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## **DDH COMPACT COMMISSION AGENDA – January 21, 2025**

9:30 a.m.	<b>Breakfast Provided</b>
10:00 a.m.	<b>Welcome</b>
	<b>Call to Order</b>
	Roll Call
	Adoption of Agenda*
	<b>Review and Adopt Minutes from August Meeting*</b>
	<b>Commission Delegate Training</b>
	<b>Discussion of By-Laws</b>
	Adoption of By-Laws*
12:00 – 1:00 p.m.	<b>Lunch Provided</b>
	<b>Legislative Update</b>
	<b>Executive Board Election*</b>
	<b>Discussion of Rule on Rulemaking</b>
	Adoption of Rule on Rulemaking*
2:30 – 2:45 p.m.	<b>Break</b>
	<b>Discussion of Rule on Clinical Assessment</b>
	Adoption of Rule on Clinical Assessment*
	<b>Update on CompactConnect Data System</b>
	<b>Discussion of Commission Committees</b>
	<b>Public Comment and Questions</b>
	<b>Meeting Summary and Next Steps</b>
5:00 p.m.	<b>Adjourn</b>



## DDH Compact Commission Inaugural Meeting Minutes– August 28, 2024

August 28, 2024

### I. Attendees

#### a. Delegates Present:

- i. Tiffany Allison – Iowa
- ii. Catherine Roner-Reiter – Washington
- iii. Ailene Macias – Tennessee
- iv. Matthew Bistan – Wisconsin
- v. Jaime Sacksteder – Virginia
- vi. Lane Hemsley – Kansas
- vii. Penny Vaillancourt – Maine
- viii. Yukon Morford – Colorado
- ix. Bridgett Anderson – Minnesota
- x. Corey Schaal – Ohio

#### b. Interim Chair Present:

- i. Stephanie Lotridge

#### c. Legal Counsel Present:

- i. Samantha Nance, EMWN

#### d. CSG Staff Present:

- i. Matt Shafer, CSG
- ii. Dan Logsdon, CSG
- iii. Kaitlyn Bison, CSG
- iv. Isabel Eliassen, CSG

### II. Welcome and Introductions

- a. **CSG Staff:** M. Shafer Shafer outlined housekeeping and introduced interim staff, including Dan Logsdon and Samantha Nance.
- b. **Interim Chair:** S. Lotridge welcomed delegates.
- c. **CSG's Role:** M. Shafer Shafer detailed CSG's involvement and role with DDH compact.

### III. Call to Order

- a. **Roll Call:** S. Lotridge took attendance.
- b. **Delegate Introductions:** Delegates from various states introduced themselves
- c. **Agenda Review:** Interim Chair reviewed and asked for questions about the agenda (none received).

### IV. Legislative Update

- a. **Legislative Overview:** M. Shafer provided an update on state enactments and pending bills. No material deviations reported.

- b. S. Nance explains non-material changes and requests delegates to flag any potential amendments to compact legislation in their states.
    - c. M. Shafer invites questions from delegates (none received)
  - V. **Virginia Lawsuit:** S. Nance discussed ongoing litigation about the compact's constitutionality and will be providing an affidavit supporting its legality.
    - a. M. Shafer invites questions (Corey Schaal inquires about the reasons for the constitutional challenge; S. Nance explains possible misinterpretation of the compact).
  - VI. **Transition and Implementation**
    - a. **Transition Plan:** Overview of the DDH commission's transition, including bylaws adoption and data system development. Questions about RFP processes were addressed.
      - i. M. Shafer gives an overview of the transition plan in the meeting packet, including the timeline for the implementation of the DDH commission.
      - ii. The commission will meet in Q1 of next year to adopt bylaws, rules, elect officers, and populate subcommittees.
      - iii. M. Shafer describes the effort to secure a vendor and begin development of the compact data system.
      - iv. M. Shafer invites questions (Bridgett asks about the RFP process for the data system; S. Nance clarifies it's an option but not a requirement; M. Shafer points to a later agenda item for more details).
  - VII. **Governance Structure**
    - a. S. Lotridge hands over to S. Nance to review the commission governance structure.
    - b. S. Nance provides an overview of the governance structure, including the delegates' responsibilities.
    - c. S. Nance invites questions (none received).
  - VIII. **By-Laws:** S. Nance reviewed the compact's by-laws and governance structure, addressing delegate questions on state withdrawal and chair roles.
    - a. S. Nance continues with an overview of the by-laws and rulemaking within the confines of the compact language.
    - b. S. Nance addresses questions:
    - c. Matthew Bistan asks about state withdrawal procedures.
      - i. S. Nance explains the process and high bar for default.
    - d. Corey Schaal inquires about the past chair's voting status.
      - i. S. Nance explains this depends on commission preferences and election breakdown.
    - e. Bridgett supports the idea of including a past chair voting position but is open to other suggestions.

- i. S. Nance requests feedback on by-laws before the next meeting.
- IX. **Rulemaking**
  - a. **Rules Overview:** S. Nance discussed rulemaking processes and common misconceptions. No questions received.
- X. **Break (15 minutes)**
- XI. **Officer Elections**
  - a. *Officer Positions:* Chair, Vice Chair, Treasurer, Secretary, and 2-3 members at large.
  - b. *Nomination Process:* CSG will send a form for nominations; voting will be in early 2025.
  - c. *Time Commitments:* Executive board meets monthly or bimonthly; Chair and Treasurer have the most commitment
  - d. *Vice Chair:* Expected to be the Chair-elect; feedback is welcome on that in future meetings.
  - e. Penny Vaillancourt asks who will be employer for personnel and staff.
    - i. S. Nance clarifies that the commission is the employer, but various arrangements are possible.
- XII. **Data System**
  - a. **Introduction:** I. Eliassen presented the data system's importance, steps to development, and Compact Connect. A demo will be available at a later date.
- XIII. **Finances and Staff Hiring**
  - a. **Commission Finances:** M. Shafer discussed funding, staffing, and the role of the secretariat. No questions received.
    - i. M. Shafer discusses the unique opportunity for the DDH commission with existing data systems from other commissions.
    - ii. Overview of commission finances, staffing, and secretariat duties.
    - iii. CSG's involvement is covered by a contract with ADA until the end of 2025.
    - iv. Decisions on additional staffing will be made later.
- XIV. **Future Rules**
  - a. **Potential Rules:** M. Shafer introduced potential rules for future consideration, including clinical assessments and administrative issues. CSG will provide more information on clinical examination landscape.
    - i. M. Shafer introduces potential rules for adoption at the next meeting.
    - ii. Includes clinical assessment definitions, interstate compact authority, and administrative issues.
    - iii. S. Nance explains the intention behind broad language in rules to allow flexibility.
    - iv. M. Shafer requests questions:

# DDH Dentist and Dental Hygienist Compact

- v. Matthew Bistan shares his perspective on new Wisconsin licensure pathway.
- vi. Penny Vaillancourt asks about research on clinical examinations and how it affects commission work. M. Shafer responds that CSG can provide this information at the next meeting.

