

# DDH Dentist and Dental Hygienist Compact

## Summary of Key Provisions

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### Section 1: Title and Purpose

The purposes of this Compact are to facilitate the interstate practice of dentistry and dental hygiene and improve public access to dentistry and dental hygiene services by providing dentists and dental hygienists licensed in a participating state the ability to practice in participating states in which they are not licensed.

This Compact is designed to achieve the following objectives:

- Enhance states' abilities to protect the public's health and safety
- Facilitate the exchange of licensure, investigative and disciplinary information among member states
- Requires practitioners to practice within the scope of practice authorized by the state in which they are practicing
- Support active-duty military personnel and their spouses
- Encourage the cooperation of member states in regulating multistate practice for licensed dentists and dental hygienists
- Create a streamlined pathway for licensees to practice in participating states increasing the mobility of duly licensed dentists and dental hygienists
- Increase public access to dentistry services

### Section 2: Definitions

This section establishes the definitions of key terms and concepts as used throughout the compact. Defined terms are capitalized throughout the document. The Dentist and Dental Hygienist Compact uses the term "Compact Privilege" to describe a licensee's permission to work in a remote state.

### Section 3: State Participation in the Compact

This section establishes the requirements for states to be eligible to participate in the compact, and what is required of participating states to continue to maintain eligibility.

To be eligible to participate in the compact a participating state must:

- Accept the National Board Examinations of the Joint Commission on National Dental Examinations
- Accept for licensure that applicants for a dentist license graduate from a predoctoral dental education program accredited by the Commission on Dental

Accreditation and that applicants for a dental hygienist license graduate from a dental hygiene education program accredited by the Commission on Dental Accreditation

- Require for licensure that applicants successfully complete a clinical assessment
- Have continuing professional development requirements
- Have a mechanism to receive and investigate complaints about Licensees practicing in that state
- Enact a compact that is not materially different from the model compact
- Participate fully in the compact data system
- Notify the compact commission of any adverse action or the availability of significant investigative information regarding a licensee or applicant
- Implement procedures for requiring the background check of applicants for a privilege to practice
- Comply with the rules of the commission, the governing body of the compact
- Accept licensees from other participating states as established by the compact

## Section 4: Compact Privilege

This section describes the requirements for a dentist or dental hygienist to obtain a compact privilege to practice in remote states.

To obtain and exercise a compact privilege under the compact a licensed dentist or dental hygienist must:

- Hold a qualifying license<sup>1</sup> in a participating state
- Have passed a National Board Examination of the Joint Commission on National Dental Examinations
- Have graduated from a predoctoral dental education program accredited by CODA, leading to a D.D.S. or D.M.D. degree (for dentists)
- Have graduated from a dental hygiene education program accredited by CODA (for dental hygienists)
- Have successfully completed a clinical assessment
- Have not been convicted or found guilty, or have entered into an agreed disposition, of a felony offense under applicable state or federal criminal law, within five (5) years prior to the date of their application;
- Apply to the commission through the participating state where the licensee holds a qualifying license
- Pay any applicable fees
- Meet any jurisprudence requirements established by the remote state in which the licensee is seeking a compact privilege
- Report to the commission any adverse action taken by any non-participating state

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<sup>1</sup> The compact defines Qualifying License as an active, unencumbered license issued by a participating state.

- Report to the commission the licensee's primary address and any change in address

### Section 5: Active-Duty Military Personnel or their Spouses

This section specifies that active-duty military members and their spouse shall not be required to pay the commission fee for a compact privilege. If a remote state chooses to charge a fee for a compact privilege, it may choose to charge a reduced fee or no fee to active-duty military and their spouses.

### Section 6: Adverse Actions

This section establishes a disciplinary framework between the compact participating states. Remote states may take adverse action against a licensee's compact privilege in that state and may issue enforceable subpoenas for witnesses and evidence from other participating states.

Participating states must report any adverse action and the existence of significant investigative information to the compact data system, which then promptly alerts the other participating states of this information. Any participating state may take adverse action based on the factual findings of a remote state. This section also directs the compact participating states to work together on joint investigative activities related to licensees using the compact.

### Section 7: Establishment and Operation of the Commission

This section outlines the composition and powers of the compact commission.

- Each participating state is entitled to one delegate
- The Commissioner will be a member or designee of the State Licensing Authority
- Each delegate has one vote on commission rules and bylaws
- The commission may establish a term of office, code of ethics, bylaws, rules, a budget and financial records in order to carry out the compact.

### Section 8: Data System

This section establishes the commission's shared information system. Participating states are required to share licensing information on practitioners with compact privileges. Participating states will submit a uniform dataset to the data system on all practitioners to whom this compact is applicable as required by the rules of the commission. This database will allow for the expedited sharing of disciplinary and investigative information.

Adverse action information pertaining to a licensee in any participating state will only be available to other participating states. A participating state may designate information submitted to the data system that may not be shared with the public without the express permission of that participating state.

### Section 9: Rulemaking

This section establishes the rulemaking authority of the commission to carry out the provisions of the compact.

- Rules carry the force of law in all participating states.
- A simple majority of participating state legislatures may veto a rule of the commission.
- Changes to rules require a 30-day notice of proposed rulemaking, with an opportunity for a public hearing.
- If the commission takes an action that is beyond the scope of the compact, the action is invalid and has no force and effect.

### Section 10: Oversight, Dispute Resolution and Enforcement

This section ensures compliance with the compact by member states and details the procedures to be followed in the event a participating state fails to comply with the compact.

- A period of technical assistance in remedying the situation.
- Dispute resolution, including mediation and binding processes.
- Termination from the compact if no other means of compliance is successful.
- The commission shall attempt to resolve any compact-related disputes that may arise between states.

### Section 11: Effective Date, Withdrawal and Amendment

This section establishes the effective date of the compact and includes provisions for states withdrawing from the compact and the member states collectively amending the compact.

- The compact takes effect on the date of enactment by the seventh state.
- States that join after this date are subject to the rules of the commission as they exist on the date when the compact becomes law in that state.
- Participating states may enact a law to repeal their membership in the compact. A state's withdrawal takes effect 180 days after enactment of such law.

### Section 12: Construction and Severability

The compact is to be liberally construed to effectuate its purposes.

The compact's provisions are severable, meaning that:

- If a provision is declared to conflict with the United States Constitution, all other provisions remain valid for all participating states.

- If a provision is held contrary to a participating state's constitution, the compact retains its full force in all other states, and all other provisions remain valid in the affected state.

### Section 13: Consistent Effect and Conflict with Other State Laws

Participating states retain sovereignty over all laws, and nothing shall inhibit or prohibit enforcement of laws that are not in conflict with the compact. Any laws, statutes, regulations or other legal requirements in a member state that conflict with the compact are superseded to the extent of the conflict.