

INTERSTATE DENTAL AND DENTAL HYGIENE LICENSURE COMPACT



1 INTERSTATE DENTAL AND DENTAL HYGIENE LICENSURE COMPACT

2 The Interstate Dental and Dental Hygiene Licensure Compact is hereby enacted into law and the Governor shall
3 enter into a Compact on behalf of the State of _____ with any jurisdiction legally joined therein, in the
4 form substantially as set forth in this Act.
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6 Section 1 . PURPOSE.

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

15 The Compact:

- 16 (a) Allows for expedited licensure portability and ease of movement of licensees between states;
- 17 (b) Allows each state to continue to regulate the practice of dentistry and dental hygiene within its
18 borders;
- 19 (c) Creates a common goal of protecting the public by ensuring a uniform licensure standard and
20 sharing of information in the Compact;
- 21 (d) Allows for licensure in every participating state by requiring passage of the uniform licensure
22 examination that assesses psychomotor and cognitive dental skills and is currently accepted in fifty
23 state (50) licensing jurisdictions and United States territories;
- 24 (e) Gives licensees one (1) location to maintain professional documentation to expedite license
25 transfers in states, hospitals or institutional credentialing;
- 26 (f) Facilitates a faster licensure process for relocation or separation of military members and their
27 dependent spouses; there are no Compact fees for military members or their spouses;
- 28 (g) Alleviates a duplicative process for licensure among multiple states; and
- 29 (h) Saves applicants money by not having to obtain duplicate documents from a source that charges
30 for the documents.

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32 Section 2. DEFINITIONS

- 33 (a) “AADB” means the American Association of Dental Boards (AADB) or its named successor, formerly
34 known as the American Association of Dental Examiners (AADE), originally chartered on September
35 10th, 1896 and renewed in 1944, comprised of State Dental Boards in the United States and its territories;
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- 37 (b) “Attorneys’ Committee” means the committee of attorneys who currently represent a Member State
38 Dental Board. The Attorneys’ Committee shall participate in the Commission as a non-voting member.
39 An attorney that has previously served as an attorney for a Member State Dental Board may be invited on
40 a year-to-year basis to serve on the Attorneys’ Committee if they have not engaged in an official case
41 against a State Dental Board or have any no other conflict of interest. The Attorneys’ Committee may
42 assist the investigators in working through joint investigation issues between states;
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- 44 (c) “Active-duty military person or spouse” means a Licensee in full-time active-duty status in the active
45 uniformed services of the United States, including members of the National Guard and Reserves. The
46 legal spouse of the military member must be recognized by the military unit as a dependent while the
47 service member is on active duty. Spouses shall receive the same privileges as military members for the
48 purpose of this Compact;
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- 50 (d) “Active Investigation” means an active investigation resulting in formal allegations or charges
51 precipitating a judicial process by a State Dental Board, oversight agency, or other law enforcement entity;
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- 53 (e) “Adverse Action” means an order issued by a State Dental Board or reported to the clearinghouse pursuant
54 to the Commission’s Bylaws and rules that disciplines a Licensee. Adverse Action includes, and is not
55 limited to, the suspension, limiting, or revocation of a License or Compact License Privilege; the
56 imposition of fees and sanctions; and any temporary emergency order that may be later withdrawn by a
57 Board;
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- 59 (f) “ADEX examination” means the initial licensure examinations developed by the American Board of
60 Dental Examiners, Inc. or its successor;
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- 62 (g) “Bylaws” means the bylaws passed by the Commission or its named successor commission;
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- 64 (h) “Clearinghouse” means the clearinghouse and databank that houses prior Adverse Action documentations,
65 orders and denials of licensure or permits from State Dental Boards that is administered by the AADB or
66 its successor;
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- 68 (i) “CODA” means the Commission on Dental Accreditation or its successor as approved by the United States
69 Department of Education;
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- 71 (j) “Commission” means the Interstate Dental and Dental Hygiene Compact Licensure Commission created
72 pursuant to Section 3 of this Act.
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- 74 (k) “Commissioners” means the two (2) members chosen by each Member State Dental Board to serve as the
75 voting members of the Commission;
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- 77 (l) “Compact” means the Interstate Dental and Dental Hygiene Licensure Compact created pursuant to
78 Section 3 of this Act;
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- 80 (m) “Compact License Privilege” means the expedited dental or dental hygiene license to practice in a Member
81 State that is not the Licensee’s Home State;
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- 83 (n) “Conviction” means an adjudication or formal judgment by a court that an individual is guilty through a
84 plea of guilty or no contest, or a finding of guilt by the court. Evidence of a conviction of a criminal
85 offense by the court shall be considered final for the purposes of considering or imposing disciplinary
86 action by a Member State Dental Board;
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- 88 (o) “Criminal background check” means a criminal background check using the results of fingerprint or other
89 biometric data checks compliant with the requirements of the Federal Bureau of Investigation, with the
90 exception of federal employees who have suitability determination in accordance with 5 C.F.R. 731.202;
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- 92 (p) “Dental hygienist” means any person who:
93 1. Has successfully graduated from a CODA-approved dental hygiene school;
94 2. Has successfully passed the ADEX dental hygiene licensure examination; or has been in practice 5
95 years or more and has successfully passed a Regional Board Examination or equivalent state-
96 administered psychomotor licensure examination prior to January 1, 2024;
97 3. Has successfully passed the written national dental hygiene board examination administered by the
98 Joint Commission on National Dental Examinations;

