

SENATE BILL 538

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5lr2601
CF HB 534

By: **Senators Kramer and Hershey**

Introduced and read first time: January 23, 2025

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Interstate Dental and Dental Hygiene Licensure Compact**

3 FOR the purpose of entering into the Interstate Dental and Dental Hygiene Licensure
4 Compact; authorizing a dentist or dental hygienist to practice in a member state;
5 establishing the Interstate Dental and Dental Hygiene Compact Licensure
6 Commission to oversee the Compact and establishing the Commission's powers and
7 duties; and generally relating to the Interstate Dental and Dental Hygiene Licensure
8 Compact.

9 BY adding to
10 Article – Health Occupations
11 Section 4–3A–01 to be under the new subtitle “Subtitle 3A. Interstate Dental and
12 Dental Hygiene Licensure Compact”
13 Annotated Code of Maryland
14 (2021 Replacement Volume and 2024 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
16 That the Laws of Maryland read as follows:

17 **Article – Health Occupations**

18 **SUBTITLE 3A. INTERSTATE DENTAL AND DENTAL HYGIENE LICENSURE**
19 **COMPACT.**

20 **4–3A–01.**

21 **THE INTERSTATE DENTAL AND DENTAL HYGIENE LICENSURE COMPACT IS**
22 **HEREBY ENACTED INTO LAW AND THE GOVERNOR SHALL ENTER INTO A COMPACT**
23 **ON BEHALF OF THE STATE OF MARYLAND WITH ANY JURISDICTION LEGALLY**
24 **JOINED THEREIN, IN THE FORM SUBSTANTIALLY AS SET FORTH IN THIS ACT.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



SECTION 1. PURPOSE

THIS COMPACT SHALL BE KNOWN AS THE INTERSTATE DENTAL AND DENTAL HYGIENE LICENSURE COMPACT AND THE PURPOSE OF THE COMPACT IS TO EXPEDITE LICENSURE AND INCREASE ACCESS TO DENTAL HEALTH CARE THROUGH LICENSURE BOARDS ACTING IN COOPERATION. THE COMPACT ADOPTS THE EXISTING STRUCTURES MOST UTILIZED BY DENTAL BOARDS ACROSS THE UNITED STATES, WHILE ENSURING THE SAFETY OF THE PUBLIC THROUGH THE SHARING OF DOCUMENTS AND INFORMATION. THIS COMPACT ENSURES THAT EACH STATE RETAINS THE RIGHT TO IMPOSE AN ADVERSE ACTION ON A LICENSEE AS A HOME STATE OR AS A PRACTICING STATE. EACH STATE HAS AN OPPORTUNITY TO SHARE INVESTIGATIONS AND INFORMATION WITH THE HOME STATE OF LICENSURE. THE COMPACT IS OPERATED BY STATE DENTAL BOARD MEMBERS, ADMINISTRATORS AND OTHER STAFF, THUS ALLOWING FOR EACH STATE TO MAINTAIN ITS SOVEREIGNTY.

THE COMPACT:

(A) ALLOWS FOR EXPEDITED LICENSURE PORTABILITY AND EASE OF MOVEMENT OF LICENSEES BETWEEN STATES;

(B) ALLOWS EACH STATE TO CONTINUE TO REGULATE THE PRACTICE OF DENTISTRY AND DENTAL HYGIENE WITHIN ITS BORDERS;

(C) CREATES A COMMON GOAL OF PROTECTING THE PUBLIC BY ENSURING A UNIFORM LICENSURE STANDARD AND SHARING OF INFORMATION IN THE COMPACT;

(D) ALLOWS FOR LICENSURE IN EVERY PARTICIPATING STATE BY REQUIRING PASSAGE OF THE UNIFORM LICENSURE EXAMINATION THAT ASSESSES PSYCHOMOTOR AND COGNITIVE DENTAL SKILLS AND IS CURRENTLY ACCEPTED IN FIFTY (50) STATE LICENSING JURISDICTIONS AND UNITED STATES TERRITORIES;

(E) GIVES LICENSEES ONE (1) LOCATION TO MAINTAIN PROFESSIONAL DOCUMENTATION TO EXPEDITE LICENSE TRANSFERS IN STATES, HOSPITALS OR INSTITUTIONAL CREDENTIALING;

(F) FACILITATES A FASTER LICENSURE PROCESS FOR RELOCATION OR SEPARATION OF MILITARY MEMBERS AND THEIR DEPENDENT SPOUSES; THERE ARE NO COMPACT FEES FOR MILITARY MEMBERS OR THEIR SPOUSES;

1 (G) ALLEVIATES A DUPLICATIVE PROCESS FOR LICENSURE AMONG
2 MULTIPLE STATES; AND

3 (H) SAVES APPLICANTS MONEY BY NOT HAVING TO OBTAIN DUPLICATE
4 DOCUMENTS FROM A SOURCE THAT CHARGES FOR THE DOCUMENTS.

5 SECTION 2. DEFINITIONS

6 (A) "AADB" MEANS THE AMERICAN ASSOCIATION OF DENTAL BOARDS
7 (AADB) OR ITS NAMED SUCCESSOR, FORMERLY KNOWN AS THE AMERICAN
8 ASSOCIATION OF DENTAL EXAMINERS (AADE), ORIGINALLY CHARTERED ON
9 SEPTEMBER 10TH, 1896 AND RENEWED IN 1944, COMPRISING STATE DENTAL
10 BOARDS IN THE UNITED STATES AND ITS TERRITORIES;

11 (B) "ATTORNEYS' COMMITTEE" MEANS THE COMMITTEE OF ATTORNEYS
12 WHO CURRENTLY REPRESENT A MEMBER STATE DENTAL BOARD; THE ATTORNEYS'
13 COMMITTEE SHALL DESIGNATE ONE OF ITS MEMBERS TO PARTICIPATE IN THE
14 COMMISSION AS A NON-VOTING MEMBER. AN ATTORNEY THAT HAS PREVIOUSLY
15 SERVED AS AN ATTORNEY FOR A MEMBER STATE DENTAL BOARD MAY BE INVITED
16 ON A YEAR-TO-YEAR BASIS TO SERVE ON THE ATTORNEYS' COMMITTEE IF THEY
17 HAVE NOT ENGAGED IN AN OFFICIAL CASE AGAINST A STATE DENTAL BOARD OR
18 HAVE ANY OTHER CONFLICT OF INTEREST. THE ATTORNEYS' COMMITTEE MAY
19 ASSIST THE INVESTIGATORS IN WORKING THROUGH JOINT INVESTIGATION ISSUES
20 BETWEEN STATES;

21 (C) "ACTIVE-DUTY MILITARY PERSON OR SPOUSE" MEANS A LICENSEE IN
22 FULL-TIME ACTIVE-DUTY STATUS IN THE ACTIVE UNIFORMED SERVICES OF THE
23 UNITED STATES, INCLUDING MEMBERS OF THE NATIONAL GUARD AND RESERVES.
24 THE LEGAL SPOUSE OF THE MILITARY MEMBER MUST BE RECOGNIZED BY THE
25 MILITARY UNIT AS A DEPENDENT WHILE THE SERVICE MEMBER IS ON ACTIVE DUTY.
26 SPOUSES SHALL RECEIVE THE SAME PRIVILEGES AS MILITARY MEMBERS FOR THE
27 PURPOSE OF THIS COMPACT;

28 (D) "ACTIVE INVESTIGATION" MEANS AN ACTIVE INVESTIGATION
29 POTENTIALLY RESULTING IN FORMAL ALLEGATIONS OR CHARGES PRECIPITATING
30 A JUDICIAL PROCESS BY A STATE DENTAL BOARD, OVERSIGHT AGENCY, OR OTHER
31 LAW ENFORCEMENT ENTITY;

32 (E) "ADVERSE ACTION" MEANS AN ORDER ISSUED BY A STATE DENTAL
33 BOARD OR REPORTED TO THE CLEARINGHOUSE PURSUANT TO THE COMMISSION'S
34 BYLAWS AND RULES THAT DISCIPLINES A LICENSEE. ADVERSE ACTION INCLUDES,
35 AND IS NOT LIMITED TO, THE SUSPENSION, LIMITING, OR REVOCATION OF A
36 LICENSE OR COMPACT LICENSE PRIVILEGE; THE IMPOSITION OF FEES AND