XV. **Comments and Questions**

- a. **General Comments:** Discussions included the exclusion of dental therapy, funding issues, and future meeting formats. Feedback on meeting preferences (in-person or hybrid) was collected.

XVI. **Meeting Summary and Next Steps**

- a. **Next Meeting:** Planned for Q1 2025, with a scheduling poll for format preferences. Minutes will be posted online.

XVII. **Adjournment**

# Roberts Rules of Order – Simplified

## Guiding Principles:

- Everyone has the right to participate in discussion if they wish, before anyone may speak a second time.
- Everyone has the right to know what is going on at all times. Only urgent matters may interrupt a speaker.
- Only one thing (motion) can be discussed at a time.

A **motion** is the topic under discussion (e.g., “I move that we add a coffee break to this meeting”). After being recognized by the president of the board, any member can introduce a motion when no other motion is on the table. A motion requires a second to be considered. If there is no second, the matter is not considered. Each motion must be disposed of (passed, defeated, tabled, referred to committee, or postponed indefinitely).

## How to do things:

**You want to bring up a new idea before the group.**

After recognition by the president of the board, present your motion. A second is required for the motion to go to the floor for discussion, or consideration.

**You want to change some of the wording in a motion under discussion.**

After recognition by the president of the board, move to amend by

- adding words,
- striking words or
- striking and inserting words.

**You like the idea of a motion being discussed, but you need to reword it beyond simple word changes.**

Move to substitute your motion for the original motion. If it is seconded, discussion will continue on both motions and eventually the body will vote on which motion they prefer.

**You want more study and/or investigation given to the idea being discussed.**

Move to refer to a committee. Try to be specific as to the charge to the committee.

**You want more time personally to study the proposal being discussed.**

Move to postpone to a definite time or date.

**You are tired of the current discussion.**

Move to limit debate to a set period of time or to a set number of speakers. Requires a 2/3<sup>rd</sup>s vote.

**You have heard enough discussion.**

Move to close the debate. Also referred to as calling the question. This cuts off discussion and brings the assembly to a vote on the pending question only. Requires a 2/3<sup>rd</sup>s vote.

**You want to postpone a motion until some later time.**

Move to table the motion. The motion may be taken from the table after 1 item of business has been conducted. If the motion is not taken from the table by the end of the next meeting, it is dead. To kill a motion at the time it is tabled requires a 2/3<sup>rd</sup>s vote. A majority is required to table a motion without killing it.

You believe the discussion has drifted away from the agenda and want to bring it back.  
 “Call for orders of the day.”

You want to take a short break.  
 Move to recess for a set period of time.

You want to end the meeting.  
 Move to adjourn.

You are unsure the president of the board announced the results of a vote correctly.  
 Without being recognized, call for a “division of the house.” A roll call vote will then be taken.

You are confused about a procedure being used and want clarification.  
 Without recognition, call for "Point of Information" or "Point of Parliamentary Inquiry." The president of the board will ask you to state your question and will attempt to clarify the situation.

You have changed your mind about something that was voted on earlier in the meeting for which you were on the winning side.  
 Move to reconsider. If the majority agrees, the motion comes back on the floor as though the vote had not occurred.

You want to change an action voted on at an earlier meeting.  
 Move to rescind. If previous written notice is given, a simple majority is required. If no notice is given, a 2/3<sup>rds</sup> vote is required.

**Unanimous Consent:**

If a matter is considered relatively minor or opposition is not expected, a call for unanimous consent may be requested. If the request is made by others, the president of the board will repeat the request and then pause for objections. If none are heard, the motion passes.

- **You may INTERRUPT a speaker for these reasons only:**
  - to get information about business –point of information to get information about rules– parliamentary inquiry
  - if you can't hear, safety reasons, comfort, etc. –question of privilege
  - if you see a breach of the rules –point of order
  - if you disagree with the president of the board’s ruling –appeal
  - if you disagree with a call for Unanimous Consent –object

Quick Reference					
	Must Be Seconded	Open for Discussion	Can be Amended	Vote Count Required to Pass	May Be Reconsidered or Rescinded
Main Motion	√	√	√	Majority	√
Amend Motion	√	√		Majority	√
Kill a Motion	√			Majority	√
Limit Debate	√		√	2/3 <sup>rds</sup>	√
Close Discussion	√			2/3 <sup>rds</sup>	√
Recess	√		√	Majority	
Adjourn (End meeting)	√			Majority	
Refer to Committee	√	√	√	Majority	√
Postpone to a later time	√	√	√	Majority	√
Table	√			Majority	
Postpone Indefinitely	√	√	√	Majority	√



1 **DENTIST AND DENTAL HYGIENIST COMPACT**

2 **BYLAWS**

3  
4 **ARTICLE I**

5 **Commission Purpose, Function and Bylaws**

6 **Section 1. Purpose.**

7 Pursuant to the terms of the Dentist and Dental Hygienist Compact, (the “Compact”), the Dental  
8 and Dental Hygienist Compact Commission (the “Commission”) is established to fulfill the  
9 objectives of the Compact, through a means of joint cooperative action among the Compacting  
10 States, namely, to facilitate the interstate practice of dentistry and dental hygiene and improve  
11 public access to dentistry and dental hygiene services by establishing a pathway for licensed  
12 Dentists and Dental Hygienists to obtain privileges to practice in other states participating in the  
13 Compact.

14 **Section 2. Functions.**

15 In pursuit of the fundamental objectives set forth in the Compact, the Commission shall, as  
16 necessary or required, exercise all of the powers and fulfill all of the duties delegated to it by the  
17 Compacting States. The Commission’s activities shall include, but are not limited to, the  
18 following: the promulgation of binding rules and operating procedures; equitable distribution of  
19 the costs, benefits and obligations of the Compact among the Compacting States; enforcement of  
20 Commission Rules, Operating Procedures and Bylaws; provision of dispute resolution;  
21 Coordination of training and education; and the collection and dissemination of information  
22 concerning the activities of the Compact, as provided by the Compact, or as determined by the  
23 Commission to be warranted by, and consistent with, the objectives and provisions of the Compact.

24 **Section 3. Bylaws.**

25 As required by the Compact, these Bylaws shall govern the management and operations of the  
26 Commission. As adopted and subsequently amended, these Bylaws shall remain at all times subject  
27 to, and limited by, the terms of the Compact.