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4. Possesses a full and unrestricted dental hygiene license issued by a Member State;
 5. Has never been convicted or received adjudication, deferred adjudication, community supervision or deferred disposition for any offense by a court of appropriate jurisdiction;
 6. Has never been a subject of discipline by a Licensing Agency through any Adverse Action, order, or other restriction of the Licensee by a Licensing Agency, with the exception of failure to pay fees or failure to complete continuing education;
 7. Is not currently under Active Investigation by a Licensing Agency or law enforcement authority in any state, federal or foreign jurisdiction; and
 8. Meets any jurisprudence requirement established by a Member State Dental Board of a Member State in which a Licensee is seeking a Compact License Privilege.

110 (q) “Dental Practice Act” means the laws and regulations governing the practice of dentistry within a Member
111 State;

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113 (r) “Dentist” means any person who:

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1. Has successfully graduated from a CODA-approved dental school;
 2. Has successfully passed the ADEX dental licensure exam; or has been in practice 5 years or more and has successfully passed a Regional Board Examination or equivalent state-administered psychomotor licensure examination prior to January 1, 2024;
 3. Has successfully passed the written National Dental Board Exam administered by the Joint Commission on National Dental Examinations;
 4. Possesses a full and unrestricted dental license issued by a Member State Dental Board;
 5. Has never been convicted or received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction;
 6. Has never been a subject of discipline by a Licensing Agency through any Adverse Action, order, or other restriction of the Licensee by a Licensing Agency, with the exception of failure to pay fees or failure to complete continuing education;
 7. Has never had a state or federal drug registration, permit, or license restricted, suspended, or revoked by the United States Drug Enforcement Administration or any Licensing Agency that oversees scheduled drug registrations;
 8. Is not currently under Active Investigation by a Licensing Agency or law enforcement authority in any state, federal or foreign jurisdiction; and
 9. Meets any jurisprudence requirement established by a Member State Dental Board in which a Licensee is seeking a Compact License Privilege;

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

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

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139 (u) “Licensee” means a Dentist or Dental Hygienist who holds an unrestricted License to practice as a dentists
140 or dental hygienist.

