction  
100 and all rules and regulations pertaining to the practice as  
101 a licensed dentist or dental specialist in this state.

102 7. This section shall not be construed to waive any  
103 requirement for an applicant to pay any fees.

332.281. [The board shall grant without examination a  
2 certificate of registration and license to a dental  
3 hygienist who has been licensed in another state for at  
4 least two consecutive years immediately preceding his  
5 application to practice in Missouri if the board is  
6 satisfied by proof adduced by the applicant that his  
7 qualifications are at least equivalent to the requirements  
8 for initial registration as a dental hygienist in Missouri  
9 under the provisions of this chapter; provided that the  
10 board may by rule require an applicant under this section to  
11 take any examination over Missouri laws given to dental  
12 hygienist initially seeking licensure under section 332.251  
13 and to take a practical examination if his licensure in any  
14 state was ever denied, revoked or suspended for incompetency  
15 or inability to practice in a safe manner, or if he has  
16 failed any practical examination given as a prerequisite to

17 licensure as a dental hygienist in any state. Any such  
18 dental hygienist applying to be so registered and licensed  
19 shall accompany his application with a fee not greater than  
20 the dental hygienist examination and license fees and if  
21 registered and licensed shall renew his license as provided  
22 in section 332.261.] 1. As used in this section, the

23 following terms mean:

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

28 (2) "Military", the Armed Forces of the United States,  
29 including the National Guard, all reserve components, and  
30 any other military branch that is designated by the United  
31 States Congress as part of the Armed Forces of the United  
32 States. The term "military" shall include the military  
33 reserves and militia of any territory or state of the United  
34 States;

35 (3) "Nonresident military spouse", a nonresident  
36 spouse of an active duty member of the Armed Forces of the  
37 United States who has been transferred or is scheduled to be  
38 transferred to this state, or who has been transferred or is  
39 scheduled to be transferred to an adjacent state and is or  
40 will be domiciled in this state, or has moved to this state  
41 on a permanent change-of-station basis;

42 (4) "Resident military spouse", a spouse of an active  
43 duty member of the Armed Forces of the United States who has  
44 been transferred or is scheduled to be transferred to this  
45 state or an adjacent state and who is a permanent resident  
46 of this state, who is domiciled in this state, or who has  
47 this state as his or her home of record.

48 2. Any person who holds a valid current dental  
49 hygienist license issued by another state, a branch or unit

50 of the military, a territory of the United States, or the  
51 District of Columbia, and who has been licensed for at least  
52 one year in such other jurisdiction, may submit an  
53 application for a dental hygienist license in this state  
54 along with proof of current licensure and proof of licensure  
55 for at least one year in the other jurisdiction, to the  
56 board.

57 3. The board shall:

58 (1) Within six months of receiving an application  
59 described in subsection 2 of this section, waive any  
60 examination, educational, or experience requirements for  
61 licensure in this state for the applicant if it determines  
62 that there were minimum education requirements and, if  
63 applicable, work experience and clinical supervision  
64 requirements in effect and the other state verifies that the  
65 person met those requirements in order to be licensed or  
66 certified in that state. The board may require an applicant  
67 to take and pass an examination specific to the laws of this  
68 state; or

69 (2) Within thirty days of receiving an application  
70 described in subsection 2 of this section from a nonresident  
71 military spouse or a resident military spouse, waive any  
72 examination, educational, or experience requirements for  
73 licensure in this state for the applicant and issue such  
74 applicant a license under this section if such applicant  
75 otherwise meets the requirements of this section.

76 4. (1) The board shall not waive any examination,  
77 educational, or experience requirements for any applicant  
78 who has had his or her license revoked by a board of  
79 dentistry outside the state; who is currently under  
80 investigation, who has a complaint pending, or who is  
81 currently under disciplinary action, except as provided in  
82 paragraph (b) of this subsection, with a board of dentistry

83 outside the state; who does not hold a license in good  
84 standing with a board of dentistry outside the state; who  
85 has a criminal record that would disqualify him or her for  
86 licensure in this state; or who does not hold a valid  
87 current license in the other jurisdiction on the date the  
88 board receives his or her application under this section.

89 (2) If another jurisdiction has taken disciplinary  
90 action against an applicant, the board shall determine if  
91 the cause for the action was corrected and the matter  
92 resolved. If the matter has not been resolved by that  
93 jurisdiction, the board may deny a license applied for under  
94 this section until the matter is resolved.

95 5. Nothing in this section shall prohibit the board  
96 from denying a license to an applicant under this section  
97 for any reason described in section 337.525.

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

102 7. This section shall not be construed to waive any  
103 requirement for an applicant to pay any fees.

332.700. SECTION 1. TITLE AND PURPOSE

2 This statute shall be known and cited as the Dentist  
3 and Dental Hygienist Compact. The purposes of this Compact  
4 are to facilitate the interstate practice of dentistry and  
5 dental hygiene and improve public access to dentistry and  
6 dental hygiene services by providing Dentists and Dental  
7 Hygienists licensed in a Participating State the ability to  
8 practice in Participating States in which they are not  
9 licensed. The Compact does this by establishing a pathway  
10 for Dentists and Dental Hygienists licensed in a  
11 Participating State to obtain a Compact Privilege that  
12 authorizes them to practice in another Participating State

13 in which they are not licensed. The Compact enables  
14 Participating States to protect the public health and safety  
15 with respect to the practice of such Dentists and Dental  
16 Hygienists, through the State's authority to regulate the  
17 practice of dentistry and dental hygiene in the State. The  
18 Compact:

19 A. Enables Dentists and Dental Hygienists who qualify  
20 for a Compact Privilege to practice in other Participating  
21 States without satisfying burdensome and duplicative  
22 requirements associated with securing a License to practice  
23 in those States;

24 B. Promotes mobility and addresses workforce shortages  
25 through each Participating State's acceptance of a Compact  
26 Privilege to practice in that State;

27 C. Increases public access to qualified, licensed  
28 Dentists and Dental Hygienists by creating a responsible,  
29 streamlined pathway for Licensees to practice in  
30 Participating States.

31 D. Enhances the ability of Participating States to  
32 protect the public's health and safety;

33 E. Does not interfere with licensure requirements  
34 established by a Participating State;

35 F. Facilitates the sharing of licensure and  
36 disciplinary information among Participating States;

37 G. Requires Dentists and Dental Hygienists who  
38 practice in a Participating State pursuant to a Compact  
39 Privilege to practice within the Scope of Practice  
40 authorized in that State;

41 H. Extends the authority of a Participating State to  
42 regulate the practice of dentistry and dental hygiene within  
43 its borders to Dentists and Dental Hygienists who practice  
44 in the State through a Compact Privilege;

45 I. Promotes the cooperation of Participating States in  
46 regulating the practice of dentistry and dental hygiene  
47 within those States;

48 J. Facilitates the relocation of military members and  
49 their spouses who are licensed to practice dentistry or  
50 dental hygiene;

51 SECTION 2. DEFINITIONS

52 As used in this Compact, unless the context requires  
53 otherwise, the following definitions shall apply:

54 A. "Active Military Member" means any person with full-  
55 time duty status in the armed forces of the United States,  
56 including members of the National Guard and Reserve.

