



## **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](mailto:JThomas@csg.org).*

# **DENTIST AND DENTAL HYGIENIST COMPACT**

## **SECTION 1. TITLE AND PURPOSE**

This statute shall be known and cited as the Dentist and Dental Hygienist Compact. 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. The Compact does this by establishing a pathway for a Dentists and Dental Hygienists licensed in a Participating State to obtain a Compact Privilege that authorizes them to practice in another Participating State in which they are not licensed. The Compact enables Participating States to protect the public health and safety with respect to the practice of such Dentists and Dental Hygienists, through the State's authority to regulate the practice of dentistry and dental hygiene in the State. The Compact:

- A. Enables Dentists and Dental Hygienists who qualify for a Compact Privilege to practice in other Participating States without satisfying burdensome and duplicative requirements associated with securing a License to practice in those States;
- B. Promotes mobility and addresses workforce shortages through each Participating State's acceptance of a Compact Privilege to practice in that State;
- C. Increases public access to qualified, licensed Dentists and Dental Hygienists by creating a responsible, streamlined pathway for Licensees to practice in Participating States.
- D. Enhances the ability of Participating States to protect the public's health and safety;
- E. Does not interfere with licensure requirements established by a Participating State;
- F. Facilitates the sharing of licensure and disciplinary information among Participating States;
- G. Requires Dentists and Dental Hygienists who practice in a Participating State pursuant to a Compact Privilege to practice within the Scope of Practice authorized in that State;
- H. Extends the authority of a Participating State to regulate the practice of dentistry and dental hygiene within its borders to Dentists and Dental Hygienists who practice in the State through a Compact Privilege;
- I. Promotes the cooperation of Participating State in regulating the practice of dentistry and dental hygiene within those States;
- J. Facilitates the relocation of military members and their spouses who are licensed to practice dentistry or dental hygiene;

## SECTION 2. DEFINITIONS

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

- A. **“Active Military Member”** means any person with full-time duty status in the armed forces of the United States, including members of the National Guard and Reserve.
- B. **“Adverse Action”** means disciplinary action or encumbrance imposed on a License or Compact Privilege by a State Licensing Authority.
- C. **“Alternative Program”** means a non-disciplinary monitoring or practice remediation process applicable to a Dentist or Dental Hygienist approved by a State Licensing Authority of a Participating State in which the Dentist or Dental Hygienist is licensed. This includes, but is not limited to, programs to which Licensees with substance abuse or addiction issues are referred in lieu of Adverse Action.
- D. **“Clinical Assessment”** means examination or process, required for licensure as a Dentist or Dental Hygienist as applicable, that provides evidence of clinical competence in dentistry or dental hygiene.
- E. **“Commissioner”** means the individual appointed by a Participating State to serve as the member of the Commission for that Participating State.
- F. **“Compact”** means this Dentist and Dental Hygienist Compact.
- G. **“Compact Privilege”** means the authorization granted by a Remote State to allow a Licensee from a Participating State to practice as a Dentist or Dental Hygienist in a Remote State.
- H. **“Continuing Professional Development”** means a requirement, as a condition of License renewal to provide evidence of successful participation in educational or professional activities relevant to practice or area of work.
- I. **“Criminal Background Check”** means the submission of fingerprints or other biometric-based information for a License applicant for the purpose of obtaining that applicant’s criminal history record information, as defined in 28 C.F.R. § 20.3(d) from the Federal Bureau of Investigation and the State’s criminal history record repository as defined in 28 C.F.R. § 20.3(f).
- J. **“Data System”** means the Commission’s repository of information about Licensees, including but not limited to examination, licensure, investigative, Compact Privilege, Adverse Action, and Alternative Program.
- K. **“Dental Hygienist”** means an individual who is licensed by a State Licensing Authority to practice dental hygiene.