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

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146 (w) “Member State Dental Board” means a state agency in a Member State that protects the public through
147 licensure, regulation, and the education of dentist and dental hygienists, as directed by the state law. All

148 actions taken by a Member State Dental Board shall be under the authority of the laws its State and any
149 other rights conferred under this Compact;

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151 (x) “Member State” means a state or United States territory that has enacted the Compact;
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153 (y) “Regional Board Examination” means initial licensure examinations administered by the Western
154 Regional Examining Board (WREB), the North East Regional Board of Dental Examiners (NERB), the
155 Commission on Dental Competency Assessments (CDCA), Council of Interstate Testing Agencies
156 (CITA), Southern Regional Testing Agency (SRTA), or Central Regional Dental Testing Services
157 (CRDTS) that assess psychomotor skills;
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159 (z) “Repository” means the repository of original documents of a Licensee that may include original
160 transcripts, certification documents, test scores, military training records, previous or current licensing
161 documents and other sources of materials needed for applications and verification administered by the
162 AADB or its successor. The Repository shall receive documents from primary or originating sources
163 and/or verify their authenticity;
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165 (aa) “Scope of practice” means the dental-related procedures that require a License, permit, or training, to
166 undertake the treatment and procedure to be completed on a patient within the Member State’s
167 requirements;
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169 (bb) “State” means a state within the United States or a United States Territory; and
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171 (cc) “State jurisprudence” means the knowledge of a Member State’s laws and rules of dentistry and dental
172 hygiene.
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174 Section 3. COMPACT AND COMMISSION

- 175 a) The Member States hereby create the Interstate Dental and Dental Hygiene Licensure Compact and the
176 Commission. Each State must enact a compact that is not materially different from this Compact, as
177 determined by the Commission.
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179 b) Each Member State Dental Board shall have two (2) voting members who shall serve as Commissioners.
180 Each Commissioner shall have one (1) vote. Member States with separate dental and dental hygiene
181 Licensing Agencies shall appoint one (1) Commissioner from each licensing agency. One Commissioner
182 shall be a current member of a Member State Dental Board. Commissioners may not delegate votes or
183 vote by proxy, however, if a Commissioner is unable to attend, the Member State may substitute a
184 Commissioner who meets the same requirements.
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186 c) Upon five (5) states joining the Compact, the Compact shall become active. The Commission shall adopt
187 Bylaws upon becoming active.
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189 d) The Commission shall meet at least once per calendar year (the “Annual Meeting”) and at additional
190 times as necessary pursuant to the Bylaws and rules.
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192 e) At each Annual Meeting, the Commission shall elect a Chair, Vice Chair, Secretary, and Treasurer from
193 the membership of the Commission (the “Officers.”) The Officers shall be members of the Commission’s
194 Executive Committee (the “Executive Committee.”) The Commission shall also elect representatives
195 from four (4) regional districts established by the Commission to serve on the Executive Committee. All
196 Officers and Executive Committee representatives shall serve one (1)-year terms.
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- 198 f) Quorum for purposes of conducting business shall be a majority of Commissioners attending in person
199 or virtually.
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- 201 g) The Commission shall provide notice of all meetings on its website and in other communications to
202 Member State Dental Boards.
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- 204 h) A vote of two-thirds (2/3) of the Commissioners present shall be required for an executive session to
205 discuss:
- 206 1) Items specifically related to participation in a lawsuit or in anticipation of a legal proceeding;
 - 207 2) Matters specifically exempted from disclosure by federal statute;
 - 208 3) Information or matters involving law enforcement agencies or information that accuses a person
209 of a crime or a public censure;
 - 210 4) Discussions that would include information of a personal nature that would constitute an
211 unwarranted invasion of personal privacy;
 - 212 5) Anything considered internal practices and procedures or a trade secret;
 - 213 6) Other items described in the Commission Bylaws allowing for executive sessions to be called; or
214 7) Advice of Legal Counsel.
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- 216 i) The Commission shall keep minutes and make them available to all Member States.
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- 218 j) The Commission may establish other committees as needed.
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- 220 k) The Commission shall prepare an annual report that shall be made available to the legislatures and
221 governors of the Member States. The annual report shall describe the activities of the Commission during
222 the preceding calendar year. Such reports shall also include reports of the annual financial audit and any
223 actions taken by or rules that were adopted by the Commission.
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225 Section 4. DUTIES OF COMPACT MEMBER STATES 226