57 B. "Adverse Action" means disciplinary action or  
58 encumbrance imposed on a License or Compact Privilege by a  
59 State Licensing Authority.

60 C. "Alternative Program" means a non-disciplinary  
61 monitoring or practice remediation process applicable to a  
62 Dentist or Dental Hygienist approved by a State Licensing  
63 Authority of a Participating State in which the Dentist or  
64 Dental Hygienist is licensed. This includes, but is not  
65 limited to, programs to which Licensees with substance abuse  
66 or addiction issues are referred in lieu of Adverse Action.

67 D. "Clinical Assessment" means examination or process,  
68 required for licensure as a Dentist or Dental Hygienist as  
69 applicable, that provides evidence of clinical competence in  
70 dentistry or dental hygiene.

71 E. "Commissioner" means the individual appointed by a  
72 Participating State to serve as the member of the Commission  
73 for that Participating State.

74 F. "Compact" means this Dentist and Dental Hygienist  
75 Compact.

76 G. "Compact Privilege" means the authorization granted  
77 by a Remote State to allow a Licensee from a Participating

78 State to practice as a Dentist or Dental Hygienist in a  
79 Remote State.

80 H. "Continuing Professional Development" means a  
81 requirement, as a condition of License renewal to provide  
82 evidence of successful participation in educational or  
83 professional activities relevant to practice or area of work.

84 I. "Criminal Background Check" means the submission of  
85 fingerprints or other biometric-based information for a  
86 License applicant for the purpose of obtaining that  
87 applicant's criminal history record information, as defined  
88 in 28 C.F.R. § 20.3(d) from the Federal Bureau of  
89 Investigation and the State's criminal history record  
90 repository as defined in 28 C.F.R. § 20.3(f).

91 J. "Data System" means the Commission's repository of  
92 information about Licensees, including but not limited to  
93 examination, licensure, investigative, Compact Privilege,  
94 Adverse Action, and Alternative Program.

95 K. "Dental Hygienist" means an individual who is  
96 licensed by a State Licensing Authority to practice dental  
97 hygiene.

98 L. "Dentist" means an individual who is licensed by a  
99 State Licensing Authority to practice dentistry.

100 M. "Dentist and Dental Hygienist Compact Commission"  
101 or "Commission" means a joint government agency established  
102 by this Compact comprised of each State that has enacted the  
103 Compact and a national administrative body comprised of a  
104 Commissioner from each State that has enacted the Compact.

105 N. "Encumbered License" means a License that a State  
106 Licensing Authority has limited in any way other than  
107 through an Alternative Program.

108 O. "Executive Board" means the Chair, Vice Chair,  
109 Secretary and Treasurer and any other Commissioners as may  
110 be determined by Commission Rule or bylaw.

111 P. "Jurisprudence Requirement" means the assessment of  
112 an individual's knowledge of the laws and Rules governing  
113 the practice of dentistry or dental hygiene, as applicable,  
114 in a State.

115 Q. "License" means current authorization by a State,  
116 other than authorization pursuant to a Compact Privilege, or  
117 other privilege, for an individual to practice as a Dentist  
118 or Dental Hygienist in that State.

119 R. "Licensee" means an individual who holds an  
120 unrestricted License from a Participating State to practice  
121 as a Dentist or Dental Hygienist in that State.

122 S. "Model Compact" the model for the Dentist and  
123 Dental Hygienist Compact on file with the Council of State  
124 Governments or other entity as designated by the Commission.

125 T. "Participating State" means a State that has  
126 enacted the Compact and been admitted to the Commission in  
127 accordance with the provisions herein and Commission Rules.

128 U. "Qualifying License" means a License that is not an  
129 Encumbered License issued by a Participating State to  
130 practice dentistry or dental hygiene.

131 V. "Remote State" means a Participating State where a  
132 Licensee who is not licensed as a Dentist or Dental  
133 Hygienist is exercising or seeking to exercise the Compact  
134 Privilege.

135 W. "Rule" means a regulation promulgated by an entity  
136 that has the force of law.

137 X. "Scope of Practice" means the procedures, actions,  
138 and processes a Dentist or Dental Hygienist licensed in a  
139 State is permitted to undertake in that State and the  
140 circumstances under which the Licensee is permitted to  
141 undertake those procedures, actions and processes. Such  
142 procedures, actions and processes and the circumstances  
143 under which they may be undertaken may be established

144 through means, including, but not limited to, statute,  
145 regulations, case law, and other processes available to the  
146 State Licensing Authority or other government agency.

147 Y. "Significant Investigative Information" means  
148 information, records, and documents received or generated by  
149 a State Licensing Authority pursuant to an investigation for  
150 which a determination has been made that there is probable  
151 cause to believe that the Licensee has violated a statute or  
152 regulation that is considered more than a minor infraction  
153 for which the State Licensing Authority could pursue Adverse  
154 Action against the Licensee.

155 Z. "State" means any state, commonwealth, district, or  
156 territory of the United States of America that regulates the  
157 practices of dentistry and dental hygiene.

158 AA. "State Licensing Authority" means an agency or  
159 other entity of a State that is responsible for the  
160 licensing and regulation of Dentists or Dental Hygienists.

161 SECTION 3. STATE PARTICIPATION IN THE COMPACT

162 A. In order to join the Compact and thereafter  
163 continue as a Participating State, a State must:

164 1. Enact a compact that is not materially different  
165 from the Model Compact as determined in accordance with  
166 Commission Rules;

167 2. Participate fully in the Commission's Data System;

168 3. Have a mechanism in place for receiving and  
169 investigating complaints about its Licensees and License  
170 applicants;

171 4. Notify the Commission, in compliance with the terms  
172 of the Compact and Commission Rules, of any Adverse Action  
173 or the availability of Significant Investigative Information  
174 regarding a Licensee and License applicant;

175 5. Fully implement a Criminal Background Check  
176 requirement, within a time frame established by Commission

177 Rule, by receiving the results of a qualifying Criminal  
178 Background Check;

179 6. Comply with the Commission Rules applicable to a  
180 Participating State;

181 7. Accept the National Board Examinations of the Joint  
182 Commission on National Dental Examinations or another  
183 examination accepted by Commission Rule as a licensure  
184 examination;

185 8. Accept for licensure that applicants for a Dentist  
186 License graduate from a predoctoral dental education program  
187 accredited by the Commission on Dental Accreditation, or  
188 another accrediting agency recognized by the United States  
189 Department of Education for the accreditation of dentistry  
190 and dental hygiene education programs, leading to the Doctor  
191 of Dental Surgery (D.D.S.) or Doctor of Dental Medicine  
192 (D.M.D.) degree;

193 9. Accept for licensure that applicants for a Dental  
194 Hygienist License graduate from a dental hygiene education  
195 program accredited by the Commission on Dental Accreditation  
196 or another accrediting agency recognized by the United  
197 States Department of Education for the accreditation of  
198 dentistry and dental hygiene education programs;

199 10. Require for licensure that applicants successfully  
200 complete a Clinical Assessment;

201 11. Have Continuing Professional Development  
202 requirements as a condition for License renewal; and

203 12. Pay a participation fee to the Commission as  
204 established by Commission Rule.

