



Dentist and Dental Hygienist Compact

This project is funded by the Department of Defense.

The following language must be enacted into law by a state to officially join the Dentist and Dental Hygienist Compact.

No substantive changes should be made to the model language. Any substantive changes may jeopardize the enacting state's participation in the Compact.

The Council of State Governments National Center for Interstate Compacts reviews state compact legislation to ensure consistency with the model language. Please direct inquiries to Jessica Thomas at JThomas@csg.org.

1 **DENTIST AND DENTAL HYGIENIST COMPACT**

2 **SECTION 1. TITLE AND PURPOSE**

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4 This statute shall be known and cited as the Dentist and Dental Hygienist Compact. The purposes
5 of this Compact are to facilitate the interstate practice of dentistry and dental hygiene and
6 improve public access to dentistry and dental hygiene services by providing Dentists and Dental
7 Hygienists licensed in a Participating State the ability to practice in Participating States in which
8 they are not licensed. The Compact does this by establishing a pathway for a Dentists and
9 Dental Hygienists licensed in a Participating State to obtain a Compact Privilege that authorizes
10 them to practice in another Participating State in which they are not licensed. The Compact
11 enables Participating States to protect the public health and safety with respect to the practice of
12 such Dentists and Dental Hygienists, through the State’s authority to regulate the practice of
13 dentistry and dental hygiene in the State. The Compact:

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15 A. Enables Dentists and Dental Hygienists who qualify for a Compact Privilege to practice
16 in other Participating States without satisfying burdensome and duplicative requirements
17 associated with securing a License to practice in those States;
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19 B. Promotes mobility and addresses workforce shortages through each Participating State’s
20 acceptance of a Compact Privilege to practice in that State;
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22 C. Increases public access to qualified, licensed Dentists and Dental Hygienists by creating a
23 responsible, streamlined pathway for Licensees to practice in Participating States.
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25 D. Enhances the ability of Participating States to protect the public’s health and safety;
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27 E. Does not interfere with licensure requirements established by a Participating State;
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29 F. Facilitates the sharing of licensure and disciplinary information among Participating
30 States;
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32 G. Requires Dentists and Dental Hygienists who practice in a Participating State pursuant to
33 a Compact Privilege to practice within the Scope of Practice authorized in that State;
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35 H. Extends the authority of a Participating State to regulate the practice of dentistry and
36 dental hygiene within its borders to Dentists and Dental Hygienists who practice in the
37 State through a Compact Privilege;
- 38
39 I. Promotes the cooperation of Participating State in regulating the practice of dentistry and
40 dental hygiene within those States;
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42 J. Facilitates the relocation of military members and their spouses who are licensed to
43 practice dentistry or dental hygiene;
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46 **SECTION 2. DEFINITIONS**

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

- 49 A. **“Active Military Member”** means any person with full-time duty status in the armed
50 forces of the United States, including members of the National Guard and Reserve.
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- 52 B. **“Adverse Action”** means disciplinary action or encumbrance imposed on a License or
53 Compact Privilege by a State Licensing Authority.
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- 55 C. **“Alternative Program”** means a non-disciplinary monitoring or practice remediation
56 process applicable to a Dentist or Dental Hygienist approved by a State Licensing
57 Authority of a Participating State in which the Dentist or Dental Hygienist is licensed.
58 This includes, but is not limited to, programs to which Licensees with substance abuse or
59 addiction issues are referred in lieu of Adverse Action.
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- 61 D. **“Clinical Assessment”** means examination or process, required for licensure as a Dentist
62 or Dental Hygienist as applicable, that provides evidence of clinical competence in
63 dentistry or dental hygiene.
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- 65 E. **“Commissioner”** means the individual appointed by a Participating State to serve as the
66 member of the Commission for that Participating State.
67
- 68 F. **“Compact”** means this Dentist and Dental Hygienist Compact.
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- 70 G. **“Compact Privilege”** means the authorization granted by a Remote State to allow a
71 Licensee from a Participating State to practice as a Dentist or Dental Hygienist in a
72 Remote State.
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- 74 H. **“Continuing Professional Development”** means a requirement, as a condition of
75 License renewal to provide evidence of successful participation in educational or
76 professional activities relevant to practice or area of work.
77
- 78 I. **“Criminal Background Check”** means the submission of fingerprints or other
79 biometric-based information for a License applicant for the purpose of obtaining that
80 applicant’s criminal history record information, as defined in 28 C.F.R. § 20.3(d) from
81 the Federal Bureau of Investigation and the State’s criminal history record repository as
82 defined in 28 C.F.R. § 20.3(f).
83
- 84 J. **“Data System”** means the Commission’s repository of information about Licensees,
85 including but not limited to examination, licensure, investigative, Compact Privilege,
86 Adverse Action, and Alternative Program.
87
- 88 K. **“Dental Hygienist”** means an individual who is licensed by a State Licensing Authority
89 to practice dental hygiene.
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- 91 L. **“Dentist”** means an individual who is licensed by a State Licensing Authority to practice
92 dentistry.
93
- 94 M. **“Dentist and Dental Hygienist Compact Commission” or “Commission”** means a
95 joint government agency established by this Compact comprised of each State that has
96 enacted the Compact and a national administrative body comprised of a Commissioner
97 from each State that has enacted the Compact.
98
- 99 N. **“Encumbered License”** means a License that a State Licensing Authority has limited in
100 any way other than through an Alternative Program.
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- 102 O. **“Executive Board”** means the Chair, Vice Chair, Secretary and Treasurer and any other
103 Commissioners as may be determined by Commission Rule or bylaw.
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- 105 P. **“Jurisprudence Requirement”** means the assessment of an individual’s knowledge of
106 the laws and Rules governing the practice of dentistry or dental hygiene, as applicable, in
107 a State.
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- 109 Q. **“License”** means current authorization by a State, other than authorization pursuant to a
110 Compact Privilege, or other privilege, for an individual to practice as a Dentist or Dental
111 Hygienist in that State.
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- 113 R. **“Licensee”** means an individual who holds an unrestricted License from a Participating
114 State to practice as a Dentist or Dental Hygienist in that State.
115
- 116 S. **“Model Compact”** the model for the Dentist and Dental Hygienist Compact on file with
117 the Council of State Governments or other entity as designated by the Commission.
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- 119 T. **“Participating State”** means a State that has enacted the Compact and been admitted to
120 the Commission in accordance with the provisions herein and Commission Rules.
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- 122 U. **“Qualifying License”** means a License that is not an Encumbered License issued by a
123 Participating State to practice dentistry or dental hygiene.
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- 125 V. **“Remote State”** means a Participating State where a Licensee who is not licensed as a
126 Dentist or Dental Hygienist is exercising or seeking to exercise the Compact Privilege.
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- 128 W. **“Rule”** means a regulation promulgated by an entity that has the force of law.
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- 130 X. **“Scope of Practice”** means the procedures, actions, and processes a Dentist or Dental
131 Hygienist licensed in a State is permitted to undertake in that State and the circumstances
132 under which the Licensee is permitted to undertake those procedures, actions and
133 processes. Such procedures, actions and processes and the circumstances under which
134 they may be undertaken may be established through means, including, but not limited to,
135 statute, regulations, case law, and other processes available to the State Licensing
136 Authority or other government agency.

