

SENATE BILL NO. 109

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (16).

0784S.01I

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 state (50) 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 dental
131 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 Dental
162 Board Exam administered by the Joint Commission on National
163 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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

234 Section 3. COMPACT AND COMMISSION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

288 (7) Advice of Legal Counsel.

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

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

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

300 Section 4. DUTIES OF COMPACT MEMBER STATES

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

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

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

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

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

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

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

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

332 public record unless otherwise specifically required by
333 state statute; and

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

339 Section 5. POWERS AND DUTIES OF THE COMMISSION

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

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

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

347 (3) Establish a budget and make expenditures;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

436 Section 6. APPLICATION, ELIGIBILITY, AND ISSUANCE OF
437 COMPACT LICENSE PRIVILEGE TO A MEMBER STATE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

502 Section 7. JURISDICTION OVER COMPACT LICENSE PRIVILEGE
503 HOLDERS

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

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

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

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

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

- 524 (2) The Licensee's Home State; or
- 525 (3) The State Licensing Authority of a State that is
- 526 not a Member State from which the Licensee holds a License.
- 527 (e) A Home State may take an Adverse Action against
- 528 the holder of a Compact License Privilege, regardless of
- 529 where the actions giving rise to the Adverse Action occurred.
- 530 (f) Any Member State in which the Compact Licensee
- 531 holds a Compact License Privilege may investigate an
- 532 allegation of a violation of the laws and rules of the
- 533 practice of dentistry or dental hygiene in any other State
- 534 where the Compact Licensee holds a Compact License Privilege.

535 Section 8. FEES AND MILITARY WAIVER

- 536 (a) The Commission shall issue rules regarding the use
- 537 of the Repository by each holder of a Compact License
- 538 Privilege.
- 539 (b) A Member State Dental Board issuing a Compact
- 540 License Privilege authorizing practice in its State may
- 541 impose a fee for a Compact License Privilege, for either
- 542 initial issuance or any renewal.
- 543 (c) No Compact fee shall be required of any active-
- 544 duty military member and/or their spouse up to one (1) year
- 545 after separation from the service. Each Member State
- 546 issuing a Compact License Privilege may waive fees for
- 547 active-duty military and/or their spouse as required by each
- 548 individual state statute.

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

551 Section 9. JOINT INVESTIGATIONS AND DISCIPLINARY

552 ACTIONS

- 553 (a) Each Member State shall name a point of contact
- 554 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

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

589 Section 10. OTHER REQUESTS FOR INFORMATION FROM THE
590 REPOSITORY AND THE CLEARINGHOUSE

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

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

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

602 Section 11. RULEMAKING FUNCTIONS OF THE COMMISSION

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

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

614 (c) Rules deemed appropriate for the operations of the
615 Commission shall be made pursuant to a rulemaking process
616 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

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

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

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

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

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

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

675 (f) The Commission shall establish rules and
676 procedures to address licenses and Compact License Privilege
677 holders that are materially impacted by the termination of a
678 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 section.

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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