- 91 L. **“Dentist”**<sup>1</sup> means an individual who is licensed by a State Licensing Authority to  
92 practice 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.  
101
- 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.  
104
- 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.  
108
- 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.  
112
- 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.  
118
- 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.  
121
- 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.  
124
- 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.  
127
- 128 W. **“Rule”** means a regulation promulgated by an entity that has the force of law.  
129
- 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

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<sup>1</sup> Note to bill drafters: the legislative intent of this compact is for dentists and dental hygienists practicing under a compact privilege to be granted all of the rights and privileges afforded a regularly licensed dentist in your state including billing of insurance.

processes. Such procedures, actions and processes and the circumstances under which they may be undertaken may be established through means, including, but not limited to, statute, regulations, case law, and other processes available to the State Licensing Authority or other government agency.

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

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

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

### SECTION 3. STATE PARTICIPATION IN THE COMPACT

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

1. Enact a compact that is not materially different from the Model Compact as determined in accordance with Commission Rules;
2. Participate fully in the Commission’s Data System;
3. Have a mechanism in place for receiving and investigating complaints about its Licensees and License applicants;
4. Notify the Commission, in compliance with the terms of the Compact and Commission Rules, of any Adverse Action or the availability of Significant Investigative Information regarding a Licensee and License applicant;
5. Fully implement a Criminal Background Check requirement, within a time frame established by Commission Rule, by receiving the results of a qualifying Criminal Background Check;
6. Comply with the Commission Rules applicable to a Participating State;
7. Accept the National Board Examinations of the Joint Commission on National Dental Examinations or another examination accepted by Commission Rule as a licensure examination;
8. Accept for licensure that applicants for a Dentist License graduate 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;

9. Accept for licensure that applicants for a Dental Hygienist License graduate 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;

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

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

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

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

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

1. Consider that information in making a licensure decision;

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

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

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

#### **SECTION 4. COMPACT PRIVILEGE**

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

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

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

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

4. Pay any applicable Commission and Remote State fees for a Compact Privilege in the 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;
- 208  
209 7. For a Dentist, have graduated from a predoctoral dental education program accredited by  
210 the Commission on Dental Accreditation, or another accrediting agency recognized by  
211 the United States Department of Education for the accreditation of dentistry and dental  
212 hygiene education programs, leading to the Doctor of Dental Surgery (D.D.S.) or Doctor  
213 of Dental Medicine (D.M.D.) degree;
- 214 8. For a Dental Hygienist, have graduated from a dental hygiene education program  
215 accredited by the Commission on Dental Accreditation or another accrediting agency  
216 recognized by the United States Department of Education for the accreditation of  
217 dentistry and dental hygiene education programs;
- 218 9. Have successfully completed a Clinical Assessment for licensure;
- 219 10. Report to the Commission Adverse Action taken by any non-Participating State when  
220 applying for a Compact Privilege and, otherwise, within thirty (30) days from the date the  
221 Adverse Action is taken;
- 222 11. Report to the Commission when applying for a Compact Privilege the address of the  
223 Licensee's primary residence and thereafter immediately report to the Commission any  
224 change in the address of the Licensee's primary residence; and
- 225 12. Consent to accept service of process by mail at the Licensee's primary residence on  
226 record with the Commission with respect to any action brought against the Licensee by  
227 the Commission or a Participating State, and consent to accept service of a subpoena by  
228 mail at the Licensee's primary residence on record with the Commission with respect to  
229 any action brought or investigation conducted by the Commission or a Participating  
230 State.
- 231 B. The Licensee must comply with the requirements of subsection A of this section to maintain  
232 the Compact Privilege in the Remote State. If those requirements are met, the Compact  
233 Privilege will continue as long as the Licensee maintains a Qualifying License in the State  
234 through which the Licensee applied for the Compact Privilege and pays any applicable  
235 Compact Privilege renewal fees.
- 236 C. A Licensee providing dentistry or dental hygiene in a Remote State under the Compact  
237 Privilege shall function within the Scope of Practice authorized by the Remote State for a  
238 Dentist or Dental Hygienist licensed in that State.
- 239 D. A Licensee providing dentistry or dental hygiene pursuant to a Compact Privilege in a  
240 Remote State is subject to that State's regulatory authority. A Remote State may, in  
241 accordance with due process and that State's laws, by Adverse Action revoke or remove a  
242 Licensee's Compact Privilege in the Remote State for a specific period of time and impose