1 SANCTIONS; AND ANY TEMPORARY EMERGENCY ORDER THAT MAY BE LATER
2 WITHDRAWN BY A BOARD;

3 (F) "ADEX EXAMINATION" MEANS THE INITIAL LICENSURE EXAMINATIONS
4 DEVELOPED BY THE AMERICAN BOARD OF DENTAL EXAMINERS, INC. OR ITS
5 SUCCESSOR;

6 (G) "BYLAWS" MEANS THE BYLAWS PASSED BY THE COMMISSION OR ITS
7 NAMED SUCCESSOR COMMISSION;

8 (H) "CLEARINGHOUSE" MEANS THE CLEARINGHOUSE AND DATABANK THAT
9 HOUSES PRIOR ADVERSE ACTION DOCUMENTATIONS, ORDERS, AND DENIALS OF
10 LICENSURE OR PERMITS FROM STATE DENTAL BOARDS THAT IS ADMINISTERED BY
11 THE AADB OR ITS SUCCESSOR;

12 (I) "CODA" MEANS THE COMMISSION ON DENTAL ACCREDITATION OR ITS
13 SUCCESSOR AS APPROVED BY THE UNITED STATES DEPARTMENT OF EDUCATION;

14 (J) "COMMISSION" MEANS THE INTERSTATE DENTAL AND DENTAL
15 HYGIENE COMPACT LICENSURE COMMISSION CREATED PURSUANT TO SECTION 3
16 OF THIS ACT;

17 (K) "COMMISSIONERS" MEANS THE TWO (2) MEMBERS CHOSEN BY EACH
18 MEMBER STATE DENTAL BOARD TO SERVE AS THE VOTING MEMBERS OF THE
19 COMMISSION;

20 (L) "COMPACT" MEANS THE INTERSTATE DENTAL AND DENTAL HYGIENE
21 LICENSURE COMPACT CREATED PURSUANT TO SECTION 3 OF THIS ACT;

22 (M) "COMPACT LICENSE PRIVILEGE" MEANS THE EXPEDITED DENTAL OR
23 DENTAL HYGIENE LICENSE TO PRACTICE IN A MEMBER STATE THAT IS NOT THE
24 LICENSEE'S HOME STATE;

25 (N) "CONVICTION" MEANS AN ADJUDICATION OR FORMAL JUDGMENT BY A
26 COURT THAT AN INDIVIDUAL IS GUILTY THROUGH A PLEA OF GUILTY OR NO
27 CONTEST, OR A FINDING OF GUILT BY THE COURT. EVIDENCE OF A CONVICTION OF
28 A CRIMINAL OFFENSE BY A COURT SHALL BE CONSIDERED FINAL FOR THE
29 PURPOSES OF CONSIDERING OR IMPOSING DISCIPLINARY ACTION BY A MEMBER
30 STATE DENTAL BOARD;

31 (O) "CRIMINAL BACKGROUND CHECK" MEANS A CRIMINAL BACKGROUND
32 CHECK USING THE RESULTS OF FINGERPRINT OR OTHER BIOMETRIC DATA CHECKS
33 COMPLIANT WITH THE REQUIREMENTS OF THE FEDERAL BUREAU OF

1 INVESTIGATION, WITH THE EXCEPTION OF FEDERAL EMPLOYEES WHO HAVE
2 SUITABILITY DETERMINATION IN ACCORDANCE WITH 5 C.F.R. 731.202;

3 (P) "DENTAL HYGIENIST" MEANS ANY PERSON WHO:

4 1. HAS SUCCESSFULLY GRADUATED FROM A CODA-APPROVED
5 DENTAL HYGIENE SCHOOL;

6 2. HAS SUCCESSFULLY PASSED THE ADEX DENTAL HYGIENE
7 LICENSURE EXAMINATION, OR HAS BEEN IN PRACTICE 5 YEARS OR MORE AND HAS
8 SUCCESSFULLY PASSED A REGIONAL BOARD EXAMINATION OR EQUIVALENT
9 STATE-ADMINISTERED PSYCHOMOTOR LICENSURE EXAMINATION PRIOR TO
10 JANUARY 1, 2024;

11 3. HAS SUCCESSFULLY PASSED THE WRITTEN NATIONAL DENTAL
12 HYGIENE BOARD EXAMINATION ADMINISTERED BY THE JOINT COMMISSION ON
13 NATIONAL DENTAL EXAMINATIONS;

14 4. POSSESSES A FULL AND UNRESTRICTED DENTAL HYGIENE
15 LICENSE ISSUED BY A MEMBER STATE;

16 5. HAS NEVER BEEN CONVICTED OR RECEIVED ADJUDICATION,
17 DEFERRED ADJUDICATION, COMMUNITY SUPERVISION OR DEFERRED DISPOSITION
18 FOR ANY OFFENSE (OTHER THAN TRAFFIC OFFENSES) BY A COURT OF APPROPRIATE
19 JURISDICTION;

20 6. HAS NEVER BEEN A SUBJECT OF DISCIPLINE BY A LICENSING
21 AGENCY THROUGH ANY ADVERSE ACTION, ORDER, OR OTHER RESTRICTION OF THE
22 LICENSEE BY A LICENSING AGENCY, WITH THE EXCEPTION OF FAILURE TO PAY
23 FEES OR FAILURE TO COMPLETE CONTINUING EDUCATION;

24 7. IS NOT CURRENTLY UNDER ACTIVE INVESTIGATION BY A
25 LICENSING AGENCY OR LAW ENFORCEMENT AUTHORITY IN ANY STATE, FEDERAL
26 OR FOREIGN JURISDICTION; AND

27 8. MEETS ANY JURISPRUDENCE REQUIREMENT ESTABLISHED BY A
28 MEMBER STATE DENTAL BOARD OF A MEMBER STATE IN WHICH A LICENSEE IS
29 SEEKING A COMPACT LICENSE PRIVILEGE.

30 (Q) "DENTAL PRACTICE ACT" MEANS THE LAWS AND REGULATIONS
31 GOVERNING THE PRACTICE OF DENTISTRY WITHIN A MEMBER STATE;

32 (R) "DENTIST" MEANS ANY PERSON WHO:

1 **1. HAS SUCCESSFULLY GRADUATED FROM A CODA-APPROVED**
2 **DENTAL SCHOOL;**

3 **2. HAS SUCCESSFULLY PASSED THE ADEX DENTAL LICENSURE**
4 **EXAM; OR HAS BEEN IN PRACTICE 5 YEARS OR MORE AND HAS SUCCESSFULLY**
5 **PASSED A REGIONAL BOARD EXAMINATION OR EQUIVALENT STATE-ADMINISTERED**
6 **PSYCHOMOTOR LICENSURE EXAMINATION PRIOR TO JANUARY 1, 2024;**

7 **3. HAS SUCCESSFULLY PASSED THE WRITTEN NATIONAL DENTAL**
8 **BOARD EXAM ADMINISTERED BY THE JOINT COMMISSION ON NATIONAL DENTAL**
9 **EXAMINATIONS;**

10 **4. POSSESSES A FULL AND UNRESTRICTED DENTAL LICENSE ISSUED**
11 **BY A MEMBER STATE DENTAL BOARD;**

12 **5. HAS NEVER BEEN CONVICTED OR RECEIVED ADJUDICATION,**
13 **DEFERRED ADJUDICATION, COMMUNITY SUPERVISION, OR DEFERRED DISPOSITION**
14 **FOR ANY OFFENSE (OTHER THAN TRAFFIC OFFENSES) BY A COURT OF APPROPRIATE**
15 **JURISDICTION;**

16 **6. HAS NEVER BEEN A SUBJECT OF DISCIPLINE BY A LICENSING**
17 **AGENCY THROUGH ANY ADVERSE ACTION, ORDER, OR OTHER RESTRICTION OF THE**
18 **LICENSEE BY A LICENSING AGENCY, WITH THE EXCEPTION OF FAILURE TO PAY**
19 **FEES OR FAILURE TO COMPLETE CONTINUING EDUCATION;**

20 **7. HAS NEVER HAD A STATE OR FEDERAL DRUG REGISTRATION,**
21 **PERMIT, OR LICENSE RESTRICTED, SUSPENDED, OR REVOKED BY THE UNITED**
22 **STATES DRUG ENFORCEMENT ADMINISTRATION OR ANY LICENSING AGENCY THAT**
23 **OVERSEES SCHEDULED DRUG REGISTRATIONS;**

24 **8. IS NOT CURRENTLY UNDER ACTIVE INVESTIGATION BY A**
25 **LICENSING AGENCY OR LAW ENFORCEMENT AUTHORITY IN ANY STATE, FEDERAL**
26 **OR FOREIGN JURISDICTION; AND**