- 227 a) Member States shall submit to the Clearinghouse all Member State Dental Board actions and other
228 documents and data as determined by the Commission;
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- 230 b) Member States shall notify the Commission of any Adverse Action taken by the Member State Dental
231 Board, any Active Investigation by the Member State Dental Board, any Active Investigation involving
232 pending criminal charges, or other circumstance as determined by the Commission;
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- 234 c) Any Adverse Action, order, restriction or denial of a license or permit on a Licensee or Compact License
235 Privilege holder shall be reported to the Clearinghouse by the Member State Dental Board;
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- 237 d) Member State Dental Boards may submit to the Clearinghouse nonpublic complaints, or disciplinary or
238 investigatory information not required by Section 4(c). All investigatory material shall be considered
239 confidential and not part of a public record unless otherwise specifically required by state statute;
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- 241 e) Accept continuing education credits as required by each state;
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- 243 f) Documents in the Repository shall be treated by a Member State as the equivalent of a primary or original
244 source document for licensure;
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- 246 g) Member States shall accept a standardized application for a Compact License Privilege. The standardized
247 application shall be established by the rules enacted by the Commission;

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249 h) Member States may agree to share information regarding ongoing investigations and actions, including
250 joint investigations between states. All investigatory material shall be considered confidential and not part
251 of a public record unless otherwise specifically required by state statute; and
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- 253 i) As part of the Compact enforcement, participating Member States may issue subpoenas and seek
254 testimony of witnesses, which subpoenas shall be enforced in other Member States and enforced by a
255 court of competent jurisdiction where the witnesses or evidence is located.
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257 Section 5. POWERS AND DUTIES OF THE COMMISSION
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- 259 a) The Commission shall have the duty and power to:
- 260 1) Oversee and maintain the administration of the Compact, including the organizational needs, the
261 financial activities, the hiring of personnel and ongoing activities or needs of the Commission;
 - 262 2) Promulgate Bylaws and rules to operate the Compact and the Commission;
 - 263 3) Establish a budget and make expenditures;
 - 264 4) Have an annual financial audit performed by an independent certified public accounting firm;
 - 265 5) Issue, upon the request of a Member State Dental Board, advisory opinions concerning the
266 meaning or interpretation of the Compact and its Bylaws, rules, and actions;
 - 267 6) Enforce compliance with Compact provisions, the rules promulgated by the Commission, and the
268 Bylaws, using all necessary and proper means, including but not limited to the use of judicial
269 process;
 - 270 7) Hold an Annual Meeting for the Commission where the elections of the Executive Committee and
271 other issues may be discussed and voted on;
 - 272 8) Establish personnel policies and programs relating to conflicts of interest, and the rates of
273 compensation and qualifications of personnel;
 - 274 9) Accept donations and grants of money, equipment, supplies, materials and services, and to receive,
275 utilize and dispose of them in a manner consistent with the conflict-of-interest policies established
276 by the Commission;
 - 277 10) Report annually to the legislatures and governors of the Member State Dental Boards concerning
278 the activities of the Commission during the preceding calendar year. Such reports shall also include
279 reports of annual financial audits, all actions of the Commission, rules adopted by the Commission,
280 and any recommendations by the Commission; and
 - 281 11) Coordinate education, training and public awareness regarding the Compact, its implementation,
282 and its operation.
283
- 284 b) The Executive Committee shall have the power to act on behalf of the Commission, with the exception of
285 rulemaking, during periods when the Commission is not in session. When acting on behalf of the
286 Commission, the Executive Committee shall oversee the administration of the Compact, including
287 enforcement and compliance of the Compact.
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- 289 c) The officers and employees of the Commission shall be immune from suit and liability, either personally
290 or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil
291 liability caused or arising out of, or relating to, an actual or alleged act, error or omission that occurred, or
292 that such person had a reasonable basis for believing occurred, within the scope of Commission
293 employment, duties or responsibilities; provided, that such person shall not be protected from suit or
294 liability for damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of
295 such person.
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- 297 d) The liability of the executive director and employees of the Commission or representatives of the
298 Commission, acting within the scope of such person's employment or duties for acts, errors or omissions
299 occurring within such person's state may not exceed the limits of liability set forth under the constitution
300 and laws of that state for state officials, employees and agents. The Commission shall be considered to be
301 an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be