28 **ARTICLE II**

29 **Membership**

30 **Section 1. Purpose.**

31 The Commission Membership shall be comprised as provided by the Compact.  
32  
33

34 **Section 2. Commissioners.**

35 Each Compacting State shall have and be limited to one Member. A Member shall be the  
36 Commissioner of the Compacting State. Each Compacting State shall forward the name of its  
37 Commissioner to the national office of the Commission, who will advise the Commission  
38 chairperson. The national office of the Commission shall promptly advise the appropriate  
39 appointing authority of the Compacting State of the need to appoint a new Commissioner upon the  
40 expiration of a designated term or the occurrence of mid-term vacancies. If a resignation of a  
41 Commissioner occurs or a change is made by the state appointing authority, it is the responsibility  
42 of the member state to inform the Commission of the vacancy or change.

43 **ARTICLE III**

44 **Officers**

45 **Section 1. Election and Succession.**

46 The officers of the Commission shall include a Chairperson, Vice Chairperson, Secretary,  
47 Treasurer and the Past Chair. The officers shall be duly appointed Commission Members. Officers  
48 shall be elected annually by the Commission at any meeting at which a quorum is present and shall  
49 serve for one year or until their successors are elected by the Commission. The officers so elected  
50 shall serve without compensation or remuneration, except as provided by the Compact.

51 **Section 2. Duties.**

52 The officers shall perform all duties of their respective offices as provided by the Compact and  
53 these Bylaws. Such duties shall include, but are not limited to, the following:

- 54 a. *Chairperson.* The Chairperson shall call and preside at all meetings of the Commission,  
55 shall prepare agendas for such meetings, shall make appointments to all committees of  
56 the Commission and, in accordance with the Commission's directions, or subject to  
57 ratification by the Commission, shall act on the Commission's behalf during the  
58 interims between Commission meetings.  
59
- 60 b. *Vice Chairperson.* The Vice Chairperson shall, in the absence or at the direction of the  
61 Chairperson, perform any or all of the duties of the Chairperson. In the event of a  
62 vacancy in the office of Chairperson, the Vice Chairperson shall serve as acting until a  
63 new Chairperson is elected by the Commission.  
64
- 65 c. *Secretary.* The Secretary shall keep minutes of all Commission meetings and shall act  
66 as the custodian of all documents and records pertaining to the status of the Compact  
67 and the business of the Commission.  
68
- 69 d. *Treasurer.* The Treasurer, with the assistance of the Commission's executive director,  
70 shall act as custodian of all Commission funds and shall be responsible for monitoring  
71 the administration of all fiscal policies and procedures set forth in the Compact or  
72 adopted by the Commission. Pursuant to the Compact, the treasurer shall execute such  
73 bond as may be required by the Commission covering the treasurer, the executive

74 director and any other officers, Commission Members and Commission personnel, as  
75 determined by the Commission, who may be responsible for the receipt, disbursement,  
76 or management of Commission funds.

77  
78 e. *Past Chair.* The Past Chair is the most recent previous Chair who is still serving as a  
79 Commission member and shall perform such duties as may be requested by the  
80 Commission.

81 **Section 3. Costs and Expense Reimbursement.**

82 Subject to the availability of budgeted funds, the officers shall be reimbursed for any actual and  
83 necessary costs and expenses incurred by the officers in the performance of their duties and  
84 responsibilities as officers of the Commission.

85 **ARTICLE IV**

86 **Executive Board**

87 **Section 1. Powers, Duties, and Responsibilities.**

88 The Executive Board shall have the power to act on behalf of the Commission according to the  
89 terms of this Compact. The powers, duties and responsibilities of the Executive Board shall  
90 include:

- 91 a. Overseeing the day-to-day activities of the administration of the Compact including  
92 compliance with the provisions of the Compact, the Commission's Rules and bylaws;  
93  
94 b. Recommending to the Commission changes to the Rules or bylaws, changes to this  
95 Compact legislation, fees charged to Compact Participating States, fees charged to  
96 Licensees and other fees;  
97  
98 c. Ensuring Compact administration services are appropriately provided, including by  
99 contract;  
100  
101 d. Preparing and recommending the budget;  
102  
103 e. Maintaining financial records on behalf of the Commission;  
104  
105 f. Monitoring Compact compliance of Participating States and providing compliance  
106 reports to the Commission;  
107  
108 g. Establishing additional committees as necessary;  
109  
110 h. Exercising the powers and duties of the Commission during the interim between  
111 Commission meetings, except for adopting or amending Rules, adopting or amending  
112 these Bylaws and exercising any other powers and duties expressly reserved to the  
113 Commission by Rule or these Bylaws.

114 **Section 2. Composition of Executive Board**

115 The Executive Board shall be composed of seven (7) members:

- 116 a. The Chair, Vice Chair, Secretary and Treasurer of the Commission and any other  
117 members of the Commission who serve on the Executive Board shall be voting  
118 members of the Executive Board; and  
119  
120 b. Other than the Chair, Vice Chair, Secretary and Treasurer, the Commission shall elect  
121 three (3) voting members from the current membership of the Commission.

122 The Commission may remove any member of the executive board by an affirmative vote of a  
123 majority of the current membership of the Commission

124 **Section 3. Executive Board Meetings.**

125 The Executive Board shall meet at least once each calendar year at a time and place to be  
126 determined by the Executive Board.

127 All meetings at which the Executive Board intends to take formal action on a matter shall be open  
128 to the public, except that the Executive Board may meet in a closed, non-public session of a public  
129 meeting when dealing with any of the matters for which the Commission is authorized to convene  
130 in a closed, non-public meeting under the Compact.

131 The Executive Board shall give five (5) business days' notice of its public meetings, posted on its  
132 website and as it may otherwise determine to provide notice to persons with an interest in the  
133 public matters the Executive Board intends to address at those meetings.

134 The Executive Board may hold an emergency meeting when acting for the Commission to:

- 135 a. Meet an imminent threat to public health, safety or welfare;  
136  
137 b. Prevent a loss of Commission of Participating State funds; or  
138  
139 c. Protect public health and safety.

140 **ARTICLE V**

141 **Qualified Immunity, Defense and Indemnification**

142 **Section 1. Immunity.**

143 The members, officers, executive director, employees and representatives of the Commission shall  
144 be immune from suit and liability, both personally and in their official capacity, for any claim for  
145 damage to or loss of property or personal injury or other civil liability caused by or arising out of  
146 any actual or alleged act, error, or omission that occurred, or that the person against whom the  
147 claim is made had a reasonable basis for believing occurred within the scope of Commission  
148 employment, duties or responsibilities; provided that nothing in this paragraph shall be construed

149 to protect any such person from suit or liability for any damage, loss, injury or liability caused by  
150 the intentional or willful or wanton misconduct of that person. The procurement of insurance of  
151 any type by the Commission shall not in any way compromise or limit the immunity granted  
152 hereunder.

