

1 AN ACT relating to the Interstate Dental and Dental Hygiene Licensure Compact.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 313 IS CREATED TO
4 READ AS FOLLOWS:

5 *Section 1. PURPOSE.*

6 *This Compact shall be known as the Interstate Dental and Dental Hygiene Licensure*
7 *Compact and the purpose of the Compact is to expedite licensure and increase access*
8 *to dental health care through licensure boards acting in cooperation. The Compact*
9 *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*
11 *information. This Compact ensures that each state retains the right to impose an*
12 *adverse action on a licensee as a home state or as a practicing state. Each state has an*
13 *opportunity to share investigations and information with the home state of licensure.*
14 *The Compact is operated by state dental board members, administrators, and other*
15 *staff, thus allowing for each state to maintain its sovereignty. The Compact:*

16 *(a) Allows for expedited licensure portability and ease of movement of licensees*
17 *between states;*

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

20 *(c) Creates a common goal of protecting the public by ensuring a uniform licensure*
21 *standard and sharing of information in the Compact;*

22 *(d) Allows for licensure in every participating state by requiring passage of the*
23 *uniform licensure examination that assesses psychomotor and cognitive dental*
24 *skills and is currently accepted in fifty (50) state licensing jurisdictions and*
25 *United States territories;*

26 *(e) Gives licensees one (1) location to maintain professional documentation to*
27 *expedite license transfers in states, hospitals, or institutional credentialing;*

1 (f) Facilitates a faster licensure process for relocation or separation of military
2 members and their dependent spouses; there are no compact fees for military
3 members or their spouses;

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

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

7 Section 2. DEFINITIONS

8 As used in this compact, and except as otherwise provided, the following definitions
9 shall apply:

10 (a) "AADB" means the American Association of Dental Boards (AADB) or its
11 named successor, formerly known as the American Association of Dental
12 Examiners (AADE), originally chartered on September 10, 1896, and renewed in
13 1944, comprised of state dental boards in the United States and its territories;

14 (b) "Attorneys' Committee" means the committee of attorneys who currently
15 represent a member state dental board. The Attorneys' Committee shall designate
16 one (1) of its members to participate in the commission as a nonvoting member.
17 An attorney that has previously served as an attorney for a member state dental
18 board may be invited on a year-to-year basis to serve on the Attorneys' Committee
19 if they have not engaged in an official case against a state dental board or have
20 any other conflict of interest. The Attorneys' Committee may assist the
21 investigators in working through joint investigation issues between states;

22 (c) "Active duty military person or spouse" means a licensee in full-time active-duty
23 status in the active uniformed services of the United States, including members of
24 the National Guard and Reserves. The legal spouse of the military member must
25 be recognized by the military unit as a dependent while the service member is on
26 active duty. Spouses shall receive the same privileges as military members for the
27 purpose of this Compact;

- 1 (d) "Active investigation" means an active investigation potentially resulting in
2 formal allegations or charges precipitating a judicial process by a state dental
3 board, oversight agency, or other law enforcement entity;
- 4 (e) "Adverse action" means an order issued by a state dental board or reported to the
5 clearinghouse pursuant to the commission's bylaws and rules that disciplines a
6 licensee. Adverse action includes, and is not limited to, the suspension, limiting,
7 or revocation of a license or compact license privilege; the imposition of fees and
8 sanctions; and any temporary emergency order that may be later withdrawn by a
9 board;
- 10 (f) "ADEX examination" means the initial licensure examinations developed by the
11 American Board of Dental Examiners, Inc. or its successor;
- 12 (g) "Bylaws" means the bylaws passed by the commission or its named successor
13 commission;
- 14 (h) "Clearinghouse" means the clearinghouse and databank that houses prior
15 adverse action documentations, orders and denials of licensure or permits from
16 state dental boards that is administered by the AADB or its successor;
- 17 (i) "CODA" means the Commission on Dental Accreditation or its successor as
18 approved by the United States Department of Education;
- 19 (j) "Commission" means the Interstate Dental and Dental Hygiene Compact
20 Licensure Commission created pursuant to Section 3 of this Compact.
- 21 (k) "Commissioners" means the two (2) members chosen by each member state
22 dental board to serve as the voting members of the commission;
- 23 (l) "Compact" means the Interstate Dental and Dental Hygiene Licensure Compact
24 created pursuant to Section 3 of this Compact;
- 25 (m) "Compact license privilege" means the expedited dental or dental hygiene license
26 to practice in a member state that is not the licensee's home state;
- 27 (n) "Conviction" means an adjudication or formal judgment by a court that an