27 **9. MEETS ANY JURISPRUDENCE REQUIREMENT ESTABLISHED BY A**
28 **MEMBER STATE DENTAL BOARD IN WHICH A LICENSEE IS SEEKING A COMPACT**
29 **LICENSE PRIVILEGE;**

30 **(S) "HOME STATE" MEANS THE STATE OF PRIMARY LICENSURE OF A**
31 **LICENSEE;**

1 (T) “LICENSE” MEANS THE AUTHORIZATION BY A LICENSING AUTHORITY
2 FOR A DENTIST OR DENTAL HYGIENIST TO ENGAGE IN THE UNRESTRICTED
3 PRACTICE OF DENTISTRY OR DENTAL HYGIENE, WHICH WOULD BE UNLAWFUL
4 WITHOUT SUCH LICENSE;

5 (U) “LICENSEE” MEANS A DENTIST OR DENTAL HYGIENIST WHO HOLDS AN
6 UNRESTRICTED LICENSE TO PRACTICE AS A DENTIST OR DENTAL HYGIENIST;

7 (V) “LICENSING AGENCY” MEANS THE AGENCY OR OTHER ENTITY OF A
8 STATE THAT IS RESPONSIBLE FOR THE LICENSING OF DENTISTS AND DENTAL
9 HYGIENISTS. IF A MEMBER STATE DENTAL BOARD HAS SUCH RESPONSIBILITY, IT
10 SHALL BE DEEMED A LICENSING AGENCY;

11 (W) “MEMBER STATE DENTAL BOARD” MEANS A STATE AGENCY IN A
12 MEMBER STATE THAT PROTECTS THE PUBLIC THROUGH Licensure, REGULATION,
13 AND THE EDUCATION OF DENTISTS AND DENTAL HYGIENISTS, AS DIRECTED BY THE
14 STATE LAW. ALL ACTIONS TAKEN BY A MEMBER STATE DENTAL BOARD SHALL BE
15 UNDER THE AUTHORITY OF THE LAWS OF ITS STATE AND ANY OTHER RIGHTS
16 CONFERRED UNDER THIS COMPACT;

17 (X) “MEMBER STATE” MEANS A STATE, THE DISTRICT OF COLOMBIA OR
18 ANY OTHER UNITED STATES TERRITORY THAT HAS ENACTED THE COMPACT;

19 (Y) “REGIONAL BOARD EXAMINATION” MEANS INITIAL LICENSURE
20 EXAMINATIONS ADMINISTERED BY THE WESTERN REGIONAL EXAMINING BOARD
21 (WREB), THE NORTH EAST REGIONAL BOARD OF DENTAL EXAMINERS (NERB),
22 THE COMMISSION ON DENTAL COMPETENCY ASSESSMENTS (CDCA), COUNCIL OF
23 INTERSTATE TESTING AGENCIES (CITA), SOUTHERN REGIONAL TESTING AGENCY
24 (SRTA), OR CENTRAL REGIONAL DENTAL TESTING SERVICES (CRDTS) THAT
25 ASSESS PSYCHOMOTOR SKILLS.

26 (Z) “REPOSITORY” MEANS THE REPOSITORY OF ORIGINAL DOCUMENTS OF
27 A LICENSEE THAT MAY INCLUDE ORIGINAL TRANSCRIPTS, CERTIFICATION
28 DOCUMENTS, TEST SCORES, MILITARY TRAINING RECORDS, PREVIOUS OR CURRENT
29 LICENSING DOCUMENTS AND OTHER SOURCES OF MATERIALS NEEDED FOR
30 APPLICATIONS AND VERIFICATION ADMINISTERED BY THE AADB OR ITS
31 SUCCESSOR. THE REPOSITORY SHALL RECEIVE DOCUMENTS FROM PRIMARY OR
32 ORIGINATING SOURCES AND/OR VERIFY THEIR AUTHENTICITY;

33 (AA) “SCOPE OF PRACTICE” MEANS THE DENTAL-RELATED PROCEDURES
34 THAT REQUIRE A LICENSE, PERMIT, OR TRAINING, TO UNDERTAKE THE TREATMENT
35 AND PROCEDURE TO BE COMPLETED ON A PATIENT WITHIN THE MEMBER STATE’S
36 REQUIREMENTS;

(BB) "STATE" MEANS A STATE WITHIN THE UNITED STATES OR A UNITED STATES TERRITORY; AND

(CC) "STATE JURISPRUDENCE" MEANS THE KNOWLEDGE OF A MEMBER STATE'S LAWS AND RULES OF DENTISTRY AND DENTAL HYGIENE.

SECTION 3. COMPACT AND COMMISSION

(A) THE MEMBER STATES HEREBY CREATE THE INTERSTATE DENTAL AND DENTAL HYGIENE LICENSURE COMPACT AND THE COMMISSION. EACH MEMBER STATE MUST ENACT A COMPACT THAT IS NOT MATERIALLY DIFFERENT FROM THIS COMPACT, AS DETERMINED BY THE COMMISSION.

(B) EACH MEMBER STATE DENTAL BOARD SHALL HAVE TWO (2) VOTING MEMBERS WHO SHALL SERVE AS COMMISSIONERS. EACH COMMISSIONER SHALL HAVE ONE (1) VOTE. MEMBER STATES WITH SEPARATE DENTAL AND DENTAL HYGIENE LICENSING AGENCIES SHALL APPOINT ONE (1) COMMISSIONER FROM EACH LICENSING AGENCY. ONE COMMISSIONER SHALL BE A CURRENT MEMBER OF A MEMBER STATE DENTAL BOARD. COMMISSIONERS MAY NOT DELEGATE VOTES OR VOTE BY PROXY, HOWEVER, IF A COMMISSIONER IS UNABLE TO ATTEND, THE MEMBER STATE MAY SUBSTITUTE A COMMISSIONER WHO MEETS THE SAME REQUIREMENTS.

(C) UPON FIVE (5) STATES JOINING THE COMPACT, THE COMPACT SHALL BECOME ACTIVE. THE COMMISSION SHALL ADOPT BYLAWS UPON BECOMING ACTIVE.

(D) THE COMMISSION SHALL MEET AT LEAST ONCE PER CALENDAR YEAR (THE "ANNUAL MEETING") AND AT ADDITIONAL TIMES AS NECESSARY PURSUANT TO THE BYLAWS AND RULES.

(E) AT EACH ANNUAL MEETING, THE COMMISSION SHALL ELECT A CHAIR, VICE CHAIR, SECRETARY, AND TREASURER FROM THE MEMBERSHIP OF THE COMMISSION (THE "OFFICERS"). THE OFFICERS SHALL BE MEMBERS OF THE COMMISSION'S EXECUTIVE COMMITTEE (THE "EXECUTIVE COMMITTEE"). THE COMMISSION SHALL ALSO ELECT REPRESENTATIVES FROM FOUR REGIONAL DISTRICTS ESTABLISHED BY THE COMMISSION TO SERVE ON THE EXECUTIVE COMMITTEE. ALL OFFICERS AND EXECUTIVE COMMITTEE REPRESENTATIVES SHALL SERVE ONE (1)-YEAR TERMS.

(F) QUORUM FOR PURPOSES OF CONDUCTING BUSINESS SHALL BE A MAJORITY OF COMMISSIONERS ATTENDING IN PERSON OR VIRTUALLY.