302 construed to protect such person from suit or liability for damage, loss, injury or liability caused by the
303 intentional or willful and wanton misconduct of such person.
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- 305 e) The Commission shall defend the Commission's executive director, its employees, and, subject to the
306 approval of the attorney general or other appropriate legal counsel of the Member State represented by an
307 Commission representative, shall defend such Commission representative in any civil action seeking to
308 impose liability arising out of an actual or alleged act, error or omission that occurred within the scope of
309 Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for
310 believing occurred within the scope of Commission employment, duties or responsibilities, provided that
311 the actual or alleged act, error or omission did not result from intentional or willful and wanton misconduct
312 on the part of such person.
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- 314 f) To the extent not covered by the state involved, Member State, or the Commission, the representatives or
315 employees of the Commission shall be held harmless in the amount of a settlement or judgment, including
316 attorney fees and costs, obtained against such persons arising out of an actual or alleged act, error or
317 omission that occurred within the scope of Commission employment, duties or responsibilities, or that
318 such persons had a reasonable basis for believing occurred within the scope of Commission employment,
319 duties or responsibilities, provided that the actual or alleged act, error or omission did not result from
320 intentional or willful and wanton misconduct on the part of such persons.
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322 Section 6. APPLICATION, ELIGIBILITY, AND ISSUANCE OF COMPACT LICENSE
323 PRIVILEGE TO A MEMBER STATE.
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- 325 a) A dentist or dental hygienist applying for Compact License Privileges shall meet the requirements of a
326 Dentist as listed in Section (2)(r) of this Compact or a Dental Hygienist as listed in Section (2)(p) of this
327 Compact and hold a current License in a Member State under this Compact.
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- 329 b) Each Dentist or Dental Hygienist shall designate a Home State of licensure. The Home State shall be
330 determined by:
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- 332 1) The State of primary residence for the Dentist or Dental Hygienist, where twenty-five percent
333 (25%) of their practice within one year occurs. An active-duty military member or their spouse
334 may choose a Home State as designated with the military but are not required to meet the
335 requirement of twenty-five percent (25%) practice being within their Home State; or
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 - 337 2) If no State qualifies under Section 6(b)(1), then the State where the Dentist or Dental Hygienist
338 filed the previous year's federal tax return.
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- 340 c) A Dentist or Dental Hygienist may redesignate a Home State no more than one time in a calendar year if
341 the qualifications of a Home State are met.
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- 343 d) A Dentist or Dental hygienist seeking a Compact License Privilege (the "Applicant") shall apply to their
344 Home State Dental Board for a letter stating that the Applicant is eligible for Compact License Privileges.
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- 346 e) The Home State Dental Board shall determine the eligibility of an application for a Compact License
347 Privilege and shall issue a letter of approval or denial of the application for a Compact License Privilege.
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- 349 f) The letter from the Applicant's Home State Dental Board approving the application shall be submitted
350 to the Member State Dental Board for the Member State in which the Applicant proposes to practice, and
351 shall include: (i) the Compact application packet; (ii) authorization to seek access to the Applicant's
352 Repository documents; (iii) any additional information that may be required by the proposed Compact
353 License Privilege state; and (iv) any required fees. The Member State Dental Board shall review the
354 application to confirm compliance with the Member State's laws and regulations. Following such review,
355 if the Member State Dental Board approves the application, it shall issue a Compact License Privilege
356 from the proposed Member State to the Applicant.
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- 358 g) Appeals of a denial of a Compact License Privilege application shall be filed with the Member State
359 Dental Board making such determination, and shall be filed within thirty (30) dates of the date of the
360 denial.
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- 362 h) A Licensee holding a Compact License Privilege shall notify the Commission within ten (10) business
363 days of any Adverse Action taken against a License held in a state that is not a Member State.
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- 365 i) A Compact License Privilege may be revoked, suspended or limited by the issuing Member State Dental
366 Board if at any time the Licensee's Home State license is revoked, suspended or limited.
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- 368 j) The Commission shall issue rules on the duration of a Compact License Privilege, the application and
369 renewal process for a Compact License Privilege, and any application fees.
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- 371 k) Eligibility or ineligibility to receive a Compact License Privilege shall not limit the ability of a Licensee
372 to seek a state license through the regular process outside of the Compact.
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374 7. JURISDICTION OVER COMPACT LICENSE PRIVILEGE HOLDERS