1 individual is guilty through a plea of guilty or no contest, or a finding of guilt by
2 the court. Evidence of a conviction of a criminal offense by the court shall be
3 considered final for the purposes of considering or imposing disciplinary action
4 by a member state dental board;

5 (o) "Criminal background check" means a criminal background check using the
6 results of fingerprint or other biometric data checks compliant with the
7 requirements of the Federal Bureau of Investigation, with the exception of
8 federal employees who have suitability determination in accordance with 5 C.F.R.
9 sec. 731.202;

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

- 11 1. Has successfully graduated from a CODA-approved dental hygiene school;
- 12 2. Has successfully passed the ADEX dental hygiene licensure examination;
13 or has been in practice five (5) years or more and has successfully passed a
14 regional board examination or equivalent state-administered psychomotor
15 licensure examination prior to January 1, 2024;
- 16 3. Has successfully passed the written national dental hygiene board
17 examination administered by the Joint Commission on National Dental
18 Examinations;
- 19 4. Possesses a full and unrestricted dental hygiene license issued by a member
20 state;
- 21 5. Has never been convicted or received adjudication, deferred adjudication,
22 community supervision, or deferred disposition for any offense other than
23 traffic offenses by a court of appropriate jurisdiction;
- 24 6. Has never been a subject of discipline by a licensing agency through any
25 adverse action, order, or other restriction of the licensee by a licensing
26 agency, with the exception of failure to pay fees or failure to complete
27 continuing education;

1 7. Is not currently under active investigation by a licensing agency or law
2 enforcement authority in any state, federal or foreign jurisdiction; and

3 8. Meets any jurisprudence requirement established by a member state dental
4 board of a member state in which a licensee is seeking a compact license
5 privilege;

6 (q) "Dental practice act" means the laws and regulations governing the practice of
7 dentistry within a member state;

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

9 1. Has successfully graduated from a CODA-approved dental school;

10 2. Has successfully passed the ADEX dental licensure exam; or has been in
11 practice five (5) years or more and has successfully passed a regional board
12 examination or equivalent state-administered psychomotor licensure
13 examination prior to January 1, 2024;

14 3. Has successfully passed the written national dental board exam
15 administered by the Joint Commission on National Dental Examinations;

16 4. Possesses a full and unrestricted dental license issued by a member state
17 dental board;

18 5. Has never been convicted or received adjudication, deferred adjudication,
19 community supervision, or deferred disposition for any offense other than
20 traffic offenses by a court of appropriate jurisdiction;

21 6. Has never been a subject of discipline by a licensing agency through any
22 adverse action, order, or other restriction of the licensee by a licensing
23 agency, with the exception of failure to pay fees or failure to complete
24 continuing education;

25 7. Has never had a state or federal drug registration, permit, or license
26 restricted, suspended, or revoked by the United States Drug Enforcement
27 Administration or any licensing agency that oversees scheduled drug

1 registrations;

2 8. Is not currently under active investigation by a licensing agency or law
3 enforcement authority in any state, federal or foreign jurisdiction; and

4 9. Meets any jurisprudence requirement established by a member state dental
5 board in which a licensee is seeking a compact license privilege;

6 (s) "Home state" means the state of primary licensure of a licensee;

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

10 (u) "Licensee" means a dentist or dental hygienist who holds an unrestricted license
11 to practice as a dentists or dental hygienist;

12 (v) "Licensing agency" means the agency or other entity of a state that is responsible
13 for the licensing of dentists and dental hygienists. If a member state dental board
14 has such responsibility, it shall be deemed a licensing agency;

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

20 (x) "Member state" means a state, the District of Colombia or any other United
21 States territory that has enacted this Compact;

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

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

7 (aa) "Scope of practice" means the dental-related procedures that require a license,
8 permit, or training, to undertake the treatment and procedure to be completed on
9 a patient within the member state's requirements;

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

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

13 Section 3. COMPACT AND COMMISSION

14 (a) The member states hereby create the Interstate Dental and Dental Hygiene
15 Licensure Compact and the commission. Each member state must enact a
16 compact that is not materially different from this Compact, as determined by the
17 commission.