153 **Section 2. Defense.**

154 Subject to the provisions of the Compact and Rules promulgated thereunder, the Commission shall  
155 defend any member, officer, executive director, employee and representative of the Commission  
156 in any civil action seeking to impose liability arising out of any actual or alleged act, error or  
157 omission that occurred within the scope of Commission employment, duties or responsibilities, or  
158 as determined by the Commission that the person against whom the claim is made had a reasonable  
159 basis for believing occurred within the scope of Commission employment, duties or  
160 responsibilities; provided that nothing herein shall be construed to prohibit that person from  
161 retaining their own counsel at their own expense; and provided further, that the actual or alleged  
162 act, error or omission did not result from that person's intentional or willful or wanton misconduct.

163 **Section 3. Indemnification.**

164 Notwithstanding Section 1 of this Article V, should any member, officer, executive director,  
165 employee or representative of the Commission be held liable for the amount of any settlement or  
166 judgment arising out of any actual or alleged act, error or omission that occurred within the scope  
167 of that individual's employment, duties or responsibilities for the Commission, or that the person  
168 to whom that individual is liable had a reasonable basis for believing occurred within the scope of  
169 the individual's employment, duties or responsibilities for the Commission, the Commission shall  
170 indemnify and hold harmless such individual, provided that the actual or alleged act, error or  
171 omission did not result from the intentional or willful or wanton misconduct of the individual.

172 **ARTICLE VI**

173 **Meetings of the Commission**

174 **Section 1. Meetings and Notice.**

175 The Commission shall meet at least once each calendar year at a time and place to be determined  
176 by the Commission. Additional meetings may be scheduled at the discretion of the chairperson,  
177 and must be called upon the request of a majority of Commission Members, as provided by the  
178 Compact. All Commission Members shall be given written notice of Commission meetings at least  
179 thirty (30) days prior to their scheduled dates. Final agendas shall be provided to all Commission  
180 Members no later than ten (10) days prior to any meeting of the Commission. Thereafter, additional  
181 agenda items requiring Commission action may not be added to the final agenda, except by an  
182 affirmative vote of a majority of the Members. All Commission meetings shall be open to the  
183 public, except as set forth in Commission Rules or as otherwise provided by the Compact. Prior  
184 public notice shall be posted on the Commission's website at least thirty (30) days prior to the  
185 public meeting. A meeting may be closed to the public where the Commission determines by two-  
186 thirds (2/3rds) vote of its Members that there exists at least one of the conditions for closing a  
187 meeting, as provided by the Compact or Commission Rules.

188 **Section 2. Quorum.**

189 Commission Members representing a majority of the Compacting States shall constitute a quorum  
190 for the transaction of business, except as otherwise required in these Bylaws. The participation of  
191 a Commission Member from a Compacting State in a meeting is sufficient to constitute the  
192 presence of that state for purposes of determining the existence of a quorum, provided the Member  
193 present is entitled to vote on behalf of the Compacting State represented. The presence of a quorum  
194 must be established before any vote of the Commission can be taken.

195 **Section 3. Voting.**

196 Each Compacting State represented at any meeting of the Commission by its Member is entitled  
197 to one vote. A Member shall vote himself or herself and shall not delegate his or her vote to another  
198 Member. Members may participate in meetings by telephone or other means of telecommunication  
199 or electronic communication. Except as otherwise required by the Compact or these Bylaws, any  
200 question submitted to a vote of the Commission shall be determined by a simple majority.

201 **Section 4. Procedure.**

202 Matters of parliamentary procedure not covered by these Bylaws shall be governed by Robert's  
203 Rules of Order.

204 **ARTICLE VII**

205 **Committees**

206 The Commission may establish such committees as it deems necessary to carry out its objectives,  
207 which shall include, but not be limited to Finance, Rules, Compliance, Training, Communications  
208 and Outreach, and Leadership Nomination. The composition, procedures, duties, budget and  
209 tenure of such committees shall be determined by the Commission.

210 **ARTICLE VIII**

211 **Finance**

212 **Section 1. Fiscal Year.**

213 The Commission's fiscal year shall begin on July 1 and end on June 30.

214 **Section 2. Budget.**

215 The Commission shall operate on an annual budget cycle and shall, in any given year, adopt  
216 budgets for the following fiscal year or years only after notice and comment as provided by the  
217 Compact.

218 **Section 3. Accounting and Audit.**

219 The Commission, through the Executive Board, shall keep accurate and timely accounts of its  
220 internal receipts and disbursements of the Commission funds, other than receivership assets. The

221 Commission’s financial accounts and reports, including the Commission’s system of internal  
222 controls and procedures, shall be audited annually by an independent certified or licensed public  
223 accountant. As required by the Compact, the report of such independent audit shall be included in  
224 and become part of the Commission’s annual report to the Compacting States. The Commission’s  
225 internal accounts, any workpapers related to any internal audit and any workpapers related the  
226 independent audit shall be confidential; provided, that such materials shall be made available: 1)  
227 in compliance with the order of any court of competent jurisdiction; ii) pursuant to such reasonable  
228 rules as the Commission shall promulgate; and iii) to any Commissioner of a Compacting State,  
229 or their duly authorized representatives.

230 **Section 4. Public Participation in Meetings.**

231 Upon prior written request to the Commission, any person who desires to present a statement on a  
232 matter that is on the agenda shall be afforded an opportunity to present an oral statement to the  
233 Commission at an open meeting. The chairperson may, depending on the circumstances, afford  
234 any person who desires to present a statement on a matter that is on the agenda an opportunity to  
235 be heard absent a prior written request to the Commission. The chairperson may limit the time and  
236 manner of any such statements at any open meeting.

237 **Section 5. Debt Limitations.**

238 The Commission shall monitor its own and its committees’ affairs for compliance with all  
239 provisions of the Compact, its rules and these Bylaws governing the incursion of debt and the  
240 pledging of credit.

241 **Section 6. Travel Reimbursements.**

242 Subject to the availability of budgeted funds and unless otherwise provided by the Commission,  
243 Commission Members shall be reimbursed for any actual and necessary expenses incurred  
244 pursuant to their attendance at all duly convened meetings of the Commission or its committees as  
245 provided by the Compact.

246 **ARTICLE IX**

247 **Withdrawal, Default, and Termination**

248 Compacting States may withdraw from the Compact only as provided by the Compact. The  
249 Commission may terminate a Compacting State as provided by the Compact.