205 B. Providing alternative pathways for an individual to  
206 obtain an unrestricted License does not disqualify a State  
207 from participating in the Compact.

208 C. When conducting a Criminal Background Check the  
209 State Licensing Authority shall:

210 1. Consider that information in making a licensure  
211 decision;

212 2. Maintain documentation of completion of the  
213 Criminal Background Check and background check information  
214 to the extent allowed by State and federal law; and

215 3. Report to the Commission whether it has completed  
216 the Criminal Background Check and whether the individual was  
217 granted or denied a License.

218 D. A Licensee of a Participating State who has a  
219 Qualifying License in that State and does not hold an  
220 Encumbered License in any other Participating State, shall  
221 be issued a Compact Privilege in a Remote State in  
222 accordance with the terms of the Compact and Commission  
223 Rules. If a Remote State has a Jurisprudence Requirement a  
224 Compact Privilege will not be issued to the Licensee unless  
225 the Licensee has satisfied the Jurisprudence Requirement.

226 SECTION 4. COMPACT PRIVILEGE

227 A. To obtain and exercise the Compact Privilege under  
228 the terms and provisions of the Compact, the Licensee shall:

229 1. Have a Qualifying License as a Dentist or Dental  
230 Hygienist in a Participating State;

231 2. Be eligible for a Compact Privilege in any Remote  
232 State in accordance with D, G and H of this section;

233 3. Submit to an application process whenever the  
234 Licensee is seeking a Compact Privilege;

235 4. Pay any applicable Commission and Remote State fees  
236 for a Compact Privilege in the Remote State;

237 5. Meet any Jurisprudence Requirement established by a  
238 Remote State in which the Licensee is seeking a Compact  
239 Privilege;

240 6. Have passed a National Board Examination of the  
241 Joint Commission on National Dental Examinations or another  
242 examination accepted by Commission Rule;

243 7. For a Dentist, have graduated from a predoctoral  
244 dental education program accredited by the Commission on  
245 Dental Accreditation, or another accrediting agency  
246 recognized by the United States Department of Education for  
247 the accreditation of dentistry and dental hygiene education  
248 programs, leading to the Doctor of Dental Surgery (D.D.S.)  
249 or Doctor of Dental Medicine (D.M.D.) degree;

250 8. For a Dental Hygienist, have graduated from a  
251 dental hygiene education program accredited by the  
252 Commission on Dental Accreditation or another accrediting  
253 agency recognized by the United States Department of  
254 Education for the accreditation of dentistry and dental  
255 hygiene education programs;

256 9. Have successfully completed a Clinical Assessment  
257 for licensure;

258 10. Report to the Commission Adverse Action taken by  
259 any non-Participating State when applying for a Compact  
260 Privilege and, otherwise, within thirty (30) days from the  
261 date the Adverse Action is taken;

262 11. Report to the Commission when applying for a  
263 Compact Privilege the address of the Licensee's primary  
264 residence and thereafter immediately report to the  
265 Commission any change in the address of the Licensee's  
266 primary residence; and

267 12. Consent to accept service of process by mail at  
268 the Licensee's primary residence on record with the  
269 Commission with respect to any action brought against the  
270 Licensee by the Commission or a Participating State, and  
271 consent to accept service of a subpoena by mail at the  
272 Licensee's primary residence on record with the Commission  
273 with respect to any action brought or investigation  
274 conducted by the Commission or a Participating State.

275 B. The Licensee must comply with the requirements of  
276 subsection A of this section to maintain the Compact  
277 Privilege in the Remote State. If those requirements are  
278 met, the Compact Privilege will continue as long as the  
279 Licensee maintains a Qualifying License in the State through  
280 which the Licensee applied for the Compact Privilege and  
281 pays any applicable Compact Privilege renewal fees.

282 C. A Licensee providing dentistry or dental hygiene in  
283 a Remote State under the Compact Privilege shall function  
284 within the Scope of Practice authorized by the Remote State  
285 for a Dentist or Dental Hygienist licensed in that State.

286 D. A Licensee providing dentistry or dental hygiene  
287 pursuant to a Compact Privilege in a Remote State is subject  
288 to that State's regulatory authority. A Remote State may,  
289 in accordance with due process and that State's laws, by  
290 Adverse Action revoke or remove a Licensee's Compact  
291 Privilege in the Remote State for a specific period of time  
292 and impose fines or take any other necessary actions to  
293 protect the health and safety of its citizens. If a Remote  
294 State imposes an Adverse Action against a Compact Privilege  
295 that limits the Compact Privilege, that Adverse Action  
296 applies to all Compact Privileges in all Remote States. A  
297 Licensee whose Compact Privilege in a Remote State is  
298 removed for a specified period of time is not eligible for a  
299 Compact Privilege in any other Remote State until the  
300 specific time for removal of the Compact Privilege has  
301 passed and all encumbrance requirements are satisfied.

302 E. If a License in a Participating State is an  
303 Encumbered License, the Licensee shall lose the Compact  
304 Privilege in a Remote State and shall not be eligible for a  
305 Compact Privilege in any Remote State until the License is  
306 no longer encumbered.

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

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

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

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

319 H. Once the requirements of subsection G of this  
320 section have been met, the Licensee must meet the  
321 requirements in subsection A of this section to obtain a  
322 Compact Privilege in a Remote State.

323 SECTION 5. ACTIVE MILITARY MEMBER OR THEIR SPOUSES

324 An Active Military Member and their spouse shall not be  
325 required to pay to the Commission for a Compact Privilege  
326 the fee otherwise charged by the Commission. If a Remote  
327 State chooses to charge a fee for a Compact Privilege, it  
328 may choose to charge a reduced fee or no fee to an Active  
329 Military Member and their spouse for a Compact Privilege.

330 SECTION 6. ADVERSE ACTIONS

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

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

339 C. Nothing in this Compact shall override a  
340 Participating State's decision that participation in an  
341 Alternative Program may be used in lieu of Adverse Action  
342 and that such participation shall remain non-public if  
343 required by the Participating State's laws. Participating  
344 States must require Licensees who enter any Alternative  
345 Program in lieu of discipline to agree not to practice  
346 pursuant to a Compact Privilege in any other Participating  
347 State during the term of the Alternative Program without  
348 prior authorization from such other Participating State.