1 **(G) THE COMMISSION SHALL PROVIDE NOTICE OF ALL MEETINGS ON ITS**
2 **WEBSITE AND IN OTHER COMMUNICATIONS TO MEMBER STATE DENTAL BOARDS.**

3 **(H) A VOTE OF TWO-THIRDS (2/3) OF THE COMMISSIONERS PRESENT SHALL**
4 **BE REQUIRED FOR AN EXECUTIVE SESSION TO DISCUSS:**

5 **1. ITEMS SPECIFICALLY RELATED TO PARTICIPATION IN A LAWSUIT**
6 **OR IN ANTICIPATION OF A LEGAL PROCEEDING;**

7 **2. MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY**
8 **FEDERAL STATUTE;**

9 **3. INFORMATION OR MATTERS INVOLVING LAW ENFORCEMENT**
10 **AGENCIES OR INFORMATION THAT ACCUSES A PERSON OF A CRIME OR A PUBLIC**
11 **CENSURE;**

12 **4. DISCUSSIONS THAT WOULD INCLUDE INFORMATION OF A**
13 **PERSONAL NATURE THAT WOULD CONSTITUTE AN UNWARRANTED INVASION OF**
14 **PERSONAL PRIVACY;**

15 **5. ANYTHING CONSIDERED INTERNAL PRACTICES AND**
16 **PROCEDURES OR A TRADE SECRET;**

17 **6. OTHER ITEMS DESCRIBED IN THE COMMISSION BYLAWS**
18 **ALLOWING FOR EXECUTIVE SESSIONS TO BE CALLED; OR**

19 **7. ADVICE OF LEGAL COUNSEL.**

20 **(I) THE COMMISSION SHALL KEEP MINUTES AND MAKE THEM AVAILABLE**
21 **TO ALL MEMBER STATES.**

22 **(J) THE COMMISSION MAY ESTABLISH OTHER COMMITTEES AS NEEDED.**

23 **(K) THE COMMISSION SHALL PREPARE AN ANNUAL REPORT THAT SHALL BE**
24 **MADE AVAILABLE TO THE LEGISLATURES AND GOVERNORS OF THE MEMBER**
25 **STATES. THE ANNUAL REPORT SHALL DESCRIBE THE ACTIVITIES OF THE**
26 **COMMISSION DURING THE PRECEDING CALENDAR YEAR. SUCH REPORTS SHALL**
27 **ALSO INCLUDE REPORTS OF THE ANNUAL FINANCIAL AUDIT AND ANY ACTIONS**
28 **TAKEN BY OR RULES THAT WERE ADOPTED BY THE COMMISSION.**

29 **SECTION 4. DUTIES OF COMPACT MEMBER STATES**

1 (A) MEMBER STATES SHALL SUBMIT TO THE CLEARINGHOUSE ALL
2 MEMBER STATE DENTAL BOARD ACTIONS AND OTHER DOCUMENTS AND DATA AS
3 DETERMINED BY THE COMMISSION;

4 (B) MEMBER STATES SHALL NOTIFY THE COMMISSION OF ANY ADVERSE
5 ACTION TAKEN BY THE MEMBER STATE DENTAL BOARD, ANY ACTIVE
6 INVESTIGATION BY THE MEMBER STATE DENTAL BOARD, ANY ACTIVE
7 INVESTIGATION INVOLVING PENDING CRIMINAL CHARGES, OR OTHER
8 CIRCUMSTANCE AS DETERMINED BY THE COMMISSION;

9 (C) ANY ADVERSE ACTION, ORDER, RESTRICTION OR DENIAL OF A LICENSE
10 OR PERMIT ON A LICENSEE OR COMPACT LICENSE PRIVILEGE HOLDER SHALL BE
11 REPORTED TO THE CLEARINGHOUSE BY THE MEMBER STATE DENTAL BOARD;

12 (D) MEMBER STATE DENTAL BOARDS MAY SUBMIT TO THE
13 CLEARINGHOUSE NONPUBLIC COMPLAINTS, OR DISCIPLINARY OR INVESTIGATORY
14 INFORMATION NOT REQUIRED BY SECTION 4(C). ALL INVESTIGATORY MATERIAL
15 SHALL BE CONSIDERED CONFIDENTIAL AND NOT PART OF A PUBLIC RECORD
16 UNLESS OTHERWISE SPECIFICALLY REQUIRED BY STATE STATUTE;

17 (E) MEMBER STATES SHALL ACCEPT CONTINUING EDUCATION CREDITS AS
18 REQUIRED OR RECOGNIZED BY ANY OTHER MEMBER STATE;

19 (F) DOCUMENTS IN THE REPOSITORY SHALL BE TREATED BY A MEMBER
20 STATE AS THE EQUIVALENT OF A PRIMARY OR ORIGINAL SOURCE DOCUMENT FOR
21 LICENSURE;

22 (G) MEMBER STATES SHALL ACCEPT A STANDARDIZED APPLICATION FOR A
23 COMPACT LICENSE PRIVILEGE. THE STANDARDIZED APPLICATION SHALL BE
24 ESTABLISHED BY THE RULES ENACTED BY THE COMMISSION;

25 (H) MEMBER STATES MAY AGREE TO SHARE INFORMATION REGARDING
26 ONGOING INVESTIGATIONS AND ACTIONS, INCLUDING JOINT INVESTIGATIONS
27 BETWEEN STATES. ALL INVESTIGATORY MATERIAL SHALL BE CONSIDERED
28 CONFIDENTIAL AND NOT PART OF A PUBLIC RECORD UNLESS OTHERWISE
29 SPECIFICALLY REQUIRED BY STATE STATUTE; AND

30 (I) AS PART OF THE COMPACT ENFORCEMENT, PARTICIPATING MEMBER
31 STATES MAY ISSUE SUBPOENAS AND SEEK TESTIMONY OF WITNESSES, WHICH
32 SUBPOENAS SHALL BE ENFORCED IN OTHER MEMBER STATES AND ENFORCED BY A
33 COURT OF COMPETENT JURISDICTION WHERE THE WITNESSES OR EVIDENCE IS
34 LOCATED.

SECTION 5. POWERS AND DUTIES OF THE COMMISSION

(A) THE COMMISSION SHALL HAVE THE DUTY AND POWER TO:

1. OVERSEE AND MAINTAIN THE ADMINISTRATION OF THE COMPACT, INCLUDING THE ORGANIZATIONAL NEEDS, THE FINANCIAL ACTIVITIES, THE HIRING OF PERSONNEL AND ONGOING ACTIVITIES OR NEEDS OF THE COMMISSION;

2. PROMULGATE BYLAWS AND RULES TO OPERATE THE COMPACT AND THE COMMISSION;

3. ESTABLISH A BUDGET AND MAKE EXPENDITURES;

4. HAVE AN ANNUAL FINANCIAL AUDIT PERFORMED BY AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTING FIRM;

5. ISSUE, UPON THE REQUEST OF A MEMBER STATE DENTAL BOARD, ADVISORY OPINIONS CONCERNING THE MEANING OR INTERPRETATION OF THE COMPACT AND ITS BYLAWS, RULES, AND ACTIONS;

6. ENFORCE COMPLIANCE WITH COMPACT PROVISIONS, THE RULES PROMULGATED BY THE COMMISSION, AND THE BYLAWS, USING ALL NECESSARY AND PROPER MEANS, INCLUDING BUT NOT LIMITED TO THE USE OF JUDICIAL PROCESS;

7. HOLD AN ANNUAL MEETING FOR THE COMMISSION WHERE THE ELECTIONS OF THE EXECUTIVE COMMITTEE AND OTHER ISSUES MAY BE DISCUSSED AND VOTED ON;

8. ESTABLISH PERSONNEL POLICIES AND PROGRAMS RELATING TO CONFLICTS OF INTEREST, AND THE RATES OF COMPENSATION AND QUALIFICATIONS OF PERSONNEL;

9. ACCEPT DONATIONS AND GRANTS OF MONEY, EQUIPMENT, SUPPLIES, MATERIALS AND SERVICES, AND TO RECEIVE, UTILIZE AND DISPOSE OF THEM IN A MANNER CONSISTENT WITH THE CONFLICT-OF-INTEREST POLICIES ESTABLISHED BY THE COMMISSION;

10. REPORT ANNUALLY TO THE LEGISLATURES AND GOVERNORS OF THE MEMBER STATE DENTAL BOARDS CONCERNING THE ACTIVITIES OF THE COMMISSION DURING THE PRECEDING CALENDAR YEAR. SUCH REPORTS SHALL ALSO INCLUDE REPORTS OF ANNUAL FINANCIAL AUDITS, ALL ACTIONS OF THE

1 COMMISSION, RULES ADOPTED BY THE COMMISSION, AND ANY RECOMMENDATIONS
2 BY THE COMMISSION; AND

3 11. COORDINATE EDUCATION, TRAINING AND PUBLIC AWARENESS
4 REGARDING THE COMPACT, ITS IMPLEMENTATION, AND ITS OPERATION.

5 (B) THE EXECUTIVE COMMITTEE SHALL HAVE THE POWER TO ACT ON
6 BEHALF OF THE COMMISSION, WITH THE EXCEPTION OF RULEMAKING, DURING
7 PERIODS WHEN THE COMMISSION IS NOT IN SESSION. WHEN ACTING ON BEHALF OF
8 THE COMMISSION, THE EXECUTIVE COMMITTEE SHALL OVERSEE THE
9 ADMINISTRATION OF THE COMPACT, INCLUDING ENFORCEMENT OF AND
10 COMPLIANCE WITH THE COMPACT.