250 **ARTICLE X**

251 **Adoption and Amendment of Bylaws**

252 Any Bylaw may be adopted, amended or repealed by a majority vote of the Members, provided  
253 that written notice and the full text of the proposed action is provided to all Commission Members  
254 at least thirty (30) days prior to the meeting at which the action is to be considered. Failing the  
255 required notice, a two-thirds (2/3rds) majority vote of the Members shall be required for such  
256 action.

257

**ARTICLE XI**

258

**Dissolution of the Compact**

259 The Compact shall dissolve effective upon the date of the withdrawal or the termination by default  
260 of a Compacting State which reduces Membership in the Compact to one Compacting State as  
261 provided by the Compact. Upon dissolution of the Compact, the Compact becomes null and void  
262 and shall be of no further force or effect, and the business and affairs of the Commission shall be  
263 concluded in an orderly manner and according to applicable law. Each Compacting State in good  
264 standing at the time of the Compact's dissolution shall receive a pro rata distribution of surplus  
265 funds based upon a ratio, the numerator of which shall be the amount of its last paid annual  
266 assessment, and the denominator of which shall be the sum of the last paid annual assessments of  
267 all Compacting States in good standing at the time of the Compact's dissolution. A Compacting  
268 State is in good standing if it has paid its assessments timely.

DRAFT



**Legislative Update as of January 9, 2025**

<b>State</b>	<b>Bill Number</b>	<b>Status</b>
Indiana	HB 1031	Filed
Maryland	SB 0021, HB 0045	Prefiled
Missouri	HB 56/ SB 327	Prefiled
New Hampshire	2025-0997	Prefiled
New Jersey	S 702, A 1896	Filed
Texas	HB 1803	Filed

**DDH Compact Member States**

Colorado  
Iowa  
Kansas  
Maine  
Minnesota Ohio  
Tennessee  
Virginia  
Washington  
Wisconsin

### **Elections Information: Positions and Duties**

The Commission will elect four officers and three members-at-large to serve on the Executive Board from among the current delegates to the Commission. All seven of those elected will be voting members of the Executive Board.

Below are descriptions the duties of the Executive Board and its officers as written in Compact bylaws.

The Commission's officers shall perform all duties of their respective offices as the Compact and these Bylaws provide. Their duties shall include, but are not limited to, the following:

**A. Chair:** The Chair shall call and preside at Commission and Executive Board meetings; prepare agendas for the meetings; act on Commission's behalf between Commission meetings.

**B. Vice Chair:** The Vice Chair shall perform the duties of the Chair in their absence or at the Chair's direction. In the event of a vacancy in the Chair's office, the Vice Chair shall serve until the Commission elects a new Chair.

**C. Treasurer:** The Treasurer, with the assistance of the Executive Director of the Compact, shall monitor the Commission's fiscal policies and procedures and serve as chair of the Finance Committee.

**D. Secretary:** The Secretary, with the assistance of the Executive Director of the Compact, shall keep minutes of all Commission meetings and shall act as the custodian of all documents and records pertaining to the status of the Compact and business of the Commission. The Commission may allow for the Executive Director to serve as Secretary of the Commission provided that the Executive Director will not be a member of the Commission.

**E. Members-at-large (3 positions open):** fulfill duties of the executive board as outlined below.

The Executive Board shall:

- a. Recommend to the entire Commission changes to the rules or bylaws, changes to this Compact legislation, fees paid by Compact member states such as annual dues, and any commission Compact fee charged to licensees for the compact privilege;
- b. Ensure Compact administration services are appropriately provided, contractual or otherwise;
- c. Prepare and recommend the budget in consultation with the Treasurer;
- d. Maintain financial records on behalf of the Commission;
- e. Monitor Compact compliance of member states and provide compliance reports to the Commission;
- f. Establish additional committees as necessary; and
- g. Perform other duties as provided in rules or bylaws and administer the affairs of the Commission in a manner consistent with the Bylaws and purpose of the Commission.



### **Dr. Matthew Bistan**

I am a dentist practicing in a group practice for over 25 years. I have served on the Wisconsin Dentistry Examining Board since 2015 and have served as the Chair for the past 6 years. During my time on the DEB, Wisconsin has looked closely into all aspects of licensure and as a practicing dentist I will bring a unique and practice perspective to the Compact.

### **Jamie Sacksteder**

Jamie has worked in Virginia state government for 13 years serving in a variety of executive and senior management positions in health and human service agencies. She has an extensive background in developing and implementing laws and regulations to protect the public as well as direct experience in conducting investigations and audits to address accountability in service delivery. She brings a collaborative approach to her work, leveraging both her analytical skills and creativity to solve complex challenges and drive successful outcomes. Prior to working in state government, she worked for 8 years in the private sector working in the mental health field as a Licensed Professional Counselor. Jamie began working with the Board of Dentistry in 2019 as the Deputy Executive Director and oversaw disciplinary procedures of licensees of the Board. Jamie became the Executive Director in July 2022. Jamie is currently the Vice President of the American Association of Dental Administrators and is currently a workgroup representative, chosen by her peers, on the Dental Assisting National Board to develop a National Workgroup Model for Dental Assistants. Her commitment to professional growth and her keen insight into emerging trends has made her a respected voice and sought-after expert. Jamie's unique experience in the private and public sector makes her a good candidate for Vice-Chair. She will be collaborative and support the chair and the executive committee in making decisions that help ensure public safety.

### **Bridgett Anderson**

Bridgett Anderson has over 20 years of experience in the dental field, including working as a licensed dental assistant and clinic manager for 9 years before her position as Director of Regulatory Affairs at the Minnesota Dental Association. Currently, she is the Executive Director at the Minnesota Board of Dentistry, which is the state agency responsible for licensure and regulation of over 17,000 dental professionals in MN. She is responsible for Board of Dentistry operations, including all legislative efforts regarding policy changes, rulemaking, and advocacy. She has led several successful projects related to public policy. She holds a bachelor's degree in Biology, with a minor in Anthropology, and a master's degree in Business Administration. She is very active in the dental community providing leadership, education, and resources for clinics on regulatory and practice management issues.

1 **Dentist and Dental Hygienist Compact Commission**

2

3 **Title of Rule:** Rule on Rulemaking

4 **Reason for Rule:** To further outline and clarify the rule promulgation process of the Dentist  
5 and Dental Hygienist Compact Commission.

6

7

8 **Chapter 1:** **Rulemaking**

9 **Authority:**

10 Section 7: Establishment and Operation of the Commission

11 Section 9: Rulemaking

12 Section 11: Effective Date, Withdrawal, and Amendment

13 **1.0 Purpose:** Pursuant to Section 9 of the Compact, the Dentist and Dental Hygienist  
14 Compact Commission shall promulgate reasonable and lawful uniform  
15 rules to facilitate and coordinate implementation and administration of the  
16 Dentist and Dental Hygienist Compact. This Rule will become effective  
17 upon passage by the Dentist and Dental Hygienist Compact Commission  
18 as provided in Section 9 of the Dentist and Dental Hygienist Compact.