- 375 a) Each Licensee holding a Compact License Privilege shall be subject to and comply with the laws and
376 regulations of the Member State in which such Licensee practices under a Compact License Privilege.
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- 378 b) Each Licensee holding a Compact License Privilege shall be subject to the jurisdiction and authority of
379 the Member State Dental Board of the state in which such Licensee practices, as if they held a license
380 issued from such Member State Dental Board. Such Compact License Privilege holder shall be deemed
381 a "Licensee" of the Member State Dental Board for purposes of such board taking an Adverse Action.
382
- 383 c) Each Licensee holding a Compact License Privilege shall list a current address with the Commission
384 that shall serve as their official address of service.
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- 386 d) A Licensee holding a Compact License Privilege may have an Adverse Action taken against them by:
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- 388 1) The Member State Dental Board of the Member State in which they are practicing with a
389 Compact License Privilege;
 - 390 2) The Licensee's Home State; or
 - 391 3) The State Licensing Authority of a State that is not a Member State from which the Licensee
392 holds a License.
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- e) A Home State may take an Adverse Action against the holder of a Compact License Privilege, regardless of where the actions giving rise to the Adverse Action occurred.
- f) Any Member State in which the Compact Licensee holds a Compact License Privilege may investigate an allegation of a violation of the laws and rules of the practice of dentistry or dental hygiene in any other State where the Compact Licensee holds a Compact License Privilege.

Section 8. FEES AND MILITARY WAIVER

- a) The Commission shall issue rules regarding the use of the Repository by each holder of a Compact License Privilege.
- b) A Member State Dental Board issuing a Compact License Privilege authorizing practice in its State may impose a fee for a Compact License Privilege, for either initial issuance or any renewal..
- c) No Compact fee shall be required of any active-duty military member and/or their spouse up to one (1) year after separation. Each Member State issuing a Compact License Privilege may waive fees for active-duty military and/or their spouse as required by each individual state statute.
- d) Active-duty military may transfer military training records to the Repository without a fee.

Section 9. JOINT INVESTIGATIONS AND DISCIPLINARY ACTIONS

- a) Each Member State shall name a point of contact for joint investigations between Member State Dental Boards.
- b) Member State Dental Boards may participate with other Member State Dental Boards in joint investigations of Licensees that are subject to this Compact.
- c) Member State Dental Boards may share investigative, litigation or other materials in furtherance of any joint or individual investigation of a Compact License Privilege holder.
- d) A subpoena issued by a Member State or Member State Dental Board shall be enforceable in other Member States as allowed by law.
- e) If a Compact License Privilege holder has an Adverse Action taken by any Member State Dental Board against the Compact License Privilege holder, the Compact License Privilege holder, Licensee shall automatically be subject to discipline by other Member State Dental Boards.
- f) If a Compact License Privilege holder has an Adverse Action taken against their Home State license, including being revoked, surrendered, or relinquished in lieu of discipline or suspended, then automatically all other Compact License Privileges shall be placed in the same status. The Home State Dental Board shall notify the Commission and the Commission shall issue a notice to all Member State Dental Boards of such Adverse Action.
- g) If discipline or an Adverse Action is taken against a Compact License Privilege holder in a Member State, the Member State Board shall notify the Commission and the Home State of the Compact License Privilege holder. The Home State may deem the action conclusive as a matter of law and fact decided and may:
 - 1) Impose the same or lesser sanction consistent with the Home State's laws; or