349 D. Any Participating State in which a Licensee is  
350 applying to practice or is practicing pursuant to a Compact  
351 Privilege may investigate actual or alleged violations of  
352 the statutes and regulations authorizing the practice of  
353 dentistry or dental hygiene in any other Participating State  
354 in which the Dentist or Dental Hygienist holds a License or  
355 Compact Privilege.

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

357 1. Take Adverse Actions as set forth in Section 4.D  
358 against a Licensee's Compact Privilege in the State;

359 2. In furtherance of its rights and responsibilities  
360 under the Compact and the Commission's Rules issue subpoenas  
361 for both hearings and investigations that require the  
362 attendance and testimony of witnesses, and the production of  
363 evidence. Subpoenas issued by a State Licensing Authority in  
364 a Participating State for the attendance and testimony of  
365 witnesses, or the production of evidence from another  
366 Participating State, shall be enforced in the latter State  
367 by any court of competent jurisdiction, according to the  
368 practice and procedure of that court applicable to subpoenas  
369 issued in proceedings pending before it. The issuing  
370 authority shall pay any witness fees, travel expenses,

371 mileage, and other fees required by the service statutes of  
372 the State where the witnesses or evidence are located; and

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

377 F. Joint Investigations

378 1. In addition to the authority granted to a  
379 Participating State by its Dentist or Dental Hygienist  
380 licensure act or other applicable State law, a Participating  
381 State may jointly investigate Licensees with other  
382 Participating States.

383 2. Participating States shall share any Significant  
384 Investigative Information, litigation, or compliance  
385 materials in furtherance of any joint or individual  
386 investigation initiated under the Compact.

387 G. Authority to Continue Investigation

388 1. After a Licensee's Compact Privilege in a Remote  
389 State is terminated, the Remote State may continue an  
390 investigation of the Licensee that began when the Licensee  
391 had a Compact Privilege in that Remote State.

392 2. If the investigation yields what would be  
393 Significant Investigative Information had the Licensee  
394 continued to have a Compact Privilege in that Remote State,  
395 the Remote State shall report the presence of such  
396 information to the Data System as required by Section 8.B.6  
397 as if it was Significant Investigative Information.

398 SECTION 7. ESTABLISHMENT AND OPERATION OF THE  
399 COMMISSION.

400 A. The Compact Participating States hereby create and  
401 establish a joint government agency whose membership  
402 consists of all Participating States that have enacted the  
403 Compact. The Commission is an instrumentality of the

404 Participating States acting jointly and not an  
405 instrumentality of any one State. The Commission shall come  
406 into existence on or after the effective date of the Compact  
407 as set forth in Section 11A.

408 B. Participation, Voting, and Meetings

409 1. Each Participating State shall have and be limited  
410 to one (1) Commissioner selected by that Participating  
411 State's State Licensing Authority or, if the State has more  
412 than one State Licensing Authority, selected collectively by  
413 the State Licensing Authorities.

414 2. The Commissioner shall be a member or designee of  
415 such Authority or Authorities.

416 3. The Commission may by Rule or bylaw establish a  
417 term of office for Commissioners and may by Rule or bylaw  
418 establish term limits.

419 4. The Commission may recommend to a State Licensing  
420 Authority or Authorities, as applicable, removal or  
421 suspension of an individual as the State's Commissioner.

422 5. A Participating State's State Licensing Authority,  
423 or Authorities, as applicable, shall fill any vacancy of its  
424 Commissioner on the Commission within sixty (60) days of the  
425 vacancy.

426 6. Each Commissioner shall be entitled to one vote on  
427 all matters that are voted upon by the Commission.

428 7. The Commission shall meet at least once during each  
429 calendar year. Additional meetings may be held as set forth  
430 in the bylaws. The Commission may meet by telecommunication,  
431 video conference or other similar electronic means.

432 C. The Commission shall have the following powers:

433 1. Establish the fiscal year of the Commission;

434 2. Establish a code of conduct and conflict of  
435 interest policies;

436 3. Adopt Rules and bylaws;

- 437           4. Maintain its financial records in accordance with  
438 the bylaws;
- 439           5. Meet and take such actions as are consistent with  
440 the provisions of this Compact, the Commission's Rules, and  
441 the bylaws;
- 442           6. Initiate and conclude legal proceedings or actions  
443 in the name of the Commission, provided that the standing of  
444 any State Licensing Authority to sue or be sued under  
445 applicable law shall not be affected;
- 446           7. Maintain and certify records and information  
447 provided to a Participating State as the authenticated  
448 business records of the Commission, and designate a person  
449 to do so on the Commission's behalf;
- 450           8. Purchase and maintain insurance and bonds;
- 451           9. Borrow, accept, or contract for services of  
452 personnel, including, but not limited to, employees of a  
453 Participating State;
- 454           10. Conduct an annual financial review;
- 455           11. Hire employees, elect or appoint officers, fix  
456 compensation, define duties, grant such individuals  
457 appropriate authority to carry out the purposes of the  
458 Compact, and establish the Commission's personnel policies  
459 and programs relating to conflicts of interest,  
460 qualifications of personnel, and other related personnel  
461 matters;
- 462           12. As set forth in the Commission Rules, charge a fee  
463 to a Licensee for the grant of a Compact Privilege in a  
464 Remote State and thereafter, as may be established by  
465 Commission Rule, charge the Licensee a Compact Privilege  
466 renewal fee for each renewal period in which that Licensee  
467 exercises or intends to exercise the Compact Privilege in  
468 that Remote State. Nothing herein shall be construed to  
469 prevent a Remote State from charging a Licensee a fee for a

470 Compact Privilege or renewals of a Compact Privilege, or a  
471 fee for the Jurisprudence Requirement if the Remote State  
472 imposes such a requirement for the grant of a Compact  
473 Privilege;

474 13. Accept any and all appropriate gifts, donations,  
475 grants of money, other sources of revenue, equipment,  
476 supplies, materials, and services, and receive, utilize, and  
477 dispose of the same; provided that at all times the  
478 Commission shall avoid any appearance of impropriety and/or  
479 conflict of interest;

480 14. Lease, purchase, retain, own, hold, improve, or  
481 use any property, real, personal, or mixed, or any undivided  
482 interest therein;

483 15. Sell, convey, mortgage, pledge, lease, exchange,  
484 abandon, or otherwise dispose of any property real,  
485 personal, or mixed;

486 16. Establish a budget and make expenditures;

487 17. Borrow money;

488 18. Appoint committees, including standing committees,  
489 which may be composed of members, State regulators, State  
490 legislators or their representatives, and consumer  
491 representatives, and such other interested persons as may be  
492 designated in this Compact and the bylaws;

493 19. Provide and receive information from, and  
494 cooperate with, law enforcement agencies;

495 20. Elect a Chair, Vice Chair, Secretary and Treasurer  
496 and such other officers of the Commission as provided in the  
497 Commission's bylaws;

498 21. Establish and elect an Executive Board;

499 22. Adopt and provide to the Participating States an  
500 annual report;

501 23. Determine whether a State's enacted compact is  
502 materially different from the Model Compact language such

503 that the State would not qualify for participation in the  
504 Compact; and

505 24. Perform such other functions as may be necessary  
506 or appropriate to achieve the purposes of this Compact.