11 (C) THE OFFICERS AND EMPLOYEES OF THE COMMISSION SHALL BE
12 IMMUNE FROM SUIT AND LIABILITY, EITHER PERSONALLY OR IN THEIR OFFICIAL
13 CAPACITY, FOR A CLAIM FOR DAMAGE TO OR LOSS OF PROPERTY OR PERSONAL
14 INJURY OR OTHER CIVIL LIABILITY CAUSED OR ARISING OUT OF, OR RELATING TO,
15 AN ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED, OR THAT SUCH
16 PERSON HAD A REASONABLE BASIS FOR BELIEVING OCCURRED, WITHIN THE SCOPE
17 OF COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES; PROVIDED, THAT
18 SUCH PERSON SHALL NOT BE PROTECTED FROM SUIT OR LIABILITY FOR DAMAGE,
19 LOSS, INJURY OR LIABILITY CAUSED BY THE INTENTIONAL OR WILLFUL AND
20 WANTON MISCONDUCT OF SUCH PERSON.

21 (D) THE LIABILITY OF THE EXECUTIVE DIRECTOR AND EMPLOYEES OF THE
22 COMMISSION OR REPRESENTATIVES OF THE COMMISSION, ACTING WITHIN THE
23 SCOPE OF SUCH PERSON'S EMPLOYMENT OR DUTIES FOR ACTS, ERRORS OR
24 OMISSIONS OCCURRING WITHIN SUCH PERSON'S STATE MAY NOT EXCEED THE
25 LIMITS OF LIABILITY SET FORTH UNDER THE CONSTITUTION AND LAWS OF THAT
26 STATE FOR STATE OFFICIALS, EMPLOYEES AND AGENTS. THE COMMISSION SHALL
27 BE CONSIDERED TO BE AN INSTRUMENTALITY OF THE STATES FOR THE PURPOSES
28 OF ANY SUCH ACTION. NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO
29 PROTECT SUCH PERSON FROM SUIT OR LIABILITY FOR DAMAGE, LOSS, INJURY OR
30 LIABILITY CAUSED BY THE INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT
31 OF SUCH PERSON.

32 (E) THE COMMISSION SHALL DEFEND THE COMMISSION'S EXECUTIVE
33 DIRECTOR, ITS EMPLOYEES, AND, SUBJECT TO THE APPROVAL OF THE ATTORNEY
34 GENERAL OR OTHER APPROPRIATE LEGAL COUNSEL OF THE MEMBER STATE
35 REPRESENTED BY A COMMISSION REPRESENTATIVE, SHALL DEFEND SUCH
36 COMMISSION REPRESENTATIVE IN ANY CIVIL ACTION SEEKING TO IMPOSE
37 LIABILITY ARISING OUT OF AN ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT
38 OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR

1 RESPONSIBILITIES, OR THAT THE DEFENDANT HAD A REASONABLE BASIS FOR
2 BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES
3 OR RESPONSIBILITIES, PROVIDED THAT THE ACTUAL OR ALLEGED ACT, ERROR OR
4 OMISSION DID NOT RESULT FROM INTENTIONAL OR WILLFUL AND WANTON
5 MISCONDUCT ON THE PART OF SUCH PERSON.

6 (F) TO THE EXTENT NOT COVERED BY THE STATE INVOLVED, MEMBER
7 STATE, OR THE COMMISSION, THE REPRESENTATIVES OR EMPLOYEES OF THE
8 COMMISSION SHALL BE HELD HARMLESS BY THE COMMISSION IN THE AMOUNT OF
9 A SETTLEMENT OR JUDGMENT, INCLUDING ATTORNEY FEES AND COSTS, OBTAINED
10 AGAINST SUCH PERSONS ARISING OUT OF AN ACTUAL OR ALLEGED ACT, ERROR OR
11 OMISSION THAT OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT,
12 DUTIES OR RESPONSIBILITIES, OR THAT SUCH PERSONS HAD A REASONABLE BASIS
13 FOR BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT,
14 DUTIES OR RESPONSIBILITIES, PROVIDED THAT THE ACTUAL OR ALLEGED ACT,
15 ERROR OR OMISSION DID NOT RESULT FROM INTENTIONAL OR WILLFUL AND
16 WANTON MISCONDUCT ON THE PART OF SUCH PERSONS.

17 SECTION 6. APPLICATION, ELIGIBILITY, AND ISSUANCE OF COMPACT LICENSE
18 PRIVILEGE TO A MEMBER STATE

19 (A) A DENTIST OR DENTAL HYGIENIST APPLYING FOR COMPACT LICENSE
20 PRIVILEGES SHALL MEET THE REQUIREMENTS OF A DENTIST AS LISTED IN SECTION
21 (2)(R) OF THIS COMPACT OR A DENTAL HYGIENIST AS LISTED IN SECTION (2)(P) OF
22 THIS COMPACT AND HOLD A CURRENT LICENSE IN A MEMBER STATE UNDER THIS
23 COMPACT.

24 (B) EACH DENTIST OR DENTAL HYGIENIST SHALL DESIGNATE A HOME
25 STATE OF LICENSURE. THE HOME STATE SHALL BE DETERMINED BY:

26 (1) THE STATE OF PRIMARY RESIDENCE FOR THE DENTIST OR
27 DENTAL HYGIENIST, WHERE 25% OF THEIR PRACTICE WITHIN ONE YEAR OCCURS.
28 AN ACTIVE-DUTY MILITARY MEMBER OR THEIR SPOUSE MAY CHOOSE A HOME
29 STATE AS DESIGNATED WITH THE MILITARY BUT ARE NOT REQUIRED TO MEET THE
30 REQUIREMENT OF 25% PRACTICE BEING WITHIN THEIR HOME STATE; OR

31 (2) IF NO STATE QUALIFIES UNDER SECTION 6(B)(1), THEN THE
32 STATE THAT THE DENTIST OR DENTAL HYGIENIST LISTED AS THEIR STATE OF
33 RESIDENCE ON THE PREVIOUS YEAR'S FEDERAL TAX RETURN.

34 (C) A DENTIST OR DENTAL HYGIENIST MAY REDESIGNATE A HOME STATE
35 NO MORE THAN ONE TIME IN A CALENDAR YEAR IF THE QUALIFICATIONS OF A HOME
36 STATE ARE MET.

1 (D) A DENTIST OR DENTAL HYGIENIST SEEKING A COMPACT LICENSE
2 PRIVILEGE (THE "APPLICANT") SHALL APPLY TO THEIR HOME STATE DENTAL
3 BOARD FOR A LETTER STATING THAT THE APPLICANT IS ELIGIBLE FOR COMPACT
4 LICENSE PRIVILEGES.

5 (E) THE HOME STATE DENTAL BOARD SHALL DETERMINE THE ELIGIBILITY
6 OF AN APPLICATION FOR A COMPACT LICENSE PRIVILEGE AND SHALL ISSUE A
7 LETTER OF APPROVAL OR DENIAL OF THE APPLICATION FOR A COMPACT LICENSE
8 PRIVILEGE.

9 (F) THE LETTER FROM THE APPLICANT'S HOME STATE DENTAL BOARD
10 APPROVING THE APPLICATION SHALL BE SUBMITTED TO THE MEMBER STATE
11 DENTAL BOARD FOR THE MEMBER STATE IN WHICH THE APPLICANT PROPOSES TO
12 PRACTICE, AND SHALL INCLUDE: (I) THE COMPACT APPLICATION PACKET; (II)
13 AUTHORIZATION TO SEEK ACCESS TO THE APPLICANT'S REPOSITORY DOCUMENTS;
14 (III) ANY ADDITIONAL INFORMATION THAT MAY BE REQUIRED BY THE PROPOSED
15 COMPACT LICENSE PRIVILEGE STATE; AND (IV) ANY REQUIRED FEES. THE MEMBER
16 STATE DENTAL BOARD SHALL REVIEW THE APPLICATION TO CONFIRM
17 COMPLIANCE WITH THE MEMBER STATE'S LAWS AND REGULATIONS. FOLLOWING
18 SUCH REVIEW, IF THE MEMBER STATE DENTAL BOARD APPROVES THE
19 APPLICATION, IT SHALL ISSUE A COMPACT LICENSE PRIVILEGE FROM THE
20 PROPOSED MEMBER STATE TO THE APPLICANT.

21 (G) APPEALS OF A DENIAL OF A COMPACT LICENSE PRIVILEGE
22 APPLICATION SHALL BE FILED WITH THE MEMBER STATE DENTAL BOARD MAKING
23 SUCH DETERMINATION, AND SHALL BE FILED WITHIN THIRTY (30) DAYS OF THE
24 DATE OF THE DENIAL.