- 443 2) Pursue separate actions against the Compact License Privilege holder under its laws, regardless
444 of the sanctions pursued by the Member State Dental Board.
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446 Section 10. OTHER REQUESTS FOR INFORMATION FROM THE REPOSITORY AND THE
447 CLEARINGHOUSE

- 448 a) Insurance companies and entities verifying documents for the purpose of licenses extended to a Dentist or
449 Dental Hygienist may seek information from the Clearinghouse for public record documents;
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451 b) A Dentist or Dental Hygienist may submit a request to the Commission to allow any hiring employer,
452 entity, or insurance company to access documents from the Repository for the purposes of credentialing,
453 licensing or other privileges;
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455 c) The Commission shall set a fee schedule for these services.
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457 Section 11. RULEMAKING FUNCTIONS OF THE COMMISSION

- 458 a) The Commission shall promulgate reasonable rules in order to effectively and efficiently implement and
459 achieve the purposes and administration of the Compact. Notwithstanding the foregoing, in the event the
460 Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of
461 the Compact or the powers granted hereunder, then such an action by the Commission may be determined
462 to be invalid and have no force or effect.
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464 b) Rules issued by the Commission shall have the force of law in each Member State.
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466 c) Rules deemed appropriate for the operations of the Commission shall be made pursuant to a rulemaking
467 process that substantially conforms to the Model State Administrative Procedure Act of 2010, and
468 subsequent amendments thereto.
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470 Section 12. OVERSIGHT OF THE COMPACT

- 471 a) The executive, legislative, and judicial branches of state government in each Member State shall enforce
472 the Compact and shall take all actions necessary and appropriate to effectuate the Compact's purposes
473 and intent to allow for expedited licensure for the purpose of mobility. The provisions of the Compact
474 and the rules promulgated hereunder shall have standing as statutory law but shall not override existing
475 state authority to regulate the practice of dentistry and dental hygiene.
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477 b) All courts may take judicial notice of the Compact and the rules in any judicial or administrative
478 proceeding in a Member State pertaining to the subject matter of the Compact which may affect the
479 powers, responsibilities or actions of the Commission.
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481 c) The Commission shall be entitled to receive all service of process in any such proceeding and shall have
482 standing to intervene in the proceeding for all purposes. Failure to provide service of process to the
483 Commission shall render a judgment or order void as to the Commission, the Compact or promulgated
484 rules.
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486 Section 13. ENFORCEMENT AND DEFAULT PROCEDURES

- 487 a) The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of the
488 Compact.
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490 b) The grounds for default under this Compact by a Member State include, but are not limited to, failure of
491 a Member State to perform such obligations or responsibilities imposed upon it by the Compact or by the
492 rules and Bylaws of the Commission promulgated under the Compact.

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- c) If the Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under the Compact, or the Bylaws or promulgated rules, the Commission shall:
 - 1) provide written notice to the defaulting state and other Member States of the nature of the default, the means of curing the default and any action taken by the Commission. The Commission shall specify the conditions by which the defaulting state must cure its default; and
 - 2) provide remedial training and specific technical assistance regarding the default.
- d) If the defaulting state fails to cure the default, the defaulting state shall be terminated from the Compact upon an affirmative vote of a majority of the Commissioners and all rights, privileges and benefits conferred by the Compact shall terminate on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default.
- e) Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to terminate shall be given by the Commission to the Governor, the majority and minority leaders of the defaulting state's legislature and each of the Member States.
- f) The Commission shall establish rules and procedures to address licenses and Compact License Privilege holders that are materially impacted by the termination of a Member State or the withdrawal of a Member State.
- g) The Commission shall not bear any costs relating to any state that has been found to be in default or which has been terminated from the Compact, unless otherwise mutually agreed upon in writing between the Commission and the defaulting state.
- h) The defaulting state may appeal the action of the Commission by petitioning the federal district where the Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.
- i) The Commission shall not bear any costs relating to any state that has been found to be in default or which has been terminated from the Compact, unless otherwise mutually agreed upon in writing between the Commission and the defaulting state.
- j) The remedies herein shall not be the exclusive remedies of the Commission. The Commission may avail itself of any other remedies available under state law or the regulation of a profession.