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138 Y. **“Significant Investigative Information”** means information, records, and documents
139 received or generated by a State Licensing Authority pursuant to an investigation for
140 which a determination has been made that there is probable cause to believe that the
141 Licensee has violated a statute or regulation that is considered more than a minor
142 infraction for which the State Licensing Authority could pursue Adverse Action against
143 the Licensee.

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145 Z. **“State”** means any state, commonwealth, district, or territory of the United States of
146 America that regulates the practices of dentistry and dental hygiene.

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148 AA. **“State Licensing Authority”** means an agency or other entity of a State that is
149 responsible for the licensing and regulation of Dentists or Dental Hygienists.

150 **SECTION 3. STATE PARTICIPATION IN THE COMPACT**

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

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

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155 2. Participate fully in the Commission’s Data System;

156 3. Have a mechanism in place for receiving and investigating complaints about its Licensees
157 and License applicants;

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

161 5. Fully implement a Criminal Background Check requirement, within a time frame
162 established by Commission Rule, by receiving the results of a qualifying Criminal
163 Background Check;

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

165 7. Accept the National Board Examinations of the Joint Commission on National Dental
166 Examinations or another examination accepted by Commission Rule as a licensure
167 examination;

168 8. Accept for licensure that applicants for a Dentist License graduate from a predoctoral
169 dental education program accredited by the Commission on Dental Accreditation, or
170 another accrediting agency recognized by the United States Department of Education for
171 the accreditation of dentistry and dental hygiene education programs, leading to the
172 Doctor of Dental Surgery (D.D.S.) or Doctor of Dental Medicine (D.M.D.) degree;

173 9. Accept for licensure that applicants for a Dental Hygienist License graduate from a dental
174 hygiene education program accredited by the Commission on Dental Accreditation or

175 another accrediting agency recognized by the United States Department of Education for
176 the accreditation of dentistry and dental hygiene education programs;

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

178 11. Have Continuing Professional Development requirements as a condition for License
179 renewal; and

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

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

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

185 1. Consider that information in making a licensure decision;

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

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

190 D. A Licensee of a Participating State who has a Qualifying License in that State and does not
191 hold an Encumbered License in any other Participating State, shall be issued a Compact
192 Privilege in a Remote State in accordance with the terms of the Compact and Commission
193 Rules. If a Remote State has a Jurisprudence Requirement a Compact Privilege will not be
194 issued to the Licensee unless the Licensee has satisfied the Jurisprudence Requirement.

195 **SECTION 4. COMPACT PRIVILEGE**

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

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

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

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

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

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

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

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7. For a Dentist, have graduated from a predoctoral dental education program accredited by the Commission on Dental Accreditation, or another accrediting agency recognized by the United States Department of Education for the accreditation of dentistry and dental hygiene education programs, leading to the Doctor of Dental Surgery (D.D.S.) or Doctor of Dental Medicine (D.M.D.) degree;
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8. For a Dental Hygienist, have graduated from a dental hygiene education program accredited by the Commission on Dental Accreditation or another accrediting agency recognized by the United States Department of Education for the accreditation of dentistry and dental hygiene education programs;
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9. Have successfully completed a Clinical Assessment for licensure;
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10. Report to the Commission Adverse Action taken by any non-Participating State when applying for a Compact Privilege and, otherwise, within thirty (30) days from the date the Adverse Action is taken;
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11. Report to the Commission when applying for a Compact Privilege the address of the Licensee's primary residence and thereafter immediately report to the Commission any change in the address of the Licensee's primary residence; and
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12. Consent to accept service of process by mail at the Licensee's primary residence on record with the Commission with respect to any action brought against the Licensee by the Commission or a Participating State, and consent to accept service of a subpoena by mail at the Licensee's primary residence on record with the Commission with respect to any action brought or investigation conducted by the Commission or a Participating State.
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- B. The Licensee must comply with the requirements of subsection A of this section to maintain the Compact Privilege in the Remote State. If those requirements are met, the Compact Privilege will continue as long as the Licensee maintains a Qualifying License in the State through which the Licensee applied for the Compact Privilege and pays any applicable Compact Privilege renewal fees.
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- C. A Licensee providing dentistry or dental hygiene in a Remote State under the Compact Privilege shall function within the Scope of Practice authorized by the Remote State for a Dentist or Dental Hygienist licensed in that State.
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- D. A Licensee providing dentistry or dental hygiene pursuant to a Compact Privilege in a Remote State is subject to that State's regulatory authority. A Remote State may, in accordance with due process and that State's laws, by Adverse Action revoke or remove a Licensee's Compact Privilege in the Remote State for a specific period of time and impose fines or take any other necessary actions to protect the health and safety of its citizens. If a Remote State imposes an Adverse Action against a Compact Privilege that limits the Compact Privilege, that Adverse Action applies to all Compact Privileges in all Remote States. A Licensee whose Compact Privilege in a Remote State is removed for a specified period of time is not eligible for a Compact Privilege in any other Remote State until the