243 fines or take any other necessary actions to protect the health and safety of its citizens. If a  
244 Remote State imposes an Adverse Action against a Compact Privilege that limits the  
245 Compact Privilege, that Adverse Action applies to all Compact Privileges in all Remote  
246 States. A Licensee whose Compact Privilege in a Remote State is removed for a specified  
247 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



practice pursuant to a Compact Privilege in any other Participating State during the term of the Alternative Program without prior authorization from such other Participating State.

D. Any Participating State in which a Licensee is applying to practice or is practicing pursuant to a Compact Privilege may investigate actual or alleged violations of the statutes and regulations authorizing the practice of dentistry or dental hygiene in any other Participating State in which the Dentist or Dental Hygienist holds a License or Compact Privilege.

E. A Remote State shall have the authority to:

1. Take Adverse Actions as set forth in Section 4.D against a Licensee's Compact Privilege in the State;
2. In furtherance of its rights and responsibilities under the Compact and the Commission's Rules issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a State Licensing Authority in a Participating State for the attendance and testimony of witnesses, or the production of evidence from another Participating State, shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the State where the witnesses or evidence are located; and
3. If otherwise permitted by State law, recover from the Licensee the costs of investigations and disposition of cases resulting from any Adverse Action taken against that Licensee.

F. Joint Investigations

1. In addition to the authority granted to a Participating State by its Dentist or Dental Hygienist licensure act or other applicable State law, a Participating State may jointly investigate Licensees with other Participating States.
2. Participating States shall share any Significant Investigative Information, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

G. Authority to Continue Investigation

1. After a Licensee's Compact Privilege in a Remote State is terminated, the Remote State may continue an investigation of the Licensee that began when the Licensee had a Compact Privilege in that Remote State.
2. If the investigation yields what would be Significant Investigative Information had the Licensee continued to have a Compact Privilege in that Remote State, the Remote State shall report the presence of such information to the Data System as required by Section 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

- 323
- 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.  
327
  - 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.  
332
  - 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.  
335
  - 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.  
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  - 340 6. Each Commissioner shall be entitled to one vote on all matters that are voted upon by the  
341 Commission.  
342
  - 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.  
346

347 C. The Commission shall have the following powers:

- 348
- 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;  
359

- 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;  
371
- 372 10. Conduct an annual financial review;  
373
- 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;  
398
- 399 16. Establish a budget and make expenditures;  
400
- 401 17. Borrow money;  
402
- 403 18. Appoint committees, including standing committees, which may be composed of  
404 members, State regulators, State legislators or their representatives, and consumer

representatives, and such other interested persons as may be designated in this Compact and the bylaws;

19. Provide and receive information from, and cooperate with, law enforcement agencies;

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;
- e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;
- f. Accusing any person of a crime or formally censuring any person;
- g. Trade secrets or commercial or financial information that is privileged or confidential;
- h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- i. Investigative records compiled for law enforcement purposes;
- j. Information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact;
- k. Legal advice;
- l. Matters specifically exempted from disclosure to the public by federal or Participating State law; and
- m. Other matters as promulgated by the Commission by Rule.

5. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.

6. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.

#### E. Financing of the Commission

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may accept any and all appropriate sources of revenue, donations, and grants of money, equipment, supplies, materials, and services.
3. The Commission may levy on and collect an annual assessment from each Participating State and impose fees on Licensees of Participating States when a Compact Privilege is granted, to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each fiscal year for which sufficient revenue is not provided by other sources. The aggregate annual assessment amount for Participating States shall be allocated based upon a formula that the Commission shall promulgate by Rule.
4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any Participating State, except by and with the authority of the Participating State.
5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the financial review and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the Commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the Commission.