Section 14. DISPUTE RESOLUTION

- a) The Commission shall attempt, upon the request of a Member State Dental Board, to resolve disputes which are subject to the Compact and which may arise among Member State Dental Boards.
- b) The Commission shall promulgate rules providing for both mediation and binding dispute resolution, as appropriate.

Section 15. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

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

- 542 b) The Compact shall become effective and binding upon legislative enactment of the Compact into law by
543 no less than five (5) states. Thereafter, it shall become effective and binding on a state upon enactment of
544 the Compact into law by that State.
545
- 546 c) The governors of non-member states, or their designees, shall be invited to participate in the activities of
547 the Commission on a nonvoting basis prior to adoption of the Compact by all States.
548
- 549 d) The Commission may propose amendments to the Compact for enactment by the Member States. No
550 amendment shall become effective and binding upon the Commission and the Member States unless and
551 until it is enacted into law by unanimous consent of the Member States.
552

553 Section 16. WITHDRAWAL

- 554 a) Once effective, the Compact shall continue in force and remain binding upon each and every Member
555 State; provided, however, that a Member State may withdraw from the Compact after giving appropriate
556 notice by specifically repealing the statute which enacted the Compact into law.
557
- 558 b) The Licensee's Compact License Privilege shall remain in effect for six (6) months from the date of the
559 Member State Dental Board withdrawal.
560
- 561 c) The withdrawing State shall immediately notify the chairperson of the Commission in writing upon the
562 introduction of legislation repealing the Compact by the withdrawing state.
563
- 564 d) The Commission shall notify the other Member States of the withdrawing State's intention to withdraw
565 within sixty (60) days of its receipt of notice provided under Section 16(c) of this section.
566
- 567 e) Reinstatement following withdrawal of a Member State shall occur upon the withdrawing state
568 reenacting the Compact or upon such later date as determined by the Commission.
569
- 570 f) The Commission shall issue rules to address the impact of the withdrawal of a Member State on Licenses
571 granted by other Member States to dentists and dental hygienists who designated the withdrawing
572 Member State as their Home State.
573

574 Section 17. DISSOLUTION

- 575 a) The Compact shall dissolve effective upon the date of the withdrawal or default of the Member State
576 which reduces the membership in the Compact to one (1) Member State.
577
- 578 b) Upon the dissolution of the Compact, the Compact shall become null and void and shall be of no further
579 force or effect, and the business and affairs of the Commission shall be concluded and surplus funds
580 shall be distributed in accordance with the Bylaws.
581

582 Section 18. SEVERABILITY AND CONSTRUCTION

- 583 a) The provisions of the Compact shall be severable, and if any phrase, clause, sentence or provision is
584 deemed unenforceable, the remaining provisions of the Compact shall be enforceable.
585
- 586 b) The provisions of the Compact shall be liberally construed to effectuate its purposes.
587

588 Section 19. BINDING EFFECT OF COMPACT AND OTHER LAWS

- 589 a) Nothing herein prevents the enforcement of any other law of a Member State that is not inconsistent
590 with the Compact.
591

- 592 b) All lawful actions of the Commission, including all rules and Bylaws promulgated by the Commission,
593 shall be binding upon the Member States.
594
- 595 c) All agreements between the Commission and the Member States shall be binding in accordance
596 with their terms.
597
- 598 d) In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature
599 of any Member State, such provision shall be ineffective to the extent of the conflict with the
600 constitutional provision in question in that Member State.
601

602 Section 20. RULES OF ORDER

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