248 specific time for removal of the Compact Privilege has passed and all encumbrance
249 requirements are satisfied.

250 E. If a License in a Participating State is an Encumbered License, the Licensee shall lose the
251 Compact Privilege in a Remote State and shall not be eligible for a Compact Privilege in any
252 Remote State until the License is no longer encumbered.

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

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

- 259 1. The specific period of time for which the Compact Privilege was removed has ended; and
- 260 2. All conditions for removal of the Compact Privilege have been satisfied.

261 H. Once the requirements of subsection G of this section have been met, the Licensee must meet
262 the requirements in subsection A of this section to obtain a Compact Privilege in a Remote
263 State.

264 **SECTION 5. ACTIVE MILITARY MEMBER OR THEIR SPOUSES**

265 An Active Military Member and their spouse shall not be required to pay to the Commission for
266 a Compact Privilege the fee otherwise charged by the Commission. If a Remote State chooses to
267 charge a fee for a Compact Privilege, it may choose to charge a reduced fee or no fee to an
268 Active Military Member and their spouse for a Compact Privilege.

269 **SECTION 6. ADVERSE ACTIONS**

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

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

275 C. Nothing in this Compact shall override a Participating State's decision that participation in an
276 Alternative Program may be used in lieu of Adverse Action and that such participation shall
277 remain non-public if required by the Participating State's laws. Participating States must
278 require Licensees who enter any Alternative Program in lieu of discipline to agree not to
279 practice pursuant to a Compact Privilege in any other Participating State during the term of
280 the Alternative Program without prior authorization from such other Participating State.

281 D. Any Participating State in which a Licensee is applying to practice or is practicing pursuant
282 to a Compact Privilege may investigate actual or alleged violations of the statutes and

283 regulations authorizing the practice of dentistry or dental hygiene in any other Participating
284 State in which the Dentist or Dental Hygienist holds a License or Compact Privilege.

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

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

288 2. In furtherance of its rights and responsibilities under the Compact and the Commission's
289 Rules issue subpoenas for both hearings and investigations that require the attendance and
290 testimony of witnesses, and the production of evidence. Subpoenas issued by a State
291 Licensing Authority in a Participating State for the attendance and testimony of
292 witnesses, or the production of evidence from another Participating State, shall be
293 enforced in the latter State by any court of competent jurisdiction, according to the
294 practice and procedure of that court applicable to subpoenas issued in proceedings
295 pending before it. The issuing authority shall pay any witness fees, travel expenses,
296 mileage, and other fees required by the service statutes of the State where the witnesses
297 or evidence are located; and

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

300 F. Joint Investigations

301 1. In addition to the authority granted to a Participating State by its Dentist or Dental
302 Hygienist licensure act or other applicable State law, a Participating State may jointly
303 investigate Licensees with other Participating States.

304 2. Participating States shall share any Significant Investigative Information, litigation, or
305 compliance materials in furtherance of any joint or individual investigation initiated
306 under the Compact.

307 G. Authority to Continue Investigation

308 1. After a Licensee's Compact Privilege in a Remote State is terminated, the Remote State
309 may continue an investigation of the Licensee that began when the Licensee had a
310 Compact Privilege in that Remote State.

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

315 **SECTION 7. ESTABLISHMENT AND OPERATION OF THE COMMISSION.**

316 A. The Compact Participating States hereby create and establish a joint government agency
317 whose membership consists of all Participating States that have enacted the Compact. The
318 Commission is an instrumentality of the Participating States acting jointly and not an

319 instrumentality of any one State. The Commission shall come into existence on or after the
320 effective date of the Compact as set forth in Section 11A.

321
322 B. Participation, Voting, and Meetings

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- 324 1. Each Participating State shall have and be limited to one (1) Commissioner selected by
325 that Participating State's State Licensing Authority or, if the State has more than one
326 State Licensing Authority, selected collectively by the State Licensing Authorities.
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 - 328 2. The Commissioner shall be a member or designee of such Authority or Authorities.
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 - 330 3. The Commission may by Rule or bylaw establish a term of office for Commissioners and
331 may by Rule or bylaw establish term limits.
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 - 333 4. The Commission may recommend to a State Licensing Authority or Authorities, as
334 applicable, removal or suspension of an individual as the State's Commissioner.
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 - 336 5. A Participating State's State Licensing Authority, or Authorities, as applicable, shall fill
337 any vacancy of its Commissioner on the Commission within sixty (60) days of the
338 vacancy.
339
 - 340 6. Each Commissioner shall be entitled to one vote on all matters that are voted upon by the
341 Commission.
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 - 343 7. The Commission shall meet at least once during each calendar year. Additional meetings
344 may be held as set forth in the bylaws. The Commission may meet by
345 telecommunication, video conference or other similar electronic means.
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347 C. The Commission shall have the following powers:

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- 349 1. Establish the fiscal year of the Commission;
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 - 351 2. Establish a code of conduct and conflict of interest policies;
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 - 353 3. Adopt Rules and bylaws;
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 - 355 4. Maintain its financial records in accordance with the bylaws;
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 - 357 5. Meet and take such actions as are consistent with the provisions of this Compact, the
358 Commission's Rules, and the bylaws;
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 - 360 6. Initiate and conclude legal proceedings or actions in the name of the Commission,
361 provided that the standing of any State Licensing Authority to sue or be sued under
362 applicable law shall not be affected;

- 363 7. Maintain and certify records and information provided to a Participating State as the
364 authenticated business records of the Commission, and designate a person to do so on the
365 Commission's behalf;
366
- 367 8. Purchase and maintain insurance and bonds;
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- 369 9. Borrow, accept, or contract for services of personnel, including, but not limited to,
370 employees of a Participating State;
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- 372 10. Conduct an annual financial review;
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- 374 11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such
375 individuals appropriate authority to carry out the purposes of the Compact, and establish
376 the Commission's personnel policies and programs relating to conflicts of interest,
377 qualifications of personnel, and other related personnel matters;
378
- 379 12. As set forth in the Commission Rules, charge a fee to a Licensee for the grant of a
380 Compact Privilege in a Remote State and thereafter, as may be established by
381 Commission Rule, charge the Licensee a Compact Privilege renewal fee for each renewal
382 period in which that Licensee exercises or intends to exercise the Compact Privilege in
383 that Remote State. Nothing herein shall be construed to prevent a Remote State from
384 charging a Licensee a fee for a Compact Privilege or renewals of a Compact Privilege, or
385 a fee for the Jurisprudence Requirement if the Remote State imposes such a requirement
386 for the grant of a Compact Privilege;
387
- 388 13. Accept any and all appropriate gifts, donations, grants of money, other sources of
389 revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of
390 the same; provided that at all times the Commission shall avoid any appearance of
391 impropriety and/or conflict of interest;
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- 393 14. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed,
394 or any undivided interest therein;
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- 396 15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any
397 property real, personal, or mixed;
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- 399 16. Establish a budget and make expenditures;
400
- 401 17. Borrow money;
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- 403 18. Appoint committees, including standing committees, which may be composed of
404 members, State regulators, State legislators or their representatives, and consumer
405 representatives, and such other interested persons as may be designated in this Compact
406 and the bylaws;
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- 408 19. Provide and receive information from, and cooperate with, law enforcement agencies;

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20. Elect a Chair, Vice Chair, Secretary and Treasurer and such other officers of the Commission as provided in the Commission's bylaws;
21. Establish and elect an Executive Board;
22. Adopt and provide to the Participating States an annual report;
23. Determine whether a State's enacted compact is materially different from the Model Compact language such that the State would not qualify for participation in the Compact; and
24. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact.

D. Meetings of the Commission

1. All meetings of the Commission that are not closed pursuant to this subsection shall be open to the public. Notice of public meetings shall be posted on the Commission's website at least thirty (30) days prior to the public meeting.
2. Notwithstanding subsection D.1 of this section, the Commission may convene an emergency public meeting by providing at least twenty-four (24) hours prior notice on the Commission's website, and any other means as provided in the Commission's Rules, for any of the reasons it may dispense with notice of proposed rulemaking under Section 9.L. The Commission's legal counsel shall certify that one of the reasons justifying an emergency public meeting has been met.
3. Notice of all Commission meetings shall provide the time, date, and location of the meeting, and if the meeting is to be held or accessible via telecommunication, video conference, or other electronic means, the notice shall include the mechanism for access to the meeting through such means.
4. The Commission may convene in a closed, non-public meeting for the Commission to receive legal advice or to discuss:
 - a. Non-compliance of a Participating State with its obligations under the Compact;
 - b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;
 - c. Current or threatened discipline of a Licensee or Compact Privilege holder by the Commission or by a Participating State's Licensing Authority;
 - d. Current, threatened, or reasonably anticipated litigation;

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456 e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real
457 estate;
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459 f. Accusing any person of a crime or formally censuring any person;
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461 g. Trade secrets or commercial or financial information that is privileged or
462 confidential;
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464 h. Information of a personal nature where disclosure would constitute a clearly
465 unwarranted invasion of personal privacy;
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467 i. Investigative records compiled for law enforcement purposes;
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469 j. Information related to any investigative reports prepared by or on behalf of or for use
470 of the Commission or other committee charged with responsibility of investigation or
471 determination of compliance issues pursuant to the Compact;
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473 k. Legal advice;
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475 l. Matters specifically exempted from disclosure to the public by federal or
476 Participating State law; and
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478 m. Other matters as promulgated by the Commission by Rule.
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480 5. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the
481 meeting will be closed and reference each relevant exempting provision, and such
482 reference shall be recorded in the minutes.
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484 6. The Commission shall keep minutes that fully and clearly describe all matters discussed
485 in a meeting and shall provide a full and accurate summary of actions taken, and the
486 reasons therefore, including a description of the views expressed. All documents
487 considered in connection with an action shall be identified in such minutes. All minutes
488 and documents of a closed meeting shall remain under seal, subject to release only by a
489 majority vote of the Commission or order of a court of competent jurisdiction.
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491 E. Financing of the Commission
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493 1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its
494 establishment, organization, and ongoing activities.
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496 2. The Commission may accept any and all appropriate sources of revenue, donations, and
497 grants of money, equipment, supplies, materials, and services.
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499 3. The Commission may levy on and collect an annual assessment from each Participating
500 State and impose fees on Licensees of Participating States when a Compact Privilege is