18 (b) Each member state dental board shall have two (2) voting members who shall
19 serve as commissioners. Each commissioner shall have one (1) vote. Member
20 states with separate dental and dental hygiene licensing agencies shall appoint
21 one (1) commissioner from each licensing agency. One (1) commissioner shall be
22 a current member of a member state dental board. Commissioners may not
23 delegate votes or vote by proxy, however, if a commissioner is unable to attend,
24 the member state may substitute a commissioner who meets the same
25 requirements.

26 (c) Upon five (5) states joining the Compact, the Compact shall become active. The
27 commission shall adopt bylaws upon becoming active.

- 1 (d) The commission shall meet at least once per calendar year, the annual meeting
2 and at additional times as necessary pursuant to the bylaws and rules.
- 3 (e) At each annual meeting, the commission shall elect a chair, vice chair, secretary,
4 and treasurer from the membership of the commission, as the officers. The
5 officers shall be members of the commission's executive committee. The
6 commission shall also elect representatives from four (4) regional districts
7 established by the commission to serve on the executive committee. All officers
8 and executive committee representatives shall serve one (1) year terms.
- 9 (f) Quorum for purposes of conducting business shall be a majority of
10 commissioners attending in person or virtually.
- 11 (g) The commission shall provide notice of all meetings on its website and in other
12 communications to member state dental boards.
- 13 (h) A vote of two-thirds (2/3) of the commissioners present shall be required for an
14 executive session to discuss:
- 15 (1) Items specifically related to participation in a lawsuit or in anticipation of a
16 legal proceeding;
- 17 (2) Matters specifically exempted from disclosure by federal statute;
- 18 (3) Information or matters involving law enforcement agencies or information
19 that accuses a person of a crime or a public censure;
- 20 (4) Discussions that would include information of a personal nature that would
21 constitute an unwarranted invasion of personal privacy;
- 22 (5) Anything considered internal practices and procedures or a trade secret;
- 23 (6) Other items described in the commission bylaws allowing for executive
24 sessions to be called; or
- 25 (7) Advice of legal counsel.
- 26 (i) The commission shall keep minutes and make them available to all member
27 states.

1 (j) The commission may establish other committees as needed.

2 (k) The commission shall prepare an annual report that shall be made available to
3 the legislatures and governors of the member states. The annual report shall
4 describe the activities of the commission during the preceding calendar year.
5 Such reports shall also include reports of the annual financial audit and any
6 actions taken by or rules that were adopted by the commission.

7 Section 4. DUTIES OF COMPACT MEMBER STATES

8 (a) Member states shall submit to the clearinghouse all member state dental board
9 actions and other documents and data as determined by the commission.

10 (b) Member states shall notify the commission of any adverse action taken by the
11 member state dental board, any active investigation by the member state dental
12 board, any active investigation involving pending criminal charges, or other
13 circumstance as determined by the commission.

14 (c) Any adverse action, order, restriction or denial of a license or permit on a
15 licensee or compact license privilege holder shall be reported to the clearinghouse
16 by the member state dental board.

17 (d) Member state dental boards may submit to the clearinghouse nonpublic
18 complaints, or disciplinary or investigatory information not required by Section
19 4(c) of this Compact. All investigatory material shall be considered confidential
20 and not part of a public record unless otherwise specifically required by state
21 statute.

22 (e) Members states shall accept continuing education credits as required or
23 recognized by any other member state.

24 (f) Documents in the repository shall be treated by a member state as the equivalent
25 of a primary or original source document for licensure.

26 (g) Member states shall accept a standardized application for a compact license
27 privilege. The standardized application shall be established by the rules enacted

1 by the commission.

2 (h) Member states may agree to share information regarding ongoing investigations
3 and actions, including joint investigations between states. All investigatory
4 material shall be considered confidential and not part of a public record unless
5 otherwise specifically required by state statute.