507 D. Meetings of the Commission

508 1. All meetings of the Commission that are not closed  
509 pursuant to this subsection shall be open to the public.

510 Notice of public meetings shall be posted on the  
511 Commission's website at least thirty (30) days prior to the  
512 public meeting.

513 2. Notwithstanding subsection D.1 of this section, the  
514 Commission may convene an emergency public meeting by  
515 providing at least twenty-four (24) hours prior notice on  
516 the Commission's website, and any other means as provided in  
517 the Commission's Rules, for any of the reasons it may  
518 dispense with notice of proposed rulemaking under Section  
519 9.L. The Commission's legal counsel shall certify that one  
520 of the reasons justifying an emergency public meeting has  
521 been met.

522 3. Notice of all Commission meetings shall provide the  
523 time, date, and location of the meeting, and if the meeting  
524 is to be held or accessible via telecommunication, video  
525 conference, or other electronic means, the notice shall  
526 include the mechanism for access to the meeting through such  
527 means.

528 4. The Commission may convene in a closed, non-public  
529 meeting for the Commission to receive legal advice or to  
530 discuss:

531 a. Non-compliance of a Participating State with its  
532 obligations under the Compact;

533 b. The employment, compensation, discipline or other  
534 matters, practices or procedures related to specific

535 employees or other matters related to the Commission's  
536 internal personnel practices and procedures;  
537 c. Current or threatened discipline of a Licensee or  
538 Compact Privilege holder by the Commission or by a  
539 Participating State's Licensing Authority;  
540 d. Current, threatened, or reasonably anticipated  
541 litigation;  
542 e. Negotiation of contracts for the purchase, lease,  
543 or sale of goods, services, or real estate;  
544 f. Accusing any person of a crime or formally  
545 censuring any person;  
546 g. Trade secrets or commercial or financial  
547 information that is privileged or confidential;  
548 h. Information of a personal nature where disclosure  
549 would constitute a clearly unwarranted invasion of personal  
550 privacy;  
551 i. Investigative records compiled for law enforcement  
552 purposes;  
553 j. Information related to any investigative reports  
554 prepared by or on behalf of or for use of the Commission or  
555 other committee charged with responsibility of investigation  
556 or determination of compliance issues pursuant to the  
557 Compact;  
558 k. Legal advice;  
559 l. Matters specifically exempted from disclosure to  
560 the public by federal or Participating State law; and  
561 m. Other matters as promulgated by the Commission by  
562 Rule.  
563 5. If a meeting, or portion of a meeting, is closed,  
564 the presiding officer shall state that the meeting will be  
565 closed and reference each relevant exempting provision, and  
566 such reference shall be recorded in the minutes.

567           6. The Commission shall keep minutes that fully and  
568 clearly describe all matters discussed in a meeting and  
569 shall provide a full and accurate summary of actions taken,  
570 and the reasons therefore, including a description of the  
571 views expressed. All documents considered in connection  
572 with an action shall be identified in such minutes. All  
573 minutes and documents of a closed meeting shall remain under  
574 seal, subject to release only by a majority vote of the  
575 Commission or order of a court of competent jurisdiction.

576           E. Financing of the Commission

577           1. The Commission shall pay, or provide for the  
578 payment of, the reasonable expenses of its establishment,  
579 organization, and ongoing activities.

580           2. The Commission may accept any and all appropriate  
581 sources of revenue, donations, and grants of money,  
582 equipment, supplies, materials, and services.

583           3. The Commission may levy on and collect an annual  
584 assessment from each Participating State and impose fees on  
585 Licensees of Participating States when a Compact Privilege  
586 is granted, to cover the cost of the operations and  
587 activities of the Commission and its staff, which must be in  
588 a total amount sufficient to cover its annual budget as  
589 approved each fiscal year for which sufficient revenue is  
590 not provided by other sources. The aggregate annual  
591 assessment amount for Participating States shall be  
592 allocated based upon a formula that the Commission shall  
593 promulgate by Rule.

594           4. The Commission shall not incur obligations of any  
595 kind prior to securing the funds adequate to meet the same;  
596 nor shall the Commission pledge the credit of any  
597 Participating State, except by and with the authority of the  
598 Participating State.

599           5. The Commission shall keep accurate accounts of all  
600 receipts and disbursements. The receipts and disbursements  
601 of the Commission shall be subject to the financial review  
602 and accounting procedures established under its bylaws. All  
603 receipts and disbursements of funds handled by the  
604 Commission shall be subject to an annual financial review by  
605 a certified or licensed public accountant, and the report of  
606 the financial review shall be included in and become part of  
607 the annual report of the Commission.

608           F. The Executive Board

609           1. The Executive Board shall have the power to act on  
610 behalf of the Commission according to the terms of this  
611 Compact. The powers, duties, and responsibilities of the  
612 Executive Board shall include:

613           a. Overseeing the day-to-day activities of the  
614 administration of the Compact including compliance with the  
615 provisions of the Compact and the Commission's Rules and  
616 bylaws;

617           b. Recommending to the Commission changes to the Rules  
618 or bylaws, changes to this Compact legislation, fees charged  
619 to Compact Participating States, fees charged to Licensees,  
620 and other fees;

621           c. Ensuring Compact administration services are  
622 appropriately provided, including by contract;

623           d. Preparing and recommending the budget;

624           e. Maintaining financial records on behalf of the  
625 Commission;

626           f. Monitoring Compact compliance of Participating  
627 States and providing compliance reports to the Commission;

628           g. Establishing additional committees as necessary;

629           h. Exercising the powers and duties of the Commission  
630 during the interim between Commission meetings, except for  
631 adopting or amending Rules, adopting or amending bylaws, and

632 exercising any other powers and duties expressly reserved to  
633 the Commission by Rule or bylaw; and  
634 i. Other duties as provided in the Rules or bylaws of  
635 the Commission.  
636 2. The Executive Board shall be composed of up to  
637 seven (7) members:  
638 a. The Chair, Vice Chair, Secretary and Treasurer of  
639 the commission and any other members of the Commission who  
640 serve on the Executive Board shall be voting members of the  
641 Executive Board; and  
642 b. Other than the Chair, Vice Chair, Secretary, and  
643 Treasurer, the Commission may elect up to three (3) voting  
644 members from the current membership of the Commission.  
645 3. The Commission may remove any member of the  
646 Executive Board as provided in the Commission's bylaws.  
647 4. The Executive Board shall meet at least annually.  
648 a. An Executive Board meeting at which it takes or  
649 intends to take formal action on a matter shall be open to  
650 the public, except that the Executive Board may meet in a  
651 closed, non-public session of a public meeting when dealing  
652 with any of the matters covered under subsection D.4.  
653 b. The Executive Board shall give five (5) business  
654 days' notice of its public meetings, posted on its website  
655 and as it may otherwise determine to provide notice to  
656 persons with an interest in the public matters the Executive  
657 Board intends to address at those meetings.  
658 5. The Executive Board may hold an emergency meeting  
659 when acting for the Commission to:  
660 a. Meet an imminent threat to public health, safety,  
661 or welfare;  
662 b. Prevent a loss of Commission or Participating State  
663 funds; or  
664 c. Protect public health and safety.