25 (H) A LICENSEE HOLDING A COMPACT LICENSE PRIVILEGE SHALL NOTIFY
26 THE COMMISSION WITHIN TEN (10) BUSINESS DAYS OF ANY ADVERSE ACTION
27 TAKEN AGAINST A LICENSE HELD IN A STATE THAT IS NOT A MEMBER STATE.

28 (I) A COMPACT LICENSE PRIVILEGE MAY BE REVOKED, SUSPENDED OR
29 LIMITED BY THE ISSUING MEMBER STATE DENTAL BOARD IF AT ANY TIME THE
30 LICENSEE'S HOME STATE LICENSE IS REVOKED, SUSPENDED OR LIMITED.

31 (J) THE COMMISSION SHALL ISSUE RULES ON THE DURATION OF A
32 COMPACT LICENSE PRIVILEGE, THE APPLICATION AND RENEWAL PROCESS FOR A
33 COMPACT LICENSE PRIVILEGE, AND ANY APPLICATION FEES.

1 **(K) ELIGIBILITY OR INELIGIBILITY TO RECEIVE A COMPACT LICENSE**
2 **PRIVILEGE SHALL NOT LIMIT THE ABILITY OF A LICENSEE TO SEEK A STATE**
3 **LICENSE THROUGH THE REGULAR PROCESS OUTSIDE OF THE COMPACT.**

4 **SECTION 7. JURISDICTION OVER COMPACT LICENSE PRIVILEGE HOLDERS**

5 **(A) EACH LICENSEE HOLDING A COMPACT LICENSE PRIVILEGE SHALL BE**
6 **SUBJECT TO AND COMPLY WITH THE LAWS AND REGULATIONS OF THE MEMBER**
7 **STATE IN WHICH SUCH LICENSEE PRACTICES UNDER A COMPACT LICENSE**
8 **PRIVILEGE.**

9 **(B) EACH LICENSEE HOLDING A COMPACT LICENSE PRIVILEGE SHALL BE**
10 **SUBJECT TO THE JURISDICTION AND AUTHORITY OF THE MEMBER STATE DENTAL**
11 **BOARD OF THE STATE IN WHICH SUCH LICENSEE PRACTICES, AS IF THEY HELD A**
12 **LICENSE ISSUED FROM SUCH MEMBER STATE DENTAL BOARD. SUCH COMPACT**
13 **LICENSE PRIVILEGE HOLDER SHALL BE DEEMED A “LICENSEE” OF THE MEMBER**
14 **STATE DENTAL BOARD FOR PURPOSES OF SUCH BOARD TAKING AN ADVERSE**
15 **ACTION.**

16 **(C) EACH LICENSEE HOLDING A COMPACT LICENSE PRIVILEGE SHALL LIST**
17 **A CURRENT ADDRESS WITH THE COMMISSION THAT SHALL SERVE AS THEIR**
18 **OFFICIAL ADDRESS OF SERVICE.**

19 **(D) A LICENSEE HOLDING A COMPACT LICENSE PRIVILEGE MAY HAVE AN**
20 **ADVERSE ACTION TAKEN AGAINST THEM BY:**

21 **(1) THE MEMBER STATE DENTAL BOARD OF THE MEMBER STATE IN**
22 **WHICH THEY ARE PRACTICING WITH A COMPACT LICENSE PRIVILEGE;**

23 **(2) THE LICENSEE’S HOME STATE; OR**

24 **(3) THE STATE LICENSING AUTHORITY OF A STATE THAT IS NOT A**
25 **MEMBER STATE FROM WHICH THE LICENSEE HOLDS A LICENSE.**

26 **(E) A HOME STATE MAY TAKE AN ADVERSE ACTION AGAINST THE HOLDER**
27 **OF A COMPACT LICENSE PRIVILEGE, REGARDLESS OF WHERE THE ACTIONS GIVING**
28 **RISE TO THE ADVERSE ACTION OCCURRED.**

29 **(F) ANY MEMBER STATE IN WHICH THE COMPACT LICENSEE HOLDS A**
30 **COMPACT LICENSE PRIVILEGE MAY INVESTIGATE AN ALLEGATION OF A VIOLATION**
31 **OF THE LAWS AND RULES OF THE PRACTICE OF DENTISTRY OR DENTAL HYGIENE IN**
32 **ANY OTHER STATE WHERE THE COMPACT LICENSEE HOLDS A COMPACT LICENSE**
33 **PRIVILEGE.**

SECTION 8. FEES AND MILITARY WAIVER

(A) THE COMMISSION SHALL ISSUE RULES REGARDING THE USE OF THE REPOSITORY BY EACH HOLDER OF A COMPACT LICENSE PRIVILEGE.

(B) A MEMBER STATE DENTAL BOARD ISSUING A COMPACT LICENSE PRIVILEGE AUTHORIZING PRACTICE IN ITS STATE MAY IMPOSE A FEE FOR A COMPACT LICENSE PRIVILEGE, FOR EITHER INITIAL ISSUANCE OR ANY RENEWAL.

(C) NO COMPACT FEE SHALL BE REQUIRED OF ANY ACTIVE-DUTY MILITARY MEMBER AND/OR THEIR SPOUSE UP TO ONE (1) YEAR AFTER SEPARATION FROM THE SERVICE. EACH MEMBER STATE ISSUING A COMPACT LICENSE PRIVILEGE MAY WAIVE FEES FOR ACTIVE-DUTY MILITARY AND/OR THEIR SPOUSE AS REQUIRED BY EACH INDIVIDUAL STATE STATUTE.

(D) ACTIVE-DUTY MILITARY MAY TRANSFER MILITARY TRAINING RECORDS TO THE REPOSITORY WITHOUT A FEE.

SECTION 9. JOINT INVESTIGATIONS AND DISCIPLINARY ACTIONS

(A) EACH MEMBER STATE SHALL NAME A POINT OF CONTACT FOR JOINT INVESTIGATIONS BETWEEN MEMBER STATE DENTAL BOARDS.

(B) MEMBER STATE DENTAL BOARDS MAY PARTICIPATE WITH OTHER MEMBER STATE DENTAL BOARDS IN JOINT INVESTIGATIONS OF LICENSEES THAT ARE SUBJECT TO THIS COMPACT.

(C) MEMBER STATE DENTAL BOARDS MAY SHARE INVESTIGATIVE, LITIGATION OR OTHER MATERIALS IN FURTHERANCE OF ANY JOINT OR INDIVIDUAL INVESTIGATION OF A COMPACT LICENSE PRIVILEGE HOLDER.

(D) A SUBPOENA ISSUED BY A MEMBER STATE OR MEMBER STATE DENTAL BOARD SHALL BE ENFORCEABLE IN OTHER MEMBER STATES AS ALLOWED BY LAW.

(E) IF A COMPACT LICENSE PRIVILEGE HOLDER HAS AN ADVERSE ACTION TAKEN AGAINST THEM BY ANY MEMBER STATE DENTAL BOARD, THE COMPACT LICENSE PRIVILEGE HOLDER SHALL AUTOMATICALLY BE SUBJECT TO SIMILAR DISCIPLINE BY OTHER MEMBER STATE DENTAL BOARDS.

(F) IF A COMPACT LICENSE PRIVILEGE HOLDER HAS AN ADVERSE ACTION TAKEN AGAINST THEIR HOME STATE LICENSE, INCLUDING BEING REVOKED, SURRENDERED, OR RELINQUISHED IN LIEU OF DISCIPLINE OR SUSPENDED, THEN

1 AUTOMATICALLY ALL OTHER COMPACT LICENSE PRIVILEGES SHALL BE PLACED IN
2 THE SAME STATUS. THE HOME STATE DENTAL BOARD SHALL NOTIFY THE
3 COMMISSION AND THE COMMISSION SHALL ISSUE A NOTICE TO ALL MEMBER STATE
4 DENTAL BOARDS OF SUCH ADVERSE ACTION.

5 (G) IF DISCIPLINE OR AN ADVERSE ACTION IS TAKEN AGAINST A COMPACT
6 LICENSE PRIVILEGE HOLDER IN A MEMBER STATE, THE MEMBER STATE DENTAL
7 BOARD SHALL NOTIFY THE COMMISSION AND THE HOME STATE OF THE COMPACT
8 LICENSE PRIVILEGE HOLDER. THE HOME STATE MAY DEEM THE ACTION
9 CONCLUSIVE AS A MATTER OF LAW AND FACT AND MAY:

10 (1) IMPOSE THE SAME OR LESSER SANCTION CONSISTENT WITH THE
11 HOME STATE'S LAWS; OR

12 (2) PURSUE SEPARATE ACTIONS AGAINST THE COMPACT LICENSE
13 PRIVILEGE HOLDER UNDER ITS LAWS, REGARDLESS OF THE SANCTIONS PURSUED
14 BY THE MEMBER STATE DENTAL BOARD.