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

10 Section 5. POWERS AND DUTIES OF THE COMMISSION

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

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

15 (2) Promulgate bylaws and rules to operate the Compact and the commission;

16 (3) Establish a budget and make expenditures;

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

19 (5) Issue, upon the request of a member state dental board, advisory opinions
20 concerning the meaning or interpretation of the Compact and its bylaws,
21 rules, and actions;

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

25 (7) Hold an annual meeting for the commission where the elections of the
26 executive committee and other issues may be discussed and voted on;

27 (8) Establish personnel policies and programs relating to conflicts of interest,

- 1 and the rates of compensation and qualifications of personnel;
- 2 (9) Accept donations and grants of money, equipment, supplies, materials, and
- 3 services, and to receive, utilize, and dispose of them in a manner consistent
- 4 with the conflict of interest policies established by the commission;
- 5 (10) Report annually to the legislatures and governors of the member state
- 6 dental boards concerning the activities of the commission during the
- 7 preceding calendar year. Such reports shall also include reports of annual
- 8 financial audits, all actions of the commission, rules adopted by the
- 9 commission, and any recommendations by the commission; and
- 10 (11) Coordinate education, training and public awareness regarding the
- 11 Compact, its implementation, and its operation.
- 12 (b) The executive committee shall have the power to act on behalf of the commission,
- 13 with the exception of rulemaking, during periods when the commission is not in
- 14 session. When acting on behalf of the commission, the executive committee shall
- 15 oversee the administration of the Compact, including enforcement of and
- 16 compliance with the Compact.
- 17 (c) The officers and employees of the commission shall be immune from suit and
- 18 liability, either personally or in their official capacity, for a claim for damage to
- 19 or loss of property or personal injury or other civil liability caused or arising out
- 20 of, or relating to, an actual or alleged act, error or omission that occurred, or that
- 21 such person had a reasonable basis for believing occurred, within the scope of
- 22 commission employment, duties or responsibilities; provided, that such person
- 23 shall not be protected from suit or liability for damage, loss, injury or liability
- 24 caused by the intentional or willful and wanton misconduct of such person.
- 25 (d) The liability of the executive director and employees of the commission or
- 26 representatives of the commission, acting within the scope of such person's
- 27 employment or duties for acts, errors or omissions occurring within such person's

1 state may not exceed the limits of liability set forth under the constitution and
2 laws of that state for state officials, employees, and agents. The commission shall
3 be considered to be an instrumentality of the states for the purposes of any such
4 action. Nothing in this subsection shall be construed to protect such person from
5 suit or liability for damage, loss, injury, or liability caused by the intentional or
6 willful and wanton misconduct of such person.

7 (e) The commission shall defend the commission's executive director, its employees,
8 and, subject to the approval of the attorney general or other appropriate legal
9 counsel of the member state represented by a commission representative, shall
10 defend such commission representative in any civil action seeking to impose
11 liability arising out of an actual or alleged act, error or omission that occurred
12 within the scope of commission employment, duties or responsibilities, or that the
13 defendant had a reasonable basis for believing occurred within the scope of
14 commission employment, duties or responsibilities, provided that the actual or
15 alleged act, error or omission did not result from intentional or willful and
16 wanton misconduct on the part of such person.

17 (f) To the extent not covered by the state involved, member state, or the commission,
18 the representatives or employees of the commission shall be held harmless by the
19 commission in the amount of a settlement or judgment, including attorney's fees
20 and costs, obtained against such persons arising out of an actual or alleged act,
21 error or omission that occurred within the scope of commission employment,
22 duties or responsibilities, or that such persons had a reasonable basis for
23 believing occurred within the scope of commission employment, duties, or
24 responsibilities, provided that the actual or alleged act, error or omission did not
25 result from intentional or willful and wanton misconduct on the part of such
26 persons.