665 G. Qualified Immunity, Defense, and Indemnification.  
666 1. The members, officers, executive director,  
667 employees and representatives of the Commission shall be  
668 immune from suit and liability, both personally and in their  
669 official capacity, for any claim for damage to or loss of  
670 property or personal injury or other civil liability caused  
671 by or arising out of any actual or alleged act, error, or  
672 omission that occurred, or that the person against whom the  
673 claim is made had a reasonable basis for believing occurred  
674 within the scope of Commission employment, duties or  
675 responsibilities; provided that nothing in this paragraph  
676 shall be construed to protect any such person from suit or  
677 liability for any damage, loss, injury, or liability caused  
678 by the intentional or willful or wanton misconduct of that  
679 person. The procurement of insurance of any type by the  
680 Commission shall not in any way compromise or limit the  
681 immunity granted hereunder.

682 2. The Commission shall defend any member, officer,  
683 executive director, employee, and representative of the  
684 Commission in any civil action seeking to impose liability  
685 arising out of any actual or alleged act, error, or omission  
686 that occurred within the scope of Commission employment,  
687 duties, or responsibilities, or as determined by the  
688 Commission that the person against whom the claim is made  
689 had a reasonable basis for believing occurred within the  
690 scope of Commission employment, duties, or responsibilities;  
691 provided that nothing herein shall be construed to prohibit  
692 that person from retaining their own counsel at their own  
693 expense; and provided further, that the actual or alleged  
694 act, error, or omission did not result from that person's  
695 intentional or willful or wanton misconduct.

696 3. Notwithstanding subsection G.1 of this section,  
697 should any member, officer, executive director, employee, or

698 representative of the Commission be held liable for the  
699 amount of any settlement or judgment arising out of any  
700 actual or alleged act, error, or omission that occurred  
701 within the scope of that individual's employment, duties, or  
702 responsibilities for the Commission, or that the person to  
703 whom that individual is liable had a reasonable basis for  
704 believing occurred within the scope of the individual's  
705 employment, duties, or responsibilities for the Commission,  
706 the Commission shall indemnify and hold harmless such  
707 individual, provided that the actual or alleged act, error,  
708 or omission did not result from the intentional or willful  
709 or wanton misconduct of the individual.

710 4. Nothing herein shall be construed as a limitation  
711 on the liability of any Licensee for professional  
712 malpractice or misconduct, which shall be governed solely by  
713 any other applicable State laws.

714 5. Nothing in this Compact shall be interpreted to  
715 waive or otherwise abrogate a Participating State's state  
716 action immunity or state action affirmative defense with  
717 respect to antitrust claims under the Sherman Act, Clayton  
718 Act, or any other State or federal antitrust or  
719 anticompetitive law or regulation.

720 6. Nothing in this Compact shall be construed to be a  
721 waiver of sovereign immunity by the Participating States or  
722 by the Commission.

723 SECTION 8. DATA SYSTEM

724 A. The Commission shall provide for the development,  
725 maintenance, operation, and utilization of a coordinated  
726 database and reporting system containing licensure, Adverse  
727 Action, and the presence of Significant Investigative  
728 Information on all Licensees and applicants for a License in  
729 Participating States.

730 B. Notwithstanding any other provision of State law to  
731 the contrary, a Participating State shall submit a uniform  
732 data set to the Data System on all individuals to whom this  
733 Compact is applicable as required by the Rules of the  
734 Commission, including:

- 735 1. Identifying information;
- 736 2. Licensure data;
- 737 3. Adverse Actions against a Licensee, License  
738 applicant or Compact Privilege and information related  
739 thereto;
- 740 4. Non-confidential information related to Alternative  
741 Program participation, the beginning and ending dates of  
742 such participation, and other information related to such  
743 participation;
- 744 5. Any denial of an application for licensure, and the  
745 reason(s) for such denial, (excluding the reporting of any  
746 criminal history record information where prohibited by law);
- 747 6. The presence of Significant Investigative  
748 Information; and
- 749 7. Other information that may facilitate the  
750 administration of this Compact or the protection of the  
751 public, as determined by the Rules of the Commission.

752 C. The records and information provided to a  
753 Participating State pursuant to this Compact or through the  
754 Data System, when certified by the Commission or an agent  
755 thereof, shall constitute the authenticated business records  
756 of the Commission, and shall be entitled to any associated  
757 hearsay exception in any relevant judicial, quasi-judicial  
758 or administrative proceedings in a Participating State.

759 D. Significant Investigative Information pertaining to  
760 a Licensee in any Participating State will only be available  
761 to other Participating States.

762 E. It is the responsibility of the Participating  
763 States to monitor the database to determine whether Adverse  
764 Action has been taken against a Licensee or License  
765 applicant. Adverse Action information pertaining to a  
766 Licensee or License applicant in any Participating State  
767 will be available to any other Participating State.

768 F. Participating States contributing information to  
769 the Data System may designate information that may not be  
770 shared with the public without the express permission of the  
771 contributing State.

772 G. Any information submitted to the Data System that  
773 is subsequently expunged pursuant to federal law or the laws  
774 of the Participating State contributing the information  
775 shall be removed from the Data System.

776 SECTION 9. RULEMAKING

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

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

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

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

806 E. Rules shall be adopted at a regular or special  
807 meeting of the Commission.

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

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

817 1. On the website of the Commission or other publicly  
818 accessible platform;

819 2. To persons who have requested notice of the  
820 Commission's notices of proposed rulemaking, and

821 3. In such other way(s) as the Commission may by Rule  
822 specify.

823 H. The Notice of Proposed Rulemaking shall include:

824 1. The time, date, and location of the public hearing  
825 at which the Commission will hear public comments on the  
826 proposed Rule and, if different, the time, date, and

827 location of the meeting where the Commission will consider  
828 and vote on the proposed Rule;

829 2. If the hearing is held via telecommunication, video  
830 conference, or other electronic means, the Commission shall  
831 include the mechanism for access to the hearing in the  
832 Notice of Proposed Rulemaking;

833 3. The text of the proposed Rule and the reason  
834 therefor;

835 4. A request for comments on the proposed Rule from  
836 any interested person; and

837 5. The manner in which interested persons may submit  
838 written comments.