19 **1.1 Definition(s):** (a) **“Commission”** means: the Dentist and Dental Hygienist Compact  
20 Commission, which is the joint administrative body whose membership  
21 consists of all Participating States.

22 (b) **“Commissioner”** means: the individual appointed by a Participating  
23 State to serve as the member of the Commission for that Participating  
24 State.

25 (c) **“Compact”** means the Dentist and Dental Hygienist Compact.

26 (d) **“Participating State”** means a state that has enacted the Compact and  
27 been admitted to the Commission in accordance with the Compact and the  
28 Commission Rules, and which has not withdrawn or been terminated from  
29 the Compact.

30 (d) **“Rule”** means: a regulation, principle or directive promulgated by the  
31 Commission pursuant to the criteria set forth in Section 9 of the Compact  
32 that has the force and effect of law in a Participating State and includes the  
33 amendment, repeal, or suspension of an existing Rule.

34 (e) “**Rules Committee**” means: a committee that is established as a  
35 standing committee to develop reasonable and lawful uniform rules for  
36 consideration by the Commission and subsequent implementation by the  
37 states and to review existing rules and recommend necessary changes to  
38 the Commission for consideration.

39 (f) “**Scope of Practice**” means the procedures, actions, and processes a  
40 Dentist or Dental Hygienist licensed in a State is permitted to undertake in  
41 that State and the circumstances under which the Licensee is permitted to  
42 undertake those procedures, actions and processes. Such procedures,  
43 actions and processes and the circumstances under which they may be  
44 undertaken may be established through means, including, but not limited  
45 to, statute, regulations, case law, and other processes available to the State  
46 Licensing Authority or other government agency.

47 (g) “**State**” means: any state, commonwealth, district, or territory of the  
48 United States of America.

49 **1.2 Proposed Rules or Amendments:** Rules shall be adopted by majority vote of the  
50 Participating States of the Commission pursuant to the criteria set forth in Section 9 of the  
51 Compact and in the following manner:

52 (a) New rules and amendments to existing rules proposed pursuant to Section 7 and  
53 Section 9 of the Compact and the Commission Bylaws shall be submitted to the  
54 Commission office for referral to the Rules Committee in any of the following ways:

55 (1) Any Commissioner may submit a proposed Rule for referral to the Rules  
56 Committee during the next scheduled Commission meeting.

57  
58 (2) Standing Committees of the Commission may propose Rules amendments by  
59 majority vote of that Committee.  
60

61 **1.3 Drafting of Proposed Rules:** The Rules Committee shall prepare a draft of all proposed  
62 rules and provide the draft to the Executive Committee to provide to all Commissioners for  
63 review and comments. Based on the comments made by the Commissioners, the Rules  
64 Committee shall prepare a final draft of the proposed rule(s) or amendments for consideration by  
65 the Commission not later than 30 days prior to the next Commission meeting.

66 **1.4 Notice of Proposed Rulemaking Prior to Public Hearing:** Prior to promulgation and  
67 adoption of a final Rule, the Commission shall hold a public hearing and allow persons to  
68 provide oral and written comments, data, facts, opinions, and arguments. At least 30 days prior to  
69 the public hearing, the Commission shall provide a Notice of Proposed Rulemaking:

70 1. On the website of the Commission or other publicly accessible platform; and

71 2. To persons who have requested notice of the Commission’s notices of proposed rulemaking.

72 **1.5 Contents of Notice of Proposed Rulemaking:** The Notice of Proposed Rulemaking shall  
73 include:

74 (a) The time, date, and location of the public hearing at which the Commission will hear  
75 public comments on the proposed Rule and, if different, the time, date, and location of  
76 the meeting where the Commission will consider and vote on the proposed Rule;

77 (b) The mechanism for access to the hearing if the hearing is to be held via  
78 telecommunication, video conference, or other electronic means;

79 (c) The text of the proposed Rule and the reason for the proposed Rule.

80 (d) A request for comments on the proposed Rule from any interested person; and

81 (e) The manner in which interested persons may submit notice to the Commission of their  
82 intention to attend the public meeting and any written comments.

83 **1.6 Public Hearings:** All persons wishing to be heard at the public hearing shall notify the  
84 executive director of the Commission or other designated member in writing of their desire to  
85 appear and testify at the hearing not less than five (5) business days before the scheduled date of  
86 the hearing.

87 Hearings shall be conducted in a manner providing each person who wishes to comment a fair  
88 and reasonable opportunity to comment orally or in writing.

89 All hearings shall be recorded. A copy of the recording shall be made available upon request.

90 Nothing in this chapter shall be construed as requiring a separate hearing on each Rule. Rules  
91 may be grouped for the convenience of the Commission at hearings required by this chapter.

92 The Commission shall consider all written and oral comments received prior to taking final  
93 action on the proposed Rule.

94 **1.7 Final Adoption of Rule:** At a regular or special meeting of the Commission, which may be  
95 held at the same date and location as the public hearing, the Commission shall, by majority vote  
96 of all Commissioners, take final action on the proposed Rule based on the rulemaking record.

97 The Commission may adopt changes to the proposed Rule provided the changes do not enlarge  
98 the original purpose of the proposed Rule. The Commission shall provide an explanation of the  
99 reasons for substantive changes made to the proposed Rule as well as reasons for substantive  
100 changes not made that were recommended by commenters.

101 The Commission shall determine a reasonable effective date for the Rule. Except for an  
102 emergency as provided in Section 1.9, the effective date of the Rule shall be no sooner than  
103 thirty (30) days after the Commission issues the notice that it adopted the Rule.

104 **1.8 Status of Rules Upon Adoption of Compact By Additional Participating States;**

105 **Applicability:** Any state that joins the Compact subsequent to the Commission's initial adoption  
106 of the rules shall be subject to the rules as they exist on the date on which the Compact becomes  
107 law in that state. Any Rule that has been previously adopted by the Commission shall have the

108 full force and effect of law on the day the Compact becomes law in that state.

109 No Participating State's rulemaking requirements shall apply under this Compact.

110 The Rules of the Commission shall have the force of law in each Participating State, provided,  
111 however, that where the Rules of the Commission conflict with the laws of the Participating  
112 State which establish the Participating State's Scope of Practice as held by a court of competent  
113 jurisdiction, the rules of the Commission shall be ineffective in that State to the extent of the  
114 conflict.

115 If, within 4 years of the date of adoption of a Rule, a majority of the legislatures of the  
116 Participating States rejects the Rule by the enactment of statutes in the same manner such  
117 legislatures used to adopt the Compact, the Rule shall have no further force and effect in any  
118 Participating State.