27 Section 6. APPLICATION, ELIGIBILITY, AND ISSUANCE OF COMPACT

1 **LICENSE PRIVILEGE TO A MEMBER STATE**

- 2 **(a) A dentist or dental hygienist applying for compact license privileges shall meet**
3 **the requirements of a dentist as listed in Section (2)(r) of this Compact or a dental**
4 **hygienist as listed in Section (2)(p) of this Compact and hold a current license in**
5 **a member state under this Compact.**
- 6 **(b) Each dentist or dental hygienist shall designate a home state of licensure. The**
7 **home state shall be determined by:**
- 8 **(1) The state of primary residence for the dentist or dental hygienist, where**
9 **twenty-five percent (25%) of their practice within one (1) year occurs. An**
10 **active duty military member or their spouse may choose a home state as**
11 **designated with the military but are not required to meet the requirement of**
12 **twenty-five percent (25%) practice being within their home state; or**
- 13 **(2) If no state qualifies under Section 6(b)(1) of this Compact, then the state**
14 **that the dentist or dental hygienist listed as their state of residence on the**
15 **previous year's federal tax return.**
- 16 **(c) A dentist or dental hygienist may redesignate a home state no more than one (1)**
17 **time in a calendar year if the qualifications of a home state are met.**
- 18 **(d) A dentist or dental hygienist seeking a compact license privilege, the applicant,**
19 **shall apply to their home state dental board for a letter stating that the applicant**
20 **is eligible for compact license privileges.**
- 21 **(e) The home state dental board shall determine the eligibility of an application for a**
22 **compact license privilege and shall issue a letter of approval or denial of the**
23 **application for a compact license privilege.**
- 24 **(f) The letter from the applicant's home state dental board approving the application**
25 **shall be submitted to the member state dental board for the member state in**
26 **which the applicant proposes to practice, and shall include:**
- 27 **(1) The Compact application packet;**

1 (2) Authorization to seek access to the applicant's repository documents;

2 (3) Any additional information that may be required by the proposed compact
3 license privilege state; and

4 (4) Any required fees.

5 The member state dental board shall review the application to confirm
6 compliance with the member state's laws and regulations. Following such review,
7 if the member state dental board approves the application, it shall issue a compact
8 license privilege from the proposed member state to the applicant.

9 (g) Appeals of a denial of a compact license privilege application shall be filed with
10 the member state dental board making such determination, and shall be filed
11 within thirty (30) days of the days of the denial.

12 (h) A licensee holding a compact license privilege shall notify the commission within
13 ten (10) business days of any adverse action taken against a license held in a state
14 that is not a member state.

15 (i) A compact license privilege may be revoked, suspended, or limited by the issuing
16 member state dental board if at any time the licensee's home state license is
17 revoked, suspended, or limited.

18 (j) The commission shall issue rules on the duration of a compact license privilege,
19 the application and renewal process for a compact license privilege, and any
20 application fees.

21 (k) Eligibility or ineligibility to receive a compact license privilege shall not limit the
22 ability of a licensee to seek a state license through the regular process outside of
23 the Compact.

24 Section 7. JURISDICTION OVER COMPACT LICENSE PRIVILEGE HOLDERS

25 (a) Each licensee holding a compact license privilege shall be subject to and comply
26 with the laws and regulations of the member state in which such licensee
27 practices under a compact license privilege.

1 (b) Each licensee holding a compact license privilege shall be subject to the
2 jurisdiction and authority of the member state dental board of the state in which
3 such licensee practices, as if they held a license issued from such member state
4 dental board. Such compact license privilege holder shall be deemed a licensee of
5 the member state dental board for purposes of such board taking an adverse
6 action.

7 (c) Each licensee holding a compact license privilege shall list a current address with
8 the commission that shall serve as their official address of service.

9 (d) A licensee holding a compact license privilege may have an adverse action taken
10 against them by:

11 (1) The member state dental board of the member state in which they are
12 practicing with a compact license privilege;

13 (2) The licensee's home state; or

14 (3) The state licensing authority of a state that is not a member state from
15 which the licensee holds a license.

16 (e) A home state may take an adverse action against the holder of a compact license
17 privilege, regardless of where the actions giving rise to the adverse action
18 occurred.

19 (f) Any member state in which the compact licensee holds a compact license
20 privilege may investigate an allegation of a violation of the laws and rules of the
21 practice of dentistry or dental hygiene in any other state where the compact
22 licensee holds a compact license privilege.

23 Section 8. FEES AND MILITARY WAIVER

24 (a) The commission shall issue rules regarding the use of the repository by each
25 holder of a compact license privilege.

26 (b) A member state dental board issuing a compact license privilege authorizing
27 practice in its state may impose a fee for a compact license privilege, for either

1 initial issuance or any renewal.

2 (c) No compact fee shall be required of any active duty military member or their
3 spouse up to one (1) year after separation from the service. Each member state
4 issuing a compact license privilege may waive fees for active duty military
5 members and their spouse as required by each individual state statute.

6 (d) Active duty military may transfer military training records to the repository
7 without a fee.

8 Section 9. JOINT INVESTIGATIONS AND DISCIPLINARY ACTIONS

9 (a) Each member state shall name a point of contact for joint investigations between
10 member state dental boards.

11 (b) Member state dental boards may participate with other member state dental
12 boards in joint investigations of licensees that are subject to this compact.