839 I. All hearings will be recorded. A copy of the  
840 recording and all written comments and documents received by  
841 the Commission in response to the proposed Rule shall be  
842 available to the public.

843 J. Nothing in this section shall be construed as  
844 requiring a separate hearing on each Commission Rule. Rules  
845 may be grouped for the convenience of the Commission at  
846 hearings required by this section.

847 K. The Commission shall, by majority vote of all  
848 Commissioners, take final action on the proposed Rule based  
849 on the rulemaking record.

850 1. The Commission may adopt changes to the proposed  
851 Rule provided the changes do not enlarge the original  
852 purpose of the proposed Rule.

853 2. The Commission shall provide an explanation of the  
854 reasons for substantive changes made to the proposed Rule as  
855 well as reasons for substantive changes not made that were  
856 recommended by commenters.

857 3. The Commission shall determine a reasonable  
858 effective date for the Rule. Except for an emergency as  
859 provided in subsection L, the effective date of the Rule

860 shall be no sooner than thirty (30) days after the  
861 Commission issuing the notice that it adopted or amended the  
862 Rule.

863 L. Upon determination that an emergency exists, the  
864 Commission may consider and adopt an emergency Rule with 24  
865 hours' notice, with opportunity to comment, provided that  
866 the usual rulemaking procedures provided in the Compact and  
867 in this section shall be retroactively applied to the Rule  
868 as soon as reasonably possible, in no event later than  
869 ninety (90) days after the effective date of the Rule. For  
870 the purposes of this provision, an emergency Rule is one  
871 that must be adopted immediately in order to:

872 1. Meet an imminent threat to public health, safety,  
873 or welfare;

874 2. Prevent a loss of Commission or Participating State  
875 funds;

876 3. Meet a deadline for the promulgation of a Rule that  
877 is established by federal law or rule; or

878 4. Protect public health and safety.

879 M. The Commission or an authorized committee of the  
880 Commission may direct revisions to a previously adopted Rule  
881 for purposes of correcting typographical errors, errors in  
882 format, errors in consistency, or grammatical errors.

883 Public notice of any revisions shall be posted on the  
884 website of the Commission. The revision shall be subject to  
885 challenge by any person for a period of thirty (30) days  
886 after posting. The revision may be challenged only on  
887 grounds that the revision results in a material change to a  
888 Rule. A challenge shall be made in writing and delivered to  
889 the Commission prior to the end of the notice period. If no  
890 challenge is made, the revision will take effect without  
891 further action. If the revision is challenged, the revision  
892 may not take effect without the approval of the Commission.

893 N. No Participating State's rulemaking requirements  
894 shall apply under this Compact.

895 SECTION 10. OVERSIGHT, DISPUTE RESOLUTION, AND  
896 ENFORCEMENT

897 A. Oversight

898 1. The executive and judicial branches of State  
899 government in each Participating State shall enforce this  
900 Compact and take all actions necessary and appropriate to  
901 implement the Compact.

902 2. Venue is proper and judicial proceedings by or  
903 against the Commission shall be brought solely and  
904 exclusively in a court of competent jurisdiction where the  
905 principal office of the Commission is located. The  
906 Commission may waive venue and jurisdictional defenses to  
907 the extent it adopts or consents to participate in  
908 alternative dispute resolution proceedings. Nothing herein  
909 shall affect or limit the selection or propriety of venue in  
910 any action against a Licensee for professional malpractice,  
911 misconduct or any such similar matter.

912 3. The Commission shall be entitled to receive service  
913 of process in any proceeding regarding the enforcement or  
914 interpretation of the Compact or Commission Rule and shall  
915 have standing to intervene in such a proceeding for all  
916 purposes. Failure to provide the Commission service of  
917 process shall render a judgment or order void as to the  
918 Commission, this Compact, or promulgated Rules.

919 B. Default, Technical Assistance, and Termination

920 1. If the Commission determines that a Participating  
921 State has defaulted in the performance of its obligations or  
922 responsibilities under this Compact or the promulgated  
923 Rules, the Commission shall provide written notice to the  
924 defaulting State. The notice of default shall describe the  
925 default, the proposed means of curing the default, and any

926 other action that the Commission may take, and shall offer  
927 training and specific technical assistance regarding the  
928 default.

929 2. The Commission shall provide a copy of the notice  
930 of default to the other Participating States.

931 C. If a State in default fails to cure the default,  
932 the defaulting State may be terminated from the Compact upon  
933 an affirmative vote of a majority of the Commissioners, and  
934 all rights, privileges and benefits conferred on that State  
935 by this Compact may be terminated on the effective date of  
936 termination. A cure of the default does not relieve the  
937 offending State of obligations or liabilities incurred  
938 during the period of default.

939 D. Termination of participation in the Compact shall  
940 be imposed only after all other means of securing compliance  
941 have been exhausted. Notice of intent to suspend or  
942 terminate shall be given by the Commission to the governor,  
943 the majority and minority leaders of the defaulting State's  
944 legislature, the defaulting State's State Licensing  
945 Authority or Authorities, as applicable, and each of the  
946 Participating States' State Licensing Authority or  
947 Authorities, as applicable.

948 E. A State that has been terminated is responsible for  
949 all assessments, obligations, and liabilities incurred  
950 through the effective date of termination, including  
951 obligations that extend beyond the effective date of  
952 termination.

953 F. Upon the termination of a State's participation in  
954 this Compact, that State shall immediately provide notice to  
955 all Licensees of the State, including Licensees of other  
956 Participating States issued a Compact Privilege to practice  
957 within that State, of such termination. The terminated  
958 State shall continue to recognize all Compact Privileges

959 then in effect in that State for a minimum of one hundred  
960 eighty (180) days after the date of said notice of  
961 termination.

962 G. The Commission shall not bear any costs related to  
963 a State that is found to be in default or that has been  
964 terminated from the Compact, unless agreed upon in writing  
965 between the Commission and the defaulting State.

966 H. The defaulting State may appeal the action of the  
967 Commission by petitioning the U.S. District Court for the  
968 District of Columbia or the federal district where the  
969 Commission has its principal offices. The prevailing party  
970 shall be awarded all costs of such litigation, including  
971 reasonable attorney's fees.

972 I. Dispute Resolution

973 1. Upon request by a Participating State, the  
974 Commission shall attempt to resolve disputes related to the  
975 Compact that arise among Participating States and between  
976 Participating States and non-Participating States.

977 2. The Commission shall promulgate a Rule providing  
978 for both mediation and binding dispute resolution for  
979 disputes as appropriate.