119 **1.9 Emergency Rulemaking:** Upon determination that an emergency exists, the Commission  
120 may consider and adopt an emergency Rule with 24 hours' notice, with the opportunity to  
121 comment, provided that the usual rulemaking procedures provided in the Compact and in this  
122 section shall be retroactively applied to the rule as soon as reasonably possible, in no event later  
123 than ninety (90) days after the effective date of the Rule. For the purposes of this provision, an  
124 emergency rule is one that must be adopted immediately in order to:

- 125 1. Meet an imminent threat to public health, safety, or welfare,
- 126 2. Prevent a loss of Commission or Participating State funds;
- 127 3. Meet a deadline for the promulgation of a Rule that is established by federal law or rule;
- 128 4. Protect public health and safety.

129 **2.0 Non-Substantive Rule Revisions:** The Commission or an authorized committee of the  
130 Commission may direct revisions to a previously adopted Rule or amendment for purposes of  
131 correcting typographical errors, errors in format, errors in consistency, or grammatical errors.  
132 Public notice of any revisions shall be posted on the website of the Commission. The revision  
133 shall be subject to challenge by any person for a period of thirty (30) days after posting. The  
134 revision may be challenged only on grounds that the revision results in a material change to a  
135 Rule. A challenge shall be made in writing and delivered to the Commission prior to the end of  
136 the notice period. If no challenge is made, the revision will take effect without further action. If  
137 the revision is challenged, the revision may not take effect without the approval of the  
138 Commission.

139

140



**Dentist and Dental Hygienist Compact Commission**  
**Rules Document**

**Title of Rule:** Rule on Clinical Assessment

**Vote on Rule:** This rule will be discussed and voted on at the Dentist and Dental Hygienist Compact Commission meeting on January 21.

**Public comment:** Interested persons may electronically submit written comments on the proposed rule to **dentalcompact@csg.org** with the subject line “DDH Compact Rule Comment” or by registering to attending the meeting at which the rule will be discussed and voted on. Register to speak [here](#). Written comments on the proposed rule must be submitted by 2pm ET the day before the meeting.

**Effective:** Upon passage

**Reason for Rule:** To further define Clinical Assessment pursuant to Article 2, Article 3, and Article 4 of the Dentist and Dental Hygienist Compact.

**History for Rule:** January 21, 2025: Rule Proposed at Dentist and Dental Hygienist Compact Commission Meeting

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**Chapter 2:** Rule on Clinical Assessment

- Authority:**
- Section 2: Definitions
  - Section 3: State Participation in the Compact
  - Section 4: Compact Privilege
  - Section 9: Rulemaking

**1.0 Purpose:**

Pursuant to Section 9, the Dentist and Dental Hygienist Compact Commission shall promulgate reasonable and lawful uniform rules to facilitate and coordinate implementation and administration of the Dentist

and Dental Hygienist Compact. This rule will become effective upon passage by the Dentist and Dental Hygienist Compact Commission as provided in Article 9.

**1.1 Clinical Assessment:**

A. As set forth in Section 2-G, Clinical Assessment shall not be interpreted to include pathways that provide licensure upon graduation from an accredited institution.

## CompactConnect Summary Sheet

In 2023, three occupational licensure compact commissions (the Audiology and Speech-Language Pathology, Counseling, and Occupational Therapy Compact Commissions) decided to work together to build a compact data system which all three could tailor and use for their collective needs. None of the three compact professions had an existing data system upon which otherwise to readily build. Working together enables each compact commission to spend less funds on the system overall than if they were each individually build one.

CompactConnect is being built through an agile development process, where future users of the system are consulted regularly for their input on system requirements. The process is managed by CSG, who helps coordinate communication between the stakeholder commissions and the developer, InspiringApps.

The development of a data system is a foundational piece to operationalize a licensure compact. Data systems facilitate the functions of a licensure compact by providing states the ability to exchange data on licensee information and disciplinary actions and by enabling eligible licensees to apply for a compact authorization to practice.

The creation, operation and utilization of a data system is defined in the model legislation for licensure compacts. Compact commissions are accountable for the development and operations of the system, while compact member states are responsible for participating in the connection and reporting to the system.

Compact data systems also represent the costliest and most time intensive component of operationalizing a licensure compact. When available, compact data systems have been developed from existing systems utilized by a profession and its regulators.

CompactConnect is financially supported by the three compact commissions through their respective funding organizations. Funding is also being contributed by The Council of State Governments through its cooperative agreement with the Department of Defense, so that the system can also be used by additional compacts in the future.

If a compact commission decides to use CompactConnect, they will gain access to the base features the three primary commissions developed together at no cost. Typically, in order to be granted access to a software system, an organization would be required to pay a licensing fee. CompactConnect, however, is an open-source platform and does not have this requirement. While there is no licensing fee for access to the system, any modification, maintenance, or implementation costs would still be borne by the respective compact commission.

The joint data system project kicked off in May 2024 and is expected to result in a minimum viable product of the system in 2025.

Further information about CompactConnect may be found at <https://compactconnect.org/>.

Time Commitment: Committees typically meet virtually once a month or once every two months for one hour. Committees may decide to meet for a longer session based on needs.

1. **Rules Committee:** A Rules Committee shall be established as a standing committee to:
  - a. develop uniform Compact rules and bylaw amendments and policies for consideration by the Commission and concurrent implementation by the states;
  - b. review existing rules and recommend necessary changes to the Commission for consideration;
  - c. draft frequently asked questions to clarify questions arising regarding statute, rule, bylaws, policies, and advisory opinions.
  
2. **Compliance Committee:** A Compliance Committee shall be established as a standing committee to:
  - a. monitor a participating state's compliance with the terms of the Compact and its authorized rules;
  - b. develop resources for compliance reviews; and
  - c. develop best practices for party state compliance.
  
3. **Finance Committee:** A Finance Committee shall be established as a standing committee to:
  - a. provide financial oversight and ensure the Commission is operating within its budget;
  - b. developing financial resources to achieve its purposes;
  - c. propose fees as authorized in the Compact;
  - d. investigate potential funding resources; and
  - e. suggest a fiscal year for the commission.
  
4. **Elections Committee:** An Elections Committee shall be established as a standing committee to:
  - a. inform the Commissioners on the responsibilities of the office;
  - b. encourage participation by the Commissioners in the elections process;
  - c. announce nominations deadline and anticipated vacancies of the Executive Committee of the Commission;
  - d. communicate with incumbents to determine if they wish to run for re-election.
  - e. accept qualified nominees and prepare a slate of candidates for the election of the officers or members at large of the Executive Committee; and

- f. present a list of candidates to the Commission including the terms of office expiration dates.
5. **Communications Committee:** A Communications Committee shall be a standing committee to, in consultation with the Chair of the Commission and the Executive Director:
- a. onboard new participating state commissioners and administrative staff;
  - b. create press releases;
  - c. suggest updates to the website and informational items to media sources;
  - d. create additional public relations documents and provide presentations regarding the work of the Commission if needed.