15 SECTION 10. OTHER REQUESTS FOR INFORMATION FROM THE REPOSITORY AND
16 THE CLEARINGHOUSE

17 (A) INSURANCE COMPANIES AND ENTITIES VERIFYING DOCUMENTS FOR
18 THE PURPOSE OF LICENSES EXTENDED TO A DENTIST OR DENTAL HYGIENIST MAY
19 SEEK INFORMATION FROM THE CLEARINGHOUSE FOR PUBLIC RECORD
20 DOCUMENTS.

21 (B) A DENTIST OR DENTAL HYGIENIST MAY SUBMIT A REQUEST TO THE
22 COMMISSION TO ALLOW ANY HIRING EMPLOYER, ENTITY, OR INSURANCE COMPANY
23 TO ACCESS DOCUMENTS FROM THE REPOSITORY FOR THE PURPOSES OF
24 CREDENTIALING, LICENSING OR OTHER PRIVILEGES.

25 (C) THE COMMISSION SHALL SET A FEE SCHEDULE FOR THESE SERVICES.

26 SECTION 11. RULEMAKING FUNCTIONS OF THE COMMISSION

27 (A) THE COMMISSION SHALL PROMULGATE REASONABLE RULES IN ORDER
28 TO EFFECTIVELY AND EFFICIENTLY IMPLEMENT AND ACHIEVE THE PURPOSES AND
29 ADMINISTRATION OF THE COMPACT. NOTWITHSTANDING THE FOREGOING, IN THE
30 EVENT THE COMMISSION EXERCISES ITS RULEMAKING AUTHORITY IN A MANNER
31 THAT IS BEYOND THE SCOPE OF THE PURPOSES OF THE COMPACT OR THE POWERS
32 GRANTED HEREUNDER, THEN SUCH AN ACTION BY THE COMMISSION MAY BE
33 DETERMINED TO BE INVALID AND HAVE NO FORCE OR EFFECT.

1 **(B) RULES VALIDLY ISSUED BY THE COMMISSION SHALL HAVE THE FORCE**
2 **OF LAW IN EACH MEMBER STATE.**

3 **(C) RULES DEEMED APPROPRIATE FOR THE OPERATIONS OF THE**
4 **COMMISSION SHALL BE MADE PURSUANT TO A RULEMAKING PROCESS THAT**
5 **SUBSTANTIALLY CONFORMS TO THE MODEL STATE ADMINISTRATIVE PROCEDURE**
6 **ACT OF 2010, AND SUBSEQUENT AMENDMENTS THERETO.**

7 **SECTION 12. OVERSIGHT OF THE COMPACT**

8 **(A) THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF STATE**
9 **GOVERNMENT IN EACH MEMBER STATE SHALL ENFORCE THE COMPACT AND SHALL**
10 **TAKE ALL ACTIONS NECESSARY AND APPROPRIATE TO EFFECTUATE THE**
11 **COMPACT'S PURPOSES AND INTENT TO ALLOW FOR EXPEDITED LICENSURE FOR THE**
12 **PURPOSE OF MOBILITY. THE PROVISIONS OF THE COMPACT AND THE RULES**
13 **PROMULGATED HEREUNDER SHALL HAVE STANDING AS STATUTORY LAW BUT SHALL**
14 **NOT OVERRIDE EXISTING STATE AUTHORITY TO REGULATE THE PRACTICE OF**
15 **DENTISTRY AND DENTAL HYGIENE.**

16 **(B) ALL COURTS MAY TAKE JUDICIAL NOTICE OF THE COMPACT AND THE**
17 **RULES IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING IN A MEMBER STATE**
18 **PERTAINING TO THE SUBJECT MATTER OF THE COMPACT WHICH MAY AFFECT THE**
19 **POWERS, RESPONSIBILITIES OR ACTIONS OF THE COMMISSION.**

20 **(C) THE COMMISSION SHALL BE ENTITLED TO RECEIVE ALL SERVICE OF**
21 **PROCESS IN ANY SUCH PROCEEDING AND SHALL HAVE STANDING TO INTERVENE IN**
22 **THE PROCEEDING FOR ALL PURPOSES. EXCEPT WHERE THE COMMISSION HAS**
23 **INTERVENED, FAILURE TO PROVIDE SERVICE OF PROCESS TO THE COMMISSION**
24 **SHALL RENDER A JUDGMENT OR ORDER VOID AS TO THE COMMISSION, THE**
25 **COMPACT OR PROMULGATED RULES.**

26 **SECTION 13. ENFORCEMENT AND DEFAULT PROCEDURES**

27 **(A) THE COMMISSION, IN THE REASONABLE EXERCISE OF ITS DISCRETION,**
28 **SHALL ENFORCE THE PROVISIONS AND RULES OF THE COMPACT.**

29 **(B) THE GROUNDS FOR DEFAULT UNDER THIS COMPACT BY A MEMBER**
30 **STATE INCLUDE, BUT ARE NOT LIMITED TO, FAILURE OF A MEMBER STATE TO**
31 **PERFORM SUCH OBLIGATIONS OR RESPONSIBILITIES IMPOSED UPON IT BY THE**
32 **COMPACT OR BY THE RULES AND BYLAWS OF THE COMMISSION PROMULGATED**
33 **UNDER THE COMPACT.**

1 (C) IF THE COMMISSION DETERMINES THAT A MEMBER STATE HAS
2 DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS OR RESPONSIBILITIES
3 UNDER THE COMPACT, OR THE BYLAWS OR PROMULGATED RULES, THE
4 COMMISSION SHALL:

5 (1) PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE AND
6 OTHER MEMBER STATES OF THE NATURE OF THE DEFAULT, THE MEANS OF CURING
7 THE DEFAULT AND ANY ACTION TAKEN BY THE COMMISSION. THE COMMISSION
8 SHALL SPECIFY THE CONDITIONS BY WHICH THE DEFAULTING STATE MUST CURE
9 ITS DEFAULT; AND

10 (2) PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL
11 ASSISTANCE REGARDING THE DEFAULT.

12 (D) IF THE DEFAULTING STATE FAILS TO CURE THE DEFAULT, THE
13 DEFAULTING STATE SHALL BE TERMINATED FROM THE COMPACT UPON AN
14 AFFIRMATIVE VOTE OF A MAJORITY OF THE COMMISSIONERS AND ALL RIGHTS,
15 PRIVILEGES AND BENEFITS CONFERRED BY THE COMPACT SHALL TERMINATE ON
16 THE EFFECTIVE DATE OF TERMINATION. A CURE OF THE DEFAULT DOES NOT
17 RELIEVE THE OFFENDING STATE OF OBLIGATIONS OR LIABILITIES INCURRED
18 DURING THE PERIOD OF THE DEFAULT.

19 (E) TERMINATION OF MEMBERSHIP IN THE COMPACT SHALL BE IMPOSED
20 ONLY AFTER ALL OTHER MEANS OF SECURING COMPLIANCE HAVE BEEN
21 EXHAUSTED. NOTICE OF INTENT TO TERMINATE SHALL BE GIVEN BY THE
22 COMMISSION TO THE GOVERNOR, THE MAJORITY AND MINORITY LEADERS OF THE
23 DEFAULTING STATE'S LEGISLATURE AND EACH OF THE MEMBER STATES.

24 (F) THE COMMISSION SHALL ESTABLISH RULES AND PROCEDURES TO
25 ADDRESS LICENSES AND COMPACT LICENSE PRIVILEGE HOLDERS THAT ARE
26 MATERIALLY IMPACTED BY THE TERMINATION OF A MEMBER STATE OR THE
27 WITHDRAWAL OF A MEMBER STATE.

28 (G) THE COMMISSION SHALL NOT BEAR ANY COSTS RELATING TO ANY
29 STATE THAT HAS BEEN FOUND TO BE IN DEFAULT OR WHICH HAS BEEN TERMINATED
30 FROM THE COMPACT, UNLESS OTHERWISE MUTUALLY AGREED UPON IN WRITING
31 BETWEEN THE COMMISSION AND THE DEFAULTING STATE.