13 (c) Member state dental boards may share investigative, litigation or other materials
14 in furtherance of any joint or individual investigation of a compact license
15 privilege holder.

16 (d) A subpoena issued by a member state or member state dental board shall be
17 enforceable in other member states as allowed by law.

18 (e) If a compact license privilege holder has an adverse action taken against them by
19 any member state dental board, the compact license privilege holder, licensee
20 shall automatically be subject to similar discipline by other member state dental
21 boards.

22 (f) If a compact license privilege holder has an adverse action taken against their
23 home state license, including being revoked, surrendered, or relinquished in lieu
24 of discipline or suspended, then automatically all other compact license privileges
25 shall be placed in the same status. The home state dental board shall notify the
26 commission and the commission shall issue a notice to all member state dental
27 boards of such adverse action.

1 (g) If discipline or an adverse action is taken against a compact license privilege
2 holder in a member state, the member state board shall notify the commission
3 and the home state of the compact license privilege holder. The home state may
4 deem the action conclusive as a matter of law and fact and may:

5 (1) Impose the same or lesser sanction consistent with the home state's laws; or

6 (2) Pursue separate actions against the compact license privilege holder under
7 its laws, regardless of the sanctions pursued by the member state dental
8 board.

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

11 (a) Insurance companies and entities verifying documents for the purpose of licenses
12 extended to a dentist or dental hygienist may seek information from the
13 clearinghouse for public record documents;

14 (b) A dentist or dental hygienist may submit a request to the commission to allow any
15 hiring employer, entity, or insurance company to access documents from the
16 repository for the purposes of credentialing, licensing, or other privileges.

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

18 Section 11. RULEMAKING FUNCTIONS OF THE COMMISSION

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

25 (b) Rules validly issued by the commission shall have the force of law in each
26 member state.

27 (c) Rules deemed appropriate for the operations of the commission shall be made

1 pursuant to a rulemaking process that substantially conforms to the Model State
2 Administrative Procedure Act of 2010, and subsequent amendments thereto.

3 Section 12. OVERSIGHT OF THE COMPACT

4 (a) The executive, legislative, and judicial branches of state government in each
5 member state shall enforce the Compact and shall take all actions necessary and
6 appropriate to effectuate the Compact's purposes and intent to allow for expedited
7 licensure for the purpose of mobility. The provisions of the Compact and the
8 rules promulgated hereunder shall have standing as statutory law but shall not
9 override existing state authority to regulate the practice of dentistry and dental
10 hygiene.

11 (b) All courts may take judicial notice of the Compact and the rules in any judicial or
12 administrative proceeding in a member state pertaining to the subject matter of
13 the Compact which may affect the powers, responsibilities, or actions of the
14 commission.

15 (c) The commission shall be entitled to receive all service of process in any such
16 proceeding and shall have standing to intervene in the proceeding for all
17 purposes. Except where the commission has intervened, failure to provide service
18 of process to the commission shall render a judgment or order void as to the
19 commission, the Compact or promulgated rules.

20 Section 13. ENFORCEMENT AND DEFAULT PROCEDURES

21 (a) The commission, in the reasonable exercise of its discretion, shall enforce the
22 provisions and rules of the Compact.

23 (b) The grounds for default under this Compact by a member state include, but are
24 not limited to, failure of a member state to perform such obligations or
25 responsibilities imposed upon it by the Compact or by the rules and bylaws of the
26 commission promulgated under the Compact.

27 (c) If the commission determines that a member state has defaulted in the

1 performance of its obligations or responsibilities under the Compact, or the
2 bylaws or promulgated rules, the commission shall:

3 (1) Provide written notice to the defaulting state and other member states of the
4 nature of the default, the means of curing the default and any action taken
5 by the commission. The commission shall specify the conditions by which
6 the defaulting state must cure its default; and

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

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

15 (e) Termination of membership in the Compact shall be imposed only after all other
16 means of securing compliance have been exhausted. Notice of intent to terminate
17 shall be given by the commission to the governor, the majority and minority
18 leaders of the defaulting state's legislature and each of the member states.

19 (f) The commission shall establish rules and procedures to address licensees and
20 compact license privilege holders that are materially impacted by the termination
21 of a member state or the withdrawal of a member state.

