

Rule on Criminal Background Checks

To ensure public safety, many state licensing boards and commissions require license applicants to submit to a criminal background check. Similarly, the Dentist and Dental Hygienist Compact requires participating states to implement and use criminal background checks in making licensing decisions as a means of ensuring public safety.

1.0 Purpose:

Pursuant to Section 3.A.5, and Section 3.C, in order to join and to continue as a Participating State in the Compact, a State must fully implement a Criminal Background Check requirement, within a time frame established by Commission Rule, by receiving the results of a qualifying Criminal Background Check. A qualifying Criminal Background Check means the submission of fingerprints or other biometric-based information for a License applicant for the purpose of obtaining that applicant's criminal history record information, as defined in 28 C.F.R. § 20.3(d) from the Federal Bureau of Investigation and the State's criminal history record repository as defined in 28 C.F.R. § 20.3(f). When conducting a Criminal Background Check the State Licensing Authority shall: Consider that information in making a licensure decision; Maintain documentation of completion of the Criminal Background Check and background check information to the extent allowed by State and federal law; and Report to the Commission whether it has completed the Criminal Background Check and whether the individual was granted or denied a License.

1.1 Criminal Background Checks

Participating States must fully implement a Criminal Background Check requirement on new Dentist and Dental Hygienist license applicants within six years of the effective date of the enactment of the compact within their state. A Participating State cannot participate in the issuing of Compact Privileges for the state's Licensees until the state has completed the requirements to fully implement the Criminal Background Check requirement established

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in Section 3.C. of the Compact. However, a Remote State shall accept a Licensee with a Compact Privilege based on a license issued pursuant to a qualifying Criminal Background Check.

Licensees from Participating States whose Qualifying Licenses were not based on the consideration of information obtained in a Criminal Background Check may seek a Compact Privilege once their Participating State establishes a process for a review and consideration of a subsequent Criminal Background Check.