#### F. The Executive Board

1. The Executive Board shall have the power to act on behalf of the Commission according to the terms of this Compact. The powers, duties, and responsibilities of the Executive Board shall include:
  - a. Overseeing the day-to-day activities of the administration of the Compact including compliance with the provisions of the Compact, the Commission's Rules and bylaws;
  - b. Recommending to the Commission changes to the Rules or bylaws, changes to this Compact legislation, fees charged to Compact Participating States, fees charged to Licensees, and other fees;
  - c. Ensuring Compact administration services are appropriately provided, including by contract;
  - d. Preparing and recommending the budget;
  - e. Maintaining financial records on behalf of the Commission;
  - f. Monitoring Compact compliance of Participating States and providing compliance reports to the Commission;
  - g. Establishing additional committees as necessary;

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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:  
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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  
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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

liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the Commission shall not in any way compromise or limit the immunity granted hereunder.

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

## **SECTION 8. DATA SYSTEM**

- A. The Commission shall provide for the development, maintenance, operation, and utilization 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
  - 794 2. Venue is proper and judicial proceedings by or against the Commission shall be brought  
795 solely and exclusively in a court of competent jurisdiction where the principal office of  
796 the Commission is located. The Commission may waive venue and jurisdictional  
797 defenses to the extent it adopts or consents to participate in alternative dispute resolution  
798 proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any  
799 action against a Licensee for professional malpractice, misconduct or any such similar  
800 matter.  
801
  - 802 3. The Commission shall be entitled to receive service of process in any proceeding  
803 regarding the enforcement or interpretation of the Compact or Commission Rule and  
804 shall have standing to intervene in such a proceeding for all purposes. Failure to provide  
805 the Commission service of process shall render a judgment or order void as to the  
806 Commission, this Compact, or promulgated Rules.  
807

### 808 **B. Default, Technical Assistance, and Termination**

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

816  
817 2. The Commission shall provide a copy of the notice of default to the other Participating  
818 States.

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

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions of this Compact and the Commission's Rules.
2. By majority vote, the Commission may initiate legal action against a Participating State in default in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or the defaulting Participating State's law.
3. A Participating State may initiate legal action against the Commission in the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.
4. No individual or entity other than a Participating State may enforce this Compact against the Commission.

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

- A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the seventh Participating State.
  1. On or after the effective date of the Compact, the Commission shall convene and review the enactment of each of the States that enacted the Compact prior to the Commission convening ("Charter Participating States") to determine if the statute enacted by each such Charter Participating State is materially different than the Model Compact.
    - a. A Charter Participating State whose enactment is found to be materially different from the Model Compact shall be entitled to the default process set forth in Section 10.
    - b. If any Participating State is later found to be in default, or is terminated or withdraws from the Compact, the Commission shall remain in existence and the Compact shall remain in effect even if the number of Participating States should be less than seven (7).
  2. Participating States enacting the Compact subsequent to the Charter Participating States shall be subject to the process set forth in Section 7.C.23 to determine if their 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

provision of this Compact is held by a court of competent jurisdiction to be contrary to the constitution of any Participating State, a State seeking participation in the Compact, or of the United States, or the applicability thereof to any government, agency, person or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this Compact and the applicability thereof to any other government, agency, person or circumstance shall not be affected thereby.

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

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

- A. Nothing herein shall prevent or inhibit the enforcement of any other law of a Participating State that is not inconsistent with the Compact.
- B. Any laws, statutes, regulations, or other legal requirements in a Participating State in conflict with the Compact are superseded to the extent of the conflict.
- C. All permissible agreements between the Commission and the Participating States are binding in accordance with their terms.