32 (H) THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE COMMISSION
33 BY PETITIONING THE STATE COURT WHERE THE COMMISSION HAS ITS PRINCIPAL
34 OFFICES. THE PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF SUCH
35 LITIGATION, INCLUDING REASONABLE ATTORNEYS' FEES.

(I) THE COMMISSION SHALL NOT BEAR ANY COSTS RELATING TO ANY STATE THAT HAS BEEN FOUND TO BE IN DEFAULT OR WHICH HAS BEEN TERMINATED FROM THE COMPACT, UNLESS OTHERWISE MUTUALLY AGREED UPON IN WRITING BETWEEN THE COMMISSION AND THE DEFAULTING STATE.

(J) THE REMEDIES HEREIN SHALL NOT BE THE EXCLUSIVE REMEDIES OF THE COMMISSION. THE COMMISSION MAY AVAIL ITSELF OF ANY OTHER REMEDIES AVAILABLE UNDER STATE LAW OR THE REGULATION OF A PROFESSION.

SECTION 14. DISPUTE RESOLUTION

(A) THE COMMISSION SHALL ATTEMPT, UPON THE REQUEST OF A MEMBER STATE DENTAL BOARD, TO RESOLVE DISPUTES WHICH ARE SUBJECT TO THE COMPACT AND WHICH MAY ARISE AMONG MEMBER STATE DENTAL BOARDS.

(B) THE COMMISSION SHALL PROMULGATE RULES PROVIDING FOR BOTH MEDIATION AND VOLUNTARY BINDING DISPUTE RESOLUTION, AS APPROPRIATE.

SECTION 15. MEMBER STATES, EFFECTIVE DATE, AND AMENDMENTS

(A) ANY STATE IS ELIGIBLE TO BECOME A MEMBER STATE OF THE COMPACT.

(B) THE COMPACT SHALL BECOME EFFECTIVE AND BINDING UPON LEGISLATIVE ENACTMENT OF THE COMPACT INTO LAW BY NO LESS THAN FIVE (5) STATES. THEREAFTER, IT SHALL BECOME EFFECTIVE AND BINDING ON A STATE UPON ENACTMENT OF THE COMPACT INTO LAW BY THAT STATE.

(C) THE GOVERNORS OF NON-MEMBER STATES, OR THEIR DESIGNEES, SHALL BE INVITED TO PARTICIPATE IN THE ACTIVITIES OF THE COMMISSION ON A NONVOTING BASIS PRIOR TO ADOPTION OF THE COMPACT BY ALL STATES.

(D) THE COMMISSION MAY PROPOSE AMENDMENTS TO THE COMPACT FOR ENACTMENT BY THE MEMBER STATES. NO AMENDMENT SHALL BECOME EFFECTIVE AND BINDING UPON THE COMMISSION AND THE MEMBER STATES UNLESS AND UNTIL IT IS ENACTED INTO LAW BY UNANIMOUS CONSENT OF THE MEMBER STATES.

SECTION 16. WITHDRAWAL

(A) ONCE EFFECTIVE, THE COMPACT SHALL CONTINUE IN FORCE AND REMAIN BINDING UPON EACH AND EVERY MEMBER STATE; PROVIDED, HOWEVER, THAT A MEMBER STATE MAY WITHDRAW FROM THE COMPACT AFTER GIVING

1 APPROPRIATE NOTICE BY SPECIFICALLY REPEALING THE STATUTE WHICH ENACTED
2 THE COMPACT INTO LAW.

3 (B) THE LICENSEE'S COMPACT LICENSE PRIVILEGE SHALL REMAIN IN
4 EFFECT FOR SIX (6) MONTHS FROM THE DATE OF THE MEMBER STATE DENTAL
5 BOARD WITHDRAWAL.

6 (C) THE WITHDRAWING STATE SHALL IMMEDIATELY NOTIFY THE
7 CHAIRPERSON OF THE COMMISSION IN WRITING UPON THE INTRODUCTION OF
8 LEGISLATION REPEALING THE COMPACT BY THE WITHDRAWING STATE, AND UPON
9 THE ENACTMENT OF SUCH LEGISLATION.

10 (D) THE COMMISSION SHALL NOTIFY THE OTHER MEMBER STATES WITHIN
11 SIXTY (60) DAYS OF ITS RECEIPT OF NOTICE PROVIDED UNDER SECTION 16(C) OF
12 THIS SECTION.

13 (E) REINSTATEMENT FOLLOWING WITHDRAWAL OF A MEMBER STATE
14 SHALL OCCUR UPON THE WITHDRAWING STATE REENACTING THE COMPACT OR
15 UPON SUCH LATER DATE AS DETERMINED BY THE COMMISSION.

16 (F) THE COMMISSION SHALL ISSUE RULES TO ADDRESS THE IMPACT OF
17 THE WITHDRAWAL OF A MEMBER STATE ON LICENSES GRANTED BY OTHER
18 MEMBER STATES TO DENTISTS AND DENTAL HYGIENISTS WHO DESIGNATED THE
19 WITHDRAWING MEMBER STATE AS THEIR HOME STATE.

20 SECTION 17. DISSOLUTION

21 (A) THE COMPACT SHALL DISSOLVE EFFECTIVE UPON THE DATE OF THE
22 WITHDRAWAL OR DEFAULT OF THE MEMBER STATE WHICH REDUCES THE
23 MEMBERSHIP IN THE COMPACT TO ONE (1) MEMBER STATE.

24 (B) UPON THE DISSOLUTION OF THE COMPACT, THE COMPACT SHALL
25 BECOME NULL AND VOID AND SHALL BE OF NO FURTHER FORCE OR EFFECT, AND
26 THE BUSINESS AND AFFAIRS OF THE COMMISSION SHALL BE CONCLUDED AND
27 SURPLUS FUNDS SHALL BE DISTRIBUTED IN ACCORDANCE WITH THE BYLAWS.

28 SECTION 18. SEVERABILITY AND CONSTRUCTION

29 (A) THE PROVISIONS OF THE COMPACT SHALL BE SEVERABLE, AND IF ANY
30 PHRASE, CLAUSE, SENTENCE OR PROVISION IS DEEMED UNENFORCEABLE, THE
31 REMAINING PROVISIONS OF THE COMPACT SHALL BE ENFORCEABLE.

1 **(B) THE PROVISIONS OF THE COMPACT SHALL BE LIBERALLY CONSTRUED**
2 **TO EFFECTUATE ITS PURPOSES.**

3 **SECTION 19. BINDING EFFECT OF COMPACT AND OTHER LAWS**

4 **(A) NOTHING HEREIN PREVENTS THE ENFORCEMENT OF ANY OTHER LAW**
5 **OF A MEMBER STATE THAT IS NOT INCONSISTENT WITH THE COMPACT.**

6 **(B) ALL LAWFUL ACTIONS OF THE COMMISSION, INCLUDING ALL RULES**
7 **AND BYLAWS PROMULGATED BY THE COMMISSION, SHALL BE BINDING UPON THE**
8 **MEMBER STATES.**

9 **(C) ALL AGREEMENTS BETWEEN THE COMMISSION AND THE MEMBER**
10 **STATES SHALL BE BINDING IN ACCORDANCE WITH THEIR TERMS.**

11 **(D) IN THE EVENT ANY PROVISION OF THE COMPACT EXCEEDS THE**
12 **CONSTITUTIONAL LIMITS IMPOSED ON THE LEGISLATURE OF ANY MEMBER STATE,**
13 **SUCH PROVISION SHALL BE INEFFECTIVE TO THE EXTENT OF THE CONFLICT WITH**
14 **THE CONSTITUTIONAL PROVISION IN QUESTION IN THAT MEMBER STATE.**

15 **SECTION 20. RULES OF ORDER**

16 **THE MOST CURRENT EDITION OF THE AMERICAN INSTITUTE OF**
17 **PARLIAMENTARIANS STANDARD CODE OF PARLIAMENTARY PROCEDURE SHALL**
18 **GOVERN ALL MEETINGS OF THE COMMISSION, INCLUDING ITS COMMITTEES, IN**
19 **THOSE SITUATIONS NOT OTHERWISE COVERED IN THE BYLAWS.**

20 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act is contingent on the
21 enacting of substantially similar legislation in four other states. The Maryland Department
22 of Health shall notify the Department of Legislative Services within 10 days after four
23 states have enacted legislation that is substantially similar to this Act.

24 **SECTION 3. AND BE IT FURTHER ENACTED,** That, subject to Section 2 of this
25 Act, this Act shall take effect October 1, 2025.