501 granted, to cover the cost of the operations and activities of the Commission and its staff,
502 which must be in a total amount sufficient to cover its annual budget as approved each
503 fiscal year for which sufficient revenue is not provided by other sources. The aggregate
504 annual assessment amount for Participating States shall be allocated based upon a
505 formula that the Commission shall promulgate by Rule.
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- 507 4. The Commission shall not incur obligations of any kind prior to securing the funds
508 adequate to meet the same; nor shall the Commission pledge the credit of any
509 Participating State, except by and with the authority of the Participating State.
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- 511 5. The Commission shall keep accurate accounts of all receipts and disbursements. The
512 receipts and disbursements of the Commission shall be subject to the financial review and
513 accounting procedures established under its bylaws. All receipts and disbursements of
514 funds handled by the Commission shall be subject to an annual financial review by a
515 certified or licensed public accountant, and the report of the financial review shall be
516 included in and become part of the annual report of the Commission.
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518 F. The Executive Board

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- 520 1. The Executive Board shall have the power to act on behalf of the Commission according
521 to the terms of this Compact. The powers, duties, and responsibilities of the Executive
522 Board shall include:
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 - 524 a. Overseeing the day-to-day activities of the administration of the Compact including
525 compliance with the provisions of the Compact, the Commission's Rules and bylaws;
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 - 527 b. Recommending to the Commission changes to the Rules or bylaws, changes to this
528 Compact legislation, fees charged to Compact Participating States, fees charged to
529 Licensees, and other fees;
530
 - 531 c. Ensuring Compact administration services are appropriately provided, including by
532 contract;
533
 - 534 d. Preparing and recommending the budget;
535
 - 536 e. Maintaining financial records on behalf of the Commission;
537
 - 538 f. Monitoring Compact compliance of Participating States and providing compliance
539 reports to the Commission;
540
 - 541 g. Establishing additional committees as necessary;
542
 - 543 h. Exercising the powers and duties of the Commission during the interim between
544 Commission meetings, except for adopting or amending Rules, adopting or amending
545 bylaws, and exercising any other powers and duties expressly reserved to the
546 Commission by Rule or bylaw; and

- 547
548 i. Other duties as provided in the Rules or bylaws of the Commission.
549
550 2. The Executive Board shall be composed of up to seven (7) members:
551
552 a. The Chair, Vice Chair, Secretary and Treasurer of the Commission and any other
553 members of the Commission who serve on the Executive Board shall be voting
554 members of the Executive Board; and
555
556 b. Other than the Chair, Vice Chair, Secretary, and Treasurer, the Commission may elect
557 up to three (3) voting members from the current membership of the Commission.
558
559 3. The Commission may remove any member of the Executive Board as provided in the
560 Commission's bylaws.
561
562 4. The Executive Board shall meet at least annually.
563
564 a. An Executive Board meeting at which it takes or intends to take formal action on a
565 matter shall be open to the public, except that the Executive Board may meet in a
566 closed, non-public session of a public meeting when dealing with any of the matters
567 covered under subsection D.4.
568
569 b. The Executive Board shall give five (5) business days' notice of its public meetings,
570 posted on its website and as it may otherwise determine to provide notice to persons
571 with an interest in the public matters the Executive Board intends to address at those
572 meetings.
573
574 5. The Executive Board may hold an emergency meeting when acting for the Commission
575 to:
576
577 a. Meet an imminent threat to public health, safety, or welfare;
578
579 b. Prevent a loss of Commission or Participating State funds; or
580
581 c. Protect public health and safety.
582

583 G. Qualified Immunity, Defense, and Indemnification 584

- 585 1. The members, officers, executive director, employees and representatives of the
586 Commission shall be immune from suit and liability, both personally and in their official
587 capacity, for any claim for damage to or loss of property or personal injury or other civil
588 liability caused by or arising out of any actual or alleged act, error, or omission that
589 occurred, or that the person against whom the claim is made had a reasonable basis for
590 believing occurred within the scope of Commission employment, duties or
591 responsibilities; provided that nothing in this paragraph shall be construed to protect any
592 such person from suit or liability for any damage, loss, injury, or liability caused by the

593 intentional or willful or wanton misconduct of that person. The procurement of insurance
594 of any type by the Commission shall not in any way compromise or limit the immunity
595 granted hereunder.
596

- 597 2. The Commission shall defend any member, officer, executive director, employee, and
598 representative of the Commission in any civil action seeking to impose liability arising
599 out of any actual or alleged act, error, or omission that occurred within the scope of
600 Commission employment, duties, or responsibilities, or as determined by the
601 Commission that the person against whom the claim is made had a reasonable basis for
602 believing occurred within the scope of Commission employment, duties, or
603 responsibilities; provided that nothing herein shall be construed to prohibit that person
604 from retaining their own counsel at their own expense; and provided further, that the
605 actual or alleged act, error, or omission did not result from that person's intentional or
606 willful or wanton misconduct.
607
- 608 3. Notwithstanding subsection G.1 of this section, should any member, officer, executive
609 director, employee, or representative of the Commission be held liable for the amount of
610 any settlement or judgment arising out of any actual or alleged act, error, or omission that
611 occurred within the scope of that individual's employment, duties, or responsibilities for
612 the Commission, or that the person to whom that individual is liable had a reasonable
613 basis for believing occurred within the scope of the individual's employment, duties, or
614 responsibilities for the Commission, the Commission shall indemnify and hold harmless
615 such individual, provided that the actual or alleged act, error, or omission did not result
616 from the intentional or willful or wanton misconduct of the individual.
617
- 618 4. Nothing herein shall be construed as a limitation on the liability of any Licensee for
619 professional malpractice or misconduct, which shall be governed solely by any other
620 applicable State laws.
621
- 622 5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a
623 Participating State's state action immunity or state action affirmative defense with respect
624 to antitrust claims under the Sherman Act, Clayton Act, or any other State or federal
625 antitrust or anticompetitive law or regulation.
626
- 627 6. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the
628 Participating States or by the Commission.
629