22 (g) The commission shall not bear any costs relating to any state that has been found
23 to be in default or which has been terminated from the Compact, unless otherwise
24 mutually agreed upon in writing between the commission and the defaulting
25 state.

26 (h) The defaulting state may appeal the action of the commission by petitioning the
27 state court where the commission has its principal offices. The prevailing party

1 shall be awarded all costs of such litigation, including reasonable attorney's fees.

2 (i) The commission shall not bear any costs relating to any state that has been found
3 to be in default or which has been terminated from the Compact, unless otherwise
4 mutually agreed upon in writing between the commission and the defaulting
5 state.

6 (j) The remedies herein shall not be the exclusive remedies of the commission. The
7 commission may avail itself of any other remedies available under state law or the
8 regulation of a profession.

9 Section 14. DISPUTE RESOLUTION

10 (a) The commission shall attempt, upon the request of a member state dental board,
11 to resolve disputes which are subject to the compact and which may arise among
12 member state dental boards.

13 (b) The commission shall promulgate rules providing for both mediation and
14 voluntary binding dispute resolution, as appropriate.

15 Section 15. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

16 (a) Any state is eligible to become a member state of the Compact.

17 (b) The Compact shall become effective and binding upon legislative enactment of
18 the Compact into law by no less than five (5) states. Thereafter, it shall become
19 effective and binding on a state upon enactment of the Compact into law by that
20 state.

21 (c) The governors of nonmember states, or their designees, shall be invited to
22 participate in the activities of the commission on a nonvoting basis prior to
23 adoption of the Compact by all states.

24 (d) The commission may propose amendments to the Compact for enactment by the
25 member states. No amendment shall become effective and binding upon the
26 commission and the member states unless and until it is enacted into law by
27 unanimous consent of the member states.

1 Section 16. WITHDRAWAL

- 2 (a) Once effective, the Compact shall continue in force and remain binding upon
3 each and every member state; provided, however, that a member state may
4 withdraw from the Compact after giving appropriate notice by specifically
5 repealing the statute which enacted the Compact into law.
- 6 (b) The licensee's compact license privilege shall remain in effect for six (6) months
7 from the date of the member state dental board withdrawal.
- 8 (c) The withdrawing state shall immediately notify the chairperson of the
9 commission in writing upon the introduction of legislation repealing the Compact
10 by the withdrawing state, and upon the enactment of such legislation.
- 11 (d) The commission shall notify the other member states within sixty (60) days of its
12 receipt of notice provided under Section 16(c) of this Compact.
- 13 (e) Reinstatement following withdrawal of a member state shall occur upon the
14 withdrawing state reenacting the Compact or upon such later date as determined
15 by the commission.
- 16 (f) The commission shall issue rules to address the impact of the withdrawal of a
17 member state on licenses granted by other member states to dentists and dental
18 hygienists who designated the withdrawing member state as their home state.

19 Section 17. DISSOLUTION

- 20 (a) The Compact shall dissolve effective upon the date of the withdrawal or default of
21 the member state which reduces the membership in the Compact to one (1)
22 member state.
- 23 (b) Upon the dissolution of the Compact, the Compact shall become null and void
24 and shall be of no further force or effect, and the business and affairs of the
25 commission shall be concluded and surplus funds shall be distributed in
26 accordance with the bylaws.

27 Section 18. SEVERABILITY AND CONSTRUCTION

1 (a) The provisions of the Compact shall be severable, and if any phrase, clause,
2 sentence, or provision is deemed unenforceable, the remaining provisions of the
3 Compact shall be enforceable.

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

6 Section 19. BINDING EFFECT OF COMPACT AND OTHER LAWS

7 (a) Nothing herein prevents the enforcement of any other law of a member state that
8 is not inconsistent with the Compact.

9 (b) All lawful actions of the commission, including all rules and bylaws promulgated
10 by the commission, shall be binding upon the member states.

11 (c) All agreements between the commission and the member states shall be binding
12 in accordance with their terms.

13 (d) In the event any provision of the Compact exceeds the constitutional limits
14 imposed on the legislature of any member state, such provision shall be
15 ineffective to the extent of the conflict with the constitutional provision in
16 question in that member state.

17 Section 20. RULES OF ORDER

18 The most current edition of the American Institute of Parliamentarians Standard Code
19 of Parliamentary Procedure shall be used for all meetings of the commission,
20 including its committees, in those situations not otherwise covered in the bylaws.