## **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).*

1 **DENTIST AND DENTAL HYGIENIST COMPACT**

2 **SECTION 1. TITLE AND PURPOSE**

3  
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:

- 14  
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;  
18  
19 B. Promotes mobility and addresses workforce shortages through each Participating State’s  
20 acceptance of a Compact Privilege to practice in that State;  
21  
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.  
24  
25 D. Enhances the ability of Participating States to protect the public’s health and safety;  
26  
27 E. Does not interfere with licensure requirements established by a Participating State;  
28  
29 F. Facilitates the sharing of licensure and disciplinary information among Participating  
30 States;  
31  
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;  
34  
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;  
41  
42 J. Facilitates the relocation of military members and their spouses who are licensed to  
43 practice dentistry or dental hygiene;  
44  
45

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.  
51
- 52 B. **“Adverse Action”** means disciplinary action or encumbrance imposed on a License or  
53 Compact Privilege by a State Licensing Authority.  
54
- 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.  
60
- 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.  
64
- 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.  
69
- 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.  
73
- 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.  
90



- 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.

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.

137  
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.

144  
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.

147  
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;
- 154 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.  
183
- 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;  
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

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
- 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.  
329
  - 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.  
339
  - 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;  
350
  - 351 2. Establish a code of conduct and conflict of interest policies;  
352
  - 353 3. Adopt Rules and bylaws;  
354
  - 355 4. Maintain its financial records in accordance with the bylaws;  
356
  - 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;
- 368
- 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;
- 392
- 393 14. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed,  
394 or any undivided interest therein;
- 395
- 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



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

407  
408 19. Provide and receive information from, and cooperate with, law enforcement agencies;

409  
410 20. Elect a Chair, Vice Chair, Secretary and Treasurer and such other officers of the  
411 Commission as provided in the Commission's bylaws;

412  
413 21. Establish and elect an Executive Board;

414  
415 22. Adopt and provide to the Participating States an annual report;

416  
417 23. Determine whether a State's enacted compact is materially different from the Model  
418 Compact language such that the State would not qualify for participation in the Compact;  
419 and

420  
421 24. Perform such other functions as may be necessary or appropriate to achieve the purposes  
422 of this Compact.

423  
424 D. Meetings of the Commission

425  
426 1. All meetings of the Commission that are not closed pursuant to this subsection shall be  
427 open to the public. Notice of public meetings shall be posted on the Commission's  
428 website at least thirty (30) days prior to the public meeting.

429  
430 2. Notwithstanding subsection D.1 of this section, the Commission may convene an  
431 emergency public meeting by providing at least twenty-four (24) hours prior notice on  
432 the Commission's website, and any other means as provided in the Commission's Rules,  
433 for any of the reasons it may dispense with notice of proposed rulemaking under Section  
434 9.L. The Commission's legal counsel shall certify that one of the reasons justifying an  
435 emergency public meeting has been met.

436  
437 3. Notice of all Commission meetings shall provide the time, date, and location of the  
438 meeting, and if the meeting is to be held or accessible via telecommunication, video  
439 conference, or other electronic means, the notice shall include the mechanism for access  
440 to the meeting through such means.

441  
442 4. The Commission may convene in a closed, non-public meeting for the Commission to  
443 receive legal advice or to discuss:

444  
445 a. Non-compliance of a Participating State with its obligations under the Compact;

446  
447 b. The employment, compensation, discipline or other matters, practices or procedures  
448 related to specific employees or other matters related to the Commission's internal  
449 personnel practices and procedures;

450

- 451 c. Current or threatened discipline of a Licensee or Compact Privilege holder by the  
452 Commission or by a Participating State's Licensing Authority;  
453
- 454 d. Current, threatened, or reasonably anticipated litigation;  
455
- 456 e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real  
457 estate;  
458
- 459 f. Accusing any person of a crime or formally censuring any person;  
460
- 461 g. Trade secrets or commercial or financial information that is privileged or  
462 confidential;  
463
- 464 h. Information of a personal nature where disclosure would constitute a clearly  
465 unwarranted invasion of personal privacy;  
466
- 467 i. Investigative records compiled for law enforcement purposes;  
468
- 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;  
472
- 473 k. Legal advice;  
474
- 475 l. Matters specifically exempted from disclosure to the public by federal or  
476 Participating State law; and  
477
- 478 m. Other matters as promulgated by the Commission by Rule.  
479
- 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.  
483
- 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.  
490
- 491 E. Financing of the Commission  
492
- 493 1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its  
494 establishment, organization, and ongoing activities.  
495

- 496 2. The Commission may accept any and all appropriate sources of revenue, donations, and  
497 grants of money, equipment, supplies, materials, and services.  
498
- 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.  
506
- 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.  
510
- 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.  
517

518 F. The Executive Board  
519

- 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:  
523
- 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;  
526
- 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;

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- h. Exercising the powers and duties of the Commission during the interim between Commission meetings, except for adopting or amending Rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the Commission by Rule or bylaw; and
      - i. Other duties as provided in the Rules or bylaws of the Commission.
  - 2. The Executive Board shall be composed of up to seven (7) members:
    - a. The Chair, Vice Chair, Secretary and Treasurer of the Commission and any other members of the Commission who serve on the Executive Board shall be voting members of the Executive Board; and
    - b. Other than the Chair, Vice Chair, Secretary, and Treasurer, the Commission may elect up to three (3) voting members from the current membership of the Commission.
  - 3. The Commission may remove any member of the Executive Board as provided in the Commission's bylaws.
  - 4. The Executive Board shall meet at least annually.
    - a. An Executive Board meeting at which it takes or intends to take formal action on a matter shall be open to the public, except that the Executive Board may meet in a closed, non-public session of a public meeting when dealing with any of the matters covered under subsection D.4.
    - b. The Executive Board shall give five (5) business days' notice of its public meetings, posted on its website and as it may otherwise determine to provide notice to persons with an interest in the public matters the Executive Board intends to address at those meetings.
  - 5. The Executive Board may hold an emergency meeting when acting for the Commission to:
    - a. Meet an imminent threat to public health, safety, or welfare;
    - b. Prevent a loss of Commission or Participating State funds; or
    - c. Protect public health and safety.
- G. Qualified Immunity, Defense, and Indemnification
- 1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, both personally and in their official 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

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

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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

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.