630 **SECTION 8. DATA SYSTEM**

- 631 A. The Commission shall provide for the development, maintenance, operation, and utilization
632 of a coordinated database and reporting system containing licensure, Adverse Action, and the
633 presence of Significant Investigative Information on all Licensees and applicants for a
634 License in Participating States.
635
- 636 B. Notwithstanding any other provision of State law to the contrary, a Participating State shall
637 submit a uniform data set to the Data System on all individuals to whom this Compact is

- 638 applicable as required by the Rules of the Commission, including:
639
640 1. Identifying information;
641
642 2. Licensure data;
643
644 3. Adverse Actions against a Licensee, License applicant or Compact Privilege and
645 information related thereto;
646
647 4. Non-confidential information related to Alternative Program participation, the beginning
648 and ending dates of such participation, and other information related to such
649 participation;
650
651 5. Any denial of an application for licensure, and the reason(s) for such denial, (excluding
652 the reporting of any criminal history record information where prohibited by law);
653
654 6. The presence of Significant Investigative Information; and
655
656 7. Other information that may facilitate the administration of this Compact or the protection
657 of the public, as determined by the Rules of the Commission.
658
- 659 C. The records and information provided to a Participating State pursuant to this Compact or
660 through the Data System, when certified by the Commission or an agent thereof, shall
661 constitute the authenticated business records of the Commission, and shall be entitled to any
662 associated hearsay exception in any relevant judicial, quasi-judicial or administrative
663 proceedings in a Participating State.
664
- 665 D. Significant Investigative Information pertaining to a Licensee in any Participating State will
666 only be available to other Participating States.
667
- 668 E. It is the responsibility of the Participating States to monitor the database to determine
669 whether Adverse Action has been taken against a Licensee or License applicant. Adverse
670 Action information pertaining to a Licensee or License applicant in any Participating State
671 will be available to any other Participating State.
672
- 673 F. Participating States contributing information to the Data System may designate information
674 that may not be shared with the public without the express permission of the contributing
675 State.
676
- 677 G. Any information submitted to the Data System that is subsequently expunged pursuant to
678 federal law or the laws of the Participating State contributing the information shall be
679 removed from the Data System.
680

681 **SECTION 9. RULEMAKING**

- 682 A. The Commission shall promulgate reasonable Rules in order to effectively and efficiently
683 implement and administer the purposes and provisions of the Compact. A Commission Rule

684 shall be invalid and have no force or effect only if a court of competent jurisdiction holds that
685 the Rule is invalid because the Commission exercised its rulemaking authority in a manner
686 that is beyond the scope and purposes of the Compact, or the powers granted hereunder, or
687 based upon another applicable standard of review.

688
689 B. The Rules of the Commission shall have the force of law in each Participating State,
690 provided however that where the Rules of the Commission conflict with the laws of the
691 Participating State that establish the Participating State's Scope of Practice as held by a court
692 of competent jurisdiction, the Rules of the Commission shall be ineffective in that State to
693 the extent of the conflict.

694
695 C. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in
696 this section and the Rules adopted thereunder. Rules shall become binding as of the date
697 specified by the Commission for each Rule.

698
699 D. If a majority of the legislatures of the Participating States rejects a Commission Rule or
700 portion of a Commission Rule, by enactment of a statute or resolution in the same manner
701 used to adopt the Compact, within four (4) years of the date of adoption of the Rule, then
702 such Rule shall have no further force and effect in any Participating State or to any State
703 applying to participate in the Compact.

704
705 E. Rules shall be adopted at a regular or special meeting of the Commission.

706
707 F. Prior to adoption of a proposed Rule, the Commission shall hold a public hearing and allow
708 persons to provide oral and written comments, data, facts, opinions, and arguments.

709
710 G. Prior to adoption of a proposed Rule by the Commission, and at least thirty (30) days in
711 advance of the meeting at which the Commission will hold a public hearing on the proposed
712 Rule, the Commission shall provide a Notice of Proposed Rulemaking:

- 713
- 714 1. On the website of the Commission or other publicly accessible platform;
 - 715
 - 716 2. To persons who have requested notice of the Commission's notices of proposed
717 rulemaking, and
 - 718
 - 719 3. In such other way(s) as the Commission may by Rule specify.