980 J. Enforcement

981 1. The Commission, in the reasonable exercise of its  
982 discretion, shall enforce the provisions of this Compact and  
983 the Commission's Rules.

984 2. By majority vote, the Commission may initiate legal  
985 action against a Participating State in default in the  
986 United States District Court for the District of Columbia or  
987 the federal district where the Commission has its principal  
988 offices to enforce compliance with the provisions of the  
989 Compact and its promulgated Rules. The relief sought may  
990 include both injunctive relief and damages. In the event  
991 judicial enforcement is necessary, the prevailing party

992 shall be awarded all costs of such litigation, including  
993 reasonable attorney's fees. The remedies herein shall not  
994 be the exclusive remedies of the Commission. The Commission  
995 may pursue any other remedies available under federal or the  
996 defaulting Participating State's law.

997 3. A Participating State may initiate legal action  
998 against the Commission in the U.S. District Court for the  
999 District of Columbia or the federal district where the  
1000 Commission has its principal offices to enforce compliance  
1001 with the provisions of the Compact and its promulgated  
1002 Rules. The relief sought may include both injunctive relief  
1003 and damages. In the event judicial enforcement is  
1004 necessary, the prevailing party shall be awarded all costs  
1005 of such litigation, including reasonable attorney's fees.

1006 4. No individual or entity other than a Participating  
1007 State may enforce this Compact against the Commission.

1008 SECTION 11. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

1009 A. The Compact shall come into effect on the date on  
1010 which the Compact statute is enacted into law in the seventh  
1011 Participating State.

1012 1. On or after the effective date of the Compact, the  
1013 Commission shall convene and review the enactment of each of  
1014 the States that enacted the Compact prior to the Commission  
1015 convening ("Charter Participating States") to determine if  
1016 the statute enacted by each such Charter Participating State  
1017 is materially different than the Model Compact.

1018 a. A Charter Participating State whose enactment is  
1019 found to be materially different from the Model Compact  
1020 shall be entitled to the default process set forth in  
1021 Section 10.

1022 b. If any Participating State is later found to be in  
1023 default, or is terminated or withdraws from the Compact, the  
1024 Commission shall remain in existence and the Compact shall

1025 remain in effect even if the number of Participating States  
1026 should be less than seven (7).

1027 2. Participating States enacting the Compact  
1028 subsequent to the Charter Participating States shall be  
1029 subject to the process set forth in Section 7.C.23 to  
1030 determine if their enactments are materially different from  
1031 the Model Compact and whether they qualify for participation  
1032 in the Compact.

1033 3. All actions taken for the benefit of the Commission  
1034 or in furtherance of the purposes of the administration of  
1035 the Compact prior to the effective date of the Compact or  
1036 the Commission coming into existence shall be considered to  
1037 be actions of the Commission unless specifically repudiated  
1038 by the Commission.

1039 4. Any State that joins the Compact subsequent to the  
1040 Commission's initial adoption of the Rules and bylaws shall  
1041 be subject to the Commission's Rules and bylaws as they  
1042 exist on the date on which the Compact becomes law in that  
1043 State. Any Rule that has been previously adopted by the  
1044 Commission shall have the full force and effect of law on  
1045 the day the Compact becomes law in that State.

1046 B. Any Participating State may withdraw from this  
1047 Compact by enacting a statute repealing that State's  
1048 enactment of the Compact.

1049 1. A Participating State's withdrawal shall not take  
1050 effect until one hundred eighty (180) days after enactment  
1051 of the repealing statute.

1052 2. Withdrawal shall not affect the continuing  
1053 requirement of the withdrawing State's Licensing Authority  
1054 or Authorities to comply with the investigative and Adverse  
1055 Action reporting requirements of this Compact prior to the  
1056 effective date of withdrawal.

1057           3. Upon the enactment of a statute withdrawing from  
1058 this Compact, the State shall immediately provide notice of  
1059 such withdrawal to all Licensees within that State.  
1060 Notwithstanding any subsequent statutory enactment to the  
1061 contrary, such withdrawing State shall continue to recognize  
1062 all Compact Privileges to practice within that State granted  
1063 pursuant to this Compact for a minimum of one hundred eighty  
1064 (180) days after the date of such notice of withdrawal.  
1065           C. Nothing contained in this Compact shall be  
1066 construed to invalidate or prevent any licensure agreement  
1067 or other cooperative arrangement between a Participating  
1068 State and a non-Participating State that does not conflict  
1069 with the provisions of this Compact.  
1070           D. This Compact may be amended by the Participating  
1071 States. No amendment to this Compact shall become effective  
1072 and binding upon any Participating State until it is enacted  
1073 into the laws of all Participating States.  
1074           SECTION 12. CONSTRUCTION AND SEVERABILITY  
1075           A. This Compact and the Commission's rulemaking  
1076 authority shall be liberally construed so as to effectuate  
1077 the purposes, and the implementation and administration of  
1078 the Compact. Provisions of the Compact expressly  
1079 authorizing or requiring the promulgation of Rules shall not  
1080 be construed to limit the Commission's rulemaking authority  
1081 solely for those purposes.  
1082           B. The provisions of this Compact shall be severable  
1083 and if any phrase, clause, sentence or provision of this  
1084 Compact is held by a court of competent jurisdiction to be  
1085 contrary to the constitution of any Participating State, a  
1086 State seeking participation in the Compact, or of the United  
1087 States, or the applicability thereof to any government,  
1088 agency, person or circumstance is held to be  
1089 unconstitutional by a court of competent jurisdiction, the

1090 validity of the remainder of this Compact and the  
1091 applicability thereof to any other government, agency,  
1092 person or circumstance shall not be affected thereby.

1093 C. Notwithstanding subsection B of this section, the  
1094 Commission may deny a State's participation in the Compact  
1095 or, in accordance with the requirements of Section 10.B,  
1096 terminate a Participating State's participation in the  
1097 Compact, if it determines that a constitutional requirement  
1098 of a Participating State is a material departure from the  
1099 Compact. Otherwise, if this Compact shall be held to be  
1100 contrary to the constitution of any Participating State, the  
1101 Compact shall remain in full force and effect as to the  
1102 remaining Participating States and in full force and effect  
1103 as to the Participating State affected as to all severable  
1104 matters.

1105 SECTION 13. CONSISTENT EFFECT AND CONFLICT WITH OTHER  
1106 STATE LAWS

1107 A. Nothing herein shall prevent or inhibit the  
1108 enforcement of any other law of a Participating State that  
1109 is not inconsistent with the Compact.

1110 B. Any laws, statutes, regulations, or other legal  
1111 requirements in a Participating State in conflict with the  
1112 Compact are superseded to the extent of the conflict.

1113 C. All permissible agreements between the Commission  
1114 and the Participating States are binding in accordance with  
1115 their terms.