720
721 H. The Notice of Proposed Rulemaking shall include:

- 722
- 723 1. The time, date, and location of the public hearing at which the Commission will hear
724 public comments on the proposed Rule and, if different, the time, date, and location of
725 the meeting where the Commission will consider and vote on the proposed Rule;
 - 726
 - 727 2. If the hearing is held via telecommunication, video conference, or other electronic means,
728 the Commission shall include the mechanism for access to the hearing in the Notice of
729 Proposed Rulemaking;

- 730
731 3. The text of the proposed Rule and the reason therefor;
732
733 4. A request for comments on the proposed Rule from any interested person; and
734
735 5. The manner in which interested persons may submit written comments.
736
737 I. All hearings will be recorded. A copy of the recording and all written comments and
738 documents received by the Commission in response to the proposed Rule shall be available
739 to the public.
740
741 J. Nothing in this section shall be construed as requiring a separate hearing on each
742 Commission Rule. Rules may be grouped for the convenience of the Commission at hearings
743 required by this section.
744
745 K. The Commission shall, by majority vote of all Commissioners, take final action on the
746 proposed Rule based on the rulemaking record.
747
748 1. The Commission may adopt changes to the proposed Rule provided the changes do not
749 enlarge the original purpose of the proposed Rule.
750
751 2. The Commission shall provide an explanation of the reasons for substantive changes
752 made to the proposed Rule as well as reasons for substantive changes not made that were
753 recommended by commenters.
754
755 3. The Commission shall determine a reasonable effective date for the Rule. Except for an
756 emergency as provided in subsection L, the effective date of the Rule shall be no sooner
757 than thirty (30) days after the Commission issuing the notice that it adopted or amended
758 the Rule.
759
760 L. Upon determination that an emergency exists, the Commission may consider and adopt an
761 emergency Rule with 24 hours' notice, with opportunity to comment, provided that the usual
762 rulemaking procedures provided in the Compact and in this section shall be retroactively
763 applied to the Rule as soon as reasonably possible, in no event later than ninety (90) days
764 after the effective date of the Rule. For the purposes of this provision, an emergency Rule is
765 one that must be adopted immediately in order to:
766
767 1. Meet an imminent threat to public health, safety, or welfare;
768
769 2. Prevent a loss of Commission or Participating State funds;
770
771 3. Meet a deadline for the promulgation of a Rule that is established by federal law or rule;
772 or
773
774 4. Protect public health and safety.
775

776 M. The Commission or an authorized committee of the Commission may direct revisions to a
777 previously adopted Rule for purposes of correcting typographical errors, errors in format,
778 errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on
779 the website of the Commission. The revision shall be subject to challenge by any person for a
780 period of thirty (30) days after posting. The revision may be challenged only on grounds that
781 the revision results in a material change to a Rule. A challenge shall be made in writing and
782 delivered to the Commission prior to the end of the notice period. If no challenge is made,
783 the revision will take effect without further action. If the revision is challenged, the revision
784 may not take effect without the approval of the Commission.

785
786 N. No Participating State's rulemaking requirements shall apply under this Compact

787 **SECTION 10. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

788 A. Oversight

- 789
- 790 1. The executive and judicial branches of State government in each Participating State shall
791 enforce this Compact and take all actions necessary and appropriate to implement the
792 Compact.
 - 793 2. Venue is proper and judicial proceedings by or against the Commission shall be brought
794 solely and exclusively in a court of competent jurisdiction where the principal office of
795 the Commission is located. The Commission may waive venue and jurisdictional
796 defenses to the extent it adopts or consents to participate in alternative dispute resolution
797 proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any
798 action against a Licensee for professional malpractice, misconduct or any such similar
799 matter.
 - 800 3. The Commission shall be entitled to receive service of process in any proceeding
801 regarding the enforcement or interpretation of the Compact or Commission Rule and
802 shall have standing to intervene in such a proceeding for all purposes. Failure to provide
803 the Commission service of process shall render a judgment or order void as to the
804 Commission, this Compact, or promulgated Rules.

805 B. Default, Technical Assistance, and Termination

- 806
- 807 1. If the Commission determines that a Participating State has defaulted in the performance
808 of its obligations or responsibilities under this Compact or the promulgated Rules, the
809 Commission shall provide written notice to the defaulting State. The notice of default
810 shall describe the default, the proposed means of curing the default, and any other action
811 that the Commission may take, and shall offer training and specific technical assistance
812 regarding the default.
 - 813 2. The Commission shall provide a copy of the notice of default to the other Participating
814 States.

815
816
817 C. If a State in default fails to cure the default, the defaulting State may be terminated from the
818
819
820

821 Compact upon an affirmative vote of a majority of the Commissioners, and all rights,
822 privileges and benefits conferred on that State by this Compact may be terminated on the
823 effective date of termination. A cure of the default does not relieve the offending State of
824 obligations or liabilities incurred during the period of default.

825
826 D. Termination of participation in the Compact shall be imposed only after all other means of
827 securing compliance have been exhausted. Notice of intent to suspend or terminate shall be
828 given by the Commission to the governor, the majority and minority leaders of the defaulting
829 State's legislature, the defaulting State's State Licensing Authority or Authorities, as
830 applicable, and each of the Participating States' State Licensing Authority or Authorities, as
831 applicable.

832
833 E. A State that has been terminated is responsible for all assessments, obligations, and liabilities
834 incurred through the effective date of termination, including obligations that extend beyond
835 the effective date of termination.

836
837 F. Upon the termination of a State's participation in this Compact, that State shall immediately
838 provide notice to all Licensees of the State, including Licensees of other Participating States
839 issued a Compact Privilege to practice within that State, of such termination. The terminated
840 State shall continue to recognize all Compact Privileges then in effect in that State for a
841 minimum of one hundred eighty (180) days after the date of said notice of termination.

842
843 G. The Commission shall not bear any costs related to a State that is found to be in default or
844 that has been terminated from the Compact, unless agreed upon in writing between the
845 Commission and the defaulting State.

846
847 H. The defaulting State may appeal the action of the Commission by petitioning the U.S.
848 District Court for the District of Columbia or the federal district where the Commission has
849 its principal offices. The prevailing party shall be awarded all costs of such litigation,
850 including reasonable attorney's fees.

851
852 I. Dispute Resolution

853
854 1. Upon request by a Participating State, the Commission shall attempt to resolve disputes
855 related to the Compact that arise among Participating States and between Participating
856 States and non-Participating States.

857
858 2. The Commission shall promulgate a Rule providing for both mediation and binding
859 dispute resolution for disputes as appropriate.

860
861 J. Enforcement

862
863 1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions
864 of this Compact and the Commission's Rules.

865
866 2. By majority vote, the Commission may initiate legal action against a Participating State

867 in default in the United States District Court for the District of Columbia or the federal
868 district where the Commission has its principal offices to enforce compliance with the
869 provisions of the Compact and its promulgated Rules. The relief sought may include both
870 injunctive relief and damages. In the event judicial enforcement is necessary, the
871 prevailing party shall be awarded all costs of such litigation, including reasonable
872 attorney's fees. The remedies herein shall not be the exclusive remedies of the
873 Commission. The Commission may pursue any other remedies available under federal or
874 the defaulting Participating State's law.

- 875
- 876 3. A Participating State may initiate legal action against the Commission in the U.S. District
877 Court for the District of Columbia or the federal district where the Commission has its
878 principal offices to enforce compliance with the provisions of the Compact and its
879 promulgated Rules. The relief sought may include both injunctive relief and damages. In
880 the event judicial enforcement is necessary, the prevailing party shall be awarded all costs
881 of such litigation, including reasonable attorney's fees.
- 882
- 883 4. No individual or entity other than a Participating State may enforce this Compact against
884 the Commission.

885 **SECTION 11. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT**

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

- 888
- 889 1. On or after the effective date of the Compact, the Commission shall convene and
890 review the enactment of each of the States that enacted the Compact prior to the
891 Commission convening ("Charter Participating States") to determine if the statute
892 enacted by each such Charter Participating State is materially different than the
893 Model Compact.
- 894
- 895 a. A Charter Participating State whose enactment is found to be materially different
896 from the Model Compact shall be entitled to the default process set forth in
897 Section 10.
- 898
- 899 b. If any Participating State is later found to be in default, or is terminated or
900 withdraws from the Compact, the Commission shall remain in existence and the
901 Compact shall remain in effect even if the number of Participating States should
902 be less than seven (7).
- 903
- 904 2. Participating States enacting the Compact subsequent to the Charter Participating
905 States shall be subject to the process set forth in Section 7.C.23 to determine if their
906 enactments are materially different from the Model Compact and whether they
907 qualify for participation in the Compact.
- 908
- 909 3. All actions taken for the benefit of the Commission or in furtherance of the purposes
910 of the administration of the Compact prior to the effective date of the Compact or the
911 Commission coming into existence shall be considered to be actions of the

912 Commission unless specifically repudiated by the Commission.

913

914 4. Any State that joins the Compact subsequent to the Commission's initial adoption of
915 the Rules and bylaws shall be subject to the Commission's Rules and bylaws as they
916 exist on the date on which the Compact becomes law in that State. Any Rule that has
917 been previously adopted by the Commission shall have the full force and effect of
918 law on the day the Compact becomes law in that State.

919

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

922

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

925

926 2. Withdrawal shall not affect the continuing requirement of the withdrawing State's
927 Licensing Authority or Authorities to comply with the investigative and Adverse
928 Action reporting requirements of this Compact prior to the effective date of
929 withdrawal.

930

931 3. Upon the enactment of a statute withdrawing from this Compact, the State shall
932 immediately provide notice of such withdrawal to all Licensees within that State.
933 Notwithstanding any subsequent statutory enactment to the contrary, such
934 withdrawing State shall continue to recognize all Compact Privileges to practice
935 within that State granted pursuant to this Compact for a minimum of one hundred
936 eighty (180) days after the date of such notice of withdrawal.

937

938 C. Nothing contained in this Compact shall be construed to invalidate or prevent any
939 licensure agreement or other cooperative arrangement between a Participating State and
940 a non-Participating State that does not conflict with the provisions of this Compact.

941

942 D. This Compact may be amended by the Participating States. No amendment to this
943 Compact shall become effective and binding upon any Participating State until it is
944 enacted into the laws of all Participating States.

945 SECTION 12. CONSTRUCTION AND SEVERABILITY

946

947 A. This Compact and the Commission's rulemaking authority shall be liberally construed so as
948 to effectuate the purposes, and the implementation and administration of the Compact.
949 Provisions of the Compact expressly authorizing or requiring the promulgation of Rules shall
950 not be construed to limit the Commission's rulemaking authority solely for those purposes.

951

952 B. The provisions of this Compact shall be severable and if any phrase, clause, sentence or
953 provision of this Compact is held by a court of competent jurisdiction to be contrary to the
954 constitution of any Participating State, a State seeking participation in the Compact, or of the
955 United States, or the applicability thereof to any government, agency, person or circumstance
956 is held to be unconstitutional by a court of competent jurisdiction, the validity of the
957 remainder of this Compact and the applicability thereof to any other government, agency,

958 person or circumstance shall not be affected thereby.

959

960 C. Notwithstanding subsection B of this section, the Commission may deny a State's
961 participation in the Compact or, in accordance with the requirements of Section 10.B,
962 terminate a Participating State's participation in the Compact, if it determines that a
963 constitutional requirement of a Participating State is a material departure from the
964 Compact. Otherwise, if this Compact shall be held to be contrary to the constitution of any
965 Participating State, the Compact shall remain in full force and effect as to the remaining
966 Participating States and in full force and effect as to the Participating State affected as to all
967 severable matters.

968

969 **SECTION 13. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS**

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

972

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

975

976 C. All permissible agreements between the Commission and the Participating States are binding
977 in accordance with their terms.